U.S. COMMISSION ON CIVIL RIGHTS

COMMISSION MEETING

VIA TELECONFERENCE

WEDNESDAY,
JULY 5, 2006

WASHINGTON, D.C.

The meeting convened via teleconference at 12:00 p.m.,

Chairperson Gerald A. Reynolds, presiding.

PRESENT:

GERALD A. REYNOLDS    CHAIRPERSON
ABIGAIL THERNSTROM    VICE CHAIRPERSON
ARLAN D. MELENDEZ     COMMISSIONER
ASHLEY L. TAYLOR, JR. COMMISSIONER
MICHAEL YAKI          COMMISSIONER
KENNETH L. MARCUS     STAFF DIRECTOR
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CHAIRPERSON REYNOLDS: For our listeners who dialed in to listen to the teleconference, I apologize for the delay. The meetings that we hold via teleconference can be problematic. This is an electronic meeting with all the Commissioners participating in the meeting from different locations. Is the Court Reporter present? Is the Court Reporter present?

COURT REPORTER: Yes, sir. I'm sorry.

CHAIRPERSON REYNOLDS: It's 12:32 p.m. on July 5, 2006. I will call the name of each Commissioner in order to verify a quorum to hold a meeting. Vice Chair Thernstrom?

VICE CHAIRPERSON THERNSTROM: I'm here.

CHAIRPERSON REYNOLDS: Commissioner Taylor?

COMMISSIONER TAYLOR: Here.

VICE CHAIRPERSON THERNSTROM: Commissioner Braceras?

COMMISSIONER BRACERAS: Commissioner Yaki?

COMMISSIONER YAKI: Here.

CHAIRPERSON REYNOLDS: Commissioner Melendez?

Melendez?
COMMISSIONER MELENDEZ: Here.

CHAIRPERSON REYNOLDS: Please let the record reflect that Commissioners Braceras and Kirsanow are not participating in this meeting and as a result it's extremely important that if a Commissioner has to leave the line that we're informed ahead of time. Because if anyone drops off we will not have a quorum and we cannot proceed with this teleconference.

Is Staff Director Marcus present?

MR. MARCUS: Yes, I'm here.

CHAIRPERSON REYNOLDS: Okay, well then the meeting will come to order. I request that whenever you speak, you first identify yourself so that the person transcribing this teleconference knows who is speaking.

Whenever it's necessary to take a vote, the following procedures will be followed. I will call out the name of each Commissioner. The Commissioner should answer yes or no or abstain. After the voting is concluded I will read how each of you voted in order to ensure that the tally is correct.

The first item on the agenda is the
approval of the agenda. May I have a motion to approve the agenda?

VICE CHAIRPERSON THERNSTROM: So moved.

CHAIRPERSON REYNOLDS: Thank you, Vice Chair Thernstrom.

Is there a second?

COMMISSIONER YAKI: Commissioner Yaki seconds.

CHAIRPERSON REYNOLDS: Okay. Vice Chair Thernstrom, how do you vote?

VICE CHAIRPERSON THERNSTROM: Yes, aye.

CHAIRPERSON REYNOLDS: Commissioner Taylor?

COMMISSIONER TAYLOR: Aye.

CHAIRPERSON REYNOLDS: Commissioner Yaki?

COMMISSIONER YAKI: Aye, aye.

CHAIRPERSON REYNOLDS: And Commissioner Melendez?

COMMISSIONER MELENDEZ: Aye.

CHAIRPERSON REYNOLDS: I'm sorry, I didn't hear you?

COMMISSIONER MELENDEZ: Aye.

CHAIRPERSON REYNOLDS: Okay, and the Chairman also supports the motion. So what we have
here -- we have five votes in the affirmative, none in
the negative and no abstentions. The motion passes.

Next up, approval of the minutes for the
May 4 and 5th meeting, as well as the June 16th
meeting.

May I have a motion?

COMMISSIONER TAYLOR: Commissioner Taylor, so moved.

CHAIRPERSON REYNOLDS: Is there a second?

COMMISSIONER YAKI: Commissioner Yaki seconds.

CHAIRPERSON REYNOLDS: Any discussion?

Vice Chair Thernstrom, how do you vote?

VICE CHAIRPERSON THERNSTROM: Aye.

CHAIRPERSON REYNOLDS: Commissioner Taylor?

COMMISSIONER TAYLOR: Aye.

CHAIRPERSON REYNOLDS: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIRPERSON REYNOLDS: Commissioner Melendez?

COMMISSIONER MELENDEZ: Aye.

CHAIRPERSON REYNOLDS: And the Chairman also supports the motion.
Please let the record reflect that there are five votes in the affirmative, no votes in opposition and no abstentions. The motion passes.

Okay, Mr. Staff Director, do you have anything -- your monthly report, do you have anything to report?

MR. MARCUS: Mr. Chairman, thank you. I'm going to keep it brief and send my written Staff Director's Report with only one item which relates to the Freedom of Information Act. December 14, 2005, the President issued Executive Order 13392 entitled "Improving Agency Disclosure of Information" which contained statements of FOIA policy and specific new planning and reporting requirements that affect all agencies.

Under the Act, agencies are required to improve their FOIA operations and submit improvement plans using a standard format by June 14, 2006. In compliance with this Act, the Commission forwarded a copy of its improvement plan to the Department of Justice and the Office of Management and Budget on June 14’06.

In the course of preparing this report we found that the Agency is complying with FOIA requests
with a median turnaround time of approximately seven days. Nevertheless, the Commission plans to improve its public information operations in several respects including by providing more documents on our public website including the Commission's authorizing statutes, regulations and annual plans so that the public doesn't need to request them through the more time-consuming FOIA process, finding additional FOIA-related information on our website, including contact information for our FOIA coordinator and procedural information to make the process more user-friendly for the public and promoting electronic submission of FOIA request to make the process quicker and easier. We hope this will improve access of Commission information to the public. That's the only point on which I wanted to expand my written report. I would be available for any questions the Commissioners might have at this time.

    CHAIRPERSON REYNOLDS: Any questions?

Okay, at the Commission meeting held on May 5, 2006, Commissioners voted to produce a statutory enforcement report on religious discrimination and prisoner rights for 2008. Staff has proposed a revised concept paper to effectuate the Commissioners' approved project.
This revised concept paper was distributed to Commissioners on June 8, 2006, ensures that the scope meets the requirements of the statutory enforcement report.

May I have a motion that the scope of the report be clarified to reflect the bill contained in the concept paper distributed to Commissioners on June 8, 2006?

COMMISSIONER TAYLOR: So moved. This is Commissioner Taylor.

CHAIRPERSON REYNOLDS: Is there a second?

COMMISSIONER MELENDEZ: Second, Commissioner Melendez.

CHAIRPERSON REYNOLDS: Thank you. Vice Chair Thernstrom, how do you vote?

VICE CHAIRPERSON THERNSTROM: Aye.

CHAIRPERSON REYNOLDS: Commissioner Taylor?

COMMISSIONER TAYLOR: Aye.

CHAIRPERSON REYNOLDS: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIRPERSON REYNOLDS: Commissioner Melendez?

COMMISSIONER MELENDEZ: Aye.
CHAIRPERSON REYNOLDS: Okay, let the record reflect that the vote was five in the affirmative. No votes in opposition and no abstention. The motion carries.

Next item, the United States Supreme Court agreed to take up two cases involving race-based student assignments in K through 12 schools. Parents involved the Seattle School District in Meredith v. Jefferson County Board of Education. The issues raised in these two cases are related to those that the Commission seeks to address in the briefing of magnet schools and racial discrimination which Commissioners previously approved at a briefing to be held in 2008.

All argument is expected to take place in late 2006. In order to ensure that the Commission provides timely and useful information to the public on this important topic.

May I have a motion that the Commission schedule the previously approved briefing on magnet schools and racial discrimination on Friday, July 28, 2006. The briefing currently is scheduled for July 28, 2006, voter fraud and voter implementation would be postponed until another date. Under this motion
the briefing would be tailored to address the issues that are pertinent to the cases, especially the benefits of diversity and the reduction of minority group isolation to elementary and secondary schools.

May I have a motion?

VICE CHAIRPERSON THERNSTROM: So moved.

CHAIRPERSON REYNOLDS: Is there a second?

COMMISSIONER TAYLOR: Commissioner Taylor, second.

COMMISSIONER MELENDEZ: Question?

CHAIRPERSON REYNOLDS: Yes.

COMMISSIONER MELENDEZ: Do you have any idea when we're going to reschedule the one that got bumped?

CHAIRPERSON REYNOLDS: That's actually going to come up later in the meeting. That's going to be addressed in a motion.

COMMISSIONER MELENDEZ: Okay.

CHAIRPERSON REYNOLDS: Any other questions or comments?

COMMISSIONER YAKI: I have a question.

CHAIRPERSON REYNOLDS: Yes.

COMMISSIONER YAKI: Is there a way for us to understand how much the bumping is going to affect
the timing of certain hearings?

    CHAIRPERSON REYNOLDS: Yes. Ken correct me if I am wrong, but I believe that the -- that everything is going to move back two months.

    MR. MARCUS: This is the staff director. Yes, Mr. Chairman, you are correct. Assuming that there is a formal agreement to schedule the Omaha briefing for the 6th or 8th, this would require that all other briefings be pushed back by two months.

    CHAIRPERSON REYNOLDS: Any other questions or concerns?

    COMMISSIONER YAKI: I guess next time it would be helpful if we had -- since we've been scheduling the briefings kind of pell-mell, since the last session, I never got a final listing of the briefings for 2007, 2008 and their schedule. So I'm just -- it would just help me to know what the bump had in terms of some of the ones that I have an interest in or that some of the other Commissioners may have an interest in.

    CHAIRPERSON REYNOLDS: Ken would you please, after we conclude today, would you please distribute a revised schedule, briefing schedule?

    MR. MARCUS: Yes, I'd be happy to.
CHAIRPERSON REYNOLDS: Thank you.

VICE CHAIRPERSON THERNSTROM: Well, this is Commissioner Thernstrom. We're probably all in front of our computers. Why doesn't somebody send it right now so that Commissioner Yaki can look at it?

STAFF DIRECTOR MARCUS: Well, members of staff including the staff director are not in front of the computer because we're in a conference room. I could read it aloud to you as it currently stands or we could send it shortly after the meeting.

CHAIRMAN REYNOLDS: We'd also have to at least -- Commissioner Yaki, would you like to hear what the schedule is right now before we vote?

COMMISSIONER YAKI: Yes, that would be nice.

CHAIRPERSON REYNOLDS: Okay, Ken, do you have a schedule in front of you?

STAFF DIRECTOR MARCUS: Okay, certainly. Currently, we have the July meeting for voter fraud and voter intimidation. September meeting would be voter rights in the U.S. territories. Followed by October, elementary and secondary desegregation. Followed by school choice, then Lane Amendment and anti-Catholicism.
COMMISSIONER YAKI: November?

MR. MARCUS: I think so. I’ve just lost the months I think I said October, but that would be November. December would be religious discrimination in the workplace. The following month is minorities and special education, followed by minority children in foster care and adoption and then finally -- that's the final scheduled briefing.

We also have additional briefings that have been approved, but not yet scheduled regarding discrimination against Native Americans in border towns, Title 9 athletics, accommodating interests and abilities, the effect of No Child Left Behind and on the minority achievement gap and domestic wiretapping and the War on Terror.

VICE CHAIRPERSON THERNSTROM: Now wait a minute, did I hear the Omaha in that list?

COMMISSIONER YAKI: No, that's pre the list so that the last scheduled briefing for February would be pushed back to April, correct?

MR. MARCUS: That's correct.

COMMISSIONER YAKI: So we have May, June, July, September, October, November, December, seven briefings left to schedule for 2007.
COMMISSIONER YAKI: Okay, I just wanted to figure that out.

CHAIRPERSON REYNOLDS: Okay, any other questions or comments? Thank you very much.

STAFF DIRECTOR MARCUS: Certainly.

CHAIRPERSON REYNOLDS: Okay, Vice Chair Thernstrom, how do you vote?

VICE CHAIRPERSON THERNSTROM: Aye.

CHAIRPERSON REYNOLDS: Commissioner Taylor?

COMMISSIONER TAYLOR: Aye.

CHAIRPERSON REYNOLDS: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIRPERSON REYNOLDS: I detect a lack of enthusiasm? Commissioner Melendez?

COMMISSIONER MELENDEZ: Aye.

CHAIRPERSON REYNOLDS: Okay, the motion passes unanimously with five votes, so the motion passes.

Next up, the Commission previously approved a briefing on three racially-identifiable school districts in Omaha, Nebraska.

May I have a motion to hold this briefing on Friday, September 8, 2006 and to have the currently
scheduled business meeting for September 15th - also
will take place on the 8th?

COMMISSIONER YAKI: What is our timing for
that briefing in terms of the time of day, etcetera?

CHAIRPERSON REYNOLDS: I don't believe
that we have -- Ken, have we nailed those details down
yet?

STAFF DIRECTOR MARCUS: We haven't. We're
going to aim for 9 o'clock a.m., but it will depend,
in part, on what venue we're able to get for it.

VICE CHAIRPERSON THERNSTROM: Now that is
actually an important question for us Commissioner
Thernstrom -- an important point for me too because
I'm really going to have to go home that Friday and
get out of there and I assume that Commissioner Yaki
is asking for the same reason.

COMMISSIONER YAKI: Actually, I'm more
congered about what time I have to get there because
if we fly that a way, we start losing time. So I
would probably have to fly up the night before because
--

VICE CHAIRPERSON THERNSTROM: We all
would.

COMMISSIONER YAKI: Yes. But I already
checked their 7 o'clock flights leaving Omaha to Denver which can get you anywhere, for me. But I just wanted to know if we're combining the business meeting with the other thing, maybe we should have the business meeting -- I don't know.

VICE CHAIRPERSON THERNSTROM: On the Thursday -- wait a minute -- yes, Thursday.

CHAIRPERSON REYNOLDS: Ken, at this point, do we know how much we have to cover in terms of the business meeting?

STAFF DIRECTOR MARCUS: We don't know that at this point, but I would anticipate that it would be a full meeting, since we're not currently planning to have an August meeting of anything that we're not able to finish during then might get pushed to September. So I expect it will be a full agenda.

VICE CHAIRPERSON THERNSTROM: Well, I mean that does raise a question for -- Commissioner Thernstrom again. Why not hold an August meeting? I think it's going to be very awkward to have this briefing as well, an extended briefing on Omaha as well as a business meeting.

CHAIRPERSON REYNOLDS: This is Chairman Reynolds. I'm comfortable having a meeting in August.
Does that makes a lot of sense, but Commissioner Yaki, Commissioner Taylor, Commissioner Melendez, how do you feel about meeting in August?

COMMISSIONER YAKI: Well, why can't we have a meeting Thursday evening like at 5?

CHAIRPERSON REYNOLDS: 5 to 9, That works also, but what is unlikely to work well is trying to combine the two.

VICE CHAIRPERSON THERNSTROM: Yes.

COMMISSIONER YAKI: I absolutely agree.

VICE CHAIRPERSON THERNSTROM: And the problem with the Thursday meeting is more likely than not, Commissioner Braceras will not be able to make it.

COMMISSIONER YAKI: Well, can we just do a phone meeting the next week for the business meeting?

CHAIRPERSON REYNOLDS: My preference, especially after today, to avoid phone meetings, unless there's pressing business, but yes, that is an option.

STAFF DIRECTOR MARCUS: If I may add one thing, Mr. Chairman, this is Ken Marcus. One thing to keep in mind in making the plans is that there are some things that we have been planning to deal with in
the July 28th meeting which will be, at least somewhat
time sensitive and they would include the
consideration of the budget as well as a draft
strategic plan.

I don't think that a change in the date
for that business meeting of a few days or a week
would make a difference. The change of a few weeks
might create significant problems in terms of meeting
September deadlines for OMB submission.

VICE CHAIRPERSON THERNSTROM: This is Vice
Chair Thernstrom, but wait a minute, we weren't
talking about canceling our July meeting. We were
talking about adding a September -- an August meeting.

STAFF DIRECTOR MARCUS: Well, that's fine.
I thought I had heard someone to suggest that we not
have a July business meeting.

VICE CHAIRPERSON THERNSTROM: No, I don't
think so.

COMMISSIONER YAKI: No, no, no. No one
said that.

STAFF DIRECTOR. MARCUS: Okay, good. So
if the idea is to have a business meeting on July 28th
and another one in August, that would be helpful.

CHAIRPERSON REYNOLDS: Okay, we have three
options on the table: a Thursday night meeting, a teleconference or an August meeting. How do you want to -- do you want to vote on this? Is there a consensus?

VICE CHAIRPERSON THERNSTROM: Well, we've got two members of the Commission absent, so -- a consensus on this -- I don't want those same two Commissioners absent again, if possible.

CHAIRPERSON REYNOLDS: Okay.

COMMISSIONER YAKI: August in D.C. ugh.

VICE CHAIRPERSON THERNSTROM: It's beautiful there, Michael. It’ll serve the purpose of reminding you why you live in San Francisco.

COMMISSIONER YAKI: I used to live there. I know what August in D.C. is like. There's a reason why Congress goes away in August.

VICE CHAIRPERSON THERNSTROM: You’ll have the town to yourself.

CHAIRPERSON REYNOLDS: Okay, well, how about this? Why don't we punt this particular issue of when we would have the business meeting, consult with Commissioners Braceras and Kirsanow and make a decision after we get their input.

Is this the type of issue that we can --
do we need to have a meeting open to the public in order to make this type of decision?

COMMISSIONER YAKI: Could we just do a phone call?

STAFF DIRECTOR MARCUS: Phone calls not requiring any sort of deliberation about the date, but simply saying yes or no could be used for a minimal issue like acceptance of a date.

VICE CHAIRPERSON THERNSTROM: Do we need a phone call for that?

CHAIRPERSON REYNOLDS: Ken, is that required? To nail down a date, is it required that we either do a phone vote or have a meeting open to the public?

STAFF DIRECTOR MARCUS: We're going to have to look into whether there would be any problems if it's not done in public or not. I don't know right now, but we'll look into it very quickly and look you know if that would cause a problem.

CHAIRPERSON REYNOLDS: Well, I guess this shooting from the hip -- as long as we -- so long as we publish to the Federal Register, the date -- 10 days before the meeting, wouldn't we be fine?

VICE CHAIRPERSON THERNSTROM: We have
taken votes on trivial matters before without formally
calling a meeting. I'm not talking about whether we
meet on a specific date or not.

CHAIRPERSON REYNOLDS: This is not a
substantive issue. In any event, how about this,
let's postpone deciding when the business meeting will
take place and let's just vote on the motion, but
amend it so that you won't decide when the business
meeting will take place.

So the only thing that's on the table now
is to have the meeting in Omaha on September 8th.

Is there a motion?

VICE CHAIRPERSON THERNSTROM: So move.

CHAIRPERSON REYNOLDS: Is there a second?

COMMISSIONER YAKI: I'll second it.

CHAIRPERSON REYNOLDS: Okay, Vice Chair
Thernstrom?

VICE CHAIRPERSON THERNSTROM: Aye.

CHAIRPERSON REYNOLDS: Commissioner
Taylor?

COMMISSIONER TAYLOR: Aye.

CHAIRPERSON REYNOLDS: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIRPERSON REYNOLDS: Commissioner
Melendez?

COMMISSIONER MELENDEZ: Aye.

CHAIRPERSON REYNOLDS: Okay, there are
five votes in favor of the motion, none in opposition,
no abstentions. The motion passes.

Okay, we need to make room on our schedule
-- so we already voted to have the Omaha briefings in
September and to move up the briefing on magnet
schools to July and I just want to formalize the fact
that we're now pushing the other briefings back two
months.

May I have a motion to postpone each of
the remaining briefings for -- and under this motion
each briefing in that period would take place at a
business meeting that is two months following that for
which it was previously scheduled.

VICE CHAIRPERSON THERNSTROM: Well, Mr.
Chairman, there's also the fact that we are really
redefining that briefing on magnet schools, I mean to
some extent.

CHAIRPERSON REYNOLDS: Yes, but that was
covered. Yes, that was covered. The briefing will be
tailored to address issues that a person --

VICE CHAIRPERSON THERNSTROM: All right,
okay. As long as that -- right, that was part of the motion.

COMMISSIONER TAYLOR: This is Commissioner Taylor. All we're doing is really bumping the two briefings each by two months, but they'll remain in the same order as previously agreed upon.

CHAIRPERSON REYNOLDS: That's correct.

COMMISSIONER TAYLOR: Okay.

CHAIRPERSON REYNOLDS: So the motion in support of this -- will someone please --

VICE CHAIRPERSON THERNSTROM: I so move.

COMMISSIONER TAYLOR: Second, Commissioner Taylor.

CHAIRPERSON REYNOLDS: Vice Chair Thernstrom?

VICE CHAIRPERSON THERNSTROM: Aye.

CHAIRPERSON REYNOLDS: Commissioner Taylor?

COMMISSIONER TAYLOR: Aye.

CHAIRPERSON REYNOLDS: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIRPERSON REYNOLDS: Commissioner Melendez?

COMMISSIONER MELENDEZ: Aye.
CHAIRPERSON REYNOLDS: The motion passes unanimously. Next up, on November 18, 2005, the United States Commission on Civil Rights held a briefing on anti-Semitism on college campuses in America. During the course of this briefing, individual speakers made various statements regarding anti-semitism on various campuses. The Commission has rules and regulations on potentially defamatory testimony offered those individuals and entities, including universities, who are potentially defamed or degraded in testimony given at the briefing an opportunity to respond before the records have closed.

Copies of the responses are those individuals or entities identified in the oral testimony as if briefing were distributed to Commissioners on June 8, 2006.

May have I motion that the Commissioner post on its website at the earliest practical time the responses of the individuals and entities so identified?

VICE CHAIRPERSON THERNSTROM: So moved. This is Vice Chair Ternstrom.

CHAIRPERSON REYNOLDS: Is there a second?

COMMISSIONER TAYLOR: Second.
Commissioner Taylor.

CHAIRPERSON REYNOLDS: Discussion? Vice Chair Thernstrom, how do you vote?

VICE CHAIRPERSON THERNSTROM: Aye.

CHAIRPERSON REYNOLDS: Commissioner Taylor?

COMMISSIONER TAYLOR: Aye.

CHAIRPERSON REYNOLDS: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIRPERSON REYNOLDS: Commissioner Melendez?

COMMISSIONER MELENDEZ: Aye.

CHAIRPERSON REYNOLDS: The motion passes unanimously.

Next up on the agenda is consideration of proposed information quality guidelines. Would the Staff Director please provide us with some background on this issue?

STAFF DIRECTOR MARCUS: Certainly, Mr. Chairman. As part of our on-going efforts to reform the Commission, we're identifying reports and guidelines the Commission was legally required to issue prior to the transition and leadership which has not previously been done.
One example of this is the data quality guidelines. The Data Quality Act required the Office of Management and Budget to develop government-wide standards for data quality in the form of guidelines. The purpose of the policy is to ensure quality, objectivity, utility and integrity of the information that federal agencies disseminate. These issues, as I'm sure you will recognize, overlap somewhat with issues that are also contained within GAO evaluations of the Commission's work.

The Commission was actually required to promulgate our own conforming guidelines based on the model by September 30, 2002. The Commission did not publish its guidelines at that time. Even though they are relevant to some of the issues that we're now facing and of course, there now relevant to issues that other agencies also must address.

Several months ago I established a staff working group headed by Dr. Sock Soon MacDougal with responsibility for formulating draft guidelines responsive to our legal requirements. As a result of their efforts and work of various staff members, I'm delighted that we now have a set of draft guidelines on information quality intended to ensure that the
quality of Commission data is up to appropriate standards and to establish a procedure for any outside person to raise any concerns that they might have, the quality of Commission data including an appeal process. That's what is contained within the draft guideline.

CHAIRPERSON REYNOLDS: Okay, may I have a motion that the Commission approve for publication the proposed information forwarding guidelines that were sent to the Commissioners on June 9, 2006 and furthermore that the Staff Director be authorized to send these guidelines to the Federal Register for publication for public notice and comment?

VICE CHAIRPERSON THERNSTROM: So moved.

CHAIRPERSON REYNOLDS: Is there a second?

COMMISSIONER YAKI: Second.

CHAIRPERSON REYNOLDS: Discussion?

Vice Chair Thernstrom, how do you vote?

VICE CHAIRPERSON THERNSTROM: Aye.

CHAIRPERSON REYNOLDS: Commissioner Taylor?

COMMISSIONER TAYLOR: Aye.

CHAIRPERSON REYNOLDS: Commissioner Yaki?

COMMISSIONER YAKI: Yes, wow, aye. This
is brain-numbing. Yes, aye.

CHAIRPERSON REYNOLDS: Commissioner Melendez?

COMMISSIONER MELENDEZ: Aye.

CHAIRPERSON REYNOLDS: The motion passes unanimously.

At the Commission meeting held on May 5, 2006, the Commission voted to produce a statutory enforcement report on religious discrimination and prisoner rights in 2008. The Commission would benefit from the research and assistance of the State Advisory Committees and regional offices on this issue as it prepares the report.

May I have a motion to request that the State Advisory Committees and regional offices take up the issue of religious discrimination and prisoners right within their jurisdiction during 2007 to the extent that funds are available?

COMMISSIONER MELENDEZ: So moved. Commissioner Melendez.

CHAIRPERSON REYNOLDS: Is there a second?

VICE CHAIRPERSON THERNSTROM: I second.

CHAIRPERSON REYNOLDS: Discussion?

COMMISSIONER YAKI: Commissioner Yaki has
some questions about this.

Question number one, is this a mandate for
the SAC or is this optional for each SAC to consider?

CHAIRPERSON REYNOLDS: This is a request.
This is optional.

COMMISSIONER YAKI: Okay, number one.
Number two, is that what -- are we giving them a time
line in which to respond?

CHAIRPERSON REYNOLDS: Ken?

STAFF DIRECTOR MARCUS: I envision giving
them a time line, but it will vary from Committee to
Committee and I suspect that there may be some states
where we might particularly work with the Advisory
Committee if we know that there are relevant issues in
their state. In other words, this is a general
request to the 51 states, but there may be some states
where getting committee input is going to be
particular input and others where it’s less important.
For those where it looks particularly important,
we'll try to identify the issue, make it known, both
to the regional office and to the Committee and to try
to work with them on a schedule that will keep in mind
the complexity of the issue, the schedule for our own
statutory report and also, of course, the schedule for
rechartering.

COMMISSIONER YAKI: Finally, this goes into the experience that I've had dealing with prison bureaucracies and that is that at some point I believe we are going to have to consider the subpoena power for the purposes of getting information from these institutions. I just want to make sure that as we go forward there's clear coordination so we're not stepping on each other's toes here in terms of document requests, interrogatories or subpoenas that may be going forward.

CHAIRPERSON REYNOLDS: This is the Chairman. Before any subpoenas would go out, we would have a discussion amongst ourselves to ensure that everyone was comfortable with what we were doing, but it is important. I'm glad you brought this issue up because there have been some concerns about how subpoenas were issued in the past and I just want to make sure that at least with respect to this project that everyone knows what we're doing and have an opportunity on the front end to weigh in.

COMMISSIONER YAKI: I'm much less concerned about the subpoenas, Mr. Chairman, as much as it is that if you have the state advisory
committees trying to get information from states or federal prison systems located in their jurisdiction, then they get a request from OCRE that we don't trip on each other.

CHAIRPERSON REYNOLDS: I understand now, so what we're talking about here is a coordination issue.

Staff Director Marcus, please make a note, when we put together a working program, we should be -- we should put it together with the coordination issues in mind.

STAFF DIRECTOR MARCUS: That's absolutely fine. We've already been working on these coordination issues with respect to the analogous elementary and secondary desegregation program and we'll certainly want to make similar coordination efforts when it comes to this one.

CHAIRPERSON REYNOLDS: Vice Chair Thernstrom, how do you vote?

VICE CHAIRPERSON THERNSTROM: Aye.

CHAIRPERSON REYNOLDS: Commissioner Taylor?

COMMISSIONER TAYLOR: Aye.

CHAIRPERSON REYNOLDS: Commissioner Yaki?
COMMISSIONER YAKI: Aye.

CHAIRPERSON REYNOLDS: Commissioner Melendez?

COMMISSIONER MELENDEZ: Aye.

CHAIRPERSON REYNOLDS: The motion passes unanimously.

COMMISSIONER TAYLOR: Mr. Chair?

CHAIRPERSON REYNOLDS: Yes.

COMMISSIONER TAYLOR: This is Commissioner Taylor. I have a question of the Staff Director. Are we providing any more by way of guidelines or assistance as to what would be helpful as they go about their business?

STAFF DIRECTOR MARCUS: Commissioner Taylor, I expect we will want to, but it's going to require a little bit more in the way of coordination between our regional people and our headquarters staff in terms of what people's ideas are before we can give more formal guidance, but I think that the input that we get from our State Advisory Committees is going to be much more helpful if there are common methodologies used between the different State Advisory Committees and the different regional offices. So we will want to get some common template or model put together to
make sure its among the SAC and where the headquarters
office is.

COMMISSIONER TAYLOR: Great, I think
that’s important for that information and feedback we
receive will be useful and inform out discussion.

CHAIRPERSON REYNOLDS: Okay, next up we
have our rechartering package from the North Carolina
State Advisory Committee to recharter the North
Carolina State Advisory Committee.

COMMISSIONER TAYLOR: So moved.

CHAIRPERSON REYNOLDS: Okay, the following
individuals were -- the Commission appoints the
following individuals to the Committee based on the
recommendations of the Staff Director: Kevin Leonard,
Marian Ackerman, Stella Adams, Reggie Holley, George
Lees, Rick Martinez, Thealette Monet, Rhonda Gillespie
Rainey, Willie Ratchford, Geraldine Sumter and Sarah
Cecilia Taylor.

And also, the motion should include -- and
I'd like to offer an amendment. I also move to
appoint Kevin Leonard as the chair of the newly
chartered North Carolina State Advisory Committee.

Discussion?

STAFF DIRECTOR MARCUS: Mr. Chairman, if I
may, under this motion, would the Commission authorize
the Staff Director to execute the appropriate
paperwork in order to carry out the appointments?

CHAIRPERSON REYNOLDS: Yes, and note also
be clear that these members will serve as
uncompensated Government employees and the information
that you just stated, the fact that Staff Director
would be authorized to execute the paperwork provided
this motion carries.

All right, any discussion?

Vice Chair Thernstrom?

VICE CHAIRPERSON THERNSTROM: How do I
vote? Is that the a question?

CHAIRPERSON REYNOLDS: I’m Sorry

VICE CHAIRPERSON THERNSTROM: Is the
question how do I vote?

CHAIRPERSON REYNOLDS: Yes.

VICE CHAIRPERSON THERNSTROM: I think this
motion was never seconded. I hate to tell you.

CHAIRPERSON REYNOLDS: Is there a second?


CHAIRPERSON REYNOLDS: Vice Chair
Thernstrom? You still would vote in the affirmative?

VICE CHAIRPERSON THERNSTROM: Aye.
CHAIRPERSON REYNOLDS: Commissioner

Taylor?

COMMISSIONER TAYLOR: Aye.

CHAIRPERSON REYNOLDS: Commission Yaki?

COMMISSIONER YAKI: Abstain.

CHAIRPERSON REYNOLDS: Commissioner

Melendez?

COMMISSIONER MELENDEZ: Aye.

CHAIRPERSON REYNOLDS: Okay, let the record reflect that four Commissioners voted in the affirmative and that Commissioner Yaki abstained. The motion carries.

Folks, we're done, unless you have any additional questions or comments, we're done.

VICE CHAIRPERSON THERNSTROM: Amazing.

COMMISSIONER TAYLOR: This is Commissioner Taylor. Staff Director, I just wanted you to know that for purposes of scheduling the meeting in August, I am flexible. Any of those options discussed work for me.

CHAIRPERSON REYNOLDS: Ok, well Ken lets -- what we’re going to do for the business meetings. There’s going to be a August meeting in Washington, a teleconference or a meeting --
STAFF DIRECTOR MARCUS: That's fine. We plan to have both a briefing and a business meeting on September 8 and then we'll find out what people's availability is for face-to-face business meeting in August.

VICE CHAIRPERSON THERNSTROM: In August, well, that would -- well, would that take care of at least some of the problems of business meeting in September, along with the briefing which is what this -- this is a remedy for that problem, in part, I thought.

CHAIRPERSON REYNOLDS: I didn't catch all that you said.

VICE CHAIRPERSON THERNSTROM: Well, I mean I had understood and this is the basis for my original suggestion. If we had a meeting in August, it would take care of some of the business that would otherwise require an extended business meeting when we're out in Omaha.

CHAIRPERSON REYNOLDS: That was my understanding. It was my understanding that if we had the August meeting that we would get you the briefings --

VICE CHAIRPERSON THERNSTROM: But that is
not the way the Staff Director just described it.

STAFF DIRECTOR MARCUS: Okay, I appreciate the clarification. I did not -- I was not clear on that. The consensus is that there will be no business meeting in the month of September.

CHAIRPERSON REYNOLDS: Provided that there is an August meeting or that we have a teleconference.

VICE CHAIRPERSON THERNSTROM: Right. Or provided there is absolutely no urgent business.

STAFF DIRECTOR MARCUS: Okay, that's fine. So we will be in touch with people about their availability for the --

COMMISSIONER YAKI: Do we -- for the September meeting, is there a possibility that we could -- what kind of location are we thinking of doing it in? For two reasons, one, so we know what hotel to try and book to be nearby, so we're not spending a lot of money on cabs or cars or whatever.

STAFF DIRECTOR MARCUS: Commissioner Yaki, this is Staff Director again. We are currently looking into hotels in Omaha. The first thing we're looking into is the prospect of arranging for a package with a hotel under which all of us would be staying at the hotel and we would actually have the
meeting in the hotel which would give us potentially a better deal financially.

COMMISSIONER YAKI: That's what I thought would make the most sense, but I didn't want to intrude on your authority.

STAFF DIRECTOR MARCUS: There are other possibilities, but that's what we're looking at as the first preference.

COMMISSIONER YAKI: So we won't book a hotel until we otherwise hear from you?

STAFF DIRECTOR MARCUS: Yes.

VICE CHAIRPERSON THERNSTROM: This is a small comment on that, when we were on the road under the previous regime, we ended up in really grungy hotels. I have a preference for hotels that are not grungy.

CHAIRPERSON REYNOLDS: I'm sure that we all share that preference.

STAFF DIRECTOR MARCUS: We will certainly be looking for a hotel that is of standards that are appropriate for Commission meetings. Of course, we'll be looking for hotels that meet Government standards in terms of Government rates, but looking for the highest quality we can within Government payment
parameters.

COMMISSIONER YAKI: I don't know if grunge
is in the FARs, but we can take a look at that.

CHAIRPERSON REYNOLDS: Okay, folks, if
there's nothing else, we can adjourn.

(Whereupon, at 1:16 p.m., the Commission
meeting was concluded.)