

## U.S. COMMISSION ON CIVIL RIGHTS

+ + + + + **EDITED**

MEETING

+ + + + +

FRIDAY, DECEMBER 7, 2012

+ + + + +

The Commission convened in Suite 1150 at  
1331 Pennsylvania Avenue, Northwest, Washington,  
D.C. at 2:27 p.m., Martin R. Castro, Chairman,  
presiding.

PRESENT:

MARTIN R. CASTRO, Chairman

ABIGAIL THERNSTROM, Vice Chairman

ROBERTA ACHTENBERG, Commissioner

TODD F. GAZIANO, Commissioner

GAIL L. HERIOT, Commissioner

PETER N. KIRSANOW, Commissioner

DAVID KLADNEY, Commissioner

MICHAEL YAKI, Commissioner

VANESSA EISEMANN, Parliamentarian

LOUISE DiBENDETTO, Office of the Inspector  
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STAFF PRESENT:

MARGARET BUTLER, Acting Director, OCRE

PAMELA DUNSTON, Chief, ASCD

YASMIN ELHADY

ALFREDA GREENE

JENNIFER CRON HEPLER

DAVID MUSSATT, Acting Director, RPCU

LENORE OSTROWSKY, Acting Chief, PAU

ELOISE PLATER

EILEEN RUDERT

MICHELE YORKMAN

JOHN RATCLIFFE, Chief, BFD

COMMISSIONER ASSISTANTS PRESENT:

NICHOLAS COLTEN

ALEC DEULL

TIM FAY

JOHN MARTIN

CARISSA MULDER

MARLENE SALLO

ALISON SOMIN

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

2 (2:27 p.m.)

3 CHAIRMAN CASTO: The meeting will come  
4 to order. This is a meeting of the U.S. Commission  
5 on Civil Rights. It is December 7th, 2012 at  
6 approximately 2:26 in the afternoon.

7 This meeting's taking place here at the  
8 Commission's headquarters located at 1331  
9 Pennsylvania Avenue, Northwest, Washington, D.C.  
10 I'm Chairman Marty Castro.

11 Commissioners who are present at this  
12 meeting are myself, Commissioner Kirsanow,  
13 Commissioner Heriot, Commissioner Gaziano,  
14 Commissioner Achtenberg, Commissioner Kladney, Vice  
15 Chair Thernstrom, and I am under the impression that  
16 Commissioner Yaki will be joining us telephonically  
17 shortly.

18 A quorum of the Commission is present.  
19 Is the court reporter present? That's a yes, he's  
20 nodding his head, for the record. And the meeting  
21 shall now come to order. The first item on the  
22 agenda is the approval of the agenda.

23 **I. APPROVAL OF THE AGENDA**

24 CHAIRMAN CASTO: I move that we approve

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1 the agenda. Is there a second?

2 COMMISSIONER GAZIANO: Second.

3 CHAIRMAN CASTO: Okay. Does anyone have  
4 any amendments? And to that, I would say I would  
5 move that we amend the agenda to add a discussion of  
6 a request we received to conduct a hearing regarding  
7 Florida's HB 1355.

8 So I propose that we add this to the  
9 agenda. I know that the Vice Chair would like to  
10 address this earlier in the agenda. I don't have a  
11 problem with that, provided that I have Commissioner  
12 Yaki available on the phone. I understand he's  
13 coming on.

14 Ms. Hepler's here, so we can continue  
15 with that. I also move that we move the review of  
16 proposed SAC charter under state advisory committee  
17 issues to the report of the regional program's  
18 officer. Any discussion?

19 COMMISSIONER GAZIANO: Just to clarify,  
20 we're going to take up the additional item you're  
21 placing on the agenda as soon as we can get to it  
22 after Commissioner Yaki joins?

23 CHAIRMAN CASTO: Yes. And we have  
24 notified to please come on the line.

25 COMMISSIONER GAZIANO: Do we have pretty

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1 good authority that he will be on shortly?

2 CHAIRMAN CASTO: As good as we can get.

3 COMMISSIONER ACHTENBERG: Forthwith.

4 COMMISSIONER GAZIANO: All right.

5 COMMISSIONER ACHTENBERG: Can't do  
6 better than that.

7 CHAIRMAN CASTO: Any additional  
8 discussion?

9 COMMISSIONER GAZIANO: Just with the  
10 understanding that if he's not on shortly, we  
11 wouldn't take up that measure, that additional  
12 measure to prejudice one side or the other for  
13 waiting for Commissioner Yaki.

14 CHAIRMAN CASTO: I'm not sure what you  
15 mean by that.

16 COMMISSIONER GAZIANO: If another  
17 Commissioner has to leave, but Commissioner Yaki  
18 hasn't come on the phone by then, we wouldn't take  
19 up the matter.

20 CHAIRMAN CASTO: Yes, I'm not trying to  
21 prejudice anybody. Treat everybody fairly.

22 COMMISSIONER GAZIANO: I understand.  
23 I'm trying to clarify.

24 CHAIRMAN CASTO: That's correct.

25 COMMISSIONER GAZIANO: Okay.

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1 CHAIRMAN CASTO: We wouldn't want things  
2 to be more opaque. Okay, with that understanding,  
3 I'm going to call the question. All those in favor,  
4 say aye.

5 (Chorus of ayes.)

6 CHAIRMAN CASTO: Any opposed? Any  
7 abstentions? Okay. So before we actually move on  
8 to the items on the agenda, I actually wanted to do  
9 this at the last meeting, but we didn't have the  
10 opportunity to do that.

11 **COMMISSIONER'S REMARKS**

12 CHAIRMAN CASTO: I wanted to take a  
13 moment to say a few words about Connie Davis.  
14 Connie was, as many of you know, responsible for  
15 opening, or re-opening our Midwest regional office,  
16 and she served as our regional director there,  
17 starting in 1991.

18 By the time that she retired in 2007,  
19 she had led that office and its six SACs in the  
20 production of nearly 40 reports that covered topics  
21 such as affirmative action, police protection, Arab  
22 and Muslim civil rights concerns after September 11,  
23 and news media coverage of communities of color.

24 Prior to coming to the Commission in  
25 1991, Connie worked as the chief equal employment

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1 opportunity officer for the U.S. Department of Labor  
2 in Washington, D.C.

3 I know for a fact that she was very well  
4 respected by her staff and worked in that office to  
5 create a strong culture because I had the  
6 opportunity to work with her when I was initially  
7 appointed to the Illinois SAC.

8 And it is a great loss for our  
9 organization. And I just want to acknowledge the  
10 service that she gave to the people of the United  
11 States and to the Commission. So we will miss her.

12 Next, we'll go to program planning. Is  
13 Commissioner Yaki on the phone?

14 (Off microphone comments.)

15 II. PROGRAM PLANNING

16 CHAIRMAN CASTO: Okay, I want to make  
17 sure. We'll now proceed then to an update on the  
18 2013 Statutory Enforcement Report topic, Sexual  
19 Assault in the Military." Ms. Eisemann?

20 COMMISSIONER YAKI: I'm here. Hello?

21 VICE CHAIRMAN THERNSTROM: You're here?  
22 Okay.

23 (Off microphone comments.)

24 CHAIRMAN CASTO: Okay. Yes, actually  
25 we're going to hold off, Ms. Eisemann, since we have

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1 Commissioner Yaki on the phone. We want to address  
2 the issue of a request that was received initially,  
3 Number 27, from a number of Members of Congress in  
4 Florida requesting that we, as a Commission, conduct  
5 a hearing on the Florida's legislature HB 1355.

6 **DISCUSSION OF REQUEST TO CONDUCT**

7 **HEARING REGARDING FLORIDA HB 1355**

8 CHAIRMAN CASTO: A law which they  
9 indicate in their letter to us, they believe limited  
10 access to the polls for minorities, seniors and  
11 college students, and reduced the number of early  
12 voting days and imposed new restrictive regulations  
13 on voter registration groups.

14 We were all copied on this, and I  
15 circulated it, as well, to the Commissioners. And I  
16 wanted to, for purposes of discussion, make a motion  
17 that we conduct a hearing in Florida on HB 1355 as  
18 it relates to the request that I just read. Do I  
19 have a second?

20 COMMISSIONER ACHTENBERG: Second.

21 CHAIRMAN CASTO: Okay, now I would like  
22 to open it up for discussion. Commissioner Gaziano?

23 COMMISSIONER GAZIANO: I have a few  
24 questions. Before I ask the questions, I hope that  
25 all of you have received three letters from other

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1 Members of Congress in the last, maybe ten hours.

2 But I'll, but John made copies of them.

3 There's a letter from ranking judiciary committee,  
4 U.S. Senate Ranking Judiciary Committee Member  
5 Grassley, pertinent to this matter.

6 There is a letter from House Judiciary  
7 Committee, Subcommittee on the Constitution, Trent  
8 Franks. Chairman also of both the Voting Section of  
9 Civil rights Division, as well as I believe, our  
10 Commission, and a letter from, and he discusses  
11 conversations he's had with the House chairman and  
12 with both the current and incoming chairman.

13 And another letter from Representative  
14 Steve King, also on the House Judiciary Committee.  
15 Before I mention those letters, let me just give you  
16 my impression of the request. The request revolves  
17 a news story.

18 CHAIRMAN CASTO: You said they requested  
19 the original --

20 COMMISSIONER GAZIANO: Yes, the original  
21 request. A news story that raises some, renews some  
22 claims that were the subject of Section 5  
23 litigation, or a Section 5 administrative  
24 proceeding, and a voting rights act, Section 2, a  
25 law suit.

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1           It just renews those claims and in my  
2 mind, doesn't seem to raise much new evidence the  
3 credibility, one unnamed source. I certainly don't  
4 know what to make of the unnamed source in a  
5 newspaper story.

6           The other two is a former Republican,  
7 who I understand has switched parties, but a very  
8 prominent one who seems to make a partisan  
9 allegation; and another official under incitement,  
10 as I understand it.

11           And what I would suggest is an  
12 appropriate way for the DOJ to proceed. The DOJ had  
13 a lot of resources at its disposal to consider the  
14 underlying claim. It could have brought its own  
15 Section 2 case as well, and it still can.

16           It has other criminal enforcement  
17 methods. And I certainly think that the Federal  
18 Court that considered this claim had, you know, the  
19 parties had discovery, much more extensive than our  
20 Commission's small resources to investigate this.

21           But that if they think there's any  
22 there, the Department should reopen its  
23 consideration of this. Here's where I think, I'm not  
24 sure that we should get involved at this stage at  
25 all because don't find the evidence worthy of

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1 reopening what seems like somewhat of a partisan  
2 witch hunt.

3 But our comparative advantage is to  
4 review what state and federal officials have done in  
5 this regard, particularly DOJ. And that's what  
6 brings me to these letters.

7 There are a lot of calls that the DOJ  
8 made in the last election cycle that one side or the  
9 other thinks is questionable. I'll join some of the  
10 Members of Congress that have written to us today  
11 who were informed that we were going to be taking up  
12 this issue in suggesting that it was highly  
13 questionable of DOJ to interpose an objection to  
14 South Carolina's voter ID, which by the way,  
15 objection was found to be meritless, but succeeded  
16 in holding up a valid, sovereign state law.

17 There were other questions of where it  
18 seems like vote dilution may have occurred in  
19 Florida. So if we were to examine anything in  
20 Florida, it seems to me a more compelling issue was  
21 why the Department of Justice and Department of  
22 State tried to intervene to prevent Florida from  
23 removing ineligible voters that were diluting the  
24 vote in Florida.

25 So I'm not sure that, at this point, the

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1 Commission should jump in at all. But I think the  
2 points are very well taken by Ranking Member  
3 Grassley, Chairman Franks and Representative King  
4 that if we were to conduct an investigation at all,  
5 that our role should be to investigate the  
6 Department of Justice.

7 And we should definitely look into these  
8 other claims that I think are much stronger, that  
9 the Department of Justice abused its authority  
10 possibly, or at least misused its authority, and in  
11 ways that no one else has previously examined, and  
12 it's likely no one else could examine in the way  
13 that the Commission could.

14 CHAIRMAN CASTO: Anyone else want to  
15 comment? Well, as far as the letter that we  
16 received originally, and just for the record, I only  
17 got Chairman Grassley's letter right before the  
18 start of our third panel, and Representative King's  
19 was handed to me during the panel.

20 And I just got an email from  
21 Representative Frank's office with that. So I  
22 didn't get them ten hours ago, but, you know, I've  
23 had a chance to glance at them. Just they may have  
24 arrived at different times to different people.

25 But I'm just seeing them within the

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1 last, you know, hour to ten minutes. I think what  
2 we've been asked to look at is something that's very  
3 specific and very discreet as it relates to our  
4 mandate, both on voting rights as well as access to  
5 polls for minorities, seniors and college students.

6 And presumably, some of those folks fall  
7 on more than one side of the political aisle. And  
8 you know, we do have limited resources, that's  
9 correct, as we often talk about in making  
10 determinations on which matters we're going to  
11 conduct briefings on.

12 We always, and I know you've counseled  
13 me on this many times, Commissioner Gaziano. Let's  
14 keep it focused, let's keep it limited, let's keep  
15 it streamlined.

16 And I think many of these other issues  
17 that are set forth in the letters we just received  
18 go well beyond what is, I think, a very discreet  
19 issue that we can look at.

20 We do have funds to do something like  
21 this, just given the fact that in the last two  
22 months of this fiscal year, since we have not filled  
23 a couple of key roles, we do have funding that could  
24 take us down to Florida.

25 But I don't believe we're going to be

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1 able to go to South Carolina and Texas and other  
2 places. So I think, at least initially, we should  
3 move forward and look at this issue in Florida, and  
4 then wait and see where our resources may take us or  
5 may not.

6 COMMISSIONER GAZIANO: Just to clarify,  
7 and then I'll yield. I would not suggest our  
8 investigation of DOJ need to take us to any state.  
9 I suggest our investigation of DOJ should focus and  
10 the State Department should focus here in  
11 Washington, D.C.

12 So my investigation would, I think we  
13 ought to, and I'm not saying we necessarily should  
14 do it. I'm just saying I'm not going to support one  
15 without the other. That's my position.

16 But our resources could be used more  
17 effectively, efficiently, and we could do something  
18 that only this Commission can do, and that I think  
19 is our unique comparative advantage, whereas plenty  
20 of people can reinvestigate the allegation that was  
21 originally brought to us ten more times with unnamed  
22 sources.

23 CHAIRMAN CASTO: Well, this directly  
24 relates to a denial of the right to vote, and I  
25 think it's specifically in our wheelhouse.

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1 Commissioner Achtenberg?

2 COMMISSIONER ACHTENBERG: Mr. Chairman,  
3 I only received these three additional letters  
4 barely a few minutes ago. And they seem to be  
5 carbon copies of one another. Maybe they need more  
6 resources in the Congress to do non-division of  
7 work. I'm not exactly sure.

8 But I want to concur in your  
9 observation, Mr. Chairman, that I think what we were  
10 asked to do via the original letter is particularly  
11 not only within the jurisdiction of this Commission,  
12 but within its very important tradition. And so I  
13 would add my support as well for the vote on your  
14 motion to undertake the investigation that was  
15 requested via the letter of November 27th.

16 COMMISSIONER YAKI: Mr. Chair?

17 CHAIRMAN CASTO: Yes, Commissioner Yaki,  
18 please proceed.

19 COMMISSIONER YAKI: Can you hold on one  
20 second because I'm coming up the elevators now.

21 CHAIRMAN CASTO: Okay.

22 COMMISSIONER YAKI: Okay, thanks.

23 CHAIRMAN CASTO: Sure.

24 COMMISSIONER KLADNEY: Can we go into  
25 recess for a few minutes, please?

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1 COMMISSIONER GAZIANO: Just correct the  
2 record, I said Department of State. I should have  
3 said Department of Homeland Security. That was the  
4 other department with Justice trying to deny Florida  
5 the records that would have helped it clear up its  
6 roles.

7 CHAIRMAN CASTO: Thanks for that  
8 clarification. Commissioner Kladney, do you have  
9 anything?

10 COMMISSIONER KLADNEY: I just want to go  
11 into recess though until Mr. Yaki arrives.

12 VICE CHAIRMAN THERNSTROM: No, let's  
13 just wait.

14 (Off microphone comments.)

15 CHAIRMAN CASTO: Yes, we'll wait for him  
16 to come up.

17 VICE CHAIRMAN THERNSTROM: I think  
18 recess, that requires getting us all back in the  
19 room.

20 CHAIRMAN CASTO: Yes. So we will await  
21 his entrance.

22 (Whereupon, the foregoing matter went  
23 off the record at 2:43 p.m. and went back on the  
24 record at 2:46 p.m.)

25 CHAIRMAN CASTO: We were waiting for you

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1 to chime in.

2 COMMISSIONER ACHTENBERG: We were  
3 waiting for you, Michael.

4 VICE CHAIRMAN THERNSTROM: We were  
5 waiting for you.

6 CHAIRMAN CASTO: We literally stopped.

7 COMMISSIONER YAKI: Are we still on the  
8 main motion?

9 COMMISSIONER ACHTENBERG: Yes.

10 CHAIRMAN CASTO: Well, the motion has  
11 been made and seconded for discussion. So everyone  
12 is giving their opinion, and we're waiting for  
13 yours.

14 COMMISSIONER YAKI: Thank you very much,  
15 Mr. Chair and I thank you for your patience and the  
16 patience of my colleagues. I support the Chairman's  
17 motion and it's for a very specific reason.

18 That is, the issues that were brought up  
19 in the letters from the House members and from the  
20 Senate deal with an issue that this Commission has  
21 dealt with before.

22 We have had hearings on voter  
23 identification. We've gone over these statutes; we  
24 have talked about issues of constitutionality and  
25 its impact and issues of voter fraud.

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1           This is a very discreet, different issue  
2 that deals with an issue that was only lightly  
3 addressed in those previous briefings, and that is  
4 voter suppression and whether or not there was  
5 animus in this particular set of statutes in Florida  
6 designed to curtail the ability of minorities and  
7 seniors to be able to register and to cast their  
8 ballots.

9           So to the extent that this Commission  
10 has, on more than one occasion, dealt with the other  
11 issues addressed by the House members but has not,  
12 has not addressed the issues raised in the letter  
13 and which is the subject of the main motion. I  
14 support what you are trying to do.

15           CHAIRMAN CASTO: Commissioner Heriot?

16           COMMISSIONER HERIOT: I wouldn't have  
17 chosen to study either, what any of the  
18 Congressional letters are suggesting here. It  
19 wouldn't have been first on my list.

20           I do, however, think that when a number  
21 of Members of Congress ask us to look at something,  
22 ordinarily, we should go out of our way to try to  
23 accommodate that when we can. And I am quite  
24 willing to look at what all of these Members of  
25 Congress are asking us to do here, if we can do it

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1 as a package.

2 And so I would move to amend the main  
3 motion to include studying the issues that various  
4 Members of Congress here, I sort of lost track of  
5 who they are, Congressman Franks, Senator Grassley  
6 and Congressman King, I would move to amend your  
7 motion to include studying the issues that they --

8 CHAIRMAN CASTO: I don't think I view  
9 that as a friendly amendment to my --

10 COMMISSIONER GAZIANO: I'll second it  
11 for purposes of discussion.

12 CHAIRMAN CASTO: Discuss. Commissioner  
13 Heriot?

14 COMMISSIONER HERIOT: I can vote for  
15 this, and I can vote for the whole package. But I  
16 won't be able to vote for just studying what the  
17 Members of the House on the Democratic side have  
18 asked us to look at.

19 Todd pointed out, this has already been  
20 investigated in many different ways. And so I would  
21 be able to support the package.

22 COMMISSIONER KLADNEY: I think we ought  
23 to caucus before we vote. I just got these letters,  
24 I haven't read them.

25 CHAIRMAN CASTO: I understand. Any

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1 other comments? But we won't vote until we -- from  
2 everyone here. And then we're going to go into  
3 caucus. Anyone else have anything to say right now?

4 If not, then I will take Commissioner Kladney's  
5 suggestion and take a ten minute break. I'm sorry?

6 COMMISSIONER GAZIANO: Just one more  
7 quick comment. Just relative to Commissioner Yaki's  
8 last statement. Of particular relevance I think is  
9 Florida's problems in getting the federal government  
10 to follow the law.

11 I missed when I said Department of  
12 State, Department of Homeland Security and Justice  
13 together. And I think that is of particular  
14 salience. But I would only, I'm not even sure I  
15 would want a little more discussion whether we're  
16 going to take up all these issues. But I would, I  
17 could just well if I consider them at all.

18 CHAIRMAN CASTO: Take a ten minute  
19 break.

20 COMMISSIONER ACHTENBERG: I don't think  
21 it needs to be as long as ten minutes.

22 CHAIRMAN CASTO: I don't know, but I  
23 don't think it should be as long as 15, so ten  
24 minutes or less. I'm sorry.

25 (Whereupon, the foregoing matter went

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1 off the record at 2:51 p.m. and went back on the  
2 record at 3:03 p.m.)

3 CHAIRMAN CASTO: We're back on the  
4 record after our caucuses. I don't believe we have  
5 an agreement. So what I would suggest is we vote on  
6 our respective motions.

7 You have a motion pending before us to  
8 amend my motion. So why don't we call that  
9 question? This is on the motion to amend the motion.

10 Commissioner Kirsanow, how do you vote?

11 COMMISSIONER KIRSANOW: Yes.

12 CHAIRMAN CASTO: Commissioner Heriot,  
13 how do you vote?

14 COMMISSIONER HERIOT: Yes.

15 CHAIRMAN CASTO: Commissioner Gaziano,  
16 how do you vote?

17 COMMISSIONER GAZIANO: Pass.

18 CHAIRMAN CASTO: Madam Vice Chair, how  
19 do you vote?

20 VICE CHAIR THERNSTROM: Pass.

21 CHAIRMAN CASTO: Okay. Commissioner  
22 Kladney, how do you vote on the motion to amend?  
23 No? Commissioner Achtenberg, how do you vote?

24 COMMISSIONER ACHTENBERG: No.

25 CHAIRMAN CASTO: Commissioner Yaki, how

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1 do you vote?

2 COMMISSIONER YAKI: I'll pass.

3 CHAIRMAN CASTO: And I vote no. So we  
4 go back to Commissioner Gaziano?

5 COMMISSIONER GAZIANO: What is the --

6 CHAIRMAN CASTO: The motion to amend my  
7 motion.

8 COMMISSIONER GAZIANO: I will vote yes.

9 CHAIRMAN CASTO: Madam Vice Chair?

10 VICE CHAIR THERNSTROM: I vote yes.

11 CHAIRMAN CASTO: And Commissioner Yaki?

12 COMMISSIONER YAKI: No.

13 CHAIRMAN CASTO: So it's four versus  
14 four. Your motion to amend fails. I will now move  
15 for vote on my original motion. Commissioner  
16 Kirsanow, how do you vote on that?

17 COMMISSIONER KIRSANOW: Could you repeat  
18 that motion?

19 CHAIRMAN CASTO: Sure. That we conduct  
20 a hearing in Florida on HB 1355 pursuant to the  
21 November 27th, 2012, letter that we received from  
22 Members of Congress.

23 COMMISSIONER KIRSANOW: Again, I would  
24 prefer the previous one, so no.

25 CHAIRMAN CASTO: Commissioner Heriot,

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1 how do you vote?

2 COMMISSIONER HERIOT: I would have been  
3 happy to vote for the compromise, but I have to vote  
4 no on this one.

5 CHAIRMAN CASTO: Commissioner Gaziano,  
6 how do you vote?

7 COMMISSIONER GAZIANO: No.

8 CHAIRMAN CASTO: Madam Vice Chair, how  
9 do you vote?

10 VICE CHAIR THERNSTROM: No.

11 CHAIRMAN CASTO: Commissioner Kladney,  
12 how do you vote?

13 COMMISSIONER KLADNEY: Yes.

14 CHAIRMAN CASTO: Commissioner Achtenberg,  
15 how do you vote?

16 COMMISSIONER ACHTENBERG: Yes.

17 CHAIRMAN CASTO: Commissioner Yaki, how  
18 do you vote?

19 COMMISSIONER YAKI: Yes.

20 CHAIRMAN CASTO: And I vote yes. It's  
21 four to four. So both motions fail. Okay. Thank  
22 you. We will now go back to the programming that  
23 was regularly scheduled.

24 Miss Eisemann, if you could come back  
25 please, talk about the Enforcement Report for 2013?

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**II. PROGRAM PLANNING****UPDATE ON THE 2013 STATUTORY ENFORCEMENT****REPORT-SEXUAL ASSAULT IN THE MILITARY**

1  
2  
3  
4 MS. EISEMANN: Good afternoon. So I'm  
5 going to give you an update on the statutory report.  
6 For anyone who might have forgotten, the topic is  
7 "Sexual Assault in the Military."

8 We propound to document request and  
9 interrogatories on November 16th. The Department of  
10 Defense and its service branches have 30 days to  
11 respond.

12 They have indicated that they will  
13 respond on or before December 20th, which there are  
14 a couple extra days because of when 30 days falls.  
15 We had, Yasmin Elhady and I had an in-person meeting  
16 a week ago Thursday, on November 29<sup>th</sup>, at the  
17 Department of Defense, with representatives of the  
18 Pentagon's Sexual Assault Prevention and Response  
19 Office, they call it SAPRO.

20 And it was a very informative meeting.  
21 They had indicated that they will be responding to  
22 our discovery requests in a timely manner. They did  
23 not ask for extensions as of yet, anyway, which is  
24 good because that will give us some time, not a lot  
25 of time, but some to evaluate the discovery

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1 responses before the January 11th briefing.

2 One thing they did tell us is that their  
3 fiscal year 2012 data on sexual assaults is not  
4 available now, and will not be available until  
5 April, which is their statutory deadline to have  
6 that data.

7 So unfortunately, it means that we won't  
8 have that for our statutory report. We're going to  
9 keep our own statutory deadline. But we will have  
10 all the data up until --

11 And finally you all should have the list  
12 of proposed panelists for the January 11th briefing.  
13 Are we taking any questions?

14 CHAIRMAN CASTO: Hearing none, oh I'm  
15 sorry, Commissioner Heriot?

16 COMMISSIONER HERIOT: On the proposed  
17 panelist, when is it that we are expected to put our  
18 input in here?

19 MS. EISEMANN: Well, your input has been  
20 sought all along. And that was hopefully  
21 communicated to your special assistants.

22 COMMISSIONER HERIOT: Well, I've got  
23 lots of input. I'm happy to talk to you after the  
24 meeting.

25 MS. EISEMANN: Okay, okay then. Yes, I

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1 hadn't gotten any, so I thought there hadn't been  
2 any input. Okay, well then we can talk after.

3 COMMISSIONER GAZIANO: I had a momentary  
4 distraction. What is the date of the briefing?

5 MS. EISEMANN: January 11th.

6 COMMISSIONER GAZIANO: January 11th.  
7 Oh, it's up?

8 CHAIRMAN CASTO: Oh, you don't have  
9 this?

10 COMMISSIONER GAZIANO: Oh, no. I  
11 didn't. I thought it was for today's briefing.  
12 Okay, sorry. This helps. I don't know. I'm aware  
13 of some of these witnesses' backgrounds, but not  
14 others.

15 And so I might have been trying to  
16 contact someone, but I've been traveling a lot this  
17 week, who might be able to suggest a witness or two.

18 So my apologies for not reaching them  
19 before then. Since this is five weeks away, I know  
20 it's over holidays, can make appropriate  
21 adjustments.

22 CHAIRMAN CASTO: Any other comments?  
23 Questions? Did you raise your hand, Commissioner?  
24 No? All right, thank you Miss Eisemann, appreciate  
25 it. We'll now move on to an update on the Civil

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1 Rights Implications of the Eminent Domain Abuse  
2 briefing.

3 Ms. Butler, if you could come to the  
4 microphone. Thank you. I think you're also going  
5 to cover the sex trafficking briefing, so you might  
6 as well cover both for us please. Thank you.

7 **UPDATE ON THE CIVIL RIGHTS IMPLICATIONS**  
8 **OF EMINENT DOMAIN ABUSE BRIEFING**

9 MS. BUTLER: Good afternoon. We've made  
10 all the necessary ERB and LSR changes to the draft  
11 report. I'm going over it one more time just to  
12 make sure everything's okay and we will have a draft  
13 for someone to review Thursday morning.

14 **UPDATE ON THE SEX TRAFFICKING: A GENDER-BASED**  
15 **VIOLATION OF CIVIL RIGHTS BRIEFING**

16 MS. BUTLER: And on "Sex Trafficking," a  
17 draft for that report won't be finished until  
18 probably close to the end of January.

19 CHAIRMAN CASTO: Any questions for Ms.  
20 Butler? Hearing none, thank you. We'll move on to  
21 the next item, which is, let's see, the regional  
22 programs report. Mr. Mussatt?

23 **III. MANAGEMENT AND OPERATIONS**  
24 **CHIEF OF REGIONAL PROGRAMS REPORT**

25 MR. MUSSATT: Mr. Chairman, thank you.

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1 You received the RPCU monthly report and  
2 spreadsheets in your packets. If you have any  
3 questions, I would be happy to answer that. I just  
4 wanted to add two additional updates today.

5 One being yesterday, actually, the  
6 Georgia SAC submitted a project proposal. And under  
7 AI 57, Section 4-02 and Section 8, it's pretty clear  
8 that the staff director has to approve those project  
9 proposals.

10 And as you know, there's no staff  
11 director right now. So that's an issue for --

12 COMMISSIONER HERIOT: Can we make a  
13 motion to have the thing be approved by David? Or  
14 by the Chairman, whatever you prefer?

15 CHAIRMAN CASTO: I think it would  
16 probably be more appropriate for the RPCU chief,  
17 simply because as you know, the rule that we as  
18 Commissioners should not impact the programs that  
19 the SACs choose to promulgate.

20 COMMISSIONER HERIOT: That's also a rule  
21 that the staff is not supposed to do that.

22 CHAIRMAN CASTO: But he's at least in  
23 the office, the position is actually in the office  
24 of the staff director of the RPCU. So if you're  
25 willing to make a motion, I think it's more

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1 appropriate that he do it than I do it.

2 COMMISSIONER HERIOT: Okay, I make a  
3 motion that in the absence of a staff director, that  
4 for the next three months that David Mussatt be  
5 authorized to act in the place of the staff director  
6 for the purpose of approving such reports.

7 MR. MUSSATT: Proposals, just to be  
8 clear.

9 CHAIRMAN CASTO: Proposals. Do we have  
10 a second to that?

11 VICE CHAIR THERNSTROM: Second.

12 CHAIRMAN CASTO: Okay, any additional  
13 discussion? If not, let me take a vote on that.  
14 Commissioner Kirsanow, how do you vote?

15 COMMISSIONER KIRSANOW: Yes.

16 CHAIRMAN CASTO: Commissioner Heriot,  
17 how do you vote?

18 COMMISSIONER HERIOT: Yes.

19 CHAIRMAN CASTO: Commissioner Gaziano,  
20 how do you vote?

21 COMMISSIONER GAZIANO: Abstain.

22 CHAIRMAN CASTO: Madam Vice Chair, how  
23 do you vote?

24 VICE CHAIR THERNSTROM: Abstain.

25 CHAIRMAN CASTO: Commissioner Kladney,

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1 how do you vote?

2 COMMISSIONER KLADNEY: I abstain.

3 CHAIRMAN CASTRO: Commissioner  
4 Achtenberg?

5 COMMISSIONER ACHTENBERG: Yes.

6 CHAIRMAN CASTO: Commissioner Yaki?

7 COMMISSIONER YAKI: No.

8 CHAIRMAN CASTO: And I vote yes. So we  
9 have one, two, three, four yeses, three abstentions  
10 and a no. So that authority is for the next three  
11 months in Mr. Mussatt's hands. Okay.

12 **IV. STATE ADVISORY COMMITTEE ISSUES**

13 **REVIEW OF PROPOSED CHARTER FOR SACS**

14 MR. MUSSATT: The other issue deals with  
15 the ongoing work of the subcommittee, which is  
16 trying to promote the efficiency and effectiveness  
17 with our regional offices and State Advisory  
18 Committees.

19 And we are continuing to work on the  
20 draft of the revised AI 5-9 as I notified you last  
21 time I spoke. We're still wrapping up things with  
22 that, and some issues with the CFR, a CFR change  
23 that has to go through later on in the next fiscal  
24 year, or next calendar year, I should say.

25 The one change that I wanted to, that is

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1 in your packet and I want to present today dealt  
2 with the charter. And just to be clear, I wanted to  
3 kind of go back and remind you that the charter is,  
4 to use an analogy, I don't want to push too far, is  
5 like the registration to vote.

6 You have to register first, so this is  
7 the charter that kind of establishes that these  
8 Committees exist. And they have to be re-filed  
9 every two years. It's pretty straight, clear.

10 Presently, what we're doing is we're  
11 filing 51 of these every two years for each advisory  
12 committee. The document is the same for all 51  
13 except that the name of the SAC changes, obviously,  
14 and the cost may be slightly different.

15 Upon the work of the subcommittee and  
16 with the approval of our Committee Management  
17 Secretariat and General Counsel's office, in your  
18 packet is a one unified charter which basically  
19 charters all 51 State Advisory Committees  
20 immediately.

21 And that's it. But the second step,  
22 which is the bigger step of course, is the  
23 appointment of members. So that doesn't change  
24 anything. So in a way, it changes things because  
25 now the RPCU only has to file one charter every two

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1 years instead of 51 charters every two years.

2 So it helps with the efficiency in that  
3 standpoint. But as far as getting State Advisory  
4 Committees administratively active, it doesn't do  
5 anything because that is still for the Commissioners  
6 to appoint members, and Commissioner Heriot and  
7 Commissioner Achtenberg are still working on.

8 I'll just mention, too, that I think  
9 that, you know, besides the efficiencies that I  
10 think it is important because it helps us along with  
11 our compliance that the State Advisory Committees  
12 are not discretionary. They're in statute.

13 And so by at least chartering them, if  
14 you go into the FACA database, they'll see that at  
15 least, you know, we have complied with the statute  
16 to that regard.

17 And it also is helping with our  
18 relationships to the GSA and the Committee  
19 Management Secretariat who have been seeing the work  
20 on the State Advisory Committees and it's important  
21 for them to see positive movement in this regard  
22 because a lot of times, they're the ones who get the  
23 calls from the media and from Congress about what's  
24 going on.

25 So it's important to show them that

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1 we're making efforts and improvement. So I'll be  
2 happy to answer any questions about that.

3 CHAIRMAN CASTO: Anyone have any  
4 questions about the unified charter? Commissioner  
5 Gaziano?

6 COMMISSIONER GAZIANO: Again, I'm even  
7 more obtuse, as someone observed today. Maybe from  
8 lack of sleep. I took a red eye to be here. Gail  
9 does that all the time, I just don't know how she  
10 does it, and others.

11 If we have this unified charter but the  
12 terms of members of a particular SAC expired, then  
13 how does that solve the problem for that particular  
14 SAC? Does that --

15 MR. MUSSATT: Once the terms of the  
16 members expired, the SAC would be administratively  
17 inactive. So if we go Monday and I file this charter  
18 up, 51 SACs will be chartered. But the same number,  
19 27 that are administratively inactive today will  
20 still be administratively inactive on Monday.

21 COMMISSIONER GAZIANO: Then how does  
22 this help?

23 MR. MUSSATT: That was my point. The  
24 only way it helps is, I think, administratively for  
25 the RPCU, it helps because it lowers the workload of

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1 having to file 51 of these every two years. Now we  
2 just have to file one.

3 And then just, again, the steps towards  
4 compliance with our statute and with good faith  
5 effort.

6 COMMISSIONER GAZIANO: Help me with the  
7 thing. We still, then, would have to nominate a SAC  
8 package. And if that work any less under this  
9 unified charter?

10 MR. MUSSATT: Well, I mean --

11 COMMISSIONER HERIOT: Kind of  
12 rhetorical, then.

13 MR. MUSSATT: Just omit the words where  
14 we're chartering --

15 COMMISSIONER HERIOT: Fifty-one SACs  
16 were chartered, but they're not --

17 MR. MUSSATT: -- we're just putting in  
18 members.

19 COMMISSIONER GAZIANO: Oh, okay.

20 MR. MUSSATT: I mean, we've kind of done  
21 things backwards. I mean, you're supposed to  
22 charter and appoint members. And we've always  
23 appointed members, then chartered. And it's just, I  
24 think, a bad habit we got into.

25 COMMISSIONER GAZIANO: People are

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1 whispering things.

2 MR. MUSSATT: Okay.

3 COMMISSIONER GAZIANO: Okay, I think I  
4 may understand a few advantages.

5 CHAIRMAN CASTO: Trying to bring it all  
6 back into the way it's supposed to be in terms of  
7 compliance.

8 COMMISSIONER GAZIANO: And I don't know  
9 if you're the right person to ask this, or whether  
10 it's the subcommittee, but I understand that we may  
11 still be considering four year terms going forward?

12 MR. MUSSATT: That was one of the  
13 suggestions, lowering the minimum from 11 SAC  
14 members to eight. And what was the other thing?  
15 Oh, we had a constructive resignation provision that  
16 we were working on. So those were the three things  
17 that we had talked about since we started.

18 CHAIRMAN CASTO: This unified charter is  
19 separate from that issue.

20 COMMISSIONER ACHTENBERG: And I would  
21 also point out that we're going to deal with the  
22 substantive issues in a business meeting that we've  
23 called specifically to deal with those issues. That  
24 will be held the day after the Lincoln Cottage.

25 That will be held on the 4th. So I

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1 mean, this was a nice step in the right direction.  
2 But it doesn't solve the problem completely for a  
3 permit. But we'll discuss that at the next --

4 COMMISSIONER YAKI: It's like a  
5 theoretical contract, Commissioner Gaziano, or like  
6 the unified field theory in physics, except that  
7 without the time zone wormhole, kind of.

8 CHAIRMAN CASTO: Yes well, so do we need  
9 to take any action on this unified charter? Do we  
10 need to give you our blessing?

11 (Off microphone comments.)

12 CHAIRMAN CASTO: So I'll make a motion  
13 to --

14 COMMISSIONER ACHTENBERG: I would like  
15 to --

16 CHAIRMAN CASTO: Sorry, go ahead. You  
17 make the motion.

18 COMMISSIONER ACHTENBERG: No, no.

19 CHAIRMAN CASTO: I'll make a motion that  
20 we adopt the unified charter. Is there a second?

21 COMMISSIONER ACHTENBERG: Second.

22 CHAIRMAN CASTO: Any additional  
23 discussion? If not, I'll take a vote. Commissioner  
24 Kirsanow, how do you vote?

25 COMMISSIONER KIRSANOW: Yes.

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1 CHAIRMAN CASTO: Commissioner Heriot,  
2 how do you vote?

3 COMMISSIONER HERIOT: Yes.

4 CHAIRMAN CASTO: Commissioner Gaziano,  
5 how do you vote?

6 COMMISSIONER GAZIANO: Yes.

7 CHAIRMAN CASTO: Madam Vice Chair, how  
8 do you vote?

9 VICE CHAIR THERNSTROM: Yes.

10 CHAIRMAN CASTO: Commissioner Kladney,  
11 how do you vote?

12 COMMISSIONER KLADNEY: Yes.

13 CHAIRMAN CASTO: Commissioner  
14 Achtenberg?

15 COMMISSIONER ACHTENBERG: Yes.

16 CHAIRMAN CASTO: Commissioner Yaki?

17 COMMISSIONER YAKI: Yes.

18 CHAIRMAN CASTO: I vote yes. So we have  
19 a unanimous vote. Good, thank you. That serves as  
20 cause for congratulations. So now we have, I  
21 believe Ms. Hepler, you're going to do an ethics  
22 training for us?

23 (Off microphone comments.)

24 COMMISSIONER YAKI: Oh dear God, do we  
25 have to do this?

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1 CHAIRMAN CASTO: Last but not least.

2 COMMISSIONER YAKI: We've got it on our  
3 screen.

4 (Off microphone comments.)

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6 MS. HEPLER: Oh, you have your screens,  
7 okay.

8 COMMISSIONER KLADNEY: May I ask a  
9 question?

10 MS. HEPLER: Sure.

11 COMMISSIONER KLADNEY: Can I get the,  
12 like, CLE for this stuff?

13 CHAIRMAN CASTRO: I think you have to  
14 present this to your bar. I think she was asked  
15 that last time.

16 MS. HEPLER: If you tell me what you  
17 need, and I can try to, you know, see if I can get  
18 it to you.

19 COMMISSIONER KLADNEY: Okay.

20 MS. HEPLER: I don't know what the bar  
21 requires.

22 COMMISSIONER KLADNEY: I'll get it.

23 MS. HEPLER: For mine, they require --

24 COMMISSIONER YAKI: We only need one and  
25 a half hours in California --

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1 CHAIRMAN CASTO: We're on the record.  
2 We didn't go off the record. Oh, okay yes. You  
3 need to be on the mic then.

4 MS. HEPLER: Okay. Oh, I'm sorry. If  
5 you let me know, I know I just went through this  
6 recently. They required the program or an outline in  
7 this case, it's real short, and the time. This was  
8 Florida.

9 And then they wanted some information  
10 about the speaker, which I can find out what they  
11 want.

12 COMMISSIONER KLADNEY: Thank you.

13 CHAIRMAN CASTO: Please proceed.

14 MS. HEPLER: This is your last one.  
15 This is, there's supposed to be an hour of training  
16 per year, and this is the last one. And then  
17 because of the holiday season, I picked charitable  
18 fund-raising.

19 COMMISSIONER HERIOT: Okay.

20 MS. HEPLER: And I think Michele, you're  
21 going to run it? Why don't you run it? Okay.

22 (Off microphone comments.)

23 MS. HEPLER: Okay, let's go to the next  
24 one, please. Okay. And in your official duty  
25 capacity as a Commissioner --

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1 (Off microphone comments.)

2 CHAIRMAN CASTO: Attention, please?

3 MS. HEPLER: As a Commissioner Special  
4 Assistant, there are three types of charity, three  
5 permissible methods. And one is the called the  
6 Combined Federal Campaign.

7 Another is a Special Collection with the  
8 Director of the Office of Personnel Management. And  
9 the third is a Gifts-in-Kind collection. Next, the  
10 Combined Federal Campaign is the only solicitation  
11 of employees allowed normally in the Federal  
12 workplace on behalf of charitable organizations.

13 And the employees may engage in fund-  
14 raising in their official capacity in the Government  
15 workplace only through certain CFC rules. And now  
16 Yasmin's going to talk to you about CFC because she  
17 is the agent, one of the Agency's CFC key workers.  
18 What do you call them?

19 MS. ELHADY: Keyworker.

20 MS. HEPLER: Yes, whatever you call  
21 them.

22 MS. ELHADY: Hi, everybody. I'll try to  
23 be short and sweet. CFC --

24 CHAIRMAN CASTO: Get to the microphone  
25 so that we can --

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1 MS. HEPLER: You've got slides, too.

2 MS. ELHADY: I do, I have slides. Is  
3 this fine?

4 CHAIRMAN CASTO: Yes.

5 MS. ELHADY: Can you hear me? Okay. So  
6 CFC is the Combined Federal Campaign. And just like  
7 Ms. Hepler explained, it's the only authorized  
8 solicitation of employees in the federal workplace.

9 And we have been doing awesome with CFC,  
10 just so you guys know, the Commission. We have met  
11 our goal each year now for five years, which is a  
12 really big deal. And our goal has been around  
13 \$5,000 every year, and we've raised that.

14 Can I get the next one please, Michele?  
15 So just a little bit about CFC. We started in 1971.  
16 Well, actually we started prior to that in the '60s  
17 by President Kennedy, but it was official in 1971  
18 under President Nixon, I believe.

19 And it became the uniform method of  
20 authorized fund-raising for the federal service.  
21 And the big, nice thing that happened in 1971 is  
22 that you could get a payroll deduction directly from  
23 your salary.

24 So you wouldn't even have to worry about  
25 the giving, made giving super, super easy. And

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1 today, now there's over 20,000 non-profit  
2 organizations that participate in the CFC worldwide.

3 If you want to click on that little -- I  
4 had made sound effects, but maybe we can't do it.  
5 Next, please. It was like that little, you know  
6 that little speaker. If you want to just click it,  
7 Michele?

8 MS. YORKMAN: It's not going to work.

9 MS. ELHARDY: Oh, it's not going to  
10 work? Okay, no problem. Okay.

11 VICE CHAIR THERNSTROM: Where is the  
12 list of these non-profits?

13 MS. ELHADY: That's a great question,  
14 and that's the next slide. You can go online to  
15 CFCNCA.org. And what's really wonderful about the  
16 website is that it's super user friendly.

17 You sign in, you say I want to donate.  
18 And from there, you go directly --

19 VICE CHAIR THERNSTROM: What if you  
20 don't want to donate, you just want to look at the  
21 list?

22 MS. ELHADY: Well, you would have to go  
23 through that process if you want to look at the list  
24 online. There's two lists, actually, so let me back  
25 up. There's two lists.

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1 One list is if you just want to look at  
2 the catalogue. You can get that online very, very  
3 easily, and I can send that actual hyperlink to you.  
4 But it's long and it's a PDF.

5 And that's called the Book of Giving;  
6 it's the catalogue of giving for 2012. I can send  
7 that to you, it's just a really long URL so I didn't  
8 put that here. You can also get it off of  
9 CFCNCA.org.

10 If you want to hit the donate button,  
11 what you get that's nice, that you don't get  
12 necessarily in the book is that you get to see all  
13 of the percentage overhead costs for each of these  
14 organizations.

15 So it makes it really, really easy to  
16 get a wealth of information about each of these non-  
17 profits. So you get the overhead cost percentage.  
18 Next, please?

19 So I just want to reiterate that now,  
20 for five years strong, we've never fallen short of  
21 our \$5,000 goal. But we need your help, so we're  
22 calling on you. That little sound effect was a  
23 telephone call.

24 We need your help. Right now, we're at  
25 around \$1,000. We need to get to \$5,000. It would

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1 be really wonderful if all of you gave a little bit,  
2 each of you giving a little bit together is how we  
3 get, you know, our goal every year.

4 We also did a music video that I can  
5 send to you guys later, if you're interested. The  
6 office did a music video because we're up for an  
7 award because we keep on meeting our goal and  
8 because we're creative. And it is to the song  
9 "Cupid" by Sam Cooke. But it's called "Hope."

10 (Off microphone comments.)

11 MS. ELHADY: So it was really, really  
12 nice.

13 MS. ELHADY: Oh, sorry?

14 COMMISSIONER YAKI: Not "Change is Going  
15 to Come" by Sam Cooke?

16 MS. ELHADY: No, just Cupid because it's  
17 Cupid draw back your bow. But it's hope, it's the  
18 best gift.

19 COMMISSIONER GAZIANO: I remember there  
20 used to be rules when I was full time in the federal  
21 government about how you can make appeals to your  
22 colleagues.

23 MS. ELHADY: Yes.

24 COMMISSIONER GAZIANO: And I would think  
25 that you could be more pushy with us than we could

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1 be with you. Okay? I'm trying to draw out the  
2 efforts part of this, okay.

3 MS. ELHADY: Okay, yes.

4 MS. HEPLER: Well, that's coming at the  
5 end.

6 COMMISSIONER GAZIANO: Oh, okay.

7 MS. ELHADY: Yes.

8 MS. HEPLER: We're going back to that.

9 MS. ELHADY: But that's good that you  
10 noticed that. You know, a subordinate can --

11 COMMISSIONER YAKI: Todd, had they  
12 invented the dollar when you were working in the  
13 federal government?

14 MS. ELHADY: -- ask a superior, but a  
15 superior cannot usually ask a subordinate because  
16 it's seemingly ethically problematic. Yes, ma'am?

17 COMMISSIONER HERIOT: I'm just confused  
18 about all of this.

19 MS. ELHADY: Sure.

20 COMMISSIONER HERIOT: The Combined  
21 Federal Campaign, do people go through and pick  
22 particular charities on the list?

23 MS. ELHADY: Sure. That's exactly what  
24 they do.

25 COMMISSIONER GAZIANO: The Veteran's

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1 Group. National Right to Work.

2 COMMISSIONER HERIOT: I don't have to  
3 just give to the Campaign?

4 MS. ELHADY: No. You don't give to the  
5 Campaign generally. You choose exactly what you  
6 want. It's so easy to give. You can give a onetime  
7 donation, or you can give by payroll deduction, so  
8 it's taken out of your account over time to make it  
9 easier.

10 COMMISSIONER HERIOT: Okay.

11 MS. ELHADY: Okay? And what's really  
12 wonderful, like I said, is we have so many. We have  
13 thousands, literally, of charities participating.  
14 So you get so much freedom to choose what you want.

15 VICE CHAIR THERNSTROM: What are the  
16 criteria by which the charities are chosen?

17 MS. ELHADY: Good question. You have to  
18 be a 501(c)(3) organization. And under, you know,  
19 IRS law, 501(c)(3)s can't be involved in any sort of  
20 political activity. They have to be for a non-  
21 profit charitable purpose.

22 VICE CHAIR THERNSTROM: What about a  
23 501(c)(3) that this list hasn't heard of?

24 MS. ELHADY: Well, you don't have to  
25 necessarily be a 501(c)(3) that the CFC hasn't heard

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1 of and received through CFC. So you can obviously  
2 give privately.

3 But if you want to give through CFC to  
4 make it easier for you, we recommend that you choose  
5 one that has come to the attention of the Combined  
6 Federal Campaign. The process of applying is super  
7 simple, actually.

8 You can also look at CFCNCA.org to see  
9 how, if you were a charity and you wanted to be  
10 involved and be a part of the list, super easy.

11 And just really quick, CFCNCA's just a  
12 National Capital area. So there's 187 campaigns  
13 across the nation. So CFC has, we're divided in  
14 geographical locations.

15 So we are in the National Capital area,  
16 just so you guys know. But CFC has raised over \$7  
17 billion. It's pretty amazing.

18 COMMISSIONER GAZIANO: And for the  
19 record, the fact that Commissioner Yaki's flying  
20 airplanes and making paper -- does that mean he's  
21 not taking this sort of ethics seriously, or that  
22 he's taking it super seriously?

23 CHAIRMAN CASTO: If we could be  
24 respectful and sit down and listen to the  
25 presentation that would be great. I know it's been

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1 a long day for all of us, and we're all getting  
2 antsy.

3 MS. ELHADY: I think now that he's being  
4 called out on the record, I'm sure he'll give to the  
5 campaign. Thank you.

6 (Laughter.)

7 COMMISSIONER YAKI: Better people have tried.

8 MS. HEPLER: Okay. And so I just want to go  
9 through the two other ways that you can give in the  
10 government as official duty.

11 And one is, there's a special collection  
12 when the director of the Office of Personnel  
13 Management authorizes it and he may grant permission  
14 for solicitations of federal employees outside of  
15 CFC and support emergencies.

16 And as you can imagine, he permitted one  
17 for Hurricane Sandy victims. Next please? The  
18 other thing that's interesting is they permit gifts  
19 in kind. So we can have collections of food, toys  
20 and clothing here.

21 And if you saw when you came in, I  
22 couldn't get this out before, they're collecting  
23 toys down when you walk in for Salvation Army to  
24 give out. Next please, Michele.

25 And this is where you get into the

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1 personal capacity, I think, some of the things you  
2 were talking about. Well, no this is different.  
3 You're free to fund-raise in your personal capacity.

4 But again, this is not official duty.  
5 The others were official duty. Remember; do not  
6 solicit on official duty time, on federal government  
7 property.

8 Your federal government subordinate, I  
9 know the special assistants or full time employees,  
10 but they're your subordinates. So for your other  
11 jobs, you're not supposed to be soliciting from  
12 them.

13 And don't use your government resources  
14 and don't use your official title or authority. And  
15 don't use anyone that's a prohibited source.

16 COMMISSIONER HERIOT: What's a  
17 prohibited source?

18 MS. HEPLER: A prohibited source, talk  
19 to me. It's hard to come up with one here. So if  
20 you have someone, you think? What? No. I mean,  
21 and it's very hard for us --

22 COMMISSIONER HERIOT: We have worked  
23 doing contracting work that, you know -

24 MS. HEPLER: I'm sorry?

25 COMMISSIONER HERIOT: I'm a government

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1 contract specialist. I let out, you know,  
2 government contracts. Presumably I cannot solicit  
3 someone who's seeking a government contract, or a  
4 personnel office. This doesn't really apply, I don't  
5 think, to us very usefully.

6 VICE CHAIR THERNSTROM: I still need a  
7 clarification here. I still don't understand  
8 something. What if you know a 510(c)(3) that's not  
9 on their list. Let's say it's just recently formed.  
10 Can you give to it?

11 MS. HEPLER: You can, yes. I mean --

12 MS. ELHADY: Yes, you can give through  
13 it, but not through CFC until it becomes vetted  
14 through CFC. And that process is just to make sure  
15 that all the organizations are legitimate.

16 CHAIRMAN CASTO: So is there some way to  
17 bring these organizations to the CFC's attention?

18 MS. ELHADY: You sure can. And they can  
19 actually apply online, super simple. That's it.  
20 Apply for recognition online to be included within  
21 the campaign. And that's why the book is so big.  
22 It's fantastic.

23 VICE CHAIR THERNSTROM: That's why what?

24 MS. ELHADY: That's why there's so many  
25 organizations to choose from, because the book is so

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1 fantastically big.

2 COMMISSIONER YAKI: Doesn't the CFC  
3 stuff usually comes in your payroll stuff from --

4 MS. ELHADY: Sure, you can choose that  
5 or you can choose a onetime online gift.

6 COMMISSIONER HERIOT: When's the  
7 deadline for the raising the \$5,000?

8 MS. ELHADY: Good question. Okay, so  
9 the deadline is December 15th. And notice I did not  
10 say that. I was going to tell you that afterwards.  
11 December 15th. So we've tried as much as possible  
12 to do the push here. But we were hoping for you  
13 guys to give us that final push.

14 COMMISSIONER HERIOT: Mail me to make  
15 sure I don't forget.

16 MS. ELHADY: Yes, ma'am. Okay thank  
17 you.

18 CHAIRMAN CASTO: Questions?

19 COMMISSIONER YAKI: Is there an  
20 emailable form?

21 MS. ELHADY: Sure, there is an emailable  
22 link. And on that link, you can easily donate  
23 online. And I'll make sure to send that to you.

24 COMMISSIONER YAKI: Send it to all the  
25 Commissioners.

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1 MS. ELHADY: Sure, I will send it to all  
2 everyone. And I can also send the music video to  
3 whoever's interested. But it is in --

4 COMMISSIONER YAKI: Because I wasn't  
5 paying attention.

6 **V. ADJOURN MEETING**

7 CHAIRMAN CASTO: Any other questions?  
8 If not, thank you both very much. I make a motion  
9 to adjourn.

10 COMMISSIONER KLADNEY: Second.

11 CHAIRMAN CASTO: All those in favor?

12 (Chorus of ayes.)

13 CHAIRMAN CASTO: Happy Holidays,  
14 everyone.

15 (Whereupon, the meeting in the above-  
16 entitled matter was concluded at 3:33 p.m.)

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