

U.S. COMMISSION ON CIVIL RIGHTS

+ + + + +

TELEPHONIC COMMISSION BUSINESS MEETING

+ + + + +

FRIDAY, JULY 17, 2020

+ + + + +

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

A G E N D A

A. APPROVAL OF AGENDA 4

B. CALL FOR AGENDA AMENDMENTS 4

C. DISCUSSION AND VOTE ON TIMELINE FOR
 COMMISSION'S STUDY ON BAIL REFORM AND STUDY ON
 MATERNAL HEALTH DISPARITIES.. . . . 7

D. MOTION TO APPROVE U.S. COMMISSION ON CIVIL
 RIGHTS SUPPORTS THE WASHINGTON D.C. ADMISSION
 ACT STATEMENT..10

E. DISCUSSION AND VOTE ON U.S. COMMISSION ON
 CIVIL RIGHTS ACKNOWLEDGES DECISION TO CHANGE
 THE NAME OF THE WASHINGTON D.C. FOOTBALL TEAM
 STATEMENT.16

F. U.S. COMMISSION ON CIVIL RIGHTS APPLAUDS THE
 U.S. SUPREME COURT'S RECENT DECISION UPHOLDING
 U.S. TREATIES WITH NATIVE AMERICANS
 STATEMENT.26

G. CHANGE AUGUST BUSINESS MEETING DATE.31

H. STAFF DIRECTOR REPORT.32

I. ADJOURN.37

P R O C E E D I N G S

(12:01 p.m.)

1
2
3 CHAIR LHAMON: Thank you. We will now
4 come back to our session to pick up some additional
5 items of Commission business.

APPROVAL OF AGENDA

6
7 First I will begin by asking if there's a
8 motion to approve the agenda for this business
9 meeting?

10 COMMISSIONER KLADNEY: Dave Kladney, I'll
11 make that motion.

12 CHAIR LHAMON: Thank you. Is there a
13 second?

14 COMMISSIONER ADEGBILE: Second, Adebile.

CALL FOR AGENDA AMENDMENTS

15
16 CHAIR LHAMON: Thank you. I'll begin the
17 call for amendments with a couple of my own. I move
18 to table discussion in both of the appointments for
19 the Vermont and Idaho Advisory Committees until our
20 next business meeting and to add a vote on the date of
21 the August business meeting. Do I have a second?

22 COMMISSIONER KLADNEY: Kladney, second.

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

25 COMMISSIONER KLADNEY: Yes, Madam Chair.

1 I have an amendment. I move to amend the agenda to
2 add a discussion and vote on three statements. A
3 statement on D.C. statehood, a statement on D.C.
4 football team's recent name change and a statement on
5 the Supreme Court's decision in McGirt v. Oklahoma.

6 CHAIR LHAMON: Thank you. Is there a
7 second?

8 COMMISSIONER YAKI: Second from
9 Commissioner Yaki.

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

13 (Chorus of ayes.)

14 CHAIR LHAMON: Any opposed?

15 (No audible response.)

16 CHAIR LHAMON: Any abstentions?

17 (No audible response.)

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

20 For our first agenda item to begin
21 discussion, I move that the Commission appoint the
22 following individual to the Louisiana Advisory
23 Committee based on the recommendation of the staff
24 director as an interim appointment, Daiquiri Steele.
25 This member will serve as an uncompensated government

1 employee. If the motion passes, the Commission will
2 authorize the staff director to execute the
3 appropriate paperwork for the appointment, which will
4 begin immediately. Do I have a second for this
5 motion?

6 COMMISSIONER KLADNEY: Kladney will
7 second.

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

12 COMMISSIONER ADEGBILE: Aye.

13 CHAIR LHAMON: Commissioner Gilchrist?

14 COMMISSIONER GILCHRIST: Aye.

15 CHAIR LHAMON: Commissioner Heriot?

16 COMMISSIONER HERIOT: Aye.

17 CHAIR LHAMON: Commissioner Kirsanow?

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

20 CHAIR LHAMON: Thank you. Commissioner
21 Kladney?

22 COMMISSIONER KLADNEY: Yes.

23 CHAIR LHAMON: Commissioner Yaki?

24 COMMISSIONER YAKI: Aye

25 CHAIR LHAMON: And I vote yes. The motion

1 passes unanimously.

2 DISCUSSION AND VOTE ON TIMELINE

3 FOR COMMISSION'S STUDY ON BAIL REFORM AND STUDY ON

4 MATERNAL HEALTH DISPARITIES

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

10 COMMISSIONER KLADNEY: Kladney will
11 second.

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

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

24 For any discussion, I'll turn to
25 Commissioner Adegbile, who is the sponsor of the

1 disparities in maternal health project. Commissioner
2 Adegbile?

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

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

18 We think this is an important topic for
19 the Commission to take up, and we are grateful that
20 the Commissioners have supported using our voice to
21 learn something about this topic and raise up the
22 expertise of so many that want to help us think about
23 the centrality of these issues and the consequences of
24 inattention to these issues for people across the
25 country.

1 CHAIR LHAMON: Sorry. I saw I was muted.
2 I was thanking you and then asking if there was any
3 other discussions.

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

7 COMMISSIONER ADEGBILE: Aye.

8 CHAIR LHAMON: Commissioner Gilchrist?

9 COMMISSIONER GILCHRIST: Aye.

10 CHAIR LHAMON: Commissioner Heriot?

11 COMMISSIONER HERIOT: Yes.

12 CHAIR LHAMON: Commissioner Kirsanow?

13 COMMISSIONER KIRSANOW: Yes.

14 CHAIR LHAMON: Commissioner Kladney?

15 COMMISSIONER KLADNEY: Yes.

16 CHAIR LHAMON: Commissioner Yaki?

17 COMMISSIONER YAKI: Aye

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

20 Next we will do our first amended item of
21 business, which is consideration of a statement that
22 Commissioner Kladney proposes entitled U.S. Commission
23 on Civil Rights Supports the Washington D.C. Admission
24 Act. So we know what we are discussing, I'll ask
25 Commissioner Kladney if he can read the statement.

1 MOTION TO APPROVE U.S. COMMISSION ON CIVIL RIGHTS

2 SUPPORTS THE WASHINGTON D.C. ADMISSION ACT STATEMENT

3 COMMISSIONER KLADNEY: Thank you, Madam
4 Chair. Do I have to make a motion or is that already
5 --

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

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

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

22 While D.C. has a congressional delegate in
23 the House of Representatives, she is denied the
24 opportunity to vote, a point driven home when the D.C.
25 Congresswoman Eleanor Holmes Norton was unable to cast

1 a vote for the Admission Act, a bill she proposed and
2 sponsored.

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

8 The federal government collects \$27
9 billion per year in tax revenue from the District,
10 more than the federal income tax paid by residents of
11 22 states at the highest per capita rate in the
12 nation.

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

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

23 Historically, the enfranchised white men
24 living in the District initially continued to vote in
25 their former states. Then when D.C. was incorporated

1 in 1791, Congress disenfranchised the District
2 residents with the passage of the Organic Act in 1801.

3 It consolidated all power to govern D.C.
4 in Congress to avoid state politics influencing the
5 fledgling federal government although Washingtonians
6 were afforded the right to elect a mayor in 1820.

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

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

20 Today proponents of the argument that the
21 District residents do not deserve representation
22 promote racist degradation of Black District
23 residents, for example, a United States Senator asking
24 on the floor of the United States Senate this year,
25 would you trust Mayor Bowser to keep Washington safe

1 if she were given powers of a governor? Would you
2 trust Marion Barry?

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

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

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

21 Those recommendations would go on to form
22 the factual basis for the seminal Voting Rights Act of
23 1965. The current denial of representation for D.C.
24 residents in the U.S. capital runs exactly contrary to
25 the core Democratic principles on which our nation was

1 founded and the work so many have undertaken to expand
2 voting rights to all.

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

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

9 CHAIR LHAMON: Thank you. Is there a
10 second?

11 COMMISSIONER ADEGBILE: Second.

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

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

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

25 CHAIR LHAMON: Thank you, Commissioner

1 Kladney. Any other discussion? Now I'll call the --
2 I'm sorry. Go ahead, Commissioner Heriot.

3 COMMISSIONER HERIOT: I have had deep
4 misgivings about our jurisdiction over this issue.
5 You know, the notion that every American should have
6 the same voting rights in the sense of what their
7 voting rights apply to.

8 I mean, the ramifications for that are
9 really very broad. For example, here in California
10 voters have the ability to vote on initiatives, but
11 they don't have that in most states in the East. And
12 so the notion of a voter initiative is just not
13 possible in those states.

14 So this really doesn't strike me as what
15 is meant by our jurisdiction over voting rights.

16 CHAIR LHAMON: Thank you. Any other
17 discussion? Scrolling for hands raised on Zoom. All
18 right. Hearing none, I'll call the question and take
19 a roll call vote. Commissioner Adegbile, how do you
20 vote?

21 COMMISSIONER ADEGBILE: Aye.

22 CHAIR LHAMON: Commissioner Gilchrist?
23 Commissioner Gilchrist, if you're speaking you're on
24 mute.

25 COMMISSIONER GILCHRIST: I'm sorry. I'm

1 an abstaining.

2 CHAIR LHAMON: Thank you. Commissioner
3 Heriot?

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

6 CHAIR LHAMON: Commissioner Kirsanow?

7 COMMISSIONER KIRSANOW: No.

8 CHAIR LHAMON: Commissioner Kladney?

9 COMMISSIONER KLADNEY: Yes.

10 CHAIR LHAMON: Commissioner Yaki?

11 COMMISSIONER YAKI: Don't tread on me.

12 Aye.

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

16 DISCUSSION AND VOTE ON U.S. COMMISSION

17 ON CIVIL RIGHTS ACKNOWLEDGES DECISION

18 TO CHANGE THE NAME OF

19 THE WASHINGTON D.C. FOOTBALL TEAM STATEMENT

20 CHAIR LHAMON: Next we'll move to a
21 statement Commissioner Kladney proposed entitled U.S.
22 Commission on Civil Rights Acknowledges Decision to
23 Change the Name of the Washington D.C. Football Team.

24 So we know what we're discussing, Mr.

25 Kladney, will you read the statement?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMISSIONER KLADNEY: 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.

1 Professional sports teams likewise wield
2 significant cultural influence, disseminating imagery
3 that can be pervasive throughout their fan bases in
4 society.

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

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

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

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

25 While the Commission acknowledges the

1 sponsors, corporations and fans who withhold or
2 withdraw financial support from teams that refuse to
3 change, these tactics are welcome exceptions not the
4 rule.

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

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

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

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

23 CHAIR LHAMON: Thank you, Commissioner
24 Kladney. And I'll just note that there's a fair
25 amount of background noise coming in. So I'll ask

1 folks who are not speaking to place yourselves on mute
2 so we can make sure we're able to hear well.

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

6 COMMISSIONER YAKI: So moved.
7 Commissioner Yaki.

8 CHAIR LHAMON: Is there a second?

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

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

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

24 There's a pervasive imagery that creates
25 an environment that is detrimental to Native American

1 people's well-being. I note our Nebraska SAC
2 similarly called for removal of Native American team
3 names in sports in a statement in 2019. I think it's
4 time that these names were gotten rid of. Thank you.

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

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

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

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

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

24 COMMISSIONER KIRSANOW: Kirsanow.

25 CHAIR LHAMON: Commissioner Kirsanow.

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

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

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

20 But universally no team adopts the name of
21 a group or adopts a mascot that they intend to, as a
22 statement says denigrate. They adopt a name based on
23 certain characteristics that they want to emulate or
24 perceived characteristics they want to emulate or
25 actually honor the folks that are named.

1 I don't know of anybody who says, you
2 know, we're going to have the Detroit Cowards or
3 whatever it may be. So I would simply say that not
4 all mascots are the same. And taking a broad brush,
5 I think, is overbroad.

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

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

12 CHAIR LHAMON: So any discussion?
13 Commissioner Heriot.

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

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

25 And so it doesn't make sense to me to

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

5 CHAIR LHAMON: Okay. Mr. Adegbile?

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

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

20 COMMISSIONER KLADNEY: I'll accept that.
21 That's fine.

22 CHAIR LHAMON: Thank you. Any other
23 discussion on the statement? Hearing and seeing none,
24 I'll call the question and take a roll call vote.
25 Commissioner Adegbile, how do you vote?

1 COMMISSIONER ADEGBILE: Aye.

2 CHAIR LHAMON: Commissioner Gilchrist?

3 You may be on mute.

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

6 CHAIR LHAMON: Thank you. Commissioner
7 Heriot?

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

12 CHAIR LHAMON: Commissioner Kirsanow?

13 COMMISSIONER KIRSANOW: Abstain.

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

16 COMMISSIONER KIRSANOW: Abstain.

17 CHAIR LHAMON: Oh, thank you.

18 Commissioner Kladney?

19 COMMISSIONER KLADNEY: Yes.

20 CHAIR LHAMON: Commissioner Yaki?

21 COMMISSIONER YAKI: Yes.

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

1 U.S. COMMISSION ON CIVIL RIGHTS
2 APPLAUDS THE U.S. SUPREME COURT'S
3 RECENT DECISION UPHOLDING U.S.
4 TREATIES WITH NATIVE AMERICANS STATEMENT

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

12 COMMISSIONER KLADNEY: Yes, Madam Chair.
13 The U.S. Commission on Civil Rights applauds the U.S.
14 Supreme Court's decision in *McGirt v. Oklahoma*,
15 holding the government to its word and vindicating a
16 promise we made as a country to the Creek Nation in
17 1866.

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

23 We agree wholeheartedly with the Court's
24 holding that there can no question that Congress
25 established a Reservation for the Creek Nation and

1 further applaud the Court's recognition that it is
2 equally clear that Congress has since broken more than
3 a few of its promises to the tribe.

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

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

16 The result of this disregard has been
17 catastrophic for Native Americans. As we noted in
18 2018 and stress now, Native Americans are more likely
19 to live in poverty, be unemployed, experience rape or
20 abuse and be killed by police than any other ethnic or
21 racial group.

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

25 We cannot ignore our obligations as a

1 nation any longer. We applaud the Court in
2 recognizing the simple truth in this limited instance
3 and anticipate with hope and expectation that Congress
4 and the U.S. government and the American people will
5 do the same.

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

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

12 COMMISSIONER KLADNEY: Thank you.

13 CHAIR LHAMON: Begin discussion?

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

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

18 COMMISSIONER YAKI: Thank you.

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

22 COMMISSIONER KLADNEY: Thank you, Madam
23 Chair. The Supreme Court rightly held that the
24 federal government must be held to its treaty
25 obligations with Native tribes as we heard today. An

1 abandonment of treaty obligations to the tribes was a
2 central theme of our 2018 Broken Promises report and
3 our 2003 Quiet Crisis report.

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

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

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

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

23 But I got to thinking that we may not have
24 jurisdiction over this issue either. You know, look
25 at Morton v. Mancari. It makes a very strong

1 description between race discrimination and
2 discrimination on the basis of sovereignty. And it
3 strikes me that this is definitely an issue about
4 sovereignty and not about race. So that's my two
5 cents.

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

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

13 COMMISSIONER KLADNEY: No, it would not be
14 that overwhelming.

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

18 COMMISSIONER KLADNEY: It is my persistent
19 struggle. That's what that is.

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

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

25 CHAIR LHAMON: Anyone else? Okay. We'll

1 call the question and take a roll call vote.

2 Commissioner Adegbile, how do you vote?

3 COMMISSIONER ADEGBILE: Aye.

4 CHAIR LHAMON: Commissioner Gilchrist?

5 COMMISSIONER GILCHRIST: Aye.

6 CHAIR LHAMON: Commissioner Heriot?

7 COMMISSIONER HERIOT: No.

8 CHAIR LHAMON: Commissioner Kirsanow?

9 COMMISSIONER KIRSANOW: Abstain.

10 CHAIR LHAMON: Commissioner Kladney?

11 COMMISSIONER KLADNEY: Yes.

12 CHAIR LHAMON: Commissioner Yaki?

13 COMMISSIONER YAKI: Aye.

14 CHAIR LHAMON: And I vote yes. One

15 Commissioner abstained. One Commissioner voted no.

16 All other Commissioners were in favor. The motion

17 passes.

18 CHANGE AUGUST BUSINESS MEETING DATE

19 CHAIR LHAMON: Next we'll move to a

20 discussion vote on changing the August business

21 meeting date. To begin the discussion, I move that we

22 adjust our August business meeting date from August 14

23 to August 21 to accommodate the timeline for our

24 COVID-19 update on voting rights support. Do I have

25 a second?

1 COMMISSIONER KLADNEY: Second.

2 CHAIR LHAMON: Thank you. Any discussion?

3 Hearing none, I'll call the question and take a roll

4 call vote. Commissioner Adegbile, how do you vote?

5 COMMISSIONER ADEGBILE: Aye.

6 CHAIR LHAMON: Commissioner Gilchrist?

7 COMMISSIONER GILCHRIST: Aye.

8 CHAIR LHAMON: Commissioner Heriot?

9 COMMISSIONER HERIOT: I vote yes.

10 CHAIR LHAMON: Commissioner Kirsanow?

11 COMMISSIONER KIRSANOW: Yes.

12 CHAIR LHAMON: Commissioner Kladney?

13 COMMISSIONER KLADNEY: Yes.

14 CHAIR LHAMON: Commissioner Yaki?

15 COMMISSIONER YAKI: Aye.

16 CHAIR LHAMON: And I vote yes. The motion

17 passes unanimously. Staff Director Morales, we can

18 now hear from you for the monthly staff director's

19 report.

20 STAFF DIRECTOR REPORT

21 MR. MORALES: Thank you, Madam Chair. Can

22 you hear me?

23 CHAIR LHAMON: We can. Thank you.

24 MR. MORALES: Madam Chair, in the

25 interest of time, I have nothing further to add than

1 what's already contained in the report. Of course,
2 I'm always available to speak to any Commissioner to
3 speak to any Commissioner about a particular matter
4 that is in the report that they wish to discuss.

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

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

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

1 appreciate it.

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

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

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

20 I had the great pleasure of meeting C.T.
21 Vivian. But more importantly I had the great
22 privilege of being inspired by his bravery and his
23 unwavering support for civil rights, for voting
24 rights, for justice and for the things that we hold
25 ourselves up to as Americans.

1 Many of you may know C.T. Vivian if not by
2 name because he was the person who in the historic
3 eyes on the award-winning eyes on the prize
4 documentary series in the segment Bridge to Freedom
5 faced off with Sheriff Jim Clark in Alabama and was
6 punched in the mouth as he was peacefully seeking the
7 right to vote with a number of African Americans in
8 Alabama that was seeking to register.

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

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

25 CHAIR LHAMON: Thank you, Commissioner

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

5 COMMISSIONER YAKI: Gail has something.

6 CHAIR LHAMON: Commissioner Heriot, go
7 ahead.

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

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

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

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

20 ADJOURN

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

24 (Whereupon, the above meeting went off the
25 record at 12:37 p.m.)

A

abandonment 29:1
ability 8:6 13:19 15:10
able 7:18 11:21 20:2
 34:10
abolish 22:7
abolished 20:21
abolition 12:7
absolutely 29:15
Abstain 25:13,16 31:9
abstained 16:14 25:23
 31:15
abstaining 16:1
abstentions 5:16
abuse 27:20
accept 24:20
access 13:8
accommodate 7:19
 31:23
accurate 18:21
achieve 19:21
acknowledge 33:6
acknowledges 3:11
 16:17,22 17:3 18:25
Act 3:8 9:24 10:2,11
 11:1 12:2 13:22
activists 22:6
ADA 33:9
add 4:20 5:2 24:17
 32:25 34:9
addition 13:3
additional 4:4
address 8:9
addressing 10:12
Adegbile 1:17 4:14,14
 6:11,12 7:25 8:2,3 9:5
 9:7 14:11 15:19,21
 24:5,6,25 25:1 31:2,3
 32:4,5 34:12,13,14
 36:1,11
adequately 19:14 24:11
adjourn 3:24 36:4,18,19
 36:20,22
adjust 7:18 31:22
adjustments 8:15,17
administrative 33:7
Admission 3:7 9:23
 10:2,11 11:1
adopt 14:7 22:22 28:7
adopts 22:20,21
Advisory 4:19 5:22
affirmative 13:18
afforded 12:6
African 35:7
age 10:14 34:19
agenda 3:2,3 4:6,8,15
 5:1,12,20 34:6
ago 29:14

agree 23:15 26:23
ahead 15:2 28:16 34:13
 36:7
Alabama 35:5,8
amend 5:1
amended 5:12 9:20
amendment 5:1 24:16
amendments 3:3 4:15
 4:17,24 5:11
American 13:10 15:5
 17:12,14,20 19:20
 20:20,23,25 21:2,12
 22:13 23:16 24:3 27:5
 28:4
Americans 3:17 10:17
 13:6 17:10,19,25 18:5
 18:7,19,22 19:7,9,14
 21:18 22:9 23:18,23
 24:10 26:4,10 27:17
 27:18 29:7 34:25 35:7
 35:20
amount 19:25
anticipate 28:3
anybody 23:1
apart 30:21
apologize 20:10
appears 34:11
applaud 27:1 28:1
applauds 3:15 26:2,8
 26:13
applied 17:6
apply 15:7
appoint 5:21
appointees 12:12
appointment 5:24 6:3
appointments 4:18
appreciate 34:1,3
appropriate 6:3
APPROVAL 3:2 4:6
approve 3:6 4:8 5:11
 7:8 10:1,7 14:4 20:3
argument 12:20
arguments 14:21
ASCD 2:9
asking 4:7 9:2 12:23
aspires 19:22
assistants 33:20
associated 17:10
associations 17:8
athletic 17:8
Atlanta 18:9
audible 5:15,17
August 3:20 4:21 31:18
 31:20,22,22,23
authorize 6:2
available 8:14 33:2
avoid 12:4
award-winning 35:3

aware 7:14
aye 5:12 6:12,14,16,24
 9:7,9,17 15:21 16:12
 25:1 31:3,5,13 32:5,7
 32:15
ayes 5:13

B

B 3:3
back 4:4 8:5,8,11,13
 35:13
background 19:25
 20:11
bail 3:4 7:3,6,16
banana 23:8
barn 12:17,18
Barry 13:2
based 5:23 20:21 22:22
bases 18:3
basic 19:6
basis 13:22 30:2
battles 21:18
beaten 35:13
behavior 21:15
believe 34:19,19 35:22
beyond 19:19
biases 18:22
bill 11:1
billion 11:9
bit 36:1
Black 10:21 12:8,22
 13:4 14:20
Bowser 12:25
branded 18:16
bravery 34:22
Braves 18:9,11 23:23
Bridge 35:4
brief 33:5
briefing 7:14,20 8:5,7
 24:13 33:7,21 34:2
briefings 7:17 33:24
broad 15:9 23:4
broke 35:11
broken 7:21 26:19,20
 27:2,4 29:2
Browns 23:11
brush 23:4
burn 12:17
business 1:4 3:20 4:5,8
 4:20,21 9:21 31:18,20
 31:22
busy 34:6

C

C 3:4 4:1
C.T 34:17,18,20 35:1,18
 35:23 36:9,19,22
calendar 7:19

California 15:9 23:7
call 3:3 4:15,17 6:9,10
 9:4,5 15:1,18,19
 20:15 24:24,24 31:1,1
 32:3,4
called 21:2
cameras 35:9
capita 11:11
capital 13:24
care 8:10 20:13
caricature 21:9
caricatures 22:12
carry 27:12
cartoon 21:9
cast 10:25
catastrophic 27:17
Catherine 1:13,16
cease 17:4
central 26:21 29:2
centrality 8:23
cents 30:5
certain 22:6,10,12,23
Chair 1:14,16 4:3,12,16
 4:23,25 5:6,10,14,16
 5:18 6:8,13,15,17,20
 6:23,25 8:3 9:1,8,10
 9:12,14,16,18 10:4,6
 14:3,9,12,25 15:16,22
 16:2,6,8,10,13,20
 17:1 19:23 20:8,14,19
 21:5,8,22,25 23:6,12
 24:5,22 25:2,6,12,14
 25:17,20,22 26:5,12
 28:6,9,13,16,19,23
 29:8 30:6,15,20,25
 31:4,6,8,10,12,14,19
 32:2,6,8,10,12,14,16
 32:21,23,24 33:17
 34:14 35:25 36:6,13
 36:21
CHAIRMAN 7:12
change 3:11,20 5:4
 16:18,23 19:3 29:4
 31:18
changed 25:10
changing 31:20
characteristics 18:14
 22:23,24
characterization 13:3
characterized 26:19
cheer 18:8
Chief 2:9
Chiefs 18:9
chop 18:8
Chorus 5:13
circulate 36:12
circulated 10:10
citizens 10:15 13:19

citizenship 11:4,16
 13:10
city 10:21 18:9
civil 1:1 3:6,11,15 9:23
 10:1,10 16:17,22 17:2
 26:1,7,13 34:17,23
 35:19
Clark 35:5,9,11
clear 27:2
Cleveland 23:11
clip 35:14
coded 14:22
collects 11:8
color 10:13 13:10
Columbia 12:19
come 4:4 8:6 34:5
coming 19:25 33:21
commend 33:13
Commission 1:1,4,12
 3:6,10,15 4:5 5:21 6:1
 8:19 9:22 10:1,10
 13:8,16 14:7 16:16,22
 17:2,11 18:25 19:8
 20:20 26:1,7,13 27:10
 28:7 29:20 34:7
Commission's 3:4 7:3
 13:13 14:23
Commissioners 8:20
 16:14,15 25:24,24
 31:16 33:20 34:4,15
commitment 35:16
Committee 5:23
Committees 4:19
community 21:8,12
complete 14:16
compliant 33:10
comply 11:3
concentrate 24:2
condemn 24:1
confess 29:15
Congress 10:19 11:17
 12:1,4,9,14 13:5
 26:24 27:2 28:3
congressional 10:22
Congresswoman 10:25
consequence 8:12
consequences 8:23
consider 24:7
consideration 9:21
 26:6
considered 33:15
considering 10:8
consistent 10:12
consistently 22:8
consolidated 12:3
Constitution 29:17
contained 33:1
contemporary 19:20

context 8:9 17:15
continue 34:10
continued 11:24
continues 14:23
continuing 14:21 27:13
contrary 13:24 18:23
contributing 19:18
convened 1:12
conversation 24:15
core 10:12 13:13,25
corporate 17:6
corporations 19:1
correctness 29:16
Counsel 2:8
counted 10:16
counting 11:14
country 8:25 11:5,14
 19:22 21:16 26:16
country's 19:12 24:9
 26:18
couple 4:17 7:13 29:13
course 33:1
Court 27:7 28:1,23
Court's 3:16 5:5 26:2,8
 26:14,23 27:1 28:7
courts 11:20
COVID 7:21 8:5
COVID-19 7:17 31:24
Cowards 23:2
create 17:17 18:17
creates 20:24
Creek 26:16,25
Crisis 29:3
criticism 18:12
Cruz 23:8
culminating 17:23
cultural 17:20 18:2
culture 17:14 18:20
 20:23 21:10
current 13:23
customary 27:8

D

D 3:1,6 4:1
D.C 3:7,12 5:3,3 9:23
 10:2,11,18,22,24
 11:17,21,25 12:3,10
 12:14,16 13:4,23 14:7
 14:18,21 16:19,23
D.C.'s 10:20 11:3 17:3
Daiquiri 5:24
date 3:20 4:20 31:18,21
 31:22
Dave 4:10
DAVID 1:21
days 29:13
de- 18:10
deal 29:20

DEBO 1:17
debt 35:22
decided 19:5
decision 3:11,16 5:5
 16:17,22 17:3 26:3,9
 26:14 28:8 29:10,12
 29:12,19,21
decisions 27:7
deep 15:3 19:8
defined 27:7
definitely 30:3
degradation 12:22
delay 8:12
delegate 10:22
democracy 35:14
Democratic 12:8 13:25
denial 10:19 13:23
 14:16
denied 10:18,23 11:4
 13:5
denigrate 18:12 22:22
dense 29:14
deprivations 10:13
description 30:1
deserve 12:21
despite 11:16 19:15
 24:12
detract 17:16
detrimental 20:25
Detroit 23:2
develop 18:6
development 27:15
died 11:14
Diego 23:21
different 22:18
difficult 34:8
dignity 19:7
dimensional 19:19
director 2:7 3:22 5:24
 6:2 7:9 32:17,20
 33:18
director's 32:18
disability 10:14
discontinue 17:9
discourage 18:10
discrimination 19:9
 30:1,2
discuss 33:4
discussing 9:24 16:24
 26:11
discussion 3:4,10 4:18
 5:2,21 6:9 7:2,5,7,13
 7:24 14:5,13 15:1,17
 16:16 20:5 21:23
 23:12 24:23 28:13,19
 29:9 30:20 31:20,21
 32:2
discussions 9:3

disenfranchised 12:1
disenfranchisement
 12:15
dislocation 17:24
disparities 3:5 7:4,15
 8:1,10
disregard 27:13,16
disrespect 18:13
disseminating 18:2
dissent 29:13
dissents 29:11
District 11:9,13,24 12:1
 12:9,19,21,22 13:5
District's 14:19
diverse 18:23
documentary 35:4
doing 25:4
draft 36:12
driven 10:24
DUNSTON 2:9

E

E 1:16 3:1,10 4:1,1
earlier 7:21 26:22
East 15:11
Eastern 36:23
economic 17:5 27:15
economics 19:6
economy 12:16
EDT 1:13
education 27:15
educational 17:16
effect 8:6
effective 34:3
effort 33:13
either 29:24
Eleanor 10:25
elect 12:6
elected 36:17
elections 13:20
emphasize 18:11
employee 6:1
emulate 22:23,24
encourage 18:22
encouraging 18:19
endorse 21:21
enforced 29:5
enfranchised 11:23
enfranchisement 12:8
enjoying 30:15
ensure 13:19
entitled 9:22 16:21 26:7
environment 18:17
 20:25
environments 17:18
equal 11:5
equality 35:16
equally 27:2

equitable 19:21
eradicated 13:17
establish 13:18
established 26:25
ethnic 23:17 27:20
everybody 8:14 33:10
 36:12
exactly 13:24
example 12:23 15:9
exceptions 19:3
exclusion 13:9
execute 6:2
executive 27:8
expand 14:1
expansion 14:23 21:16
expectancy 27:23
expectation 28:3
experience 21:10 27:19
experiences 17:20
 18:22
expertise 8:22
extraordinarily 34:3,8
eyes 35:3,3

F

F 3:15
faced 35:5
fact 22:10
factual 13:22
failed 19:14 24:11
failure 27:11 29:6
failures 19:10,16
fair 19:24
famous 35:14
fan 18:3
fans 18:6,8 19:1
favor 5:12 16:15 25:25
 31:16
February 13:16
federal 11:8,10 12:5
 19:10,13 24:9,17
 28:24
feel 35:20
fellow 33:20 34:4
Fighting 23:20
financial 19:2
fine 24:21
first 4:7 5:20 9:20 14:13
 20:15 28:20
fledgling 12:5
floor 6:9 7:7 12:24 14:5
 20:5
focused 7:21
folks 20:1 22:25
following 5:22
football 3:12 5:4 16:19
 16:23 17:4
Footnote 24:8

force 35:15
foreign 27:9
foreseeable 8:6
form 13:21
former 11:25
forward 7:22 8:11 22:6
 34:10
fought 11:13
found 27:10
founded 11:5 14:1
frankly 21:10
Freedom 35:4
Friday 1:8 7:9
friendly 24:16
front 30:11
fulfill 19:11 29:6
fulfilling 11:16
full 11:4
further 27:1 32:25 36:3

G

G 3:1,20 4:1
Gail 1:19 36:5
gamble 33:25
General 2:8
generations 35:20
getting 8:4,5
Gilchrist 1:18 6:13,14
 9:8,9 15:22,23,25
 25:2,4 31:4,5 32:6,7
Give 23:10
given 13:1
glad 7:18
gotten 21:4
govern 12:3
government 5:25 11:8
 12:5,19 14:19 19:11
 19:13 24:9,17,18
 26:15 28:4,24
government-to-gove...
 27:6
governor 13:1
graduation 27:23
grateful 8:19
gratitude 35:23
grounds 12:15
group 22:21 27:21
groups 23:17
growing 21:11
guess 20:9 24:3

H

H 3:22
hand 21:6 28:14 30:7
 34:12 35:11
hands 15:17
hard 35:11
harmful 18:14

health 3:5 7:4,7,15 8:1
 8:10 27:15
healthcare 8:10
hear 20:2 25:14 32:18
 32:22
heard 28:25
hearing 5:11 6:9 15:18
 22:3 24:23 32:3
held 17:11 28:23,24
help 8:22
Heriot 1:19 6:15,16
 9:10,11 15:2,3 16:3,4
 23:13,14 25:7,8 29:9
 29:10 31:6,7 32:8,9
 36:6,8
high 27:23
higher 27:22
highest 11:11
Hispanic 23:23
historic 10:20 27:11
 29:6 35:2
historical 13:9 17:20
historically 11:23 14:19
history 13:11 18:24
 19:7,12 24:9 35:16
hit 35:10
hold 7:14 34:24
holding 26:15,24
Holmes 10:25
home 10:24
honor 11:15 22:25 36:3
honorifics 18:13
hope 28:3
hostile 17:17
hostility 17:17
House 10:23
housing 27:14
hundreds 21:17,17

I

Idaho 4:19
identify 33:22
ignore 27:25
ignored 19:13 24:9,18
imagery 17:9,12 18:2
 20:20,24 21:12
images 19:17
imagine 21:11
immediately 6:4
important 8:8,9,18
importantly 34:21
inaccurate 19:18
inappropriate 18:18
inattention 8:24
inception 13:14
including 27:13 29:11
income 11:10
incorporated 11:25

incorrectness 29:16
increased 12:9
Indians 17:21
individual 5:22
indulgence 34:15
infant 27:22
influence 18:2
influencing 12:4
infrastructure 27:14
inhibit 18:21
initially 7:14 11:24
initiative 15:12
initiatives 15:10
insensitive 18:18
inspiration 35:20 36:1
inspired 34:22 35:21
instance 28:2
instruments 13:17
intend 22:21
interest 32:25
interested 8:4
interference 17:24
interim 5:24
intimidating 17:18
Irish 23:20
issue 8:9 15:4 19:5 22:3
 29:18,24 30:3
issues 8:23,24 16:5
item 5:20 9:20
items 4:5 18:16

J

Jim 35:5
John 12:13
judgment 11:19
July 1:8 7:9
jurisdiction 15:4,15
 16:5 29:22,24
jurisdictions 29:22
justice 34:24 35:16
justified 14:17

K

Kansas 18:9
keep 12:25 25:4
keyboard 30:11,22
killed 27:20
kinds 22:18
Kirsanow 1:20 6:17,18
 9:12,13 16:6,7 21:24
 21:24,25 22:1 23:6,10
 23:15 25:12,13,16
 31:8,9 32:10,11
Kladney 1:21 4:10,10
 4:22,22,25 6:6,6,21
 6:22 7:10,10 9:14,15
 9:22,25 10:3,9 14:4,6
 14:13,14,15 15:1 16:8

16:9,21,25 17:1 19:24
20:4,9,11,16,17,18
21:5 24:7,20 25:18,19
26:6,10,12 28:12,20
28:21,22 30:11,13,18
31:10,11 32:1,12,13
Kladney's 28:10 30:22

L

language 14:22 21:9
larger 14:17
late 35:23
law 29:17 35:17
laws 27:8
lead 18:6
learn 8:21
legacy 17:22 21:15
legend 34:17
let's 5:11 30:24
Lhamon 1:13,16 4:3,12
4:16,23 5:6,10,14,16
5:18 6:8,13,15,17,20
6:23,25 7:12 9:1,8,10
9:12,14,16,18 10:6
14:3,9,12,25 15:16,22
16:2,6,8,10,13,20
19:23 20:8,14 21:5,22
21:25 23:6,12 24:5,22
25:2,6,12,14,17,20,22
26:5 28:9,13,16,19
29:8 30:6,15,20,25
31:4,6,8,10,12,14,19
32:2,6,8,10,12,14,16
32:23 33:17 35:25
36:6,13,21
life 19:20 27:23
liked 22:10
likewise 18:1
Limitations 14:18
limited 18:19 28:2
list 8:14
literacy 13:17
live 23:6 27:19
lives 30:16
living 10:17 11:24
long 17:11 26:18 29:11
29:14
longer 28:1
longstanding 20:19
27:13
look 7:22 29:24
looking 8:11 34:9
Louisiana 5:22
love 36:11
lovely 36:21
lower 27:22
lowest 27:23

M

Madam 4:25 8:3 10:3
17:1 20:18 21:8 26:12
28:6,22 32:21,24
34:14
majority 10:21 29:13
making 33:9
Mancari 29:25
March 7:15
Marion 13:2
marred 27:11
mascot 22:21 23:8,16
24:1
mascots 22:2,11,15,18
23:4
mass 21:17
maternal 3:5 7:4,7,15
8:1,10
matter 19:6 29:17 33:3
MAUREEN 2:8
MAURO 2:7
mayor 12:6,11,25
McGirt 5:5 26:14 28:8
mean 15:8 23:20
meaningful 10:18
meant 15:15
Medal 11:15
meeting 1:4 3:20 4:9,20
4:21 31:18,21,22
34:20 36:10,22,24
member 5:25 13:4
members 12:14
memory 36:18,19,22
men 11:23 12:8
met 35:21
MICHAEL 1:22
middle 34:6,7
mile 35:18
minority 13:7,11
misappropriate 18:13
misgivings 15:4
mission 10:12 17:16
mocks 17:13
moment 33:6 36:3
money 11:18
monthly 32:18
moot 29:18
Morales 2:7 32:17,21
32:24
Morgan 12:13
mortality 27:22
Morton 29:25
motion 3:6 4:8,11 5:18
6:1,5,25 9:18 10:1,4
14:4 16:13 20:3,10
25:22 28:10,11,17
31:16 32:16
mourn 36:2

mouth 35:6,10
move 4:17 5:1,21 7:8
10:7 14:6 16:20 26:5
28:6 31:19,21
moved 20:6
Moving 19:19
murder 21:17
mute 15:24 20:1 25:3
muted 9:1

N

N 1:20 3:1 4:1
name 3:12 5:4 16:18,23
17:5 22:20,22 35:2
named 22:25
names 17:9 18:5,12
20:21 21:3,4 22:2,7
22:16,19 23:16 24:1,3
25:10
nation 11:12 13:25
26:16,25 27:24 28:1
national 10:14
Native 3:17 17:10,12,14
17:18,25 18:5,7,18,20
18:22 19:7,9,14,18,20
20:20,23,25 21:2,11
21:17 22:9,13 23:18
24:3,10 26:4,9,19
27:5,17,18 28:25 29:7
near-term 34:5
Nebraska 21:1
necessarily 22:15
necessary 8:16,16
12:16 19:21
need 25:10
needed 13:10 29:5
negative 18:20
Negro 12:18
never 33:14
new 8:15,17 33:13
34:17
nicknames 17:12
noise 19:25 20:11
non-Native 17:7,19
23:16
normal 33:13
normalize 21:19
normalizes 17:22
Norton 10:25
note 19:24 21:1 22:2,16
noted 26:20 27:17
notice 17:15
notion 15:5,12
number 35:7
numerous 19:16 24:12

O

O 4:1

obligations 11:4,16
19:11,13 24:10,18
27:12,25 28:25 29:1,5
29:7
Obviously 24:13
OCRE 33:8
offend 22:13
offensive 17:4,13 21:20
24:2 25:9
offer 7:13
office 36:17
official 17:5
OGC 33:9
Oklahoma 5:5 26:14
28:8
ones 22:12
ongoing 10:19
open 6:8 7:7 14:5 20:4
opinion 29:13,16
opportunity 8:8 10:24
opposed 5:14,19 16:15
oppression 17:22
orders 27:8
Organic 12:2
origin 10:14
outside 20:12
overbroad 23:5
overwhelming 30:10,14
overwhelmingly 30:9
owe 35:22

P

P 1:17 4:1
p.m 1:13 4:2 36:23,25
Padres 23:21
pages 29:11
paid 11:10
PAMELA 2:9
paperwork 6:3
part 21:10
participation 12:8
particular 23:22 25:11
33:3
passage 12:2
passed 34:18
passes 5:18 6:1 7:1
9:19 16:14 25:23
31:17 32:17
passing 34:16 36:2
peacefully 35:6
people 8:17,24 13:9
19:18 28:4 29:20
35:15
people's 21:1
peoples 26:19
perceived 22:24
percent 22:9 30:23
perpetrate 18:14

perpetrated 17:23
persist 12:12
persistent 19:9 30:18
person 33:24 35:2
persons 18:14
pervasive 18:3 20:24
PETER 1:20
phone 20:12
pick 4:4
place 20:1
plane 22:15,16
play 30:11
played 22:17
playing 30:22
pleasure 34:20
point 10:24 23:19 26:21
 29:17
points 7:13 24:14,16
police 27:20
politics 12:4
polling 22:7
population 12:18 14:16
 14:20
portrayals 17:16 18:18
position 20:19
possible 15:13
postponed 7:16
potential 17:17
poverty 27:19
power 12:3 35:15
powers 13:1
practices 27:9
premise 11:6
prepared 35:13 36:9
PRESENT 1:15 2:6
President 11:22,22
 13:18
presidential 12:11
presiding 1:14
pressure 17:6
prevent 17:19
previously 7:23
principle 19:21
principles 13:25
privilege 34:22
privileged 35:21
prize 35:3
problem 20:13 22:9
produced 18:16
professional 17:4,7
 18:1
program 7:19 13:19
project 8:1 34:5
projects 7:6,20
prominent 14:20
promise 26:16
promises 7:22 26:20,21
 27:3,4,12 29:2

promising 19:16 24:12
promote 12:22 20:22
proponents 12:20
proposed 11:1 16:21
 26:7 30:21
proposes 9:22
protection 13:12 29:20
provide 19:15 24:11
punched 35:6,10,11
putting 33:8

Q

question 6:10 9:4 15:18
 23:9 24:24 26:24
 29:21 31:1 32:3
Quiet 29:3
quite 21:10 36:1
quoted 34:18

R

R 4:1
race 10:13 30:1,4
racial 7:15 17:17 23:17
 27:21
racially 14:22
racist 12:15,22
raise 8:21 21:6
raised 15:17 30:7
raising 28:14 34:12
ramifications 15:8
rape 27:19
rate 11:11
rates 27:24
rats 12:17,17
reach 8:13
reaching 8:11
read 9:25 10:6 14:8
 16:25 20:4 26:10
 29:12
real 13:6
recipients 11:15
recognition 27:1
recognized 13:8
recognizing 28:2
recommend 14:23
recommendation 5:23
recommendations
 13:21
recommended 13:16
record 28:17 36:25
reductive 18:19 20:22
refer 23:17
referencing 18:5
refers 23:22
reflected 19:10
reform 3:4 7:3,6,16
refuse 19:2
regard 28:6

register 13:20 35:8
regulations 27:8
reiterated 13:15 26:21
relations 27:9
relationship 26:18 27:6
 27:11
religion 10:13
relocation 17:24 21:18
rely 18:6
remedy 29:6
removal 21:2
repeated 19:10
replacing 12:11
report 3:22 7:22 13:7
 13:15 26:20,21 29:2,3
 32:19,20 33:1,4
reported 34:16
representation 10:18
 11:5,7,17 12:21 13:23
 14:18
Representatives 10:23
request 24:7
required 11:3
Reservation 26:25
residents 11:3,10,13,18
 11:21 12:2,21,23 13:4
 13:5,24
resources 19:15 24:11
respect 19:6
response 5:15,17
result 7:17 27:16
retain 27:5
returning 7:22
revenue 11:9
Reverend 34:17 35:12
 35:12,23
revised 7:6
revisit 8:13
revolutionary 11:6
rich 18:23
rid 12:17 21:4
rightly 28:23
rights 1:1 3:7,11,15
 9:23 10:1,10,19 13:8
 13:11,12,22 14:2,16
 14:24 15:6,7,15 16:17
 16:22 17:2 19:7 26:1
 26:8,13 31:24 34:17
 34:23,24 35:19
role 10:20
roll 6:10 9:5 15:19
 24:24 31:1 32:3
roots 21:20
RUDOLPH 2:8
rule 19:4
running 35:10
runs 13:24

S

S 4:1
SAC 21:1
safe 12:25
San 23:21
Santa 23:8
saturated 18:17
saw 9:1 21:5 30:6
says 22:22 23:1
scheduled 7:14
school 27:23
schools 17:8,13,15
Scrolling 15:17
second 4:13,14,21,22
 5:7,8 6:4,7 7:9,11
 14:10,11 20:8,10
 28:10,11 31:25 32:1
seconded 28:17
seeing 24:23
seeking 35:6,8
seen 33:11
segment 35:4
self- 14:18
self-determination
 12:10
self-governance 27:14
seminal 13:22
Senate 12:24
Senator 12:13,23
send 33:18
sense 15:6 23:25 24:2
sentence 24:8,19
separate 30:21
separated 10:20 19:17
 23:18
series 35:4
serve 5:25
services 33:8
session 4:4
severe 17:5
sex 10:13
shaped 27:6
shared 7:8
Sheriff 35:5,9,11
short-term 7:19
shows 35:14
side 35:15
sign 25:11
significant 18:2
similar 13:17
similarly 21:2
simple 28:2
simply 23:3 30:8
sits 11:19
sitting 20:11
skills 30:22
slavery 12:7
slug 23:8

small 24:6
society 18:4
somebody 22:17
someone's 36:18
sorry 6:18 9:1 15:2,25
 25:5,14
sovereignty 30:2,4
speak 33:2,3
speaking 15:23 20:1
special 27:6 33:20
spent 11:18
sponsor 7:25 14:14
 20:16 28:20
sponsored 11:2
sponsors 17:6 19:1
sports 17:12 18:1 20:20
 21:3 22:17
staff 2:6,7 3:22 5:23 6:2
 7:8 32:17,18,20 33:6
 33:12,17,19 34:4
started 29:12
state 12:4 23:7 29:22
stated 12:16 27:4
statehood 5:3 14:7,22
statement 3:8,13,18 5:3
 5:3,4 9:21,25 10:2,6
 14:4,7,14,22 16:19,21
 16:25 20:3,16 21:3,21
 22:22 24:23 25:11
 26:4,6,11 28:7,21
 30:21 36:9
statements 5:2
states 10:15 11:11,25
 12:23,24 13:12 14:17
 15:11,13 17:2 27:5
Steele 5:24
STEPHEN 1:18
stepping 33:9
stereotypes 18:7,15
 20:22 21:9
stereotypical 19:17
stress 27:18
strike 15:14
strikes 30:3
strip 12:16
stripped 12:10
strong 29:25
struck 22:5
struggle 30:19
students 17:18
studied 19:8
STUDY 3:4,4 7:3,3
subset 23:22,24
substantial 33:22
suffered 11:14
suggestion 36:21
support 18:17 19:2
 21:21 31:24 34:23

35:19
supported 8:20 12:14
supports 3:7 9:23 10:2
 10:11
Supreme 3:16 5:5 26:2
 26:8,14 27:7 28:7,23
symbols 21:12,14
sympathy 23:11
system 12:12

T

table 4:18
tactics 19:3
taken 20:13
talking 20:12
tax 11:9,10,18
taxation 11:6
team 3:12 16:19,23
 17:4,5,9 18:5,12
 20:21 21:2 22:20 33:8
team's 5:4
teams 17:8,13 18:1,8
 18:10,17 19:2
teleconference 1:13
telephonic 1:4 17:24
tend 18:6
term 17:5
terrible 21:15,15
tests 13:17
thank 4:3,12,16,23 5:6
 5:10 6:8,20 7:12 8:3
 10:3 14:3,9,12,25
 15:16 16:2 19:23
 20:14,18 21:4,7,22
 24:22 25:6,17 28:9,12
 28:18,22 29:8 30:6,16
 32:2,21,23 33:12,16
 33:17,18,19 35:24,25
 36:2,13,23
thanking 9:2
thanks 34:9
theme 29:2
things 33:15 34:24
thought 10:9 28:15
 34:2 36:8
three 5:2 12:11
tied 14:19
timeline 3:4 7:2 31:23
timelines 7:6,8
times 19:16 24:12
 34:18
today 7:21 12:20 14:21
 24:15 28:25 33:7 36:1
 36:18
today's 34:2
tomahawk 18:8
topic 8:18,21
topics 7:23

touches 24:15
track 8:5,8
tradition 36:16
traditions 18:6,11
tread 16:11
treaties 3:17 26:4,9
 27:7 29:21
treaty 19:13 24:10,18
 28:24 29:1,4
tribal 18:13
tribe 27:3
tribes 17:23 27:5,14
 28:25 29:1
tried 33:14
tries 21:19
trivializes 17:14
true 17:20 23:23
trust 12:25 13:2 27:12
truth 28:2
trying 29:12
turn 7:24 14:13
turns 22:8
two 14:17 16:14 19:19
 25:23 30:4
Tyler 12:13

U

U.S 1:1 3:6,10,15,16,17
 9:22 10:1,10 11:16
 13:24 16:16,21 26:1,2
 26:3,7,8,9,13,13 28:4
Ubiquitous 18:16
unable 10:25
unanimously 5:19 7:1
 9:19 32:17
unavailable 8:17
uncompensated 5:25
underscored 24:14
understand 13:11
understanding 13:9
 17:19 18:21 19:20
 20:22
undertaken 14:1
unemployed 27:19
United 10:15 12:23,24
 13:12 17:2 27:5
universally 22:20
University 23:7
unseen 33:11
untrue 18:7
untrustworthy 13:4
unwavering 34:23
unyielding 35:12
update 7:21 31:24
Upholding 3:16 26:3,9
urge 17:7
use 17:9,11

V

v 5:5 26:14 28:8 29:25
Vermont 4:19
Vice 11:22
video 35:14
view 8:7 18:20 19:18
Vikings 23:21
vindicating 26:15
virtual 33:7,21
Vivian 34:17,18,21 35:1
 35:12,12,18,23 36:9
 36:19,23
voice 8:20
vote 3:4,10 4:20 5:2
 6:10,11,25 7:2,5 9:5,6
 9:18 10:15,24 11:1,21
 11:24 13:20 15:10,19
 15:20 16:4,13,16
 24:24,25 25:15,22
 30:9,24 31:1,2,14,20
 32:4,4,9,16 35:7
voted 7:23 25:24 31:15
voter 15:12
voters 15:10
votes 10:15
voting 10:19 11:17 13:7
 13:11,12,22 14:2,16
 14:24 15:6,7,15 24:4
 25:8 31:24 34:23

W

walked 35:18
wanted 23:14 34:15
war 11:19
Washington 3:7,12
 9:23 10:2,11,18 12:25
 16:19,23 17:3
Washingtonians 12:5
way 21:19 34:10
ways 33:11
welcome 19:3 29:4
well- 24:11
well-being 19:15 21:1
went 33:15 36:24
western 21:16
white 11:23
whitewash 21:15
wholeheartedly 21:20
 26:23
wield 18:1
willing 25:11
window 20:12 30:15
wish 33:4
withdraw 19:2
withhold 19:1
witness 8:14
witnesses 8:13
word 24:17 26:15 34:16

work 13:13 14:1,23 28:15 33:6,10,22,25	4
wounds 11:14	4 3:2,3
X	5
	5-4 29:12
Y	6
Yaki 1:22 5:8,9 6:23,24 9:16,17 16:10,11 20:6 20:7 21:6,7,23 25:20 25:21 28:14,17,18 30:7,8,23 31:12,13 32:14,15 36:5,14,15	7
year 11:9 12:24 13:5	7 3:5
years 26:22	700,000 10:17
York 34:18	8
Z	85 22:8
Zoom 15:17 30:16	86 29:11
0	9
1	90 22:8
10 3:8 7:9 24:8	95 34:19,19
100 30:23	
12:00 1:13	
12:01 4:2	
12:37 36:23,25	
14 31:22	
15 26:22	
16 3:13	
17 1:8	
1791 12:1	
1801 12:2	
1820 12:6	
1866 26:17	
1878 12:10,15	
1961 11:22	
1965 13:16,23	
1973 12:12	
2	
2003 29:3	
2018 13:7,15 26:20 27:18 29:2	
2019 21:3	
2020 1:8 7:15,16	
21 31:23	
22 11:11	
26 3:18	
27 11:8	
3	
31 3:20	
32 3:22	
37 3:24	
375 27:7	
38 11:15	

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Business Meeting

Before: US CCR

Date: 07-17-20

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701