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U.S. COMMISSION ON CIVIL RIGHTS

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MEETING

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FRIDAY, JANUARY 22, 2016

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The Commission convened by
teleconference at 10:41 a.m., Martin R. Castro,
Chairman, presiding.

PRESENT:

MARTIN R. CASTRO, Chairman

PATRICIA TIMMONS-GOODSON, Vice Chair

ROBERTA ACHTENBERG, Commissioner

GAIL HERIOT, Commissioner

PETER N. KIRSANOW, Commissioner

DAVID KLADNEY, Commissioner

KAREN NARASAKI, Commissioner

MICHAEL YAKI, Commissioner

MAURO MORALES, Staff Director

MAUREEN RUDOLPH, General Counsel

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STAFF PRESENT:

LATRICE FOSHEE
PAMELA DUNSTON, Chief, ASCD
ANGELA FRENCH-BELL
DARREN FERNANDEZ
ANGELA FRENCH-BELL
GERSON GOMEZ
ALFREDA GREENE
LENORE OSTROWSKY
JUWANDA SMITH
MICHELE YORKMAN

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART
ALEC DUELL
AMY GRANT
JASON LAGRIA
CARISSA MULDER
ALISON SOMIN
KIMBERLY TOLHURST
IRENA VIDULOVIC

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

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

2 10:41 a.m.

3 CHAIRMAN CASTRO: Commissioners,
4 we're going to move right into the business
5 portion.

6 First item is what I'd like to do is
7 discuss when we're going to reschedule the balance
8 of this briefing. Now, that rescheduling has
9 implications, as I said earlier, for the timing of
10 our Quiet Crisis and/or Town Hall. So I think it's
11 probably easiest to discuss them all as a unit.

12 So we were talking about February 5th
13 being a possible date for rescheduling this. If
14 we can have our OCRE staff come up here and begin
15 a discussion on this quickly so that we can wrap
16 up. Angela French-Bell, our OCRE director is now
17 at the microphone. Go ahead.

18 MS. FRENCH-BELL: Good afternoon to
19 everyone. We just wanted to kind of provide a
20 little bit of facts that may help you with the --

21 CHAIRMAN CASTRO: Can you speak a
22 little --

23 MS. FRENCH-BELL: Sure. We just want
24 to provide a little bit of facts that may make it

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1 easier to make the final decision.

2 Okay. So February 5th, when we did a
3 survey of the panelists who are available for
4 February 5th, we found that all but one were
5 available. When we did a survey of February 12th,
6 we would lose about six or seven panelists. So
7 that's a factor for consideration. Also for OCRE
8 the earlier that we can have the briefing, the more
9 likely it is that we will be able to maintain our
10 deadline. So for us those are two critical factors
11 that make it better for us to have it on February
12 5th.

13 CHAIRMAN CASTRO: Staff director, you
14 want to say something?

15 DIRECTOR MORALES: No, I just wanted to
16 say given that, what is the reality and the
17 likelihood of both your team and the administrative
18 office to be able to put that hearing together --
19 briefing, I'm sorry, together on the 5th or the
20 12th?

21 MS. FRENCH-BELL: It would be much
22 easier to put it together on the 5th from the
23 perspective of OCRE. I can't speak for ASCD, but
24 they've -- well, I can't speak for them. But for

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1 us it would be easier because we would have all but
2 one of the panelists. We wouldn't have to go back
3 out, recruit different panelists, get them to come,
4 ensure that they're able to make it. So for us the
5 5th would be easier.

6 DIRECTOR MORALES: But you were also at
7 a meeting where the administrative office had
8 expressed their preference, and their preference
9 was the 5th or the 12th?

10 MS. FRENCH-BELL: Well, they were able
11 to work with either date from my understanding.
12 The problem would be the subsequent briefing and
13 ensuring that we didn't have two many briefings in
14 the same month.

15 DIRECTOR MORALES: Thank you.

16 CHAIRMAN CASTRO: Commissioners, now
17 does February 5th work for you all?

18 COMMISSIONER HERIOT: I cannot --
19 (Simultaneous speaking)

20 CHAIRMAN CASTRO: Okay. How about the
21 other Commissioners?

22 PARTICIPANT: I'm available.

23 COMMISSIONER YAKI: I'm available.

24 PARTICIPANT: I'm available.

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1 PARTICIPANT: I'm available, Mr.
2 Chairman.

3 CHAIRMAN CASTRO: Okay. So the only
4 Commissioner not available is Commissioner Heriot?

5 VICE-CHAIR TIMMONS-GOODSON: Pete,
6 are you available?

7 COMMISSIONER KIRSANOW: Yes, I'm
8 available.

9 CHAIRMAN CASTRO: Could you
10 participate by phone, Gail?

11 COMMISSIONER HERIOT: No.

12 CHAIRMAN CASTRO: Well, and I'm sorry
13 that --

14 COMMISSIONER HERIOT: Well, let's call
15 on the 12th here.

16 PARTICIPANT: How about the 12th?

17 PARTICIPANT: No.

18 CHAIRMAN CASTRO: I cannot. So let's
19 have a motion on February 12th. Is there a motion
20 for that?

21 COMMISSIONER KLADNEY: Mr. Chair, I
22 thought we were going to discuss all three at the
23 same time and then maybe make a vote on all three.
24 Oh, you're doing it one at a time?

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1 COMMISSIONER HERIOT: We're not doing
2 three.

3 CHAIRMAN CASTRO: Well, we can set the
4 date of the 5th now that we know that it's in
5 February. Then we have to decide what we're going
6 to do with the other two. One of the other two.
7 Okay? We can vote on it all at once. I don't mind.
8 So --

9 COMMISSIONER HERIOT: Yes, I move that
10 the hearing be placed the 5th, because otherwise
11 we're going to lose too many witnesses. And I'm
12 sorry, Commissioner Heriot.

13 CHAIRMAN CASTRO: Is there a second?

14 COMMISSIONER KIRSANOW: Second.

15 CHAIRMAN CASTRO: I'm going to call it
16 for a vote. Commissioner Narasaki, how do you
17 vote?

18 COMMISSIONER NARASAKI: Yea.

19 CHAIRMAN CASTRO: Commissioner
20 Kladney, how do you vote?

21 COMMISSIONER KLADNEY: Yes.

22 CHAIRMAN CASTRO: Commissioner
23 Heriot, how do you vote?

24 COMMISSIONER HERIOT: No.

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1 CHAIRMAN CASTRO: Commission
2 Achtenberg, how do you vote?

3 COMMISSIONER ACHTENBERG: Yes.

4 CHAIRMAN CASTRO: Madam Vice-Chair,
5 how do you vote?

6 VICE-CHAIR TIMMONS-GOODSON: Yes.

7 CHAIRMAN CASTRO: Commissioner Yaki,
8 how do you vote?

9 COMMISSIONER YAKI: Aye.

10 CHAIRMAN CASTRO: Commissioner
11 Kirsanow, how do you vote?

12 COMMISSIONER KIRSANOW: Abstain.

13 CHAIRMAN CASTRO: And I vote yes, so
14 the motion passes. We have six yeses and we have
15 one no and one abstention.

16 Okay. Now let's discuss the timing of
17 Town Hall and/or the Quiet Crisis.

18 MS. FRENCH-BELL: Okay. So from my
19 understanding we have a couple of different options
20 that we could look at. And thank you so much for
21 allowing OCRE to have a voice and input on this
22 process.

23 Because there would now be briefings on
24 the 5th, the 19th and the 26th, we would advocate

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1 moving or adjusting some of those briefings. So
2 here are two proposals:

3 The first proposal is that we have the
4 Alabama Town Hall remain the same. That would
5 enable us to get the report and get the information
6 in on time, but that the Quiet Crisis briefing be
7 moved until April 15th. That would make it easier
8 for staff who are arranging all of these events to
9 be able to do all of these things and then still
10 do other things that we need to do. And as you
11 know, timely completion of the statutory
12 enforcement report is extremely vital. It's
13 important for us to have a town hall or to at least
14 collect information in some form to ensure that we
15 have independent research for this report. Of all
16 of the things, the Quiet Crisis report can be moved
17 with the least amount of inconvenience because a
18 local event would be easier for a later date.

19 The second proposal is that instead of
20 conducting an Alabama Town Hall, OCRE would conduct
21 a field investigation. That has advantages and
22 disadvantages as well. It would be more difficult
23 for the Commissioners to be a part of that, and we
24 realize that. What the investigation would entail

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1 is OCRE conducting a series of interviews with
2 local Uniontown residents to be on a questionnaire.

3 We would also make sure that we got
4 potential people interviewed both from
5 environmental activists in the area as well as from
6 industry officials. It would still allow us to
7 complete our report on time. It would still allow
8 us to conduct independent research. It would save
9 the agency a considerable amount of money and would
10 cause less disruption to the Quiet Crisis briefing.

11 And so we wanted to lay those two
12 proposals to you and we definitely appreciate your
13 feedback.

14 CHAIRMAN CASTRO: Commissioner
15 Heriot?

16 COMMISSIONER HERIOT: Yes, I just had
17 one concern about moving the Quiet Crisis to the
18 15th, and that is my understanding is the
19 consultant who's been hired to write the report and
20 who's already put in a considerable amount of time
21 into research, his contract terminates in April.
22 And it had been my hope that we would be able to
23 get his first draft in some time to respond to that
24 draft before he left. Because my concern is if we

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1 don't get the draft with time to respond before he
2 leaves, then when we have questions and want to make
3 changes, whoever is taking over that for staff is
4 going to have a hard time because they won't have
5 the familiarity with the extensive amount of
6 research that's required for that report.

7 So I don't know. I know that I posed
8 a question to the staff director about the ability
9 to extend that contract to make that doable,
10 otherwise I think it doesn't work to move that to
11 the 15th.

12 MS. FRENCH-BELL: Our recommendation;
13 and we would have to get approval for this, would
14 be to extend the time period for the contractor in
15 the case that the briefing would move to April 15th.

16 CHAIRMAN CASTRO: Commissioner
17 Heriot?

18 COMMISSIONER KLADNEY: Who would you
19 need to get approval from?

20 CHAIRMAN CASTRO: Dave, hold on.
21 Commissioner Heriot has a question.

22 COMMISSIONER HERIOT: I'm not keen on
23 eliminating the Town Hall on Alabama, so I liked
24 your first proposal best.

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1 One thing that makes sense to me though
2 is why not, given we're dealing with local
3 witnesses, have them send in their written
4 testimony early enough to where our contractor can
5 sink his teeth into that even though he's not going
6 to --

7 MS. FRENCH-BELL: You're talking about
8 the Quiet Crisis, not the Town Hall?

9 COMMISSIONER HERIOT: Yes, I'm talking
10 about -- yes. Sorry. Sorry.

11 MS. FRENCH-BELL: We all had a blank
12 look on our faces.

13 COMMISSIONER HERIOT: Sorry. Sorry.
14 I don't know what I said, but what I meant was with
15 the witnesses for the Quiet Crisis, if we could have
16 them submit their testimony as if we were still
17 going to do it in February, that way the
18 contractor's in a little bit better position than
19 he would be to get the draft in.

20 MS. FRENCH-BELL: Just for a matter of
21 clarification I just want to make sure that we're
22 saying the same thing. So when we're talking about
23 Quiet Crisis, we would have a Quiet Crisis panelist
24 submit their statement ahead of time? My

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1 understanding is that they're still working to do
2 that so that the contractor --

3 (Simultaneous speaking)

4 COMMISSIONER HERIOT: Yes, basically
5 not ahead of time, but the schedule that we
6 currently have --

7 MS. FRENCH-BELL: Absolutely.

8 COMMISSIONER HERIOT: -- and then tell
9 them, okay, but your oral testimony won't be until
10 April. So in effect it will be really early to get
11 it in. The contractor will be able to work with
12 it, and that's what makes the most sense to me
13 because I think having a Town Hall in Alabama is
14 actually important.

15 MS. FRENCH-BELL: Thank you.

16 CHAIRMAN CASTRO: Any other
17 Commissioners who want to comment?

18 COMMISSIONER ACHTENBERG: I agree with
19 Commissioner Heriot.

20 COMMISSIONER KLADNEY: I was
21 wondering --

22 CHAIRMAN CASTRO: Okay. One at a
23 time. Commissioner Kladney, then Commissioner
24 Achtenberg.

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1 COMMISSIONER ACHTENBERG: No problem.

2 COMMISSIONER KLADNEY: I was wondering
3 if there is a possibility that we -- I mean, my
4 concern is losing that Quiet Crisis contractor.
5 And I want to know, one, if we have the money to
6 extend the contract. Two, what is the optimum date
7 of completion if the briefing is moved to April
8 15th. And in the alternative I'm also thinking in
9 the Town Hall, if we are going to attempt to do all
10 three next month, which -- and the Town Hall, OCRE
11 can conduct the Town Hall and perhaps any
12 Commissioners that want to attend can attend. And
13 I don't see where that creates a huge problem to
14 be able to do that. But that's just my opinion.

15 MS. FRENCH-BELL: I would like to
16 address each of your comments in turn. Thank you
17 so much for that comment, Commissioner Kladney.

18 As far as the budget, I would leave that
19 to the staff director and to our budget individual
20 in OM. As far as the date, if we move the Quiet
21 Crisis, we would extend the date by one month.
22 That was due mid-April. It would now be due
23 mid-May.

24 As far as OCRE conducting that Town

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1 Hall, we're willing to do whatever is best for the
2 Commissioners, however, it would still put certain
3 staff members at a disadvantage because there still
4 would be work and logistics that would need to take
5 place even if OCRE were to conduct the Town Hall.
6 So those are just considerations that I would like
7 to bring up. And I appreciate the time to do so.

8 COMMISSIONER KLADNEY: One thing I
9 forgot is if OCRE conducts the Town Hall and a
10 Commissioner goes and runs the meeting or whatever,
11 we could all really have the transcript from a
12 reporter there, so we would be able to see what the
13 folks are saying. That's all. Okay. I'm done.

14 CHAIRMAN CASTRO: The staff director
15 will respond and then Commissioner Achtenberg.

16 DIRECTOR MORALES: Thank you, Mr.
17 Chair. I will say that depending on how long you
18 keep the contractor, I don't know what the budget
19 figure would be to keep him an additional month or
20 two. I'm willing to consider that. Of course
21 that puts pressure on other aspects of our budget
22 because we had budgeted for this at this point.
23 And the question with the Town Hall in Alabama
24 isn't necessarily the cost. It's the logistical

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1 complications of bringing down the Commissioners
2 and going out and getting the witnesses and
3 conducting the Town Hall that complies with the
4 history and the integrity of the Commission.

5 So having all these things back to back
6 in one month would put an undue amount of stress
7 and pressure on our administrative staff to pull
8 it all together in a short period of time, not to
9 mention manpower hours, people traveling down
10 there, working long hours and overtime pay. So
11 those are some of the considerations. I mean,
12 clearly this is not our ideal situation because of
13 what happened today with the weather and having to
14 push back the EJ briefing. And it's kind of a
15 domino effect on all the other impacts. So that's
16 why we've asked for your insight and your decision
17 on how you want to proceed.

18 CHAIRMAN CASTRO: Commissioner
19 Achtenberg and then Commission Narasaki?

20 COMMISSIONER ACHTENBERG: Mr. Chair,
21 if we move the Quiet Crisis briefing to the 15th
22 of April, then what about our meeting on the 19th
23 of February? What would that be devoted to and how
24 would that be conducted.

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1 CHAIRMAN CASTRO: Well, I'm hoping
2 that we will have some state advisory committees
3 to come up. And I circulated a letter today only
4 because that one is the most time-sensitive, but
5 there are other letters that are going to be similar
6 topics, other civil rights topics that will be
7 presented at that meeting. So there would be a
8 business agenda, a regular business agenda.

9 COMMISSIONER ACHTENBERG: And would we
10 be conducting that over the telephone or --

11 CHAIRMAN CASTRO: If we move the Quiet
12 Crisis, she said, on the 19th. Well, you've still
13 got February then. We could do it telephonically
14 for those folks who did not want to travel. It's
15 a little more challenging to me to conduct the
16 meeting when everyone's telephonic. Obviously,
17 we can do that if we need to or if we want to maybe
18 effect some cost savings there to be able to try
19 to extend the contract for the writer for the
20 report. So we can play with that aspect of it. Is
21 that your question then, Commissioner Achtenberg?

22 COMMISSIONER ACHTENBERG: Yes, that's
23 my question.

24 CHAIRMAN CASTRO: Okay. Commissioner

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1 Narasaki?

2 COMMISSIONER NARASAKI: So, first of
3 all, I just wanted to acknowledge staff for having
4 to deal with the additional stress of weather
5 interfering with all the incredible work that went
6 into trying to put together the hearing today. So
7 I just want to acknowledge that. That has been
8 very stressful and very much appreciate the fact
9 that staff has risen to the occasion as usual and
10 note that we have the reality of a tight budget and
11 some time tables.

12 I think that in order to do the Quiet
13 Crisis we'll probably need to extend the contract
14 of the writer for two months because if the hearing
15 is not until the 15th, we still need to get the final
16 draft in time for Commissioners to have input and
17 for that person to respond, because otherwise I
18 think we will have wasted a lot of investment there.
19 And I volunteered, me and my staff, not to go to
20 Alabama, so that frees up some money for that
21 contract.

22 CHAIRMAN CASTRO: Director?

23 DIRECTOR MORALES: I would welcome
24 that, and we will find a way to spend up to two

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1 months if we can, if we can find cost savings in
2 other aspects of perhaps the Alabama Town Hall if
3 all the Commissioners don't go. If there's a
4 select group that go, that would probably be a
5 savings of about -- you know, that could be like
6 5,000 to 10,000 in hotel and travel.

7 CHAIRMAN CASTRO: What if we make the
8 business meeting just telephonic?

9 DIRECTOR MORALES: That would help as
10 well.

11 CHAIRMAN CASTRO: Maybe that's what we
12 do.

13 DIRECTOR MORALES: And then we can
14 extend -- we might find the window to extend the
15 contractor's time to write the paper in order to
16 move out the Quiet Crisis briefing.

17 CHAIRMAN CASTRO: If we need to make a
18 decision today, I think I messed up. I think we're
19 going to hold you to finding some of those savings.
20 And if you need to come back to us and say we
21 definitely need to make the 19th meeting all
22 telephonic, we may need to do that. And three or
23 four people can't go to the -- come up with a plan
24 to figure out how to pay for it. But we have to

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1 decide now. So I assume you're going to be able
2 to --

3 DIRECTOR MORALES: Well, I don't see
4 any reason why we couldn't decide to make the
5 meeting on the 19th telephonic right now. Then we
6 can offer some of the Commissioners who don't feel
7 compelled to travel to Alabama as Commissioner
8 Narasaki so graciously provided. I think that
9 would help a lot. If we could maybe get maybe two
10 more Commissioners not to go in addition to
11 Commissioner Narasaki, that would help.

12 (Simultaneous speaking)

13 CHAIRMAN CASTRO: -- we need to do that
14 because we got to find out what the cost of place
15 is going to be for the -- certainly right now we
16 can say we'll make the meeting on the 19th
17 telephonic. I know you have some savings right off
18 the bat and then we could figure out later what else
19 we need to cut.

20 DIRECTOR MORALES: Okay.

21 CHAIRMAN CASTRO: Okay?

22 COMMISSIONER KLADNEY: This is
23 Kladney. One of the things about the Town Hall
24 meeting I thought initially, you checked and there

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1 was not going to be a call in to listen. And I
2 thought if there was, it would be more conducive
3 for Commissioners to attend telephonically to the
4 Town Hall, thus not having to make the trip. And
5 I was wondering whether that decision not to have
6 a call in could be looked at.

7 DIRECTOR MORALES: Yes.

8 COMMISSIONER KLADNEY: I mean, is it
9 very expensive?

10 DIRECTOR MORALES: No, Commissioner
11 Kladney. It wasn't an issue of the expense. It
12 was an issue of the -- Uniontown is a very small
13 community and the issue was were we going to be able
14 to do this Town Hall in a school? Were we going
15 to be able to do it in the City Council chambers?
16 And so the issue was, or is and remains so will they
17 have the technological ability to take a telephone
18 call or be able to pipe in telephonic participation
19 by Commissioners? And we don't have an answer to
20 that yet because we haven't been able to nail down
21 which of those two sites the Town Hall will occur.

22 COMMISSIONER KLADNEY: Thank you.

23 CHAIRMAN CASTRO: I think we have, if
24 I'm not mistaken, seems to be a consensus here

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1 that -- and I'm going to state it and if it's
2 accurate, then someone can make a motion to that
3 effect, that we will move the Quiet Crisis briefing
4 to April 15th with the understanding that we will
5 extend the contractor's contract by at least two
6 months and that that will at least partially be paid
7 by the fact that we will make our February 19th
8 meeting telephonic so the Commissioners do not have
9 to travel here and that cost savings could be
10 attributed then to the writer. And then that also
11 the staff director will look if necessary for other
12 costs savings that might be derived from the Town
13 Hall travel in Alabama. Is that accurate?

14 (No audible response)

15 CHAIRMAN CASTRO: Okay. Can I get a
16 motion on that?

17 VICE-CHAIR TIMMONS-GOODSON: So
18 moved.

19 CHAIRMAN CASTRO: Is there a second?

20 COMMISSIONER ACHTENBERG: Second.

21 CHAIRMAN CASTRO: That's Commissioner
22 Achtenberg seconding it?

23 COMMISSIONER ACHTENBERG: Yes.

24 CHAIRMAN CASTRO: Okay. Since I know

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1 we've fully discussed this, I'm going to take a roll
2 call vote. Okay?

3 Commissioner Narasaki, how do you vote?

4 COMMISSIONER NARASAKI: Reluctantly
5 yes.

6 CHAIRMAN CASTRO: Okay.

7 Commissioner --

8 PARTICIPANT: What did she say?

9 CHAIRMAN CASTRO: She said reluctantly
10 yes. Commissioner Kladney, how do you vote?

11 COMMISSIONER KLADNEY: Yes.

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

14 COMMISSIONER HERIOT: Yes.

15 CHAIRMAN CASTRO: Commissioner
16 Achtenberg, how do you vote?

17 COMMISSIONER ACHTENBERG: Yes.

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

20 VICE-CHAIR TIMMONS-GOODSON: Yes.

21 CHAIRMAN CASTRO: Commissioner Yaki,
22 how do you vote?

23 COMMISSIONER YAKI: Aye.

24 CHAIRMAN CASTRO: Commissioner

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1 Kirsanow, how do you vote?

2 COMMISSIONER KIRSANOW: No.

3 CHAIRMAN CASTRO: And I vote yes, so we
4 have seven yeses and one no, and one of those yeses
5 is reluctant for the record. Thank you.

6 Now, I'll quickly move on to the draft
7 left that I circulated again. I apologize for
8 doing this on such short notice, but I think this
9 is a time-sensitive letter regarding the ICE raids
10 that are currently taking place focusing on Central
11 American refugees. The letter, which I hope
12 you've had a chance to look at over the last couple
13 hours, focuses on issues related to due process
14 concerns and the underlying detention of some of
15 these Central American refugees, as well as some
16 references to Fourth Amendment issues.

17 Before we make a motion on this, are
18 there any comments or additions that folks want to
19 put on this letter? Commissioner Kladney, I think
20 you had something.

21 COMMISSIONER KLADNEY: Yes, I'd like
22 to add -- I mean, I'm concerned about this
23 especially in light of the fact that the Government
24 has suspended Peace Corps operations in El

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1 Salvador. In paragraph 6 the letter states that
2 there's a lack of legal counsel and other due
3 process in orders of deportation. And in the last
4 paragraph, yes, the letter states that they'd like
5 to have their cases reviewed, and I would like to
6 add after the word "reviewed" "for violations of
7 their due process rights" and they continue on and
8 have the opportunity to have pro bono counsel to
9 ensure they had adequate opportunity to present a
10 basis for asylum status." So I would like to add
11 the words "for violation of their due process
12 rights." That's what the cases would be reviewed
13 for.

14 CHAIRMAN CASTRO: Okay. That's fine.
15 We'll add that. Anything else?

16 (No audible response)

17 CHAIRMAN CASTRO: If not, with that
18 addition, can I get a motion on this letter?

19 VICE-CHAIR TIMMONS-GOODSON: So
20 moved, Mr. Chair.

21 COMMISSIONER ACHTENBERG: So moved.

22 CHAIRMAN CASTRO: Okay. That's a
23 second from Commissioner Achtenberg. We'll count
24 that. Any additional discussion on this?

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1 COMMISSIONER HERIOT: Yes.

2 CHAIRMAN CASTRO: Yes, Commissioner
3 Heriot?

4 COMMISSIONER HERIOT: I suspect that
5 this is also true of Commissioner Kirsanow. We
6 only got this thing at a time when it was absolutely
7 impossible to look at it. We were conducting a
8 briefing. It's obvious that other members of the
9 Commission have seen this long before we did. I
10 object to a letter like this being brought before
11 the Commission at the last minute. It is clear
12 since the letter is quite long that we could have
13 been made privy to earlier drafts, but were not.
14 And so, I believe this is a violation of our rules
15 and I object.

16 CHAIRMAN CASTRO: Any other comments?

17 COMMISSIONER HERIOT: And I have no
18 idea what the topic is. I don't think it's
19 possible for anybody under the circumstances to
20 read through this letter and understand this issue
21 unless Commissioners think that understanding it
22 at an extremely superficial level would be
23 appropriate for signing on to such a letter.

24 CHAIRMAN CASTRO: Thank you. Can we

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1 add a friendly amendment to the motion to also
2 authorize the staff to do a press release on the
3 letter should we approve it?

4 COMMISSIONER NARASAKI: So accepted.
5 Commissioner Narasaki.

6 CHAIRMAN CASTRO: Commissioner
7 Achtenberg, is that okay with you?

8 COMMISSIONER ACHTENBERG: No, that's
9 fine. Thank you.

10 CHAIRMAN CASTRO: Okay. Any other
11 comments?

12 COMMISSIONER KIRSANOW: Kirsanow
13 here, Mr. Chair.

14 CHAIRMAN CASTRO: Okay. Go ahead,
15 Peter.

16 COMMISSIONER KIRSANOW: I do concur
17 with Commissioner Heriot and just for the record
18 I received this at 9:07 and the Commission meeting
19 was already underway at the time. So it did not
20 provide us with any time to -- and it is a lengthy
21 letter -- didn't provide any time to really review
22 it and consider it with due deliberation.

23 CHAIRMAN CASTRO: Thank you. I'm
24 going to call the question for a vote.

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1 Commissioner Narasaki, how do you vote?

2 COMMISSIONER NARASAKI: Yes.

3 CHAIRMAN CASTRO: Commissioner
4 Kladney, how do you vote?

5 COMMISSIONER KLADNEY: With my
6 amendment, yes.

7 CHAIRMAN CASTRO: Yes. This is as
8 amended, yes.

9 Commissioner Heriot, how do you vote?

10 COMMISSIONER HERIOT: Emphatically
11 no.

12 CHAIRMAN CASTRO: Commissioner
13 Achtenberg, how do you vote?

14 COMMISSIONER ACHTENBERG: Yes.

15 CHAIRMAN CASTRO: Madam Vice-Chair,
16 how do you vote?

17 VICE-CHAIR TIMMONS-GOODSON: Yes.

18 CHAIRMAN CASTRO: Commissioner Yaki,
19 how do you vote?

20 COMMISSIONER YAKI: Aye.

21 CHAIRMAN CASTRO: Commissioner
22 Kirsanow, how do you vote?

23 COMMISSIONER KIRSANOW: No.

24 CHAIRMAN CASTRO: And I vote yes. It

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1 passes with six yeses and two nos. Thank you. The
2 meeting is now adjourned and hopefully those of us
3 who have to travel get home safely. It is now 11:07
4 Eastern Time. Thank you.

5 (Whereupon, the above-entitled matter
6 went off the record at 11:07 a.m.)

7
8
9
10