U.S. COMMISSION ON CIVIL RIGHTS

BUSINESS MEETING

FRIDAY, JULY 19, 2019

The Commission convened in Suite 1150 at 1331 Pennsylvania Avenue, Northwest, Washington, D.C. at 10:00 a.m., Catherine E. 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 Kladeney, Commissioner*
KAREN K. NARASAKI, Commissioner
MICHAEL YAKI, Commissioner*

MAURO MORALES, Staff Director
MAUREEN RUDOLPH, General Counsel

* Present via telephone
STAFF PRESENT:
LASHONDA BRENSON
KATHERINE CULLITON-GONZALEZ
BARBARA DE LA VIEZ
PAMELA DUNSTON, Chief, ASCD
ALFREDA GREENE
 PILAR MCLAUGHLIN
WARREN ORR
LENORE OSTROWSKY*
JUANDA SMITH
BRIAN WALCH
MARIK XAVIER-BRIER

COMMISSIONER ASSISTANTS PRESENT:
SHERYL COZART
ALEC DUELL
JASON LAGRIA
CARISSA MULDER
AMY ROYCE
RUKKU SINGLA
ALISON SOMIN
INTERNS:
BEN FALSTEIN
LAUREN KELLY
CHRISTINE KUMAR
LILLIAN OFILI
KYLE PHAM
KORI PRUETT
MARK SAUNDERS
BROOKE SCHWARTZ
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(10:01 a.m.)

CHAIR LHAMON: Thank you. This meeting of the U.S. Commission on Civil Rights comes to order at 10:01 a.m. on July 19th, 2019. The meeting takes place at the Commission's Headquarters, which is located at 1331 Pennsylvania Avenue Northwest, Washington, D.C.

I'm Chair Catherine Lhamon. And Commissioners who are present in addition to me are Vice Chair Timmons-Goodson, Commissioner Adegbile, Commissioner Heriot, and Commissioner Narasaki.

On the phone, if you could confirm that you are present after I say your name, I'd appreciate it. I believe we have Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Present.

CHAIR LHAMON: Thank you.

Commissioner Kladney?

COMMISSIONER KLAGNEY: Present.

CHAIR LHAMON: Thank you.

Commissioner Yaki?

COMMISSIONER YAKI: Here.

CHAIR LHAMON: Thank you. A quorum of
the Commissioners is present. Is the court reporter present?

COURT REPORTER: Present.

CHAIR LHAMON: Thank you. Mr. Staff Director, could you confirm that you are present?

STAFF DIRECTOR MORALES: I am present.

CHAIR LHAMON: Thank you. The meeting now comes to order. Is there a motion to approve the agenda for this business meeting?

I. APPROVAL OF AGENDA

VICE CHAIR TIMMONS-GOODSON: So moved.

CHAIR LHAMON: Thank you.

COMMISSIONER ADEGBILE: Second.

CHAIR LHAMON: Thank you. Are there any amendments? Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes. I move for the Commission to consider a statement regarding the replacement of interpreters with a video at immigrants’ first immigration hearing that has been circulated by my special assistant, Jason Lagria, this past Tuesday evening.

CHAIR LHAMON: Thank you. Is there a second?

COMMISSIONER ADEGBILE: Second.

CHAIR LHAMON: Thank you. Are there
any other amendments?

COMMISSIONER YAKI:  Madam Chair,

Commissioner Yaki.

CHAIR LHAMON:  Go ahead Commissioner Yaki.

COMMISSIONER YAKI:  Yes, I would like to amend the agenda to include a statement that I drafted and circulated Tuesday night, regarding the, hang on a second. I want to make sure I get it right.

Regarding the recent statement of President Trump in regard to U.S. Congresswomen and going back to their countries.

CHAIR LHAMON:  Thank you. Is there a second?

COMMISSIONER NARASAKI:  I second.

CHAIR LHAMON:  Thank you. Are there any other further amendments? Hearing none, let's vote to approve the agenda as amended. All those in favor say aye?

(Chorus of ayes.)

CHAIR LHAMON:  Any opposed? Any abstentions? Okay, the motion passes. One Commissioner abstained, no Commissioner opposed, all others were in favor.
We'll now hear from the Chair of our Montana Advisory Committee Gwen Kircher, on the Committee's most recent report titled Bordertown Discrimination in Montana.

BUSINESS MEETING

A. PRESENTATION BY MONTANA ADVISORY COMMITTEE CHAIR ON THE COMMITTEE'S REPORT,

BORDERTOWN DISCRIMINATION IN MONTANA

CHAIR LHAMON: Chair Kircher.

MS. KIRCHER: Yes. Thank you, Madam Chair. The Montana Committee choose to continue to investigate the issue of discrimination in border towns in Montana. The Natives here say all of Montana towns are border towns and that all towns should be investigated.

Our project began in the fall of 2016 in Billings with plans for a follow-up meeting in Hardin in the spring of 2017. However, due to unforeseen events in our nation's capital, our committee was not approved by Congress until the summer of 2017.

This was six months after our expected appointment time in December. This setback, along with the two additional shutdowns, put our second briefing in Hardin off until the spring of
2018.

Even though there were gaps in the time of the briefing, the social and economic relationships of Native Americans, and the White community, has remained the same.

Many of the communities, such as Hardin, were originally part of the reservation that surrounds them. And the Whites commissioned Congress to grant them the areas as off reservation, which created a chasm between the two sides that has continued until this day.

These areas of our state seem to have more issues with discrimination than others. But, along with all the other communities, people who come from the outside notice the discrimination right away.

We included the education portion in this briefing as a follow-up to our previous briefing. Since the current briefing was filed in May, the Department of Education is now investigating the school system in Wolf Point, Montana.

They were found to have been in violation of several laws, discrimination against Native youth 15 years ago. And it appears that
this activity has continued in the Wolf Point school system.

Montana has the highest rate of suicide in the nation, including the highest of youth suicide. And of that number, the highest percentage is of Native children.

We, like many of the urban areas, seem to have a pipeline that goes straight from school to prison for the youth of our community. Disparities in areas of education lead to poverty, addiction, suicide, crime, and other behaviors that are destroying our community.

For these reasons we ask that, our committee asks that the Commission would take action in all of the recommendations that we have issued in our brief. And I would like to thank you for this time. If there are any questions, I'd be happy to try to answer them at this time.

CHAIR LHAMON: Thank you very much, Chair Kircher, I'm going to open for questions and comments from my fellow Commissioners. Commissioner Narasaki.

COMMISSIONER NARASAKI: I really want to thank the SAC in Montana for its really thorough analysis of what is going on. Sadly, it
dovetails much with the report that the Commission recently published last December on the challenges that Native Americans are facing because of the lack of funding and the other issues that are happening.

And I was particularly struck by a couple of things in your report. One was the difference in terms of registration access for voting. That in Big Horn, Whites had to travel about, a little less than 12 miles, where Native Americans had to travel an average of 22 miles, and in Yellowstone, Whites traveled a little less than ten miles compared to almost 32 miles for Native Americans.

I'm wondering, it looks like there was a settlement to try to start to address that, I was wondering if you had an update about how that was going?

MS. KIRCHER: Big Horn County is where Hardin, Montana is, which is one of the reasons that we had our briefing held there. They did come up with a Band-Aid solution I'll call it. It is not really, it does not really give the Natives access that the Whites still have.

If you realize the size of our state
and the size of the reservations, that is where the problem is. They don't really want to have a voting place, or as many, on the reservations that would make it more accessible.

And I don't know if a lot of it has to do with money, which I think that it does. Which is what the counties say, they cannot afford to have these other voting locations.

But they are still working on it. We have several different grass roots Native groups here, that are working on that voting issue about the difference in that.

Yellowstone County is where Billings is, and then Big Horn County is where Hardin is. And that was the reason that we choose those two communities.

Those two communities have the highest number of discriminations listed and noted over the, actually, a century, if you can believe that.

COMMISSIONER NARASAKI: Thank you. And I note that there were a lot of recommendations and requests for the Commission to act in terms of making some, sharing some of the findings with the various agencies. I'm also
wondering whether you were able to share your findings with the State Government of Montana?

MS. KIRCHER: I have personally shared these findings with several of our legislators. I keep them informed on a lot of things that I'm involved in. The Commission is not the only thing that I do in this state.

So I keep them abreast of these things. And they were all invited to attend these briefings. We did have letters from a few of the legislators that were not able to come, saying that they could not make it. So they are aware of it.

I have received calls from the largest newspaper in the state concerning the briefing. But the information is out there to the legislators.

We do have several committees within the state that were appointed by Governor Bullock to address several of the issues that affect the Native Americans within our state. And those committees are working very hard.

I have been in touch with a couple of the people on those committees and I am pleased with the work that they are doing and what they're
trying to accomplish. Our goal is to get the federal government involved.

Our state can do what we can do but we need to have federal help on some of these things because these are federal laws that are being broken. Or that are not being adhered to.

COMMISSIONER NARASAKI: Right. Well, thank you very much for all of your hard work.

CHAIR LHAMON: Chair Kircher, I echo Commissioner Narasaki's thanks to you for the work. And also just wanted to note, for what use it is to you, that we can use much of the material that's in this report for the various reports that we have pending now at the Commission. In particular, I've been reading a draft of our report about women in prison, and I saw that there's material in this that we can incorporate in that too.

So I very much appreciate the concrete information and the ability to incorporate it into the work that we are doing here at the Commission.

I want to echo Commissioner Narasaki's questions about Montana's specific focus on some reform. There was information that I found
really devastating in your brief that noted on
the first page the widespread perception of
unfairness in the Native American community and
how pervasive it is.

And then the contrast of that with the
information from the Billings police chief, who
doesn't consider Billings to be in close
proximity to a reservation, as you note, and
focused on an expectation, an external
expectation about how people will comply with law
as distinct from an expectation about how the
police community can effectively coordinate with
the community and be respectful of a community.

And I wonder if there are steps that
your committee plans to take to follow-up on the
pervasiveness of the perception of discrimination
and work within the state, among state officials,
about ways to address that perception?

MS. KIRCHER: The reason that we had
Chief St. John return to the second briefing, was
because of the answers that we received from him
and Sheriff Linder during the first briefing. At
that point we included the police from the Hardin
Bighorn County area, and also from the Rosebud
County areas. Those areas surround the
They also have numbers that are exactly the same as the Billings numbers. And for some reason, they also do not see that that is an issue. We see that it's an issue because, if you don't have that high of a population, why is your jail population so much higher?

We have not decided what our follow-up will be yet so I cannot really answer what we're going to do at this point. I, myself personally, would like to continue to follow-up on that.

But I do not know what the Committee will decide, and I cannot answer that. We have not had a meeting to make that determination yet.

CHAIR LHAMON: Terrific. Thank you. I look forward to hearing what you will do, and again, I very much appreciate the text that is in your brief. Madam Vice Chair.

VICE CHAIR TIMMONS-GOODSON: Yes, thank you very much. I'd like to follow-up on Chair Lhamon's remarks regarding the chief there in Billings.

I was wondering, many jurisdictions, in terms of reviewing discrimination complaints,
have a review process that involves citizens of the community as well. And so, I was wondering, or thinking that perhaps as you continue your discussion with the chief, that one possible proposal might be that they revamp their review process such that it includes some participation by members of the public in that.

And so, I just wanted to put that out there as a possible solution and have you give some thought to that.

MS. KIRCHER: We did have a committee that was, community committee that did. They were the police oversight committee. That committee has been disbanded by the city.

We do have a human relations commission in Billings. And I was on that committee. And they would be the ones now that would take any complaint against the police.

While I was on that commission, we had three complaints, three discrimination complaints, against the police department. Two involved Native Americans and one involved transgender people.

So, the human relations commission in Billings is the one that a person would have to
go to if they have a complaint against the city of Billings. Then that commission investigates and then turns it over to whoever should actually be handling the problem.

And that is the way the system is right now in Billings.

However, I do need to say that there have been plans to disband that commission. And that commission has been fighting to stay in Billings, Montana. Because right now, it is the only thing we have for civil rights at all within Yellowstone County.

VICE CHAIR TIMMONS-GOODSON: Thank you.

CHAIR LHAMON: Commissioner Adegbile.

COMMISSIONER ADEGBILE: Thank you for your report. I just wanted to follow-up for a moment on some of the facts that you shared with us about health issues with respect to Native Americans in Montana. And in particular, the suicide rate.

I think you said that Montana leads the nation in the suicide rate?

MS. KIRCHER: Yes, we do. We're number one in suicide overall. We're number one
in veteran suicide and we're number one in teen suicide.

Out of the teen suicides, the highest percentage is the Native American children. And we're talking about children from the age of about 7. I think the youngest is 7.

They had five kids in the Wolf Point area that killed themselves within one year. And they were all junior high and elementary kids.

There's a very serious problem, which is why now the DOE is investigating the Wolf Point school system. Because of the problems there.

Some of the information that I would receive was horrific of the things that they were doing. Native Americans kids that were disabled would be just locked up in a room. They would get no instruction, they received nothing. They were literally just being warehoused.

And that is what the Department of Education is currently investigating, is that, the Wolf Point school system.

COMMISSIONER ADEGBILE: Yes. It seems to me that those are pretty staggering statistics that no state or governmental authority would be proud of. And the idea that it's being visited
upon children is a real cause for alarm.

Are there any specific initiatives, apart from the Department of Education investigation, to provide some crisis level response with respect to the mental health needs and supports of these children and people in Montana?

MS. KIRCHER: Yes, there were several grants that were received. Governor Bullock has set up a committee that is working specifically on the issue of the Native youth suicides.

So, we do have something in the state that is working on that. I do not have a lot of information on it. I just know that the committee was formed.

I think the first grant that they got was only $700,000. And I think they were supposed to get another grant of about $1 million to work on that project.

We have seven reservations within our state. We actually have eight Indian tribes. One tribe has not yet been recognized by the federal government.

So, it's a lot of area to cover. And because our state is so large, it also adds a lot...
of problems to try and provide, especially mental health services.

We don't have, believe it or not, there is no mental health service in the eastern part of all of the state of Montana. That's for anybody.

So, we have problems providing mental health services for everyone. And then it becomes even more exasperated when you say that it's a Native American.

COMMISSIONER ADEGBILE: Yes. Well, thank you for highlighting this issue and bringing a focus to it. It seems to me that this is a red alert issue for this state and for the people of Montana.

And I appreciate the SAC's effort to try and highlight it and underscore that more must be done to support the mental and physical health and possibilities of generations of Americans who are facing very dire situations. Thank you.

MS. KIRCHER: Thank you.

CHAIR LHAMON: Commissioner Narasaki.

COMMISSIONER NARASAKI: Thank you. I just wanted to note that the Commission will be
releasing our report on the issue of discrimination against students of color with disabilities next week. And hopefully that might help you with some of the advocacy that might be happening in Montana.

I did want to ask our Chair, whether we need to take any action to empower the staff to move forward on the many recommendations that the SAC made and requested us to act on.

CHAIR LHAMON: I don't think we do. I think it's now routine for us, when we receive the SAC reports, to go ahead and forward them on to the agencies when they ask for it.

So, thank you for the request and also thank you to the advisory committee for making the request of us.

Are there other questions, including from Commissioners on the phone? Hearing none, Chair Kircher, thank you again for your leadership on this advisory committee and for taking your time today to present to us over the phone. We very much appreciate it.

We'll next hear from the chair --

MS. KIRCHER: Thank you for giving us the opportunity.
CHAIR LHAMON: Oh, of course. We'll next hear from the chair of our Massachusetts advisory committee, David Harris, on the committee's advisory memorandum on hate crimes.

B. PRESENTATION BY MASSACHUSETTS ADVISORY COMMITTEE CHAIR ON THE COMMITTEE'S ADVISORY MEMORANDUM, HATE CRIMES IN MASSACHUSETTS

CHAIR LHAMON: Chair Harris.

MR. HARRIS: Good morning and thank you so much for this opportunity to speak with you. I know you have a full agenda so I'm going to try to concentrate on the major assertions and themes that we found.

I know it's breaking protocol, but I do want to give thanks to my committee member Wendy Kaminer, who took responsibility for writing this memo. And also, obviously to Barbara De La Viez and --

CHAIR LHAMON: Chair Harris, I'm sorry, we're having a --

MR. HARRIS: Can you hear me?

CHAIR LHAMON: -- we're having a hard time hearing you, is it possible to get closer to the phone or --

MR. HARRIS: Is this any better?
CHAIR LHAMON: This is better, thank you.

MR. HARRIS: Is this better?

CHAIR LHAMON: Yes, thank you.

MR. HARRIS: Okay, I'm sorry. So, again, I'll just thank you for the opportunity to be with you. So we undertook this issue in part to support the Commission's work in the area, looking at hate crimes.

We knew that Massachusetts had a history of legislation and gubernatorial initiatives to address hate crimes. And in light of your report of bias and incidents, we wanted to explore how well we were doing in addressing it.

Overall, we found the Commonwealth's performance falling short in terms of standardized and consistent approach to addressing hate crimes. And we were particularly surprised by an issue raised by the defense bar in terms of a lack of clarity as to what actually constitutes a hate crime. That is how closely it's tied to the criminal act.

Although we have evidence of a rise in reported hate crime in recent years, it's
difficult to know its actual scope in the Commonwealth. There is significant underreporting, particularly in the Muslim and transgender communities, where we believe to be areas of increased incidents.

This is certainly not surprising, but it's deeply concerning beyond these two specific populations. As we note in our memo, only 101 of 409 reporting jurisdictions in the Commonwealth, reported one or more hate crimes in the fiscal year of 2017.

And one expert reported to us it's not unusual to have no reports from cities with population of 100,000 or more, which that witness found not particularly credible.

The reasons for this are complicated, we talked about them a little in the memo. But trace it to the fact that despite regulations guiding data collections, reporting is voluntary. And there is a lack of consistent training for police departments responsible for data collection and reporting.

There is also evidence that the statute is not being applied consistently. Experts’ question whether incidents involving
homophobia, transphobia, and Islamophobia, are charged consistent with incidents of racial animus.

The lack of data forces us to rely on anecdotal evidence. But here, again, we see the impact of a lack of training so far as charging decisions remain largely dependent on an officer's assessment.

According to our experts, while prosecutors have the power to review charges, they tend to rely on the arresting officer's judgment.

There's also a compelling consensus across disciplines and perspectives on a need for increased education about the operation of bias. Most experts called for increased community involvement and partnerships in this regard with an emphasis on training for police, but also mandatory public school anti-bias training.

Such training takes place in a limited fashion. But there's current legislation mandating anti-bias education training with an emphasis on consequences of unchecked hatred.

I should note here as an aside that Massachusetts, for years, has eliminated a basic
civics curriculum from our public schools. And there's also legislation pending to try to reinstate that.

There's also a recognition of the need for uniform police training, including criteria for identification of hate crimes, the training on special handling of investigations where a hate crime is suspected and training on proper reporting of hate crime data.

As follow-up, we'd like to forward our memo to the Association of Chiefs of Police as well as to the Department of Education here in the Commonwealth. We also would like to suggest the possibility of a joint venture with other New England states to think about how we're addressing hate crimes in the New England region.

In addition, we ask the Commission to consider weighing in on the need for more rigorous data collection by states, as well as sufficient funding for education and training to combat hate crimes.

So, in closing I'm reminded of the wisdom of Arthur Fleming who chaired the Commission when I was a civil rights analyst with the agency many years ago. Chair Fleming always
insisted that we accept the absence of enforcement powers and mandate to generate information that would allow us to make change to moral suasion.

And I commend the Commission in its current state as doing that very thing. In this instance we know that hate crimes are on the rise, but must redouble our efforts to apply the very tools already at our disposal to reduce its incidence and harm.

On behalf of the Massachusetts Advisory Committee, I'm hopeful our memo can aid you in such efforts. Again, on behalf of the Committee, I want to thank you for the opportunity to join you this morning and welcome any questions you may have.

CHAIR LHAMON: Thank you, Chair Harris. I'll open for questions and comments from my fellow Commissioners. Commissioner Narasaki.

COMMISSIONER NARASAKI: Thank you, Madam Chair, I have two questions. One is, that as you know, since this report was issued because the full commission is actually looking at hate crimes, that we actually took a deeper dive in
looking at Boston and the practices of the police
department there.

Because Boston had a long reputation
as doing a fairly good job, as police departments
go. I was wondering if you had a chance to look
into that department specifically and had any
thoughts about that, that we should take into
consideration?

MR. HARRIS: So, we didn't look at
Boston specifically. Our focus was really state-
wide. And the people we had talking to us
represented state-wide organizations largely.

So I don't think that the committee
itself has input I can convey to you. And
anything I said would be based on my own personal
experience.

COMMISSIONER NARASAKI: Well, we'd be
interested in that too. The second thing is, you
mentioned a regional joint venture, which is
intriguing, and I'm wondering why and what that
would look like.

MR. HARRIS: Well, I'm not sure what
it would look like or could look like. I do know
from my own experience, I was involved back in
the '90s when the first effort took place to
create a hate crime capacity within the state.

    And over the years, there have been incidents that have occurred in Massachusetts that seem to flow out of Connecticut. So there seems to be kind of a relationship between certain hate groups and their activity in Connecticut and in Massachusetts.

    And my sense is that we might benefit by learning from one another what we're doing and the different approaches that we're taking. I think we here are very concerned about the absence of funding and the way in which hate crimes are addressed.

    And creating a kind of a regional approach could be helpful. And then something to explore, we're kind of curious about it.

COMMISSIONER NARASAKI: Thank you.

MR. HARRIS: And my understanding is there might be an effort underway in Rhode Island. And I don't know, I think that there have been other efforts to look at hate crimes elsewhere in New England and it might make sense to try to coordinate our efforts.

CHAIR LHAMON: Chair Harris, I appreciate, as always, the nimbleness of your
Advisory Committee, and also your creative thinking about ways to maximize the effectiveness of your committee among others. So I appreciate that insight, among others.

And also, I'm very grateful that your Committee, among others, have taken the time to address the topic that we are addressing so that we can incorporate it into our materials.

In particular, you highlight in your presentation, and you include at Page 7 of the memo, concern about a need for community involvement and partnership with law enforcement to address bias incidents before they become hate crimes --

MR. HARRIS: Yes.

CHAIR LHAMON: -- and to ensure community safety. And I wonder if you could say more about where that recommendation comes from, at Page 7 in your memo, and why it is of significant enough concern that you highlighted it for us this morning?

MR. HARRIS: I'm sorry, I actually was having a hard time hearing you. So, I know you referred to a topic on Page 7, but the question is again?
CHAIR LHAMON: Sorry, I will lean closer to the mic as I asked you to do as well. And just to say that I appreciated your highlighting in your remarks, and then also, including in the memo, a recommendation that the underlying problem of bias requires community involvement and partnership with law enforcement.

And I wonder if you could say more about the basis for that concern, that I take it as reasonably significant because you both highlighted it in your remarks and included it in the written memo.

MR. HARRIS: Okay, yes, thank you. And that was something that was specifically raised by the representative from the ADL but was also suggested by the chair of our NAACP.

There are a couple of concerns. There are events and incidents, recently here in Massachusetts, in which police departments have been involved and engaged in kind of social media, hate speech.

And there have been incidents where police departments have actually been seen as contributing to an intolerant atmosphere. And there's a sense that there is a need to do more
work, both with community members and with the police to try to think about and understand the way in which bias continues to operate, continues to infect the operation of our legal system, as well as our general and social atmosphere.

And I think Mr. Trestan from the ADL, whose organization has created a number of anti-bias curricula and are kind of implementing those in the schools, is concerned about this. And I think raises a question about the extent to which the police themselves have undergone this kind of training and the need for it.

So, I mean, it reflects some things about incidents that have happened here, but also a general understanding that we on the Committee have as well, that addressing the operation of bias in all its forms and doing so across institutions is probably one of the best weapons we have to combat hate crimes in the first place as opposed to just prosecuting them, trying to address them at their root.

CHAIR LHAMON: Thank you. Madam Vice Chair.

VICE CHAIR TIMMONS-GOODSON: I too want to join others in thanking you for your
efforts. You highlighted for us the fact that reporting of hate crimes is voluntary in the state. I was wondering whether there have been, are any efforts underway to possibly get that changed, either through lobbying for legislation or any other efforts?

MR. HARRIS: So, to my knowledge there aren't, but to tell you the truth, it would be my hope that this memorandum can actually stimulate an interest in doing that.

I mean, it's clearly a problem, and the data on the kinds of reporting we have show that the voluntary mechanism doesn't work. However, one of the real problems has to do with the extent to which these efforts are coordinated and funded.

So that any requirement has to be, and again, I'm going beyond your question, and giving an opinion here, but any effort in that regard really has to be coupled with adequate training and the funds to do that training. Because otherwise, one of the problems is, under the voluntary method, people don't really know what to do.

And so, I think there are probably
legislators who will be quite interested in our memo and would probably consider trying to introduce some legislation.

As you know from the memorandum, and one of the problems was that, that the funding, we had this hate crimes taskforce, whose funding was eliminated at a certain point. And it's one thing to have it in name, but if there's no funding or support for it then it can't really act.

VICE CHAIR TIMMONS-GOODSON: Thank you.

CHAIR LHAMON: I'll open for any other questions from fellow Commissioners, including on the phone. Hearing none, Chair Harris, thank you again for your service and for your leadership on your advisory committee and for taking your time to speak with us today.

MR. HARRIS: Thank you all so much. Take care now.

CHAIR LHAMON: We'll turn next to our discussion and vote on proposed slates for several advisory committees.

C. DISCUSSION AND VOTE ON STATE ADVISORY COMMITTEE APPOINTMENTS

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CHAIR LHAMON: We'll turn first to the Illinois Advisory Committee.

**ILLINOIS ADVISORY COMMITTEE**

Before we begin discussion, I remind my fellow Commissioners that objections to this nomination have already been shared with all the Commissioners. To the extent that we would like to discuss continuing objections, I remind my fellow Commissioners that the Commission has a policy to not defame, degrade, or incriminate any person.

Each of these individuals has agreed to volunteer time and energy in the pursuit of the protection of civil rights, which we appreciate. With that said, I move that the Commission appoint the following individuals to the Illinois Advisory Committee based on the recommendation of the Staff Director.


With this motion, the Commission would also appoint Ryan Dunigan as the Chair of the
Illinois Advisory Committee. All of these members will serve as uncompensated government employees.

If the motion passes, the Commission will authorize the Staff Director to execute the appropriate paperwork for the appointments, which will begin on August 14, 2019 after the current committee expires. Do I have a second for this motion?

COMMISSIONER ADEGBILE: Second.

CHAIR LHAMON: Thank you. Any discussion on this slate? Hearing none, I'll call the question and take a roll call vote. Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: I'm voting no on this one. Again, this is another one that has not been properly balanced.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: No.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KЛАДНЕЙ: Yes.

CHAIR LHAMON: Commissioner Narasaki?
COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: And Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

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

MASSACHUSETTS ADVISORY COMMITTEE

We'll now move to the Massachusetts Advisory Committee. I move that the Commission appoint the following individuals to the Massachusetts Advisory Committee based on the recommendation of the Staff Director.

David Harris, Nazia Ashraful, Christina Bain, Emilio Cruz, Thomas Cushman, Martha Davis, Neenah Estrella-Luna, Daniel Hartman, Eric Jepeal, Wendy Kaminer, S. Atyia Martin, Eva Millona, John Sivolella, Jake Sussman, Siobhan Sweeney and Jessica Tang. With this motion, the Commission will also appoint David Harris as the Chair of the Massachusetts Advisory Committee.

All of these members as uncompensated
If the motion passes, the Commission will authorize the Staff Director to execute the appropriate paperwork for the appointments, which will begin on August 14, 2019 after the current committee expires. Do I have a second?

COMMISSIONER ADEGBILE: Second.

CHAIR LHAMON: Thank you. Any discussion on this appointment?

COMMISSIONER NARASAKI: Madam Chair, I just want to thank the staff for the work they've done and presenting us with an incredibly diverse slate on all fronts. Thank you very much.

CHAIR LHAMON: Any further discussion? Commissioner Heriot.

COMMISSIONER HERIOT: This was actually one of the better balanced SACs until Joshua Katzen was taken off of it, and I object on that basis.

CHAIR LHAMON: Any other discussion? Okay, I'll call the question, take a roll call vote.

Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.
CHAIR LHAMON: Commissioner Heriot?
COMMISSIONER HERIOT: No.

CHAIR LHAMON: Commissioner Kirsanow?
COMMISSIONER KIRSANOW: No.

CHAIR LHAMON: Commissioner Kladney?
COMMISSIONER Kladney: Yes.

CHAIR LHAMON: Commissioner Narasaki?
COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?
COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?
VICE CHAIR TIMMONS-GOODSON: Yes.

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

SOUTH DAKOTA ADVISORY COMMITTEE

We now move to the South Dakota Advisory Committee. I move that the Commission appoint the following individuals to the South Dakota Advisory Committee based on the recommendations of the Staff Director.

Tiffany Graham, Charles Abourezk, Paula Antoine, Sara Frankenstein, Patrick Garry, Taneeza Islam, Arlouine Gay Kingman, Brittany
Kjerstad McKnight, Travis Letellier, Mike Levsen, Aaron Pilcher, Thomas Simmons, and Natalie Stites Means. With this motion, the Commission will also appoint Tiffany Graham as the Chair of the South Dakota Advisory Committee.

All of these members will serve as uncompensated government employees.

If the motion passes, the Commission will authorize the Staff Director to execute the appropriate paperwork for the appointments, which will begin on August 14, 2019 after the current committee expires. Do I have a second?

VICE CHAIR TIMMONS-GOODSON: Second.

CHAIR LHAMON: Thank you. Any discussion on this appointment? Hearing none, I'll call the question, and take a roll call vote.

Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: There are some great people on this one. It is not perfect but good enough for government work. Aye.

CHAIR LHAMON: Commissioner Kirsanow?

Commissioner Kirsanow?
COMMISSIONER KIRSANOW: Yes.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KIRSANOW: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER HERIOT: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

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

I do want to note, just for purposes of our effort not to defame or degrade, that my view is that we have great people on all of our advisory committees.

COMMISSIONER HERIOT: And I will second that. We do have great people on all of our advisory committees.

WISCONSIN ADVISORY COMMITTEE

CHAIR LHAMON: Thank you. We'll now move to the Wisconsin Advisory Committee. I move that the Commission appoint the following individuals to the Wisconsin Advisory Committee based on the recommendation of the Staff...
Director.

Angelique Harris, Bernardo Cueto, William Flaunders, Alexander Lodge, David Nelson, O. Emil Ovbiagele, Pardeep Singh Kaleka, William Tisdale, Nancy Vue Tran, and Chris Walton. With this motion, the Commission will also appoint Angelique Harris as the Chair of the Wisconsin Advisory Committee.

All of these members will serve as uncompensated government employees.

If the motion passes, the Commission will authorize the Staff Director to execute the appropriate paperwork for the appointments, which will begin on August 14, 2019 after the current committee expires. Do I have a second?

COMMISSIONER ADEGBILE: Second.

CHAIR LHAMON: Thank you. Any discussion on this appointment? Hearing none, I'll call the question, take a roll call vote.

Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: Again, not properly balanced. No.
CHAIR LHAMON: Commissioner Kirsanow?
COMMISSIONER KIRSANOW: No.
CHAIR LHAMON: Commissioner Kladney?
COMMISSIONER KЛАDNEY: Yes.
CHAIR LHAMON: Commissioner Narasaki?
COMMISSIONER NARASAKI: Yes.
CHAIR LHAMON: Commissioner Yaki?
COMMISSIONER YAKI: Aye.
CHAIR LHAMON: Vice Chair Timmons-Goodson?
VICE CHAIR TIMMONS-GOODSON: Yes.
CHAIR LHAMON: And I vote yes. The motion passes. Two Commissioners opposed, no Commissioner abstained, all others were in favor.

WASHINGTON ADVISORY COMMITTEE

We'll now move to consideration of interim appointments for the Washington Advisory Committee. I move that the Commission appoint the following individuals to the Washington Advisory Committee based on the recommendation of the Staff Director. Joe Silem-Enlet, Endel Kolde, John Safarli, and Brian Screnar. All of these members will serve as uncompensated government employees.

If the motion passes, the Commission
will authorize the Staff Director to execute the appropriate paperwork for the appointments.

Do I have a second?

COMMISSIONER ADEGBILE: Second.

CHAIR LHAMON: Thank you. Any discussion on this appointment? I'll call the question and take a roll call vote.

Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: Yes.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Yes.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLANDNEY: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: And I vote yes. The motion passes unanimously.
The next item on our agenda is to consider project proposals for Fiscal Year 2020 and the Statutory Enforcement Report for Fiscal Year 2021.

D. DISCUSSION AND VOTE ON 2020 AND 2021 PROJECT PROPOSALS

CHAIR LHAMON: For Fiscal year 2020, we already have one project moving forward as approved last year with a briefing likely in November 2019 on sub-minimum wages for workers with disabilities.

I appreciate, again, Commissioner Heriot's suggestion that we identify statutory enforcement reports two years in advance to give staff and the Commission sufficient time to review those materials and to be able to publish on time. So we will continue with that process in today's vote and for the coming years.

Moving forward with Fiscal Year 2020 program planning. I understand from the Staff Director that we currently have capacity, financial and otherwise, to take on two additional projects. To open the floor for discussion based on the rankings circulated by Commissioners in the last few weeks, I move that
the Commission approve, for Fiscal Year 2020, the projects on bail reform and maternal mortality. Is there a second?

COMMISSIONER ADEGBILE: Second.

VICE CHAIR TIMMONS-GOODSON: Second.

COMMISSIONER ADEGBILE: I yield to the Vice Chair.

(Laughter.)

VICE CHAIR TIMMONS-GOODSON: Second.

CHAIR LHAMON: Thank you. I'll begin with a few points about the bail reform project since that is my project proposal.

In our 2017 report on civil rights implications of municipal fines and fees, we explicitly noted that the report would not take up issues of bail and pre-trial incarceration.

Nevertheless, the report noted that the March 2016 Dear Colleague Letter, issued by the United States Department of Justice, and later rescinded by then Attorney General Sessions, stated the principle that, quote, courts must not employ bail or bond practices that caused indigent defendants to remain incarcerated solely because they cannot afford to pay for their release, end quote.
Similar to the issue of fines and fees, in which we found that some jurisdictions were targeting low income communities and communities of color, in the assessment of high fees for low level offenses, there is evidence of injustice with respect to bail practices that hold the defendant in jail, if the defendant cannot pay a certain amount, regardless of ability to pay or a nexus with public safety, even where the defendant has not been charged with any offense.

The real-life impact of pre-trial detention should not be underestimated. Individuals, quote, may lose their jobs, default on vehicles, lose their homes, get behind on child support payments, lose custody of dependent children, and more, as found by the Justice Policy Institute.

The past couple of years have seen varying stages of reform on this issue, including in the great State of California, where I now live, and in various states around the country.

This issue has seen coalitions built across the political aisle with proponents of criminal justice reform, including reform in
pre-trial detention and money bail, coming from both progressive and conservative advocates.

This project would evaluate the current state of money bail in operation in states and local jurisdictions around the country, and how it impacts the fair administration of justice as well as whether it operates in a manner that denies equal protection of the law to individuals on the basis of race or another protected class.

It will also evaluate the role of the private bail industry and how the involvement of the private sector exacerbates or mitigates these impacts. I look forward to taking up this critical issue with a bipartisan lens and hope that my fellow Commissioners will support it.

Commissioner Adegbile, as a sponsor of the project on maternal mortality, would you like to begin our discussion on that topic, and we can then discuss both together, if there's any discussion?

COMMISSIONER ADEGBILE: Absolutely. The issue of maternal mortality is one that is receiving some increased attention, and indeed, in my judgement, needs to receive still more.
There is evidence that there are some significant disparities in the experience of maternal mortality. And the fact that there are disparity levels that are quite severe impacting minority populations, African American populations and others, is something on which I would like us to train our focus, to dig into some of the underlying causes, examine some of the pending legislation and assess whether or not there are opportunities for the Commission to use its analytical force and power to help illuminate the importance of this issue.

CHAIR LHAMON: Thank you. I'll ask those who are on the phone to please mute your lines if you're not speaking, we're getting a little bit of feedback. And I'll open for discussion of these topics if there is any.

Hearing none -- Again, with the respect to put your line on mute if you are on the phone because we are hearing significant background noise.

I'll call the question and take a roll call vote on this motion. Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.
CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: I vote no on these.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: No.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLASTNEY: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Really no, even on bail?

COMMISSIONER HERIOT: It's together.

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: And I vote yes. The motion passes. Two Commissioners opposed, no Commissioner abstained, all others were in favor. If you are not speaking and you are on the phone, please mute your line.

The next item for discussion and vote is our Fiscal Year 2021 program planning for the statutory enforcement report for Fiscal Year
2021. As I mentioned, we’ll continue our practice of voting two years in advance.

And I'll open the floor for motions now on projects for consideration.

COMMISSIONER ADEGBILE: Madam Chair?

CHAIR LHAMON: Commissioner Adegbile.

COMMISSIONER ADEGBILE: I would like to move for consideration of a disaster relief and FEMA concept paper and analysis that Commissioner Yaki and I are proposing jointly. I circulated a draft, or I should say we circulated a draft, of this proposal.

I did, shortly before our meeting, circulate a minor revision correcting some typographical and stylistic points that I have shared with the Commissioners.

I take it that those who are on the phone have the revision in their email. And I would be happy to read those minor changes into the record at an appropriate time.

But I move consideration of this concept paper, jointly, with Commissioner Yaki.

CHAIR LHAMON: Thank you. Is there a second?

COMMISSIONER HERIOT: I second.
CHAIR LHAMON: So, I'll open the floor for discussion. Commissioner Yaki or Commissioner Adegbile, would you like to begin our discussion of the topic?

COMMISSIONER ADEGBILE: Commissioner Yaki, would you like me to begin?

COMMISSIONER YAKI: Sure.

COMMISSIONER ADEGBILE: 2017 was a year that saw some major natural disasters hit various regions of our country and wreak very substantial devastation that required the substantial mobilization of FEMA and local resources to attend to American populations that were in distress.

The Stafford Act and certain other federal provisions dictate and provide some guidance about how FEMA is supposed to go about in discharging its duties.

And this natural disaster response concept paper is intended to shine a light on FEMA's preparedness and response to major natural disasters in different parts of the country and to see how they are affecting different populations and whether or not there are any disparities or concerns that this Commission
should be aware of and that we should highlight for the benefit of the federal government and of the population, so that we can improve in the future at these times of crisis.

I thank Commissioner Yaki for his substantial guidance on framing this concept paper. And I look forward to the Commission's effort to try and shed some light.

CHAIR LHAMON: Thanks. Any discussion on this proposal? Vice Chair.

COMMISSIONER YAKI: Yes. This is Commissioner Yaki.

CHAIR LHAMON: Go ahead, Commissioner Yaki.

COMMISSIONER YAKI: I want to thank Commissioner Adegbile for his leadership in reviving a concept paper that I put together, approximately this time last year. I would say that one of the interesting things that has occurred in my life is that I may be the only current United States Commissioner on Civil Rights who has actually ever had to directly work with FEMA in response to a natural disaster, which I did after the earthquake in the San Francisco Bay area in 1989.
And as Congresswoman Nancy Pelosi's Chief of Staff, I was tasked with attempting to work with them. And after a somewhat bad response to a hurricane called Hugo on the North Carolina coast, it was incumbent upon us to attempt to steer them in the right direction and to teach them things such as, what is a condominium and what is seismic, things they had never understood before.

Almost 30 years later, FEMA is still learning, or is still on a learning curve. And I think that the points brought up in our proposal, regarding the comparable response aspect of this agency to different areas, different populations, is something that is worthy of our discussion and our inquiry.

And I thank my fellow Commissioner for bringing this back, and I look forward to working with him to shed light on an agency that is responsible for responding at some of the worst times in people's lives. And ensuring that it does so in a way that respects the diversity of our country. Thank you.

CHAIR LHAMON: Thank you.

Commissioner Narasaki?
COMMISSIONER NARASAKI: No.

CHAIR LHAMON: Oh, Madam Vice Chair.

VICE CHAIR TIMMONS-GOODSON: Thank you. I would like to thank Commissioner Adegbile and Commissioner Yaki for putting this forward. I do intend to support the natural disaster response concept paper.

Last year, North Carolina was among the jurisdictions that were strongly affected by Hurricane Florence. In fact, just 30 miles or so from my home, folks are still reeling from the effects of that natural disaster.

And I think the only way that we get better, and improve our services, regardless of what area you're talking about, but governmental services is for us to review what we did well and what we perhaps could improve upon. That's the only way that we get better. And I thank you for having the Commission shine the light on this.

CHAIR LHAMON: Commissioner Narasaki.

COMMISSIONER NARASAKI: I also intend to support this as the statutory report. Sadly, I won't be around to actually attend the briefing.

It is shocking to me that this much
time after the disaster in Puerto Rico that
Puerto Rico is being treated so badly. And that
the people of Puerto Rico, who are American
citizens, are being left without the full support
of their government. I think it's shocking and
so it's time for the Commission to take it up.

CHAIR LHAMON: Thank you. Any further
discussion on this proposal?

Okay, I'll call the question and we'll
take a roll call vote. Commissioner Adegbile,
how do you vote?

COMMISSIONER ADEGBILE: Madam Chair,
two quick questions. One, does the record
reflect a second?

COMMISSIONER HERIOT: I seconded.

CHAIR LHAMON: Yes.

COMMISSIONER ADEGBILE: Okay. And
thirdly, instead of secondly in that case, is the
Commission --

COMMISSIONER YAKI: Fourthly.

COMMISSIONER ADEGBILE: Fourth.

(Laughter.)

COMMISSIONER ADEGBILE: Is the
Commission satisfied with the redline that I
provided or is there any need for me to read the
largely ministerial changes into the record?

CHAIR LHAMON: I think we would all appreciate if you did not.

(Laughter.)

CHAIR LHAMON: So, thank you.

COMMISSIONER ADEGBILE: It makes me sad that my voice is so cacophonous that it leads my fellow Commissioners to that position, but --

CHAIR LHAMON: I cast no aspersions on your voice.

COMMISSIONER ADEGBILE: But I recognize it none the less.

COMMISSIONER YAKI: It is very soothing, Commissioner Adegbile.

(Laughter.)

COMMISSIONER ADEGBILE: If it's time to vote --

COMMISSIONER YAKI: In fact, the problem with a 7:00 a.m. meeting on the West Coast is I have a dire urge to fall back asleep, so we're all --

(Laughter.)

COMMISSIONER ADEGBILE: I've been told my voice has that impact.

CHAIR LHAMON: Before you vote, I
under Commissioner Heriot has a comment or a question?

COMMISSIONER HERIOT: No. I decided it's not worth it.

(Laughter.)

CHAIR LHAMON: Okay, thank you. Okay, so now we are back to the vote. Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye. And goodnight, Commissioner Yaki.

(Laughter.)

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: I've got real doubts that we've got the capability of doing this well, but like, what the heck, let's vote yes here.

CHAIR LHAMON: Okay. Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Yes.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER Kladney: Yes. Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Oh, oh, yes.
CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: And I vote yes. The motion passes unanimously and with levity.

The next item on our amended agenda is a discussion and vote on a proposed statement titled, U.S. Commission on Civil Rights denounces replacement of interpreters with a video at immigrants’ first immigration hearing, introduced by Commissioner Narasaki.

E. U.S. COMMISSION ON CIVIL RIGHTS,
ANNOUNCEMENT REPLACEMENT OF INTERPRETERS WITH A VIDEO AT IMMIGRANTS FIRST IMMIGRATION HEARING

CHAIR LHAMON: Commissioner Narasaki, could you please read the statement proposed for consideration?

COMMISSIONER NARASAKI: Yes, thank you, Madam Chair. And consistent with our accepted practice, I will not be reading the footnotes.

It's entitled, the U.S. Commission on Civil Rights Denounces Replacement of Interpreters with a Video at Immigrants’ First
Immigration Hearing. The Commission on Civil Rights strongly objects to the Department of Justice’s plans to replace in-person interpreters at immigrants’ first immigration hearing with a video recorded in multiple languages.

The elimination of interpreters is a significant impediment to the fair administration of justice. And is a blatant violation of the due process and civil rights of immigrants with limited English proficiency who are entitled to understand what is happening at their hearings.

Under the new policy, the master calendar hearings where immigration judges schedule future hearings and advise immigrants of their rights will no longer have in-person interpreters. Instead, interpreters will be replaced with a video recorded in multiple languages that would purport to inform immigrants of their rights and the course of the proceedings.

If a limited English proficient immigrant does not understand the video or has questions, or if the immigrant and judge need to communicate with each other, judges will have to rely on the chance that someone in the building
speaks the immigrant's language, which may be a less common indigenous language, or rely on a telephone service that judges say is inadequate or delayed.

Or the judge may have to reschedule the hearing, which will add costly delays rather than add efficiency.

The Department of Justice claims that this move is due to limited resources. While the Commission acknowledges that all federal agencies have fiscal pressures, cost pressures do not exempt agencies from their responsibility to ensure due process and civil rights requirements are met, especially when the serious consequences of being deported are involved.

Under executive order 13166, federal agencies must provide meaningful access to the programs and services they provide to limited English proficient individuals, under the national origin discrimination provisions of Title VI of the Civil Rights Act of 1964, which include language access.

Immigrants already face many barriers to a fair hearing in immigration court. They only have the right to counsel in immigration
proceedings at their own expense. And most have no attorneys because of the remoteness of many of the detention centers, the expense, and the difficulty of being able to find representation while in detention.

The immigration court system also faces a large backlog. And immigrants, including those seeking asylum or fighting deportation, often wait years for the cases to be decided.

Immigration judges have already complained that not having in-person interpreters at these initial hearings will disrupt proceedings and waste time.

Since the 1960s, the Commission and its state advisory committees have chronicled the civil rights implications of our nation's immigration laws and policies. We strongly urge the Department of Justice to reverse its decision.

And we urge Congress to require the Department to provide interpreters at all stages of immigration cases.

CHAIR LHAMON: Thank you. Do we have a motion to approve the statement, to open the floor for discussion?
VICE CHAIR TIMMONS-GOODSON: So moved.

CHAIR LHAMON: Do we have a second?

COMMISSIONER ADEGBILE: Second.

CHAIR LHAMON: Thank you. Is there any discussion on the statement? I'll begin with you, Commissioner Narasaki, as the sponsor of the statement.

COMMISSIONER NARASAKI: I think the statement stands for itself. It's a fairly simple proposition that people who are going through a legal process should have the right to understand, in their language, what is going on.

CHAIR LHAMON: Thank you. Any further discussion? Commissioner Heriot.

COMMISSIONER KLADNEY: Madam Chair, Commissioner Kladney. I'd just like to note that I've taken part in hearing the administrative hearings where interpreters have been on the phone and it is very difficult and disruptive for the client to, well, my client at the time, clients, to get a complete comprehension of what's going on and understanding. And it does take an inordinate, more time in the courtroom process. Thank you.

CHAIR LHAMON: Thank you.
Commissioner Heriot.

COMMISSIONER HERIOT: I'm going to be voting no on this one. I'm concerned that we're getting our news from the newspapers here.

I would like to see in writing what the policy is. And I think we should be consulting with the Department of Justice and get their side of the story better than simply quotes from the newspapers.

And it's very hard to get translators for indigenous languages.

My understanding is that these first hearings are basically cattle calls, where you get a date. And I'm concerned that we're a little premature on this and that I'm not certain what side of this we ought to be on.

CHAIR LHAMON: Thank you. Any other discussion? I'll call the question and take a roll call vote. Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: No.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: No.
CHAIR LHAMON: Commissioner Kladney?
COMMISSIONER KLASTNEY: Yes.
CHAIR LHAMON: Commissioner Narasaki?
COMMISSIONER NARASAKI: Yes.
CHAIR LHAMON: Commissioner Yaki?
COMMISSIONER YAKI: Aye.
CHAIR LHAMON: Vice Chair Timmons-Goodson?
VICE CHAIR TIMMONS-GOODSON: Yes.
CHAIR LHAMON: And I vote yes. The motion passes. Two Commissioners opposed, no Commissioner abstained, all others were in favor.

The next item on our amended agenda is a discussion and vote on a proposed statement titled, U.S. Commission on Civil Rights Strongly Condemns the Recent Statements of President Trump Telling U.S. Congresswomen to Leave the Country and, quote, Go Back to Their Countries, introduced by Commissioner Yaki.

F. DISCUSSION AND VOTE ON A PROPOSED STATEMENT TITLED, U.S. COMMISSION ON CIVIL RIGHTS STRONGLY CONDEMS THE RECENT STATEMENTS OF PRESIDENT TRUMP TELLING U.S. CONGRESSWOMEN TO LEAVE THE COUNTRY AND "GO BACK TO THEIR COUNTRIES"

CHAIR LHAMON: Commissioner Yaki,
could you please read the proposed statement for consideration?

COMMISSIONER YAKI: Thank you very much, Madam Chair. And in, perhaps a Commission first, I decided not to use any footnotes at all.

First paragraph. The U.S. Commission on Civil Rights, by a majority vote, strongly condemns statements by the President declaring that elected United States Congresswomen should, quote, go back, end quote, to countries they, quote, originally came from, end quote.

Notwithstanding that all, therefore all four congresswomen, their county is in fact the United States. Such racist and nativist and xenophobic statements undermine the equality principles to which this country aspires, instill and promote division and fear among Americans and seeks to denigrate some among us as less American than others.

Next paragraph. Throughout the history of this country, racism and bigotry has often manifested itself in jingoistic sloganeering, asking immigrants or others, regardless of citizenship or birthright, to, quote, return home, end quote.
The Know Nothing party, which began its life as the Native American party, campaigned openly against Catholicism and advocated that Irish and German Catholics to return to their native countries, and native in quotes. Various movements in the 1800s sought to, quote, resettle freed African-American enslaved people in West Africa, notwithstanding generations of living in the United States. Latin and Asian Americans have often been the recipients of slurs, ending in quote, go back home, end quote.

Next paragraph. Particularly for many Americans whose roots, recent or deep, are not from White European ancestors, there's been an unfortunate truth that at some point in their lives someone, because of racism, bigotry, or ignorance, has told them to, quote, go back home to a country not of their birth, often not even of their ancestry, solely because someone does not like their skin color, their ethnicity, or their accent.

Next paragraph. This claimed separation of true Americans from others is divisive, logically flawed, and undermines core
American values. Americans, all of us, are at home here.

None of us has some place else we should go back to when we disagree with an elected leader. And certainly, no elected leader should suggest otherwise.

Free speech, including the freedom to dissent and the ability of all Americans to participate in a robust marketplace of ideas, are hallmark American ideals. In our democracy, the right of the legislative and executive branches and the individuals within each to disagree, is a bedrock principle of the separation of powers enshrined in our Constitution.

The Commission, which Congress has for six decades, charged to advise the President and Congress about status of civil rights, roundly condemns irresponsible rhetoric that castigates disagreement in a manner that renders Americans less safe, less welcome in their own country and divides this country based on stereotyped attribution of values, based on historic or recent national origin.

This Commission has already urged the Administration to increase hate crime enforcement
to combat the rise of White nationalism. The President's recent comments only exacerbate the problem of White nationalism by normalizing one of their most racist tropes.

On this issue I want to -- there's a typo. I have the word S, the S should be stricken on racist.

Final paragraph. With this statement, the Commission uses our voice to reaffirm American values of inclusion and respect for dignity of all persons in our midst. We call on the President to use his platform likewise to lead, rather than to tear down, this country.

CHAIR LHAMON: Thank you. Do we have a motion to approve the statement to open the floor for discussion?

COMMISSIONER NARASAKI: So moved.

CHAIR LHAMON: Is there a second?

COMMISSIONER ADEGBILE: Second.

CHAIR LHAMON: Thank you. Any discussion on this statement? Commissioner Yaki, I'll begin with you as the sponsor of the statement.

COMMISSIONER YAKI: Well, I mean, I would actually like to defer first to my
colleagues. And I wanted to thank many of my colleagues for their input on participation.

For when I wrote this, I wrote it late. It was a little ragged and I want to thank all of you for your assistance.

But I'd like to hear from you first, and then I'd like to sort of give a closing, Madam Chair.

CHAIR LHAMON: Okay. Madam Vice Chair.

VICE CHAIR TIMMONS-GOODSON: Yes. I struggle on, and with, the frequency with which the Commission should issue public comments and statements regarding tweets and other statements by our President, who often says things that I deem offensive and harmful.

And I have struggled with this particular one. It seems that at the rate that we're going this Commission could spend much of its time issuing statements condemning or criticizing our President's statement.

But on this one, after some struggle, I don't see how I cannot support it. That is because of the additional, there has been so much fallout from this. So, you have other folks
picking up on this direction.

As recently as a couple of days ago, our President was in my home state of North Carolina, and during the course of his remarks a rally chant began, send her back. Or something to that effect.

And I think this marks just the beginning. And so I'll be joining in this statement. And I thank you, Commissioner Yaki, for taking the leadership on this. And I see the merit in what you began early on. Thank you.

CHAIR LHAMON: Thank you.

Commissioner Narasaki.

COMMISSIONER NARASAKI: Like the Vice Chair, I have been hesitant about supporting this statement. Not because I don't believe in it, but like her, I believe that the subject of the statement is making incendiary statements on a regular basis. And I'm concerned that we'll have to expend substantial energy and time responding to tweets.

However, my social media feeds exploded with statements from friends and colleagues, recalling their personal hurt and outrage about being told to go back to where they
came from, though they were U.S. citizens. I, myself, have felt that pain.

The pain felt by friends not born here, but whose families chose America as their home, is no less than those who were born citizens. There is no question in any of our minds that the tweet is racist.

It is distressing to see members of the party of Lincoln trying to defend them. President Reagan said, you can live in France, but you cannot become a Frenchman.

You can live in Germany or Turkey or Japan, but you cannot become a German, a Turk or a Japanese. But anyone from any corner of the earth can live in America and become an American. That is the beauty of this country.

My father believed, as the four Congresswomen believed who were the target of the tweets, that real patriotism is standing up to bullies and loving the United States enough to call it out where it can do better and make the sacrifices necessary to help it to live up to its promises and its founding documents.

My father volunteered to fight in Europe during World War II to defend America's
freedom, even though the country of his birth put him and his American born mother behind barbed wire because of the color of their skin and their ancestry.

Commissioner Yaki, who’s often the conscience of this Commission, has convinced me that silence is read by White supremacists as acceptance and agreement. However, where we are, the barrage of bigotry from a President who is emboldening White supremacists, we cannot let it become normal.

Unchallenged racism and bigotry led to the internment of over 120,000 Japanese Americans in concentration camps and the deaths of millions of Jewish people in the Holocaust.

The Commission's job is to be the conscience of the nation on civil rights. And unfortunately, silence in this case is simply not an option. Thank you.

CHAIR LHAMON: Thank you. Any other discussion? Commissioner Yaki, did you want to give your --

COMMISSIONER YAKI: All right, thank you very much colleagues. And I first want to thank both Commissioners Timmons-Goodson and
Commissioner Narasaki for supporting this.

It is a sad state of affairs when we have to ask ourselves, as a Commission and as Americans, as individuals, do we need to respond, yet again, to another outrage that goes to the heart of attempting to redefine who or what is an American in this country.

And it is tiring, it is fatiguing, it is humiliating, it is angering. But like them, in this particular instance, when a vicious, well worn, racist trope of telling people who do not look like you, who do not talk like you, who do not come from the same neighborhood or city or country or anywhere, to go back home as if you, as an American, have any other home, but this country, prompted me to take this action.

This was even before, as Commissioner Timmons-Goodson pointed out, the horrible chanting at the rally the other night, spontaneous chants of, send her back, referring to one of the Congresswomen, and the refusal of the person speaking at that event, who prompted these chants, to do anything to stop, prevent, or rebuke that chant.

We cannot normalize this kind of
wording in our country. We cannot normalize this kind of response in this country.

It has been something that has been part of the darker side of our nature for generations. And this country has always sought to rise above that and adhere to its ideals and understand that, as Commissioner Narasaki said, being an American is not bound by race, it is not bound by color or creed or national origin or religion, it is who we are put together by people 200 years ago in a magnificent experiment called constitutional democracy.

When someone attempts to create a dividing line at the who or what constitutes an American, the Civil Rights Commission has to act, it has to stand, and it has to stand united. I urge my colleagues, all of my colleagues on both sides of the aisle, to support this measure.

This is not about whether or not you agree or disagree with all the policies and principles of the current occupant of 1600 Pennsylvania Avenue, it is about the fact that as a Commission and as a country, no occupant of 1600 Pennsylvania Avenue should ever utter these types of words or this type of phrase or create
this kind of expectation or normalcy around statements such as these.

We are better than that. That is not who we have been, that is not what we have struggled to do. It is not what, as Abraham Lincoln said, it does not rise to the better angels of our nature. It is not who we are as Americans. And I thank you for your consideration. And I thank you for your support.

CHAIR LHAMON: Thank you.

Commissioner Heriot.

COMMISSIONER HERIOT: I'm not going to be able to join this statement as it's written right now, but let me say a few words at least here. While I disagree with parts of the majority statement today, I agree with my colleagues' point that the President’s recent tweets were ill considered.

Whether intended or not, it was predictable that these statements would be interpreted by many the way the Commission now interprets them. Still, it needs to be pointed out that the words racist and white nationalist are tossed around entirely too promiscuously these days. The temperature needs to be brought
Like the President, I have profound disagreements on just about every major policy issue with the four Congresswomen who were the subject of the tweets condemned by the Commission statement. Nonetheless, it's my view that he should not have said what he said, in the way he said it.

All four Congresswomen are American citizens. Three of the four were born in the United States. The United States is their home. One can disagree strenuously with the four Congresswomen's policy views without implying that they are somehow less American than any of the rest of us.

CHAIR LHAMON: Thank you. Commissioner Adegbile.

COMMISSIONER ADEGBILE: Yes. Thank you, Commissioner Yaki, for your work on this statement. I would just add that, as I understand it, at the rally the other day where this chant and sentiment was renewed, you can see in the pictures and video that there were children present.

And there are many things that we call
upon leaders to do, but a principal thing is to
set a tone from the top that we all aspire to.
And when we have a rally where American children
are being taught, literally taught, to espouse
and embrace these types of racist sentiments,
we're not only debasing the office, but we are
debasing the lived experience of the country,
from its founding to the present day.

And the people who have sat before
this Commission over decades, some of whom are
the relatives of people who have given their
lives in service of the principles of equality.

And so, it is a very serious thing
that is much bigger than tweets. It goes to the
core of who we aspire to be as a nation. And it
troubles me that children are being taught that
this is what America stands for in the year 2019.
Thank you, Commissioner Yaki.

CHAIR LHAMON: Commissioner Yaki, I
just --

COMMISSIONER KLASNEY: Madam Chair?

CHAIR LHAMON: Commissioner Kladney.

COMMISSIONER KLASNEY: Commissioner
Kladney here. I too would like to add my thanks
to Commissioner Yaki's leadership on this matter.
And I would like to say that one of our charges is that of national origin, and many of us, and our families, have immigrated to the United States in the 20th century. Not that far in the past.

And many of our relatives have suffered at the hands of those people who intentionally want to create animus between people within our country and within the races in our country. And it is difficult for me to believe that these pronouncements were not intentional in nature and did not want to have the effect that they did have in North Carolina.

Therefore I'm supporting this statement 100 percent. Thank you.

CHAIR LHAMON: Thank you. Commissioner Yaki, to take us down to the truly mundane, I noticed one other typo. And with your permission, we would change seeks to seek, at the end of the first paragraph in the statement.

COMMISSIONER YAKI: I accept that as a friendly amendment.

CHAIR LHAMON: Thank you. And I also just want to note, I appreciate Commissioner Heriot's commitment to, and statement of
commitment to, concern about the harm that such a statement from the President makes.

I also think it's important for us to recognize that the EEOC, which is the nation's authority about employment discrimination, includes these words, go back home, as an example of race discrimination and national origin discrimination. That is so archetypal that it is explicit in their guidance.

And there is, I think no question, that the intent and the receipt of the text from the President is racial harm. And it is our job to call it that, to speak against it, and to make sure that we, as a nation, don't live that harm. So, I will support this statement.

Do we have any further discussion? I'll call the question and take a roll call vote. Commissioner Adegbile?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: Abstain.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: No.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLADNEY: Yes.
CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

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

Next we will hear from Staff Director Mauro Morales for the monthly Staff Director's report.

G. MANAGEMENT AND OPERATIONS

STAFF DIRECTOR'S REPORT

STAFF DIRECTOR: Thank you, Madam Chair. In respect for the limited time we have left before the next presentation, I have nothing further to add than is already contained in the report. If any Commissioner has a specific question concerning a matter contained in the report, I welcome the opportunity to speak to you about it.

I would like to take just a brief moment, Madam Chair and Commissioners, just to
thank our law clerks and interns that have been with us this summer. Many of them, this will be their last Commission business meeting.

We've enjoyed having you here. We appreciate your hard work in assisting the special assistants, the Office of General Counsel, the Office of Civil Rights Evaluation, and my office as well.

I hope you got a lot of really good experience out of your time with us, and I wish you all the best. Please keep in touch with us as you continue on in your careers and in your law school studies. So thank you very much.

That's all I have, Madam Chair.

CHAIR LHAMON: Thank you. I'll echo those thanks to our summer interns who have done us a terrific service in being here.

And I'd like also to use this minute to take a point of personal privilege, with Commissioner Narasaki's permission. I understand that this is our last business meeting in which Commissioner Narasaki's special assistant, Jason Lagria, will be with us. And I, okay, we can hope that it's not ---

(Laughter.)
CHAIR LHAMON: -- but on the off chance that it is, I want to say, while Jason is still with us, how very much I have enjoyed working with you, Jason, what incredible service you have given to us.

As a Commission, I think that we Commissioners, who are by statute part-time in doing our work, could not do the work as effectively as we do without the assistance of our extraordinary special assistants.

And Jason has been willing from Day 1 for me to go well above the call to help me when I didn't yet have a special assistant, and to help all of us in providing extraordinary research and terrific service. We will miss you. I will miss you. Thank you. Commissioner Narasaki?

COMMISSIONER NARASAKI: I'd like to add, since I won't be in person for the August business meeting, and it is quite likely that he will have left, I want to say that it has been an honor and a pleasure to work with him. I stole him from my former place of employment. So in all fairness to him, he knew what he was getting when he agreed to work with me.
And he's done an incredible job, not just the work, you know, the written work, and the research, and all of that important stuff, but I asked him when I started, to help build a spirit of camaraderie in the Commission between the appointees and the staff, and to sort of bridge the political divides and have an open door.

And I think that he has contributed a lot to the environment of the Commission. And I'm very proud of his work, and I look forward to seeing the, I'm sure, the impact that he will continue to have on the world and on civil rights. So thank you, Jason.

CHAIR LHAMON: Madam Vice Chair?

VICE CHAIR TIMMONS-GOODSON: Is it okay to ---

CHAIR LHAMON: Pile on.

VICE CHAIR TIMMONS-GOODSON: -- to pile on ---

(Laughter.)

VICE CHAIR TIMMONS-GOODSON: Jason has done all of this, made this incredible effort that you've been hearing about with his work while at the same time building a family. And so
I think he gets extra credit.

How many babies have you had since you've been here?

(Laughter.)

CHAIR LHAMON: We're veering into discriminatory land.

(Laughter.)

CHAIR LHAMON: Maybe we should stop.

VICE CHAIR TIMMONS-GOODSON: Well, I was just going to say, I don't know if it's the pressures that we brought to bear on him ---

PARTICIPANT: He had time to make the babies.

CHAIR LHAMON: Okay, really we should stop.

(Laughter.)

VICE CHAIR TIMMONS-GOODSON: But thank you, thank your wife, and your children. That's where I was going, Madam Chair --

CHAIR LHAMON: Thank you.

VICE CHAIR TIMMONS-GOODSON: -- for sharing you and allowing such great effort. All the best to you. And when I look at you, I see what our future leaders look like. Thank you. Madam Chair?
COMMISSIONER YAKI:  Madam Chair, I need to pile on at this point.

(Laughter.)

CHAIR LHAMON: Please don't talk about the baby making.

COMMISSIONER YAKI: No, I will not get into the biological functions of our Commission. But I will say that Jason has been, I think, really the rock of so much of what has happened. And as someone who has been deprived of a special assistant for many months, which has now finally been remedied just as he leaves, thank God, that his work on the upcoming immigration detention update that we were doing has been phenomenal.

But even aside from that, he is just a phenomenal human being, someone who understands the world of public service in every single positive aspect that you can think of. And we have been benefitted by him, the government will be benefitted by him.

And, Jason, you know, it goes without saying, but if I can ever do anything for you in the future, please know that I can and I will.

CHAIR LHAMON: Thank you.

Commissioner Heriot?
COMMISSIONER Kladney: This is Commissioner Kladney. I'd also like to add my best wishes to Jason and his family, a wonderful, well, to me a young man, and a very hard worker and committed person as well. So, Jason, thank you and best of luck.

CHAIR Lhamon: Commissioner Heriot?

COMMISSIONER Heriot: I just want to thank Jason, who has been blushing a lot since all this started. I want to thank him for all his work in bridging the ideological divide. And he's been wonderful to work with, and I'll miss him. And, you know, thanks very much, Jason.

CHAIR Lhamon: Commissioner Adegbile?

COMMISSIONER Adegbile: In the spirit of our ongoing work together at the Commission, Jason, me too.

(Laughter.)

CHAIR Lhamon: All right, Mr. Staff Director?

STAFF Director: You know, I can't thank you enough, Jason, for your commitment to us to work with the professional staff, the special assistants, more importantly with me in my transition when I got here and throughout the
years. You're going to be missed. So thank you for your service.

CHAIR LHAMON: Thank you. So with that, I think we'll take a five-minute break. And then reconvene just at 11:40, a six-minute break, for our next iteration of our speaker series to which I very much look forward. Thank you.

(Whereupon, the above-entitled matter went off the record at 11:34 a.m. and resumed at 11:43 a.m.)

CHAIR LHAMON: Okay. I will get us started for our next iteration of our speaker series. The title for today is the History and Legacy of the Immigration Reform and Control Act of 1986. I thank Commissioner Narasaki, for suggesting this month's speaker topic and for coordinating Mr. Kamasaki's appearance.

The need for immigration reform and to protect against particular civil rights violations has long been an issue of concern for the Commission. The Commission, along with our advisory committees, has issued policy statements and full reports addressing various concerns ranging from enforcement practices across the
country as well as at the border, the need for efficient, fair, and thorough adjudication of immigration cases, protection for undocumented immigrants, and detention center policies.

I am glad that today we will reflect on the last successful movement for major immigration reform from 1986. Before I introduce our speaker, I'll turn to Commissioner Narasaki for some brief opening remarks.

**H. SPEAKER SERIES PRESENTATION BY**

**CHARLES KAMASAKI ON HIS BOOK,**

**IMMIGRATION REFORM: THE CORPSE THAT WILL NOT DIE**

**COMMISSIONER NARASAKI:** Thank you, Madam Chair. I want to add my thanks to Charles Kamasaki for briefing us today on the history of the 1986 legalization law and some of the legislation that followed.

While it occurred well over 30 years ago, it has relevance and lessons for policy makers and immigration reform advocates today. Then, as now, the immigration system was badly broken as policies had not kept up with the global and domestic realities that create the push and pull factors that drive migration to the United States.
The history of immigration in America has been the pull of America's labor needs and the push of the political, economic, and environmental crises around the world, some of which American foreign military and trade policies help to drive.

America has often recruited immigrant labor, but American communities have not always been prepared to welcome immigrants, particularly those with different religions, languages, and cultures and particularly when they're not White.

For example, the Chinese laborers came to help build the railroads. And then when that was done, they were banned. The Japanese then came to the West Coast to fill the demand for fishing and farming, and then they were banned. And then the Filipinos came in numbers after both of the Chinese and Japanese were banned. Eventually, all Asian immigration was curtailed.

The story in this book is well told, I got to read some advance drafts, and extensively researched by an author who's lived through it. It's more than a story of an extraordinary piece of legislation, it's the story of a community, whose struggles have been
largely invisible and whose voice has largely been ignored, finally coming of age and becoming a force in the nation's capital.

And to me, all this is more interesting that it's coming from a Japanese American who grew up in Texas more among Latinos than Asians. I've had the honor of working with Charles Kamasaki for over a quarter of a century, and I was fortunate, along with hundreds of others coming into the field of civil and immigrant rights, to have had him tutor me on how DC really works.

The book is a master class on how democracy actually functions from an expert who's committed his life to helping America live up to its most fundamental values and promises. And I thank you for documenting the time in America's history and sharing it with us today.

CHAIR LHAMON: Thank you. So we now welcome Charles Kamasaki who is Senior Cabinet Advisor for UnidosUS and resident fellow at the Migration Policy Institute. At UnidosUS, Mr. Kamasaki is a senior member of management with a range of responsibilities including supervising immigration legal services and citizenship
program strategies and overseeing the organization's other immigration initiatives.

Mr. Kamasaki is also the author of the recently published book titled Immigration Reform: The Corpse that Will Not Die, a History of the Immigration Reform and Control Act.

In that book, Mr. Kamasaki shares his personal insights as, quote, a direct participant in the many meetings, hearings, markups, debates, and other developments that led to the passage, end quote, of the 1986 legislation.

Mr. Kamasaki, we look forward to hearing from you.

MR. KAMASAKI: Sorry about that. After having been instructed twice on how to turn the microphone on, I forgot.

Thank you to the Commission for this opportunity, to Commissioner Narasaki especially, and her aide, Jason, who I will not pile on more accolades, Staff Director, Mauro Morales.

And I would just note, I observed his comments to the interns and law clerks who assisted the Commission. There are two of us in this room who began our careers as interns at
then National Council of La Raza, now UnidosUS. And so we share, I think, some of your experiences.

I do need to start with a caveat. Although I am proudly employed by UnidosUS, and a fellow at the Migration Policy Institute, the views and opinions in the book and in my talk today are solely my own.

What I'd like to do is cover three sets of issues today in my remarks. First, I'll attempt to provide a brief overview of my book which is, as you can tell, a pretty lengthy tome about the passage, implementation, and aftermath of the Immigration Reform and Control Act of 1986, or IRCA, as it's known to insiders.

Second, because I am speaking to the US Commission on Civil Rights, I'll try and outline a few of the civil rights implications of the policy debates during the IRCA era and maybe some thoughts about the future.

And finally, I'll conclude with a brief thought about the relevance of IRCA for those, many of us included, yearning for immigration reform today.

As an overview, I'm really struck by
how many otherwise very well informed people know so little about the Immigration Reform and Control Act of 1986.

It's often called, quote, unquote, the Reagan Amnesty Bill. But in fact, his administration was internally divided on the legislation, generally hostile to the idea of legalizing unauthorized immigrants, and played a fairly minimal role in its passage except importantly, as the picture on the screen notes, signing the final legislation.

Many people today blame IRCA for the growth of the undocumented population since 1986. But that growth actually accelerated far faster after passage in 1996 of a tough enforcement-only immigration law.

Because it successfully legalized nearly three million people and, along with its follow-on bill in 1990, protected perhaps two million more from deportation, many people simply assumed that it must have been supported by progressives and conservatives and must have been supported by Latinos and the entire civil rights community. The reality is actually far different and far more nuanced.
My book, Immigration Reform: The Corpse That Will Not Die, is about IRCA's life and times. It's full of details. Because, in the legislative process, details matter. It includes lengthy portrayals of key actors, because people obviously matter. It tells the story of how the last major immigration reform came to be through every single procedural step. Because in the legislative process, the procedure matters a lot.

And finally, it covers the bill's implementation, not just because implementation matters too, but also because it was in that period that the battle lines of today's debate about immigration reform were being drawn.

Especially when considered together with its follow-on bill, the 1990 Act, the last set of comprehensive immigration reforms, by every standard, were highly consequential. For the first time in American history, those laws made it unlawful for an employer to knowingly hire or employ an unauthorized immigrant, so-called employer sanctions provisions of IRCA.

The bill authorized more border enforcement leading to what my colleagues at the
Migration Polity Institute today call a formidable enforcement machinery that far exceeds spending on all other federal law enforcement combined.

At the same time, it legalized nearly three million people, and the two bills together protected at least two million more from deportation, at least temporarily. And the two bills together set the stage for a doubling of the number of legal immigrants authorized to come into the United States compared to its 1980s levels.

To understand how that bill came to be from a political science perspective, one might start with what political scientists call the three Ps.

John Kingdon, who is one of the most astute and influential political scientists of the modern era, once stated that the enactment of major reforms like IRCA occur only with the convergence of three streams which he called the three Ps, a recognized problem stream, significant enough to require legislation, second, a mature policy stream of proposals that might solve the problem, and third, the third P,
political will sufficient to overcome the forces comfortable with or entrenched in the status quo.

When it comes to immigration, the problem stream of unauthorized migration, a policy stream of reforms to address it, and sufficient political will to move it through at least one house of Congress have clearly been in place for more than over a dozen times over the past five decades.

Yet only in 1986 and again in 1990 did Congress enact sweeping, comprehensive reforms. The stories in my book attempt to explain how and why that happened. But unlike most standard legislative chronicles, this book is told not from the perspective of lawmakers but from the perspective of a small coalition of non-profit advocates that called itself The Group.

Its unofficial leader was Arnoldo Torres of the League of United Latin American Citizens, once the most conservative of the Latino civil rights organizations. While they work largely outside the process, if generally in parallel, representatives of the Mexican American Legal Defense and Educational Fund were also key players.
These Latino groups were joined by the ACLU, the American Immigration Lawyers Association, Church World Service, the immigration and refugee arm of the National Council of Churches. And all of them were members of an organization that today is called the National Immigration Forum.

A few months after this group was formed in 1983, a guy named Kamasaki, unlikely, with less than a year of experience in DC, was assigned literally by default to cover immigration policy for the National Council of La Raza, now UnidosUS.

The Group faced enormous policy challenges. They wanted to defeat or mitigate employer sanctions, what House bill sponsor Ron Mazzoli called the heart of the bill. They sought a far more generous legalization program than the million or so undocumented the original bill might have offered legal status to.

Instead of reducing family-based legal immigration, which the first two versions of the Simpson/Mazzoli bill would have done, they wanted to increase it. They opposed greater restrictions on asylum seekers that IRCA
originally would have opposed.

The Group wanted to prevent the creation of a major new Agricultural Guest Worker Program which, although it wasn't in the original legislation, passed the House in 1984 and the Senate in 1985.

Several in The Group audaciously demanded protections from deportation for Salvadorans fleeing massive civil strife in the region. And some envisioned building a whole new field of pro-immigrant and Latino advocates in the process.

And The Group initially opposed the legislation that proffered these proposals. This coalition had very few resources.

The powerful Leadership Conference on Civil Rights, the preeminent voice for minorities in the policy process, sat out the debate in large part because its most powerful and influential members, the NAACP and, with few exceptions, Organized Labor, along with other powerful progressive elites, including virtually every editorial board in the country, supported the bill.

The Group's resources were dwarfed by
opposing interests, like Labor, agricultural
growers, big business, and an emerging
conglomerate of anti-immigrant groups beginning
with an organization called the Federation for
American Immigration Reform. And in fact, all of
the Latino organizations, LULAC, MALDEF, and
NCLR, were literally teetering on the edge of
bankruptcy during the entire IRCA era.

And with respect to public opinion,
pro-immigrant policy goals that The Group
supported were uniformly far less popular than
they are today. And yet, while the advocates
couldn't stop employer sanctions, they succeeded
almost everywhere else.

IRCA, in the 1990 Act, did not include
a major Agricultural Guest Worker Program. It
resulted in, as I said, legalizing nearly three
million previously undocumented people to become
permanent lawful residents of the United States.

It extended administrative and
eventually permanent protection from deportation
for a million close family members of those
legalized. It doubled legal immigration from the
1980s levels, kept an asylum system largely
intact and, through a new temporary protected
status created in the 1990 Act, provided relief for perhaps another 800,000 to a million Central Americans fleeing civil strife or natural disaster.

Except for the exclusion of a large temporary worker program, I think it's fair to say that not a single knowledgeable observer would have predicted any of these outcomes when the debate began in 1981.

So the question arises, how did The Group and its allies inside and outside of Congress do it? And unfortunately, for that answer you have to read the book.

Honestly, I do hope the book has value strictly as an historical document or as a legislative case study. It's a story filled with intrigue, ups and downs, secret deals in smoke-filled rooms. But I also think it raises important civil rights implications and it has lessons for future reformers.

And since this is a meeting of the US Commission on Civil Rights, I'm obligated, I think, to discuss some of the major civil rights implications of that debate as well as this Commission's very significant role in that
I'd like to specifically address three civil rights related themes. First is the adverse effects of immigration enforcement on the civil rights of Hispanic American citizens and others lawfully present in the US.

That story actually begins in the mid-1850s after the Mexican American War in which some 100,000 or so people of Mexican origin became subject to the jurisdiction of the United States. For the next 100 years, Mexican Americans experienced widespread systemic discrimination that many scholars have described as akin to those in the Jim Crow south.

One scholar, Rodolfo Acuna, famously described this period as an occupation under which Mexican Americans were subjects of, somewhat analogous to those of the European colonies, but never full citizens of the nations of their Colonial masters.

One important instrument of this occupation was a kind of immigration policy in reverse. In four separate campaigns from the 1920s through the mid-1950s, which ended with the notorious Operation Wetback, millions of people
of Mexican origin were, quote, unquote, repatriated to Mexico, most without any form of due process.

Perhaps half of those removed were American citizens. Virtually all would have had some valid claim to lawful presence had they been given the opportunity to assert it. But none were.

Another key immigration policy of the period was the infamous Bracero Temporary Agricultural Worker Program which operated from 1942 through 1964 under which several million Mexican workers were allowed into the country to work.

While many, arguably most, were well treated by the standards of the era, the program was also fraught with abuse and exploitation. But the program, even after it ended in 1964, cemented in place an agricultural system dependent on cheap labor from Mexico.

And finally, in 1976, Congress enacted legislation that cut legal immigration from Mexico in half, literally at the same time that country's population was booming and its economy was tanking, which left a perfect storm of
factors.

Repatriates seeking to return to their homes and unite with their families, former Bracero Program workers recruited to work in the fields, and Mexico’s failing economy all generated massive migration pressures. But instead of meeting this demand by increasing the supply of visas, Congress cut that supply of visas in half.

Having closed the proverbial front door to entry to the United States, not surprisingly immigrants attempted to enter through the back door, and unauthorized migration rose rapidly. Congress then attempted to enact legislation beginning in the 1970s, mainly through employer sanctions, the penalties on employers for hiring unauthorized immigrants.

And through the 1980s, Latino advocates opposed employer sanctions because they were thought to be both ineffective and would lead to increased employment discrimination, preferring instead a combination of tough labor law enforcement, stronger border controls, and increased legal immigration as a more rational response.
Which leads me to my second theme which is the evolution of the Hispanic civil rights organization and of the civil rights field writ large on the issue of immigration reform.

As I described in my book, up through the early 1970s, Latino civil rights organizations and thought leaders, like most Americans, were almost uniformly supportive of tough immigration enforcement.

That began to change with the widespread abuses associated with Operation Wetback and accelerated through the Chicano movement which, even after it faded away in the late 1960s, left a Mexican American leadership that I say in my book was, quote, markedly more ethnocentric and pro-immigrant in its orientation.

Notwithstanding its opposition to employer sanctions and its pro-immigrant orientation, in the mid-1980s two of the three major Latino civil rights groups, the League of the United Latin American Citizens and the National Council of La Raza, led by Congressman Esteban Torres, broke with ideological orthodoxy and helped produce the reforms that ultimately
protected some five million previously unauthorized immigrants from deportation.

Many mainstream civil rights institutions began the IRCA era, like their Latino counterparts, as ardent restrictionists. But by the turn of the century, I believe it's fair to say, that virtually the entire civil rights community became united around generally pro-immigrant principles.

The last civil rights related theme I'd like to address is the role of this Commission in that debate. This Commission was among the very first mainstream institutions to recognize and call for increased policy attention to discrimination against Latinos in the mid-1960s and supported NCLR and others in their call for Hispanics to be counted for the first time in the 1980 census.

With respect to immigration, this Commission's landmark 1980 report, the Tarnished Golden Door, broke with conventional wisdom and presciently predicted the failure of employer sanctions to reduce unlawful immigration and its propensity to increase employment discrimination.
After IRCA was enacted in 1989, this Commission again issued a report documenting discrimination related to employer sanctions which was later verified by the General Accounting Office, now a Government Accountability Office report, in 1990 that estimated some nine percent of employers, that's nearly half a million, had adopted discriminatory hiring practices after IRCA was enacted.

And in the years since, this Commission has often spoke out against civil and human rights abuses in immigration enforcement, examples of which we had literally this morning.

There is more the Commission can do to build on this proud legacy, and let me offer three suggestions. First is to examine the extent to which the current enforcement system is fatally flawed by discrimination.

For the past several years, research has documented that well over half of all new unauthorized immigrants don't come across the southern border but enter lawfully and then overstay their visas. Yet year after year, well over 90 percent of all deportations are Latinos who, so called, entered without inspection across
the southern border.

While I recognize that traditional disparate impact measures for a variety of very complicated technical reasons may not always be applied to immigration enforcement, it is hard to avoid the conclusion that, regardless of which administration is in power, enforcement is exclusively imposed on offenders that just happen to be Latino.

Second, a crucial subset of those adversely impacted by immigration enforcement are the nearly six million US citizens and others lawfully present who have one or more undocumented family members. The toxic stress imposed on these children is incalculable.

To paraphrase my boss, Janet Murguia, who is joining us today, imagine what it must be like to know that the next knock on your door may be ICE agents coming to deport your mom, that the next time the phone rings, it could be your dad who was picked up in a traffic stop and is calling to say goodbye, or that the next letter in the mail is one demanding that one of your parents appear at a deportation proceeding.

Surely these children who have done
nothing wrong, have some right to pursue life, liberty, and happiness in the country of their birth. Yet there is literally no remedy for the toxic stress that they feel every day.

Finally, I'd note that reports of racial profiling, apprehension, detention, and even deportation of US citizens and others lawfully present in the United States are significant.

Similarly, systems like E-Verify regularly produce false positives whereby people authorized to work cannot be verified due to marriage, or divorce, or other name change, or even a typo on a DHS record. These people are routinely denied a job, often even without knowing why.

Many of you are distinguished legal practitioners in your own right, and you know how burdensome and difficult it can be to obtain redress through the legal system if you are wrongfully apprehended, or detained, or denied a job.

And so the question is, are there less burdensome administrative remedies that could both prevent this from happening by holding
offending agencies and officials accountable while also providing appropriate and timely redress for those adversely affected.

Surely there are other questions this Commission could consider, but allow me to return, as I close, to a theme in my book. I suspect many of you here are wondering what the story of IRCA, a bill that passed more than 30 years ago, whether that story is at all relevant to today's debate.

I for one think it has a lot of relevance. And I would ask for you just to step back and think of how quickly the politics of the issue have changed in the last 15 years.

In 2006 the Senate passed a comprehensive immigration reform bill, but then the House refused to act. In 2007 a similar bill died on the Senate floor when the House almost certainly would have been able to produce a bill when it was headed by the new speaker, Nancy Pelosi.

In 2010 it reversed again. The House passed the DREAM Act, but it died in the Senate. And three years later, it reversed again when the Senate passed a comprehensive bill that was never
brought up for vote in the House.

I think most of us, certainly most immigration advocates, see this record and see failure. But to me, it looks a lot like the 15 years that preceded IRCA's passage in 1986.

So I'll close, for me, on what's an unusually optimistic note. In the 1970s, Peter Rodino introduced immigration reform measures three times, twice passing the House and dying in the Senate. In 1979, the new Immigration Subcommittee Chair, Al Simpson, from Wyoming, half joked that he'd been thrown into leadership of that subcommittee because no one else wanted it.

In his wonderful book, The Last Great Senate, Ira Shapiro lamented that the era of bipartisanship in Congress had ended with the election of Ronald Reagan in 1980. In 1982, the new House Immigration Subcommittee Chair said he had to, quote, virtually shanghai, unquote, other members of Congress to even join his subcommittee.

The immigration reform measures sponsored by Simpson and Mazzoli passed the Senate twice but died in 1982 and in 1984. And
in mid-October of 1986, after his own immigration reform bill died on the House floor, House Judiciary Committee Chairman Rodino told aides that he was ready to, quote, wash his hands of the legislation.

That same week, the ranking Immigration Subcommittee member, Dan Lungren, of California, who had led the fight to kill the bill, called the legislation, quote, a corpse, unquote.

But just three years later, in November 1986, in that picture that you have on your screens, Simpson, Mazzoli, Rodino, Lungren, and others gathered in the Roosevelt Room at the White House and watched President Reagan sign that corpse into law.

Thank you again for the invitation to discuss my book. And I'd be happy to answer any questions.

CHAIR LHAMON: Thank you so much for your presentation. And I will open for questions and comments from my fellow Commissioners.

COMMISSIONER KLANDNEY: Madam Chair?

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLANDNEY: Thank you,
Madam Chair. One of my questions is when you started your presentation, you talked about employer sanctions in the '86 bill. How effective have they been in light of the I-19, I think it's an I-19, I can't remember the number, that actually gives employers protection when they copy two forms of identification and fill out a form?

MR. KAMASAKI: Well, without speaking to the merits of the specific, it's the I-9 form that employers use --

COMMISSIONER KLASTNEY: Oh.

MR. KAMASAKI: -- to verify new hires. I think it's obvious that employer sanctions have not been effective in stemming the flow of unauthorized immigration.

And it's, I guess, ironic that only in Washington that those who go against the conventional wisdom and are proven right by subsequent events get no credit, while those who go along with the conventional wisdom that's proven wrong somehow aren't held accountable.

It was actually immigration restrictionists who first proposed employer sanctions and predicted they would be effective.
And it was Latino civil rights organizations that predicted that they would not be effective and that they would cause discrimination.

I guess it's a very complicated subject. But I guess what I would say is, to be fair, the proponents of employer sanctions argue that, like the tax laws, most employers, most people are good actors. And they will try in good faith to comply with the law. And I believe that assumption is actually largely correct.

The issue is that it's only a tiny fraction of employers who hire the vast majority of undocumented immigrants. So even if you have something like 90 percent compliance, if the ten percent of employers who are not complying with the law, who are evading the law, who are calling their employees contractors and not employees and thus not new hires, then I think you have a recipe for a system that cannot possibly work.

COMMISSIONER KLADNEY: And I would ask you what would be your, in any immigration reform bill going forward, what would be the top five issues and any proposed solutions that you would have for such a proposal?

MR. KAMASAKI: And if possible, full
text.

(Laughter.)

MR. KAMASAKI: No problem.

(Laughter.)

COMMISSIONER KLADNEY: Well, just the five issues, why don't we start with that. How's that?

MR. KAMASAKI: Well, I think, you know, the outlines of what's called comprehensive immigration reform, I think, have been well established for some time. So I believe any comprehensive measure has to include effective enforcement.

And that would include not just border enforcement but heightened labor law enforcement that actually gets at that ten percent of employers who knowingly hire unauthorized immigrants so that they can be exploited. And for whatever reason, this country's commitment to labor law enforcement has weakened considerably in the last four or five decades.

I think it's also fair to say that immigration results from not just pull factors in the United States but push factors from abroad. So any comprehensive set of reforms has to look
at push factors that send people to the United States. And I think the current debate about Central America underscores that.

Second, we believe that there should be more avenues for lawful migration. And what exactly those numbers are, and in what categories they should be, are hotly contested. But I think there is consensus on that point.

Third, for those undocumented people who have put down roots in this country, many of whom have children, I think it's fair to say that a process to legalize their status is far preferable to any of the alternatives, including mass deportation.

So I think those are the three core provisions. There are any number of other issues. Whether there should be broader temporary worker programs as part of a legal immigration stream, the size of those programs and so forth, whether there should be a point system, all of those are, I think, matters of debate.

But enforcement, dealing humanely and thoughtfully with the unauthorized already here, and matching our future labor market and social
needs with a legal immigration system that accurately and adequately meets those needs, I think, have been and remain the fulcrum of comprehensive reform.

COMMISSIONER KLADNEY: Thank you.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: So it would be interesting to hear your thoughts about how national origin discrimination played out during IRCA and how you see it continuing to play out now. And also, to note that, while IRCA's thought about mainly in terms of its legalization of Latinos, it actually also had a large impact for Asian Americans.

MR. KAMASAKI: Indeed. So maybe beginning with the second question first, Latinos were, I think, about 75 percent of those legalized under IRCA. And obviously the remaining 25 percent included large numbers of Asians and others.

You know, the interplay of national origin discrimination and immigration enforcement is almost inextricable. And some of the history, Karen, that you articulated earlier, I'm sorry, Commissioner Narasaki, earlier I think
speaks to that fact.

I will say that I'm a little concerned about making the immigration debate only about race or national origin. Because I personally don't believe it is. And while it is hard to avoid outright racism or accusations of outright racism in immigration policy debates, I think the country is best served if those are, while recognized, don't become the central or only element of those debates.

To specifically answer your question about national origin discrimination, you might think about, again, speaking to those three major pillars.

With respect to enforcement, I think in my statement I covered much of those issues. I think it's very, very difficult to enforce immigration laws as they are currently drafted without imposing very significant disparate burdens on specific populations, especially Latinos.

I for one would like to take a step back and look at whether there are different strategies that we could pursue that could effectively enforce the immigration laws without
selectively enforcing them on a single population.

Secondly, with respect to dealing with the unauthorized population here, I do think, particularly with respect to the children of undocumented people, again, there is a clear disparate impact on --- and in this case not just Latinos but Asians.

And I think thinking through the balancing of equities and the balancing of values of what rights do they have, regardless of the offenses that their parents may have committed, is something that is often missing from today's debates.

And then finally, the question of national origin and legal immigration has been omnipresent since the beginning of our first immigration laws. And whether we choose to alter, consciously or unconsciously, the demographic makeup of this country, is dependent, at least in part, on how we design the legal immigration system.

CHAIR LHAMON: Mr. Staff Director?

STAFF DIRECTOR: Thank you, Madam Chair. Charles, I want to thank you for your
presentation. You've been a good friend and mentor to me for over 30 years when we first came to Washington, D.C., something along those lines. So during those 30 years, you have become an important policy expert, on not only immigration but other vital issues for Unidos, but for all civil rights advocates.

My question is what motivates you to remain involved in the struggle for civil rights?

CHAIR LHAMON: Remember, our interns are here.

(Laughter.)

MR. KAMASAKI: You know, I'd like to say that I grew up with a strong passion for civil rights, and I knew as soon as I got out of school that was my future destiny. And the truth, however, would be very far from that.

So I started as an intern at NCLR actually working on housing policy. I was given an opportunity to come to DC, and I thought only for a couple of years before I found my real career. And while I was working on housing policy, the legislative director for NCLR, someone you know well, Francisco Garza, decided to leave DC to go back to California and get
married.

And I was just kind of sitting around the office when the boss said you're covering immigration. And that was really kind of the beginning of how I entered the field.

I think that's kept me in the field is maybe two or three things. And I will try and avoid Commissioner Narasaki's example and keep from being sentimental here. But one of those is you get to do important work.

You know, it's pretty rare in one's lifetime that you can work on a piece of legislation and then a few years later be walking down the street, or talking to a cab driver, and they'll turn around and say that's the bill that I got legal status through. And that's obviously extraordinarily rewarding.

Second, it's less common now but certainly when I first started, when I would be sitting in a meeting and we'd go around the room and introduce ourselves, people would kind of give me an interesting look, like, what are you doing working for that organization?

And I would say it's always felt quite natural to me. And I think that's been helped
along by the fact that the Latino organizational community, and I think the Latino community in general, is a very welcoming one.

And as to the question of why I've stayed so long, one that I occasionally ask myself, honestly it's less a question of civil rights and more a question of, I think, professional advancement.

At each stage of my career, when I thought, okay, I've done this, and I'm about to move on to something different, something was happening at UnidosUS that gave me an opportunity to literally change careers while being in the same organization. And I think as much as anything else, it always felt more natural and a place where I could contribute the most was by doing different jobs, albeit in the same organization.

CHAIR LHAMON: I'll follow that on with thanks for what you documented in your book, and then also what you presented to us today, for the optimism and the reminder that what can feel quixotic isn't always and that there's value in sticking with it and in continuing to work toward an end goal that will make us more just. So thank
you for the concrete reminder that sometimes it happens and also for documenting what it took to make it happen.

MR. KAMASAKI: Thank you.

CHAIR LHAMON: Any comments or questions?

(No audible response)

III. ADJOURN

CHAIR LHAMON: With that, I will thank you for your presentation, and for your book, and we will adjourn our meeting at 12:29.

(Whereupon, the above-entitled matter went off the record at 12:29 p.m.)