The Commission convened via teleconference at 12:00 p.m. EDT, Catherine Lhamon, Chair, presiding.

PRESENT:

CATHERINE E. LHAMON, Chair
J. CHRISTIAN ADAMS, Commissioner
DEBO P. ADEGBILE, Commissioner
STEPHEN GILCHRIST, Commissioner
GAIL HERIOT, Commissioner
PETER N. KIRSANOW, Commissioner
DAVID KLANDNEY, Commissioner
MICHAEL YAKI, Commissioner

MAURO MORALES, Staff Director
MAUREEN RUDOLPH, General Counsel
STAFF PRESENT:
EMILY DIEVENDORF, Michigan Advisory Committee
PAMELA DUNSTON, Chief ASCD
ROLAND HWANG, Michigan Advisory Committee
TINALOUISE MARTIN, Director, OM
DAVID MUSSATT, Director, RPCU
ROBERT STEINBUCH, Arkansas Advisory Committee

COMMISSIONER ASSISTANTS PRESENT:
ALEC DEULL
ALEXANDER HEIDEMAN
JOHN K. MASHBURN
CARISSA MULDER
AMY ROYCE
THOMAS SIMUEL
RUKKU SINGLA
IRENA VIDULOVIC
AGENDA

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OPERATOR: Good day and welcome to the Commission telephonic business meeting. Today's conference is being recorded. At this time, I would like to turn the conference over to Chair Lhamon. Please go ahead.

CHAIR LHAMON: Thank you, operator. This meeting of the U.S. Commission on Civil Rights comes to order at 12:02 p.m. Eastern Time on October 30, 2020. The meeting takes place over the phone. Because we are on the phone, please state your name when speaking to assist the court reporter in identifying speakers for the transcript.

I'm Chair Catherine Lhamon. I'd like to confirm each of the Commissioners is on the line so I will take a roll call here at the outset. Please confirm your presence when I say your name. Commissioner Adams?

COMMISSIONER ADAMS: Present.

CHAIR LHAMON: Thank you, Commissioner Adegbile?

COMMISSIONER ADEGBILE: Present.

CHAIR LHAMON: Thank you, Commissioner Gilchrist?

[Deleted: ]
COMMISSIONER GILCHRIST: Present.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: I’m here.

CHAIR LHAMON: Thank you, Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Here.

CHAIR LHAMON: Thank you, Commissioner Kladney?

COMMISSIONER Kladney: Here.

CHAIR LHAMON: Thank you. And Commissioner Yaki?

COMMISSIONER YAKI: Present.

CHAIR LHAMON: Thank you. Based on that roll call, a quorum of the Commissioners is present. Is the court reporter present?

COURT REPORTER: Yes, I’m present.

CHAIR LHAMON: Thank you. Is the staff director present?

MR. MORALES: I am present.

I. APPROVAL OF AGENDA

CHAIR LHAMON: Thank you. The meeting shall now come to order. Turning to our agenda for today, I move to approve the agenda as posted on the Federal Register with the following amendment. To remove the discussion and vote on the Amendment to
Administrative Instruction 5-9, because some Commissioners have requested more time to work on the draft. Is there a second for my motion, including the amendment?

COMMISSIONER YAKI: Seconded by Commissioner Yaki.

CHAIR LHAMON: Any further amendments? Hearing none, let’s vote to approve the agenda as amended. All those in favor say aye.

(Chorus of aye.)

CHAIR LHAMON: Any opposed?

Any abstentions? The motion passes unanimously.

First, we will hear from our Arkansas Advisory Committee chair, Robert Steinbuch on the Committee’s recently released report titled, Mass Incarceration and Civil Rights in Arkansas. Chair Steinbuch, please go ahead.

II. BUSINESS MEETING

A. PRESENTATION FROM ARKANSAS ADVISORY COMMITTEE

TO THE COMMISSION ON THEIR REPORT

MASS INCARCERATION AND CIVIL RIGHTS IN ARKANSAS

MR. STEINBUCH: I’m a professor of law here at Little Rock, Arkansas. I’m the chair of the Arkansas Advisory Committee. And I will take just a
few minutes to describe our report. And, of course, I am available for any questions.

We started with an examination of mass incarceration. And, of course, you all well know that this concept reflects the fact that while the country’s crime rates have been relatively stable for decades, the nation’s prison population has quadrupled over the last 40 years.

Now in and of itself, this is neither good nor bad -- well I guess it’s bad in the sense that we would prefer to have fewer criminals than more, of course. But the rate relative to the other factors that I mentioned need further digging and that’s what we did. And we’ve decided to focus in on the question of racial disparities.

In Arkansas, we do have significant racial disparities in our incarceration. Again, further digging is necessary to determine what that means. But let me describe briefly those disparities.

African Americans in the nation make up between 12 and 13 percent of the population, in Arkansas slightly larger at 16 percent. Forty-three and a half percent of the prison population, however, is African American.

When it comes to sentencing, we don’t see
the same type of disparity. In fact, Latino men have
by far the highest sentencing rates in Arkansas at
almost 18 years when compared with blacks at 9-1/2
years and whites at 8 years. I’m sorry. All of that is
for men and then black women and white women are both
significantly less at seven and six years, respectively.

So we as a committee discussed, what are
the possible explanations for this racial disparity in
mass incarceration? And we came up with two possible
hypotheses. One is the differential selection thesis,
which suggests that the disproportionate incarceration
rates are due to bias, stereotyping, and practices
within the criminal justice system, which some people
call systemic discrimination in our criminal justice
system.

We also contrasted this with our
alternative theory, and that’s the differential
involvement thesis, which hypothesizes that members of
overrepresented populations in prison reflect a
greater criminal act rate.

Now at this point it’s important to note
for two reasons, perhaps, that we were only able to
focus on one of the two hypotheses and that was the
differential selection thesis. And so we were not able
to take testimony or collect further information on the differential involvement thesis.

And for this reason I, as the chair, wrote a separate statement from the committee saying that while I think we have identified very important issues for examination, for discussion and for study, it was premature to come to any conclusions or make any findings because effectively we analyzed half of the issues that we had presented.

Again, I don’t think that the issues that we presented are bad. I just don’t think they allow us to draw any conclusions.

So with that I’d like to jump to the findings and conclusions and pick out just a few that I think are important and relevant whether or not you adopt either one of the theses that we presented as possible explanations for the racial differences within mass incarceration.

And one factor that we think, across the board I would say on the committee, is worthy of further investigation is the significantly different amount of money that public defenders get relative to prosecutors. And we think in any criminal justice system for it to be fair that we need to make sure that the representation of both parties is adequate
Now that doesn’t mean that the funding needs to be directly identical, but we just want to ensure that it’s adequate.

One other area that was of particular concern to, again, I think all members of the committee was re-entry services, regardless of why the people are incarcerated, and that includes skilled and vocational training, education in general, and, importantly, mental health and drug counseling.

And, finally, we all thought it would be worthwhile, and mind you we drafted this report before sort of the recent events that has transpired regarding what happened in Minnesota, we nonetheless thought it was worthwhile to recommend the governor to look into further enhancing training regarding skills for problem solving strategies, conflict mediation techniques, and de-escalation tactics.

There are a number of more findings and conclusions. They are found in the report. They, I think personally, are worthy of further examination, but at this point I personally believe are premature given our focus on only one of the two explanations.

And so with that, that’s all I have to say in terms of my presentation. And as I said at the opening, I am available for any questions.
CHAIR LHAMON: Thank you, Chair Steinbuch. I'll open for questions from my fellow Commissioners.

COMMISSIONER YAKI: This is Commissioner Yaki.

(Simultaneous speaking.)

COMMISSIONER YAKI: Oh, I'm sorry. Go ahead.

CHAIR LHAMON: Go ahead, Commissioner Gilchrist.

COMMISSIONER GILCHRIST: No, please.

COMMISSIONER YAKI: Go ahead, Commissioner Gilchrist. Go ahead, go ahead.

COMMISSIONER GILCHRIST: Thank you, Commissioner.

COMMISSIONER YAKI: I'll wait.

COMMISSIONER GILCHRIST: I want to ask the chairman two questions. Chair Steinbuch, let me thank you for the report. It was stated in the report that the increase in incarceration was due to the war on drugs in the 1980s and certainly there's much evidence to support that.

My question was was there also any consideration in your report given to or has the committee given thought to how you were putting this together any impact the 1994 Crime Bureau may have had.

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on similar actions?

MR. STEINBUCH: We did not focus explicitly on the '94 Crime Bill. No doubt that legislation like the '94 Crime Bill is similar to the 1980s war on drugs in which there were significant increases in penalties, in particular for drug crimes. So I individually can say that I believe that it is a factor in the incarceration rate. But as a committee, we did not focus on that piece of legislation.

COMMISSIONER GILCHRIST: Thank you very much. And my second question, from a -- with regard to what's been happening, actually, in Arkansas and obviously what's been happening nationally with regard to the First Steps Act, was there any consideration -- you know, one of the things that I've been paying quite a bit of attention to is how states will follow what the First Steps Act was actually able to do.

Did Arkansas give any thought what's been happening in that Act and more specifically any recommendations from that that could potentially be used in states?

MR. STEINBUCH: Similarly, the committee didn't focus in on that piece of legislation in part because I think most of our work occurred before that was dramatically in the Zeitgeist.
However, I do think it is an issue that we in Arkansas and the legislature in particular is likely to consider. There was a bill -- for example our legislature meets only every other year for substantive bills and then the alternative years for budget bills.

And there was in the last legislative session a bill put forward which failed but it was bipartisan, of course, not bipartisan enough to have a majority vote, but it was bipartisan. And the idea was, given that there has been some reform in Arkansas as to sentencing, particularly on drug crimes, there are still some people in prison based on the old sentencing and that we should rationalize that sentencing because, as a society, we’ve come to the conclusion that the penalty for such and such a drug crime should now be, let’s say, half of what it was previously.

Well, if the guy is still in prison under the older sentence, that seems to be incongruent. So I think that’s an idea that we, in Arkansas in general, will likely investigate, and I hope we pursue because I think that’s a matter of equity.

COMMISSIONER GILCHRIST: Okay. Thank you very much, Mr. Chairman. I certainly appreciate it.
That’s all I have, Madam Chair.

CHAIR LHAMON: Okay. Thank you, Commissioner Yaki?

COMMISSIONER YAKI: Thank you very much, Madam Chair. Thank you very much, Chair. I just had a quick sort of background question. What is the prevalence of private prisons in Arkansas? And did you look at that in terms of impact on incarceration rates in Arkansas?

MR. STEINBUCH: I don’t know the percentage. I do know that we do have private prisons here in Arkansas. There was at least one speaker at our presentations who dealt with that somewhat. And there was some suggestion that that might lead to greater incarceration. But there was no further development of that question.

I will also mention that I happened to speak with a public defender here in Arkansas, in Little Rock, in fact, a federal public defender, who told me, now this is anecdotal to be clear, but told me that her perception of the prisons, in other words her perception of the situation in which her clients sit when it comes to the private prisons, was actually better.

And I found that surprising because I
don’t know much about what goes on in prisons. But I think it’s really an interesting question to look at two dynamics. What is the effect of private prisons on leading to legislation calling for more imprisonment, right? Are those private prison lobbying groups trying to increase incarceration rates for their own benefit?

And then perhaps move -- pointing in the other direction somewhat, not the incarceration rate, but the context in which prisoners serve their time, is it better or worse to be in a private prison versus a government prison?

COMMISSIONER YAKI: Mm-hmm. Thank you.

CHAIR LHAMON: Thank you.

COMMISSIONER KLANDNEY: Madam Chair, Commissioner Kladney here.

CHAIR LHAMON: Go ahead, Commissioner Kladney.

COMMISSIONER KLANDNEY: Thank you so much, Mr. Chairman, thank you so much for the report. I was wondering -- just a couple of questions. I know that Arkansas actually started Crisis Stabilization Units for when police come across someone in a mental health crisis committing offenses and, depending on the severity of the offense, they offer the person the opportunity to either go to jail or go to the Crisis...
And I thought that Governor Hutchinson was very forward-thinking when he put $5 million in his budget to be used in 2017. Do you see any post-imprisonment or post-sentencing increase in mental health services for people?

MR. STEINBUCH: I think it’s one of the most important issues that we can deal with when it comes to criminal behavior in general, incarceration and post-incarceration.

And related to exactly that question, I believe, a complement of that question is drug treatment, drug counseling. And we have in Arkansas, for example, drug courts. They’re not ubiquitous, but certain jurisdictions have them.

And I think all of these approaches add to our ability to address crime in the first instance and reintegrate people in the second instance. And so I’m hopeful that as your question suggests, we will focus more on those types of alternatives.

That doesn’t mean that we don’t put hardened criminals in jail. But we also need, I believe, to focus on what we do with the mass majority of those who are incarcerated, those who are going to be reintegrated in one form or another back into
society and try to do the most to make them productive
in our society.

COMMISSIONER KLADNEY: My other question
deals with the average time -- at the beginning of
your presentation, you spoke about the average time of
certain groups of people. You also spoke about average
time sentenced for women.

And I felt there was a big difference
there. Was that because of the nature and quality of
the crime committed by, say, that women usually commit
versus what men have committed? Were you able to make
any distinction within the groups and between the
groups?

MR. STEINBUCH: I believe your question
relates to the overarching issue in our report and the
issue that I had regarding our second hypothesis is
that crime rates themselves, excuse me --
incarceration rates themselves do not tell you that
there is a problem of disparity. You must further
investigate that disparity.

Nationwide, as well as within Arkansas,
the incarceration rates for women are significantly
lower than men. We don't hear any discussion about
that generally across this country that somehow we are
over-punishing men relative to women.
Now there may be some of that happening, but we don’t have that as an automatic conclusion. And it’s because we need to dig deeper into why people, individuals -- every crime is an individual act. And we need to dig deeper into how individuals act and then the aggregate of those individuals to see whether any disparities reflected in those aggregations are a problem in terms of how we sentence people, how we arrest people or otherwise in society.

I think that a major factor that leads to different incarceration rates across racial groups is economic. We know quite well that different racial groups also typically fall into different economic groups. And so that’s a, I believe, partial explanation for the disparity in incarceration rates.

So ultimately I think your question touches on the most important issue in our report, which is what drives different racial incarceration rates and relatedly what drives different sex-based incarceration rates?

COMMISSIONER KLADNEY: And one more question. Does your committee have any plans to try and look into that or do you have sufficient resources to do that, I guess, on a state committee level or would that be something more in line for our
MR. STEINBUCH: Well, I certainly would never discourage the Commission from looking into any of these issues. We all felt that these issues were very important. We are now moving forward, the Committee is.

Either all or almost all of our terms are up. And so we are in the process of renewing our terms. And once that is completed -- well, for those seeking renewal. And once that is completed, we are going to decide what our next project is. One option being continuing this investigation, another is to start a new topic.

So I can’t answer what the committee will choose because that’s a democratic process. We will literally vote on that. But that, I can guarantee you, will be one of the options on the table. I know it because many of us have already talked about that.

CHAIRMAN KLADNEY: Thank you very much and thank the committee for me and the Commission and thank you for your good work.

MR. STEINBUCH: Thank you.

CHAIR LHAMON: Are there any other questions from fellow Commissioners? Hearing none, thank you, Chair Steinbuch, for your service and for
your leadership on the Arkansas Advisory Committee and for taking the time to speak with us today.

MR. STEINBUCH: Thank you, Madam Chair.

CHAIR LHAMON: Next we will hear from our Michigan Advisory Committee members, Roland Hwang and Emily Dievendorf, on the committee’s recently released report entitled, Voting Rights and Access in Michigan. Mr. Hwang, Ms. Dievendorf?

B. PRESENTATION FROM MICHIGAN ADVISORY COMMITTEE TO THE COMMISSION ON THEIR REPORT

VOTING RIGHTS AND ACCESS IN MICHIGAN

MR. HWANG: Thank you, Chairman Lhamon and the Commission. I’m Roland Hwang and I’m co-vice chair of the Michigan State Advisory Committee. I am an attorney, and I teach civil rights and race inequity at the University of Michigan.

I am joined by Emily Dievendorf, who is the other co-vice chair. We chose the topic voting rights and access in Michigan.

For the sake of background in terms of language access under the Voting Rights Act, Section 203, Hamtramck, an enclave suburb surrounded by Detroit, is one of those cities by virtue of the language of Bangla. Colfax Township in Pennville are covered by Spanish. They’re on the west side of the
As for voter ID law, we do have a photo ID law in place although there is a state ID alternative as a photo ID and an affidavit alternative if one does not produce a photo ID. And that’s with some mixed success with respect to access to state IDs.

With respect to purging practices, they are usually when the voting ID cards are returned undeliverable or the clerk learns that someone is deceased or is registered in another place.

With respect to ballot initiatives, I report that in 2018 a proposal to set up a redistricting commission in place of the currently legislatively based district guidelines or district drawing. And it calls for a Republican foreign number, Democrat foreign number and then five non-partisan members of a 15 member commission. And it’s just been populated in the last couple of months.

And there’s also a Proposal 3 which provided for no-reason absentee voting. And we restored the ability to vote straight party lines. That is in place of the prior status where you had to be age 60 or by signed affidavit indicated you were not going to be available at the polls on that day.

With respect to registration rates, based
upon the census we found that 76 percent of whites were registered, 67 percent of African Americans, 68 percent of Asian Americans and 49 percent of Latinx individuals were registered.

One of the problem areas with respect to disability rates was with respect to the voting assistance terminals where there was testimony that booths were frequently not set up at the right height to facilitate voting.

Another complication at the polls was that quite often poll workers would not offer the affidavit alternative if someone did not produce a photo ID.

In terms of observations of the sort of voting process landscape, it was observed that it’s really complicated rules. It’s a de-centralized system relying upon, you know, a network of city and township clerks.

There was information about the friendliness of the system for students that quite often they would not have permissible alternative ID. They wouldn’t have the alternative methods of evidence like utility bills, library cards or other means or checks or other means of providing alternative ID. So that was a problem area.

Also training was deemed a problem. There
was information about providing frivolous reasons for non-acceptance of signatures in terms of signature matching. And there were examples cited of methods of quickening the voting process by approaching, for the most part, limited English proficient voters to quote unquote skip the non-partisan section of the ballot.

The committee urges that the Commission send our report to the Department of Justice so as to enforce the provisions of the Voting Rights Act and the Americans with Disabilities Act.

We urge that the report be sent to the Michigan legislature for the most part to provide through legislation for pre-registration of individuals who may be just 16 or 17 years of age and also to provide appropriations for the voting process and implementation of the HAV Act, the Help Americans Vote Act, and also to send the report to the Secretary of State to facilitate the access issues that are documented. Also to provide for tracking on the status of the voted ballot. And to send the report to the judiciary and to provide for the education about the new provisions of Proposal 3 that provides for no-reason absentee ballot and to the clerks of the township and county clerks for the various affected issues involving voter access,
providing knowledge about election law to provide for the better use of voter IDs and the affidavit option if one does not have a photo ID.

Also to provide, through the clerk’s offices, education about cultural competencies, especially aimed at older voters and disabled voters and to accommodate those disabled voters who rely upon the VAT machine, the voter assistance machines.

And also education with respect to signatures to the extent that signatures may evolve over the passage of time and to focus on students and their access to voting by perhaps broadening the list of acceptable documents that are used to verify a student’s voting location, and provide for the training of poll workers. And ensure ADA compliance and for those who are in, you know, the criminal justice system and provide for the re-entry, smooth re-entry of those individuals back into the voting public.

And that is my part of the report. And I yield to Emily Dievendorf, who is going to talk about our later addition of testimony with respect to COVID-related issues.

MS. DIEVENDORF: Yes. Thank you, Roland.

And as Roland said, I’m Emily Dievendorf, and I’m a
long-time public policy and political analyst and
civil rights leader in Michigan.

And, of course, we did focus on access to
voting because it has been a concern in Michigan that
there are still obstacles to voting for marginalized
communities, BIPOC communities, black, indigenous,
people of color, people with disabilities, LGBT
people, particularly the transgender community with ID
issues.

So that is why we ended up hearing much to
the effect of challenges related to identification,
whether machines were working for folks with
disabilities. And we decided to extend our
investigation because we did end up with a little bit
of time to add onto our investigation regarding voting
rights to see how COVID was affecting voting rights
and access to voting.

And we are in the middle of a preliminary
look at how the state and organizations can best
prepare for potential obstacles, what they expect to
see in terms of obstacles. And we will be doing a
series of hearings after the election since we really
don’t know exactly what is going to happen. You could
say it’s anybody’s guess. But obviously we did guess
and so did they in terms of what will come up.
We came up with a number of recommendations. And some of them mirrored what we saw in our original investigation. And, of course, some of them were very in tune with the health recommendations made by our federal health officials. And the things that we’re doing every day that we really did not see our state officials or our organizations or one or the other working in coordination in order to make voting safer doing.

So we did come up with a list of recommendations in order to try to make voting safer and also more accessible since not everybody who will be voting will get the information that is being created in order to make voting more virtual or something that can be done through the mail.

Not everybody will be getting the information that will allow them to do that. Not everybody will be choosing to do that. Some people will still want to vote at the polls. Some people will be showing up at the polls and still not have that accessibility that we recommended in the first investigation.

So we are recommending things in this preliminary part of our COVID investigation into voter accessibility like masks that have the visibility
panel for those who are members of the deaf community that do not know sign language.

The majority of the deaf community doesn’t actually know sign language. They rely on reading lips. There’s an assumption made that much of the deaf community does know sign language and yet we do have to for this time have safeguards in place and assume that everybody will need masks. And we still need to accommodate everybody who shows up at the polls.

We often don’t have, of course, those who sign at the polls, period. So we need to think in terms of accessibility for everybody at this time in order to create that safety. So we were looking at those types of things, COVID right now and how to accommodate those things.

So we included that here, but we just wanted to flag that after the election we will be coming back with more recommendations based on this time in history and the kinds of things that came up and how we responded to it and what we found needed to happen as a result of that.

CHAIR LHAMON: Thank you very much, Ms. Dievendorf and Mr. Hwang. I’ll open for questions from my fellow Commissioners. Hearing none, thank you very much.
COMMISSIONER ADEGBILE: Chair Lhamon, I have one question.

CHAIR LHAMON: Go ahead, Commissioner Adegbile.

COMMISSIONER ADEGBILE: I’m wondering with respect to the issue that you raised about people that read -- that most people that have a hearing impairment read lips and don’t use sign language. Was there any exploration into the issue of what the cost factor is associated with clear masks as opposed to masks that cover one’s lips? I know that in some educational settings, professors have been moving in this direction as an accommodation for students that need to be able to see one’s lips in order to understand what’s being communicated.

MS. DIEVENDORF: The commission didn’t look into that cost, but the Secretary of State was going to look into making sure that was worked into their budget in order to provide at least one or two masks at each polling location.

We’re hoping that that is going to happen. Obviously, that could be somewhat significant. We do believe that, of course, that will be necessary. Our deaf population is significant, but that is an accessibility minimum.
Obviously, we can’t -- to provide a sign language interpreter at every site would be a heavy lift. To provide a mask is significantly lighter in comparison. But they said they were going to do that.

Another challenge that they’re facing right now in Michigan because we do have such a heavy militia presence and we are facing the voting obstacle of the clear and vocalized threat -- not even threat but the intent of the militia to be at polls, and they legally can do so, armed at a legal distance in front of polls, we have our Secretary of State needing to find ways to ensure that voters feel safe.

So there are a number of costs that will need to be budgeted for within each area that Michigan will need to address in order to make sure that there is voting accessibility and that means organizations will need to figure that out as well.

So that goes into another recommendation that we made to the Secretary of State and to the Michigan organizations and that is to really communicate clearly who is participating in trying to create that voter accessibility, especially for marginalized communities and those protected classes so that people can know who to go to, know who to report obstacles to voting to, voter suppression to,
so that they can both get involved in trying to work
the day of the polls to ensure voter accessibility and
also so that they can report any potential obstacles
to safety and voter suppression.

COMMISSIONER ADEGBILE: Thank you.

CHAIR LHAMON: Thank you. Are there other
questions from Commissioners? Hearing none, thank you
very much, Mr. Hwang and Ms. Dievendorf and your
fellow committee members, for this very timely and
important investigation.

We look forward to what yields beyond your
preliminary results from the COVID-19 voting
recommendation as well. Thank you for your service and
for your leader on the advisory committee and for
taking the time to speak with us today.

MR. HWANG: Thank you very much.

C. DISCUSSION AND VOTE ON COMMISSION REPORT
COVID-19 IN INDIAN COUNTRY: THE IMPACT OF
FEDERAL BROKEN PROMISES ON NATIVE AMERICANS

CHAIR LHAMON: The next item on our agenda
is a discussion and vote on the Commission’s report
entitled COVID-19 in Indian Country, The Impact of
Federal Broken Promises on Native Americans. To open
the floor for discussion, I’ll begin by moving for
approval of the report as circulated by my special
assistant on Tuesday, October 27, 2020. Is there a second?

COMMISSIONER KLASTNEY: Kladney will second.

CHAIR LHAMON: I’ll begin discussion. First, I think our staff, particularly Katherine Culliton-Gonzalez, Julie Grieco and Mark Xavier-Brier as well as all the other members of our staff who pitched in during the research and development of this project.

This project was the first virtual briefing we have held at the Commission. And I thank our staff who worked so hard to make that virtual briefing successful, including Tinalouise Martin, Pam Dunston, Michele Yorkman-Ramey, among other critical members of our team.

Last May this Commission voted unanimously to examine the impacts of the COVID-19 pandemic on Native Americans, updating our 2018 report that discusses the federal funding shortfalls as measured against federal obligations and the state of need in the Native American community.

We voted to conduct our examination on an expedited timeline given the urgency of our civil rights concerns. Members of Congress also requested...
that the Commission take up this specific topic.

The needs our investigation uncovered are

staggering. As of August 2020, the CDC found that

Native Americans experienced the highest

hospitalization rate due to COVID-19 compared to any

racial or ethnic groups in the United States.

Native Americans are dying from COVID-19

at a higher rate than most racial and ethnic

populations, including Latinx, Asian and white

Americans with the exception of black Americans who

had the highest death rate from COVID-19.

CDC has suggested, quote, investment in

tribal public health infrastructure to address this

and future pandemics and disparities in chronic

conditions that disproportionally impact health

outcomes for Native Americans. End quote.

The CDC recommendation responds to the

reality we learned that as of March 2020, the Indian

Health Service had only 81 ventilators available

across the IHS system nationwide, which serves more

than 2.5 million people. The entire Indian health

system had just 37 ICU beds and 1,257 hospital beds

available.

Some might think that these shortages are

not so consequential because Native patients could
access other health care options. But just last week
the Wall Street Journal reported that multiple
hospitals in my home state refused or delayed
accepting COVID-19 patients based on their insurance
status.

That reporting underscores the very real
harm that can follow from a system of health care that
is shockingly unprepared to address the pandemic we
now face.

The shortages also reflect the distance
the United States has to travel to satisfy our recent
federal statutory commitment, quote, to ensure the
highest possible health status for Indians and urban
Indians and to provide all resources necessary to
effect that policy. End quote.

Whereas CDC ordered a nationwide
moratorium on evictions because of the public health
harm in this pandemic, CDC has not ordered, even in
Indian countries, much less nationwide, that water
cannot be shut off as a public health measure to
ensure people can wash their hands to take basic
precautions against COVID-19.

Seventeen percent of Native American homes
lack safe water or adequate wastewater disposal
facilities compared with less than 1 percent of homes
Native American households experience incomplete plumbing facilities at a rate 10 times greater than the national average. Our investigation also confirmed current discrimination in the COVID-19 context that Native Americans experience.

A federal civil rights investigation documented that health care workers in a New Mexico hospital operated a policy to separate Native American women, but not other women, from their babies based on an assumption that the women, because they are or appeared to hospital workers to be Native American, were more likely to have COVID-19 than any other mothers giving birth at that hospital.

The findings of this civil rights investigation demonstrate the intense need for federal civil rights agencies, including the Department of Justice, HHS, HUD, and FEMA with jurisdiction to continue civil rights investigation and resolution work related to discrimination harm Native Americans may experience specific to the COVID-19 pandemic.

It is our mandate that this Commission to conduct careful study of civil rights issues like these and report our findings to Congress, the President and the American people.
Four federal agencies, the Indian Health Service, Centers for Disease Control, the Federal Communications Commission, and the Department of Housing and Urban Development took the time to review this draft report and provide effective agency review to ensure the accuracy of its text.

I am proud of our commitment to use this Commission's resources to address the present civil rights issues in this pandemic for Native Americans. And I support this report text as modified in the version my special assistant circulated. I will now open the floor for further discussion.

COMMISSIONER KLADNEY: Madam Chair, David Kladney here.

CHAIR LHAMON: Commissioner Kladney.

COMMISSIONER KLADNEY: I think one of the most important -- an important part of this report has to do with digital infrastructure. Many Native American communities are far flung in this country and are in very, very rural places.

They are four times less likely to have access to internet than the general population. And the lack of this access impacts the Native American communities as regarding education, health care, especially health care during the COVID crisis and
especially education, participation in the internet economy, engagement in government and the interaction between family and friends that are not in the same household or even in the same community. Many Native American students are missing out on critical educational opportunities at this time.

I do live in Nevada. And we have Indian communities throughout our state in very, very rural places. For instance, the Federal Bureau of Land Management and the Forest Service has moved all of their public hearings and their tribal consultation exclusively to virtual formats during the COVID-19 crisis.

And in spite of tribal protests, they continue to conduct these hearings even though indigenous communities are most impacted by these projects in question.

Congress should address these issues by prioritizing development of infrastructure sufficient to make broadband readily available and at high speed in rural communities, including Native American rural communities, and appropriating funds to provide wireless hot spots, technological equipment such as laptops for students and teachers through the Board of Indian Education Schools.
I think, and I’d like to note, by providing this service to Native American communities, which are so rural and, like I said, are four times less to have these services than the general population, it would also help the rural general population because they, too, in a lot of cases lack inadequate access to internet or reliable internet.

As a result I think this is a very important part of the report that I don’t want to have it go unnoticed. Thank you very much.

COMMISSIONER LHAMON: Thank you, Commissioner Kladney. Other discussion? Hearing none, we’ll call the question and take --

(Simultaneous speaking.)

COMMISSIONER ADEGBILE: Madam Chair, I yield to Commissioner Yaki.

COMMISSIONER YAKI: No, No, go ahead, Commissioner Adegbile. I was slow on the mute button. Sorry.

COMMISSIONER ADEGBILE: Madam Chair, I just wanted to talk about some of the observations in the report that I thought deserved some attention in light of the pandemic that we’re now facing.

You touched on many important points, and I just wanted to underscore a couple of others, in
particular my understanding, and the report seems to
have uncovered it, due to the Indian Health Service’s
limited funding, it allocates money to medical care
but not to preventative public health programs.

And in light of the situation we face with
COVID-19, that leaves Native Americans particularly at
risk to this public health harm because it’s our
understanding that the science tells us that the best
approach to dealing with COVID is to not get it in the
first place and to take the steps to avoid exposure to
the extent possible.

Relatedly, the report notes that tribes
have faced shortages of personal protective equipment,
which is talked about widely as PPE during the COVID-
19 pandemic. And in other situations they actually
received expired or faulty PPE from the federal
government during the pandemic which is, of course,
inexcusable.

Tribes and the Indian Health Service do
not currently have a guaranty of access to the
strategic national stockpile in contrast to the access
that the states and large municipalities have. And so
that’s an issue that, of course, should be revisited
in light of the statistics you mentioned about the
impact of COVID-19 on our Native American population.

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And the Indian Health Service should require all IHS funded facilities to provide data on COVID-19 cases and outcomes, including Native Americans as a distinct group so that we can better track the impacts of the pandemic in those communities.

And then federal readiness for possible health crises such as, but not limited to, the COVID-19 pandemic, would seem to require at a minimum a congressional appropriation of funds sufficient to meet the basic health care needs of our Native American people.

And these are just some of the additional observations that this study has brought to light and that I think are worth considering as we think about with the COVID examinations that we have taken, we’re looking at what the nexus is between the pandemic and considerations of the protected groups that we look to help vindicate the principles of equality and civil rights throughout the nation. Thank you, Madam Chair.

CHAIR LHAMON: Thank you, Commissioner Adegbile. Commissioner Yaki?

COMMISSIONER YAKI: Thank you very much, Chair Lhamon. In my 15 years on this Commission, I take very seriously the role of the Commission as a
watchdog. We have criticized both Republican and Democratic Presidents and administrations for the work that they have done or have not done or how they have done it during my tenure.

It has been something that to me is truly a part of what our mission is and should be. And here we have a situation that is unique in so many ways in our country. And that is how our nation has responded in its history, mostly tragically unfortunately, to the sovereign nations and First Americans of our land, people who are members of a sovereign tribe but who are also citizens of these United States and where separate and unequal seems to be unfortunately how the government has tended to treat them through the years.

And as we look at how this nation is responding to the pandemic and will continue to respond to the pandemic and how this report can contribute to the next series or sets or single, we don’t know what, of COVID relief measures that this country still needs and still requires, is going to be critical.

And for the Native Americans and for the First Peoples of our country, our ability to speak with and on their behalf in these critical policy junctures is going to be crucial because what we heard
in our testimony and what we’ve seen in our analysis is that there is a crisis on the reservations and for people who are Native American in this country with regard to COVID.

And in fact the Congress and administration attempted to remedy this by including specific funding in the various CARES bills for Native Americans. But in doing so, they did not either take any understanding of how it should be allocated or whether or not the infrastructure was really there to make that allocation substantial and reach these critical populations.

Because after all we’re only talking about 574 federally recognized Tribal Nations and only 605 health facilities, which only 13 have the criteria to be designated as critical access hospitals with very few emergency rooms, few operating rooms and the entire Indian Health System has only 37 ICU beds.

And we know how critical ICU beds as a count as we reach — as states, counties and cities look to their inventory to determine whether or not they need to take additional measures to deal with rising COVID rates in their communities.

We’ve seen that in the way that the CARES Act money was allocated with testimony that there were...
provisions and set asides spread throughout numerous agencies and programs. But each have their own mechanism and requirements and making it very burdensome and complicated for Tribal Nations to identify and access critical funding.

We saw that in fact several Native American tribes had to challenge the disbursement of COVID-19 aid funding because of how slow it was going and how inefficiently it was being distributed with partial payments only for quite some time until a federal judge this summer ordered the administration to distribute these funds to tribes as promised, taking twice as much time to distribute funds to Native American tribes as it did to other communities across this country.

And we also know that if you are -- that urban Indian organizations cannot even receive federal funding, much less COVID funding, under current law. And the ability to have direct interagency agreements between Tribal Nations and the federal government will make it much easier to transmit and in essence block grant these funds to these communities to enable them to get them to the right facilities and access them -- create access for residents who are -- their folks who are ill.
These are all things that our report is pointing out and which will be important and critical for policymakers to see in the coming months and in the coming year as we continue to battle this pandemic.

And quite frankly one thing I’m not too sure was adequately addressed in the report, but one which I hope will be remedied in the future, is just what is the infrastructure to distribute any vaccine that may be developed? Because we have trouble just getting money out the door, how good are we going to be at ensuring that for a population that is more vulnerable due to socioeconomic and other conditions to the deadlier effects of COVID-19? To a population that has inadequate health services to begin with and inadequate infrastructure to begin with, how are we going to ensure that these First Americans are able to receive and be part of the priority list for vaccine distribution when they live in areas where we have already shown the dearth and scarcity of the ability of the ability of the federal resources to mobilize itself in order to address their needs?

These are the kinds of questions that are so important and so urgently need to be addressed, pointed out, and recommendations made to our federal
government that we need to get this report out as quickly as possible.

There are lives at stake. There are American lives at stake. There are friends and friends and relatives and members of communities at stake. And we cannot sit idly by in the midst of this pandemic and abdicate our own duties as watchdogs on this particular issue, not to get these out and not to fulfill our role and mandate to Congress and to the people of the United States.

Thank you.

COMMISSIONER LHAMON: Thank you, Commissioner Yaki. Any further discussion? Hearing none, I’ll call the question and take a roll call vote. Commissioner Adams, how do you vote?

COMMISSIONER ADAMS: No.

CHAIR LHAMON: Commissioner Adegbile?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: No.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: No.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: No.

CHAIR LHAMON: Commissioner Kladney?
COMMISSIONER Kladney: Yes.

Chair Lhamon: Commissioner Yaki?

Commissioner Yaki: Yes.

Chair Lhamon: I vote yea. The motion fails. Four Commissioners opposed, no Commissioner abstained, all others were in favor.

I am disappointed in this vote. And I continue to think it would be best served, we would be best served, with approving the full text of the report. In the absence of that possibility, I believe it is important that we lift up the expert testimony we received and issue Commissioner statements so that the public can benefit from our collective expertise on this topic.

We had a lengthy discussion during our June business meeting about the bipartisan desire of Commissioners to write statements on the topic of this report. I'd like to be sure we still offer that opportunity to publish those statements following the investigation even without a report consistent with this Commission's longstanding practice following an investigation that does not yield a report the Commission votes to produce.

I move that in lieu of the report we release Commissioner's statements on this topic.
written on the same timeline as we approved unanimously in June. Commissioner’s statements due on Monday, November 23, 2020, with rebuttals due on Monday, December 23, 2020, and surrebuttal notice due by Wednesday, December 30, 2020, with surrebuttal text filed by Wednesday, January 6, 2021. Do I have a second?

COMMISSIONER YAKI: Second by Commissioner Yaki.

CHAIR LHAMON: Thank you. Any discussion?

COMMISSIONER YAKI: I have a discussion, Chair Lhamon.

CHAIR LHAMON: Go ahead.

COMMISSIONER YAKI: I mean, I just want to again reiterate that we have a role, and we have a historic and legislatively-charged role to be the watchdog to render advice and recommendations to the Congress on this, one of the most important issues facing our country today.

And if we cannot find agreement on what that report says and much less what findings and recommendations there may be, but just on the report itself, which I think is not colored by bias, left or right, that at the very minimum as a means of attempting to achieve some semblance of our duty, the
ability to issue statements based on our individual
understandings of this report is a poor second but
still a better than none second choice.

CHAIR LHAMON: Thank you, Commissioner
Yaki. Any further discussion? Hearing none, I’ll call
the question and take a roll call vote. Commissioner
Adams, how do you vote?

COMMISSIONER ADAMS: No.

CHAIR LHAMON: Commissioner Adegbile?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: No.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: No.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: No.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLASTNEY: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: I would just again
like to comment that this is unprecedented in my 15
years on the Commission, to go through this process
and not even do Commissioner statements when at times
we made sure that in eventualities such as this and
ties when there are disagreements we nevertheless gave
-- let each Commissioner have a voice in discussing an issue that was at least important enough to have been brought before the Commission. I vote aye.

CHAIR LHAMON: And I vote yes. The motion fails. Four Commissioners opposed, no Commissioner abstained, all others were in favor.

COMMISSIONER ADEGBILE: Madam Chair?

CHAIR LHAMON: Commissioner Adegbile, go ahead.

COMMISSIONER ADEGBILE: I just would like to join Commissioner Yaki in expressing not only disappointment but a degree of consternation that a report that lays out the factual circumstance of life-threatening and in some cases life-ending risks to our First Americans and the impact that it's having based on the statistics that you cited and that are contained in the report, that the idea that this civil rights body that is intended to advise the nation and do research so that we can make ourselves a better and more inclusive nation, the idea that we would unanimously vote to move forward, take the testimony, do the analysis in a time of a pandemic about these very, very serious life and death issues --

COMMISSIONER ADAMS: Madam Chairman, Madam Chairman.
COMMISSIONER ADEGBILE: -- not vote, not vote -- I have the --

(Simultaneous speaking.)

COMMISSIONER ADAMS: Objection. It’s an improper matter, Madam Chairman.

COMMISSIONER ADEGBILE: -- yield, yield --

CHAIR LHAMON: Commissioner Adegbile, go ahead.

COMMISSIONER ADEGBILE: -- and --

COMMISSIONER ADAMS: This is Commissioner Adams, Madam Chairman. I’m putting an objection --

(Simultaneous speaking.)

COMMISSIONER ADEGBILE: We have it for the record. We recorded your objection. We have it for the record. We have your objection. I have the floor --

(Simultaneous speaking.)

COMMISSIONER ADEGBILE: You’re free to speak after me, Commissioner Adams, you’re free to speak after me. You’re permitted to object. We have your objection. You should feel free to speak after me, but I’m not yielding to you.

The Chair has recognized me to finish my comment. And you will yield and then I will listen to you as we all will.

So the point here is that in my estimation
this is an abdication of our charge and responsibility. And we’ve been asked to look at this and we have. And I’m puzzled by why we wouldn’t make the facts bare so that the nation can try and get better and improve. This is a pandemic, but it’s unlikely to be the last one. And today the nation is going to wonder why on the two issues of COVID impacts and civil rights, this Commission has not voted out the reports. Thank you, Madam Chair.

CHAIR LHAMON: Thank you, Commissioner Adegbile. Commissioner Adams?

COMMISSIONER ADAMS: Madam Chairman, I am lodging an objection to deviating from the agreed agenda. That was an out of order speech. And I was merely lodging an objection to it as not debatable.

CHAIR LHAMON: I didn’t hear anyone debate it. Thank you for objection.

D. DISCUSSION AND VOTE ON COMMISSION ADVISORY COMMITTEE APPOINTMENTS

NEW YORK ADVISORY COMMITTEE CHAIR

CHAIR LHAMON: Now we can turn to our next agenda item to begin discussion. I move that the Commission appoint Bryanne Hamill as the chair for the New York Advisory Committee, as recommended by the staff director, with her appointment to begin
immediately. Do I have a second for this motion?

COMMISSIONER YAKI: Seconded by Commissioner Yaki.

CHAIR LHAMON: I now open the floor for discussion noting that the prior chair, Alexandra Korry served the Advisory Committee for many years, and we mourn her loss. Hearing no further discussion, I’ll call the question and take a roll call vote. Commissioner Adams, how do you vote?

COMMISSIONER ADAMS: Yes.

CHAIR LHAMON: Commissioner Adegbile?

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 KLABNEY: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye, with condolences to Ms. Korry’s family.

CHAIR LHAMON: And I vote yes. The motion passes unanimously.
CHAIR LHAMON: For our next agenda item to begin discussion, I move that the Commission appoint the following individuals to the Arkansas Advisory Committee based on the recommendation of the staff director: Robert Steinbuch, Nicholas Bronni, Holly Carmichael, Bridgette Frazier, Kandi Hughes, Paul Love, Robert Maranto, Cynthia Nance, Susana O’Daniel, Andres Rhodes, Danielle Weatherby, and Danielle Williams.

With this motion, the Commission will also appoint Robert Steinbuch as the chair of the Arkansas Advisory Committee. All of these members will serve as uncompensated government employees.

If the motion passes, the Commission will authorize the staff director or his designee to execute the appropriate paperwork for the appointments, which will begin after the current committee expires. Do I have a second for this motion?

COMMISSIONER KLADNEY: Kladney seconds.

CHAIR LHAMON: Thank you. I will now open the floor for discussion. Hearing none, I’ll call the question and take the roll call vote. Commissioner Adams, how do you vote?

COMMISSIONER ADAMS: Yes.
CHAIR LHAMON: Commissioner Adegbile?
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 KLANDNEY: Yes.
CHAIR LHAMON: Commissioner Yaki?
COMMISSIONER YAKI: Aye.

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

COLORADO ADVISORY COMMITTEE
CHAIR LHAMON: For our next agenda item to begin discussion, I move that the Commission appoint the following individuals to the Colorado Advisory Committee based on the recommendation of the staff director: Alvina Earnhart, Christina Alonzo, William Banta, Ming Hsu Chen, Darrell Jackson, Charles King, David Kopel, Joseph Peters, Qiang Raleigh, Douglas Spencer, William Trachman, and Aleta You.

With this motion, the Commission will also appoint Alvina Earnhart as the chair of the Colorado
Advisory Committee. All of these members will serve as uncompensated government employees.

If the motion passes, the Commission will authorize the staff director or his designee to execute the appropriate paperwork for the appointments, which will begin after the current committee expires. Do I have a second for this motion?

COMMISSIONER KLANDNEY: Kladney seconds.

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

COMMISSIONER ADAMS: No.

CHAIR LHAMON: Commissioner Adegbile?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: No.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: No.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: No.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLANDNEY: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.
CHAIR LHAMON: I vote yes. The motion fails, four Commissioners opposed, no Commissioner abstained, all others were in favor.

NORTH CAROLINA ADVISORY COMMITTEE

CHAIR LHAMON: For our next agenda item to begin discussion, I move that the Commission appoint the following individuals to the North Carolina Advisory Committee based on the recommendation of the staff director: Olga Wright, Daniel Bowes, Pearl Burris-Floyd, Travis Cook, Christopher Duggan, Marcus Gadson, Steven Greene, Jonathan Guze, Jennifer Lechner, Angelo Mathay, Donna Oldham, Catherine Reed, A. Mercedes Restucha-Klem, E. Gregory Wallace, and Bradley Young.

With this motion, the Commission will also appoint Olga Wright as the chair of the North Carolina Advisory Committee. All of these members will serve as uncompensated government employees.

If the motion passes, the Commission will authorize the staff director or his designee to execute the appropriate paperwork for the appointments, which will begin after the current committee expires. Do I have a second for this motion?

COMMISSIONER YAKI: Second, Commissioner Yaki.
CHAIR LHAMON: I will open the floor for discussion.

COMMISSIONER ADAMS: Commissioner Adams.

CHAIR LHAMON: Go ahead, Commissioner Adams.

COMMISSIONER ADAMS: I will be voting no on the slate. It is because it is not a balanced slate. And hopefully it will become readily apparent that for this Commission to get anything done, it's going to need to reflect express wishes for balance. And those express wishes were denied. And therefore I will be voting no.

CHAIR LHAMON: I appreciate your explanation for how you intend to vote on the record. I think that it's incorrect that the committee is not balanced, although obviously we can hold our own views. But the staff worked hard to develop a committee that is consistent with our administrative instructions and that reflects ideological balance and also diversity among a variety of types among the committee.

And I appreciate the work that they did. I appreciate the expertise of the proposed members of this committee and believe that it is appropriately balanced and in operation consistent with our
administrative instruction. Any further discussion? Hearing none, I’ll call the question and take a roll call vote. Commissioner Adams, how do you vote?

COMMISSIONER ADAMS: No.
CHAIR LHAMON: Commissioner Adegbile?
COMMISSIONER ADEGBILE: Aye.
CHAIR LHAMON: Commissioner Gilchrist?
COMMISSIONER GILCHRIST: Gilchrist is voting no.

CHAIR LHAMON: Commissioner Heriot?
COMMISSIONER HERIOT: I vote no.
CHAIR LHAMON: Commissioner Kirsanow?
COMMISSIONER KIRSANOW: No.
CHAIR LHAMON: Commissioner Kladney?
COMMISSIONER KЛАDNEY: Yes.
CHAIR LHAMON: Commissioner Yaki?
COMMISSIONER YAKI: Aye.

CHAIR LHAMON: I vote yes. The motion fails, four Commissioners opposed, no Commissioner abstained, all others were in favor.

F. MANAGEMENT AND OPERATIONS

STAFF DIRECTOR’S REPORT

CHAIR LHAMON: Staff Director Morales, we’ll now hear from you for the monthly Staff Director
MR. MORALES: Thank you, Madam Chair. I have nothing further to add. I did send an email earlier this morning, informing the Commissioners that the Staff Director’s Report as contained in their folders is incomplete. I did not receive all the sections from folks in time to add to the report.

I will supplement the report sometime next week. I apologize for any inconvenience this may have caused. It couldn’t be helped. Nevertheless, I’m always available to speak to any Commissioner about anything contained in the Staff Director’s Report.

With that, I have nothing further to add. Thank you, Madam Chair.

III. ADJOURN MEETING

CHAIR LHAMON: Thank you, Mr. Staff Director. And that concludes the business on the agenda for today’s business meeting. If there’s nothing further, I hereby adjourn the meeting at 1:18 p.m. Eastern Time. Thank you all.

(Whereupon, the above-entitled matter went off the record at 1:18 p.m.)