

## U.S. COMMISSION ON CIVIL RIGHTS

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## BUSINESS MEETING

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FRIDAY, JUNE 5, 2020

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The Commission convened via teleconference  
at 10:00 a.m. EDT, Catherine Lhamon, Chair, presiding.

## PRESENT:

CATHERINE E. LHAMON, Chair

DEBO P. ADEGBILE, Commissioner

STEPHEN GILCHRIST, Commissioner

GAIL HERIOT, Commissioner

PETER N. KIRSANOW, Commissioner

DAVID KLADNEY, Commissioner

MICHAEL YAKI, Commissioner

MAURO MORALES, Staff Director

MAUREEN RUDOLPH, General Counsel

**STAFF PRESENT:**

**PAMELA DUNSTON, Chief, ASCD**

**ALEXANDRA KORRY**

**TINALOUISE MARTIN**

**DAVID MUSSATT**

**COMMISSIONER ASSISTANTS PRESENT:**

**ALEC DEULL**

**CARISSA MULDER**

**AMY ROYCE**

**RUKKU SINGLA**

**IRENA VIDULOVIC**

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

2 10:03 a.m.

3 THE OPERATOR: Good day and welcome to the  
4 Commission telephonic business meeting. As a  
5 reminder, this call is being recorded.

6 At this time, I would like to turn the  
7 conference over to Chair Lhamon. Please go ahead.

8 CHAIR LHAMON: Thank you, Operator. This  
9 meeting of the U.S. Commission on Civil Rights comes  
10 to order at 10:03 a.m. Eastern Time on June 5, 2020.  
11 This meeting takes place over the phone.

12 I'm Chair Catherine Lhamon. I'd like to  
13 confirm each of the Commissioners is on the line, so  
14 I'll take a roll call here at the outset.  
15 Commissioners, please confirm your presence when I say  
16 your name. Commissioner Adegbile?

17 COMMISSIONER ADEGBILE: Present.

18 CHAIR LHAMON: Commissioner Gilchrist?

19 COMMISSIONER GILCHRIST: Present.

20 CHAIR LHAMON: Commissioner Heriot?

21 COMMISSIONER HERIOT: I'm here.

22 CHAIR LHAMON: Commissioner Kirsanow?

23 COMMISSIONER KIRSANOW: Here.

24 CHAIR LHAMON: Commissioner Kladney?

25 COMMISSIONER KLADNEY: Here.

1 CHAIR LHAMON: Commissioner Yaki?

2 COMMISSIONER YAKI: Here.

3 CHAIR LHAMON: Thank you. Based on that  
4 a quorum of the Commissioners is present. Is the  
5 court reporter present?

6 COURT REPORTER: I'm here.

7 CHAIR LHAMON: Thank you. Is the Staff  
8 Director present?

9 MR. MORALES: I am present.

10 CHAIR LHAMON: Thank you. The meeting  
11 shall now come to order.

12 Before we begin with the agenda and our  
13 business this morning, I'd like to welcome to the  
14 Commission our newest Commissioner, Commissioner  
15 Stephen Gilchrist.

16 President Trump appointed Commissioner  
17 Gilchrist to serve as a Commissioner on May 7th, 2020.  
18 I was pleased to witness when the Staff Director swore  
19 Commissioner Gilchrist in, virtually, because of the  
20 pandemic we are in, on May 13th, 2020.

21 In addition to his service at the  
22 Commission, Commissioner Gilchrist is the chairman and  
23 CEO of the South Carolina African American Chamber of  
24 Commerce, where he leads a membership of more than  
25 15,000 businesses in the Carolinas, focusing on the

1 needs of what the Chamber terms large and small  
2 minority and African American-owned businesses.

3 We welcome Commissioner Gilchrist to the  
4 Commission and look forward to his contributions to  
5 the Commission's ongoing critical bipartisan work.  
6 Commissioner Gilchrist, would you like to say anything  
7 at the outset?

8 COMMISSIONER GILCHRIST: Well, Madam  
9 Chair, thank you so much for that introduction and I  
10 certainly look forward to working with the Commission.

11 I appreciate the work that the Commission  
12 has done thus far. And I look forward to making a  
13 contribution to the continuing work. So I can just  
14 thank all of you, not only for your welcoming of me to  
15 the Commission, but also your prayers over these  
16 couple of weeks.

17 As some of you know, we lost our home due  
18 to a fire and certainly appreciate the consideration  
19 that you've given us during this time. So thank you  
20 again for allowing me to be here with you today, and  
21 I look forward to being a Member of your Commission  
22 going forward.

23 CHAIR LHAMON: Thank you so much,  
24 Commissioner Gilchrist, I'm very much looking forward  
25 to the work we will do together. Now, I want to take

1 a moment --

2 COMMISSIONER ADEGBILE: Madam Chair?

3 CHAIR LHAMON: Oh.

4 COMMISSIONER ADEGBILE: Madam Chair, this  
5 is Commissioner Adegbile, may I have a word?

6 CHAIR LHAMON: Absolutely. Go ahead,  
7 Commissioner.

8 COMMISSIONER ADEGBILE: Mr. Gilchrist, I  
9 just would like to join in the Chair's welcome. And  
10 also express our regret and sorrow about the personal  
11 difficulties that all of you have faced right now.

12 We trust and hope that things will be back  
13 in shape for you and your family soon. We certainly  
14 welcome your voice and contributions to the  
15 Commission.

16 And look forward to meeting you in the not  
17 too distant future face-to-face, even if that is  
18 ambitious in light of where we find ourselves right  
19 now.

20 COMMISSIONER GILCHRIST: Absolutely,  
21 Commissioner, and I certainly appreciate those  
22 comments. And I too look forward to meeting everyone  
23 face-to-face in the not too distant future, so thank  
24 you so much for that.

25 CHAIR LHAMON: Thank you. I also want to

1 take a moment to acknowledge the specific moments we  
2 live right now with nationwide demonstrations  
3 responsive to police violence that killed George Floyd  
4 in Minneapolis during a global pandemic that  
5 disproportionally kills and sickens Americans of  
6 color.

7 I am deeply grateful to continue to work  
8 alongside my fellow Commissioners and all of the  
9 Commission Staff in addressing this nation's civil  
10 rights issues. I thank my Commission colleagues and  
11 the Commission Staff for continuing our crucial work  
12 to advise the President and Congress and the public so  
13 all Americans may live our American ideal of equity  
14 with the same expectations of fairness and equal  
15 treatment regardless of race, color, national  
16 orientation, sex, sexual orientation, gender identity,  
17 ability status, age, or religion.

18 Our work is crucial. And I expect today,  
19 as is our practice, we will address the current civil  
20 rights moment. I know and appreciate that every day  
21 we work hard to meet our times with policy our nation  
22 deserves and I thank you. With that said, is there a  
23 motion to approve the agenda for this business  
24 meeting?

25 I. APPROVAL OF AGENDA

1 COMMISSIONER YAKI: Commissioner Yaki, so  
2 move.

3 COMMISSIONER KLADNEY: So moved --- oh.

4 CHAIR LHAMON: Thank you. I heard a  
5 motion and a second. I'll begin the call for  
6 amendments with one of my own.

7 I move to table the discussion and vote on  
8 Administrative Instructions 5-7. Do I have a second?

9 COMMISSIONER YAKI: Second. Commissioner  
10 Yaki.

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

13 COMMISSIONER YAKI: Commissioner Yaki.

14 CHAIR LHAMON: Go ahead, Commissioner  
15 Yaki.

16 COMMISSIONER YAKI: Thank you, Madam  
17 Chair. I'd like to move to amend the agenda for the  
18 consideration of two statements.

19 One is the third amended statement on  
20 constitutional policing that was distributed on June  
21 5th at 2:58 a.m. by my aide, Alec Deull.

22 And the second is a -- the first amended  
23 statement memorializing LGBTQ and AIDS activist Larry  
24 Kramer, also distributed on June 5th at 2:58 a.m. by  
25 Alec Deull.

1 CHAIR LHAMON: Thank you. Is there a  
2 second?

3 COMMISSIONER KLADNEY: Kladney. I second.

4 CHAIR LHAMON: Thank you, Commissioner  
5 Kladney. Are there any other amendments?

6 COMMISSIONER ADEGBILE: Madam Chair,  
7 Commissioner Adegbile.

8 CHAIR LHAMON: Go ahead, Commissioner.

9 COMMISSIONER ADEGBILE: I move to amend  
10 the agenda to add consideration of a statement on  
11 DOJ's pattern of practice of investigative authority  
12 as it relates to the recent killings of Mr. Arbery,  
13 Ms. Taylor and Mr. Floyd.

14 That statement specifically that I move to  
15 add to the agenda is the one that was circulated late  
16 yesterday by my special assistant, Irena Vidulovic.

17 CHAIR LHAMON: Thank you. Is there a  
18 second?

19 COMMISSIONER YAKI: Commissioner Yaki,  
20 second.

21 CHAIR LHAMON: Commissioner Yaki  
22 seconding, thank you. Are there any further  
23 amendments?

24 Hearing none, let's vote to approve the  
25 agenda as amended. All those in favor, say aye.

1 (Chorus of ayes.)

2 CHAIR LHAMON: Any opposed? Sorry, any  
3 opposed?

4 COMMISSIONER HERIOT: I'll have to abstain  
5 because I couldn't hear everything.

6 CHAIR LHAMON: Okay. The motion passes.  
7 No Commissioner opposed, one Commissioner abstained,  
8 all others were in favor.

9 And I'll encourage all of our  
10 Commissioners to speak clearly and into your  
11 microphones. And I encourage Commissioner Heriot, if  
12 you are having trouble hearing, to let us know so that  
13 we can make sure that that doesn't continue for you.

14 Next we'll hear from our New York Advisory  
15 Committee Chair, Alexandra Korry, on the Committee's  
16 recently released report titled Education Equity in  
17 New York: A Forgotten Dream. Chair Korry.

18 IV. BUSINESS MEETING

19 A. PRESENTATION BY ALEXANDRA KORRY

20 MS. KORRY: Chair Lhamon and  
21 Commissioners, thank you for the opportunity to  
22 present our report of February of this year on  
23 education equity in New York.

24 This is a particularly poignant moment to  
25 be discussing structural racism in all of its forms.

1 Educational inequity in New York is a function of a  
2 number of factors, not the least of which is the fact  
3 that there is insufficient funding for communities  
4 desperately in need of funding. And ones which happen  
5 to be predominately Black and Latinx.

6 And unfortunately due to COVID-19, this is  
7 not the year that New York State will allocate any  
8 additional funds to those underfunded communities. Is  
9 the pattern of -- what is, I think, the de facto  
10 discrimination intentional, obviously not. We have no  
11 proof of that.

12 What we found, however, is that de facto  
13 discrimination against the poor and Black and Latinx  
14 children in New York exists. State and local spending  
15 in New York in 2017 of \$23,091 on average is the  
16 highest in the country.

17 Moreover, 70 percent of state education  
18 aid goes to the neediest schools. Those statistics,  
19 however, hide the underlying facts that, one, the  
20 number is an average and there are a huge number of  
21 wealthy communities within the state. Two, local  
22 funding is responsible for 59 percent of that number.  
23 Three, overall average spending per pupil in the  
24 highest need districts in New York is approximately  
25 only two-thirds of the overall average spending per

1 pupil in the wealthiest districts. That's a \$17,000  
2 versus \$27,000 number, without accounting for the STAR  
3 program that gives credits to homeowners.

4 Four, the average actual per pupil value  
5 of taxable real property among the lowest spending ten  
6 percent of districts was \$342,500, while the average  
7 actual per pupil taxable real property value among the  
8 highest ten percent spending of districts was over \$2  
9 million, a difference of 509 percent.

10 Five, in 2016-17 the average tax rate for  
11 every \$1,000 of taxable property value in the highest  
12 spending wealthy districts was \$11.30. And the  
13 average tax revenue per pupil in those districts was  
14 \$24,000 compared to the average tax rate per every  
15 \$1,000 of taxable property value in the lowest  
16 spending poor districts of \$15.59 and the average tax  
17 revenue per pupil of only \$5,324.

18 Six, state support of primary and  
19 secondary school education as a percentage of total  
20 school budget has declined 20 percent. As a result,  
21 New York ranks 48th in educational equity among all  
22 states by measure of the funding gap between the  
23 districts enrolling the most students from poverty and  
24 those enrolling the fewest, and ranks 44th by measure  
25 of the funding gap between the districts enrolling the

1 most students of color and those enrolling the fewest.

2 Foundation Aid, intended to remedy the  
3 disparity between poor and wealthy districts, has not  
4 been fully funded and has not achieved its mission.  
5 Lack of funding of our poor, mostly Black and Latinx  
6 schools, compounded by the lack of available resources  
7 in these communities, leads to disparate outcomes.

8 The graduation rate in 2017-2018 for the  
9 25 school districts that represent 80 percent of the  
10 Black and Latinx students in the state was 69 percent,  
11 compared to 95 percent in wealthy districts.

12 And based on the 2014 data, half of all  
13 Black students in New York State were in districts  
14 with overall proficiency rates below 20 percent  
15 compared to only eight percent of White students in  
16 districts with such low proficiency rates.

17 A hundred percent of 25 districts that are  
18 high need and majority Black and Latinx are still owed  
19 original promised Foundation Aid. And the students  
20 attending schools in these districts represent 80  
21 percent of the Black and Latinx students in the state,  
22 and 69 percent of the economically disadvantaged  
23 students in the state.

24 Because of historical redlining and  
25 discrimination, people of color are concentrated and

1 segregated into a small number of communities which  
2 are then systematically starved of resources causing  
3 students to be less ready for school, have more  
4 intense social and emotional needs, and suffer more  
5 adverse childhood experiences, in turn reducing  
6 executive function skills and the ability to learn and  
7 regulate emotions, negatively effecting academic,  
8 social and health outcome and increasing the risk of  
9 interpersonal and self-directed violence, substance  
10 abuse, depression, and behavioral problems.

11 Educational equity requires more than  
12 equal funding for high-needs schools because it is  
13 more expensive to provide an adequate education to a  
14 disadvantaged student than it is to provide one for an  
15 advantaged student.

16 As we detailed in our report, the  
17 structurally inequitable school funding system could  
18 translate to a Fourteenth Amendment Equal Protection  
19 Clause claim, although the court has yet to recognize  
20 it based on wealth.

21 It could also translate into a claim  
22 purely based on the theory that no rational basis  
23 could possibly exist for a funding system that has the  
24 type of discriminatory impact as the New York funding  
25 scheme has.

1           It also should be a claim under the  
2 Fourteenth Amendment for the deprivation of a  
3 fundamental right. But the Supreme Court has also yet  
4 to recognize that as -- education as a fundamental  
5 right.

6           The Office of Civil Rights of the U.S.  
7 Department of Education should investigate the funding  
8 under Title VI of the Civil Rights Act of 1964,  
9 specifically the discriminatory effect, discriminatory  
10 impact provisions in Section 602.

11           As you know, the town of Schenectady filed  
12 a claim with the Office of Civil Rights in 2013 and it  
13 has yet to be addressed and answered in any way.

14           We included a host of recommendations in  
15 our report, and I'd like to just highlight a few.  
16 One, the Commission should issue a finding that New  
17 York State is discriminating against poor students and  
18 students of color by failing of provide high-needs  
19 school districts with sufficient resources to make up  
20 for the spending gap between high tax base districts  
21 and low tax base districts.

22           Two, the Commission should look into the  
23 Schenectady claim that was filed with the Office of  
24 Civil Rights in 2013 and should ensure that the  
25 Department of Education ties future funding of federal

1 funding in New York education to the state's progress  
2 in promoting equity and adequacy of the state's  
3 funding formulas.

4 Three, the Commission should recommend to  
5 Congress that it amend Title VI to the Civil Rights  
6 Act of '64 to provide a private right of action based  
7 on disparate impact under the regulations implementing  
8 Title VI.

9 And lastly, the Commission should  
10 recommend to the Governor and the New York State  
11 legislature that we establish a blue-ribbon commission  
12 to explore alternative funding structures to the  
13 currently inequitable local tax base system, as well  
14 as ways to reduce racial segregation within and across  
15 school districts. Thank you for your time.

16 CHAIR LHAMON: Chair Korry, thank you very  
17 much for your presentation and your thorough report.  
18 I'll open for questions from my fellow Commissioners.

19 COMMISSIONER ADEGBILE: Madam Chair, this  
20 is Commissioner Adegbile.

21 CHAIR LHAMON: Go ahead, Commissioner.

22 COMMISSIONER ADEGBILE: Thank you very  
23 much for your report. I think it's very helpful and  
24 these are important issues at any time, even when  
25 dollars are scarce because of the extraordinary

1 circumstances that we're in. The undermining  
2 inequities that you described are very important about  
3 the future trajectories of so many Americans.

4 One of the points for context that I'd  
5 like to share when we talk about the New York City  
6 public school system is that in rough numbers, one in  
7 300 Americans is currently a student in the New York  
8 City public school system, just so people have an  
9 appreciation of this scale and impact of the funding  
10 streams that you described. It's a very, very  
11 important context point and really a remarkable data  
12 when you think about a school system of that size.

13 I was wondering if you could say a word  
14 about how and why earlier efforts at equalization of  
15 funding have not achieved their end, if that's your  
16 view, or to the extent that they've helped narrow the  
17 gap, in what ways have they done so?

18 MS. KORRY: Thank you, Commissioner  
19 Adegbile. Well, as detailed in the report, Foundation  
20 Aid, which was a result of litigation that worked its  
21 way through the New York State school system and was  
22 eventually proposed by the legislature to try to  
23 address those inadequacies, was introduced in 2007.  
24 And unfortunately, we had a fairly big recession  
25 starting in 2008.

1                   And the legislature's response to that  
2 recession was to take money that had been allocated to  
3 Foundation Aid, and take it and put it into general  
4 funds for the provision of other items that couldn't  
5 be provided for as a result of the recession.

6                   So nobody knows to this day that whether  
7 Foundation Aid would have achieved its objectives had  
8 it been implemented in full at the time that it had  
9 been implemented. And as many critics say, there is  
10 \$3 to \$4 billion short in the original allocation,  
11 which transmitted into current dollars, is  
12 substantially more than that.

13                   So money, I mean, is the first factor,  
14 that you need to have enough money to invest in  
15 communities and in schools in communities where there  
16 are not parents who are sitting at home reading to  
17 their children all day long or, between the ages of 1  
18 and 5, where there are not all the other -- the  
19 computers that people can go on, children can go on to  
20 self-educate, where there aren't all the other  
21 incentives that are there.

22                   You need enough resources to make up for  
23 that. And the schools barely meet that sort of basic,  
24 basic level. And yes, it's a matter of will. As with  
25 policing, as with all other aspects, it's a matter of

1 will.

2 COMMISSIONER ADEGBILE: Thank you. Very  
3 briefly, just one short follow-up.

4 So as you know, having looked at these  
5 issues, there are those who suggest that it's not the  
6 dollars that are spent in the aggregate, there's lots  
7 of money spent on educational needs in the aggregate.

8 I understand that your focus is on  
9 disparities and for needy communities, perhaps as well  
10 as the aggregate spending.

11 But I'm just wondering what your response  
12 is to those who say it's about the quality of  
13 education and education delivery, and not about the  
14 amount.

15 MS. KORRY: Well, clearly quality matters.  
16 There's no question about that.

17 But let's just address the first issue,  
18 which is allocation of funds and whether money  
19 matters. The great vast majority of people say money  
20 does matter, one.

21 Two, why do people move to, if they can  
22 afford to do so, to communities in suburbs where there  
23 is very high education levels. They move there  
24 because they wanted the best education for their  
25 children.

1                   And the tax base is so high and the  
2                   community is so willing to spend that those people get  
3                   an education based on a huge increase in the amount of  
4                   money spent per pupil. So if money doesn't matter,  
5                   then the suburbs wouldn't be spending the money on  
6                   schools. It's clear, money matters.

7                   If you look at the districts in which you  
8                   have such underachievement, you also find that you  
9                   have a huge turnover in teachers and a higher number  
10                  of just recently certified or basic certified teachers  
11                  teaching in those communities. So without the funds,  
12                  you're not going to attract the teachers who are going  
13                  to be able to provide the kind of quality education.

14                  Is money everything? Of course it's not  
15                  everything. You have to have other factors as well.  
16                  But money is a prerequisite.

17                  COMMISSIONER ADEGBILE: Thank you very  
18                  much.

19                  MS. KORRY: Thank you.

20                  CHAIR LHAMON: Other questions or  
21                  comments, fellow Commissioners?

22                  Hearing none, Chair Korry, thank you very  
23                  much for your presentation and for the thorough work  
24                  on this topic, which is intractable in New York, it's  
25                  proven and also a topic that we, as a Commission, took

1 up ourselves for the nation, and share these concerns  
2 about.

3 So thank you very much for the thorough  
4 investigation that is specific to New York and for  
5 taking the time today to speak with us.

6 MS. KORRY: Thank you very much for the  
7 opportunity. And I will say that we are, I am  
8 intending, together with a member of the assembly, the  
9 New York assembly, when COVID has died down and people  
10 are focused again on other priorities, on trying to  
11 have an op-ed co-written to try to sort of revive  
12 interest.

13 CHAIR LHAMON: Thank you.

14 MS. KORRY: Thank you very much.

15 CHAIR LHAMON: The next item on our agenda  
16 is a discussion and vote on the Chair for the North  
17 Carolina Advisory Committee to the Commission.

18 B. DISCUSSION AND VOTE ON COMMISSION

19 ADVISORY COMMITTEES

20 CHAIR LHAMON: Before we begin discussion  
21 of this nomination, and other nominations, I remind my  
22 fellow Commissioners that objections to all of the  
23 advisory committee slates we consider today, already  
24 have been shared with all of the Commissioners.

25 To the extent that we would like to

1 discuss objections, I remind my fellow Commissioners  
2 that the Commission has a policy to not defame,  
3 degrade or incriminate any person. Each of these  
4 individuals has agreed to volunteer time and energy in  
5 the pursuit of the protection of civil rights.

6 With that said, I move that the Commission  
7 appoint Olga Wright to serve as Chair of the North  
8 Carolina Advisory Committee. Do I have a second for  
9 this motion?

10 COMMISSIONER ADEGBILE: Second, Adegbile.

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

14 Commissioner Adegbile, how do you vote?

15 COMMISSIONER ADEGBILE: Aye.

16 CHAIR LHAMON: Commissioner Gilchrist?

17 COMMISSIONER GILCHRIST: Aye.

18 CHAIR LHAMON: Commissioner Heriot?

19 COMMISSIONER HERIOT: Yes.

20 CHAIR LHAMON: Commissioner Kirsanow?

21 COMMISSIONER KIRSANOW: Yes.

22 CHAIR LHAMON: Commissioner Kladney?

23 COMMISSIONER KLADNEY: Yes.

24 CHAIR LHAMON: Commissioner Yaki?

25 COMMISSIONER YAKI: Aye.

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

3 The next item on our agenda is a  
4 discussion and vote on the Chair for the Maine  
5 Advisory Committee to the Commission. I move that the  
6 Commission appoint Diane Khiel to serve as Chair of  
7 the Maine Advisory Committee. Do I have a second for  
8 this motion?

9 COMMISSIONER ADEGBILE: Second. This is  
10 Adegbile.

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

14 Commissioner Adegbile, how do you vote?

15 COMMISSIONER ADEGBILE: Aye.

16 CHAIR LHAMON: Commissioner Gilchrist?

17 COMMISSIONER GILCHRIST: Aye.

18 CHAIR LHAMON: Commissioner Heriot?

19 COMMISSIONER HERIOT: Yes.

20 CHAIR LHAMON: Commissioner Kirsanow?

21 COMMISSIONER KIRSANOW: Yes.

22 CHAIR LHAMON: Commissioner Kladney?

23 COMMISSIONER KLADNEY: Yes.

24 CHAIR LHAMON: Commissioner Yaki?

25 COMMISSIONER YAKI: Aye.

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

3 For our next agenda item to begin  
4 discussion, I move that the Commission appoint the  
5 following individuals to the New York Advisory  
6 Committee based on the recommendation of the Staff  
7 Director: Alexandra Korry, Iris Chen, Jamil Dakwar,  
8 Donald Derham, Tiffany Graham, Bryanne Hamill, Mat  
9 Kladney, Robert Klump, Vivian Louie, Glenn Magpanty,  
10 Rafael Mangual, Athena Mutua, Steven Raga, Michal  
11 Rosenn and Craig Trainor.

12 With this motion the Commission will also  
13 appoint Alexandra Korry as the Chair of the New York  
14 Advisory Committee. All of these members will serve  
15 as uncompensated government employees.

16 If the motion passes, the Commission will  
17 authorize the Staff Director to execute the  
18 appropriate paperwork to the appointments, which will  
19 begin after the current Committee expires. Do I have  
20 a second for this motion?

21 COMMISSIONER ADEGBILE: Second. Adebile.

22 CHAIR LHAMON: Thank you. I'll open the  
23 floor for discussion. Hearing none, I'll call to  
24 question and take a roll call vote.

25 Commissioner Adebile, how do you vote?

1 COMMISSIONER ADEGBILE: Aye.

2 CHAIR LHAMON: Commissioner Gilchrist?

3 COMMISSIONER GILCHRIST: Aye.

4 CHAIR LHAMON: Commissioner Heriot?

5 COMMISSIONER HERIOT: Yes.

6 CHAIR LHAMON: Commissioner Kirsanow?

7 COMMISSIONER KIRSANOW: Yes.

8 CHAIR LHAMON: Commissioner Kladney?

9 COMMISSIONER KLADNEY: I have to recuse  
10 myself. Thank you.

11 CHAIR LHAMON: Commissioner Yaki?

12 COMMISSIONER YAKI: Aye.

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

15 For our next agenda item to begin  
16 discussion, I move that the Commission appoint the  
17 following individuals to the Washington Advisory  
18 Committee based on the recommendation of the Staff  
19 Director: Alexis Harris, Kimberly Ambrose, David  
20 DeWolf, Judy Endejan, Andrew Kaufmann, Gary Lofland,  
21 Xyanthe Neider, Conrad Reynoldson, John Safarli, Eric  
22 Schnapper, Brian Screnar and Aaron Withe.

23 With this motion, the Commission will also  
24 appoint Alexis Harris as Chair of the Washington  
25 Advisory Commission. All of these members will serve

1 as uncompensated government employees.

2 If the motion passes, the Commission will  
3 authorize the Staff Director to execute the  
4 appropriate paperwork for the appointments, which will  
5 begin after the current Committee expires. Do I have  
6 a second for this motion?

7 COMMISSIONER KLADNEY: Commissioner  
8 Kladney, second.

9 COMMISSIONER ADEGBILE: Second, Adegbile.  
10 I yield to the senior Commissioner from the great  
11 State of Nevada.

12 (Laughter.)

13 CHAIR LHAMON: I'll now open the floor for  
14 discussion. Hearing none, I'll call to question and  
15 take a roll call vote.

16 Commissioner Adegbile, how do you vote?

17 COMMISSIONER ADEGBILE: Humbly, aye.

18 CHAIR LHAMON: Commissioner Gilchrist?

19 COMMISSIONER GILCHRIST: Aye.

20 CHAIR LHAMON: Commissioner Heriot?

21 COMMISSIONER HERIOT: Yes.

22 CHAIR LHAMON: Commissioner Kirsanow?

23 COMMISSIONER KIRSANOW: Yes.

24 CHAIR LHAMON: Commissioner Kladney?

25 COMMISSIONER KLADNEY: Yes.

1 CHAIR LHAMON: Commissioner Yaki?

2 COMMISSIONER YAKI: Aye.

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

5 Next we will move to a discussion and vote  
6 on the project planning materials for a short-term  
7 project that the Commission agreed unanimously to take  
8 up, an update to our 2018 report, Broken Promises:  
9 Continuing Federal Funding Shortfall for Native  
10 Americans.

11 C. DISCUSSION AND VOTE ON PROJECT PLANNING MATERIALS

12 IN SUPPORT OF COMMISSION SHORT-TERM PROJECTS ON

13 FEDERAL FUNDING SHORTFALL FOR NATIVE AMERICANS

14 CHAIR LHAMON: To begin discussion I'll  
15 move that we approve the document as circulated by my  
16 special assistant on Tuesday, June 2nd. Is there a  
17 second?

18 COMMISSIONER ADEGBILE: Second.

19 CHAIR LHAMON: Thank you. To continue  
20 discussion I'd offer a few points.

21 Our report in 2018 comprehensively  
22 assessed the status of federal funding to meet the  
23 federal government's trust obligations to Native  
24 American communities, including in the areas of  
25 support native Americans interconnected

1 infrastructure, self-governance, housing, education,  
2 health, and economic development.

3 Our current project will focus on updating  
4 specific components of our 2018 evaluations, looking  
5 at how the COVID-19 pandemic has impacted Native  
6 American communities with respect to healthcare,  
7 housing, to infrastructure components, such as access  
8 to water and broadband, and whether the federal  
9 government is meeting its longstanding trust  
10 obligations to Native American people in the current  
11 crisis.

12 This update will also respond to the  
13 request of Congresswomen Deb Haaland and Senator  
14 Elizabeth Warren, who asked the Commission to take on  
15 this update, to examine among other factors, whether  
16 the Congressional responses to the pandemic,  
17 especially the passage of the CARES Act and other  
18 stimulus packages, have done enough to help Native  
19 people cope with the challenges posed by COVID-19, and  
20 if not, how they've fallen short.

21 I look forward to, as this proposal  
22 contemplates, taking in testimony virtually next  
23 month, to hear directly from experts, including  
24 impacted individuals. Is there any other discussion?

25 COMMISSIONER HERIOT: Madam Chair?

1 CHAIR LHAMON: Commissioner Heriot?

2 COMMISSIONER HERIOT: I see that on the  
3 schedule there is no time allocated for Commissioner  
4 statements. Is that an oversight?

5 CHAIR LHAMON: It is not.

6 COMMISSIONER HERIOT: Could you clarify  
7 please?

8 CHAIR LHAMON: We voted to move these  
9 projects on a very quick timeline, and if we add in a  
10 time frame for Commissioner statements we will not be  
11 able to satisfy that quick timeline. There is time --

12 COMMISSIONER HERIOT: Okay.

13 CHAIR LHAMON: -- for the --

14 COMMISSIONER HERIOT: I regard this --  
15 (Simultaneously speaking.)

16 COMMISSIONER HERIOT: Yes. I regard this  
17 as a violation of your promise to always protect our  
18 right to include individual Commissioner statements  
19 and will therefore be voting no.

20 CHAIR LHAMON: Thank you. I am surprised  
21 to hear that given our prior vote on this, but I am  
22 sorry, also, that you raised this for the first time  
23 now, and sorry to hear about your planned vote for  
24 today. Are there any further discussions?

25 COMMISSIONER HERIOT: The notion that I'm

1 raising this for the first time is utter nonsense,  
2 Madam Chair. We always, always, always want  
3 Commissioner statements, nor have we had a schedule  
4 like this before. This is the first notice that we  
5 would not be having Commissioner statements.

6 CHAIR LHAMON: Well, we circulated the  
7 proposal among the Commissioners, so today is not the  
8 first notice. And we took a vote at our last  
9 Commission meeting. I regret --

10 COMMISSIONER HERIOT: You didn't vote not  
11 to have --

12 (Simultaneously speaking.)

13 COMMISSIONER HERIOT: -- Commissioner  
14 statements.

15 CHAIR LHAMON: Is there any further  
16 discussion? Hearing none, I'll call to question and  
17 take a roll call vote.

18 Commissioner Adegbile, how do you vote?

19 COMMISSIONER ADEGBILE: Aye.

20 CHAIR LHAMON: Commissioner Gilchrist?

21 COMMISSIONER GILCHRIST: Commissioner  
22 Gilchrist, abstaining.

23 CHAIR LHAMON: Commissioner Heriot?

24 COMMISSIONER HERIOT: No.

25 CHAIR LHAMON: Commissioner Kirsanow?

1 COMMISSIONER KIRSANOW: No.

2 CHAIR LHAMON: Commissioner Kladney?

3 COMMISSIONER KLADNEY: Yes.

4 CHAIR LHAMON: Commissioner Yaki?

5 COMMISSIONER YAKI: Aye.

6 CHAIR LHAMON: And I vote yes. The motion  
7 passes. One Commissioner abstained, two Commissioners  
8 voted no, all other Commissioners were in favor.

9 Next we will move to a discussion and vote  
10 on the project planning materials for another short-  
11 term project focused on updating the Commission's 2018  
12 report on voting rights in light of the COVID-19  
13 pandemic.

14 D. DISCUSSION AND VOTE ON PROJECT PLANNING MATERIALS

15 IN SUPPORT OF COMMISSION SHORT-TERM PROJECTS ON

16 CIVIL RIGHTS IMPACTS OF THE COVID-19 PANDEMIC

17 CHAIR LHAMON: To open the floor for  
18 discussion, is there a motion?

19 COMMISSIONER ADEGBILE: So moved.

20 CHAIR LHAMON: Commissioner Adegbile, I  
21 understand you are moving to approve the project  
22 planning document as circulated by your special  
23 assistant on Wednesday, June 3rd, is that correct?

24 COMMISSIONER ADEGBILE: Yes, Madam Chair.

25 CHAIR LHAMON: Thank you. Is there a

1 second?

2 COMMISSIONER KLADNEY: Kladney will  
3 second.

4 CHAIR LHAMON: Thank you. As a lead  
5 sponsor of the project, Commissioner Adegbile, we can  
6 begin discussion with you.

7 COMMISSIONER ADEGBILE: Thank you, Madam  
8 Chair. In 2018 the Commission issued a substantial  
9 report that examined the landscape of voting rights,  
10 both before and after the Supreme Court's major  
11 decision in Shelby County v. Holder.

12 Building on that recent report, the  
13 Commission will now revisit essential barriers to how  
14 jurisdictions are responding to voting in a COVID  
15 pandemic context and what the impact of those  
16 decisions are on voter access. Specifically, the  
17 report will look at access to early voting,  
18 jurisdiction plans for access to safe accessible in-  
19 person polling locations without unreasonable wait  
20 times and with resources for those who require  
21 assistance, and access to mail-in voting options and  
22 any barriers in the way of mail-in options.

23 The project will also examine whether  
24 adequate notice is being provided to all voters about  
25 any changes made to the voting process or requirements

1 as states rapidly change their plans for the  
2 administration of the forthcoming election.

3 CHAIR LHAMON: Thank you, Commissioner  
4 Adegbile. Is there any other discussion?

5 COMMISSIONER HERIOT: Madam Chair?

6 CHAIR LHAMON: Commissioner Heriot?

7 COMMISSIONER HERIOT: I note that there is  
8 no -- nothing in this proposal as well for  
9 Commissioner statements, is that an oversight?

10 COMMISSIONER ADEGBILE: Commissioner  
11 Heriot, thank you for your question. I think that the  
12 context is the same as the Chair mentioned.

13 Because of the COVID pandemic, these are  
14 analyses that are being done rapidly and with the  
15 intention of being relevant in the operative window,  
16 and so that has caused the schedule to be compressed  
17 to some degree so that they can serve their intended  
18 purpose.

19 And accordingly, the approach for this  
20 report is consistent with the approach that the Chair  
21 described for the earlier report. And as the Chair  
22 mentioned, the schedule was circulated prior to this  
23 meeting.

24 COMMISSIONER HERIOT: Again, I regard this  
25 as an outrageous breach of the Chair's promise to

1 protect our rights to file Commissioner statements.  
2 I will again be voting no, and I consider this a  
3 breach of faith and it is very, very serious.

4 CHAIR LHAMON: Commissioner Heriot, I  
5 again regret your dismay, and I again regret not  
6 having had an opportunity to discuss this in advance  
7 of the meeting so that you could raise your concerns.

8 I had no idea until today that you had any  
9 concern about it. And we did circulate proposals  
10 among all the Commissioners and special assistants.  
11 And we did receive comments from some Commissioners,  
12 we received none from you.

13 And I just would welcome an opportunity to  
14 be able to meet your concerns and respond to them with  
15 time for consideration as we often practice. So,  
16 again, I'm so very sorry that you are dismayed. And  
17 also, I am shocked and surprised.

18 So we intended no disrespect to you and  
19 had we had more time to consider how to proceed we may  
20 well have been able to accommodate your concerns.

21 COMMISSIONER HERIOT: Madam Chair, you  
22 have known that this has been my position for years  
23 now. I've made it very, very clear on very, very many  
24 occasions, so don't give me that.

25 CHAIR LHAMON: Commissioner Heriot, I will

1 remind you that we have a transcript of our  
2 conversation about this and in the transcript you said  
3 you would want to make sure there was never a  
4 shortening of time for, or an elimination of time, for  
5 Commissioners to respond unless the Commissioners had  
6 agreed to it. And this proposal --

7 COMMISSIONER HERIOT: That's a lie.

8 CHAIR LHAMON: -- was shared among the  
9 Commissioners in advance. You have not raised any  
10 concerns about that proposal until now.

11 COMMISSIONER HERIOT: It was proposed to  
12 decide these things here. Notions of like, golly gee,  
13 Gayle didn't read this thing in time. You know, I  
14 don't have a special assistant right now, as you know.  
15 We are in a global pandemic and there are a lot of  
16 things that come up.

17 We're supposed to be doing this here. You  
18 know very well that this has been my primary concern  
19 for years now.

20 That's why we sought from you a promise  
21 before we voted for you to be Chair that you would  
22 always protect our right to file statements for  
23 reports. This is a breach of faith.

24 CHAIR LHAMON: I do know that we live in  
25 a global pandemic and we all struggle with that

1 challenge. And I also know that when you asked to  
2 have an agenda item taken off the agenda for this  
3 meeting because you need more time for it, we acceded  
4 to that and we took it off the agenda.

5 Had you raised a concern about this we  
6 could also have responded to that, you didn't. I  
7 didn't know that you hadn't had time to review the  
8 proposal, I didn't know that you had a concern about  
9 it.

10 I do -- I have, in the three and a half  
11 years I have been Chair, consistently protected your  
12 concern, although I did not --

13 COMMISSIONER HERIOT: No, you haven't.

14 CHAIR LHAMON: -- primary --

15 (Simultaneous speaking.)

16 CHAIR LHAMON: -- and I am sorry --

17 COMMISSIONER HERIOT: Which is my second

18 --

19 CHAIR LHAMON: -- raising this concern for  
20 the first time.

21 COMMISSIONER HERIOT: That's what this  
22 meeting is for, to decide on the issue about the  
23 schedule.

24 CHAIR LHAMON: I'm sorry, I couldn't hear  
25 you well, what you just said. I take it from your

1 silence you don't want me to hear it, which is okay.

2 COMMISSIONER KIRSANOW: Madam Chair,  
3 Kirsanow here.

4 CHAIR LHAMON: Go ahead, Commissioner.

5 COMMISSIONER KIRSANOW: Kirsanow here.  
6 This matter was decided several years ago. We were in  
7 a meeting, you and I and Commissioner Heriot, related  
8 to the protection of the ability of the minority to  
9 always conduct or always have an opportunity to submit  
10 statements.

11 Commissioner Heriot is correct. It is at  
12 this time that we vote on whether or not we're going  
13 to be going forward with projects.

14 If there is no agreement that there is to  
15 be a shortening of the statement or a complete  
16 abandonment of the statement process, then of course  
17 we're not going to be going forward on it. That was  
18 the standing agreement.

19 In addition to that, this is a horrible  
20 practice regardless of whatever agreement we had. The  
21 Commission consists of Commissioners. It is a bad  
22 process to have, simply issuing reports on expedited  
23 basis regardless of what the circumstance may be.  
24 Sure, we're in a pandemic, there could be all kinds of  
25 reasons for it.

1                   But nonetheless, this is the U.S.  
2                   Commission on Civil Rights. We are the Commissioners.  
3                   And if we are not properly structured to do something  
4                   quickly and then issue statements, perhaps we  
5                   shouldn't be embarking on that endeavor. So I will be  
6                   voting no on this emphatically.

7                   COMMISSIONER HERIOT: Madam Chair, I add  
8                   that this is also a violation of the Sunshine Act to  
9                   say that this has been decided beforehand. That's  
10                  what this meeting is for, to decide on the schedule.

11                  And the notion of, you didn't bring this  
12                  up earlier, there is nothing that bears on that, in  
13                  the sense that had it been brought up, earlier how  
14                  would the world be different? There is no reason in  
15                  the world that this should be.

16                  And in fact, it's a violation of the  
17                  Sunshine Act to suggest that it is too late to decide  
18                  this issue, that somehow the point has been brought  
19                  too late.

20                  If I brought it up earlier, the solution  
21                  would have been to add time for the statements. If I  
22                  bring it up now, the solution is to add time for the  
23                  statement. Period.

24                  CHAIR LHAMON: You're absolutely right  
25                  that the solution could be to add time for the

1 statement. It's very challenging to do that in the  
2 course of the meeting because we need to manage the  
3 schedules so that the dates don't overlap with other  
4 dates.

5 I hear your concern. My response is not  
6 that this is not the right time to be able to vote on  
7 it, it is, but we cannot accommodate that concern in  
8 the course of this.

9 So having heard you and having heard your

10 --

11 COMMISSIONER HERIOT: All you do is add --

12 CHAIR LHAMON: -- I am making an executive  
13 decision to move that we table the vote on this voting  
14 rights report and that we reconsider the vote on the  
15 Broken Promises update so that we can, at our next  
16 June 19th meeting, propose a schedule that will  
17 accommodate Commissioner Heriot's concerns.

18 I appreciate that you had them. I did not  
19 know until now that you had them. I cannot come up  
20 with a schedule in the course of this meeting, but I  
21 respect the degree of concern that you have about this  
22 issue and therefore move that we table this vote and  
23 we reconsider our last vote so that we can take a new  
24 vote on June 19th about a way to move forward on these  
25 proposals. Is there a second for that?

1                   COMMISSIONER ADEGBILE: Madam Chair,  
2 Commissioner Adegbile?

3                   CHAIR LHAMON: Go ahead --

4                   COMMISSIONER ADEGBILE: The point, as I  
5 understand it, is not that anything -- not that the  
6 schedule had been decided on or voted on prior to the  
7 meeting, the point is that the practice of the  
8 Commission, in anticipation of meetings, is to  
9 circulate materials that we will be taking up during  
10 the public meetings so that people are on notice, have  
11 an opportunity to consider them, and as you rightly  
12 point out Madam Chair, discuss if there are any  
13 concerns, such that they can be taken into account and  
14 managed by the time of the meeting so that we can have  
15 a vote.

16                   And so I do find it a little surprising  
17 that having followed that practice and circulated  
18 materials, which are the materials that we're having  
19 before us today for votes, there is a suggestion that  
20 there is some type of surprise that is being visited  
21 upon us. It's not a Sunshine Act problem, we have  
22 followed the procedures.

23                   The point is that we have circulated  
24 materials, as is our custom, so that everybody was on  
25 notice. And that the further point is that everything

1 is a little bit different in the context of a  
2 pandemic. If it weren't different we would be  
3 together in Washington now, many of us, for purposes  
4 of the meeting, which has required all sorts of  
5 reconsideration of regular order and business and how  
6 we discharge our function, and frankly, the business  
7 of the United States of America.

8 So the idea that we would privilege a  
9 process point above the substance of how voting rights  
10 are affecting Americans in a presidential election,  
11 seems to me to be off-base and missing the point.

12 Further, there is an opportunity to issue  
13 whatever statement one wants, because, like the  
14 materials for this meeting, the reports are circulated  
15 in advance. They're not spontaneously generated. And  
16 so there is an opportunity, if somebody is motivated,  
17 to prepare a statement, and if they wish, to read it  
18 at the time of the vote -- of the report.

19 So, I find all of this to be much ado  
20 about nothing. And I'm kind of surprised that to the  
21 extent there were concerns, a courtesy was not paid to  
22 all of us for trying to discharge the business of the  
23 United States of America, that we could talk about  
24 before we come to the public meeting to understand if  
25 there is a way to address any issues that folks may

1 have met.

2 COMMISSIONER HERIOT: Madam Chair?

3 CHAIR LHAMON: Commissioner Heriot.

4 COMMISSIONER HERIOT: I mean -- and this  
5 makes absolutely no sense. We have made no secret  
6 that the most fundamental thing to the minority on  
7 this Commission is that we be able to file our  
8 statements for report. That's not new, and to suggest  
9 that it's new really suggests bad motivation to me.

10 As the Commissioners know --

11 COMMISSIONER ADEGBILE: Nobody said it was  
12 new, Commissioner Heriot.

13 (Simultaneously speaking.)

14 COMMISSIONER HERIOT: -- Carissa Mulder --

15 COMMISSIONER ADEGBILE: Don't  
16 mischaracterize what we're saying.

17 COMMISSIONER HERIOT: Please let me  
18 finish. Please let me finish.

19 As you know, during the period of this  
20 transition, Carissa Mulder is the only specialist to  
21 the three minority Commissioners. Okay, fine, she's  
22 had to do a lot of work here. We are in a global  
23 pandemic.

24 Nobody noticed this until quite recently.  
25 I noticed it last night on the proposal, the first

1 proposal. And I didn't notice it until today on the  
2 voting rights one. My bad. Fine.

3 But it seems utterly, utterly disingenuous  
4 for this Commission to know that, and to try to sneak  
5 something like that in, given that people on the  
6 Commission know that that is our most fundamental  
7 request, that we always be able to file a dissent.

8 We have been known to agree to a  
9 shortening of that time when it is appropriate. But  
10 to try to sneak this thing in is really a breach of  
11 faith.

12 CHAIR LHAMON: Commissioner Heriot --

13 COMMISSIONER YAKI: Madam Chair,  
14 Commissioner Yaki.

15 COMMISSIONER ADEGBILE: Commissioner  
16 Adegbile.

17 CHAIR LHAMON: Let me just say, I very  
18 strongly disagree with the notion that there is an  
19 effort to sneak something involving materials. I have  
20 heard you, that you are concerned.

21 I want to make sure that the other  
22 Commissioners also have a chance to speak. If you  
23 have a proposal on the table, I can imagine another  
24 proposal where we can vote on the projects and the  
25 timelines, up until publication of the reports.

1                   And we can agree that we will come back,  
2                   possibly with a notional vote, possible with the June  
3                   19th vote, meeting, to schedule time for responses,  
4                   written responses from Commissioners, before  
5                   publication. Either path forward would work for me.

6                   But let me pause, hear from the other  
7                   Commissioners. Commissioner Adegbile?

8                   COMMISSIONER YAKI: Madam Chair,  
9                   Commissioner Yaki.

10                  COMMISSIONER ADEGBILE: I yield to Yaki.  
11                  And I'll speak after Commissioner Yaki.

12                  CHAIR LHAMON: Go ahead, Commissioner Yaki.

13                  COMMISSIONER YAKI: Thank you. Thank you,  
14                  Commissioner. I think it's important to recognize a  
15                  couple of things here.

16                  One, we are in unusual times, and two,  
17                  also, regardless what we may think of ourselves, we're  
18                  all humans. And as humans we're not perfect.

19                  I do believe that the right of the  
20                  minority should be able to make a statement is  
21                  important. I have at times generally disagreed at the  
22                  matter in which that was conducted.

23                  Everyone here knows, and I am not a fan at  
24                  all of the rebuttals here, rebuttal process and how  
25                  that continues to drag time and resources away when I

1 believe that we can simply state what we want to say  
2 succinctly and clearly in a single dissenting sermon.

3 And I'll say how I operated when I was in  
4 the minority. How on the Commission I did not seek  
5 rebuttals, it was actually, in rebuttals and sur-  
6 rebuttals were actually imposed by the majority  
7 because they didn't like my statements, but that's  
8 neither here nor there.

9 I think what is important though is that  
10 the right of the minority, in fact, for all  
11 Commissioners, to be able to give statements in  
12 support or in opposition to a Commission report is  
13 extremely important. But I also believe that that  
14 right is not one that has with it sort of the  
15 unfettered time and place period on it that others  
16 might think.

17 But I do think that is important to have  
18 had the ability in the minority to dissent. I can  
19 tell you with great certainty that if, now during the  
20 time when I was in the minority, and I'm the only  
21 Commissioner here on the Democratic side who can  
22 remember that time, that if the majority had  
23 threatened to cut off all statements on all of the  
24 points, simply allow their view to carry the day, I  
25 probably would have engaged in some interesting civil

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disobedience factors to get to make sure that didn't happen.

So, I sympathize with them. I understand that it's not perfect in terms of when things are raised, but sometimes things occur. And I respect Commissioner Heriot's right to raise the argument, the issue today. I respect her rights to raise the need for dissent.

I think that however, that given the short period of time with this report, given that it is an update to an existing report, given that it deals with discrete issues, it wasn't clear, also know that any statements can be, and should be, on shortened time without too much violence to the timeline and publication date we seek to meet.

I mean, this is work that we all know. These are reports that we're updating and these are issues that we are familiar with. These are things that all of us have done during our years on the Commission.

And I know that from my point, Commissioner Heriot, and Commissioner Kirsanow and myself have among us under the longest period, longest tenures on this Commission.

I think that we are fully capable of

1 moving quickly and fast while respecting their desire  
2 to be able to have a dissent, I think we should do  
3 that. But I think we should do that in a way that is  
4 on shortened time so the purposes of meeting, the  
5 exigent requirements of these reports.

6 COMMISSIONER KLADNEY: Madam Chair, Dave  
7 Kladney here. I second your motion. I think it needs  
8 a second before the discussion.

9 CHAIR LHAMON: Thank you. In addition to  
10 having it seconded, in additional, Commissioner  
11 Heriot, do you have a proposal for a time frame that  
12 you would want to consider now?

13 COMMISSIONER HERIOT: I need the motion  
14 clarified. Are you moving to table this and the  
15 previous report? The previous vote that we had.

16 CHAIR LHAMON: The motion that was on the  
17 table was both to table this discussion of the voting  
18 rights report and to reconsider the prior vote so that  
19 we could take that up for the June 19th business  
20 meeting that is already scheduled. Scheduled for both  
21 votes.

22 That's the motion that was on the table,  
23 that's the motion that has been seconded. We should  
24 discuss that.

25 COMMISSIONER HERIOT: Okay.

1 CHAIR LHAMON: As I also mentioned, I can  
2 imagine other paths to proceed, including that we vote  
3 on the schedule for both reports up to publication,  
4 and we table the discussion for when the statements  
5 from Commissioners could be slated before publication.  
6 And an alternative could be if Commissioner Heriot,  
7 you have a proposal today, for the timeline for  
8 statements that you would want to add. We could  
9 discuss that and we can vote on that.

10 COMMISSIONER HERIOT: Well, isn't it  
11 easier just to do this offline?

12 CHAIR LHAMON: That was my point when  
13 raising it that it would be --

14 COMMISSIONER HERIOT: I'm happy right now.

15 CHAIR LHAMON: -- helpful --

16 COMMISSIONER HERIOT: My proposal --

17 CHAIR LHAMON: -- before today.

18 COMMISSIONER HERIOT: -- would be that we  
19 have 30 days for statements after the approval of the  
20 report and 30 days for a rebuttal. I probably can do  
21 this in 21 days instead.

22 CHAIR LHAMON: So, Commissioner Heriot,  
23 your motion -- I'm sorry. I didn't mean to cut you  
24 off, go ahead.

25 COMMISSIONER HERIOT: No, I'm just, I'm

1 happy to propose dates if that's easier for you right  
2 now or I'm happy to vote for this motion and we can  
3 have it established at the next call.

4 CHAIR LHAMON: Okay.

5 COMMISSIONER ADEGBILE: Madam Chair?

6 CHAIR LHAMON: Commissioner Adegbile.

7 COMMISSIONER ADEGBILE: As I understand  
8 it, one of the important considerations, and one of  
9 the reasons why we have been working very hard to call  
10 this vote today, so that we could move forward in the  
11 pandemic context about what the civil rights impacts  
12 are during the pandemic and examine those issues, is  
13 that our Office of Research, Civil Rights Research,  
14 needs to have a plan so that they can take the steps  
15 to be prepared to execute in a short time frame.

16 And that's part of why we've been working  
17 very hard to try and move these things forward already  
18 on a compressed schedule. I think that it would  
19 prejudice that effort to not prioritize the plan and  
20 the vote on the substance of the timeline.

21 And I favor your version in which we adopt  
22 the plan to go forward with these reports and table  
23 only the question of what time there will be for  
24 statements and rebuttals. If that is the course that  
25 people want to take.

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We perhaps --

COMMISSIONER KIRSANOW: Commissioner --

COMMISSIONER ADEGBILE: Please let me finish. We perhaps could have an agreement that we will allow some time for statements, among other things in the context.

Rational people would consider whether we need both statements and rebuttals, or whether in the context, because of the inherent exigency, statements would be adequate to ventilate whatever needs to be said and demonstrated. And we could dispense what the additional delay associated with rebuttals.

These issues are not issues that we brought to the United States or to the world, they're issues that are upon us and we are trying to examine what the civil rights impacts are in a context that will be relevant.

COMMISSIONER KLADNEY: Commissioner Kladney here. I agree with Commissioner Adegbile. And I think we can cast these projects now and between now and the 19th the parties can enter into discussions regarding timelines for statements.

I too, like Commissioner Yaki, have never been a big fan of rebuttal, sir-rebuttal. So that's my position.

1 CHAIR LHAMON: We have a --

2 COMMISSIONER YAKI: Commissioner Yaki.

3 CHAIR LHAMON: We have a motion. Okay, go  
4 ahead, Commissioner Yaki.

5 COMMISSIONER YAKI: Yes. So, I think to  
6 give some certainty to Commissioners Heriot and  
7 Kirsanow that if we were to commend this motion, as  
8 well as amend the previous motion, that was already  
9 passed, it would be to state that our Commissioner's  
10 statements will be accepted, period, the timeline and  
11 format will be determined at a subsequent meeting.

12 So at least there is certainty going  
13 forward that if you were to pass Commissioner  
14 Adegbile's project plan today, which I understand is  
15 important in terms of getting certainty to the Staff,  
16 however the board -- the shortened timeline that we're  
17 dealing with. But at least we make a commitment in  
18 the resolution of its pass that there will be  
19 statements offered, allowed as part of the report so  
20 that the Commissioners Heriot, Kirsanow and Gilchrist  
21 are assured that this is not going to be a project  
22 that does not contain Commissioner statements.

23 COMMISSIONER HERIOT: Madam Chair?

24 CHAIR LHAMON: Commissioner Heriot.

25 COMMISSIONER HERIOT: Why don't discuss

1 the dates, it's a lot easier. It's not like a  
2 difficult thing, I've already calculated out what  
3 would be two weeks and three weeks. That doesn't  
4 really seem that difficult.

5 I understand the notion that most of the  
6 majorities don't like rebuttals. Nobody like to be  
7 criticized, but that's when truth is arrived at, by  
8 going back and forth and saying what you have to say  
9 and for teaching it.

10 And we will never get anyway in the world  
11 if you just don't actually engage. And that's what  
12 rebuttals are for.

13 I've never been a fan of calling it a  
14 separate document that is the rebuttal. I've always  
15 thought the best way to do it is to simply amend the  
16 body of your statement. The way judges do it when we  
17 go back and forth with the ideas team. And not  
18 writing separate rebuttals to dissenters and to  
19 minority teams.

20 But it seem easy enough just to add, and  
21 I'm willing to compromise on the time, at least on  
22 these, if we were to give three weeks for voting  
23 rights, that would mean that Commissioner Statements  
24 are due on October 2nd and that rebuttal material is  
25 due on the 23rd of October.

1                   On the COVID-19 one, that would take us  
2 to, Commissioner statements due on November 13th,  
3 rebuttals due on December 4th.

4                   CHAIR LHAMON: Commissioner Heriot --

5                   COMMISSIONER YAKI: Commissioner Lhamon,  
6 Commissioner Yaki.

7                   CHAIR LHAMON: Go ahead, Commissioner Yaki.

8                   COMMISSIONER YAKI: I just need to correct  
9 one misrepresentation by my colleague. Rebuttals were  
10 not there to criticize statements by Commissioners,  
11 rebuttals were put in to deal with the fact that the  
12 majority did not like my statements that attacked  
13 their majority reports and was their way to try and  
14 deal with that.

15                   It had nothing else to do with anything  
16 other than them getting at my dissents in the, again,  
17 that there is some sort of, and you can, the idea of  
18 what the dissent is, is to disagree with the majority  
19 report. It is not, I have never understood the ping  
20 pong of requiring of the rebuttal.

21                   I would suggest on this exigent timeline  
22 that we give the minority, all Commissioners, the  
23 right to file a report. And that report timeline  
24 should be, I would think, no more than 14 days or ten  
25 business days, and that is it, period. That would be

1 my suggestion.

2 I'm not going to do it in the form of an  
3 amendment because I don't know if we're going to be  
4 talking, if we want to do that at this time, but I am  
5 pretty adamant that the compromise for an agency  
6 protects the rights of the minority to dissent but  
7 does not do so in a way that essentially puts this  
8 report out of reach in terms of its effect and  
9 importance and need to be heard I believe prior to the  
10 November election, which is what would happen under  
11 Commissioner Heriot's timeline.

12 COMMISSIONER HERIOT: Madam Chair, I would  
13 mention that Commissioner Yaki seems to be agreeing  
14 with me rather than disagreeing with me. As I said,  
15 people don't like to be criticized.

16 But that's how truth with the riots act  
17 and that's why we go back and forth. It's a back  
18 track. That's how truth gets to be a riots act.

19 And I understand that Commissioner Yaki  
20 doesn't like to be criticized, nobody does. And yes,  
21 sometimes we say things in our statements that --

22 (Laughter.)

23 COMMISSIONER YAKI: I was in an elected  
24 office for years, criticism was part of my life,  
25 Commissioner Heriot. I'm not saying, it's not about

1 criticism, it's if you want to criticize a majority  
2 you have a statement in which to do it.

3 (Simultaneously speaking.)

4 COMMISSIONER YAKI: -- majority can't  
5 criticize near a dissent, which is ridiculous.

6 COMMISSIONER HERIOT: Sometimes it's the  
7 minority that needs to be criticized, sometimes it's  
8 somebody with no reason to honor everyone's statement.  
9 As if that cannot be disagreed with. Of course they  
10 can be disagreed with.

11 COMMISSIONER KLADNEY: Commissioner  
12 Lhamon, this is Dave Kladney. I think we can go round  
13 and round on this. I'd like to move forward and have  
14 a vote on the motion.

15 And I'd also like to say that I support  
16 approving both the projects and then leaving open the  
17 possibility, or the probability, of having a timeline  
18 determined for a statement on our June 19th meeting.

19 CHAIR LHAMON: So, I understand,  
20 Commissioner Kladney, that suggestion as a friendly  
21 amendment to the motion so that the motion would be  
22 the voting rights report proposal and timeline be  
23 approved up through the time for final report and  
24 vote, but not through the time for publication and  
25 that we amend the vote on the Broken Promises report

1 to be a vote for approval up through the time for  
2 final report and vote, but not for the time of  
3 publication with a commitment that the Commission will  
4 agree that there will be time for written statements  
5 from Commissioners before publication of each of the  
6 reports and that we will vote at a later time, either  
7 the scheduled June 19 meeting or if there is agreement  
8 among the Commissioners for notational vote before  
9 then for the time for submitting statements from  
10 Commissioners before final publications of the report.  
11 Is that a fair characterization of your amendment, Mr.  
12 Kladney?

13 COMMISSIONER KLADNEY: I have to tell you,  
14 Madam Chair, I couldn't have said it better myself.

15 (Laughter.)

16 CHAIR LHAMON: Thank you. I accept the  
17 friendly amendment. Is there a second?

18 COMMISSIONER YAKI: Second, by  
19 Commissioner Yaki.

20 CHAIR LHAMON: Thank you. With that, we  
21 take a vote. Commissioner Adegbile, how do you vote?

22 COMMISSIONER ADEGBILE: Aye.

23 CHAIR LHAMON: Commissioner Gilchrist?

24 COMMISSIONER GILCHRIST: Aye.

25 CHAIR LHAMON: Commissioner Heriot?

1 COMMISSIONER HERIOT: If I understood all  
2 that, I think I'm voting aye. I hope I understood.  
3 Sorry, your voice is going in and out for me.

4 CHAIR LHAMON: Sorry. Commissioner  
5 Kirsanow?

6 COMMISSIONER KIRSANOW: Yes.

7 CHAIR LHAMON: Commissioner Kladney?

8 COMMISSIONER KLADNEY: Yes.

9 CHAIR LHAMON: Commissioner Yaki?

10 COMMISSIONER YAKI: Aye.

11 CHAIR LHAMON: And I vote yes. The motion  
12 passes unanimously. Thank you for the healthy  
13 discussion, which I note took longer than any  
14 discussion we have had in the three and a half years  
15 I have been on this Commission.

16 Next we move to the first amended item on  
17 our agenda, which is consideration of a Commission  
18 statement that Commissioner Adegbile proposes  
19 entitled, U.S. Commission on Civil Rights acknowledges  
20 the killings of Ahmaud Arbery, Breonna Taylor and  
21 George Floyd and calls on the Department of Justice to  
22 enforce federal civil rights laws that protect  
23 Americans from unconstitutional policing practices.

24 E. CONSIDERATION OF A COMMISSION STATEMENT: U.S.

25 COMMISSION ON CIVIL RIGHTS ACKNOWLEDGES THE KILLINGS

1 OF AHMAUD ARBERY, BREONNA TAYLOR AND GEORGE FLOYD  
2 AND CALLS ON THE DEPARTMENT OF JUSTICE TO ENFORCE  
3 FEDERAL CIVIL RIGHTS LAWS THAT PROTECT AMERICANS  
4 FROM UNCONSTITUTIONAL POLICING PRACTICES

5 CHAIR LHAMON: So that we know what we are  
6 considering, I'll ask Commissioner Adegbile to read  
7 the statement.

8 COMMISSIONER ADEGBILE: Thank you, Madam  
9 Chair. The U.S. Commission on Civil Rights urges  
10 vigorous federal enforcement on civil rights laws that  
11 protect Americans from unconstitutional policing  
12 practices.

13 Several uses of deadly force against  
14 African American civilians in recent weeks underscore  
15 how essential such enforcement is to protect civil  
16 rights. Yet, in the current administration, the  
17 United States has had an objective of taking the  
18 public position to significantly curtail policing  
19 investigations and follow through from that reduction.

20 The Commission acknowledges the Department  
21 of Justice decision to initiate a criminal  
22 investigation into the death of George Floyd in  
23 Minneapolis, Minnesota. A use of deadly force that  
24 had been widely criticized by law enforcement leaders  
25 themselves but urges DHA to take steps necessary to

1 build public trusts in a federal commitment to  
2 constitutional policing practices and to ensure non-  
3 discrimination in police usage of force.

4           Specific to recent to incidents, the  
5 Commission urges the DOJ immediately initiate a  
6 pattern of practice investigation of any  
7 unconstitutional conduct by the Minneapolis Police  
8 Department.

9           The Commission also calls upon the  
10 Department of Justice to exercise its authority and  
11 engage in a pattern of practice review of state and  
12 local authorities and that prosecution practices,  
13 given the circumstances surrounding the investigation  
14 and belated decision to prosecute the killing of  
15 Ahmaud Arbery in Brunswick, Georgia.

16           Additionally, the Commission asks DOJ to  
17 initiate an investigation into the killing of Breonna  
18 Taylor in Louisville, Kentucky to determine whether  
19 her death was a pattern of practice of  
20 unconstitutional conduct by the Louisville Metro  
21 Police Department.

22           More broadly, the Commission urges DOJ to  
23 return to use of all the tools Congress has afforded  
24 it to protect its civil rights of all Americans who  
25 come in contact with public safety officers. For each

1 batch of cases and close succession involving the  
2 killings of unarmed individuals, including in one  
3 case, killing a woman in her own home underscored the  
4 need for federal vigilance and involvement.

5 On February 11th, 2020, Ahmaud Arbery, a  
6 25-year-old Black man, was tracked and shot to death  
7 while jogging in a suburban neighborhood near his home  
8 in South Georgia. Ahmaud was killed after two men,  
9 Gregory McMichael, a former county police officer and  
10 investigator with the local district attorney's office  
11 and his son, Travis McMichael, allegedly tracked down  
12 Arbery while he was out jogging.

13 The pair were armed and Arbery was shot in  
14 the chest three times by Travis McMichael after a  
15 struggle over the latter's shotgun.

16 Despite the killing occurring in February,  
17 no arrests were made until May 7th, two days after a  
18 video of the killing appeared online. Georgia's  
19 Attorney General has asked for the DOJ to review the  
20 state and local handling of their investigations in  
21 the case.

22 Attorneys for Arbery's family have said  
23 that the U.S. Attorney's Office for the 7th District  
24 of Georgia is launching an investigation into Arbery's  
25 murder as a hate crime.

1                   Another individual, Breonna Taylor, a 26-  
2 year-old African American woman, was killed in her  
3 apartment on Louisville, Kentucky on March 13th, 2020  
4 after the Louisville Police officers entered her  
5 apartment unannounced while executing a no knock  
6 search warrant in a narcotics investigation.

7                   Taylor's boyfriend, who was present in the  
8 apartment and was likely to carry a gun, allegedly  
9 shot the armed intruders. Police officers then began  
10 shooting resulting in Taylor being shot eight times.

11                   The FBI has opened an investigation into  
12 the shooting and the Louisville Metro Police  
13 Department has announced that it will not now require  
14 all sworn officers to wear body cameras.

15                   On Memorial Day, May 25, 2020, George  
16 Floyd, a 46-year-old Black Man, was killed in  
17 Minneapolis, Minnesota after being handcuffed and  
18 pinned to the ground by three officers with one police  
19 officer's knee on his neck.

20                   Video recorded at the scene, as well as  
21 the criminal complaint filed by the Hennepin County  
22 District Attorney, suggested that the officer's knee  
23 remained on Mr. Floyd's neck in excess of eight  
24 minutes while Mr. Floyd repeatedly said, I can't  
25 breathe. Bystanders verbally expressed concern to the

1 officers about Mr. Floyd's well-being.

2 Following the release of the video, four  
3 of the officers present and involved were fired by the  
4 Police Chief and have since been arrested and charged.  
5 One with second-degree murder and three with aiding  
6 and abetting second-degree murder. The FBI has also  
7 begun conducting a federal civil rights investigation  
8 into the killing.

9 The U.S. Attorney General has authorized,  
10 under the Violent Crime Control and Law Enforcement  
11 Act of 1994, 42 U.S.C. 14141, to "investigate and  
12 litigate cases involving a pattern or practice of  
13 conduct by law enforcement officers that violate  
14 constitutional federal rights."

15 These pattern of practice investigations  
16 begin with the civil rights division conducting a  
17 formal investigation into a law enforcement agency,  
18 most often involving a systemic analysis of the  
19 policies and practices of policing in a particular  
20 community to determine if there are constitutional  
21 violations.

22 After making its findings and conclusions,  
23 the division can negotiate reforms, sometimes in the  
24 form of a consent decree, overseen by a federal  
25 court and an independent monitor. In 2018, the

1 Commission published a report on the police use of  
2 force and discussed the positive results of many of  
3 these decrees noting that jurisdictions with some form  
4 of federal oversight saw decreases in shootings at a  
5 rate of 27 percent the first year and up to 35 percent  
6 in following years.

7 The report also noted a decrease in  
8 reports of non-lethal police use of force. Uses of  
9 force. And police use of force citizen complaints.

10 Since 1994 DOJ has opened 70 pattern of  
11 practice investigations of which 41 resulted in a  
12 consent decree or other settlement agreements.  
13 Nineteen of these decrees were still actively being  
14 implemented as of April 2017.

15 Under this administration, the DOJ has  
16 abandoned pattern of practice investigations,  
17 criticized pattern of practice policing investigations  
18 as a tool and refused to initiate new investigations  
19 and curtail the use of consent decrees.

20 They have also diminished the use of the  
21 DOJ office of community oriented policing to assist  
22 local departments in developing new methods and  
23 policies for training officers and carrying out their  
24 duties in fair and safe and in constitutional manner.

25 Despite the stark deficit of comprehensive

1 national data on police uses of force, DOJ has not  
2 been able to compile the complete data it would need  
3 to track police use of force nation-wide. Congress  
4 has not conditioned any federal funding on the  
5 collection of this data to incentivize police  
6 departments to provide it to the Department of  
7 Justice.

8 The federal government, along with the  
9 DOJ, has a duty and a responsibility to uphold the  
10 constitution and federal law and to ensure it is being  
11 upheld in this state. As most police leaders  
12 recognize, bolstering community trust, odds with  
13 community relations and cooperation are essential for  
14 law enforcement to effectively discharge its public  
15 safe duties.

16 The Commission, once again, urges the DOJ  
17 to use the full measure of its authority to conduct  
18 investigations into these cases and to bring  
19 enforcement action, if appropriate, to prevent these  
20 events and other systemic deprivations of  
21 constitutional rights from occurring.

22 I have omitted the accompanying footnotes  
23 in my reading.

24 CHAIR LHAMON: Thank you, Commissioner  
25 Adegbile. Opening the floor for discussion, is there

1 a motion?

2 COMMISSIONER ADEGBILE: So moved.

3 COMMISSIONER KLADNEY: I'll move. I'll  
4 second. This is Dave Kladney.

5 CHAIR LHAMON: Thank you. I take it the  
6 motion is to approve the statement, and it has been  
7 seconded. Thank you.

8 I now open the floor for discussion,  
9 beginning with Commissioner Adegbile.

10 COMMISSIONER ADEGBILE: I think the  
11 statement fairly captures it and I know we've gone a  
12 bit long today, but the four points here is that  
13 policing is important in communities throughout the  
14 United States of America, nobody doubts that.

15 But doing it in a way that protects the  
16 rights of citizens and has methods of accountability  
17 where those rights are violated. And we have  
18 described some egregious examples recently, that pain  
19 the heart and cause reverberations nation-wide, it  
20 just is a point that we have lived this history  
21 through a long period and we have amended federal law  
22 to provide tools to try and keep us on track. Laws  
23 that are in place to keep people safe, and also  
24 frankly, make the business of policing and the duty of  
25 policing more effective.

1                   There has been a lot of reform in a number  
2 of a places. And the DOJ pattern of practice  
3 authority is one tool of accountability to try and  
4 shine a light and put the police department on a track  
5 to more effectively discharge their public safety  
6 duties.

7                   And this statement captures a need for DOJ  
8 to step up to the plate and actively discharge that  
9 duty, not only with specific criminal prosecutions,  
10 which are an important part of the federal authority,  
11 but also to try and use its power to get at systemic  
12 issues that affect some police departments.

13                   As the statement makes clear, not every  
14 pattern of practice investigation results in a consent  
15 decree or settlement agreement. What that means is,  
16 sometimes after investigation those measures are not  
17 deemed necessary.

18                   But in several contexts they are deemed  
19 necessary and can be one tool of providing assurance,  
20 accountability and protecting all of us in communities  
21 throughout the country. And that's the trust of this  
22 statement.

23                   CHAIR LHAMON: Thank you, Commissioner  
24 Adegbile for that discussion.

25                   COMMISSIONER KLADNEY: Madam Chair?

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COMMISSIONER KLADNEY: Go ahead,  
Commissioner Kladney.

COMMISSIONER KLADNEY: Dave Kladney.  
Americans should not let this day pass without any  
real criminal injustice reform.

I support this statement and the proposed  
statement by Commissioner Yaki. Protestors have once  
again ensured that our nation's attention is focused  
on the systemic racial abuses across our police forces  
and they must be held to account.

There are many, many good police officers  
in this country, but there are many bad practices  
still have in the police community.

I was proud to lead our policing project  
a few years ago. And what we found then is also held  
into today.

People deserve and expect police  
encounters to be safe. Police are supposed to be  
guardians, not lawyers. I mean, not all people can  
hold that expectation now, nor for sure have they been  
able to hold it in the past. It's a persistent and  
deadly injustice this country has never attempted to  
solve and now is the time.

We already know what is needed. Some of  
our recommendations are included in the proposed

1 statement. Additionally, our report calls for the  
2 Department of Justice to require police departments to  
3 follow the constitution. And DHA has abandoned this  
4 responsibility.

5 We call for effective reality in police  
6 training and real accountability of officers who cross  
7 the line. We call for police union contracts to not  
8 be permitted to shield officers from many consequences  
9 for which they should be held responsible.

10 And we call for better data collections so  
11 departments cannot hide when there are pervasive  
12 problems or problem officers.

13 Now, Congress has the power of the purse,  
14 the funding initiatives and to withhold funding from  
15 the departments who refuse to comply. This would be  
16 effective only if Congress has the courage.

17 And lawyers are needed as well. For  
18 example, qualified immunity continues to prevent  
19 victims of police misconduct from obtaining civil  
20 remedies. And this means that the departments don't  
21 have an incentive to make sure that their officers are  
22 acting constitutionally.

23 It's up to us take actions. The  
24 protestors are what need demanding. We should not  
25 call for more study, more study is not needed.

1                   We cannot let this moment pass. Likewise  
2 to the pandemic. Thank you.

3                   CHAIR LHAMON: Thank you, Commissioner  
4 Kladney. Is there any further discussion?

5                   COMMISSIONER HERIOT: Madam Chair?

6                   CHAIR LHAMON: Commissioner Heriot.

7                   COMMISSIONER HERIOT: I want to point out,  
8 I'm trying to figure out what page this is. On the  
9 very last sentence, depravations. It's not depraved,  
10 it's deprived. So I think you need to correct that.

11                   I'm not going to be able to vote for this.  
12 You know, it doesn't deal with the very serious  
13 constitutional issues that are raised by the problems  
14 with consent decrees. This is actually a much  
15 thornier issue than the letter suggests, so I will be  
16 abstaining from this one.

17                   COMMISSIONER ADEGBILE: Madam Chair?

18                   COMMISSIONER HERIOT: But just for the  
19 record, it's deprivation.

20                   COMMISSIONER ADEGBILE: Madam Chair,  
21 Commissioner Adegbile. Commissioner Heriot, thank you  
22 for flagging that. I've noticed some other minor  
23 typographical, non-substantive things in the statement  
24 and I would request agreement as we go to collect  
25 those non-substantive typos that are in the statement.

1 COMMISSIONER KIRSANOW: Madam Chair?

2 COMMISSIONER HERIOT: Oh, one other thing,  
3 Madam Chair. Madam Chair? Oh.

4 CHAIR LHAMON: Go ahead, Commissioner  
5 Heriot.

6 COMMISSIONER HERIOT: I read one account,  
7 the Breonna Taylor case. And I can't speak to the  
8 facts of that case, but my belief is that the  
9 Louisville police officers say that they did identify  
10 themselves as police officers.

11 So I think that's in dispute. And the way  
12 it's worded now, when it says unannounced, it was  
13 indeed a no-knock search warrant, but I believe that  
14 they claimed that they did announce themselves as  
15 police officers.

16 CHAIR LHAMON: Thank you. Commissioner  
17 Kirsanow?

18 COMMISSIONER KIRSANOW: Thank you, Madam  
19 Chair. I want to thank, Commissioner Adegbile, for  
20 putting this together.

21 I agree with most of it. I do not agree  
22 with the call for a pattern of practice investigation,  
23 or at least I'm agnostic about it.

24 I am not in favor of conducting pattern of  
25 practice investigations where you may have a single

1 instant that's horrific and indefensible as the  
2 killing of George Floyd or Ahmaud Arbery. And I'm  
3 sufficiently familiar with Breonna Taylor. I know  
4 what I've read, but I haven't done a deep dive on it.

5 But I think we have to be, I think, very  
6 careful about calling for a pattern of practice  
7 investigations when we have an incident, regardless of  
8 how open, the magnitude of the incident in the public  
9 mind, and also because there are ancillary effects  
10 from having pattern of practice investigations that  
11 aren't always intended and aren't always good.

12 There is some data from various studies  
13 that show that when certain jurisdictions are subject  
14 to consent decrees there may be a drop in certain  
15 police shootings, but there is also corroborated  
16 increase in crime in those areas and the increase of  
17 crime results in more people being killed.

18 I think it has to be done in very  
19 deliberate and cautious fashion. Having said that, as  
20 I said, thank you to Commissioner Adegbile. I think  
21 Commissioner Kladney's statements were well regarded.  
22 I agree with most of this but I'll be abstaining.

23 CHAIR LHAMON: Thank you.

24 COMMISSIONER ADEGBILE: Madam Chair?

25 CHAIR LHAMON: Commissioner Adegbile.

1 COMMISSIONER ADEGBILE: Thank you,  
2 Commissioner Kirsanow, for sharing your views. I  
3 think it's quite right that typically when DOJ  
4 examines these issues, it's not necessarily the case  
5 that a single incident would create the circumstances  
6 for a pattern of practice investigation.

7 There are two contextual points here, at  
8 least two that I think are important. One is that  
9 part of what we're calling for is the DOJ to exercise  
10 discretion to examine whether or not such a pattern of  
11 practice investigation is indicated based on the  
12 facts.

13 That is to say, not to categorically stand  
14 down and put the pattern of practice authority on the  
15 shelf because it's an important tool that Congress  
16 passed in the wake of the L.A. riots and the Rodney  
17 King beating in Los Angeles.

18 The second point is that at least in the  
19 context of the circumstances in Minneapolis,  
20 Minnesota, the world knows that there was not, there  
21 was not just one officer that was involved in the  
22 killing. In fact, a number of officers have both been  
23 fired and criminally charged.

24 And so, on the face of the videos that  
25 everybody has seen, there is at least a substantial

1 question about whether the training and practices  
2 designed to ensure public safety also protect human  
3 life in this context where there is a report of the  
4 passing of a bad \$20 bill or something to that effect.

5 I think that most Americans, whether they  
6 be Black or of any other race, has a reasonable  
7 expectation that the consequence of being  
8 investigated, questioned or even arrested associated  
9 with that crime, is not to have a group of officers  
10 allow you to be choked in public view until you die.

11 And so, that's the context of what  
12 happened in Minneapolis, Minnesota. And it raises  
13 questions on its face about whether or not the pattern  
14 of practice investigation is necessary here because  
15 part of the goal of the pattern of practice authority  
16 is to make sure that there is training and that  
17 officers know and can assist each other in discharging  
18 a very difficult duty, sometimes dangerous duty, where  
19 a man is handcuffed keeping one's knee on their throat  
20 for eight minutes, over eight minutes, while they're  
21 telling you they can't breathe and the bystanders are  
22 telling you that he can't breathe, seems not to be  
23 based on any reasonable training or practice.

24 And I think that's one of the reasons why  
25 perhaps in a way that we've never seen before, many,

1 many law enforcement leaders have come out and  
2 denounced this act and have suggested that it is not  
3 within the bounds of reason.

4 COMMISSIONER KLADNEY: Commissioner  
5 Kladney here. I would also point out that the officer  
6 involved, charged with second-degree murder, I believe  
7 I read several places that he had had 17 use of force  
8 complaints in the past.

9 And I think one is upheld. Not to say the  
10 others weren't warranted, but that may be a systemic  
11 problem within the department that would lead one to  
12 believe that an investigation should take place to see  
13 if there are other problems with disciplinary actions  
14 of officers and that type of thing. Thank you.

15 CHAIR LHAMON: Thanks to all. If there is  
16 no further discussion I'll call to question and we can  
17 take a roll call vote.

18 Commissioner Adegbile, how do you vote?

19 COMMISSIONER ADEGBILE: Aye.

20 CHAIR LHAMON: Commissioner Gilchrist?

21 COMMISSIONER GILCHRIST: Commissioner  
22 Gilchrist abstaining.

23 CHAIR LHAMON: Commissioner Heriot?

24 COMMISSIONER HERIOT: Abstained.

25 CHAIR LHAMON: Commissioner Kirsanow?

1 COMMISSIONER KIRSANOW: I'd have to admit  
2 that Commissioner Kladney almost convinced me, but I  
3 abstain.

4 (Laughter.)

5 CHAIR LHAMON: Commissioner Kladney?

6 COMMISSIONER KLADNEY: Oh, I must be  
7 coming up in stature. Yes. I vote yes.

8 CHAIR LHAMON: Commissioner Yaki?

9 COMMISSIONER KIRSANOW: I've been  
10 drinking, Dave.

11 CHAIR LHAMON: Commissioner Yaki?

12 COMMISSIONER YAKI: Aye.

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

15 Next we will move to another amended item  
16 on our agenda, which is consideration of a Commission  
17 statement that Commissioner Yaki proposes, entitled  
18 U.S. Commission on Civil Rights urges all law  
19 enforcement to follow constitutional policing  
20 practices in response to the recent demonstrations.

21 F. CONSIDERATION OF A COMMISSION STATEMENT: U.S.

22 COMMISSION ON CIVIL RIGHTS URGES ALL LAW ENFORCEMENT

23 TO FOLLOW CONSTITUTIONAL POLICING PRACTICES IN

24 RESPONSE TO THE RECENT DEMONSTRATIONS

25 CHAIR LHAMON: So we know what we are

1 considering, I'll ask Commissioner Yaki to read the  
2 statement.

3 COMMISSIONER YAKI: Oh, thank you very  
4 much, Madam Chair. Here is the statement. I have it  
5 on fully with my morning monitoring.

6 The U.S. Commission on Civil Rights urges  
7 the administration and the Department of Justice to  
8 advocate that all policing forces used by federal,  
9 state and local governments in response to the recent  
10 protests sparked by the alleged killing of George  
11 Floyd by a Minneapolis police officer, abide by  
12 constitutional police practices that ensure against  
13 bias and promote non-discriminatory accountability and  
14 enforce it.

15 As the Commission stated in our report,  
16 police use of force in examination of modern police  
17 practices, the relationship between law enforcement in  
18 many communities in New York is challenging.  
19 Particularly for those who experience violent crimes  
20 coupled with intensive police presence and  
21 surveillance.

22 This is especially true in the context of  
23 the national protest response to a widely disseminated  
24 video tape involving police use of force resulting in  
25 the killing of an unarmed and handcuffed African

1 American man.

2 Where a peaceful protest is aimed at law  
3 enforcement itself, the stakes could not be higher.  
4 And where marginalized communities are at the  
5 forefront of many of these peaceable demonstrations,  
6 overreaction to provocation and undertraining can  
7 result in potential civil rights violations and worse,  
8 have deadly consequences.

9 It is therefore vitally important that law  
10 enforcement at all levels, including National Guard or  
11 other troops brought in to provide support or perform  
12 law enforcement duties, be trained to observe  
13 principles of constitutional policing.

14 If they are not trained in the principles  
15 of constitutional policing, or cannot be supervised to  
16 prevent them from interfering with protected speech  
17 activity, they cannot and should not be utilized in  
18 any circumstance.

19 The principles most applicable to today's  
20 situation include: every community resident should be  
21 able to demonstrate peacefully in the expectation that  
22 interactions with police officers will be fair,  
23 consistent with constitutional norms and guided by  
24 public safety free from bias or discrimination.

25 Officers should be trained in de-

1 escalation tactics and alternatives to use of force.  
2 Tactical training should include strategies that  
3 create time, space, and distance to reduce the  
4 likelihood that force should be necessary and should  
5 occur in realistic conditions appropriate to the  
6 department's location.

7 If law enforcement uses body-worn cameras,  
8 then they should have clear policies in place that  
9 address, at a minimum, clearly defined penalties  
10 should attach for the misuse of camera footage in  
11 violations of body-worn camera policies. Officers  
12 should not be given any knowledge of the contents and  
13 should not be given the right to review footage before  
14 making of the report of the incident.

15 The public should be allowed to obtain  
16 footage of the use of force incident after  
17 investigations are complete. Body-worn cameras should  
18 also address privacy concerns raised by the large  
19 amount of data recorded by those cameras, containing  
20 potentially sensitive information deserving of  
21 individual policies.

22 These policies should include, but not be  
23 limited to, footage not depicting the use of force,  
24 detention, incidents that are subject to complaint, or  
25 that has no evidentiary, exculpatory, or training

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value.

Tens of thousands of Americans have taken to the streets in protest over the past week. It is undeniable and unfortunate that violence and looting took place during some marches, but there are also reports that persons unconnected with the protests were using the protests as an excuse to commit crimes that will require intervention by law enforcement.

Peaceful protestors were injured by law enforcement during several marches. Guns with rubber bullets were pointed and discharged by law enforcement at reporters while on the air, and officers were also injured during the protests.

In contrast, there are numerous reports of individuals peacefully demonstrating and attempting to stop violent or unlawful acts by others during these demonstrations, to both get law enforcement to stop these activities and to protect themselves from becoming victims of law -- of police violence.

Now, the property crimes and acts of provocation or violence can't be condoned. However, law enforcement must be trained not to indiscriminately engage in the use of force that targets law-abiding individuals or groups exercising protected First Amendment activities.

1 De-escalation worked this week in many  
2 communities around the country. Some -- actually,  
3 this said county, should say country.

4 Some police chiefs, such as the chief in  
5 Santa Cruz, California and Camden, New Jersey,  
6 demonstrated leadership by partnering with  
7 demonstrators to assist peaceful protestors to  
8 accomplish their right to seek redress through lawful  
9 assembly. This lack of threat against direct action  
10 can and does work in many circumstances.

11 As we said in our report, citizens are  
12 more likely to aid in crime reduction and partner with  
13 police if they believe their law enforcement is  
14 engaged in equitable treatment and is impartial  
15 towards all. A commitment to constitutional policing  
16 is part of that equitable treatment.

17 In a separate statement today, the  
18 Commission urges the Department of Justice to engage  
19 in pattern of practice investigations on the police  
20 departments involved in the killings of George Floyd,  
21 Ahmaud Arbery and Breonna Taylor.

22 These incidents have formed the underlying  
23 predicate for demonstration and assemblies of the past  
24 week. The vast majority of people assembling  
25 throughout our communities this past week are engaging

1 in protected activity and their civil liberties and  
2 their civil rights cannot be dismissed, disrupted, or  
3 denied by law enforcement.

4 In performing their duties it is vitally  
5 important that any federal, state, or local entities  
6 charged with law enforcement duties do so while  
7 observing constitutional principles.

8 CHAIR LHAMON: Thank you, Commissioner  
9 Yaki. I'll open the floor for discussion beginning  
10 with Commissioner Yaki.

11 COMMISSIONER YAKI: I thank you, Madam  
12 Chair. It comes as a surprise that the statements  
13 before the Commission concerning the acts that took  
14 away -- the acts that took place mere blocks away from  
15 our Commission headquarters on Monday night when  
16 peaceful demonstrators at Lafayette Park were met with  
17 canisters of tear gas, pepper spray and rubber bullets  
18 in order to clear an area that later we found out was  
19 for a photo-op.

20 But the real issue here is the fact that  
21 we, if there is, if law enforcement is going to be  
22 involved in policing these types of mass  
23 demonstration, it has to be law enforcement that  
24 understands the rules of the road with regard to  
25 peaceful assemble, person and their rights, the rights

1 of the affected and unrepresented and marginalized  
2 communities and minority communities, protected  
3 codifications and to understand that this is not, at  
4 its face, an adversarial position but one, a protected  
5 free speech.

6 I am concerned that many of the law  
7 enforcement entities that have been used, or are being  
8 used, are not one to have had that kind of training.  
9 I refer specifically to the National Guard, and to  
10 other federal units that may or may not have been  
11 brought in by the Department of Justice to clear  
12 Lafayette Square.

13 But this also applies to many communities  
14 throughout this country where the National Guard and  
15 other law enforcement agencies that may not have the  
16 kind of front line training that police departments  
17 have in some of their steps, to engage with  
18 communities in admittedly a very volatile and  
19 emotional time.

20 I think Commissioner Adegbile said it well  
21 in another statement. The amount of rage that was  
22 precipitated by watching the life of an African  
23 American man be choked out of him over the course of  
24 nine minutes is something that this nation cannot and  
25 will not ever unsee.

1                   And it is important, it is vitally  
2                   important that the people who are protesting, who are  
3                   raising their voice, airing their grievances, be  
4                   allowed to do so without people who do not understand,  
5                   appreciate or been trained in dealing with this, in  
6                   dealing with different cultures and different  
7                   communities be part of the policing because that's the  
8                   kind of misunderstanding, that's the kind of  
9                   miscommunication, missed cues and missed signals that  
10                  can result in events happening.

11                  And I would just think back to a time 30  
12                  years ago, 40 years ago, at a college in Ohio where  
13                  four students were killed, I can't say by the  
14                  university, by the use of the National Guard. Thank  
15                  you.

16                  CHAIR LHAMON: Thank you, Commissioner  
17                  Yaki. Any further discussion?

18                  COMMISSIONER HERIOT: Madam Chair?

19                  CHAIR LHAMON: Commissioner Heriot.

20                  COMMISSIONER HERIOT: Reading through this  
21                  statement I find that I agree with most of it  
22                  actually. Alas there are some recommendations that I  
23                  just, I don't know enough to be able to support.

24                  I am very much in favor of Commissioner  
25                  Yaki's proposal, but there should be penalties for

1 failure to wear cameras. So I like that one a lot.

2 But some of the others I can't purport to  
3 it because I don't know anything about, I will be  
4 abstaining.

5 CHAIR LHAMON: Any further discussion?  
6 Hearing none, I'll call to question and take a roll  
7 call vote.

8 Commissioner Adegbile, how do you vote?

9 COMMISSIONER ADEGBILE: Aye.

10 CHAIR LHAMON: Commissioner Gilchrist?

11 COMMISSIONER GILCHRIST: Commissioner  
12 Gilchrist, abstaining.

13 CHAIR LHAMON: Commissioner Heriot?

14 COMMISSIONER HERIOT: I abstain.

15 CHAIR LHAMON: Commissioner Kirsanow?

16 COMMISSIONER KIRSANOW: Abstain.

17 CHAIR LHAMON: Commissioner Kladney?

18 COMMISSIONER KLADNEY: Yes.

19 CHAIR LHAMON: Commissioner Yaki?

20 COMMISSIONER YAKI: Aye.

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

23 Next we will move to another amended item  
24 on our agenda, consideration of a Commission statement  
25 that Commissioner Yaki proposes entitled, U.S.

1 Commission on Civil Rights Mourns the Passing of LGBTQ  
2 and AIDS Activist Larry Kramer.

3 G. CONSIDERATION OF A COMMISSION STATEMENT: U.S.

4 COMMISSION ON CIVIL RIGHTS MOURNS THE PASSING OF  
5 LGBTQ AND AIDS ACTIVIST LARRY KRAMER

6 CHAIR LHAMON: So we know what we are  
7 considering, I'll ask Commissioner Yaki to read the  
8 statement.

9 COMMISSIONER YAKI: Thank you. The  
10 Commission mourns the passing of Larry Kramer, a  
11 pioneering, preeminent Asian LGBTQ activist and  
12 renowned author, Tony Award winning playwright, Oscar-  
13 nominated screenwriter who made it his life's work to  
14 change how people perceived AIDS, those living with it  
15 and how medical research was done in the United States  
16 and around the world. In doing so he fueled civil  
17 rights revolutions.

18 Mr. Kramer was known, loved, reviled, and  
19 feared for his decades of fierce, articulate,  
20 unrelenting, and combative AIDS advocacy. His passion  
21 was born of anger at the U.S. government's failure to  
22 devote sufficient funding to early AIDS research and  
23 of concern for the very lives of complacent LGBTQ  
24 people.

25 Kramer was often soft-spoken, almost shy,

1 and, at least the first time you met him, was  
2 unfailingly polite. But when he spoke in public his  
3 voice became a Moses-like lightning rod, parting the  
4 waters, some would say the nation, demanding respect  
5 and dignity for the lives of a people that were being  
6 decimated by a then hidden plague, AIDS.

7 He co-founded critical AIDS health and  
8 activist groups early in the pandemic: The Gay Men's  
9 Health Crisis in 1982 and ACT UP, AIDS Coalition to  
10 Unleash Power, in 1987. ACT UP, at Kramer's urging,  
11 performed demonstrations, die-ins, political funerals  
12 and speeches against government officials, religious  
13 leaders and Wall Street to speed up AIDS research and  
14 advocate for the LGBTQ community.

15 Mr. Kramer's dynamic struggles surpassed  
16 changing the paradigm of relations between activism  
17 and science. He refused to accept American anti-LGBT  
18 norms.

19 Mr. Kramer called upon LGBTQ people, at a  
20 time when discrimination against his community was  
21 open and blatant, to find within the personal power to  
22 live as proud activists. His decades of speeches, his  
23 seminal 1983 essay, 1,112 and Counting, known as the  
24 Larry Kramer scream heard around the world, begging  
25 all to awaken and fight the emerging plague, and his

1           acclaimed, semi-autobiographical 1985 play, *The Normal*  
2           *Heart*, full of rage and pathos, were critical  
3           catalysts for the LGBTQ civil rights campaigns that  
4           had caught fire during the 1969 Stonewall Inn Riots.

5                     Mr. Kramer's words and actions, his energy  
6           and his work helped to create new generations of  
7           activists who have gone on to fight for LGBTQ equality  
8           in every civil rights arena.

9                     Mr. Ken Kidd, a long-time ACT UP member  
10          and a founding member of Queer Nation, Gays Against  
11          Guns, and Rise and Resist, wrote that, I speak for  
12          many when I say that Larry encouraged me to find my  
13          voice and scolded me for not using it whenever I  
14          could. He demanded more than once to know, where do  
15          you get off deciding your words aren't the ones we all  
16          might need to hear? Your action might be what saves  
17          us.

18                    His sense of urgency was always at a level  
19          ten, which worked both for us and against us. But he  
20          changed my life, to be sure. All of our lives.

21                    At least one of the early targets of his  
22          activism learned to appreciate his brash and acerbic  
23          public persona. Dr. Anthony Fauci, then and still  
24          Director of the National Institute of Allergy and  
25          Infectious Diseases at the National Institutes of

1 Health, was initially accused by Kramer of inaction  
2 that resulted in the deaths of thousands and causing  
3 today's increase in HIV infection outside of the Queer  
4 community.

5 But over the decades, the two cultivated  
6 a close friendship. In 2002 Fauci said in American  
7 medicine, there are two eras, before Larry and after  
8 Larry.

9 Upon Mr. Kramer's death, Dr. Fauci wrote,  
10 I have known Larry Kramer for more than 30 years. We  
11 had an extraordinary, complicated but wonderful  
12 relationship that ultimately culminated in a very deep  
13 friendship, affection and I would even say love for  
14 each other. He was unique in that he totally  
15 transformed the relationship between activism and the  
16 scientific, regulatory and government community.

17 We honor and recognize Mr. Kramer's  
18 contributions to the LGBTQ community, to all those  
19 impacted by AIDS, and to this nation.

20 CHAIR LHAMON: Thank you, Commissioner  
21 Yaki. I turn to the floor for discussion. Is there  
22 a motion?

23 COMMISSIONER YAKI: So moved.

24 CHAIR LHAMON: The motion is to approve  
25 the statement. Is there a second?

1 COMMISSIONER KLADNEY: Kladney, I second.

2 COMMISSIONER HERIOT: Second.

3 CHAIR LHAMON: Thank you. I now open the  
4 floor for discussions, beginning with Commissioner  
5 Yaki.

6 COMMISSIONER YAKI: Thank you. In light  
7 of time here I'm just going to say that as someone who  
8 worked in public rise during the height of the AIDS  
9 crisis, who was in county governments and, excuse me,  
10 the county of San Francisco when there was the AIDS  
11 ward was built at General Hospital and understanding  
12 how the importance of Larry Kramer and his rage had  
13 helped moved government policy and help legitimize the  
14 voice of so many LGBTQ activists that came after him.

15 I am sad to hear his passing but his  
16 legacy continues on in so many other people in this  
17 country who proudly wear their LGBTQ label and are  
18 part of this beautiful and wonderful and diverse  
19 country.

20 CHAIR LHAMON: Thank you, Commissioner  
21 Yaki. Any further discussion? Hearing none, I'll  
22 call to question and take a roll call vote.

23 Commissioner Adegbile, how do you vote?

24 COMMISSIONER ADEGBILE: Aye.

25 CHAIR LHAMON: Commissioner Gilchrist?

1 COMMISSIONER GILCHRIST: Aye.

2 CHAIR LHAMON: Commissioner Heriot?

3 COMMISSIONER HERIOT: Yes.

4 CHAIR LHAMON: Commissioner Kirsanow?

5 COMMISSIONER KIRSANOW: Yes.

6 CHAIR LHAMON: Commissioner Kladney?

7 COMMISSIONER KLADNEY: Yes.

8 CHAIR LHAMON: Commissioner Yaki?

9 COMMISSIONER YAKI: Aye.

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

12 Next we will hear from Staff Director  
13 Morales about update information on virtual briefing  
14 for the Commission. Staff Director.

15 H. UPDATE FROM STAFF DIRECTOR ON VIRTUAL BRIEFING

16 MR. MORALES: Thank you, Madam Chair, I'll  
17 be brief. We've received a viable bid that we are  
18 evaluating to undertake the virtual briefing.

19 The contractor is committed to be ADA  
20 compliant, to live stream, be able to record and will  
21 look as much as a regular briefing as possible.  
22 Commissioners, assistants and staff will be able to  
23 participate. Speakers presenting testimony will not  
24 only be able to present, take questions from  
25 Commissioners.

1                   It's planned to be three hours long with  
2 one and a half hours, one and one half hours dedicated  
3 to the panelists. We believe we'll be able to  
4 finalize the bid this week and I'll provide additional  
5 information to Commissioners.

6                   We also believe that we can meet the July  
7 17th date at this point. I'll have further  
8 information, Commissioners, this week.

9                   CHAIR LHAMON: Thank you very much for the  
10 information and for moving this work forward. Thank  
11 you also to the Staff for doing that research and  
12 investigation about how to proceed during this time.  
13 Very much appreciate it.

14                   Unless there is anything further, we'll  
15 now turn to the next item on the agenda which is to  
16 hear again from Staff Director Morales.

17 I. MANAGEMENT AND OPERATIONS,

18                   STAFF DIRECTOR'S REPORT

19                   MR. MORALES: Again, thank you, Madam  
20 Chair, Commissioners. In the interest of time I have  
21 nothing further to add than what's already contained  
22 in the report. As always, I'm available to speak to  
23 any Commissioner about a question or information  
24 contained in the report.

25                   I would like to take a moment to address

1 the Staff, if I may? Again, I'll be very brief.

2 But I want to thank the Staff for their  
3 dedication to our mission. What you do at the  
4 Commission has never been more important. And the  
5 events in the past week have been weighing in on all  
6 of us.

7 I understand that it is impacting you. I  
8 want to convey that racism cannot be tolerated and  
9 must be called out when it occurs.

10 We will continue to do all we can to end  
11 systemic racial inequities. We must do our best to  
12 carry out assigned duties. We must continue working  
13 together to protect and enhance civil rights.

14 I have never been more proud to stand in  
15 solidarity with all of you. Thank you for all you do,  
16 thank you, Madam Chair.

17 CHAIR LHAMON: Thank you, Mr. Staff  
18 Director. And I wholeheartedly echo your thanks to  
19 the Staff, that was lovely.

20 If there is nothing further, that  
21 concludes the business on the agenda for today's  
22 business meeting and I hereby adjourn the meeting at  
23 11:51 a.m. Eastern time. Thank you all.

24 (Whereupon, the above-entitled matter went  
25 off the record at 11:51 a.m.)

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