U.S. COMMISSION ON CIVIL RIGHTS

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BUSINESS MEETING

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FRIDAY, JULY 14, 2017

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The Commission convened in Suite 1150 at 1331 Pennsylvania Avenue, Northwest, Washington, D.C., at 10:00 a.m., Catherine Lhamon, Chair, presiding.

PRESENT:

CATHERINE E. LHAMON, Chair

PATRICIA TIMMONS-GOODSON, Vice Chair*

DEBO P. ADEGBILE, Commissioner

GAIL HERIOT, Commissioner

PETER N. KIRSANOW, Commissioner*

DAVID KLADNEY, Commissioner*

KAREN K. NARASAKI, Commissioner

MICHAEL YAKI, Commissioner*

MAURO MORALES, Staff Director

MAUREEN RUDOLPH, General Counsel*

*Present via telephone

STAFF PRESENT:

LASHONDA BRENSON
BEN CHANG, Intern
ALEXANDRIA CURD, Intern
PAMELA DUNSTON, Chief, ASCD
ALFREDA GREENE
MADISON HUBBARD, Intern
HAYDEN JOHNSON, Intern
JOE JOHNSON, Intern
RAIKA KIM, Intern
DIANA KNIAZEWYCZ, Intern
CHRISTINA KROKEE, Intern
EDWARD LU, Intern
WARREN ORR
MICHELE RAMEY
SARALE SEWELL
DEMETRIA THEMISTOCLES, Intern
BRIAN WALCH
MARIK XAVIER-BRIER

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART
ALEC DEULL*
JASON LAGRIA
CARISSA MULDER
AMY ROYCE
RUKKU SINGLA
ALISON SOMIN
IRENA VIDULOVIC

*Present via telephone

CONTENTS

P-R-O-C-E-E-D-I-N-G-S

(10:04 a.m.)

CHAIR LHAMON: We will bring this meeting of the U.S. Commission on Civil Rights to order at 10:04 a.m. on July 14, 2017.

This meeting takes place at the Commission's headquarters at 1331 Pennsylvania Avenue, N.W., Washington, D.C.

I am Chair Catherine Lhamon. The Commissioners who are present at this meeting, in addition to me, are Commissioner Heriot, Commissioner Narasaki, I understand that Commissioner Adegbile is on his way -- we'll announce him when he comes -- and on the phone, if the Commissioners who are on the line could confirm that you're on the line after I say your name, I will appreciate it. I believe we have Vice Chair Timmons-Goodson.

VICE CHAIR TIMMONS-GOODSON: I am present.

CHAIR LHAMON: Thank you. Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Here.

CHAIR LHAMON: Thank you. Commissioner Kladney?

COMMISSIONER KLADNEY: Here.

CHAIR LHAMON: Thank you. Commissioner

Yaki?

COMMISSIONER YAKI: I am confirmed.

CHAIR LHAMON: Thank you. And Commissioner Adegbile has just joined us, so we have a quorum of the Commissioners now present.

Is the Court Reporter present? She confirms that she is.

Is the Staff Director present?

STAFF DIRECTOR MORALES: I am.

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

I. APPROVAL OF AGENDA

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

COMMISSIONER NARASAKI: So moved.

CHAIR LHAMON: Thank you. Is there a second?

COMMISSIONER HERIOT: Second.

CHAIR LHAMON: Thank you. Are there any amendments to the agenda? Hearing none, let's vote to approve the agenda.

All those in favor, say aye.

(Chorus of aye.)

Any opposed?

Any abstentions?

The motion passes unanimously.

II. BUSINESS MEETING

A. DISCUSSION AND VOTE ON 2018 BUSINESS MEETING DATES

CHAIR LHAMON: So first we will discuss and vote on the schedule for our business meetings in 2018. Everyone should have a proposed list of dates for meetings next year, and I will read them out loud now. All of the proposed dates are Fridays, and they are January 19, February 23, March 16, April 20, May 11, June 15, July 13, August 17, September 14, October 12, November 2, and December 7.

Is there a motion?

COMMISSIONER ADEGBILE: So moved.

COMMISSIONER NARASAKI: I second.

CHAIR LHAMON: Any discussion? Okay. Hearing none, I will call the question and take a roll call vote.

Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: Aye.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Yes.

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 unanimously passes.

B. STATE ADVISORY COMMITTEES

PRESENTATION BY MS. DIANE CITRINO,

CHAIR OF THE OHIO ADVISORY COMMITTEE,

IN ITS REPORT ON HUMAN TRAFFICKING IN OHIO

CHAIR LHAMON: Next we are privileged to hear over the phone from Diane Citrino, Chair of the Ohio Advisory Committee, who will discuss the Committee's recent report on human trafficking in Ohio.

Ms. Citrino?

MS. CITRINO: Thank you. Thank you so much to all of you for the opportunity to speak with you today about the Ohio Advisory Committee examination of human trafficking in Ohio.

There are some common threads between the report that you, the U.S. Commission, did in 2012 that

looked at human trafficking as gender discrimination and our report of the Ohio Advisory Committee. Some of those -- some of our primary --

(Telephonic interference.)

MS. CITRINO: -- will echo with you as you --

(Telephonic interference.)

MS. CITRINO: -- check them off.

One, lack of knowledge. Very few people have much knowledge about human trafficking, which was described by our witnesses for us as a form of modern day slavery. Certainly, many of us, including myself, are not aware that large public events, like the 2016 Republican Convention held here in Cleveland, or the Super Bowls mentioned in your reports, could act as magnets for prostitution activity where sexual trafficking could increase.

Another piece of information that showed this lack of knowledge and, frankly, elicited gasps from us as we listened to it was that the average age of death of persons used in commercial sex is 34 years of age.

Another common thread and one of our primary findings, we looked at the importance of reliable statistics. This was in your report as well

as in ours. It's hard to fight a problem where it's unclear what the extent of that problem is.

Since the time of our hearing and the date our report was issued, Ohio has made some significant progress. They have recruited Ohio-based researchers and the OPOTA, the Ohio Peace Officer Training Academy, to collect local law enforcement human trafficking data.

And since our testimony was taken in 2013, the Polaris Project, which is a project that reports on human trafficking across the country and world, reported that 375 Ohio trafficking cases were reported in 2016, which I am sorry to say is a four-fold increase of the 2013 Ohio figures.

A third primary finding that we came up with were just there are a lot of misperceptions about human trafficking. One was the domestic nature of the problem, that this is something that is happening at the corner Starbucks, not just something happening somewhere else in the world.

In our hearing, we learned about harvesting cities, places where poverty and drug abuse are prevalent, and teens often runaway. Sadly, Ohio has been in the epicenter of the opioid abuse crisis, and we have some high concentrations of both urban and

rural poverty.

And along with these harvesting cities, we also have areas where people rounded up there are trafficked and forced to do work, either in labor camps -- again, that can be rural or urban for labor trafficking, or sexually trafficked. And by some estimates, Ohio is one of the top five states in the United States for human trafficking activity.

Another misperception that we came across in our hearing was in treating the victim of trafficking as a criminal. We heard testimony about how traumatized victims are and how many are minors, often runaways. And we heard some amazing estimates that in some Ohio cities a runaway minor would be contacted by a trafficker in a matter of hours.

There was some delay between our hearing in 2013 and when our report was issued this year. In part, there was a period of time where our Ohio Commission -- Committee was not reappointed -- but one good thing about the delay was we got to see in real time how much progress Ohio has made. Ohio has significantly beefed up its legislative framework for dealing with human trafficking, and created a human trafficking task force.

Ohio has also created a process where sex

trafficking victims can have their convictions vacated. And there is much more training for dealing with traumatized sex offenders -- sex trafficking victims, excuse me -- so that has increased in Ohio.

And, of course, there is a lot of work to be done. The main thing we wanted in Ohio with our hearing was to basically shine a light on this hidden crime of human trafficking in our state. Some of the more specific recommendations we made were to seek a legislative fix to lower Ohio's burden of proof for sex trafficking of minors, so that the elements of force, fraud, or coercion are not required for a trafficker to be prosecuted for sex trafficking a minor.

We also requested that the Ohio legislature mandate regular training regarding identifying and responding to victims of human trafficking for human services -- human service providers licensed by the state, and we further request that the U.S. Commission on Civil Rights recommend that the U.S. Congress and appropriate federal agencies increase funding for combatting human trafficking.

I would like to close by thanking the staff in Chicago for all of the work they did in

helping with the hearing and preparation of our report. I particularly want to single out David Mussatt and Melissa Wojnaroski, who also just had another wonderful project come to completion, and that was she gave birth to her son Felix on July 6th.

And I'd like to close by thanking the Commissioners for all of the -- all that you do.

CHAIR LHAMON: Ms. Citrino, thank you very much. And also, thank you for highlighting Melissa's happy news, in addition to your report.

I have some thoughts I'd like to share with you, but I want to stop and see if my fellow Commissioners have questions or comments.

COMMISSIONER KIRSANOW: Madam Chair? Kirsanow here.

CHAIR LHAMON: Terrific. Go ahead.

COMMISSIONER KIRSANOW: Thank you. I just wanted to thank Chair Citrino. I think we are privileged to have her presentation. She is one of the best-regarded attorneys, not just in Cleveland, but, frankly, nationwide. Her office is here in Cleveland. Like most Clevelanders, she is spectacularly brilliant.

(Laughter.)

COMMISSIONER KIRSANOW: She is one of the

premier fair housing attorneys and employment litigation attorneys and has a great reputation here in northeast Ohio. So thanks very much, Diane.

MS. CITRINO: Oh, thank you so much. That's kind of you.

CHAIR LHAMON: And totally unbiased from an Ohio Commissioner.

(Laughter.)

CHAIR LHAMON: I don't doubt your brains, Ms. Citrino.

COMMISSIONER KIRSANOW: I just want to know how many times she has beaten you in court, David. That's what I --

(Laughter.)

COMMISSIONER KLADNEY: Not yet so far.

CHAIR LHAMON: Okay. We'll leave the competition there. I think Commissioner Narasaki had some comments?

COMMISSIONER NARASAKI: Yes. Thank you very much for such an incredible report. Very impressed with the depth of work. I just had a few questions.

I was particularly struck by the report noting the concern about underreporting of boys as victims, and also the impact of the LGBT community.

And I'm wondering whether Ohio has made some strides in trying to figure out how to best address that challenge.

MS. CITRINO: I think it certainly has been highlighted. We're going to continue -- one of the next steps that I'm doing is I'm going to be speaking at the Cleveland Metropolitan Bar Association, along with the Rape Crisis Center of Cleveland, and another survivor of sex trafficking who started the SOAP Program, Theresa Flores.

And what we're -- the Rape Crisis Center in Cleveland in particular -- has focused on this very vulnerable population of young LGBT youth, and, again, the ones who run away, and these runaways are vulnerable. Just as a mother and grandmother, I was very struck by the runaway situation and how dire it is once they hit the streets.

COMMISSIONER NARASAKI: Yes, thank you. I think part of the challenge is the stigma for -- that unfortunately still exists with some families actually pushing their kids out. So I think it's important to note that it's not just that they're choosing to run away, but that oftentimes they are actually being thrown out of the house.

I also was very happy to hear about the

impact that just the hearing had, since we know that there was lag time between the time you were able to do the hearing and the time you were able to publish the report. I'm wondering who the Advisory Committee has already sent the report to because I'd like to understand who we, as the Commission, should make sure we get it to.

MS. CITRINO: Please send information about it using the office's ---

(Telephonic interference.)

MS. CITRINO: -- to help us to as widely disseminate the report as possible. And I think it would probably be best to talk about it with David Mussatt as to exactly where it went, but we tried to send it to our senators, our congress people, our contacts in the community.

It was published in the report that goes to about 7,000 attorneys through the Bar Association. And again, we just have been trying to get as wide support as possible.

COMMISSIONER NARASAKI: Great. Thank you, and congratulations on your great work.

CHAIR LHAMON: Commissioner Adegbile?

MS. CITRINO: It was the Committee -- Committee work -- and it was the progress of -- many

people put a lot of time into it.

COMMISSIONER ADEGBILE: Good morning. I was wondering whether or not you had a sense of the scale of the problem with respect to labor trafficking versus sex trafficking, and whether there are particular interventions that can combat harvesting as to one or the other, or whether there is a common approach.

MS. CITRINO: You know, the very first person who testified was Carole Rendon, who at the time was the second in charge of the Northern Ohio Department of Justice, and she became our U.S. Attorney until she was terminated in February.

Her testimony talked a lot about that, and there is in Ohio some -- some cases of labor trafficking, most around rural farmlands, but they were a much smaller percentage than the trafficking. It seemed like it was a much smaller percentage, like there was 10 -- I'm not recalling the specifics, but something like 10 percent for trafficking and 90 percent sex trafficking, something like that, something very skewed. It was much more about the sex traffic.

COMMISSIONER ADEGBILE: And were there particular interventions to sort of combat the

harvesting approaches that you describe?

MS. CITRINO: Well, some of the -- some of the interesting ideas that came out, one was from a former FBI agent who talked about many times there is a lag time when someone runs away and when police or anyone will do anything about a runaway, and how families could -- if there were retired FBI agents -- maybe they could be used to track down youth who had run away right away ---

(Telephonic interference.)

MS. CITRINO: -- didn't get the youth back quickly, but that child would be sort of moved along and relocated to a place, and it would be very hard to find him or her.

COMMISSIONER ADEGBILE: Thank you.

VICE CHAIR TIMMONS-GOODSON: Madam Chair, I would like to ask a question.

CHAIR LHAMON: Go ahead, Vice Chair.

VICE CHAIR TIMMONS-GOODSON: Yes. I also thank the Ohio SAC for steering this.

My question relates to the civil ways, remedies in which the victim may go forward. Can you tell us how often you see that avenue pursued and talk to us about the victim witness compensation?

MS. CITRINO: I'm not sure if I know

anything about compensation for the victims. I know that there were a number of programs. I mean, basically, we learned that these victims have very severe post-traumatic stress, and they are very traumatized. To have them function again in our community, it was really necessary to give them a lot of support, and we heard about different programs to emotionally support the women and have sort of some group home situations for some of them, and people who were mentors and role models and how important that is, and how stigmatizing it is to have a conviction, which at the time of our hearing there wasn't a ---

(Telephonic interference.)

MS. CITRINO: There is one now, so that was really, as I said, progress for us here in Ohio.

VICE CHAIR TIMMONS-GOODSON: Thank you.

CHAIR LHAMON: Any additional questions? Then, Ms. Citrino, I'll just close with mine. I want to echo Commissioner Narasaki's thanks to you for maximizing efficiency following reappointment. I know that it can be challenging waiting for reappointment.

We are really thrilled that we have seen all now but seven of the State Advisory Committees fully appointed, and we are working aggressively on seeing all of them appointed, and we really appreciate

what your committee has been able to do following the hearing.

And to achieve such incredible success in such a short period of time already in Ohio is really a testament to the value of the State Advisory Committees, and I am really thrilled to hear from your today, both about the report in general. It's really a gift to us to be able to hear your perspective in addition to reading your report, but then to hear from you what steps you plan to take to follow up individually.

We recognize that our State Advisory Committee membership is volunteer, and we're deeply grateful to you for your ongoing leadership on this topic, in addition to on the Committee itself.

Thank you very much, and thank you for your presentation today.

MS. CITRINO: Thank you.

PRESENTATION BY KARA JENKINS,

ON BEHALF OF MR. WENDELL BLAYLOCK,

CHAIR OF THE NEVADA ADVISORY COMMITTEE, ON ITS

ADVISORY MEMORANDUM ON MUNICIPAL FINES

AND FEES IN NEVADA

CHAIR LHAMON: So next we will turn to Kara Jenkins, who is from the Nevada Advisory

Committee. And, Ms. Jenkins, we are grateful to you for standing in for Wendell Blaylock, the Chair, to present on that Committee's advisory memorandum on municipal fines and fees in Nevada.

Ms. Jenkins?

MS. JENKINS: Thank you, Madam Chair. Thank you, members of the Commission. It is an honor. I'm going to do my very best to present as articulately and excellent as Wendell would. Please excuse his absence; he is in travel status. And so they appointed me, a young administrator from the Nevada Equal Rights Commission, to give this presentation.

And as I was saying before we started, this couldn't have come more timely. Just a little bit of background before I go into actually our findings and our recommendation to the Commission.

One of the major things that we were all thinking about when we were contemplating what we were going to do our study on was to focus on, in light of a lot of issues going on statewide with police and community issues, not only the shooting of Michael Brown, but Alton Sterling, Sandra Bland, I mean, the list goes on and on. So that was a continuing theme that kept coming up.

One of the ideas we did come up with was trafficking, so that was really encouraging, to hear that Ohio is tackling that issue, because certainly in Las Vegas, Nevada, we've got issues with that, too. However, we just felt really compelled as a committee to look into excessive force against citizens in the state, but we wanted to first start the study on fines and fees.

And at first, when it was brought to the table, to start off with fines and fees and then kind of expand more so into excessive force by police, I honestly didn't even have an understanding of it, even being a lawyer by education. And a lot of great panelists -- or not panelists but experts we interviewed, I was kind of awakened as well. So this was very fulfilling work.

So one of the things that we have noticed is that disparate impact is rampant. We're kind of in a post-civil rights era where more of the discrimination that happens typically is not so covert and intentional, but it more is so unintentional with disparate impacts to black and brown people.

So that was kind of where we were contemplating. That was what we were thinking, where we were deciding what we were going to do our study

on, and why -- the reason it was happening in the United States, with the rise of issues with police and citizen unrest, and trying to get those two entities together.

Anyway, so the thought of having fines and fees open up into more of a discussion on excessive force was what we decided. And so when we had our public meeting on March 15th, it was during legislative session here in Nevada, which is over finally. That was a very long period of time in which we were all in and out testifying and doing our separate jobs.

But this was a great hearing. We had a huge turnout. We actually had four panels of folks to kind of give us their testimony. We had a government and law enforcement panel. We had elected officials speak to this issue. We had policy experts, and then we had advocates and the community advocates and, actually, the public speak.

So we broke the day into four sessions of having government and law enforcement panels speak to this issue. Then we had elected officials speak to this issue. We had lunch. Then we had the policy experts come and speak to this issue, and then we had advocates and community folks and members of the

public speak to this issue. And our findings were very interesting, and, sadly, not surprising.

Now, Nevada is emerging as a state that is forward-thinking. We actually have some very inclusive legislation in our revised statutes regarding people in protected categories based on race, color, religion, gender identity expression, national origin, and some of the other protected categories, federally and statewide.

However, we don't really look at the disparate impacts. And when it comes to fines and fees as it applies to folks of color, we have found there were some issues there. There are a lot of studies and interest in the area, but we don't have a lot of data.

So from those panels, we found that the disparate impact findings were interesting. I'll go through each one, highlight them, because the report is rather long. Data collecting is lacking. I'll talk about our findings there, just highlight a couple of findings from that.

The due process issues that came up, I'll share what our findings were with that, as well as kind of how the courts have this incentive to collect fines, which was really interesting and not

encouraging. We'll discuss those findings as well.

And then the Nevada reform efforts, we'll discuss those findings, and then we'll go through the recommendations, if that's okay.

So starting with disparate impact, I'm just going to highlight the findings based on these little areas that we identified from not only our public hearing on March 15th; we actually had a policy expert call in on the 29th and give their opinion. And then we actually had a period for public comments, email our committee.

So this is kind of the cultivation of all of those three efforts, but the bulk of what we found was from our hearing all day on March 15th, again, with those four panels representing government and law enforcement, elected officials in Nevada, policy experts, and advocates.

Okay. So as far as disparate impact, so here is what our findings were. As you all know, disparate impact is a term that basically makes an inference that even though the discrimination is not intentional per se, there is an impact, a negative impact, unintentionally to those folks who are in protected categories.

So here were our findings. So due to the

lack of data collected by law enforcement and the courts, it is difficult to assess whether there is a disparate impact of brown and black folks, to women, or to youth who are considered juveniles that have issues with the law.

The research on the youth and their families that we got from some of the panelists basically told us that, particularly for juvenile youth of color, they are the ones impacted the most. However, it's not captured in data.

One of the other findings that we gathered from the panelists was that in 2014 in North Las Vegas, which is predominantly a brown and black community here in Las Vegas, there was over almost $11 million worth of fines and fees and assessments that came out of that community, that 100 percent fully funded the regional justice center downtown.

We also found that in 2015 law enforcement data revealed that residents living in the poorest ZIP codes -- in 2015, we did find some data that some of the folks living in the poorest ZIP codes, which would include this North Las Vegas area, account for the majority of the traffic citations.

The residents living in those ZIP codes are mainly black and Latino communities. The data

also revealed that black women account for a significant number of traffic fines and are reported to be on payment plans.

So that's what we found on disparate impact. Again, I'm just skimming the cream. I'm just giving you a little glimpse of what is really, really detailed in our report.

So we know that there is something going on with an impact to people of color, women of color, and these fines and fees.

So, going on to the next area that we looked at was the data collecting and tracking. So, again, there is little to no demographic information that is captured regarding who is utilizing the court system and who to interact with law enforcement.

Basically, when you get pulled over for a stop -- say you have a busted tail light, and someone pulls you over, one of the questions not asked -- and this is testimony from a law -- I think she was a lieutenant. They do not really capture the demographic information of the people they stop.

The feedback to the Committee was that it would be uncomfortable to do so, and they -- and this is what the lieutenant or, I'm sorry, I don't know her title, but the law officer said. They don't -- they

are trained not to see color.

Now, when I heard that, that kind of made me think a little bit in my head because, you know, being a realist, we see a lot of things. And to say you don't see color is almost like saying you see it all the time. That's my opinion. That's not a reflection of the Committee's opinion. That was my reaction to the comment.

CHAIR LHAMON: Ms. Jenkins, I'd encourage you to give us a summary of the report and assume that we have read it, so that we can get to a discussion with you about it, too.

MS. JENKINS: Got you. Got you. So, anyway, data collecting -- collection is not -- does not -- capture the protected categories. Due process, the use of counsel in challenging fees and fines is costly. Most folks can't afford legal counsel to contest their fines; but, however, they can't even really get to paying their fines until they have dealt with the fees associated with non-payment.

I'm going to speed this along, assuming that you have read it. There are court incentives to collect, and Nevada law does not allow a grace period for individuals on a payment plan for their fees to get to the fines. So more assessments are put on top

of the actual fees, so they still can't get to the fines. So it's almost like a never-ending cycle of just paying and paying.

And, also, courts utilize external collection agencies to recover debt owed, just alone for the fees, not the fines.

And the Nevada reform efforts, there really aren't that many that we were able to find that are constant and consistent. Courts across the state don't operate on the same standard to determine if an individual is indigent. So the whole issue of payment plans, that's kind of used at the discretion of the judge or the court.

So, the recommendations -- the recommendations go to the Department of Justice and to the Governor of Nevada and the state legislature. I'm going to just read quickly through the recommendations, and I'll wrap up in less than a minute.

The Committee would like to require consistent and complete reporting of demographic information collected, so that we can truly identify the disparate impact. One of the -- we thought that perhaps maybe instead of asking questions as to what race you are, or collecting that if it's uncomfortable

for law enforcement, just capture based on ZIP code, and then we can tie the connection to income, poverty, and then rate that way to get some kind of conclusive data to make sure that there is in fact a captured disparate impact to black and brown folks based on fees and fines.

Also, to require the Department of Justice to keep their commitment to supporting state judges, court administrators, policymakers, and advocates, by ensuring justice for all people, regardless of their financial circumstance.

Let's see. Require that individuals be afforded the right to court-appointed counsel. Sometimes that is not given for traffic offenses, only in criminal cases only.

The recommendation to the Governor and the state legislature would be to require mandatory annual reporting of revenue generated from fines and fees to be submitted to the administrative office of the court. That was done in 2003. Since 2003, they have not submitted any kind of report as to how much fines and fees make up for the income of the court or what they use to make improvements on the structure. So we would like to see that and see how they are utilizing the fees and fines money.

Also, increased annual funding for the administrative office of the courts to ensure courts can address infrastructure needs, meaning that they can actually have the technology to track disparate impacts.

And then institute mandatory training of all judges and give them more access to the bench card.

Having said that, I'm sorry I'm so lengthy. This was very, very eye opening. I have so much more to say, but I will -- I will adhere to Madam Chair, and I will conclude the report.

I would like to thank Anna Fortes for her support, David Mussatt, the Commission today, and this was really eye opening. This is going to lead us into our next study, which will be excessive force.

So I'll stop. I'm happy to entertain any questions at this time.

CHAIR LHAMON: Thanks very much, Ms. Jenkins.

Do my fellow Commissioners have questions? Commissioner Narasaki?

COMMISSIONER KLADNEY: Madam Chair, Dave Kladney.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLADNEY: I'd like to thank Ms. Jenkins and the rest of the Committee for doing a great report on Nevada. I know it's well-needed. I would like to tell you all that, in addition to issuing the report, a copy of the report has found its way to Justice Hardesty, who is on the Nevada Supreme Court and currently has the Committee looking into this subject and has done quite a bit of work on it.

I think this report will go a long way toward helping that Committee and elucidate many of the factors that are involved in the problems. I know that the municipal court system is not a unified system throughout the state, and that this may help do this.

To tell the rest of our Commission, first, since there is a law firm in Las Vegas that advertises that if you hire them they can get you off your traffic ticket for fines with no points -- as you know, in most states, as in Nevada, if you do a traffic violation, you get points on your record; 12 points you lose your license.

If you enough money, in Nevada all you have to do is hire these folks and you wind up not having that. That is not an advantage that the people of North Las Vegas have.

At any rate, I would like to thank the Committee again, and I want to thank them for their work, and I thought that they did a great job and it's going to go a long way toward changing this situation in Nevada.

Thank you.

CHAIR LHAMON: Thank you. Commissioner Narasaki?

COMMISSIONER NARASAKI: Commissioner Kladney, I was expecting, since you're a resident of Nevada that you would get into a duel with our resident Commissioner from Ohio over which state had the most brilliant attorneys.

I really appreciate --

COMMISSIONER KLADNEY: Well, that's a given. We know that.

(Laughter.)

COMMISSIONER NARASAKI: It did not need to be stated.

So I really want to thank the Nevada State Advisory Committee. As everyone knows, our Commission has had two hearings on this issue and are working with our staff to get a report out. And I found that many of the items in this report were very insightful, and I'm not sure actually came up in the same way,

even though we had two hearings.

And one of the things I was most struck by was the issue of the degree to which courts and other prosecutorial agencies are tracking what is going on by race, because, as you well know, if we don't collect the data, then we can't really assess the depth of the problem.

So I'm hoping that we could find a way -- although we've already voted on a report and findings and recommendations, I'm hoping we can find a way to help highlight some of the insights that have come out in your report. So thank you very much.

CHAIR LHAMON: Other Commissioners? Other comments?

So, Ms. Jenkins, I, too, thank you very much for the work and for your passion in presenting it. It was really a pleasure to hear how eye-opening it was for you and how fulfilling it was for you. In particular, I'm curious, having just heard from the Ohio State Advisory Committee, about steps that at least the Chair intends to take to continue to highlight the information from the report and try to formulate change in Ohio, I'm curious whether there are steps that you, your fellow Committee members, will be taking to encourage state reform in Nevada

following your findings?

I, in particular, was struck by your findings related to Nevada youth and their families, and note that the great state of California, where I'm from, has recently made statewide change with respect to fines and fees for youth and their families, and wonder if you see similar change in the future in Nevada.

MS. JENKINS: Thank you so much, Madam Chair, for that question. I think we will see change. Again, this memo was long overdue, or this actual finding and study was long overdue to bring to light that different segments are interested in it, but there is no data, there is no kind of push towards it.

So I think for us we wanted to publish this. We wanted to get it out to the Governor and the legislature. The next legislative session is in two years. We would also like to encourage the Department of Justice to, you know, institute some policies and requirements.

Our hope is that perhaps, as with the Ohio Committee, we'd kind of spread the word, too, and we will get the word out as well.

CHAIR LHAMON: Terrific. Thank you.

Commissioner Narasaki has let me know she has another question, too.

COMMISSIONER NARASAKI: Well, actually, I just wanted to add that when we release our national report, I'm hoping that staff can work with your State Advisory Committee, so that we can use the opportunity to also lift up in the media your state report and give it a little bit more visibility.

MS. JENKINS: We really appreciate that. Thank you.

CHAIR LHAMON: Thank you. So, Ms. Jenkins, we really appreciate your presentation with us. Also, again, very much appreciate your work and that of your fellow Committee members. As I have noted, we are painfully aware that Committee membership is volunteer, and we are very, very grateful for your leadership, and also so grateful to our regional staff for their incredibly hard work in facilitating the products of the advisory committees. I'm grateful that we have such a terrific outcome, so thank you very much for your presentation today.

MS. JENKINS: Thank you so much, Madam Chair. Sorry for being long-winded.

CHAIR LHAMON: No. It's good to hear your passion. Thank you.

C. MANAGEMENT AND OPERATIONS

STAFF DIRECTOR'S REPORT

CHAIR LHAMON: And next we will hear from our Staff Director, Mauro Morales, for the monthly Staff Director report.

STAFF DIRECTOR MORALES: Thank you, Madam Chair, Commissioners. As always, I won't go into any detail in the report, but I always remain available to discuss any specific issue with any Commissioners that they may have.

However, I do want to update the Commission on the status of the 60th anniversary event that we have planned. With the assistance of Commissioner Adegbile's assistant, Irena, Congressman Kilmer has secured -- has agreed and has secured the Members Room in the Library of Congress for our event for November 14th. I have sent out invitations to all former living Chairs of the Commission and have RSVPs from three of the four.

Of course, Madam Chair, I'm counting you as the fifth. Yes, of course. And I'm waiting -- as I said, I'm waiting for one more.

I have begun sending out invitations to former Commissioners inviting them and seeking their potential reflections to -- of their time serving on

the Commission.

And we're also trying to secure our keynote. We have asked several folks, and they have not been able to, but we think we might be able to finalize that in the next week or so, and we'll advise you as soon as we do.

And so I just wanted to give an update to Commissioners, and also let you know that I'll give you a monthly update as we start getting a little closer to the event, and we're looking forward to a very good event in September. I believe I secured the Eisenhower Presidential Library has -- their director will come as well as a subject matter expert on President Eisenhower's civil rights legacy and the creation of the Commission in September.

So, thank you very much.

CHAIR LHAMON: Thank you. Very much appreciate it.

Any questions for the Staff Director? Hearing none, we will recess until 11:00 a.m. -- so we'll take a 15-minute recess -- when we'll hear a historical presentation on the Americans with Disabilities Act.

Thank you.

(Whereupon, the above-entitled matter went

off the record at 10:45 a.m. and resumed at 11:01 a.m.)

CHAIR LHAMON: So welcome back.

D. PRESENTATION ON THE AMERICANS WITH DISABILITIES ACT BY REBECCA COKLEY, FORMER EXECUTIVE DIRECTOR, NATIONAL COUNCIL ON DISABILITY; AND JOHN WODATCH, DISABILITY RIGHTS ATTORNEY

CHAIR LHAMON: We will turn now to our historical presentation scheduled for today reflecting on 27 years of the ADA -- past, present, and future.

President George H.W. Bush signed the Americans with Disabilities Act into law on July 26, 1990, now 27 years ago. The ADA, which is one of the first federal civil rights laws focused on protecting persons with disabilities, protects against discrimination in employment, public accommodations, public services, and telecommunications.

I am especially proud to highlight the Commission's role in the creation of that landmark legislation. The Commission paved the path for enactment of disabilities-focused federal civil rights legislation in a 1983 report titled “Accommodating the Spectrum of individual Abilities.”

Robert Burgdorf, who was a former staff

attorney with the Commission, who was one of the primary authors of that 1983 report, described his job as "to serve the whole field, statistics, social science, literature, histories, legislation, legal commentary, and court decisions, on the status of people with disabilities in American society and in the law."

A conclusion of that report was that "Society has tended to isolate and segregate people with disabilities." And despite some progress, discrimination "continues to be a serious and pervasive social problem."

As I expect we will hear in a few minutes, the National Council on Disability followed three years later with its own report, which ultimately led to the Americans with Disabilities Act of 1990.

Before we hear from our speakers, I wanted to take a point of personal privilege to note how very grateful I am to those commissions, to Congress, and to President H.W. Bush for the gift that is the ADA.

My brother has cerebral palsy and spent the first 20 years of his life, and 19 of mine, before the passage of the ADA. We lived the casual discrimination that, until 27 years ago, had no federal recourse. And as much as we in this room

know, the compliance with the law is it only daily challenge, which I saw in painful ways in investigations at the Office for Civil Rights at the Department of Education.

I share one story to celebrate why we are, as a nation, so lucky thanks to the ADA. A handful of years ago, my brother, who is a teacher, entered a contract to take an overseas teaching position, left his U.S. teaching post, and prepared his life for an overseas move for a few years until, in a final Skype meeting days before he was to get on the plane for that new job, someone from the recruitment company witnessed my brother's physical disability and quickly communicated to my brother that that company does not take disability of any kind and that he did not have a job.

In the U.S., we could have moved swiftly to educate that company about the law, and its students would have benefited from my brother's excellence as a teacher. But the Americans with Disabilities Act applies here and not abroad, and so my brother moved on. Those students learned from someone else, and I am, as I am so often, deeply grateful to live and work in a country whose laws respect the value of all persons.

Thank you to all present today who worked to make the ADA a reality and who work now to make its promises real in the lives of Americans.

We are so grateful today to have with us two speakers who will bring with them their own history in the movement for disability rights. Our first speaker, John Wodatch, is a career federal government lawyer with more than four decades of experience working on federal disability rights policy across administrations, beginning with the Nixon administration and continuously thereafter, through 2011, when he left the federal government.

Mr. Wodatch served as the Department of Justice's chief technical expert during the writing and passage of the ADA. He was then chief author of the Department of Justice 1991 ADA regulations. He created DOJ's ADA technical assistance programs, and created and led the Department of Justice section in charge of enforcing the ADA, overseeing the Department's ADA enforcement efforts.

He was responsible for the first major revision of the Department's ADA regulations, including the 2010 Standards for Accessible Design. He is also the chief author of the first federal regulations implementing Section 504 of the

Rehabilitation Act of 1973, which, together with Title II of the ADA, I had the pleasure of enforcing for three and a half years and for which I thank you for your prescience and your comprehensiveness.

As a member of the U.S. delegation to the United Nations, Mr. Wodatch assisted in the development of the convention on the rights of persons with disabilities. He now provides training and guidance on the ADA and continues to work on the international level, assisting countries with their own disability rights laws, which, as you will be sure, I am grateful for as well.

In 2010, he was honored with the Presidential Distinguished Rank Award for exceptional achievement in his career. He received a B.A. from Trinity College, an M.P.A. from Harvard University, and a J.D. from the Georgetown University Law School.

Our second speaker, Rebecca Cokley, most recently served as the Executive Director of the National Council on Disability, which, like our Commission, is an independent federal agency charged with advising Congress and the White House on issues of national disability public policy.

She joined National Council on Disability in 2013 after serving for four years at various

government agencies, including time at the Departments of Education, Health and Human Services, and at the White House where she oversaw diversity and inclusion efforts.

Currently, she is consulting with civil rights organizations and working on her first book. Rebecca has a long history of advocacy, including working at the Institute for Educational Leadership for five years, building a number of tools and resources designed to empower and educate youth with disabilities and their adult allies.

In 2015, she was inducted into the inaugural class of the Susan M. Daniels Disability Mentoring Hall of Fame, and was the recipient of the Frank Harkin Memorial Award by the National Council on Independent Living.

Rebecca has a B.A. in politics from the University of California, Santa Cruz.

Before hearing from our distinguished speakers, I want to turn to Commissioner Narasaki at whose suggestion we are commemorating the Americans with Disabilities Act today. Commissioner Narasaki?

COMMISSIONER NARASAKI: Thank you, Madam Chair. Good morning, everyone. I had the pleasure, along with my special assistant, of working with our

great staff to help organize this discussion.

So I would like to add my welcome to our very distinguished speakers today and thank them, as well as the Chair, for sharing their stories as we celebrate the 27th anniversary of the passage of the Americans with Disabilities Act, as well as the 60th anniversary of the establishment of the U.S. Commission on Civil Rights, which is one of the reasons why we started this series.

I would also like to thank Ms. Cokley for generously sharing her expertise with me and my special assistant over the past two years as we work to make sure that our Commission hearings included the voices of people with disabilities.

When signing the Americans with Disabilities Act, President George H.W. Bush said that it would ensure that people with disabilities are given the basic guarantees for which they have worked so long and so hard -- independence, freedom of choice, control of their lives, the opportunity to blend fully and equally into the rich mosaic of the American mainstream.

The National Council on Disability, which Ms. Cokley recently helped to lead, played a pivotal role in formulating what would become the ADA, and

continues to ensure that Americans with disabilities have a powerful voice in Washington.

As the Chair mentioned, we are also very proud of our Commission's role in the formation of the ADA and our 1983 report “Accommodating the Spectrum of Individual Abilities” that helped to lay the groundwork.

We have since issued several reports examining and recommending solutions for the continued challenging -- challenges that Americans with disabilities face. And currently our staff is preparing an investigation for next year that will examine the disproportionate impact of school discipline policies on students of color with disabilities.

The organizing around the passage of the ADA made it clear that the rights of persons with disabilities is a human and civil rights issue. I want to give a particular recognition to the late Justin Dart, who was one of the leaders who made that point very clear.

The ADA has greatly improved the lives of millions of Americans, fostering public understanding of individuals with disabilities and enabling access to vital public services and demonstrating the immense

positive impact that people with disabilities can make in our communities.

It is the model for the convention on the rights of persons with disabilities, which, sadly, the U.S. has yet to ratify.

I believe it's important to learn from history, to celebrate the progress that we have made, and to recommit ourselves to ensuring that every person is able to pursue their dreams and fulfill their full potential.

As the Chair noted, America is an amazing country because we are willing to acknowledge where we fall short and because we continue to strive to live up to our founding principles. That's why today's commemoration of the ADA is important to all of us, and thank you.

CHAIR LHAMON: Thank you. So, Mr. Wodatch, we will start with you. Thank you.

MR. WODATCH: Good morning, and thank you for inviting me to join with you in the celebration of the ADA. I'm honored to be here with you all today.

You've asked me to give a historical perspective, and since I lived through most of this, I will try to do that in 15 to 20 minutes instead of two hours to three hours, which -- so I'll start -- let me

start my historical perspective in the 1980s. We'll start a little farther along.

A consensus was developing at that point that persons with disabilities did not have the same federal civil rights protections that other people in the country had, that African Americans had, that women had, that people of color, that ethnic minorities have -- persons whose first language was other than English, had protections that people with disabilities did not have.

Congress had enacted Title V of the Rehabilitation Act of 1973, which included Section 504, but I think there was beginning to be a recognition that that was only a good first start. The problems with that were that coverage was linked to the receipt of federal funds, so that coverage might vary from year to year. A fire department would get a grant one year and be covered by 504; the next year it didn't receive the grant, and so there would be no protection for non-discrimination in that year.

Also, there were large parts of the American economy, especially the business community, that didn't receive federal funds, and so there wasn't total coverage with Section 504. And, unfortunately, there had been really spotty enforcement of the law by

both the federal government and by private groups, including disability rights groups.

So, as a result of this, even in the 1980s in this country, the picture for people with disabilities was bleak. There were very few accessible buildings. We learned from investigations that there were almost no accessible public restrooms in American cities. There was little accessible housing. There were very few employment opportunities, and we still had a lot of people who were warehoused in segregated institutions.

But in the '80s, factors or trends were starting to change this public dynamic, and what I'd like to do is focus on a couple of them. One of them was the change brought about by returning veterans from the war in Vietnam. Because of advances in medical technology in the field, people -- veterans with disabilities were returning who did not make it through earlier wars.

These were people who came back to our country, had become disabled fighting for their country, and weren't really willing to accept second-class status that -- of people with disabilities in the country.

There is an interesting -- at one of the

ADA hearings, there was testimony from a gentleman from Long Island who was a Vietnam vet who was disabled and his rehabilitation program included swimming. Unfortunately, there were no accessible pools and no design to make any pools accessible in his area.

Another factor -- and I think a very important one -- was the impact that our laws on education had had. Starting in 1968, Congress enacted the Education of the Handicapped Act, it was called then. It's now called IDEA, the Individuals with Disabilities Education Act. And it required a free appropriate public education in a mainstream environment for children with disabilities.

The impact of that law in our society was profound because it brought about integration of children with disabilities with their non-disabled peers, but it also created a generation of students who are being educated. Some had high school diplomas, some just had certificates of completion, but they were all ready to enter American society to get jobs, to continue their education, and do the things that their non-disabled peers were doing.

Another trend that was happening, that people with disabilities who were beginning to

organize saw how women's groups and African Americans had organized to achieve their rights, and so they adopted the tools and model of these movements, whether it was organizing for social action and protest, whether it was going to members of Congress or to the executive branch to press their cause, or whether it was using the media as a way to get their message out, that they indeed were there and that they were facing discrimination.

Another factor that I think is important is that we in our society had a series of laws that protected people with disabilities. Now, they were based on a different paradigm. They were based on the idea, oh, people with disabilities needed our help, so we had rehabilitation services, vocational education, income support from Social Security. So there were that series of laws, and so we were used to using law to solve the problems of our society.

But starting in 1968, actually with the Architectural Barriers Act of 1968, we started to enact some laws that dealt with a different paradigm, that people with disabilities are individuals with rights and that we had to pass laws that enforce these rights. We weren't doing that because we were good; we were doing it because citizens had human and basic

civil rights.

The idea came about in 1968, the first version of it. There were a series of laws -- Title V of the Rehabilitation Act, which included affirmative action and public employment for the federal government, established the Access Board, created Section 504.

There was the Air Carrier Access Act that applied to air travel in 1986. In 1988, we amended the Fair Housing Act to include disability provisions and require for the first time that multi-family housing built in the United States must be accessible to people with disabilities according to standards.

And, in 1988, there was the Civil Rights Restoration Act that expanded the reach of program or activity for the coverage of Section 504. But I think the important message was people would go to Congress and use law as a way to address their grievances.

Another factor, and an important one, and it has been mentioned already today, was the work of the Commission on Civil Rights and the National Council on Disability. I think Lex Frieden, who was the Director of NCD at that period of time, created the report towards independence, which included for the first time a text of a comprehensive civil rights

bill. They had issued a report early on that talked about the history of discrimination against persons with disabilities.

And as you -- as the Chair has mentioned -- we had the report, Accommodating the Spectrum of Individual Disabilities from this Commission and the work of Bob Burgdorf that really made clear the concept that disability is a naturally occurring condition of the human condition, and that we accommodate that whole spectrum of people along that.

And these reports really provided the heft, the vigor, the basis for what would become the ADA. There is another report that came about in 1988 that was an interesting – it was a response to the AIDS epidemic, and there was a report that was done. Admiral James Watkins was in charge of it. It was a major report. It had some 400 recommendations, but it had 10 chief recommendations, and one of them was there needed to be a law to protect people who are HIV-positive, that needed to protect their rights and their privacy, but also to -- you know, to stop discrimination against them.

And the report said this civil rights bill shouldn't just single out people with HIV. It should be comprehensive and deal with all people with

disabilities.

Another thing in 1988 -- we had a presidential election. And I guess my message here is one shouldn't underestimate the power of a promise made in a campaign. You may remember in 1988 President -- then-Vice President George H.W. Bush -- was running for president. He was attempting to establish his own credentials and to separate himself from being Vice President for eight years under President Reagan.

He had a long history of working with people with disabilities during the time of his Vice Presidency. At the beginning of the Reagan administration, there was an attempt to look at federal regulation and see that it was burdensome, and to review it. There was a task force on regulatory relief, and President Reagan asked Vice President Bush to chair that.

At the time, there was an attempt to get rid of the Section 504 and to get rid of the disability laws in education. And so that brought Vice President Bush and his legal counsel, Boyden Gray, into contact with the disability community.

And over that period of time -- and I was involved with that -- I was at Justice. We were in

the process of issuing Section 504 regulations, both for federally-conducted and federally-assisted programs. And we became involved in a negotiation between Vice President Bush, the disability community, the Department of Justice, and it really created a working relationship that made then-Vice President Bush comfortable enough when he was running for president to say one of the things he wanted to do when he was president was issue a comprehensive civil rights law. And when he became president, fulfilling that campaign promise became important to him.

I have saved I think -- what I think is the most important trend or factor for last, which is the disability community themselves. They were incredibly well organized in the period of the 1980s. They were organizing themselves state-by-state. Justin Dart, who has been mentioned, who was a leader at that time, went into every state in the country and worked with people with disabilities and to have them develop what he called diaries of discrimination.

Everyday people just wrote down what their life was like, what discrimination they faced. And when the ADA was being considered, Justin brought these diaries and presented them to the Congress. And so Congress had a sense of what the nature of

discrimination is on a state level, at a very personal level, for people with disabilities. It let Congress know that discrimination on the basis of disability was widespread and was virulent.

Another part of this organization -- I'd like to give a shout-out to Pat Wright, who was the leader of the disability rights community at that time in terms of passing this law. She became known as the General, a title she loved, partly because of her strong control but also because of her strategic planning.

What was important about that movement, it was a cross-disability movement. And it was a very interesting -- disability groups banded together for a common purpose. They gave up pet projects that they -- that an individual disability group might have for the greater good. The cohesiveness of this organization was essential to getting the ADA passed.

I'll give you an example. At one point during the ADA process, there was an amendment to strike people who were HIV-positive from the bill. The restaurant industry was trying to have that done, and the disability groups banded together and said, no, you can't pick us apart. We are all going to stand together, and this bill is going to cover people

who are HIV-positive or we're not going to support the bill. So there's an idea of how that worked.

Another example. I was involved with a meeting with a Congressman in the morning with the disability community. I was representing the White House at negotiations on the bill, and the Congressman expressed some doubts about some feature of the bill. By that afternoon, he had gotten flooded with calls from his district, from disability groups, saying -- giving him information and saying, please don't have that particular point of view, which demonstrated the organizational muscle of the organization as well as the need for the legislation in his own state.

The last thing that I'll mention, sort of factors and trends, was economics. Congress was aware of two things -- the cost in the federal budget for income supports for people with disabilities, and, really, the waste of natural resources of people with disabilities. A large part of our -- we're not being educated. We're not being part of the economy.

And so the idea behind this was, why spend billions of dollars to keep people unemployed? And, in fact, if you got Social Security income support, you could not work. Many of the people who got income support wanted to work, and so this was a disconnect

that -- so the legislation was viewed as something that would benefit not only the federal budget, because we are going to take people with disabilities who are getting income support and were a drain on the budget and have them become tax-paying citizens, and in the long run would improve the nation's GNP and would help the federal budget.

Now, time today doesn't allow me to go through all of the ins and outs of how the law got passed, but I'd like to just talk about three ideas behind the idea -- behind the ADA -- that made it work. They are parallelism, comprehensiveness, and integration. I apologize for all the Latin words. I'm a lawyer. What can I say?

What do I mean by parallelism? The idea behind the ADA was a simple one -- give to people with disabilities the same federal protections that other people in our society had, that women had, that African Americans had, that people of color had.

It made what seemed to be a revolutionary bill really an evolutionary bill. I'll give an example. Title VII of the -- and the main thing that we looked at was the Civil Rights Act of 1964. Title VII covers employment. It covers employers who have -- public and private employers who have 15 or more

employees. Okay. We can do the same thing with the ADA.

It requires EEOC to be the agency that investigates complaints and does lawsuits. We'll do that for the ADA.

So what do you do about what's discrimination? What's the definition of someone with a disability? Parallelism said look to Section 504. There were over 100 regulations -- 504 regulations for federally connected; 26 for federally assisted programs.

They had common language about what discrimination was, who people with disabilities were. Many of these regulations, most of them, were done during the Reagan administration, so Republican members of Congress felt some sense of security in saying, okay. We understand these concepts. We will include those in the bill.

So, the next idea, comprehensiveness. The idea behind the ADA was to open up American society for people with disabilities. To do that, you had to have -- if you're going to transform American society -- it has to be comprehensive.

Okay. We need non-discrimination in employment to get a person a job. Well, if they have

a job, they're going to have to get to the job. So you need to cover transportation. If they have a job and they want to participate in American life, they have to be able to enjoy the same things that other people do -- going to the theater, going to bars, going -- doing their own shopping. So you have to cover the private sector fairly broadly.

If you want them to be active citizens, you have to ensure that state and local government is covered. So the idea of comprehensiveness is that the bill must address all of these aspects of society. The bill was so massive that in Congress there were, on the House side, five hearings, because every one of those had jurisdiction over different aspects of American life. The Senate only had one.

Lastly, the concept of integration. I think it goes without saying, when you're dealing with civil rights law, integration is a vital part of it. But it was even more important for people with disabilities because we had a history in this country of isolating and segregation.

Your report in 1983 gave evidence to that fact, so integration of people with disabilities into all aspects of American society was important. And we had had the experience of the IDEA, and saw the impact

that educating children with disabilities together with their non-disabled peers had had already on our society.

Now, the bill was going to have a significant impact on business, and that was a concern to a lot of people in the Congress. Unlike the employment provisions of the bill, the provisions that dealt with American business didn't have a size exclusion or grandfather provision, and the reason for that was that statistical analysis showed that if you had that kind of requirement you would effectively eliminate most American businesses from coverage.

Also, we were talking about parallelism. The public accommodations provisions of the Civil Rights Act of 1964 didn't have those kinds of restrictions. Therefore, we were giving to people with disabilities the same protections. Therefore, it led to that.

Now, there was still concern for small businesses, and there were a couple of things that were included in the bill. One of them -- and these were things that came from 504 and came from Supreme Court decisions in the 1980s.

One was that nothing in the bill would be allowed to create undue burdens, which was defined as

significant difficulty or expense. Nothing would be required that would require a fundamental alternation in the nature of a program or activity of any business covered by this.

There were -- so cost limitations were part of the bill, except for the new construction requirements. And the reason for that is there are plenty of studies that showed that making a new building accessible under standards that were in place would only cost one-half of one percent at the most of what -- to make the building accessible.

The idea of having a door that is wide enough to allow a person with a wheelchair to come in is a design issue, not a cost issue, and so that's why that's there.

Another concern was lawsuits, a concern that is much on people's minds today under the ADA. And the Bush administration especially was concerned about limiting lawsuits under the ADA, and so the ADA structurally does that.

It does not allow for compensatory damages for private suits brought by people with disabilities. You only get attorney's fees if you win your lawsuit. The idea behind these was these were similar to the approaches taken in the Civil Rights Act of 1964. And

so they were put in place to limit the ability -- or to take away the fear that lawsuits would be the main thing that motivated passage of the ADA, but it still allowed people with disabilities to have an independent access to the federal courts to get injunctive relief, to change their lives, similar to the way that Title II was.

The last two things I'll mention were two new ideas, and I think they were very important. One was the idea of technical assistance. The ADA was the first civil rights law that was passed that put an obligation on enforcement agencies -- any agency that had enforcement responsibilities -- to provide technical assistance, which was to give information to people with disabilities, businesses, the general public about what the law required.

The first week after the law went into effect we had a very large technical assistance program at the Department of Justice. We got a call from a hotel in North Carolina, and the hotel owner said, did you people pass some bill up there? And we said, why are you asking this? He said, well, a wheelchair user came to my hotel last night and said there was a new federal law that entitled him to the best room at the cheapest price.

(Laughter.)

MR. WODATCH: And I said, what did you do? And he said, well, we gave him the best room at the cheapest price.

(Laughter.)

MR. WODATCH: Now, that shouldn't -- the ADA did not require that, although it did require that he have access and equal opportunity to stay at the hotel. So that pointed out the need for technical assistance, both for people with disabilities and businesses.

And in a separate piece of legislation, Congress established the ADA National Network, which is ten regional centers, which are still in operation today that are there to provide businesses and people with disabilities free advice on how to comply with the ADA.

The last idea was, okay, we knew that businesses were going to have to spend money to make themselves accessible, whether it was providing a sign language interpreter for a doctor, whether it was making the front entrance of a small business accessible, and they were going to have to incur those expenses.

There weren't federal programs being put

in place to give them money, so the idea was to change the Tax Code, so that businesses that had those costs could get a tax break. There were tax credits put in place and tax deductions put in place, so that the costs would be incurred by the general public through the Tax Code as a way to do this.

Okay. So we're 27 years later. And, you know, as a result of all of these concepts, the bill passed with huge bipartisan majority, 91 to six in the Senate, 403 to 20 in the House, which, as we look back with our eyes of today, is really mind-boggling to see.

I want to just conclude by saying something about the success of the ADA because in my estimation it has been -- it has transformed American life. If you look at our built environment, if you look at our accessible transportation systems, at our educational programs, at the changes to healthcare, especially for people who are deaf, who had really no access to our healthcare system before the changes brought about by the ADA, the revolution that is now occurring in accessible information technology, the removal of warehouse persons into their community, and the idea that people with disabilities should be able to live with their family and friends in their own

community and live independent lives and make their own judgments.

But I think the most satisfying change for me that I have seen is at the personal level because this is really about persons with disabilities. And here I am really talking about a change in attitude.

So, science would tell you that one of the most important parts of barriers are added to no barriers, stereotypes and prejudicial assumptions by the general public that people with disabilities internalize because they are all around them. And people with disabilities have come devalue their own worth because of the constant message they have gotten from other people as well as the laws that were in place in our society.

But, in my view, as generations of people with disabilities have begun to live and play and work side by side, these stereotypes and prejudices are beginning to come, in the words of George Bush in signing the ADA, tumbling down.

And participation, in my view, in everyday American life has brought about a sense of self-worth for people with disabilities. I think that's one of the unsung achievements of the ADA.

And so I thank you for allowing me to go

through this history and wish a happy birthday to the ADA. Thank you.

CHAIR LHAMON: Thank you very much, Mr. Wodatch.

Ms. Cokley?

MS. COKLEY: Thank you all for inviting me to come and speak about an issue that, quite literally, put me in this seat today. I would also really like to thank my co-presenter, John Wodatch, who I love dearly.

I'm not going to lie, when I asked who else was on the panel and they were saying they were looking for names, I was like please call John, please call John, please call John.

(Laughter.)

MS. COKLEY: John, Pat Wright, Chai Feldblum, Congressman Major Owens, Justin Dart, and Senator Tom Harkin are the reasons that I am sitting in front of you today. Their path -- they set the path that put my career on its path. And as we talk about the 27th anniversary of the ADA, and the 60th of this wonderful Commission, as Justin Dart would continue to remind us -- and I hear him in my ear -- disability rights are civil rights.

One in four people have a disability. I

walk in the room and most of you can tell that I have dwarfism. You can't tell that I have obsessive compulsive disorder, but both conditions come with rights and protections under the law. We know that roughly 80 percent of people with disabilities today grow up in households with no other disabled people, no other point of reference for what their expectations should be for their lives, other than what their family members and their loved ones hear in society and reflect back on them.

I have the fortune of not being part of that 80 percent. Both of my parents were little people, the only little people in their families, but my dad ran a center for independent living in the Bay Area, and my mom ran a disabled student center at a community college and I was quite literally birthed into this movement and grew up splitting my time between the IL and the DSS Center at the college.

Disability was as much a part of our family's culture as us being Irish was. I grew up watching aunts and uncles get arrested, chaining themselves to buses in Denver and throughout the country fighting for my father's right to access a public bus to be able to go to work.

I grew up and watched my mom three years

before the ADA be denied tenure at the college that she loved so much, the college that gave her her start in education, because she could only reach the bottom six inches of a chalkboard.

I went to a junior high where my guidance counselor was able to get his job because of Section 504. He was a veteran from Vietnam who had lost his legs in an explosion and had me running my own 504 meetings from the first time I met him. He said, hi, it's nice to meet you. You're in charge. Mrs. Hare, you can go sit outside and we'll call you when Rebecca and I are done talking.

And my parents, who were super progressive and super civil rights-y in terms of raising their daughter, my parents were actually shocked. They were like, wait, what? And they're like, she needs to learn how to advocate for her right. I'm sure you've done a great job to this point, but we're letting her take over at this point.

Three years later when I walked into high school, though, the guidance counselor looked at me over the desk and said, I'm sorry, ma'am, but kids like you don't go here. And that was three years after the ADA was passed. My response was, wait. There's a school for four-foot red-headed little

people somewhere around here? How did I get to this point in my life and not know that?

When I think about the importance of the ADA and the role that it has had for all generations, but particularly what we like to call the ADA generation, the first generation of Americans with disabilities to grow up at the intersection of IDEA and the ADA, the first generation where you really had the expectation of being able to get a job, where the American dream felt that much closer, where the American dream felt like there was a ramp to it with Braille on the door and an automatic pushbutton.

Public policy has come a long way, but there is still so much further to go. And I think even sitting here today in this hearing we've seen evidence of that. In the conversation about sex trafficking before, I thought it was a very powerful conversation, particularly around the discussion of post-traumatic stress disorder, and the individuals that had been sex trafficked. And all I could think about was, when they go back to their homes and they try to access the services that they need, what is the education services that they're entitled to under 504 because of a PTSD diagnosis?

When they want to go to work, do they

understand their rights and responsibilities under the ADA to be able to access those accommodations? Because those people are our people. Those are my people. Those are the people that we think about every day in the work that we do. Those are the people that I thought about every day for the four and a half years that I worked across the street running the National Council on Disability.

There is not a single public policy issue today that does not impact people with disabilities. Currently, as I think about where we go from the ADA, one of the big issues I think about are the civil rights of parents with disabilities. I am now a parent. My husband and I have two wonderful children, a six-year-old and a three-year-old, both of whom seem to have endless amounts of energy, both of whom are African American children with disabilities, and know that they have disabilities and are proud about having disabilities.

They know that both their -- they know that their mom is a little person just like them. They know that their dad has a vision disability, so that while we might use stools all over the house as our accommodation, they end up being impediments for their dad's vision disability. So they have to always

think about moving them out of the way or they will hear him grumble about those dang little people that live with him.

(Laughter.)

MS. COKLEY: In 32 states right now, parents with disabilities can lose their children solely on the basis of a disability, not on the basis of any behavior, not on the basis of an incidence of concern for the child's safety or the parent's safety, but solely on the basis of a parent's diagnosis for a disability.

We have heard cases of a mom with dyslexia who goes to the CVS with her iPhone and says to the pharmacist, hey, could you please read the directions for this medication into my phone, so that when I get home I can play it back to me and be able to give my child medication. And the pharmacist calls CPS and says, I think this mother is unfit to raise her child because she can't read.

A father who uses a wheelchair, much like my dad, throwing the ball for his son in the front yard. Ball inevitably rolls into the street because if you have a kid, they inevitably throw the ball in the street. Father takes his wheelchair right up to the curb, holds the little boy's hand as he steps down

into the gutter to get the ball.

Neighbor sees, says, oh, my God, what if a car came out of nowhere and hit that child. There is nothing that father could do. Calls CPS and the child is taken.

This happens on a daily basis, regardless of the type of disability. We have been fortunate enough to see strong guidance come out of the Office of Civil Rights at HHS and from our colleagues at the Department of Justice that we need to see the ADA taken into account in child custody issues.

We also see this when it comes to adoption and parents with disabilities being denied the right to adopt, grandparents with disabilities being denied the right to foster their grandchildren.

And we really do need to see, as we go forward, better training for judges, social workers, people with decision-making abilities throughout the child family services process, on how to engage with people with disabilities, resources like those that are provided through groups like Through the Looking Glass in the Bay Area and the Disabled Parenting Project. Because what good is it if you're told that the American dream is accessible to you except you can't have kids and you want to have kids?

I think another issue that we continue to see a significant need for work on is tied to the engagement of law enforcement and the disability community. We know today that roughly 50 percent of those individuals that are killed by law enforcement have a disability of some type or some way or form. But at the same time, we also don't exactly know what that number is. And I think as folks earlier talked about the importance of data, this is another piece where data really is critical.

I think one of the things we have talked about in the disability community is the desire to see the Death in Custody Act amended to include data collection around disability, so that we can actually get a better handle on what that number is both going in as well as being able to track the number of people who acquire disabilities as a result of police shootings.

We also really need some hard numbers as it relates to the provision, the request, the denial, and the removal of accommodations while in police custody. We hear far too often from our deaf siblings in the movement about being denied sign language interpreters upon being arrested.

I think we saw firsthand in the last

several weeks, as we have seen the protests around the country, around the BRCA, people with disabilities removed from their wheelchairs. There is a case right now in Columbus, Ohio, where one of the protesters from last week's protest still has yet to get her wheelchair back, and hasn't been able to go to work because law enforcement have not given her back her wheelchair. She can't parent. She can't go to work. She can't raise her children. She can't earn a livelihood because she can't get out of her damn house, and that is not acceptable.

I think we need to see actual community engagement between people with disabilities and the communities they live in, and law enforcement. I think as we talk about profiling, also looking at the role of geographic profiling, is their deaf schools in the area, are there halfway houses, what are the types of disability service providers in these communities where we're seeing significant increases in police violence.

I give a lot of credit to organizations like HEARD, which I know have spoken to the Commission before, Helping Educate to Advance the Rights of the Deaf, who are really doing the yeoman's work when it comes to supporting and defending people that are

currently incarcerated with disabilities. Groups like the Harriet Tubman Collective that have been very outspoken in these last few years on this issue.

And I look forward to the fact that my colleagues across the street at the National Council on Disability will be releasing something this year -- I hope you guys are watching this because I'm holding you to it -- on police violence and people with disabilities.

As the mother of a six-year-old and a three-year-old, both African American children with disabilities, I am incredibly conscious of the fact that my son's tenacity, righteous indignation at injustice, and desire to literally talk everybody's ear off, while endearing now at six, will be looked at far differently when he is a 16-year-old.

I remember talking to Reverend Yearwood of the Hip Hop Caucus and he reminded me that when we talk about police reform today, we're not talking about it having a direct impact now; we're talking about it impacting Jackson when he is 16 and being mindful of that. We're thinking about 10 years down the road to make the world a safer place for all our kids, including kids with disabilities, because they are the future of the disability rights movement.

And let me tell you -- and John and I were talking about this earlier -- this movement looks significantly different than the movement that I grew up in. When I was at the White House, I had the pleasure of co-hosting the first-ever joint forum on LGBT people with disabilities. Data coming out of Europe right now tells us that roughly between 12 to 20 percent of autistic youth also identify as somewhere on the LGBT spectrum.

We talked about what happens when a student's expression of gender identity is seen as symptomatic of a disability, and that's written out of the -- it's written into their IEP that they cannot express their gender in the way that they wish to because it is seen as a disciplinary issue.

We also convened the first forum on the issues facing African Americans with disabilities. And my colleague, David Johns, my brother in this work, asked these young people in this room, tell me what it means to be young, gifted, black, and disabled. And this nine-year-old young man said, it means the minute I put my key in my door to leave for school I have to constantly worry about how I am -- how I act. I have to control every part of my disability, so that I don't get shot by police or

smothered like that little boy in the gym mat at his school. He is nine years old. His concern should be about who he is going to play with at recess or the fact that he doesn't like his school lunch. It shouldn't be about whether or not he comes home at the end of that day.

As we continue to talk about the importance -- and I'm really thrilled to see the Commission working on disproportionality of students of color identified place and disciplined in school settings. This continues to highlight the true intersection between race and disability.

Immigration is also a disability rights issue, and we know that disabled people and their families move to the U.S. in order to be able to access better supports and services for their kids and for themselves. We also know that a large number of personal support service providers are immigrants, and so the immigration conversation is null and void unless you have disabled voices at the table.

There are folks carrying on the fight today. I think we've seen it in the news recently, pushing back on the attempts to roll back the key provisions of the Affordable Care Act, and then also we are continuing to hold the line on the ADA as we

see -- I refer to this as the public policy zombie, the ADA Information and Education Act, otherwise known as the ADA Notification Act, rearing its ugly head in Congress again and at the state level in a number of places.

And, as you say, you'd really like to leave the world for your children a better place than it was when you were growing up. I can't imagine my children having a harder time growing up than I did, than my parents' generation did. We have the fortune of having three generations of disabled Americans. My mom grew up before 504 and the ADA. I grew up with both of those things.

You know, I dream that my children will grow up with CRPD, so that if Jackson gets the opportunity to speak or to teach in another country, he doesn't have to worry about that discrimination. And I really encourage all of you to continue doing the work that you are doing. It is so critical now more than ever.

And I thank you for giving me the opportunity to come and speak.

CHAIR LHAMON: Thank you both for your presentations. I'm very, very grateful for them. And I'll open the conversation to my fellow Commissioners

for questions and comments. Commissioner Narasaki?

COMMISSIONER NARASAKI: Thank you. I'll kick this off. Thank you for -- Mr. Wodatch for reminding me about Pat Wright. She was a marshal not just for the disability community, but I can tell you, as part of the Leadership Conference on Civil and Human Rights, she marshaled all of us and was very much a part of working to make sure that the traditional civil rights groups were very much part of the movement under the leadership of Ralph Neas. So it's a good memory to have.

I wanted to explore the issue of the opportunity to work, and your assessment of how far the ADA has come. I do some disability work or I do some diversity work with corporations, and I was actually pleased to see that many companies, when you talk about -- when you talk about diversity inclusion, they are thinking about generally race and gender.

But now actually they are including people with disabilities and really trying to think through how can they make the workplace more accessible, make sure that they are tapping the talents of people with disabilities, and I see it affecting their bottom line because it's actually helping them to create new products and services that often not just benefit

people with disabilities, but for those of us who aren't, still think it's cool.

So, for example, cable companies like Comcast are working on mechanisms where you can control the setting of your channels with your eye, which I find fascinating, I'm sure that many people will love to get when that technology is available. But it came about in thinking about how can they make their products and services more accessible to people with disabilities? So I'm just wondering where you think we are now in that spectrum.

MR. WODATCH: Thank you. That's -- I would say the major, I don't know if you want to call it, failing of the ADA in terms of changing our society is in the employment of people with disabilities. If you look at the statistics that the Department of Labor puts out each month, you will see that people with disabilities are chronically underemployed, even compared to the unemployment rates of the general population, and so I think work has to be done in this area.

Now, part of -- there are reasons for that. Some of them are changes that we are making over time in our laws, the idea that in order to receive income supplements from the federal government

you had to be able to say that you couldn't work. That has been changing. That concept has been changing.

I have hope for changes in this area. If you look at the statistics of the number of people with disabilities who are in American colleges and universities for the past year, it said 11 percent. When I started doing disability rights work in the 1970s, there were almost no people with disabilities in our colleges, so we are developing a cadre of people with disabilities who will have the skills needed for the kinds of jobs that are being created in our economy, which are related to the information economy.

So they are suited for people with disabilities. So I'm optimistic that that will change, but it's something that we really have to work at. The ADA requires that employers practice reasonable accommodation. There is a lot of information. I have seen the same thing that you are addressing, which is employers looking -- including disability together with dealing with affirmative action or other programs to increase people of color, women in their jobs and professions.

And so there is hope there, but it is

still a major problem that we have in our society.

MS. COKLEY: I think a key opportunity -- when I think about the college of -- one of the things that I think has been really powerful that comes out of particularly the work of Judy Heumann, Curtis Richards, and others, who really laid the groundwork for state-level youth leadership forums, which are a week-long camp, advocacy camp for young people with disabilities, that I think right now exists in roughly 30 states.

And one of the powerful things that happens at those camps is those camps take place on a college campus, and they take high school students who in many cases have never been away from home, some of these kids have never slept over a night at their friends' houses, and puts them in a college dorm for a week.

And to watch the changing of expectations for those young people from Monday to Friday, from oh, my God, what do you mean my mom is not going to be here with me for the next five days, to at the end of the week being like, I'm not even calling my mom. Like I'm going to -- you know, I'm not going to ask her if I can write you guys after this. Forget that.

But to see like they're going to the

cafeteria and getting crappy college cafeteria food. They're standing line to understand how the bookstore process works. They're really getting those sorts of experiences. And I think where we've done less of a strong job is in that connection from college to work and really thinking about, what does that need to look like.

And I think there are some programs that I have seen some promising results, things like the federal government's workforce recruitment program, which is designed to increase federal employment of people with disabilities that have done a really significant job. But I think we still have a long way to go.

I think even the internship programs that we run in the disability community have not achieved their full potential. I mean, I think there are -- I can think of one of the big Congressional internship programs that has been around for almost 20 years now, and only three of their interns have ever been hired into full-time employment on the Hill, which to me is abysmal and unacceptable. It is also one of the problems that we have on the Hill right now is we don't have Hill people.

And so I think, really, thinking about

what is the shift that needs to happen from college graduation to work. You know, I think there is also an opportunity -- and I've heard anecdotal things, particularly from students who attend HBCUs, students with disabilities who attend minority-serving institutions, that talk about how they feel better prepared to go into the world of work upon graduation than their friends that went to majority institutions, because of the level of mentoring, the level of expectations that were placed on them at HBCUs.

My husband often talks about how there was no question that he was going to get a job after college because his teachers wouldn't have accepted the idea that he is this, you know, low-vision black kid from South Carolina; he just was going to go home and live with his mom. That wasn't even a possibility.

And so I think having -- doing some real work to see like, what are the best practices in terms of moving students with disabilities from college to work, and what are the lessons that we can garner from that and spread more throughout society, I think would be very useful.

COMMISSIONER NARASAKI: Thank you.

COMMISSIONER ADEGBILE: Good afternoon.

Thanks for your important stories that you've shared with us. I think we have all benefited from them. I have two topics that I want you to offer some insights on, to the extent that you can.

One goes to the issue of mental health and adequacy of supports and treatment, and the ways in which that can overlap with homelessness and, in turn, incarceration. So that's one topic.

The other one is in a different area, and it's an understanding about how our economies are evolving in terms of digital platforms and online platforms and how the economies are adjusting to contemplate accessibility issues. So two very different topics, but I think that they -- that you may be able to speak to each of them.

MR. WODATCH: Okay. I'll start. You have identified another problem that I have seen that when I was at Justice and we were enforcing the ADA. The issue was brought to us by juvenile court judges who started seeing groups of children with disabilities who were being denied services at their elementary and secondary schools, either because they didn't have the right kind of IEP or because of discipline actions that put them on the street.

And so what was happening to these

children with disabilities is that they were ending up in the juvenile justice system, which was a straight line to the prison population. And so as a society issue, looking at this, we are going to be spending society's money keeping these people incarcerated for their -- most of their lives, and denying us the -- whatever they could have developed.

Because we didn't pay attention at the elementary and the secondary level to their needs, a lot of these are children with psychiatric conditions, and the lack of services for them at the school or in their community is a direct contributor to this.

I think the Department of Education has started working on this issue. The first important part of this: it has been identified as an issue. And there are solutions to this issue, and the solutions are interventions at a very early age, both educationally and in terms of mental health services for them -- for children -- that are appropriate for children that keep them at home, that don't send them to an institution. So we know the solution: it's getting that solution to work.

Do you want to add anything?

MS. COKLEY: Oh, definitely. I think jails are the new institution. Jails are where we

warehouse people with disabilities. I think Cook County is a great example of that, where they talk about how that's the next -- Cook County Jail is the number one mental health treatment facility in the country. That is a real problem.

I think in talking about mental health and homelessness and poverty, and all those intersections, I go back to the conversation earlier about PTSD and thinking about even the case, I believe it's out of Compton, California, where the young women asked for IDEA services as a result of growing up with PTSD, growing up in Compton.

And I was in St. Louis last summer, and was talking to some activists on the ground, and one of the things that one of the leaders said to me was -- her name is Tara. I always want to make sure that I give credit to her for this because it was such a powerful statement. She said, you know, Rebecca, I don't believe in PTSD, she said, because living the lives that we live, we are constantly traumatized, stressed, and disordered. There is no time to get post. There is no such thing as post.

And it has been an earworm that has been in my head ever since a year ago, and I think it is extremely true when we are talking about a lot of

these circumstances that a lot of these children are dealing with. And the idea that we get -- we act off the assumption that at some point you're going to be fine. This is the reality that you're dealing with.

How do we create a comprehensive system of supports, pulling together school, health services, your family supports, all of those things to help these children thrive, without the idea that they're ever going to be over it, because I think that is not appropriate.

You know, I think we see similar things -- our last council meeting was in Detroit -- and we had a bunch of folks on the ground come in from Flint, Michigan, talking about how they have had to completely rethink what special education service provision looks like in the context of the massive lead poisoning in that area. And they've had to rethink education all the way from early intervention to adult education, and all of the supporting services on top of that.

And so I think about, how do we work at this from a silo perspective is not the right way to go at it, and I think pulling together -- this is a real opportunity for the cross-civil rights communities to weigh in and work on this, because

these are all of our kids. These are all of our young people.

One of the things that we saw last -- when we had the LGBT -- we had an LGBT mental health meeting at the White House because we lost four trans disabled activists to suicide in about five months, and we were terrified. And these were folks that were connected to services. These were folks that were largely from supportive families.

And we realized from the disability community side that we couldn't fix it by ourselves, and so we reached out to our colleagues from PFLAG and from GLSEN and from the LGBT task force and from other organizations to say, how do we save our kids? And, you know, let's put away -- let's -- we're not going to deal with our -- I love them. We're not going to deal with our elders' baggage, back in the ADA you said this about our law and we're still mad about it, get off our yard, and whatever it is. But how do we --

COMMISSIONER ADEGBILE: But you're not looking at John while you say that.

(Laughter.)

MS. COKLEY: But how do we work together because they are both -- these are all our kids. And

the only way it's going to work is working together. And I think we've seen some really unique collaborations, particularly with the LGBT community on mental health, particularly with the African American community around policing, in ways that we've -- that I never saw 15 years ago when I moved here. And I think going forward the only way we're going to be able to crack some of these issues collectively is if we work together.

MR. WODATCH: I'll start with your second question, Commissioner, which I love, because we are in the middle of a total change in our society, how we exist, how we -- how we pay our bills, how we interact with government. We are in an information age, and the tools that we use are changing.

What's important and what we have seen a little of over time is that as we have developed new tools and new ways to use them, tools that really will make life easier for people with disabilities. We have done it often in a way that left them behind.

Online learning in colleges and universities is a significant part of what they do. Are they ensuring that their website is accessible? Are they ensuring that the platform is accessible? I think you're probably familiar -- there are probably

the largest amount of legal activity, lawsuits, settlement agreements from the Department of Education, from the Department of Justice, are dealing with these issues in a variety of different ways, hospitals and information.

And so I think it's very important -- I think the structure of the ADA is there to provide the legal basis for it. I think because of the use of the word “placeness” in a lot of Title III, there is still litigation going on about how extensive the coverage of the ADA is, but I think the courts have come to the conclusion that all of these activities are covered, and so it's a matter of being vigilant about this, working with the -- you know, the way our laws -- our civil rights laws -- are created, they don't apply to the creation of an iPhone or an iPad or a platform.

The usage of it is, so early on you may be familiar there were actions by the Department of Education and the Department of Justice against some schools that were using early Kindle devices that were not allowed to be used by blind students.

Well, that's a violation of the ADA, and also a violation of common sense because you are talking about the idea of reducing all of the books that you have to carry into, you know, a little

document, but we're going to make the blind person carry all the books, but not the other students.

There are happy solutions to these situations. That has changed. Those devices are now used. But I think it's part of -- we have to be totally vigilant about it because technology is changing, and even ensuring that we are getting devices and then using them by local government, by colleges, by hospitals, by elementary and secondary schools in a way that is inclusive of the needs of people with disabilities, across the whole spectrum of disabilities.

And you're talking not just about people with vision impairments, but people with manual dexterity issues who may not be able to operate a mouse, by people with hearing loss that can't understand a video on -- a training video -- unless it is captioned. And so we have to think about the whole range of disabling conditions and how we interact with them.

MS. COKLEY: I think we have seen some really interesting opportunities that have been going pretty well. One is particularly around autonomous vehicles. I can't remember a time where the disability community was at the table from day one

with manufacturers, with software developers, with retailers, as they are in the area of autonomous vehicles.

The NCD, the National Council on Disability, issued a report on driverless cars two years ago and has been in repeated conversations with our -- you know, with the manufacturers -- with Ford, with GM, with Tesla, with Audi, with Mercedes, talking about what this needs to look like.

Our Chairman is very passionate about this issue, and Mr. Terry was fortunate enough to get to ride in an autonomous Audi across the 14th Street Bridge at rush hour, and for an individual who is blind and had never been able to be in the front seat, be literally in the driver's seat.

And, mind you, there was an engineer sitting next to him with access to the controls, but he talked about just the freedom it gave him and the fact that, unlike so many of the technology innovations that we have seen throughout our lifetime, the disability community has been actively engaging and sought after by the manufacturers, by the Department of Transportation, by NHTSA, and others, to talk to from day one.

And it not just being, as I said, a

hardware issue. It's not just about, can you get into the vehicle? But once you get inside, are you able to operate controls? If the vehicle talks to you, how does that work if you're deaf? How does this work for individuals with cognitive disabilities or neurodiversity disabilities, things like autism? What's the impact that an autonomous vehicle could have for a family of autistics?

I mean, I think it's hugely exciting, and for me I personally love it because my husband can't drive, and I would love not to have an hour and a half on my commute every day picking up daycare.

But it has been so exciting to see. And I think if we think about that as a model going forward from the beginning, how do we talk about it from an innovative perspective? Like, what is it? What are the talents and the knowledge the disability community can bring to the table on the front end, so we don't have to see you on the back end? You know, it's a lot nicer that way.

CHAIR LHAMON: So that actually leads to my question for your, Mr. Wodatch. I share your view that the ADA has been transformational in the United States, and I'm deeply grateful to you for your part in the architecture of that transformation.

You are famous for taking a very collaborative approach to securing the promises of the ADA, and I wonder if you could share with us that approach and your explanation for why you have done that and how successful you think it has been.

MR. WODATCH: Well, that's a very interesting question, and I'll have to think.

(Laughter.)

MR. WODATCH: The way I look at this, the civil rights laws are a blueprint from where we are going as a society. A lot of people look at them as, you know, we're going to sue people to get something done. I think what's important with these laws are compliance with the laws.

I have worked in civil rights since 1969, and I know that even -- even if that's your view -- it's a very small percentage of the work that is going to get done. If we are trying to change the way America does business, whether it's for women, whether it's for people of color, people with disabilities, we have to be broad in our thinking because we're seeking compliance. And voluntary compliance, getting people to understand what the law requires and what benefits are for them are a way to achieve the civil rights laws voluntarily.

And, you know, I am an optimistic person, and I have a very optimistic view of this country. And I -- my experience with working with businesses is that they understand what the requirement is and why it's there and what their benefit is, and they have support for doing it, they will do it. Sometimes they need a little helping hand. Sometimes they need more than a helping hand. But I think enforcement plays a very strong part in that because it's the stick that makes the carrot work.

But I think our goal is really giving equal opportunity to this great country that we have for everyone in it. And we have to use all of the tools that we have. That's why I talked about the technical assistance aspects of the ADA. I think that is a very good model you know, and it's writ large. There is something called a Job Accommodation Network that is funded through the Department of Labor that provides assistance to employers and to people with disabilities about what works on a job site.

So an employer confronted with an employee who has a new disability, or an applicant, they can go and get information about how it will work, what it will cost, how they can do it, how they will work with other employees. These are the things that will make

the ADA work; they will make other civil rights laws work as well.

And I think that kind of approach, being very broad-based in how you go about this, using mediation which is a tool that we came to use at the Department of Justice. You know, at the local level, a person who wanted to go to their 7-Eleven didn't want to have to sue them, they wanted to have a good relationship with the person who ran the 7-Eleven. And so sitting down and having a vehicle that allowed a win-win solution for both of them is important to the daily life of the people involved.

CHAIR LHAMON: Thank you. Do we have other questions or comments from other Commissioners? And if not, I thank you both very much for your detailed and comprehensive presentations for the work that has led to them, and for your time today coming to be with us. And I hope very much that we will continue to see the transformation that we have seen to date continue to evolve.

I also thank, in particular, Jason Lagria for his assistance in setting up today's presentations and, of course, all of our staff, their efforts in making today's presentation and today's meeting run as smoothly as possible. So thank you very much.

III. ADJOURN MEETING

CHAIR LHAMON: And with that, I adjourn our meeting.

(Whereupon, the above-entitled matter went off the record at 12:14 p.m.)

1