U.S. COMMISSION ON CIVIL RIGHTS

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TELEPHONIC COMMISSION BUSINESS MEETING

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FRIDAY, JULY 17, 2020

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The Commission convened via teleconference at 12:00 p.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
STAFF PRESENT:

MAURO MORALES, Staff Director

MAUREEN RUDOLPH, General Counsel

PAMELA DUNSTON, Chief, ASCD
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PROCEEDINGS
(12:01 p.m.)

CHAIR LHAMON: Thank you. We will now come back to our session to pick up some additional items of Commission business.

APPROVAL OF AGENDA

First I will begin by asking if there's a motion to approve the agenda for this business meeting?

COMMISSIONER KLADENEY: Dave Kladney, I'll make that motion.

CHAIR LHAMON: Thank you. Is there a second?

COMMISSIONER ADEGBILE: Second, Adegbile.

CALL FOR AGENDA AMENDMENTS

CHAIR LHAMON: Thank you. I'll begin the call for amendments with a couple of my own. I move to table discussion in both of the appointments for the Vermont and Idaho Advisory Committees until our next business meeting and to add a vote on the date of the August business meeting. Do I have a second?

COMMISSIONER KLADENEY: Kladney, second.

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

COMMISSIONER KLADENEY: Yes, Madam Chair.
I have an amendment. I move to amend the agenda to add a discussion and vote on three statements. A statement on D.C. statehood, a statement on D.C. football team's recent name change and a statement on the Supreme Court's decision in McGirt v. Oklahoma.

CHAIR LHAMON: Thank you. Is there a second?

COMMISSIONER YAKI: Second from Commissioner Yaki.

CHAIR LHAMON: Thank you. Are there any other amendments? Hearing none, let's go to approve the agenda as amended. All those in favor say aye.

(Chorus of ayes.)

CHAIR LHAMON: Any opposed?

(No audible response.)

CHAIR LHAMON: Any abstentions?

(No audible response.)

CHAIR LHAMON: The motion passes unanimously. No Commissioner opposed.

For our first agenda item to begin discussion, I move that the Commission appoint the following individual to the Louisiana Advisory Committee based on the recommendation of the staff director as an interim appointment, Daiquiri Steele. This member will serve as an uncompensated government
employee. If the motion passes, the Commission will authorize the staff director to execute the appropriate paperwork for the appointment, which will begin immediately. Do I have a second for this motion?

COMMISSIONER Kladney: Kladney will second.

CHAIR LHAMON: Thank you. I'll open the floor for discussion. Hearing none, I'll call the question and take a roll call vote. Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: Aye.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: I'm sorry. I was -- yes.

CHAIR LHAMON: Thank you. Commissioner Kladney?

COMMISSIONER Kladney: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye

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

DISCUSSION AND VOTE ON TIMELINE

FOR COMMISSION'S STUDY ON BAIL REFORM AND STUDY ON

MATERNAL HEALTH DISPARITIES

Next we'll have a discussion and vote on revised timelines for our projects on bail reform and maternal health. To open the floor for discussion, I move to approve the timelines as shared by the staff director on Friday, July 10. Is there a second?

COMMISSIONER Kladney: Kladney will second.

CHAIRMAN Lhamon: Thank you. To begin discussion I offer a couple points. As we are all aware, we were initially scheduled to hold a briefing on racial disparities in maternal health in March 2020 and on bail reform in May 2020, but we postponed those briefings as a result of COVID-19.

I am glad that we were able to adjust our program calendar to accommodate the short-term projects that we're taking up now as with our briefing earlier today on a COVID focused update to our Broken Promises Report, and I look forward to returning to the topics that we had previously voted to take up.

For any discussion, I'll turn to Commissioner Adegbile, who is the sponsor of the
disparities in maternal health project. Commissioner Adegbile?

COMMISSIONER ADEGBILE: Madam Chair, thank you very much. We are very interested in getting going and getting our briefing back on track. COVID had a foreseeable effect on our ability to come together to do the briefing. But we view it as an important opportunity to get back on track and to address this important issue in the context of healthcare disparities in maternal health care.

We're looking forward to reaching back out. One consequence of the delay is that we have to reach back out and revisit the witnesses and the witness list to make sure that everybody is available at the new time and make whatever adjustments are necessary should it be necessary to make any adjustments if people are unavailable at the new time.

We think this is an important topic for the Commission to take up, and we are grateful that the Commissioners have supported using our voice to learn something about this topic and raise up the expertise of so many that want to help us think about the centrality of these issues and the consequences of inattention to these issues for people across the country.
CHAIR LHAMON: Sorry. I saw I was muted.

I was thanking you and then asking if there was any other discussions.

Okay. I'll call the question and take a roll call vote. Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: Yes.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Yes.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLADNEY: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: I vote yes. The motion passes unanimously.

Next we will do our first amended item of business, which is consideration of a statement that Commissioner Kladney proposes entitled U.S. Commission on Civil Rights Supports the Washington D.C. Admission Act. So we know what we are discussing, I'll ask Commissioner Kladney if he can read the statement.
MOTION TO APPROVE U.S. COMMISSION ON CIVIL RIGHTS

SUPPORTS THE WASHINGTON D.C. ADMISSION ACT STATEMENT

COMMISSIONER KLANDNEY: Thank you, Madam Chair. Do I have to make a motion or is that already --

CHAIR LHAMON: If you read the statement and then move to approve it, we'll know what we're considering.

COMMISSIONER KLANDNEY: I thought I already circulated it. The U.S. Commission on Civil Rights supports the Washington D.C. Admission Act as consistent with our core mission of addressing deprivations because of color, race, religion, sex, age, disability or national origin of the right of citizens of the United States to vote and have votes counted.

More than 700,000 Americans living in Washington, D.C. are denied meaningful representation in Congress. This ongoing denial of voting rights cannot be separated from D.C.'s historic role as the majority Black city.

While D.C. has a congressional delegate in the House of Representatives, she is denied the opportunity to vote, a point driven home when the D.C. Congresswoman Eleanor Holmes Norton was unable to cast
a vote for the Admission Act, a bill she proposed and sponsored.

D.C.'s residents are required to comply with all obligations of citizenship but denied full and equal representation in a country that was founded on the revolutionary premise of no taxation without representation.

The federal government collects $27 billion per year in tax revenue from the District, more than the federal income tax paid by residents of 22 states at the highest per capita rate in the nation.

District residents have fought and suffered wounds and died for our country, counting among them 38 Medal of Honor recipients. And yet despite fulfilling the obligations of U.S. citizenship without voting representation in Congress, D.C. residents have no say in how their tax money is spent, with whom they can go to war or who sits in judgment in their courts.

D.C. residents have only been able to vote for the President and Vice President since 1961.

Historically, the enfranchised white men living in the District initially continued to vote in their former states. Then when D.C. was incorporated
in 1791, Congress disenfranchised the District residents with the passage of the Organic Act in 1801. It consolidated all power to govern D.C. in Congress to avoid state politics influencing the fledgling federal government although Washingtonians were afforded the right to elect a mayor in 1820.

With the abolition of slavery and the enfranchisement of Black men, Democratic participation in the District increased until Congress again stripped D.C. of self-determination in 1878 by replacing the mayor with three presidential appointees, a system that would persist until 1973.

Senator John Tyler Morgan, along with other members of Congress, supported D.C. disenfranchisement on racist grounds in 1878. He stated it was necessary to strip D.C. of economy to "burn down the barn and get rid of the rats," the rats being the Negro population and the barn being the government of the District of Columbia.

Today proponents of the argument that the District residents do not deserve representation promote racist degradation of Black District residents, for example, a United States Senator asking on the floor of the United States Senate this year, would you trust Mayor Bowser to keep Washington safe
if she were given powers of a governor? Would you trust Marion Barry?

In addition to this characterization of Black D.C. residents as untrustworthy, a member of Congress this year denied even that District residents are real Americans.

In our 2018 report on minority voting rights access, the Commission recognized that an understanding of historical exclusion of people of color from American citizenship is needed to understand the history of minority voting rights in the United States. The protection of voting rights has been the core of the Commission’s work since its inception.

We reiterated in the 2018 report the Commission recommended in February of 1965 that all literacy tests and similar instruments be eradicated in that the President should establish an affirmative program to ensure that all citizens have the ability to register and vote in all elections.

Those recommendations would go on to form the factual basis for the seminal Voting Rights Act of 1965. The current denial of representation for D.C. residents in the U.S. capital runs exactly contrary to the core Democratic principles on which our nation was
founded and the work so many have undertaken to expand voting rights to all.

CHAIR LHAMON: Thank you, Commissioner Kladney. Is there a motion to approve the statement so we can open the floor for discussion?

COMMISSIONER KLADNEY: Yes. I move that the Commission adopt the statement on D.C. statehood as I just read it.

CHAIR LHAMON: Thank you. Is there a second?

COMMISSIONER ADEGBILE: Second.

CHAIR LHAMON: Thank you. To begin discussion, I'll first turn to Commissioner Kladney as the sponsor of the statement. Mr. Kladney?

COMMISSIONER KLADNEY: Well, you know, a complete denial of voting rights for a population of larger than two states can't be justified. Limitations on the D.C. representation of self-government historically were tied to the District's prominent Black population.

Continuing today, arguments against D.C. statehood are racially coded language. This statement continues the Commission's work to recommend expansion of the voting rights.

CHAIR LHAMON: Thank you, Commissioner
Kladney. Any other discussion? Now I'll call the --

I'm sorry. Go ahead, Commissioner Heriot.

COMMISSIONER HERIOT: I have had deep

misgivings about our jurisdiction over this issue.

You know, the notion that every American should have

the same voting rights in the sense of what their

voting rights apply to.

I mean, the ramifications for that are

really very broad. For example, here in California

voters have the ability to vote on initiatives, but

they don't have that in most states in the East. And

so the notion of a voter initiative is just not

possible in those states.

So this really doesn't strike me as what

is meant by our jurisdiction over voting rights.

CHAIR LHAMON: Thank you. Any other

discussion? Scrolling for hands raised on Zoom. All

right. Hearing none, I'll call the question and take

a roll call vote. Commissioner Adegbile, how do you

vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Gilchrist?

Commissioner Gilchrist, if you're speaking you're on

mute.

COMMISSIONER GILCHRIST: I'm sorry. I'm
an abstaining.

CHAIR LHAMON: Thank you. Commissioner Heriot?

COMMISSIONER HERIOT: I'm going to vote no on jurisdiction issues.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: No.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLADNEY: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Don't tread on me.

Aye.

CHAIR LHAMON: I vote yes. The motion passes. One Commissioner abstained, two Commissioners opposed. All other Commissioners were in favor.

DISCUSSION AND VOTE ON U.S. COMMISSION ON CIVIL RIGHTS ACKNOWLEDGES DECISION TO CHANGE THE NAME OF THE WASHINGTON D.C. FOOTBALL TEAM STATEMENT

CHAIR LHAMON: Next we'll move to a statement Commissioner Kladney proposed entitled U.S. Commission on Civil Rights Acknowledges Decision to Change the Name of the Washington D.C. Football Team. So we know what we're discussing, Mr. Kladney, will you read the statement?
COMMISSIONER KLASSEY: Yes, Madam Chair.

The United States Commission on Civil Rights acknowledges the decision of the Washington, D.C.'s professional football team to cease using an offensive term as its official team name after severe economic pressure was applied by corporate sponsors.

We urge other non-Native professional teams, schools and athletic associations to discontinue their use of team names and imagery associated with Native Americans.

The Commission has long held that the use of Native American nicknames and imagery for sports teams and in schools is offensive as it mocks and trivializes Native American culture.

In the context of schools, we notice that these portrayals detract from educational mission and have the potential to create racial hostility, hostile environments, intimidating to Native students and prevent non-Native Americans from understanding the true historical and cultural experiences of American Indians.

It normalizes the legacy of oppression perpetrated against tribes, culminating in dislocation, relocation and (telephonic interference) of Native Americans.
Professional sports teams likewise wield significant cultural influence, disseminating imagery that can be pervasive throughout their fan bases in society.

Team names, referencing Native Americans, tend to lead fans to develop traditions that rely on untrue stereotypes of Native Americans, such as the tomahawk chop cheer, used by fans of teams such as the Kansas City Chiefs and the Atlanta Braves.

Although teams can discourage or de-emphasize such traditions as the Braves did after criticism, the team names themselves, which denigrate and disrespect tribal honorifics and misappropriate characteristics of persons perpetrate harmful stereotypes.

Ubiquitous branded items produced to support teams create an environment saturated with inappropriate and insensitive portrayals of Native Americans, encouraging a reductive, limited and negative view of Native culture.

They inhibit accurate understanding of experiences of Native Americans and encourage biases against them contrary to their rich and diverse history.

While the Commission acknowledges the
sponsors, corporations and fans who withhold or withdraw financial support from teams that refuse to change, these tactics are welcome exceptions not the rule.

This issue should not be decided as a matter of economics but out of basic respect for the history, rights and dignity of Native Americans.

The Commission has studied deep and persistent discrimination against Native Americans reflected in repeated failures of the federal government to fulfill its obligations to them.

Throughout our country's history, the federal government has ignored treaty obligations made to Native Americans and has failed to adequately provide resources for their well-being, despite promising numerous times to do so. These failures cannot be separated from the stereotypical images contributing to an inaccurate view of Native people.

Moving beyond a two dimensional understanding of contemporary Native American life is necessary to achieve the equitable principle this country aspires to.

CHAIR LHAMON: Thank you, Commissioner Kladney. And I'll just note that there's a fair amount of background noise coming in. So I'll ask
folks who are not speaking to place yourselves on mute so we can make sure we're able to hear well.

Is there a motion to approve the statement that Commissioner Kladney just read so we can open the floor up for discussion?

COMMISSIONER YAKI: So moved.

Commissioner Yaki.

CHAIR LHAMON: Is there a second?

COMMISSIONER KLADNEY: I guess I can second my own motion. And I apologize for the background noise. This is Kladney. I was sitting outside my window talking on the phone. So I think I've taken care of that problem.

CHAIR LHAMON: Okay. Thank you very much for that as well. I'll first call on Commissioner Kladney as the sponsor of the statement. Commissioner Kladney?

COMMISSIONER KLADNEY: Thank you, Madam Chair. It is a longstanding position of the Commission that Native American imagery in sports should be abolished. Team names that are based on stereotypes that promote a reductive understanding of Native American culture.

There's a pervasive imagery that creates an environment that is detrimental to Native American
people's well-being. I note our Nebraska SAC
similarly called for removal of Native American team
names in sports in a statement in 2019. I think it's
time that these names were gotten rid of. Thank you.

CHAIR LHAMON: Mr. Kladney, I saw
Commissioner Yaki raise his hand.

COMMISSIONER YAKI: Yes, thank you very
much, Madam Chair. As someone from a community where
cartoon caricature and stereotypes of language and
culture has been quite frankly part of my experience
growing up, I cannot even imagine how from the Native
American community these symbols and imagery have
affected them.

But what I do know is that these symbols
whitewash a legacy of terrible, terrible behavior by
this country, whether it was the western expansion and
the mass murder of hundreds upon hundreds of Native
Americans in battles and relocation.

And it tries to normalize it in a way that
is offensive to its roots. And so I wholeheartedly
support and endorse this statement.

CHAIR LHAMON: Thank you, Commissioner
Yaki. Any other discussion?

COMMISSIONER KIRSANOW: Kirsanow.

CHAIR LHAMON: Commissioner Kirsanow.
COMMISSIONER KIRSANOW: Yes. I will just note that not all mascots and not all names are the same. The last time we had a hearing on this issue I think I was the only Commissioner on it.

And what struck me about that was we did have certain activists who came forward and said we had to abolish all these names. But polling was done consistently with it, and it turns out 85 to 90 percent of Native Americans had no problem with it or actually liked the fact that there was certain mascots. Again, not all are the same. There are certain ones that I would say are caricatures. If I'm Native American, they might offend me.

But I don't think that all of these mascots are necessarily on the same plane and all the names are on the same plane. I would also note that as somebody who has -- you know, I've played sports. We've had mascots that have all kinds of different names.

But universally no team adopts the name of a group or adopts a mascot that they intend to, as a statement says denigrate. They adopt a name based on certain characteristics that they want to emulate or perceived characteristics they want to emulate or actually honor the folks that are named.
I don't know of anybody who says, you know, we're going to have the Detroit Cowards or whatever it may be. So I would simply say that not all mascots are the same. And taking a broad brush, I think, is overbroad.

CHAIR LHAMON: Mr. Kirsanow, I live in the great state of California where the University of Santa Cruz mascot is the banana slug. So I just will take some question about your --

COMMISSIONER KIRSANOW: Give me some sympathy. I've got the Cleveland Browns here.

CHAIR LHAMON: So any discussion? Commissioner Heriot.

COMMISSIONER HERIOT: I just wanted to say that I agree with Commissioner Kirsanow. And, you know, there are non-Native American mascot names that refer to racial or ethnic groups. And I don't see, you know, why Native Americans should be separated out from others on this point.

I mean, we have the Fighting Irish, the Vikings. Here in San Diego, we have the Padres. And although that refers to a particular subset of Hispanic Americans, that's true of the Braves, too. That's a subset.

And so it doesn't make sense to me to
condemn all such mascot names, and it doesn't make sense to me to concentrate only on those offensive names that are Native American. So I guess I'll be voting no on this one.

CHAIR LHAMON: Okay. Mr. Adegbile?

COMMISSIONER ADEGBILE: I have one small request for Commissioner Kladney that he consider after Footnote 10 in the sentence that throughout our country's history the federal government has ignored treaty obligations made to Native Americans and has failed to adequately provide resources for their well-being despite promising numerous times to do so.

Obviously, we've just had a briefing that underscored these points. I think we may have had some more conversation today that touches some of these points. But my friendly amendment would be to add the word "often" after government, the federal government often has ignored treaty obligations to that sentence.

COMMISSIONER KLADNEY: I'll accept that.

That's fine.

CHAIR LHAMON: Thank you. Any other discussion on the statement? Hearing and seeing none, I'll call the question and take a roll call vote.

Commissioner Adegbile, how do you vote?
COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Gilchrist?

You may be on mute.

COMMISSIONER GILCHRIST: I keep doing this. Yes, sorry. No.

CHAIR LHAMON: Thank you. Commissioner Heriot?

COMMISSIONER HERIOT: I'm voting no. Again it's not because there aren't some offensive names out there that need to be changed, but I'm not willing to sign on to this particular statement.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Abstain.

CHAIR LHAMON: I'm sorry. I couldn't hear what the vote was.

COMMISSIONER KIRSANOW: Abstain.

CHAIR LHAMON: Oh, thank you.

Commissioner Kladney?

COMMISSIONER KLADENEY: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Yes.

CHAIR LHAMON: And I vote yes. The motion passes. One Commissioner abstained. Two Commissioners voted no. All other Commissioners were in favor.
U.S. COMMISSION ON CIVIL RIGHTS
APPLAUDS THE U.S. SUPREME COURT'S
RECENT DECISION UPHOLDING U.S.
TREATIES WITH NATIVE AMERICANS STATEMENT

CHAIR LHAMON: Next we will move to
consideration of a statement that Commissioner Kladney
also proposed entitled the U.S. Commission on Civil
Rights Applauds the U.S. Supreme Court's Recent
Decision Upholding U.S. Treaties with Native
Americans. Commissioner Kladney, will you again read
the statement so we know what we are discussing?

COMMISSIONER KLADNEY: Yes, Madam Chair.
The U.S. Commission on Civil Rights applauds the U.S.
Supreme Court's decision in McGirt v. Oklahoma,
holding the government to its word and vindicating a
promise we made as a country to the Creek Nation in
1866.

For too long this country's relationship
to Native peoples has been characterized by broken
promises as we noted in our 2018 report, Broken
Promises, a report that reiterated the central point
that we made 15 years earlier.

We agree wholeheartedly with the Court's
holding that there can no question that Congress
established a Reservation for the Creek Nation and
further applaud the Court’s recognition that it is equally clear that Congress has since broken more than a few of its promises to the tribe.

As we stated in Broken Promises, the United States and Native American tribes retain a special government-to-government relationship shaped and defined by 375 treaties, Supreme Court decisions, laws, regulations, executive orders and the customary practices of foreign relations.

However, the Commission found this relationship has been marred by a historic failure to carry out its promises and trust obligations, including longstanding and continuing disregard for tribes, infrastructure, self-governance, housing, education, health and economic development.

The result of this disregard has been catastrophic for Native Americans. As we noted in 2018 and stress now, Native Americans are more likely to live in poverty, be unemployed, experience rape or abuse and be killed by police than any other ethnic or racial group.

They have higher infant mortality, lower life expectancy and the lowest high school graduation rates in the nation.

We cannot ignore our obligations as a
nation any longer. We applaud the Court in recognizing the simple truth in this limited instance and anticipate with hope and expectation that Congress and the U.S. government and the American people will do the same.

In that regard, Madam Chair, I move the Commission adopt the statement on the Supreme Court's decision in McGirt v. Oklahoma.

CHAIR LHAMON: Thank you very much. Do I have a second for Commissioner Kladney's motion? I'll second your motion.

COMMISSIONER KLADNEY: Thank you.

CHAIR LHAMON: Begin discussion?

COMMISSIONER YAKI: I was raising my hand. I thought that would work.

CHAIR LHAMON: You can go ahead. For the record, Commissioner Yaki, seconded the motion.

COMMISSIONER YAKI: Thank you.

CHAIR LHAMON: To begin discussion, I'll first go to Commissioner Kladney as the sponsor of the statement. Commissioner Kladney?

COMMISSIONER KLADNEY: Thank you, Madam Chair. The Supreme Court rightly held that the federal government must be held to its treaty obligations with Native tribes as we heard today. An
abandonment of treaty obligations to the tribes was a central theme of our 2018 Broken Promises report and our 2003 Quiet Crisis report.

It's a welcome change to see treaty obligations enforced. And I think more is needed to remedy our historic failure to fulfill these obligations that we have to our Native Americans.

CHAIR LHAMON: Thank you. Any other discussion? Commissioner Heriot?

COMMISSIONER HERIOT: This decision is about 86 pages long, including the dissents. And it's a 5-4 decision. I started trying to read the decision and the majority opinion and the dissent a couple days ago. You know, it's long, and it's dense. And I would have to confess that I have absolutely no opinion on its correctness or incorrectness at the matter of law or the Constitution at this point.

You know, it's not issue. It's moot. It's also not really the kind of decision that we as a Commission deal with. It's not a people protection decision. You know, it's more a question of treaties and jurisdiction, state jurisdictions and such.

But I got to thinking that we may not have jurisdiction over this issue either. You know, look at Morton v. Mancari. It makes a very strong
description between race discrimination and
discrimination on the basis of sovereignty. And it
strikes me that this is definitely an issue about
sovereignty and not about race. So that's my two
cents.

CHAIR LHAMON: Thank you. I saw
Commissioner Yaki, you had your hand raised.

COMMISSIONER YAKI: I was simply going to
say that I would overwhelmingly vote for this but it
would be even more overwhelming if I could see
Commissioner Kladney play the keyboard in front of
him.

COMMISSIONER KLADEY: No, it would not be
that overwhelming.

CHAIR LHAMON: I am enjoying the window in
some of our lives that we get through Zoom so thank
you for that.

COMMISSIONER KLADEY: It is my persistent
struggle. That's what that is.

CHAIR LHAMON: Any other discussion on
this proposed statement, separate and apart from
Commissioner Kladney's keyboard playing skills?

COMMISSIONER YAKI: No. I'm 100 percent
behind it so. Let's go to a vote.

CHAIR LHAMON: Anyone else? Okay. We'll
call the question and take a roll call vote.

Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: No.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Abstain.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLADNEY: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: And I vote yes. One Commissioner abstained. One Commissioner voted no. All other Commissioners were in favor. The motion passes.

CHANGE AUGUST BUSINESS MEETING DATE

CHAIR LHAMON: Next we'll move to a discussion vote on changing the August business meeting date. To begin the discussion, I move that we adjust our August business meeting date from August 14 to August 21 to accommodate the timeline for our COVID-19 update on voting rights support. Do I have a second?
COMMISSIONER KLASNEY: Second.

CHAIR LHAMON: Thank you. Any discussion?

Hearing none, I'll call the question and take a roll call vote. Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: I vote yes.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Yes.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLASNEY: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: And I vote yes. The motion passes unanimously. Staff Director Morales, we can now hear from you for the monthly staff director's report.

STAFF DIRECTOR REPORT

MR. MORALES: Thank you, Madam Chair. Can you hear me?

CHAIR LHAMON: We can. Thank you.

MR. MORALES: Madam Chair, in the interest of time, I have nothing further to add than
what's already contained in the report. Of course, I'm always available to speak to any Commissioner to speak to any Commissioner about a particular matter that is in the report that they wish to discuss.

However, I would like to just take a brief moment here to acknowledge the work done by our staff today to have this virtual briefing, administrative services and all their team and IT, OCRE in putting it together, OGC also stepping up and making it was ADA compliant and just all the work that everybody has done in ways that are seen and unseen.

And so I really want to thank the staff and commend them for this effort. It was a new normal for us. It was something that we had never tried before. But I think all things considered, it went well. Thank you.

CHAIR LHAMON: Thank you, Mr. Staff Director. I want to send all of that and say thank you very much to our staff and thank you very much to my fellow Commissioners and our special assistants for coming together for a virtual briefing in this time, and I know that it took substantial work to identify how to do it, but how to do it as well as we do our briefings when we do them in person. And I know that we all took a gamble on how to make that work, and I
appreciate it.

I also thought that today's briefing was extraordinarily effective, and I very much appreciate my fellow Commissioners and our staff for taking the time to come together for a near-term project in the middle of a very busy agenda already for us as a Commission and in the middle of a time that is extraordinarily difficult.

So I add my thanks, and I am looking forward to being able to continue in the way it appears we likely must. I also see that Commissioner Adegbile is raising his hand. So, Commissioner Adegbile, go ahead.

COMMISSIONER ADEGBILE: Madam Chair, I just wanted to ask for the indulgence of the Commissioners for me to say a word about the reported passing of civil rights legend Reverend C.T. Vivian. The New York Times quoted that C.T. Vivian has passed away, I believe, at the age of 95 or so. I believe 95.

I had the great pleasure of meeting C.T. Vivian. But more importantly I had the great privilege of being inspired by his bravery and his unwavering support for civil rights, for voting rights, for justice and for the things that we hold ourselves up to as Americans.
Many of you may know C.T. Vivian if not by name because he was the person who in the historic eyes on the award-winning eyes on the prize documentary series in the segment Bridge to Freedom faced off with Sheriff Jim Clark in Alabama and was punched in the mouth as he was peacefully seeking the right to vote with a number of African Americans in Alabama that was seeking to register.

And Sheriff Clark, with the cameras running, punched him in his mouth. And he hit him so hard that Sheriff Clark broke his hand when he punched Reverend Vivian. And Reverend Vivian was unyielding and just said back that we are prepared to be beaten for democracy, a famous video clip that shows the force and power of people who are on the right side of history, of justice and our commitment to equality under law.

And so C.T. Vivian walked more than a mile in support of all of our civil rights. He was an inspiration to generations of Americans. I feelprivileged to have met him and to have been inspired by him. And I believe that all of us owe a debt of gratitude to the great, late Reverend C.T. Vivian. Thank you.

CHAIR LHAMON: Thank you, Commissioner
Adegbile. We've had quite a bit of inspiration today. And I do mourn his passing. Thank you for taking a moment to honor him. If there's nothing further, I hereby adjourn --

COMMISSIONER YAKI: Gail has something.

CHAIR LHAMON: Commissioner Heriot, go ahead.

COMMISSIONER HERIOT: I thought maybe we should have a statement prepared on C.T. Vivian so we can have that for our next meeting.

COMMISSIONER ADEGBILE: I'd love to take that on and circulate a draft for everybody.

CHAIR LHAMON: Great. Thank you. And Commissioner Yaki, were you also --

COMMISSIONER YAKI: I was just going to say that this is a tradition that I did when I was in elected office and that is on something like this we would adjourn in someone's memory. And I would today we adjourn in the memory of C.T. Vivian.

ADJOURN

CHAIR LHAMON: A lovely suggestion. With that, I hereby adjourn this meeting in memory of C.T. Vivian at 12:37 p.m. Eastern Time. Thank you all.

(Whereupon, the above meeting went off the record at 12:37 p.m.)
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In the matter of: Business Meeting

Before: US CCR

Date: 07-17-20

Place: teleconference

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