

## U.S. COMMISSION ON CIVIL RIGHTS

+ + + + +

## TELEPHONIC BUSINESS MEETING

+ + + + +

THURSDAY, MARCH 7, 2019

+ + + + +

The Commission convened via  
teleconference at 10:00 a.m., Catherine Lhamon,  
Chair, presiding.

PRESENT:

CATHERINE E. LHAMON, Chair\*

PATRICIA TIMMONS-GOODSON, Vice Chair\*

DEBO P. ADEGBILE, Commissioner\*

GAIL HERIOT, Commissioner\*

DAVID KLADNEY, Commissioner\*

KAREN K. NARASAKI, Commissioner\*

MICHAEL YAKI, Commissioner\*

MAURO MORALES, Staff Director\*

MAUREEN RUDOLPH, General Counsel\*

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

STAFF PRESENT:

NICK BLAIR\*

KATHERINE CULLITON-GONZALEZ\*

PAMELA DUNSTON, Chief ASCD\*

ALFREDA GREENE\*

TINALOUISE MARTIN, OM

LENORE OSTROWSKI

PREDRAG RAOSAVLJEVIC\*

SARALE SEWELL\*

BRIAN WALCH\*

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART\*

JASON LAGRIA\*

CARISSA MULDER\*

AMY ROYCE\*

RUKKU SINGLA\*

ALISON SOMIN\*

IRENA VIDULOVIC\*

A G E N D A

APPROVAL OF AGENDA.....5

PROGRAM PLANNING  
Discussion and Vote on Report:  
Collateral Consequences: The Crossroads of  
Punishment, Redemption, and the Effects on  
Communities.....6

ADJOURN MEETING .....15

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

P R O C E E D I N G S

10:00 a.m.

CHAIR LHAMON: This meeting of the U.S. Commission on Civil Rights comes to order at 10:00 a.m. Eastern time on March 7, 2019. The meeting takes place over the phone.

I'm Chair Catherine Lhamon. I'd like to confirm that each of the Commissioners is on the line. So I'll take a roll call here at the outset. Please say present when I say your name. Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Present.

CHAIR LHAMON: Thank you. Commissioner Adegbile? Commissioner Heriot?

COMMISSIONER HERIOT: I'm here.

CHAIR LHAMON: Thank you. Commissioner Kladney?

COMMISSIONER KLADNEY: Here.

CHAIR LHAMON: Thank you. Commissioner Narasaki?

COMMISSIONER NARASAKI: Present.

CHAIR LHAMON: Thank you. Commissioner Yaki? Thank you. Based on that, a quorum of the Commissioners is present. Is the court reporter present? Court reporter, are you on the line?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 COURT REPORTER: Yes, I am. Sorry. I am  
2 here.

3 CHAIR LHAMON: Thank you. I understand  
4 Commissioner Yaki is on hold. When he joins, we'll  
5 announce him as well. Is the staff director present?

6 MR. MORALES: Present.

7 CHAIR LHAMON: Thank you. The meeting now  
8 comes to order.

9 **I. APPROVAL OF AGENDA**

10 CHAIR LHAMON: Is there a motion to  
11 approve the agenda for this business meeting?

12 COMMISSIONER KLADNEY: Yes, Madam Chair, I  
13 make a motion to approve the agenda.

14 CHAIR LHAMON: Thank you, Commissioner  
15 Kladney. Just a reminder to say who we are on the  
16 phone so that the court reporter can get it down. Is  
17 there a second to Commissioner Kladney's motion?

18 COMMISSIONER ADEGBILE: Commissioner  
19 Adegbile, second.

20 CHAIR LHAMON: Thank you and welcome,  
21 Commissioner Adegbile. Are there any amendments to  
22 the agenda for approval? Hearing none, let's vote to  
23 approve the agenda. All those in favor say aye.

24 (Chorus of aye.)

25 CHAIR LHAMON: Any opposed? Any

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 abstentions? The motion passes unanimously.

2

## II. PROGRAM PLANNING

3

### DISCUSSION AND VOTE ON REPORT:

4

#### COLLATERAL CONSEQUENCES: THE CROSSROADS OF

5

#### PUNISHMENT, REDEMPTION, AND THE EFFECTS ON

6

#### COMMUNITIES

7

CHAIR LHAMON: The first item on the

8

agenda is a discussion and vote on the Commission's

9

report titled Collateral Consequences: The Crossroads

10

of Punishment, Redemption, and the Effects on

11

Communities.

12

There will be two votes. First, we will

13

consider the report. And second, we will consider the

14

findings and recommendations.

15

To open the floor up for discussion, is

16

there a motion?

17

COMMISSIONER KLADNEY: Yes, Madam Chair.

18

This is Commissioner Kladney. I move to approve the

19

report as circulated by my special assistant on

20

Monday. I understand you were going to make an

21

amendment to the text. And I accept your amendment as

22

a friendly amendment when you do so.

23

CHAIR LHAMON: Thank you. Is there a

24

second?

25

(Simultaneous speaking.)

### NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1                   COMMISSIONER NARASAKI:       Commissioner  
2       Narasaki, second.

3                   CHAIR LHAMON:    Perfect.  Thank you.  I  
4       offer a few points to begin our discussion.

5                   First, I thank Commissioner Kladney for  
6       his leadership on this project.  And I thank our  
7       staff, particularly Sarale Sewell, Elizabeth Paukstis,  
8       and Kathy Culliton-Gonzalez, as well as the other  
9       members of our staff who pitched in during the  
10      research and development of this project.

11                  Thanks to all of their efforts we today  
12      consider a report that addresses what have been  
13      proliferating collateral consequences of incarceration  
14      that we define as sanctions, restrictions, or  
15      disqualifications that stem from a person's criminal  
16      history.

17                  These consequences, which number more than  
18      44,000 across federal, state, and local laws and  
19      regulations, range from limitations on access to  
20      employment, the right to vote, occupants' aid for food  
21      and housing, and federal financial aid for education  
22      attainment, among many other categories.

23                  The text we vote on today details these  
24      consequences as well as the particular impact on  
25      communities, particularly the harms that can arise

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 when there is a disconnect between the consequences  
2 inflicted and a formerly incarcerated individual's  
3 crime or conviction for any public safety purpose.

4 I'll now open the floor up for discussion  
5 beginning with Commissioner Kladney as the sponsor of  
6 the project.

7 COMMISSIONER KLADNEY: Thank you, Madam  
8 Chair. First, I'd like to thank my fellow  
9 Commissioners and special assistants and staff for the  
10 hard work on this report.

11 I'm proud to propose the report to be  
12 approved here today. The report we will vote on today  
13 contextualizes many issues formerly incarcerated  
14 people face when they return to their communities.

15 The combination of civil laws,  
16 regulations, and policies combined with our criminal  
17 justice system in that harsh and lifelong punishments  
18 over and above criminal sentences. These  
19 consequences, though sometimes warranted, often bear  
20 no rational relationship to the crimes committed by  
21 the people affected.

22 Criminal punishments themselves, as this  
23 Commission has cataloged multiple times, are overly  
24 burdensome, especially for communities of color and  
25 other marginalized people. These additional

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 consequences make it all the harder for people to  
2 rebuild their lives, support themselves and their  
3 families, and avoid resorting to further crimes and  
4 contribute to society.

5 Wide-ranging sanctions include, as our  
6 report describes in detail, limitations on employment,  
7 housing, public benefits, professional licenses, and  
8 financial aid for higher education. People lose their  
9 rights to civic participation. And they are barred  
10 from voting and jury service.

11 On top of that, people facing guilty pleas  
12 have no notice of what the consequences would be and  
13 great difficulty in navigating remedies such as  
14 pardons and record sealing.

15 Studies do not show tracking on additional  
16 consequences beyond the criminal punishment has any  
17 deterrent effect at all.

18 I hope the report contributes to the  
19 public and policy makers' knowledge of collateral  
20 consequences. And I hope we, as a country, undertake  
21 a reevaluation of whether these consequences are for  
22 the public safety, are they logical, are they just,  
23 and are they in the public good. Thank you.

24 CHAIR LHAMON: Thank you, Commissioner  
25 Kladney. Any other discussion or amendment? I'll

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 begin with one amendment as Commissioner Kladney  
2 previewed. I move to incorporate the list of edits  
3 circulated by my special assistant yesterday. Do I  
4 have a second?

5 (Simultaneous speaking.)

6 CHAIR LHAMON: Thank you. And welcome,  
7 Commissioner Yaki. Are there any other, any further  
8 amendments or discussions?

9 All right. Unless someone says there is  
10 anything that we need to discuss, I'll call the  
11 question and take a roll call vote. Commissioner  
12 Adegbile, how do you vote?

13 COMMISSIONER ADEGBILE: Aye.

14 CHAIR LHAMON: Thank you. Commissioner  
15 Heriot?

16 COMMISSIONER HERIOT: We're voting on the  
17 whole report now and not on amendments?

18 CHAIR LHAMON: That's right.

19 COMMISSIONER HERIOT: Okay. I vote no.  
20 And I am authorized by Commissioner Kirsanow to say  
21 that if he were here, and he could not be because he  
22 is I believe in flight, he would have voted no.

23 CHAIR LHAMON: Thank you. Commissioner  
24 Kladney?

25 COMMISSIONER KLADNEY: Yes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 CHAIR LHAMON: Commissioner Narasaki?

2 COMMISSIONER NARASAKI: Aye.

3 CHAIR LHAMON: Commissioner Yaki?

4 COMMISSIONER YAKI: I'm authorizing myself  
5 to say aye.

6 CHAIR LHAMON: Thank you. Vice Chair  
7 Timmons-Goodson?

8 VICE CHAIR TIMMONS-GOODSON: Yes.

9 CHAIR LHAMON: And I vote yes. The motion  
10 passes. One Commissioner opposed. No Commissioner  
11 abstained. And all others were in favor.

12 Next we will consider the findings and  
13 recommendations for the report. To open the floor up  
14 for discussion, is there a motion?

15 COMMISSIONER KLADNEY: Yes, Madam Chair, I  
16 move to approve the findings and recommendations,  
17 including the final changes circulated yesterday by my  
18 special assistant.

19 CHAIR LHAMON: Thank you. Is there a  
20 second?

21 COMMISSIONER ADEGBILE: Commissioner  
22 Adegbile, second.

23 CHAIR LHAMON: Thank you. Any  
24 discussions?

25 COMMISSIONER KLADNEY: Yes, Madam Chair.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 The findings and recommendations under consideration  
2 today provide a strong foundation for policy makers to  
3 determine what steps we should take to address  
4 collateral consequences.

5 Our examination of this topic revealed a  
6 deep lack of knowledge of collateral consequences  
7 among people who are about to be subject to them,  
8 their attorneys, and the courts. We should provide  
9 mechanisms for giving this notice so that people can  
10 make informed decisions about their criminal cases.

11 In the areas of employment, housing,  
12 professional licenses, driver's license, public  
13 benefits, and financial aid for higher education, our  
14 findings and recommendations call for a better  
15 evaluation of the connection between the restrictions  
16 that exist and any public safety interest or purpose.

17 It is easy to say no one with a criminal  
18 conviction should ever have to access any benefit.  
19 But this response is not in the best interest of  
20 society and is unfair to the convicted person and  
21 their families.

22 We note specific collateral consequences  
23 we recommend Congress will return, including TANF and  
24 SNAP exclusions, the ban on jury service, and access  
25 to student loans. In addition, we call for guidance

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 on best practices state and local jurisdictions should  
2 consider.

3 We make findings and recommendations about  
4 voting and jury service exclusions as well, and noting  
5 the rationales for these broad restrictions are not  
6 supported by social science. And the restrictions  
7 unnecessarily exclude people from community life.

8 Finally, we call for expanded  
9 opportunities for expungement and record sealing for  
10 people who have truly made a change.

11 These findings and recommendations provide  
12 a path forward to enact policies to better support  
13 people with recommendation, with criminal convictions,  
14 public, protect the public and provide opportunities  
15 to participate in community life.

16 Thank you, Madam Chair. With that, I ask  
17 that we approve the findings and recommendations.

18 CHAIR LHAMON: Thank you, Commissioner  
19 Kladney. Any further discussions? Hearing none, I'll  
20 call the question and take a roll call vote.  
21 Commissioner Adegbile, how do you vote?

22 COMMISSIONER ADEGBILE: Aye.

23 CHAIR LHAMON: Commissioner Heriot?

24 COMMISSIONER HERIOT: I vote no. And  
25 again, I'm authorized to say that Commissioner

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Kirsanow would have voted no.

2 CHAIR LHAMON: Thank you. Commissioner  
3 Kladney?

4 COMMISSIONER KLADNEY: Aye.

5 CHAIR LHAMON: Commissioner Narasaki?

6 COMMISSIONER NARASAKI: Aye.

7 CHAIR LHAMON: Commissioner Yaki?

8 COMMISSIONER YAKI: Aye.

9 CHAIR LHAMON: Vice Chair Timmons-Goodson?

10 VICE CHAIR TIMMONS-GOODSON: An  
11 enthusiastic yes.

12 CHAIR LHAMON: And I enthusiastically vote  
13 yes as well. The motion passes. One Commissioner  
14 opposed. No Commissioner abstained. All others were  
15 in favor, some of us especially enthusiastically.

16 With that, I wanted to return to clarify  
17 that our first vote was on the report text as  
18 circulated with the amendment that my special  
19 assistant circulated and no further amendments  
20 discussed today. Was that clear to everyone who voted  
21 and if not -- should we vote again?

22 COMMISSIONER HERIOT: I'm sorry. I  
23 couldn't understand that.

24 CHAIR LHAMON: I just wanted to make  
25 clear, because you had asked a question in the first

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 vote, that the first vote that we took was on the text  
2 of the report as circulated by Commissioner Kladney's  
3 special assistant and with the amendment circulated by  
4 my special assistant.

5 COMMISSIONER HERIOT: Yes.

6 CHAIR LHAMON: Okay. So all were clear on  
7 that. No one was unclear? Hearing no confusion, we  
8 can move on. Thank you.

9 I'll note that with the adoption of the  
10 report and the findings and recommendations, the clock  
11 begins ticking with respect to deadlines for  
12 statements and rebuttals.

13 The deadline for statements will be  
14 Monday, April 8th. And the deadline for rebuttals  
15 will be Wednesday, May 8th.

16 If a Commissioner intends to file a  
17 surrebuttal, notice will need to be given by  
18 Wednesday, May 15. And the surrebuttal will be due on  
19 Wednesday, May 22.

20 **III. ADJOURN MEETING**

21 CHAIR LHAMON: If there is nothing  
22 further, I hereby adjourn the meeting at 10:12 a.m.  
23 Eastern Daylight Time. Thank you all.

24 (Whereupon, the above-entitled matter went  
25 off the record at 10:12 a.m.)