

U.S. COMMISSION ON CIVIL RIGHTS

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TELEPHONIC BUSINESS MEETING

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FRIDAY, MAY 14, 2021

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

PRESENT:

NORMA V. CANTU, Chair  
J. CHRISTIAN ADAMS, Commissioner  
DEBO P. ADEGBILE, Commissioner  
STEPHEN GILCHRIST, Commissioner  
GAIL HERIOT, Commissioner  
PETER N. KIRSANOW, Commissioner  
DAVID KLADNEY, Commissioner  
MICHAEL YAKI, Commissioner

MAURO MORALES, Staff Director  
DAVID GANZ, General Counsel & Parliamentarian  
PAMELA DUNSTON, Chief ASCD

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12:00 p.m.

OPERATOR: Ladies and gentlemen, good day and welcome to the Commission business meeting for May 14th. Today's conference is being recorded. At this time I would like to turn the conference over to Chair Cantu.

Please go ahead, ma'am.

CHAIR CANTU: Thank you and good morning. Welcome to the business meeting for the U.S. Commission on Civil Rights. The meeting comes to order at noon, Eastern Standard Time, on May 14th, 2021.

I'm Chair Norma V. Cantu, and we thank the staff who completed the public notice needed for this meeting and arranged for this public phone call. We thank the general public for their interest in attending today.

Due to respect for health and safety the commissioners are conducting this business meeting by phone conference. I would like to confirm that the commissioners are on the line and we'll take a roll call. Please say present or some other response when I say your name.

Commissioner Adams?

COMMISSIONER ADAMS: Present.

OPERATOR: Excuse me, Ms. Cantu?

CHAIR CANTU: Yes?

OPERATOR: Commissioners Adegbile and Yaki are on as well.

CHAIR CANTU: Thank you. Thank you.

Commissioner Adegbile?

COMMISSIONER ADEGBILE: Present.

CHAIR CANTU: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: Present.

CHAIR CANTU: Commissioner Heriot?

COMMISSIONER HERIOT: I'm here.

CHAIR CANTU: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Here.

CHAIR CANTU: Commissioner Kladney?

COMMISSIONER KLADNEY: Here.

CHAIR CANTU: Commissioner Yaki?

COMMISSIONER YAKI: I'm here.

CHAIR CANTU: Based on our response we not only have a quorum; we have perfect attendance. My mother the school principal would be proud of you. Is the court reporter present?

COURT REPORTER: Present.

CHAIR CANTU: Thank you. Is our staff director present?

MR. MORALES: I am present.

CHAIR CANTU: Thank you. Our meeting will now come to order.

#### I. APPROVAL OF AGENDA

As a matter of procedure we first ask someone to move to adopt the agenda. According to our process that then triggers a motion to allow for amendments to be offered to the agenda. Does anyone wish to move to approve the agenda so that we can then proceed to considering amendments?

COMMISSIONER HERIOT: So moved. Heriot.

COMMISSIONER ADEGBILE: Second. Adegbile.

CHAIR CANTU: Thank you. So I will then call for any amendments. And I have some of my own, but let me tell you which ones I've got in mind and then you can please add.

The first is to include in the agenda for today the state advisory committee report presentations from the D.C. SAC Chair, John Malcolm, then the Alabama SAC Chair, Jenny Carroll, and then Wyoming SAC Chair, Robert Byrd.

The second amendment to the agenda is to propose to add a June 18, 2021 noon meeting, a business meeting to consider and vote on the final statutory enforcement report that is required by our statute to be completed before our fiscal year ends. And that report is on maternal health disparities.

A third proposed change to the agenda is to add a discussion and vote on a Commission statement in honor of the Honorable Cruz Reynoso, former Vice Chair of the U.S. Commission on Civil Rights.

And I offer condolences to family and to those of you who knew him. He passed away.

Are there other proposed amendments to today's agenda?

Hearing no other proposed amendments, all in favor in accepting today's agenda with the three proposed changes, please say aye?

(Chorus of aye.)

COMMISSIONER HERIOT: I also second the amendment motion.

CHAIR CANTU: Thank you. Thank you, Commissioner Heriot. Helping me. Helping me out.

Do we have any opposed?

Any opposed?

Any abstaining?

Thank you. Okay. So our first order of business concerns the proposed action to re-authorize the North Carolina State Advisory Committee and the appointment of new members.

#### II. BUSINESS MEETING

##### A. DISCUSSION AND VOTE ON NORTH CAROLINA ADVISORY COMMITTEE APPOINTMENTS

CHAIR CANTU: As you know, our Commissioners depend on advice from highly-qualified persons who serve in each of our 50 states plus the District of Columbia. So to move this along I'm going to first move to appoint the following person as the State Advisory Committee Members for the State of North Carolina, and these are based on nominations that came from our commissioners and also on recommendation of the staff director.

The names of the committee that are proposed are: Olga Wright as the SAC chair and returning appointee; Daniel Bowes, new appointee, Pearl

Burris-Floyd, new appointee; Travis Cook, new appointee; Christopher Duggan, new appointee; Marcus Gadson, new appointee, Stephen Greene, returning appointee; Jonathan Guze, new appointee; Jennifer Lechner, new appointee; Angelo Mathay, new appointee; Patrick Mincey, new appointee; Donna Oldham, returning appointee; Catherine Green, new appointee; A. Mercedes Restucha-Klem, returning appointee; E. Gregory Wallace, new appointee; Bradley Young, returning -- oh, no, Bradley Young, new appointee.

All these individuals will serve as uncompensated government employees. If the motion passes, the Commission will authorize the staff director to execute the appropriate paperwork.

Do I have a second for this motion to appoint the members of the North Carolina State Advisory Committee?

COMMISSIONER HERIOT: I second. Heriot.

CHAIR CANTU: Thank you, Commissioner Heriot.

Any discussion?

Having given everyone a chance to un-mute the phone and participate, I want to thank the people who worked so hard coming up with these nominations and the commissioners for bringing forward this excellent slate.

The next thing is to go to a vote. So the usual protocol is to do a roll call vote. So Commissioner Adams, how do you vote?

COMMISSIONER ADAMS: Yes.

CHAIR CANTU: Adegbile, Commissioner, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR CANTU: Commissioner Gilchrist, how do you vote?

COMMISSIONER GILCHRIST: Yes.

CHAIR CANTU: Commissioner Heriot?

COMMISSIONER HERIOT: I vote yes.

CHAIR CANTU: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Yes.

CHAIR CANTU: Commissioner Kladney?

COMMISSIONER KLADNEY: Yes.

CHAIR CANTU: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR CANTU: And I vote yes. The motion passes. All commissioners have voted aye.

And congratulations to the successful slate and many, many thanks to the North Carolina SAC.

So we now turn to the second item on the agenda.

B. PRESENTATIONS FROM STATE ADVISORY COMMITTEES TO THE COMMISSION ON RECENT REPORTS

CHAIR CANTU: I've been looking forward to this. These are three reports from the chairs of our SACs.

First we're going to hear from our D.C. Advisory Committee Chair John Malcolm and they're reporting on their committee report: Mental Health, Mental Health Courts and the Criminal Law System.

Chair Malcolm, we hope that you can keep it to 10 minutes and we would really appreciate it if you could. So you have the floor.

MR. MALCOLM: I'll endeavor to do my best. Thank you.

CHAIR CANTU: Thank you.

D.C. ADVISORY COMMITTEE REPORT: MENTAL HEALTH, MENTAL HEALTH COURTS AND THE  
CRIMINAL LEGAL SYSTEM.

MR. MALCOLM: Madam Chair and commissioners, my name is John Malcolm. I was the chairman of the 2016 to 2020 D.C. Advisory Committee that submitted for your consideration a report entitled: Mental Health, Mental Health Courts and the Criminal Legal System.

It's an honor for me to appear before you today and I appreciate the opportunity to present a brief summary of our report to you. I would be remiss however if I didn't begin by expressing my deep appreciation to my fellow D.C. Advisory Committee members and to the Commission staff for their dedication and support in bringing this project review to a successful conclusion.

I'm well aware, as I know you are, that advisory committee members serve as citizen volunteers and that each of them has a very active professional life. I thank them, as I know you do, too, for their public service.

I'd also like to thank the subject matter experts who were generous with their time and willing to share their insights about mental health court practices around the country, and in particular about the D.C. Mental Health Court -- Community Court System.

We heard from a broad cross-section of experts including distinguished academics, members of the Metropolitan Police Department, prosecutors and the counsel who appear regularly before the D.C. Mental Health Community Court, housing and mental health service providers, a D.C. Superior Court judge who was a founding member of the program, the current coordinator of the city's program, and citizens who graduated from the D.C. Mental Health Community Court Program. We benefited greatly from hearing their testimony and from considering the written material they submitted.

As the report points out, there's been a significant decline over the last half century in the reliance on large state hospitals to care for persons diagnosed with a severe mental illness. Unfortunately a large portion of these individuals who otherwise would have been hospitalized end up in the criminal justice system, which is not well-prepared to care for the needs of this vulnerable population. This exacerbates the problem of the revolving door of defendants with mental health conditions cycling in and out of the criminal justice system.

In 2007 the Superior Court of the District of Columbia implemented a new treatment court, the D.C. Mental Health Community Court, in an attempt to address the growing problem of people with severe mental illness becoming involved in the criminal justice system.

The initial focus of the program was on misdemeanor offenders, but the program was expanded in 2011 to include certain non-violent felony offenders. And while individuals charged with violent felonies are generally ineligible for participation, superior court judges can include treatment and supervision administered by the mental health court as part of the sentence imposed on such offenders.

While some of the experts we heard from remained skeptical about the overall utility of mental health courts, and some believe that the criteria for inclusion in D.C.'s program are too restricted, it was universally acknowledged that the D.C. Mental Health Community Court is both larger and more effective than many mental health courts in this country. This is supported by studies,

which though limited in scope, strongly support the conclusion that the D.C. Mental Health Community Court is effective in reducing recidivism among its participant populations.

It's important to remember though that while reducing recidivism rates is important it is not the only measure of success. Another is the lasting benefits that are derived by many successful program participants. One such individual told our committee; and I quote, I love the mental health court. A mental health court gives you a chance to prove yourself and what a great thing to prove yourself to people that don't know you, but yet they trust you. I feel good being here because they helped me.

We commend the care and professionalism offered by those who administer this program. That having been said, as further outlined in our reporter, the D.C. Advisory Committee offers the following five recommendations:

First, encourage continued funding and operation of the D.C. Mental Health Community Court and suggest that it or an interested academic institution create long-term tracking systems of graduates, periodically measuring their status for example following the first, second and fifth years after completing the program, tracking both static factors such as age, race, sex, et cetera, and dynamic factors such as resident status, substance abuse and other such factors, if possible.

Second, urge the U.S. Attorney's Office to consult the prosecutors in other districts about their experiences with mental health courts and review annually the eligibility criteria for expanded participation in the program. This may be particularly appropriate now because of the added risk of infection by the coronavirus pandemic for those who are incarcerated. Fortunately that appears to be receding.

Third, encourage community-based care programs to promote long-term goals for housing, education, counseling and employment services to those with serious mental illnesses, including individuals who have recently been released from otherwise involved in the criminal justice system.

Fourth, urge the community court along with the D.C. Department of Behavioral Health to devise standards for assessing the quality of care from service providers to program participants and develop schedules for conducting such assessments.

And finally, fifth, urge the D.C. Mental Health Community Court to examine the standards it uses comparing them with the central standards recommended for use by the Council of State Government and to report to the public any discrepancies between the two.

Thank you, commissioners, for allowing me to make this presentation. I look forward to your comments and will be happy to respond to any questions you may have.

CHAIR CANTU: Seven minutes. You did wonderfully well. Thank you, Chair Malcolm.

I now turn to our commissioners, and if you would bear with me, could we go alphabetically? That way I'll know that everyone had a chance if they want to ask a question or have a discussion with Chair Malcolm.

Commissioner Adams?

COMMISSIONER ADAMS: Thank you, Madam Chair.

Mr. Malcolm, a brief question. Did your study have occasion to examine the involuntary commitment procedures in Washington and how they might interact with the mental health courts for good or for bad?

MR. MALCOLM: That's a very important question. We did not because the civil commitment process is just that: it's a civil process and we were specifically focusing on people who are involved in the criminal justice system. Obviously there are people who get involved in both, but we did not look at the civil commitment process.

COMMISSIONER ADAMS: Thank you. Nothing else.

CHAIR CANTU: Thank you, commissioner. Commissioner Adegbile?

COMMISSIONER ADEGBILE: I just wanted to thank you for the important work and presentation on an issue that deserves attention in our cities and towns across the country. And I have no specific questions, but thank you for the focus on this important question.

MR. MALCOLM: Thank you.

CHAIR CANTU: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: Yes. Chair Malcolm, thank you for your presentation. I just have a very quick question. I read that there was some criticism of the mental health courts and I was just curious to know that if eliminated, what impact do you believe that would have on the mental health community there in D.C.?

MR. MALCOLM: Well, the most important thing is going to be obviously the outside programs and services that are available in the community regardless of whether anyone is involved in the criminal justice system. There are people who are our critics saying it's not worth it because of the limited eligibility requirement. Some people think actually that if you were not -- if you didn't have a mental health court, that it would be more likely that a lot more charges would be dismissed and people would be less entangled -- people with several mental illnesses would end up being less entangled with the criminal justice system than they are with the mental health court.

However, as one of the people who appeared before said, the D.C. system really is different in that a lot of care has been given to this. They've studied programs in other areas. And so I think that while many jurisdictions might be able to eliminate their mental health courts with only limited impact on the population I think the D.C. Mental Health Courts really do an excellent job with respect to the participant population and it would be a not good thing if the program were eliminated.

COMMISSIONER GILCHRIST: Thank you very much.

CHAIR CANTU: Thank you.

Commissioner Heriot, please?

COMMISSIONER HERIOT: I just want to thank Chair Malcolm and the members of the D.C. SAC for their hard work on this report, a very, very important issue, but I don't have any specific questions at this time. If I do, I hope I'll be able to contact Chair Malcolm and ask later.

MR. MALCOLM: You certainly can.

CHAIR CANTU: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: I have no questions. Just wanted to thank Mr. Malcolm for the report along with the rest of the folks.

MR. MALCOLM: Thank you, commissioner.

CHAIR CANTU: Commissioner Kladney?

COMMISSIONER KLADNEY: Thank you, Madam Chair.

Chair Malcolm, thank you very much and please extend our thanks to the rest of the members of the committee.

One question I have is that you said that there were critics of the program. Did they offer any alternatives to what the program offers the clients?

MR. MALCOLM: So when I say there were critics of the program, let me bifurcate that. There were some national experts who were critical of mental health courts in general, not so much about D.C.'s program specifically. There were some people who were critical of D.C. program specifically, but their criticisms were focused on the limited eligibility criteria for people within the program.

So that eligibility criteria is largely determined by the U.S. Attorney's Office in D.C. They're the people that make prosecutorial decisions and they have that discretion. And there are both judges, professionals and certainly counsel who appear before the D.C. Mental Health Courts who believe that program participation should be eligible to all offenders and not just misdemeanants and non-violent felony offenders.

COMMISSIONER KLADNEY: Thank you. I understand there are limited resources in the mental health field throughout our country and by being involved in the mental health court are people moved up the line and able to get more exposure to these resources in a faster manner?

MR. MALCOLM: I think the answer to that is yes, and that is because the people who work as part of that court are very, very actively involved in terms of placement. Unlike many mental health courts around the country, the D.C. Mental Health Court I believe is open four days a week full time and participants have a lot of access to staff who can help connect them to services in the community.

COMMISSIONER KLADNEY: Well, Chair Malcolm, I thank you very much. I think it's a very important report especially in light of all the years since we have closed down mental health facilities and have turned these people out into society. So thank you very much and please continue your good work.

MR. MALCOLM: Thank you. I appreciate it.

CHAIR CANTU: Commissioner Yaki?

COMMISSIONER YAKI: I have no comments, but thank the chair for his good work.

MR. MALCOLM: Thank you.

CHAIR CANTU: And I have no questions. Is there someone with a burning question?

If there are no further questions, we're going to move onto the next item.

Thank you, Chair Malcolm.

MR. MALCOLM: Thank you very much.

CHAIR CANTU: Your service and your leadership on the committee has been stellar and thank you particularly for taking this time. It's a very schedule this month and your taking time to speak with us today is very gratifying.

MR. MALCOLM: I appreciate it. It was my pleasure.



CHAIR CANTU: So let's proceed then. We're going to hear from our Alabama Advisory Committee Chair, Jenny Carroll. And our chair will be speaking on the committee's recently released report: Barriers to Voting in Alabama.

Again if we could keep it under 10 minutes, I know it's an interesting topic, but it is a full agenda. Chair Carroll?

ALABAMA ADVISORY COMMITTEE REPORT: BARRIERS TO VOTING IN ALABAMA.

MS. CARROLL: Yes, I will do my best. Thank you.

So first of all, thank you all for inviting me here today. And if you will allow me one personal indulgence, Madam Chair, as a fellow child of the Rio Grande Valley, it is an honor to appear before you, even if it's only telephonically. I spent a good deal of time in Brownsville myself.

So I also want to thank the members of the State Advisory Committee and David Barreras for all of his hard work on our report. I am also happy to return to speak to you all again about the work of the Alabama State Advisory Committee.

When we last spoke in September 2018 the committee had completed its hearing on barriers to voting in Alabama following the decision *Shelby County v. Holder*. Now much has happened in Alabama and the nation since that time. I realize my time here is limited, so I want to start by giving a brief summary of the report the committee published since we last spoke, what occurred following the publication of that report, and where things appear to be heading. And I'm going to keep each of those discussions short, but I'm always happy to elaborate if you all have questions.

In 2020, after two years of research and fact gathering, our committee published our report on barriers to voting in Alabama following *Shelby County*. In it we nominally provided documentation of impediments to voting for poor, rural and minority individuals in our community, but we made concrete recommendations to remediate those barriers.

By way of summary, we concluded that a variety of facially neutral state regulations on voting, including voter identification requirements, closure of locations that could provide such identification, limited absentee balloting, absentee balloting verification procedures, voter roll purging, closure of polling places, limited polling hours, the lack of early voting, and felon disenfranchisement, just to name a few, had the effect of suppressing not only the vote among marginalized populations, but suppressing voter registration itself among those populations in Alabama.

We found this was particularly true among historically disenfranchised populations, Black and other minority voting populations and economically marginalized and working class voters in our state, but it was also true among rural and housing-insecure populations in Alabama.

This finding in and of itself was significant and drove many of the concrete recommendations of our committee in the report, but equally significant was the committee's examination of the state's articulated reasons underlying many of the post-*Shelby County* regulations; namely, that such regulations including voter identification requirements, limitation on absentee balloting and verification requirements for such ballots, voter purges and restrictions on felon voting were designed to prevent voter fraud.

Now let me be clear: Voter fraud, or rather preventing voter fraud, is a laudable goal, however, in this case the cure Alabama offered was worse

than the disease. Despite the state's contentions the committee found both limited evidence of individual voter fraud in Alabama elections, and perhaps more significantly, that the regulations imposed did not actually address fraud issues or their potential causes.

Plainly put, requiring a felon to pay off fines prior to re-enfranchisement or restricting early voting did not protect the vote's integrity. It just kept people from voting or made the road to that vote longer and harder for those folks.

Now this brings me to my next point: The committee's report was published at a pivotal moment for our nation and our state. As a pandemic raged and Alabama conducted two elections: the primaries and the November 2020 general election, our report pushed state and federal actors in Alabama to reconsider election protocols.

As a result our committee, and more specifically I, became a resource for stakeholders in our state. In some ways this occurred prior to the report's debut. In May 2019 I testified before Representative Marcia Fudge's committee regarding the Alabama State Advisory Committee's preliminary findings and urged representatives to consider reinstating the pre-clearance requirements in the Voting Rights Act.

Following the report's release and with the looming election this role as a source of information was amplified. I spoke to both the Alabama Republican and Democratic Parties, the Secretary of State's Office, the Attorney General's Office, various state legislators and community groups about the importance of increasing access to absentee ballots and early in-person absentee balloting, which I'm happy to explain. I know it sounds like an oxymoron.

I urged county officials to consider adopting curbside voting and state officials to consider alternative registration procedures and access to the ballot for eligible incarcerated populations as courts, motor vehicle department offices and jails in prisons alike closed down during the pandemic and the state adopted a variety of shelter-in-place measures.

I spent my summer and fall of 2020 speaking to a variety of stakeholders from religious congregants to bar associations to sheriffs to civic clubs to political organizations to a group of probate judges who are the county-level voting officials in Alabama about what each could do to provide voter support and increase access to the ballot in our state.

I will not give you every detail, but I do want to highlight a few things of which I am especially proud.

First, as a result of our committee's report I was contacted by a member of a notary public organization. In Alabama an absentee ballot must either be signed by two adult witnesses who can verify the identity of the voter or must be notarized by a notary public. In pandemic times older and rural voters in particular often lack two witnesses in their household, therefore their ballots could not be witnessed without bringing in either a notary or an outside witness. Not surprisingly notaries are also often hard to come by for these same populations.

The individual who contacted me wanted to know if he could organize a group of notaries to go into the underserved counties of Alabama to notarize absentee ballots. Thanks to my work on the report I knew the answer to this

was not only yes, but I knew where he needed to go and in many instances was able to provide him points of contact in those communities.

Second, I am happy to report that in the end the state did adopt increased absentee access for both primary and general elections and voters turned out in record numbers in 2020. And I will add that allegations of voter fraud remained nearly non-existent both in the primaries and in the general election.

While the state opposed curbside voting and did not alter registration requirements, the pandemic proved to provide a space for voter progress in Alabama. I cannot pretend to claim credit for this change. There were many actors and advocates involved and ultimately the Secretary of State and the Attorney General made the decisions on what changes would be implemented.

Our report supported the work of those calling for these changes and offered concise and concrete analysis. If it had a *New York Times* book review, which surprisingly it didn't, it would have been a must read for those committed to free and fair elections in Alabama.

And this brings me to my third category: Why do state advisory committees matter and what happens going forward?

Whatever progress occurred during the 2020 election did not end there. The Secretary of State's Office had originally indicated that he intended to support continued increased absentee balloting including no-excuse absentee balloting, which was one of the recommendations of the committee's report. He has since withdrawn his support for this position.

This is both baffling from a fraud concern standpoint -- again, there was no evidence of increased fraud in 2020 -- and disappointing as such balloting opportunities accommodate those least able to realize the right of enfranchisement. It also signals the importance of continuing to serve the bipartisan resource in our state particularly as I watch other states, including our neighbor Georgia, enact increasingly restrictive and frankly bizarre restrictions around elections.

Our report continues to be utilized. I actually spoke this week to a civic group about the significance of the 2020 election modifications in Alabama and what we as a state should be thinking about going forward. This organization incidentally self-identified as nearly all Republican. The week before I spoke to the state's Young Democrats. I think this speaks to the power of engaging and the hard work our committee undertook in the two years we worked on the voting barriers report.

We identified issues and we came up with solutions that were not based on party affiliation or to ideological persuasion, but on the fundamental belief that the right to vote is integral to democracy and access to the ballot matters, not just from majorities, but for everyone.

Even as the State Advisory Committee turns its attention to other pressing civil rights issues in our state -- we are actually in the middle of hearings right now on the effect of COVID-19 on incarcerated populations -- I continue to field calls about our voting rights report.

So I conclude as I concluded our report: The work the SAC does is vital. Our findings push back on the state's representations that access to democratic institutions in our state was a right that state actors should mete

out to those who demonstrate worth or fortitude in obtaining access to the ballot. Our report concluded instead that this right, the right to have a voice in government, was not the state's to give, but rested always with the citizens themselves. The right was the right of good men and women I met down dirt roads, and in church halls, and everywhere in between across my state as I worked on this report.

The calls for change our committee made were calls to return that right to those to whom it always belonged. That we have received so much attention for our report, that my phone still rings with folks wanting to tell me how they voted for the first time in 2020 because a notary public was available, or they couldn't register because the MVD was closed or lacked transportation, is not only a sign that perhaps I should not give my cell phone number out so widely, but that our report and our committee have struck a chord and filled a need. So thank you. And I know I ran a little over. Sorry.

CHAIR CANTU: You were 10 minutes exactly. So congratulations. Woo-hoo.

MS. CARROLL: Thank you.

CHAIR CANTU: So thank you and we will make time for our commissioners to be able to ask questions.

Commissioner Adams?

COMMISSIONER ADAMS: Thank you, Madam Chair.

And thank you for your presentation. As I understand it you looked at the issues of barriers to registration. Is that right?

MS. CARROLL: We look at both barriers to registration and barriers to voting itself.

COMMISSIONER ADAMS: Right. Well let me ask you about the barriers to registration. Did you have occasions to look at the registration rates in the counties in Alabama as far as compared to their total eligible population?

MS. CARROLL: We did.

COMMISSIONER ADAMS: And you think that that is a relevant ratio, I assume?

MS. CARROLL: I think it's one relevant ratio. I don't think it's the only one, but yes, I do think it is one.

COMMISSIONER ADAMS: Would it surprise you to learn that in many of these counties such as Green, Hale, and Choctaw that there are more people registered by significant numbers than eligible voting-age population?

MS. CARROLL: That is the first time I've actually heard that, but yes, it would surprise me.

COMMISSIONER ADAMS: Okay. So you didn't do a county-by-county breakdown over the last five or six years over registration rates?

MS. CARROLL: We did, and we actually got numbers supplied to us by the Secretary of State's Office as well as the Attorney General's Office and I didn't see those numbers reflect what you're describing. So certainly if you have different information, I'm happy to look at it.

COMMISSIONER ADAMS: Okay. But if you have registration rates over 95, 99, 100 percent, you would agree that that indicates the barriers to registration might not be as significant as other problems?

MS. CARROLL: I think I would question what's going on with those numbers actually, because like I said those would be out of skew with the information we got from state officials.

COMMISSIONER ADAMS: All right. Nothing further.

CHAIR CANTU: Thank you.

Commissioner Adegbile?

COMMISSIONER ADEGBILE: Thank you. Thank you very much for the presentation and the report. I want to ask sort of a general overview question about voting itself as opposed to registration.

There is a view that some people have that when more people vote; that is to say, when there is a mobilized electorate and people are engaged and the voter turnout, for example, increases, that somehow that is an indication that there are no longer barriers to vote because turnout is going up. Are you with me so far?

MS. CARROLL: I am.

COMMISSIONER ADEGBILE: Okay. And what I wanted to know, based on your look in Alabama whether there are things happening on the ground that would make you have any insight or understanding into the point that two things could be happening at the same time, that turnout could be going up in part because there's mobilization and a lot of effort to try and bring people out to vote and increase participation, which in a democracy I think most would consider to be a good thing, but nevertheless there are things happening under the hood that are impediments and barriers to mobilization such that absent those barriers you might be able to have greater participation and more people engaged in the democracy.

I'm just wondering if you've had occasion to grapple with these questions.

MS. CARROLL: Yes. No, I think they're really good questions and I think that I would have kind of two off-the-top-of-my-head responses to them based on what I saw as I worked on this report.

First of all, I think the question you raise about mobilization versus the existence of barriers is really a false dichotomy, as you note. So you can have both tremendous mobilization efforts and still have barriers in place. And I think that when we talk about barriers what we're really talking about is the sustainability of these voting numbers and these voting populations actually getting to cast a ballot.

And whether that barrier prevents registration or it prevents actually getting to vote, right, it goes to that question of -- you know, it's not just can we get you to one election? It's can you consistently vote if that's what you choose to do?

I think 2020 was really interesting in Alabama because to the Secretary of State's credit he did relax absentee balloting requirements. Many counties initially adopted curbside voting. The state opposed that. The 11th Circuit prohibited curbside voting in an opinion that effectively stopped it in our state.

But you had really concrete examples of when those barriers were removed. When people could absentee vote both by mail without an excuse and also in person you saw numbers go up, you saw people who had never participated before show up and participate. And it suggests to me -- and of course you didn't have increased fraud. And that suggests to me that it wasn't

just a mobilization effort. It was that removing those barriers actually created spaces for people to cast ballots.

And so my sense is you have to have both, right? Mobilization is important and it's certainly part of our democracy, but you also shouldn't have the state government creating barriers that prevent people in periods that maybe folks aren't mobilizing from actually going and realizing that democratic right to vote. And that's a small D democratic right to vote.

COMMISSIONER ADEGBILE: Thank you very much for your work and the work of the state advisory committee and for your presentation today.

MS. CARROLL: My pleasure.

CHAIR CANTU: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: Thank you, Madam Chair.

Just a quick question. Let me thank you also for your presentation; very informative. In your report it indicated that the Secretary of State had authorized mobile units, mobile ID units. I'm just curious to know how effective was that in reaching some of your rural voters in your state.

MS. CARROLL: It's a terrific question. I mean first of all the mobile ID unit I think is a fabulous idea. It was something that we did praise the standard of care for creating and I continue to be a fan of the idea of a mobile ID facility. But again, that assumes that an ID serves the purpose that the Secretary of State claims that it serves, which I think is a questionable proposition. I realize that's not your question, but I want to throw that out there.

COMMISSIONER GILCHRIST: Sure.

MS. CARROLL: Beyond that, in terms of how effective was it actually getting to some of those populations, it really varied. One of the things we saw with the mobile ID unit when we talked to stakeholders in some of the rural counties in particular was that often when it appeared in a rural location, it appeared for very limited hours and folks were often not able to get to it. Or in the alternative it wasn't showing up in their jurisdiction. It was showing up in the county seat which was a location where they could get an ID through a non-mobile unit.

So it wasn't really helping folks who lacked the means to get to that county seat.

We did talk to the Secretary of State's Office about expanding the schedule on the mobile ID unit and increasing accessibility through his website for folks to request that mobile ID unit, and he did make changes. We weren't the only group making that request. I know that that had been something -- his office told me that had been something they'd heard from a lot of groups.

But, yes, I think that having a mobile ID unit is helpful. I think that the implementation of it is still a work in progress in Alabama.

COMMISSIONER GILCHRIST: Thank you for that and I certainly appreciate your comments on that. Again thank you for the report.

And I have no further questions, Madam Chair.

CHAIR CANTU: Thank you.

Commissioner Heriot?

COMMISSIONER HERIOT: I'd just like to thank the chair for submitting the report and all the work that she and her fellow state advisory committee members put into it. So thank you very much and I don't have any questions.

CHAIR CANTU: Appreciate you.

Commissioner Kirsanow?

COMMISSIONER KIRSANOW: No questions. Thank you very much.

CHAIR CANTU: Appreciate you, too.

Commissioner Kladney?

Commissioner Kladney, you may be muted.

COMMISSIONER KLADNEY: Oh, I am, which is probably the best position for me.

But, Chair Carroll, I'd like to thank you very much and thank your committee for their hard work and the enlightenment on what's going on in Alabama with the vote. And if you could bring back my thanks to them, I would really appreciate it. Thank you very much and have a pleasant weekend.

MS. CARROLL: Both of you, thank you.

CHAIR CANTU: Commissioner Yaki?

COMMISSIONER YAKI: I have no questions, but thank the chair for the presentation and the continued good work.

CHAIR CANTU: And I will look forward to talking with you again, Commissioner Carroll, and I have no questions today. But thank you very much for the report as well as your excellent work in Alabama and your leadership.

MS. CARROLL: Thank you, ma'am.

COMMISSIONER ADEGBILE: Madam Chair?

CHAIR CANTU: Yes, please?

COMMISSIONER ADEGBILE: Commissioner Adegbile. I have one more quick question.

CHAIR CANTU: Oh, of course. Go ahead.

COMMISSIONER ADEGBILE: I would like to ask the advisory chair about the first recommendation in the report. Why is it that you regard pre-clearance as still playing a potentially helpful role for democracy in Alabama?

MS. CARROLL: I think for a couple of reasons: I think that pre-clearance requirements I believe properly shift the onus to the state instead of to the voter to demonstrate that the regulation itself is necessary to accomplish whatever goal the state has identified and that that goal is a goal that should be accomplished by the state vis-à-vis voting.

And again, as I -- we stressed in the report and as I testified today and I've testified repeatedly elsewhere, you know, and the Secretary of State admitted in his testimony, there really isn't evidence of individual voter fraud being a rampant issue in the State of Alabama. And so the creation of all these regulations designed to address a problem that is really a very rare occurrence and one poorly addressed by the regulations suggests that there needs to be more rigorous examination of why these regulations are required in the first place, particularly given that we know they have an impact of suppressing both registration and voting in our state.

Beyond that I think that preclearance is beneficial because given that the onus is on the state to demonstrate that the regulation is necessary, it shifts litigation burdens away from those individuals who are affected by whatever regulation the state has put in place. So without pre-clearance the regulation goes in place, the voter has to suffer the harm, or potentially suffer the harm if they're seeking a pre-implementation injunction. And then they have to bear the burden, which includes costs of litigating potential harm.

Given that we're talking about populations that are already marginalized, that's a tremendous burden to put on these voters.

And again, I think it really gets back to this fundamental question of how should we be thinking about the right to vote? And I'm not a voting rights expert. I am a criminal law professor. I was a public defender. That's my background. I didn't know anything really about voting rights until I started working on this report.

And one of the things I heard again and again from state officials and had really extensive conversations with them about this was this idea that these regulations were necessary because the state had to give the citizen the vote. And what I heard from voters who were unable to register or felt they were unable to vote was that they felt like the vote belonged to them. And in looking at the history of the discussion of the right to vote in the United States, it became increasingly clear to me that Alabama officials misconceived of what the right to vote was. It really was a citizen's right. And I think preclearance recognizes that.

And again I think it's a proper shift of who should have to explain why the regulation is required. It should be the state. It shouldn't be the voter having to explain why the regulation should not be put in place. So that's why I think preclearance is such an important component of preserving the right to vote, not just in Alabama, but across the country.

COMMISSIONER ADEGBILE: Thank you.

COMMISSIONER ADAMS: Madam Chair? Christian Adams.

CHAIR CANTU: Yes, please? Proceed.

COMMISSIONER ADAMS: I have another question, please.

CHAIR CANTU: Yes, of course.

COMMISSIONER ADAMS: Thank you for speaking about pre-clearance. Is it my understanding that your recommendation to revise pre-clearance is to create a different standard than the one existed before Shelby, because before Shelby the standard was that the state had to prove an absence of discriminatory intent or effect. And it sounds like you're proposing a compelling state interest test where they have to show that the regulation actually is necessary for a particular state interest. Are you suggesting a different pre-clearance standard than existed before Shelby?

MS. CARROLL: I am not making a recommendation about what the standard should be. I think that is up to the legislature. In terms of the nondiscriminatory intent, in the cases that I read -- and again, I'm not an expert in this, so I only read the cases that were coming out of my state and various states. But courts appeared to be examining why the state was implementing the regulation as part of their examination of whether or not it violated the preclearance requirement.

So I don't know if those states were creating a different standard or misapplying the standard as you describe it, but that was my reading of those cases.

COMMISSIONER ADAMS: Thank you.

CHAIR CANTU: I would add that what I've observed is a lack of consistency because we don't have the pre-clearance and we don't have the unifying effect of the Federal Government staying on top of a consistent application of a single standard. So they're related.



I want to thank --

MS. CARROLL: And I would certainly agree with that. And if I might just add, I do think also there's a lot of confusion among citizens without a pre-clearance standard of when they can oppose or when they can challenge a regulation and when it's just something they need to accept in their life. So I think that lack of a federal standard that you articulated, Madam Chair, is having an additional effect in terms of people being able to assert their rights, which should bother us in a democracy.

CHAIR CANTU: And that was a foreseeable consequence of Shelby, and that's why some folk opposed the removal of pre-clearance.

Let's thank again Chairman -- hold on. I'm finding your name.

MS. CARROLL: Carroll.

CHAIR CANTU: Carroll. My friend from Brownsville who I just met today. Thank you, Chairman Carroll. You did an excellent report and I want to thank you for your service and the leadership on the Alabama Advisory Committee and I hope -- look forward to talking with you again. So thank you very much.

And so now we proceed with Wyoming.

WYOMING ADVISORY COMMITTEE REPORT: HATE CRIME IN THE EQUALITY STATE

CHAIR CANTU: We're going to hear from Committee Chair Robert Byrd, and we're going to hear about the recently released report, Examining Hate Crime in the Equality State.

And please join your colleagues in adhering to the ten-minute rule. Chairman Byrd.

MR. BYRD: All right. Thank you, Madam Chair, and thank you, Commissioners, for having me on the call today.

I'll give you a brief historical overview. I am a fifth generation Wyomingite and I'll just list a couple of my family members. My father was a lawman, became Chief of Police, and a United States Marshall, one of the first in the State of Wyoming.

My mother was a school teacher, Liz Byrd. She taught school for about 24 years. From there, she went over to the legislature where she served in the House and in the Senate. It took her 11 years to finally get the legislature to pass the Martin Luther King Day bill which in Wyoming they call it the Freedom Day Bill, so historically, my family has roots in Wyoming and has experienced all the ups and downs of what equality is.

So the question is when did Wyoming truly become the Equality State? Good question. Two years after the murder of Matthew Shepard in Laramie, Wyoming, the issue of hate crime still remains a critical issue.

In July last year, the Wyoming Advisory Committee issued a report examining hate crimes and equality in the Equality State. And I'm going to go through these items with you to give you our findings.

First finding that we said or looked at and found was -- because Wyoming is known as the Equality State -- does not have a hate crime or a nondiscrimination protection, there are many negative economic consequences in terms of attracting future businesses and residents with diverse backgrounds from moving to the state.

On a philosophical level, it may demonstrate that the state tolerates discrimination against individuals regardless of whether they belong to a protected category.

Second, accurate and complete data regarding hate crimes and bias incidents impact protected classes is critical to effectively addressing these issues. Because the data is reported voluntarily by local law enforcement, there's a lack of information in determining the presence of these crimes against protected groups. In addition, there is concern about the inability to report hate crimes because incidents may be classified as other crimes such as assault, suspicious behavior, without the acknowledgment of the motivation of the perpetrator.

Third, many bias motivated incidents that do not rise in the severity to the level of the criminal activity can still be concerning for law enforcement and community members alike. Balancing the need to protect free speech can particularly be difficult when such speech can result in consistent harassment and intimidation. It may also have the potential to escalate into an incident to engage in actual violence.

Fourth, employment, housing public accommodations protection for lesbian, gay, bisexual, transgender, queer, questioning, intersex community are seen as an effective method to address bias motivated incidents and largely favored because hate crime legislation often includes increased penalties which may cause more financial strain on the state.

Five, hate crimes committed against American -- indigenous Native Americans go largely unnoticed and unreported. Testimonies indicate that there are several explanations for such as this in history of prejudice and discrimination towards indigenous Native Americans. Law enforcement not taking the indigenous Americans, Native community can play seriously fear of retaliation by the alleged perpetrator if the individual reports the crime. And tribal states and federal agencies lack the clarity as to what constitutes a hate crime.

Six, when the Constitution protects free speech, the problems fuels bias motivated incidents such as circulating racist and anti-gay flyers that occur in our K-12 schools raises concerns about its potential impact on the youth as it may incite violence.

Seven, testimony indicates that while hate crimes are reported low, there are many bias motivated incidents that have occurred, that have risen and concern for the tolerance of discrimination. For instance, there was distribution of white supremacy and anti-gay propaganda in Cheyenne and Laramie, Wyoming; graffiti at one of our local Catholic churches; anti-Semitic propaganda circulated through the K-12 schools; and some replacement of the American flag with the Nazi Germany at local parks.

In addition, there are small numbers of hate groups that still exist in Wyoming today. So our recommendation was one, that the committee recommends the U.S. Commission on Civil Rights study this area of concern a little bit more.

Two, that the U.S. Department of Justice, Federal Bureau of Investigation (a), the Bureau should make participation in the uniform crime report data collection and reporting mandatory for all law enforcement agencies across the county. (B), as part of the mandatory data collection reporting requirement, the Bureau should require training for all state and local enforcement on the identity reporting the crime.

The third recommendation, the U.S. Commission on Civil Rights would send a report to the U.S. Congress (a) to provide appropriations for the state governments to transition to support data collecting and reporting offices.

Four, issue recommendations to the Wyoming legislature, pass legislation to study the various hate crime policies and procedures among major law enforcement. (B), pass legislation requiring state-wide training for all law enforcement agencies regarding the identity and responding to reporting crimes. (C), pass legislation that would enact a hate crimes statute that prohibits a broad range of bias, criminal conduct, and offer conclusive protection for victims including this in the legislation to also have alternative sentencing provisions.

Also, the legislature prohibiting the discrimination of any upon his or her perceived sexual orientation or gender in employment, housing, and public accommodations, similar to the ordinance enacted by the city. (B) establish a citizens oversight board to hold police accountable for misconduct.

The sixth recommendation was the Wyoming governor -- to the Wyoming governor, requiring state-wide training for all law enforcement agencies regarding the identity of responding to and reporting the crime. (B) mandate schools to receive training on prevention of hate crimes while building a climate of inclusiveness on how to identify such incidents and how to appropriately respond.

To the state-wide law enforcement agencies, our recommendation was to designate an individual as a resident expert on hate crimes to assist law enforcement in determining if bias motivated acts could be investigated as hate crimes. In a supplement to that for the school districts' consideration, school districts should implement clear policy initiatives and partner with the organizations that provide K-12 education on how to build inclusive and safe schools that all students can thrive with.

Madam Chair, Commissioners, that's a summary of our findings and recommendations. Thank you.

CHAIR CANTU: Thank you. That was excellent. Concluding on safe schools is always concluding strongly, so I appreciate that.

We can now turn to questions. Commissioner Adams.

COMMISSIONER ADAMS: None, thank you.

CHAIR CANTU: Thank you. Commissioner Adegbile.

COMMISSIONER ADEGBILE: I just wanted to thank you for this important assessment. It's a very complex area and an area where I think many of us that care about civil rights are concerned about the extent to which hate crimes are potentially expanding. And I'm glad that you brought attention to this issue and in particular, talking about the way in which these issues play out on the ground in Wyoming is the very purpose of why we have these state advisory committees so we can get a more granular understanding of how these issues manifest themselves state to state. So thank you very much for your presentation today and for the work of this state advisory committee on this important topic.

CHAIR CANTU: Thank you, Commissioner Gilchrist.

COMMISSIONER GILCHRIST: Thank you, Madam Chair.

Chairman Byrd, thank you so much for your report and your comments in your report. I have no further questions. I just want to thank you again for the excellent report.

CHAIR CANTU: Commissioner Heriot.

COMMISSIONER HERIOT: Mr. Chair, thank you very much for all your efforts here. I don't think I have any questions at this time.

CHAIR CANTU: Appreciate that. Commissioner Kirsanow.

COMMISSIONER KIRSANOW: Thanks for the report, Mr. Chairman. I have no questions.

CHAIR CANTU: I think I'm having a very satisfied crew here. Commissioner Kladney.

COMMISSIONER KLADNEY: Chairman Byrd, thank you very much for the report and hopefully you thank the rest of the committee for the time they spent on this excellent presentation. I concur with Commissioner Adegbile's comments and thank you very much.

MR. BYRD: Thank you

CHAIR CANTU: Commissioner Yaki.

COMMISSIONER YAKI: Thank you very much, Madam Chair. I also want to thank the chair and the entire Wyoming SAC for the great work that they have done and for the presentation today. And it reaffirms my strong belief that the State Advisory Commissions are indeed -- not just the eyes and ears, but laboratories in our own democracy with regards to the issue of civil rights in this country, so thank you very much.

CHAIR CANTU: And I have no questions, but I also want to add my gratitude for the work that you've done and your committee has done. I will call you later to hear how you stay so organized and upbeat despite the topics that you dig into. I think you would serve as a wonderful mentor to others who are taking on these tough issues, so many thanks to you, Chairman Byrd.

MR. BYRD: Thank you.

CHAIR CANTU: So we now turn to the third item on our agenda.

Thank you. Let me thank the entire panel. If you were with us in person, we'd give you a standing ovation. So let me thank the entire panel.

And I'll turn to the third item on today's agenda which is a vote to add a second business meeting.

VOTE TO ADD BUSINESS MEETING FOR JUNE 18, 2021

CHAIR CANTU: Well, actually, the meeting we already have scheduled is a briefing. So we don't have a business meeting for June and we need one just to clarify the statutory commission report that folks have been working on among our staff and among our Commission that needs to be completed by the end of this fiscal year in order to comply with our statute. And so the purpose of adding a brief, a short business meeting for June 18 is to ensure that we comply and make a timely submission to Congress of that statutory enforcement report.

Do I have a motion to add a Commission business meeting on June 18th at noon to discuss and vote on the statutory enforcement report on maternal health disparities?

COMMISSIONER GILCHRIST: So moved, Madam Chair. Gilchrist.

COMMISSIONER ADEGBILE: Second, Adegbile.

CHAIR CANTU: Thank you. Gilchrist made the motion and Adegbile seconded. Do we have a discussion, please?

COMMISSIONER ADEGBILE: Madam Chair, Adegbile.

CHAIR CANTU: Yes, please.

COMMISSIONER ADEGBILE: First, I would anticipatorily and hopefully not inappropriately like to thank the fellow Commissioners for consideration of this scheduling adjustment which, as the chair has noted, will allow us to discharge our statutory duty in connection with this statutory enforcement report.

As everybody knows, we sort of set our schedule early and we think we know what the schedule is going to look like, but sometimes there are intervening circumstances that require some recalibration and so I would just like to thank the Commissioners for the consideration of making this additional meeting so that we can discharge this statutory obligation. That is my only comment as an expression of thanks.

CHAIR CANTU: Well said. Other discussion? I hear silence, and I think that's because the neighbor stopped using her leaf blower.

Are we ready for a roll? Will someone call the question?

COMMISSIONER HERIOT: I call the question.

CHAIR CANTU: Thank you, Commissioner Heriot. The roll call vote started with Commissioner Adams. How do you vote?

COMMISSIONER ADAMS: Yes.

CHAIR CANTU: Commissioner Adegbile?

COMMISSIONER ADEGBILE: Aye, and thank you.

CHAIR CANTU: Commissioner Gilchrist.

COMMISSIONER GILCHRIST: Aye.

CHAIR CANTU: Commissioner Heriot.

COMMISSIONER HERIOT: I vote yes.

CHAIR CANTU: Commissioner Kirsanow.

COMMISSIONER KIRSANOW: Yes.

CHAIR CANTU: Commissioner Kladney.

COMMISSIONER KLADNEY: Yes.

CHAIR CANTU: Commissioner Yaki.

COMMISSIONER YAKI: Aye.

CHAIR CANTU: And I vote yes. The motion passes eight, none opposed, none abstained.

Thank you, folk. I really am very grateful. You all have been working so very hard on keeping us on schedule and so this is going to keep us complying with the statutory deadline. Thank you so much.

Our fourth item on the agenda is a vote on a Commission-issued statement on the passing of former Vice Chair, the Honorable Cruz Reynoso.

VOTE ON A COMMISSION-ISSUED STATEMENT ON THE PASSING OF FORMER VICE CHAIR,  
THE HONORABLE CRUZ REYNOSO

CHAIR CANTU: I prepared this statement. My special assistant was invaluable. Thank you so much, Juana Silverio, you've captured much of the person. You did a terrific job in describing his accomplishments, but also the person.

If you will bear with me, not everyone who is listening to this has a copy of the statement and I would like to read the statement into the record.

The United States Commission on Civil Rights mourns the passing of Cruz Reynoso, former Vice Chair of the Commission and first Latino California State Supreme Court Justice. Born in Brea on May 2nd, 1931, Cruz Reynoso's

family immigrated to the U.S. during the counter revolutions in Mexico. He was one of 11 children.

His decades-long career in advocacy began as a teenager in rural La Abra, Orange County, California when a young Reynoso petitioned the U.S. Postmaster to change policy and start delivering mail to Mexican families in their neighborhood. This change he is quoted as saying to an historian was sort of a confirmation of what I was reading in our textbooks that we are a democracy.

Reynoso rose from a child worker in the fields and orchards of southern California to become the first Latino California Supreme Court Justice. He earned an associate degree from Fullerton College in 1951 and a bachelor degree from Pomona College in 1953. After two years in the Army, he entered U.C. Berkeley's Boalt Hall Law School and graduated in 1958.

Cruz Reynoso was extremely well known in California as co-founded of the California Rural Legal Aid, the first state-wide legal aid in the U.S. While at California Rural Legal Aid, he served as legal director and was responsible for securing the rights of many low-income clients including field workers seeking access to sanitary facilities, farm workers exposed to carcinogenic pesticides, such as DDT. He enforced state and federal laws and succeeded in litigation prohibiting the misuse of IQ tests conducted solely in English to segregate English language learners in educational settings designated for the mentally challenged students.

Reynoso was confirmed by the Judicial Appointments Commission to the California State Supreme Court in 1982. During his five years on the State Supreme Court, he earned respect for his compassion. He wrote the court's opinion in a case that gave homeowners the precedent-setting right to sue airports for jet noise that constituted a continuing nuisance. And he penned the court's opinion in a case that ruled non-English speaking defendants must be provided with interpreters at every stage of the criminal process.

Residents of the Golden State, he said, require that all persons tried in a California court understand what is happening about them. He wrote who would have it otherwise?

Messages of condolence were received by the U.S. Commission staff from former commissioners who respected his guidance and mentorship when he was a commissioner and vice chair of the USCCR in 1993 to 2004. Bringing more than three decades of legal experience to USCCR, Cruz Reynoso pressed for the vigorous examination of practices and policies regarding the enforcement of federal laws by federal agencies. Among the issues the Commission broached during his tenure were the disenfranchisement of minority voters in Florida during the 2000 presidential election.

Chairperson Norma V. Cantu, who met Reynoso in 1974 when he was a visiting professor at Harvard Law School, described him as a true genius as a committee leader, litigator, and legal scholar. She continued, he will be missed by the thousands of people who heard his lectures on civil rights in town halls, community college lecture halls, on C-SPAN, and on YouTube. A staunch champion of civil rights and of the independent judiciary, he also firmly believed that all perspectives should be represented in the American justice system.

Reynoso referred to U.S. Supreme Court Justice Sonia Sotomayor who was excoriated during her first confirmation hearings for a speech she made at UC-Berkeley in 2001. To me, he said, it's perfectly logical what a wise Latino judge who may have had different experiences than other folks would have something to add at the court. That's the way judges learn from each other. I was the only person on the Supreme Court who ever worked as a farm worker.

President Clinton chose Cruz Reynoso to receive the Presidential Medal of Freedom, the highest honor given to a civilian.

An active member of local, state, and national bar associations, he volunteered as speaker and trainer and testified before the U.S. Senate on pressing national issues including immigration and refugee policy, school funding, and civil rights.

Reynoso's honors include the Hispanic Heritage Foundation's Hispanic Heritage Award in Education and the American Bar Association's Robert J. Kutak and Spirit of Excellence awards for his significant contributions toward increased cooperation between legal education, the practicing bar, and the judiciary.

He received the UC-Davis Medal, the University's highest honor and the Hispanic National Bar Association's highest honor.

UC-Davis School of Law has established the Cruz and Jeannene Reynoso Scholarship for Legal Access in his name to help students with financial needs.

To open the floor for discussion, is there a motion regarding the statement about the passing of Cruz Reynoso?

COMMISSIONER KLADNEY: This is Commissioner Kladney. I made the motion.

CHAIR CANTU: Thank you, Commissioner Kladney moved. Is there a second?

COMMISSIONER YAKI: Yes, Commissioner Yaki.

CHAIR CANTU: I heard --

MR. MORALES: I think it was Yaki moving and Adegbile second.

CHAIR CANTU: We have two co-movers and a second. Thank you. Discussion. I'll open the floor.

COMMISSIONER YAKI: Madam Chair.

CHAIR CANTU: Yes, please.

COMMISSIONER YAKI: This is Commissioner Yaki. I just wanted to thank you for offering this statement. I have had the privilege of meeting and working with Justice Reynoso through the work that I've done on civil rights and social justice in California over the years.

I was a young clerk on the California Court of Appeals when he was on the California Supreme Court and got to witness him in the court and in chambers meeting him and he is someone who has been -- is, as you say, a trailblazer, a role model, and mentor, someone who embodies the highest ideals of what the United States Commission on Civil Rights has stood for over the years and I just want to thank you and thank him for his great service to this country. Thank you.

CHAIR CANTU: Thank you.

COMMISSIONER KIRSANOW: Madam Chair.

CHAIR CANTU: Yes, please.

COMMISSIONER KIRSANOW: Kirsanow here. I had the privilege of serving for several years with Cruz Reynoso on the Commission and although I think we agreed on absolutely nothing from a policy perspective, he was always cordial, genial, gentlemanly, bright, and thoughtful. It was a pleasure working with him. He was an accomplished individual. He will be missed.

CHAIR CANTU: Thank you. Any further discussion? Are we waiting for a vote? Did someone call the question, please?

COMMISSIONER ADEGBILE: I think we're prepared to vote.

CHAIR CANTU: Let me do a roll call. Commissioner Adams. How do you vote?

COMMISSIONER ADAMS: Yes.

CHAIR CANTU: Commissioner Adegbile?

COMMISSIONER ADEGBILE: Aye.

CHAIR CANTU: Commissioner Gilchrist.

COMMISSIONER GILCHRIST: Aye.

CHAIR CANTU: Commissioner Heriot.

COMMISSIONER HERIOT: This is not worded the way I would have worded it, but yes, I vote yes.

CHAIR CANTU: Thank you. Commissioner Kirsanow.

COMMISSIONER KIRSANOW: Yes.

CHAIR CANTU: Commissioner Kladney.

COMMISSIONER KLADNEY: Yes.

CHAIR CANTU: Commissioner Yaki.

COMMISSIONER YAKI: Aye.

CHAIR CANTU: And I vote yes. The motion carries.

I want to thank the staff who helped with this and I want to thank you all who knew him. He took strength in his friends and I know that he took strength from you all.

So our business is concluded unless someone has something else to offer up.

Oh, no. I'm sorry. Our business is not concluded. We still have the staff director report. So I'm calling on Staff Director Morales. We'll hear from you for the monthly Staff Director Report.

#### MANAGEMENT AND OPERATIONS: STAFF DIRECTOR'S REPORT

MR. MORALES: Thank you, Madam Chair. I want to take a moment just to thank you for your work and for the preparation you put forward in getting ready for this, your first business meeting. I want to congratulate you on your first business meeting and we look forward to many more years of your leadership.

In the interest of time, I have nothing further to add than what's already contained in the report. As always, I remain available to discuss any matter with a commissioner at any time. So thank you very much. That's all I have and I wish everyone a good weekend.

CHAIR CANTU: Thank you very much. I would like to remind folk that we're in that window where we'll be coming up with topics for the 2022 year reports and so we'll be circulating a calendar. The staff is working really hard to be sure you have the same amount of time that you had this year in order to go through that very detailed calendar so that we hear from all interested stakeholders on the next set of reports. So that concludes the business on the



agenda for today's business meeting and if there's nothing further, I would ask for a motion to adjourn.

III. ADJOURN MEETING

COMMISSIONER GILCHRIST: So moved, Madam Chair. Gilchrist.

CHAIR CANTU: Thank you. Second.

COMMISSIONER HERIOT: Second, Heriot.

CHAIR CANTU: Thank you, thank you. All in favor of adjourning.  
(Chorus of aye.)

CHAIR CANTU: We are adjourned at 1:25 p.m. Eastern Standard Time.

(Whereupon, the above-entitled matter went off the record at 1:25

p.m.)