

U.S. COMMISSION ON CIVIL RIGHTS

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TELEPHONIC BUSINESS MEETING

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THURSDAY, JUNE 29, 2017

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The Commission convened by
teleconference at 12:05 p.m., Catherine Lhamon,
Chair, presiding.

PRESENT:

CATHERINE E. LHAMON, Chair

PATRICIA TIMMONS-GOODSON, Vice Chair *

DEBO P. ADEGBILE, Commissioner *

GAIL HERIOT, Commissioner *

PETER N. KIRSANOW, Commissioner *

DAVID KLADNEY, Commissioner *

KAREN K. NARASAKI, Commissioner *

MICHAEL YAKI, Commissioner *

MAURO MORALES, Staff Director

MAUREEN RUDOLPH, General Counsel

* *Present via telephone*

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STAFF PRESENT:

PAMELA DUNSTON, Chief, ASCD

ALFREDA GREENE

WARREN ORR

SPECIAL ASSISTANTS PRESENT:

SHERYL COZART

ALEC DUELL

JASON LAGRIA

CARISSA MULDER

AMY ROYCE

RUKKU SINGLA

ALISON SOMIN

IRENA VIDULOVIC

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P R O C E E D I N G S

12:05 p.m.

CHAIR LHAMON: Okay. Let's call this meeting of the U.S. Commission on Civil Rights to Order at 12:05 p.m. on June 29, 2017. This meeting takes place over the phone.

I'm Chair Catherine Lhamon. I'd like each of the Commissioners who are present on the phone at this meeting, in addition to me, to answer verbally as I call your name.

The Vice Chair Timmons-Goodson, are you on the line?

VICE CHAIR TIMMONS-GOODSON: I am on the line, Madam Chair.

CHAIR LHAMON: Thank you. Commissioner Adegbile, are you on the line?

COMMISSIONER ADEGBILE: I am.

CHAIR LHAMON: Commissioner Heriot, are you on the line?

COMMISSIONER HERIOT: I am here.

CHAIR LHAMON: Commissioner Kirsanow, are you on?

COMMISSIONER KIRSANOW: Here.

CHAIR LHAMON: Thank you. Commissioner Kladney, are you on?

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1 COMMISSIONER KLADNEY: Present.

2 CHAIR LHAMON: Commissioner Narasaki, are
3 you on?

4 COMMISSIONER NARASAKI: Here.

5 CHAIR LHAMON: Thank you. And
6 Commissioner Yaki, are you on?

7 (No response)

8 CHAIR LHAMON: We do not have Commissioner
9 Yaki. But we do have a quorum of the Commissioners
10 present.

11 Is the Court Reporter present?

12 COURT REPORTER: I am.

13 CHAIR LHAMON: Thank you. Is the Staff
14 Director present?

15 STAFF DIRECTOR MORALES: I am.

16 CHAIR LHAMON: Thank you. The meeting now
17 comes to order. Is there a Motion to Approve the
18 Agenda for this business meeting?

19 COMMISSIONER NARASAKI: So moved. This is
20 Karen Narasaki.

21 CHAIR LHAMON: Thank you. Is there a
22 second.

23 VICE CHAIR TIMMONS-GOODSON: Vice Chair
24 Timmons-Goodson second.

25 CHAIR LHAMON: Thank you. Are there any

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1 amendments to the Agenda?

2 (No response)

3 CHAIR LHAMON: Hearing no amendments,
4 let's vote to approve the Agenda. All those in favor,
5 please say aye.

6 (Chorus of Ayes)

7 CHAIR LHAMON: Any opposed?

8 (No response)

9 CHAIR LHAMON: Hearing none, are there any
10 abstentions?

11 (No response)

12 CHAIR LHAMON: Hearing none, the motion
13 passes unanimously. First we'll discuss and vote on
14 moving the November business meeting to Monday,
15 November 13, 2017 in order to accommodate USCC's
16 anniversary event planned for Tuesday, November 14
17 from 1:00 to 3:00 p.m.

18 I move that we schedule the November
19 business meeting date to November 13, 2017. Is there
20 a second?

21 COMMISSIONER KLADNEY: Second.

22 CHAIR LHAMON: Thank you. Any discussion?

23 (No response)

24 CHAIR LHAMON: Hearing none, I'll call the
25 question and take a roll call vote. Commissioner

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1 Adegbile, how do you vote?

2 COMMISSIONER ADEGBILE: Aye.

3 CHAIR LHAMON: Commissioner Heriot?

4 COMMISSIONER HERIOT: Yes.

5 CHAIR LHAMON: Commissioner Kirsanow?

6 COMMISSIONER KIRSANOW: Yes.

7 CHAIR LHAMON: Commissioner Kladney?

8 COMMISSIONER KLADNEY: Yes.

9 CHAIR LHAMON: Commissioner Narasaki?

10 COMMISSIONER NARASAKI: Yes.

11 CHAIR LHAMON: Commissioner Yaki is not
12 present. Vice Chair Timmons-Goodson?

13 VICE CHAIR TIMMONS-GOODSON: Yes.

14 CHAIR LHAMON: And I vote yes. The motion
15 passes unanimously.

16 The next item is a discussion and vote on
17 the Commission's FY 2018 -- '17, sorry, 2017 Statutory
18 Enforcement Report. There will be two votes.

19 First we will consider the report. And
20 second we will consider the findings and
21 recommendations.

22 I'll open the floor for discussion. Is
23 there a motion?

24 VICE CHAIR TIMMONS-GOODSON: This is Vice
25 Chair Timmons-Goodson. I move that we adopt the

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1 report, "Targeted Fines and Fees Against Low-Income
2 Communities of Color: Civil Rights and Constitutional
3 Implications" as circulated by OCRE on Tuesday, the
4 27th of June 2017.

5 CHAIR LHAMON: Thank you. Is there a
6 second?

7 COMMISSIONER NARASAKI: This is
8 Commissioner Narasaki. I second.

9 CHAIR LHAMON: Thank you. Any discussion?

10 VICE CHAIR TIMMONS-GOODSON: Madam Chair?
11 This is Vice Chair Timmons-Goodson. I think that
12 we're dealing with a very important issue.

13 I believe that the draft that we all have
14 in hand is a good one. A lot of hard work has gone
15 into it by OCRE as well as our special assistants and
16 Commissioners.

17 I think it's a product that we can all be
18 proud of. I think it will stand the test of time.
19 And I think it's just -- it's important and it will
20 add significantly to the discussion that's going on.

21 We see that it is most timely based on the
22 news reports of law suits and legislation on the
23 issue. And I'm proud that the Commissioner has seen
24 fit to speak on this.

25 And I will be voting for.

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1 CHAIR LHAMON: Thank you Vice Chair. Any
2 further discussions?

3 COMMISSIONER YAKI: Noting that -- this is
4 Commissioner Yaki noting that I am present.

5 CHAIR LHAMON: Welcome. Thank you.
6 Commissioner Yaki, we're in the middle of discussing
7 the -- and we're trying to vote on the Commission's FY
8 2017 Statutory Enforcement Report that was proposed.

9 There's been a motion and a second. And
10 we're in the discussion period.

11 COMMISSIONER YAKI: I have been hearing
12 it.

13 CHAIR LHAMON: Thank you.

14 COMMISSIONER NARASAKI: Madam Chair, is
15 this when we would suggest some revisions?

16 CHAIR LHAMON: If there are any to
17 suggest, yes.

18 COMMISSIONER NARASAKI: Yes. So, I just
19 have a revision to incorporate an update. Because
20 there's a -- on page 34, there's a statement about how
21 many States. That says at least eight States suspend
22 drivers' license based on missed payments.

23 And recently, California, under Jerry
24 Brown, signed a law that would prevent courts from
25 signing legislation for California. So I would just

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1 like to update that to reflect that.

2 So that it would say at the time of the
3 Commission's briefing, at least eight States suspend
4 the driver's license based on missed payments in many
5 cases without considering whether the person has the
6 resources to make payments in the first place.

7 And then add a sentence, subsequently, in
8 June 2017, California Governor Jerry Brown signed a
9 law that would prevent courts in California from
10 suspending drivers' licenses for failure to pay fines.

11 And add a footnote, a citation for that.

12 CHAIR LHAMON: Thank you. And for the
13 court reporter --

14 COURT REPORTER: This is the Court
15 Reporter. Can I ask that you state your name?

16 COMMISSIONER NARASAKI: Yes. This is
17 Commissioner Narasaki.

18 CHAIR LHAMON: Thank you for the proposed
19 additional text. Are there any discussions about that
20 proposal or any other?

21 And I think we would need them after we
22 complete discussion of any proposed text additions, we
23 would need to modify by motion.

24 (No response)

25 CHAIR LHAMON: Hearing --

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1 COMMISSIONER YAKI: Well --

2 CHAIR LHAMON: Yes?

3 COMMISSIONER YAKI: Madam Chair, this is
4 Commissioner Yaki.

5 CHAIR LHAMON: Yes.

6 COMMISSIONER YAKI: Hello?

7 CHAIR LHAMON: Go ahead Commissioner Yaki.

8 COMMISSIONER YAKI: Yes. I just wanted to
9 note for the record that today, Governor Jerry Brown
10 of California signed into law a bill that would
11 prohibit the re -- the stripping of drivers' licenses
12 for unpaid tickets.

13 I think -- well, due in no small part to
14 the work that we and the people who have been at our
15 briefings have done in pointing out the impact on low-
16 income communities. And it is specifically cited that
17 impact as the reason why the Governor signed the bill.

18 So, things are moving in the right
19 direction. And I echo everything that the Vice Chair
20 has said.

21 CHAIR LHAMON: Thank you Commissioner
22 Yaki. That was the subject of the amendment that
23 Commissioner Narasaki was just proposing for page 34
24 of the text of the report.

25 I want to make sure that you heard her

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1 text. Is there any further discussion about the
2 report?

3 VICE CHAIR TIMMONS-GOODSON: This is Vice
4 Chair Timmons-Goodson. Just for a point of
5 clarification, there are a few minor things I would
6 call them nits.

7 I've implied a few subject/verb
8 disagreements or places where I would contend there
9 was a subject/verb disagreement. Small things like
10 that.

11 Are we going to be taking the time to
12 identify those? Or are we authorizing the OCRE to --
13 that they go over it a final time should they identify
14 non-substantive, grammatical things that they may
15 correct those?

16 CHAIR LHAMON: My recommendation, Vice
17 Chair, is that we authorize OCRE to make non-
18 substantive grammatical changes to the draft as they
19 see appropriate. And I invite each of the
20 Commissioners to share any such non-substantive edits
21 with OCRE for OCRE to incorporate as OCRE deems
22 appropriate.

23 VICE CHAIR TIMMONS-GOODSON: All right
24 then, thank you.

25 CHAIR LHAMON: I think that we ought to

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1 modify the motion so that we are clear about what text
2 we are adding and the authorization to OCRE if others
3 are so included.

4 And I -- before we do, I would like to
5 second the Vice Chair's appreciation to our staff for
6 the hard work that went into generating this report
7 and preparing and supporting the briefings that we had
8 in anticipation of this report.

9 I second the view that it's a very strong
10 draft. I am grateful to be able to participate in
11 this contribution to civil rights for our country.
12 And I am deeply grateful to our staff for the work
13 that they've done to bring us to this stage.

14 Having said that, Vice Chair, would you
15 like to amend your motion?

16 VICE CHAIR TIMMONS-GOODSON: Yes. Madam
17 Chair, at this time I do amend my motion by indicating
18 that we adopt the report subject to the amendment that
19 was just offered by Commissioner Narasaki that would
20 permit including information about the passage of the
21 California legislation.

22 I think that covers it.

23 CHAIR LHAMON: I believe also as a
24 friendly amendment to your amendment, we also would
25 authorize OCRE to make any non-substantive changes

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1 they think are appropriate as they do a final review
2 of the report.

3 VICE CHAIR TIMMONS-GOODSON: Thank you.
4 And I do add that as well.

5 CHAIR LHAMON: Is there a second?

6 COMMISSIONER NARASAKI: Yes. And I re --
7 this is Commissioner Narasaki. I re-second.

8 CHAIR LHAMON: Okay. Thank you. I'll
9 call the question and take a roll call vote.

10 Commissioner Adegbile, how do you vote?

11 COMMISSIONER ADEGBILE: Aye.

12 CHAIR LHAMON: Commissioner Heriot?

13 COMMISSIONER HERIOT: I abstain.

14 CHAIR LHAMON: I'm sorry, I couldn't hear
15 you.

16 COMMISSIONER HERIOT: I abstain.

17 CHAIR LHAMON: Thank you. Commissioner
18 Kirsanow?

19 COMMISSIONER KIRSANOW: No.

20 CHAIR LHAMON: Commissioner Kladney?

21 COMMISSIONER KLADNEY: Yes.

22 CHAIR LHAMON: Commissioner Narasaki?

23 COMMISSIONER NARASAKI: Yes.

24 CHAIR LHAMON: Commissioner Yaki?

25 COMMISSIONER YAKI: Aye.

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1 CHAIR LHAMON: Vice Chair Timmons-Goodson?

2 VICE CHAIR TIMMONS-GOODSON: Yes.

3 CHAIR LHAMON: And I vote yes. The motion
4 passes. One Commissioner opposed, one Commissioner
5 abstained, all others were in favor.

6 Next we'll consider the findings and
7 recommendations for the report. I'll open the floor
8 for discussion.

9 I move that we approve the findings and
10 recommendations as circulated on Tuesday. Is there a
11 second?

12 VICE CHAIR TIMMONS-GOODSON: Madam Chair,
13 this is the Vice Chair. I second the motion.

14 CHAIR LHAMON: Thank you. In the terms of
15 discussion, I'd like to make one amendment. I move
16 that we strike a sentence which comes at the end of
17 finding number two, in the section, Driver's License
18 Suspensions.

19 Paginated in printing, that's page four.
20 And the sentence that I move to strike now reads, in
21 California, suspensions were found to have a disparate
22 impact on the poor and communities of color.

23 Second?

24 COMMISSIONER NARASAKI: This is
25 Commissioner Narasaki. I second.

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1 CHAIR LHAMON: Is there any discussion on
2 the findings and recommendations?

3 (No response)

4 CHAIR LHAMON: Hearing no further
5 discussion, I'll call the question and take a roll
6 call vote.

7 Commissioner Adegbile, how do you vote?

8 COMMISSIONER ADEGBILE: Aye.

9 CHAIR LHAMON: Commissioner Heriot?

10 COMMISSIONER HERIOT: I seem to remember
11 we have a rule that we're supposed to go through these
12 one by one. But, I'm sure we can waive that.

13 So, with all that in mind, I vote no.

14 CHAIR LHAMON: Thank you. And thank you
15 for bringing that to my attention as well. I
16 appreciate it.

17 Commissioner Kirsanow?

18 COMMISSIONER KIRSANOW: No.

19 CHAIR LHAMON: Commissioner Kladney?

20 COMMISSIONER KLADNEY: Yes.

21 CHAIR LHAMON: Commissioner Narasaki?

22 COMMISSIONER NARASAKI: Yes.

23 CHAIR LHAMON: Commissioner Yaki?

24 (No response)

25 CHAIR LHAMON: Commissioner Yaki, how do

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1 you vote?

2 COMMISSIONER YAKI: Aye.

3 CHAIR LHAMON: Vice Chair Timmons-Goodson?

4 VICE CHAIR TIMMONS-GOODSON: Yes.

5 CHAIR LHAMON: And I vote yes. The motion
6 passes. Two Commissioners opposed, no Commissioner
7 abstained, and all others were in favor.

8 Well, thank you all. I note now that we
9 have adopted the report and findings and
10 recommendations.

11 The clock begins ticking with respect to
12 deadlines for statements and rebuttals. The deadline
13 for statements will be July 31, because July 29 is
14 over a weekend.

15 And the deadline for rebuttal will be
16 August 31. If a Commissioner intends to file a
17 further rebuttal, those will be due September 7.

18 If there's nothing further, I hereby
19 adjourn our meeting at 12:20 p.m., Eastern daylight
20 time. Thank you all.

21 (Whereupon, the above-entitled matter went
22 off the record at 12:21 p.m.)

23