

## U.S. COMMISSION ON CIVIL RIGHTS

+ + + + + **UNEDITED**

TELEPHONIC BUSINESS MEETING

+ + + + +

FRIDAY, SEPTEMBER 10, 2021

+ + + + +

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

PRESENT:

NORMA 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

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STEVEN IRWIN, Chair. PA Advisory Committee

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A G E N D A

I. APPROVAL OF AGENDA.....6

II. BUSINESS MEETING

1 Presentations from Advisory Committee  
 Chairs .....8  
 Steven Irwin, PA AC .....8  
 Nadine Smith, FL AC .....29

2. Discussion and Vote on Advisory Committee  
 Appointments .....41  
 New Mexico AC .....41  
 Texas AC .....44

3. Vote to Amend October 2022 Business  
 Meeting Date .....47

4. Vote to Amend FEMA Houston Field Briefing  
 Meeting Date .....49

5. Management and Operations .....52  
 Staff Director Report

III. ADJOURN MEETING .....54

## P R O C E E D I N G S

(12:03 p.m.)

OPERATOR: Hello. Today is Friday, September 10th, 2021 at 12:03 p.m. Eastern Standard Time. Welcome to the Commission meeting for September 10th. This call is being recorded.

At this time, it is my pleasure to turn the conference over to Chair Norma Cantu. Ma'am, please begin.

CHAIR CANTU: Thank you. Welcome to the business meeting for the U.S. Commission on Civil Rights. The meeting comes to order at 12:03 Eastern Standard Time on Friday, September 10th, 2021.

I am Chair Norma B. Cantu, and I thank the staff who have 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 each commissioner is on the phone line, and we'll take a roll call. Please say present when I say your name.

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1 Commissioner Adams.

2 COMMISSIONER ADAMS: Present.

3 CHAIR CANTU: Commissioner Adegbile.

4 COMMISSIONER ADEGBILE: Present.

5 CHAIR CANTU: Commissioner Gilchrist.

6 COMMISSIONER GILCHRIST: Present.

7 CHAIR CANTU: Commissioner Heriot.

8 COMMISSIONER HERIOT: I'm here.

9 CHAIR CANTU: Commissioner Kirsanow.

10 COMMISSIONER KIRSANOW: Here.

11 CHAIR CANTU: Thank you. Commissioner  
12 Kladney.

13 COMMISSIONER KLADNEY: Here.

14 CHAIR CANTU: Commissioner Yaki.

15 COMMISSIONER YAKI: Present.

16 CHAIR CANTU: We have, based on the  
17 response, a quorum of the commissioners present.  
18 Is the court reporter present?

19 COURT REPORTER: I am.

20 CHAIR CANTU: Thank you. Is the  
21 director present?

22 MR. MORALES: I am present.

23 CHAIR CANTU: Thank you. The meeting  
24 will now come to order, and I will begin with  
25 agenda.

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## I. APPROVAL OF AGENDA

CHAIR CANTU: Let me start by making a motion to remove two items from the agenda for consideration. We were not on time in getting the paperwork that is supportive of items 2D and 2E, and so my motion is to withdraw those two items from the agenda, and we will pick them up at a later date because we need more time for discussion on both items, discussion and vote on Commission fiscal year '22 topics and fiscal year '23 statutory enforcement report topics, along with item E which is the Commission conversation about the Statement on School Safety.

I would ask, please, for a second to the motion to withdraw items D and E under Section II of the business meeting.

COMMISSIONER GILCHRIST: Madam Chair, Gilchrist seconds.

CHAIR CANTU: Thank you, Commissioner.  
All those in favor of withdrawing those two items from today's agenda, please say aye.

(Chorus of aye.)

CHAIR CANTU: Does anyone say no?

Thank you. The motion carries.

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1           The next item is to move to change our  
2           October date for our FEMA Houston field briefing.

3           We had it on our calendars as October 22nd. We  
4           will have a better shot at success of attendance  
5           if we move it to Thursday, October 21st. So  
6           instead of Friday, October 22nd, we're moving it  
7           to Thursday, October 21st. This briefing will  
8           actually be held virtually. We have not reopened  
9           government to do in-person yet; and so, in order  
10          to protect the staff and the commissioners and  
11          the public from the ongoing COVID-19 pandemic,  
12          this meeting will not be in person.

13          So with that motion changed to the  
14          agenda, adding that agenda item, I'm calling for  
15          a second to change the agenda to add that date  
16          change as an item. Could I have a second?

17                   COMMISSIONER ADEGBILE:        Adegbile  
18                   seconds.

19                   CHAIR CANTU: Thank you. Please say  
20                   verbally aye if you favor adding that item on the  
21                   change to the agenda for today.

22                   (Chorus of aye.)

23                   CHAIR CANTU: Does anyone say no?

24                   The motion carries; the item is added.

25                   The third agenda item -- are there any

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1 others? I'm sorry. I don't have any more  
2 proposed. Do any of the commissioners wish to  
3 further amend today's agenda? Hearing none, we  
4 can now vote on the agenda, if so. I think we  
5 can just do it by aye.

6 Do we approve today's agenda? Please  
7 say aye if you approve.

8 (Chorus of aye.)

9 CHAIR CANTU: Does anyone say no?

10 The motion carries. Thank you.

11 **II. BUSINESS MEETING**

12 **PRESENTATIONS FROM ADVISORY COMMITTEES TO THE**  
13 **COMMISSION ON RECENT REPORTS/MEMO RELEASES**

14 CHAIR CANTU: Moving to our first  
15 order of business then, we will turn to the  
16 presentations from advisory committees to the  
17 U.S. Commission on their recent activities, their  
18 reports, their memos. And so, first, we will  
19 hear from our Pennsylvania Advisory Committee  
20 Chair, Steven Irwin, and he will be addressing us  
21 on the committee's release report on school  
22 discipline.

23 Chair Irwin, I've got you scheduled  
24 for ten minutes, and we're starting at 12:11. So  
25 you have the floor.

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**STEVEN IRWIN, CHAIR, PA AC**

CHAIR IRWIN: Thank you, Chair Cantu and members of the Commission. Thanks for this opportunity to present the report, our report *Disparate and Similar Impact of the Inclusionary Practices on Students of Color, Students with Disabilities, and LGBTQ Students in Pennsylvania Public Schools.*

I've been a member of the Pennsylvania Advisory Committee for 20 years, and it really is an honor to present to you today. I present today as the current Chair. This report was produced under the previous cohort, which was led by Patricia Hopson-Shelton.

I want to tell you your decisions in making your appointments to the SACs are absolutely important because you put together a group of people in Pennsylvania that was diverse, knowledgeable, hardworking, and enabled us to put together a report and several hundred pages that was really of great depth and substance and we hope will inspire the Commission to take action in this area.

We heard from five panels, very diverse panels at all levels, the national panels

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1 and Pennsylvania, both students, administrators,  
2 policy people, academics. And our conclusion  
3 might be summed up as follows: disproportionate  
4 use of punishment violates and threatens to  
5 violate the civil rights of students in  
6 Pennsylvania's public schools.

7 Here's what we learned. The zero  
8 tolerance policies and the expanded security and  
9 the presence of police that we see in  
10 Pennsylvania schools today has led to disparities  
11 in the imposition of student discipline.  
12 Underfunded schools are more likely to resort to  
13 punitive discipline. Why? Because, in part,  
14 there are insufficient resources to cover the  
15 costs of more expensive, yet effective, social  
16 supports for students. We learned that high  
17 suspension rates hurt not only the kids who are  
18 subjected to the exclusionary discipline but hurt  
19 the kids who remain in the classroom, even with  
20 the allegedly destructive student.

21 Here's some statistics you might find  
22 interesting and notable. Black students are  
23 three times more likely to be suspended than  
24 white students. Disabled students are twice as  
25 likely to be suspended over white students.

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1 Among the top 25 school districts in the country,  
2 for numbers of black students being arrested in  
3 Pennsylvania has been great. Black students are  
4 seven times more likely to be arrested than white  
5 students. Latinx students are three times more  
6 likely to be arrested than whites. Incidentally,  
7 Pennsylvania is one of the three states where  
8 exclusionary discipline is most frequently  
9 imposed on Latinx students.

10 With respect to LGBTQ students, there  
11 are many anecdotes, but a dearth of data on their  
12 experience. We do know that two times as many  
13 LGBTQ youth report being subjected to  
14 exclusionary discipline than those who report not  
15 receiving such punishment.

16 We learned that disparities in  
17 punishment result not from student behavior but  
18 from the different treatment these students  
19 receive. That is, kids, because of their color,  
20 gender identity, or disability status, are being  
21 treated more severely.

22 Now, the lack of culturally competent  
23 school policies manifested in codes of conduct,  
24 which often have a narrow definition of  
25 acceptable behavior, lead to disparate outcomes.

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1       These policies fall short in creating a climate  
2       in the class that supports all students. For  
3       example, when policies authorize discipline for  
4       insubordination, that leaves room for substantial  
5       subjectivity in making those determinations and  
6       lead to unequal and inequitable treatment.

7               We learned that state education  
8       funding prioritizes police over social work and  
9       restorative discipline. They all favor spending  
10      on hardening over preventative measures.

11              We learned that there is a great need  
12      for disaggregated data. That is data broken down  
13      by race, by sexual identity, and disability.

14              And what is the result of these civil  
15      rights infringements? Well, criminalization  
16      within the education environment leads to higher  
17      rates of incarceration. Testimony showed that  
18      limiting police involvement increases graduation  
19      rates.

20              So here's what we recommend. We  
21      recommend that the use of exclusionary discipline  
22      for nonviolent acts in the school setting end.  
23      We recommended that the use of police in schools  
24      to serve as school disciplinarians should be  
25      minimized. Teaching and implementing trauma-

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1 informed responses to behavior triggered by  
2 adverse childhood experiences will lead to more  
3 beneficial responses to disciplinary situations.

4 We recommend doing a better job of  
5 collecting the data that can inform policy and  
6 decision-making in schools when these  
7 circumstances arise. This means collecting  
8 disaggregated and intersectional data and  
9 averting the underreporting of removals and  
10 arrests and better understanding the reasons for  
11 them. We recommend the use of positive behavior  
12 intervention supports; and, finally, we recommend  
13 expanding the use of restorative trauma-informed  
14 relational repair rather than punishment.

15 For these reasons, the Pennsylvania  
16 Advisory Committee recommended to the Commission  
17 in our report, we respectfully request that the  
18 Commission encourage those federal agencies  
19 promulgating guidelines and financially  
20 underwriting elementary and secondary education  
21 that they provide incentives and resources to  
22 create a positive school environment, one which  
23 elevates alternatives to exclusion.

24 We request that the Commission implore  
25 those federal agencies able to insist on the

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1 collection of data on exclusionary discipline to  
2 do it. Subjectivity and discretion at the  
3 principal level make it impossible to hold  
4 individuals accountable. We heard testimony of  
5 educators who are trained in these strategies and  
6 employing them have empathy for the kids they're  
7 responsible for and who bring these students  
8 together for restorative outcomes. We heard from  
9 children who are eternally grateful to these  
10 educators and administrators for employing those  
11 techniques. By knowing where there is outside  
12 discipline, we can make other educators aware  
13 that they are outliers. We can make them aware  
14 of the alternatives, and we can give them the  
15 tools to use these alternatives.

16 We ask the Commission to reinstate the  
17 2014 joint guidance of the Department of Justice  
18 and the Department of Education on  
19 Nondiscriminatory Administration of School  
20 Discipline, which will provide a roadmap for  
21 instituting these techniques.

22 To conclude, exclusionary discipline  
23 doesn't work. It doesn't make schools safer. It  
24 doesn't improve educational outcomes.  
25 Suspension, expulsions, and arrests do not deter

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1 future misbehavior or departures from the rules.

2 What they do do is increase the risk of a  
3 student dropping out. And a student who has been  
4 suspended is 94 percent less likely to earn a  
5 college degree, and we all know that not  
6 finishing high school have repercussions for that  
7 student and their families for the rest of their  
8 lives.

9 So based on this deep dive into the  
10 state of discipline in public schools in  
11 Pennsylvania, your Pennsylvania Advisory  
12 Committee respectfully requests that the  
13 Commission declare that discipline that  
14 discriminates against or has a disparate impact  
15 with respect to students of color, disabled  
16 students, and LGBTQ students be eliminated in our  
17 public schools; that exclusionary discipline be  
18 limited for all students; and that restorative  
19 and preventative practices become the norm  
20 instead. In this way, our children will have the  
21 opportunities to learn in environments where they  
22 feel welcome, where they feel respected, and see  
23 diversity celebrated; and, as a result, we'll  
24 make major progress in ensuring that the pipeline  
25 from the school to the prison will be dismantled.

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1 Thank you very much for this  
2 opportunity to present.

3 CHAIR CANTU: Thank you, Chair Irwin.  
4 That was nine and a half minutes. You're very  
5 cogent and very clear and very timely.

6 CHAIR IRWIN: Thank you.

7 CHAIR CANTU: You're welcome. Do any  
8 of the commissioners wish to ask questions?

9 COMMISSIONER ADEGBILE: Commissioner  
10 Adebile yields to the senior commissioner from  
11 California.

12 COMMISSIONER GILCHRIST: Thank you,  
13 Commissioner. Thank you very much for that  
14 report. I'm sort of a, when it comes to issues  
15 like this, I like a deep dive.

16 Did your study show any correlation or  
17 coincidence, you know, whatever you want to call  
18 it, between the disparities in any particular  
19 jurisdiction or schools and the diversity  
20 component of either the school board or the  
21 administrators charged with school discipline?

22 CHAIR IRWIN: That's a great question.

23 Do you mean within Pennsylvania or nationally?  
24 We had national experts, as well as  
25 administrators within Pennsylvania. But we did

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1 find --

2 COMMISSIONER GILCHRIST: Obviously  
3 within Pennsylvania, yes.

4 CHAIR IRWIN: Yes. So within  
5 Pennsylvania, what we found was outstanding  
6 examples of actors, whether it be judges, whether  
7 it be administrators, at all levels, who  
8 understand and recognize the advantages of  
9 benefits of restorative discipline, who have  
10 employed them in their settings. There is not  
11 enough data, reliable data, verified data, to be  
12 able to give a more specific response to that,  
13 Commissioner. And that is really one of the  
14 reasons that we really believe that the  
15 collection of data really must be improved  
16 dramatically to give us the tools we need to  
17 identify where these problems arise.

18 COMMISSIONER GILCHRIST: Yes. I only  
19 ask that because I know that oftentimes school  
20 boards' policies may or may not actually reflect  
21 the demographics of the population that they  
22 serve, and I think that has a direct and  
23 correlative impact on policies adopted and  
24 sensitivity and understanding of, quite frankly,  
25 the students who they're enacting policies

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1 supposedly on behalf of.

2 So thank you for that. And, again,  
3 thank you for the good work.

4 CHAIR IRWIN: You're welcome. Thank  
5 you.

6 CHAIR CANTU: Commissioner Adegbile.

7 COMMISSIONER ADEGBILE: Thank you.  
8 Thank you, Chair, for your important presentation  
9 and thank you to the state advisory committee for  
10 taking up this important topic.

11 I guess I want to ask you a question  
12 based on your experience and examination in  
13 Pennsylvania, if you formed any judgments about  
14 the context that brings schools to adopt the  
15 methods that lead to exclusionary practices in  
16 school environments. And, more specifically, I  
17 think, on the one hand, educators, parents,  
18 families, students themselves, all have an  
19 interest in schools where there is order, where  
20 there is safety, where the educational  
21 environment is conducive to learning, and, in  
22 some cases, where there are consequences for not  
23 following a school's rules, right? We all have  
24 to follow rules in school, and so we understand  
25 that there is an interest in order in our

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1 schools.

2 But I'm wondering what, in your view,  
3 leads to these punitive and aggressive tactics  
4 that so many schools have adopted when the key  
5 goal of our educational institutions is to help  
6 people form themselves socially, emotionally, and  
7 intellectually, and be prepared to engage as  
8 citizens and productive people in the country.  
9 What is the context that leads schools to adopt  
10 such punitive measures, and how did we get there?

11 CHAIR IRWIN: That's a really great  
12 question, and I'd love to follow-up with you.  
13 Let me give you some of my judgments maybe that  
14 I've formed, and please ask me again if I don't  
15 answer the question properly.

16 I think there's a couple of things.  
17 Above all, I think that the SAC would, there's a  
18 consensus that they're in Pennsylvania which has,  
19 compared to other states, relatively inadequate  
20 support of local school districts. It's a  
21 property tax system that doesn't adequately fund  
22 schools. There is not the resources available to  
23 be able to spend on training of administrators  
24 and teachers to be able to have the skills to  
25 administrator these kinds of restorative

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1 strategies. And that takes trainings. It's not  
2 something you can just talk about. You need  
3 people who really know what they're doing in  
4 order to bring people together.

5 You have administrators who, if they  
6 have empathy, it goes a long way. But what we  
7 found is, the testimony we heard from  
8 administrators who are doing this, it becomes a  
9 24/7 job for them. This is not a 9 to 5 or 7 to  
10 3 type of thing. This is something where they  
11 are working with these students and they're in  
12 the community, you know, seven days a week, 24  
13 hours a day, with the families, with the parents.

14 We really need to have people who are equipped  
15 in the schools to do this, not only teachers but  
16 social workers who are trained to do that kind of  
17 work. And right now the way that the  
18 legislation, in Pennsylvania at least, is there  
19 is an emphasis on safety but it's in hardening,  
20 more addressing these issues by having police in  
21 the schools, thinking that they will be a  
22 deterrent violence and other things. We know  
23 that having the presence of police in the schools  
24 does not lead to safer schools necessarily, and  
25 it does not, it's not leading to students being

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1 in school more, learning more, having better  
2 educational outcomes either.

3 So we're not saying, we're not saying  
4 that violent action not be dealt with  
5 appropriately. But nonviolent circumstances that  
6 occur that are disruptive can be addressed in a  
7 much better way that keep kids in school and  
8 able, when they transition back to school, to  
9 continue learning where they were learning, if  
10 they're still in that setting.

11 I don't know if that helps,  
12 Commissioner Adegbile, a little bit.

13 COMMISSIONER ADEGBILE: It does, it  
14 does. Thank you again for the work of your  
15 committee and your report to us today. I  
16 appreciate it.

17 CHAIR IRWIN: Thank you.

18 COMMISSIONER GILCHRIST: Madam Chair -  
19 - sorry. Go ahead. Commissioner Yaki, please go  
20 right ahead.

21 COMMISSIONER YAKI: No, no, no,  
22 Commissioner Gilchrist. I just had a follow-up,  
23 so I'll go after everyone has had their turn.

24 COMMISSIONER GILCHRIST: Okay. Chair  
25 Irwin, thank you so much for this report to you

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1 and the committee there in Pennsylvania. I just  
2 had a quick question regarding the  
3 recommendations.

4 Obviously, when we find students who  
5 find themselves in situations like this, parents  
6 oftentimes request for their children to have  
7 options when it comes to education. I was just  
8 curious if there was any consideration given in  
9 the report to any parental choice options for  
10 students that may find themselves in these  
11 environments where they cannot escape. Any  
12 thoughts on that?

13 CHAIR IRWIN: By parental choice, do  
14 you mean in charter schools or nonpublic schools  
15 or in --

16 COMMISSIONER GILCHRIST: Yes, any  
17 other, any option, whether it's a public charter  
18 school or if it's a private school. Any option  
19 that a parent would seek to exercise with regard  
20 to their children trying to escape some of this  
21 in the traditional public schools.

22 CHAIR IRWIN: Well, that's a great  
23 question, and I'm not -- it's sort of maybe three  
24 responses, and maybe not of them are going to  
25 directly respond to you, Commissioner Yaki, and I

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1 apologize.

2 One is, first, let me say that the 14  
3 members of our SAC under the previous cohort  
4 were, it was really a very appropriate topic for  
5 us to address because we had, among us, we had  
6 educators, we had people working as lawyers in  
7 the education setting, people who work with Big  
8 Brothers and Big Sisters and youth groups in the  
9 community and immigrant groups and others who  
10 really are immersed in the educational issue. So  
11 we were really well-suited to address those and  
12 the alternatives that you've raised.

13 We did not, we really did focus on  
14 public schools. We did not go outside to  
15 parochial or private or other ADY type programs.

16 I am familiar with those, and I think they raise  
17 a whole host of really important issues, but they  
18 were outside the scope of our report. There are  
19 individuals who have those characteristics that  
20 suffer trauma or are a member of one of the more  
21 marginalized groups in society as children who  
22 may go to those other schools who do not have,  
23 frankly, the legal rights to enforce their civil  
24 rights the way that students in public school may  
25 have. And those rights have not been enforced as

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1 aggressively as the Commission hopes that, as the  
2 SAC hopes that the Commission will propose and  
3 endorse. That can cause those individuals,  
4 because they're not in a public school, to be  
5 subjected to really discriminatory treatment  
6 without recourse.

7 So I know that there are, I'm familiar  
8 with also ADY programs that set up great  
9 facilities for students who are then removed from  
10 the school setting. And they work very well with  
11 those kids, but they're required to be put back  
12 in the school setting within 30 or 60 days before  
13 they have the opportunity -- and, often, they do  
14 very well in those settings because they're  
15 smaller, smaller environments, they're given more  
16 individual attention, they have people who are  
17 trained in social work and health and recognizing  
18 the trauma these children have dealt with, and  
19 they're able to address those issues. It's very  
20 hard to do that in the school setting. Those  
21 resources are not there.

22 So I think, again, it comes down to  
23 resources and recognizing that the school setting  
24 is probably one of the best places to identify  
25 these kinds of behaviors and even address some of

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1 these kinds of behaviors.

2 But, again, this was a little bit  
3 outside the scope of what we were able to address  
4 during our term. I apologize for that.

5 COMMISSIONER GILCHRIST: No worries.  
6 Thank you for your response.

7 CHAIR IRWIN: You got it.

8 CHAIR CANTU: Does anyone else have a  
9 question?

10 COMMISSIONER YAKI: Well, this is  
11 Commissioner Yaki. I have a follow-up. I was  
12 going to wait until everyone else had their  
13 chance.

14 CHAIR CANTU: Yes, please, please.

15 COMMISSIONER YAKI: Chair, I just  
16 wanted to follow up on the police issue. Number  
17 one, do the school districts pay for the police  
18 to be present? And, number two, what kind of  
19 training do they require of these officers in  
20 order to be in a school setting and did you  
21 examine it, did you get any info on what kind of  
22 training was involved and whether it seemed to be  
23 appropriate for a school system?

24 CHAIR IRWIN: That is a really great  
25 question, and I can't recall immediately whether

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1 we collected that information specifically, but I  
2 will, again, take a look at the material we've  
3 amassed and answer you outside of this. I'll  
4 follow up with you.

5 My understanding is that, you know,  
6 each school district has their budgets, and  
7 they're able to, they're not precluded, they have  
8 a good deal of discretion and sovereignty in  
9 deciding whether they want to put law enforcement  
10 in their schools and how they want to do that.  
11 There are incentives at state level in terms of  
12 funding to support that, and it's significantly  
13 more, the use of those funds is significantly  
14 more weighed in favor of funding police rather  
15 than restorative personnel or mental health or  
16 behavioral health kinds of supports.

17 COMMISSIONER YAKI: Yes, that would be  
18 great. I mean, part of me is curious as to  
19 whether or not, in a game of Peter paying Paul,  
20 if there is, whether or not police budgets are  
21 being supplemented by school budgets and to what  
22 extent it comprises a proportion of a school  
23 district's entire budget. So, yes, if you can, I  
24 think all that is fascinating. And if you have  
25 anything on that that would be great to review,

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1 but I will ask you to try and recall everything  
2 that you heard or saw in your testimony.

3 CHAIR IRWIN: Thank you for that  
4 opportunity, Mr. Yaki. We'll definitely follow  
5 up on that. My sense is that the police do  
6 things, once the police see activity in the  
7 school setting that they believe -- they're given  
8 broad discretion. So if they see something  
9 that's not necessarily illegal activity but is  
10 disruptive activity, they would not stop to do  
11 what a normal principal or assistant principal or  
12 teacher might do in that setting.

13 So, you know, they're there, they're  
14 wearing a uniform, they're having that kind of  
15 interaction. But once they make a determination  
16 that there has been some kind of a criminal act  
17 or potentially criminal act, it's their call all  
18 the way through and the school system is not  
19 training them in how to respond. This is a  
20 response that they draw from their own police  
21 training, and they can remove that student at any  
22 point and bring them into the criminal justice  
23 system or not do it. And that's what happens.

24 You know, there's interventions all  
25 along the way. There's tremendous discretion

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1 from the time the student walks into the school  
2 until the time that the student goes home or  
3 doesn't go home. And, you know, who's making  
4 those determinations? It's not a very functional  
5 system. And if it were working, then it might be  
6 another thing. But it's not changing the  
7 outcomes.

8 And so it seems that we could better  
9 use those resources to, again, to employ the  
10 restorative and preventative type things that  
11 would reach students, all different students who  
12 come from all different backgrounds, especially  
13 in a public school setting, to learn to get along  
14 with each other, to take responsibility for their  
15 actions, to understand the roles that they played  
16 in bringing the situation about, and then moving  
17 on. That will keep them in school, keep their  
18 instruction days as high as possible, make it  
19 more likely they'll graduate and go on to more  
20 rewarding lives.

21 COMMISSIONER YAKI: Great. Thank you  
22 very much, Mr. Chair. And, again, thank you and  
23 the SAC for your leadership.

24 CHAIR IRWIN: Thank you, Commissioner.

25 CHAIR CANTU: Would any other

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1 commissioner ask a question? I will add, from my  
2 experience in working with doctoral students who  
3 are investigators in this area, that one key  
4 indicator is whether the personnel have their  
5 annual appraisals done by the chief of police or  
6 whether it's done by the school leadership  
7 because the behavior of the school resource  
8 officers or the police on campus can be affected  
9 by whether certain items are part of their  
10 personnel review. And so if they have to be  
11 individually reviewed by the school principal,  
12 there will be educational outcomes that they'll  
13 be asked to do. Help with attendance, did you  
14 help students to graduate on time, you know,  
15 those kinds of issues could be part of the  
16 personnel manual or handbook.

17 And so it's an easy check to just ask  
18 who does your performance review and are there  
19 education elements of that. And I learned that  
20 from my students, so I will give them full credit  
21 for that.

22 Are there any -- if there's no further  
23 questions, I will, again, thank you Chair Irwin.

24 You've done a terrific job with leadership, and  
25 your committee and your prior chair should be

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1 commended for an excellent report to us. So  
2 thank you --

3 CHAIR IRWIN: Thank you very much.

4 CHAIR CANTU: Thank you very, very  
5 much. You're welcome to stay on the line. You're  
6 welcome to stay on the line.

7 CHAIR SMITH: I will.

8 **NADINE SMITH, CHAIR, FL AC**

9 CHAIR CANTU: We're going to move on,  
10 our next item of the agenda is a presentation  
11 regarding Florida's State Advisory Council. We  
12 are going to hear from Florida State Advisory  
13 Committee member Nadine Smith and on the  
14 committee's release report on voting rights.

15 Chair Smith, you've also got ten  
16 minutes, and you have the floor.

17 CHAIR SMITH: All right. Thank you  
18 very much. Good afternoon, everyone. And I will  
19 do my best to hit the mark as well as my  
20 counterpart just did.

21 As you all know, in October of last  
22 year the Florida Advisory Committee released an  
23 advisory memorandum to the Commission, and it  
24 followed from a series of public meetings that we  
25 had collecting public testimony on voting rights

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1 all across the state. And we really sought to  
2 evaluate voter access in Florida with a  
3 particular emphasis on the areas that may  
4 demonstrate a disparate impact on protected  
5 classes under the Voting Rights Act.

6 It has been, roughly, two decades  
7 since this issue was the focus of the Florida  
8 Advisory Committee. In 2001, there were hearings  
9 held in Florida that found widespread voter  
10 disenfranchisement, and so two decades later it  
11 seemed like it was time for us to take another  
12 look in ensuring every vote counts and every  
13 voter can vote. You know, obviously, a  
14 fundamental right in a democracy and an issue  
15 that had already generated a lot of conversation  
16 in our state, particularly around felon  
17 disenfranchisement. And there are quite a few  
18 recommendations that emerged from all of those  
19 conversations, but we hope that the report helped  
20 to spotlight the urgency of protecting the rights  
21 of all Floridians to know that their vote is  
22 protected.

23 One of the issues that came up  
24 frequently in these conversations across the  
25 state was the removal of pre-clearance

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1 protections of the Voting Rights Act through the  
2 2013 Supreme Court decision in *Shelby v. Holder*,  
3 and that it had resulted in an increase in  
4 restrictive voting laws in Florida and in other  
5 states, as well. And those restrictive voting  
6 measures had really, had cost advocates and  
7 community groups who are really working to ensure  
8 every vote counts. Unprecedented time, costly  
9 court battles, et cetera.

10 But the conversations that we had  
11 across the state, the testimony that we heard  
12 from all over Florida would have fell into a  
13 handful of buckets: the limitation on voter  
14 registration and strict maintenance of voter  
15 rolls in ways that erroneously canceled  
16 registration disproportionately among voters of  
17 color; unnecessary limitations on early voting;  
18 disproportionate rejection of mail-in ballots  
19 that are deemed as having significant mismatches  
20 by untrained officials and that those rejection  
21 of mail-in ballots disproportionately impacted  
22 black voters and young voters; just literal  
23 structural barriers to voting on election day.  
24 We heard from the disability community about a  
25 variety of ways that there were structural

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1 barriers to be even able to cast votes, but not  
2 just around disabilities but also around  
3 language, you know, the barriers facing  
4 individuals with limited English language  
5 proficiency.

6 And another issue that arose that, you  
7 know, I think, as we begin to put this report  
8 together, we might not have anticipated how much  
9 of the conversation included election security  
10 concerns, not so much around voter fraud, which,  
11 by all accounts, was negligible, vanishingly  
12 small, but around the issue of retaining a paper  
13 trail and concerns about the ability to verify  
14 electronic voting.

15 So that's sort of the basket of the  
16 issues that arose. I'll just spotlight a few of  
17 the recommendations that emerged, but one of them  
18 was that the U.S. Commission issue formal  
19 recommendations to the Florida governor and  
20 legislator to expand the voter registration  
21 deadline to election day and institute same-day  
22 or election day voter registration options, as  
23 other states have, in addition to postal mail  
24 notification require electronic communication  
25 with inactive voters, including email, text

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1 messages, prior to canceling voter's registration  
2 and, again, after registration cancellation has  
3 occurred. So if you didn't vote in two  
4 consecutive elections, then maybe a minimal  
5 effort to ascertain that you are still, you still  
6 intend to be a registered voter. And if you  
7 don't get that communication, then you're removed  
8 from the rolls and you may not know that until  
9 you go to cast your ballot.

10 Require all polling locations offer  
11 voters the option to vote by paper ballot. This  
12 is particularly important in the case of  
13 malfunctioning voter machines or excessively long  
14 lines, et cetera. And then, in conjunction with  
15 local activists, advocates in the disability  
16 rights community conduct an assessment of the  
17 voting process in Florida to ensure all aspects  
18 of accessible, effective training to provide all  
19 of the elected officials and poll workers so that  
20 they understand what their responsibilities are  
21 in order to make the polling experience, the  
22 voting experience, accessible for people with  
23 disabilities and require each county to develop  
24 an election disaster preparedness plan available  
25 to the public. You know, obviously, Florida is a

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1 place where we get hit by a lot of hurricanes.

2 And what began to emerge in the  
3 testimony was that the responses to it were  
4 disparate, and some asserted that, depending on  
5 where you were and what the demographic makeup of  
6 your community was, you were more likely to be  
7 allowed to, for example, fax your ballot in,  
8 something that's not provided for under law, in  
9 an emergency, in the aftermath of a hurricane,  
10 when the same provision was not permitted in  
11 majority black precincts, so making sure that  
12 there's an even playing field and that the same  
13 procedures are followed.

14 So I'm going to pause there and invite  
15 any questions or follow-up, or, if you'd like me  
16 to dive deeper into any of the areas that I've  
17 highlighted.

18 CHAIR CANTU: I appreciate that you  
19 took such a deep dive already. Commissioners,  
20 would you like to identify yourselves and ask a  
21 question?

22 CHAIR SMITH: Was I truly that  
23 thorough?

24 CHAIR CANTU: You were.

25 COMMISSIONER YAKI: Oh, I'm sorry.

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1 Mine was on mute. This is Commissioner Yaki.  
2 Thank you very much, Madam Chair, for the work  
3 that you have done. I had a question, and I'm  
4 not too sure if you can answer or not. But I  
5 just wanted to get your sense or the committee's  
6 sense on how something like the pandemic, in your  
7 view, affected voting in Florida in the 2020  
8 election, in terms of just the issue that you  
9 brought up today.

10 CHAIR SMITH: Honestly, we were not in  
11 the pandemic as we were holding much of this, you  
12 know, going through this process. It wasn't an  
13 experience that people had had yet at the  
14 polling, so it's not within the scope of this  
15 presentation.

16 I will say, you know, just in terms of  
17 how it played out, there were lots of concerns  
18 about the accessibility issues that arose when  
19 you had longer lines, people attempting to space  
20 out. But we weren't in a position at the time of  
21 building this report to analyze that at all.

22 COMMISSIONER YAKI: Okay. Thank you.

23 COMMISSIONER ADEGBILE: Madam Chair,  
24 Commissioner Adegbile.

25 CHAIR CANTU: Please proceed.

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1                   COMMISSIONER ADEGBILE: I just wanted  
2 to thank you for your report. I had the  
3 opportunity to attend one of the information-  
4 gathering sessions on behalf of the Commission,  
5 and I really appreciate the work that the SAC has  
6 done in bringing attention to these issues and  
7 the pathway of all of our eligible voters to have  
8 their votes cast and counted. So I'm just  
9 sharing my thanks and appreciation for your good  
10 work.

11                   CHAIR SMITH: Thank you. We really  
12 appreciated your attendance and the fact that so  
13 many people in the community, you know, were able  
14 to be there in person or send their information.

15                   And, obviously, Florida, because of the felon  
16 disenfranchisement, Florida voters in 2018 voted  
17 really decisively to restore voting rights for  
18 individuals with felony convictions. And  
19 subsequent to the passage of that ballot measure,  
20 legislation was introduced that curtailed that  
21 access.

22                   And so while that was the place we  
23 assumed a lot of the conversation would be  
24 centered, and, certainly, a large proportion was,  
25 I wanted to spend time on the other issues that

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1 emerged because I think we all, I think we've  
2 heard a lot about felon disenfranchisement and  
3 there's a lot more work to be done there. But  
4 our hope really is, you know, just as you  
5 attending that hearing helped to draw more  
6 attention, more media coverage, more involvement  
7 from the community, we're really hoping that the  
8 Commission will use this moment, as we are  
9 heading back into election season again, to  
10 really put a spotlight on this.

11 And we know, in the past, when this  
12 conversation has come up, it has prompted real  
13 change, greater access on college campuses,  
14 greater access to early voting, weekend voting,  
15 those kinds of things. And now at a time when  
16 we're seeing the erosion of that, the voice of  
17 this Commission is really quite powerful and  
18 really important. So thank you for taking the  
19 time to be with us, and thank you to all the  
20 commissioners for continuing to give us a  
21 platform for having these conversations.

22 CHAIR CANTU: Anyone else wish to ask  
23 a question? May I just probe a little bit? Were  
24 there discussions of how to build trust and  
25 confidence in performing the task of verifying

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1 that they got the right voter and the voter is  
2 voting in the right place? How do we not lose  
3 voters, and how do we not deter people from  
4 voting, as we take that task up?

5 CHAIR SMITH: Well, there were a lot  
6 of conversations about the things that were  
7 actually eroding trust. Over-emphasis on the  
8 concept of voter fraud, despite the lack of data  
9 supporting that, is actually creating barriers to  
10 people to be able to cast their ballots. There  
11 were conversations about paper trails, not just  
12 as evidence that there is anything going on that  
13 is improper but also just in terms of building  
14 the confidence that there is the ability to trace  
15 that your ballot was cast, that nothing can  
16 happen, you know, through software or hacks or  
17 things of that nature.

18 But I think really what a great deal  
19 of the conversation was let us begin with the  
20 premise that we want as many people who are  
21 eligible to vote to cast their ballots in every  
22 election, and then let the process for how you  
23 get there flow from that shared premise, and, you  
24 know, as opposed to a conversation that says  
25 we're going to make, we're going to put many,

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1 many barriers in front of voters that make it  
2 harder for them to get to the ballot to ensure  
3 that it's cast. And just looking around at other  
4 states, you can see that there are things that  
5 are already in place, working effectively,  
6 allowing people to register same day, allowing  
7 people greater access to the ballot.

8 And so I think that much of the  
9 conversation as how do we change the tenor of the  
10 conversation away from, you know, barriers and  
11 we're going to remove you from the ballot and  
12 we're going to create impediments to, we want to  
13 make it easier for everyone, you know, even if  
14 you've never registered before. We're going to  
15 make it as easy as possible for you to access the  
16 system.

17 So I do think there's a lot of work to  
18 be done, just on the basis of trust in a system  
19 where I think there was a clear sense by the  
20 majority of people presenting testimony that  
21 Florida's election system is driven, certainly at  
22 the legislative level, if not as much at the  
23 local level, by efforts to shape and minimize who  
24 had access to the ballot.

25 CHAIR CANTU: Thank you, thank you.

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1 Are there any further questions? If there are no  
2 further questions, then we're going to move on to  
3 the next item.

4 Thank you, Chair Smith, for your  
5 service and leadership on the Florida State  
6 Advisory Committee. But your presentation today  
7 was succinct, and it is a very, very thoughtful  
8 report and I'm glad you took the time to come  
9 speak with us today about it.

10 CHAIR SMITH: Thank you.

11 CHAIR CANTU: And, again, I invite you  
12 to stay on if you'd like, but if you've got other  
13 urgent business, you know, please go with our  
14 gratitude.

15 CHAIR SMITH: Have a good afternoon,  
16 everybody.

17 CHAIR CANTU: Yes, thank you.

18 **DISCUSSION AND VOTE ON STATE ADVISORY COMMITTEE**

19 **APPOINTMENTS**

20 CHAIR CANTU: So the second item on  
21 today's agenda is a discussion on appointments to  
22 our state advisory committees. As you know, the  
23 Commission depends on advice from highly  
24 qualified persons who serve in each of the  
25 committees in our 50 states, plus the District of

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1 Columbia. And, most recently, the Commission  
2 will be recruiting and identifying and bringing  
3 on advisors from the U.S. Virgin Islands, Puerto  
4 Rico, and the Northern Mariana Islands, and  
5 American Samoa.

6 Today, we have two advisory state  
7 committees with recommendations that have been  
8 vetted by the commissioners and have been vetted  
9 by staff. And these are folk who are highly  
10 qualified. So New Mexico and Texas are on our  
11 agenda today, and I will get us started by moving  
12 to a point person to serve on the state advisory  
13 committee, members of the state of Texas, and  
14 they're based on, as I said, vetting that has  
15 been performed, and they come also with  
16 recommendations of the staff director.

17 **NEW MEXICO ADIVOSRY COMMITTEE**

18 I'm going to read off the names, so  
19 please bear with me while I do that: Christopher  
20 Saucedo, nominated for chair, and he is a new  
21 appointee; Nicolas Davis, new appointee;  
22 Elizabeth Eastman, new appointee; John Gist, new  
23 appointee; Vinay Harpalani, new appointee;  
24 Pamelya Harndon, new appointee; Stacy Moses, new  
25 appointee; Sandra Ortsman, new appointee; Carolyn

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1 Stith, new appointee; Sydney Tellez, new  
2 appointee; Marc Tizoc Gonzalez, new appointee;  
3 and Douglas Turner, new appointee.

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

9 So do I have a second for this motion?

10 COMMISSIONER ADEGBILE: Adegbile  
11 seconds.

12 CHAIR CANTU: Thank you. I'll open  
13 the floor for discussion. And the paperwork on  
14 them has been completed, so we did pursue having  
15 bipartisanship representation, diversity, and  
16 really, really strong credentials.

17 So I'm opening the floor for  
18 discussion. Thank you. So without discussion,  
19 it is still, you know, critical that I call the  
20 question. So let's take a roll call vote,  
21 please.

22 Commissioner Adams, how do you vote?

23 COMMISSIONER ADAMS: Yes.

24 CHAIR CANTU: Commissioner Adegbile.

25 COMMISSIONER ADEGBILE: Aye.

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1 CHAIR CANTU: Commissioner Gilchrist.

2 COMMISSIONER GILCHRIST: Aye.

3 CHAIR CANTU: Commissioner Heriot.

4 COMMISSIONER HERIOT: I vote yes.

5 CHAIR CANTU: Commissioner Kirsanow.

6 Commissioner Kirsanow.

7 OPERATOR: I think he had to leave the  
8 call.

9 CHAIR CANTU: Okay. I'll come back to  
10 him. Commissioner Kladney.

11 COMMISSIONER KLADNEY: Yes.

12 CHAIR CANTU: Commissioner Yaki.  
13 Okay. Let me come back. Commissioner Kirsanow.  
14 Commissioner Yaki. Okay.

15 OPERATOR: And Commissioner Yaki is  
16 muted.

17 COMMISSIONER YAKI: Aye.

18 CHAIR CANTU: I heard Commissioner  
19 Yaki. Thank you.

20 COMMISSIONER YAKI: I really would  
21 like the refrain on the commentary from the host.

22 CHAIR CANTU: Thank you. Anyone else  
23 -- I'm the last one. I'm trying to count to  
24 eight, so I vote aye.

25 All right. So the tally is seven

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1 commissioners voting, all voting aye. So the  
2 motion carries.

3 **TEXAS ADVISORY COMMITTEE**

4 So the second is I now move to appoint  
5 the following persons to serve on the state  
6 committee for Texas. Yes, the state of Texas.  
7 Their names, and I'll try to go a little quicker  
8 so that we can get done with this meeting:  
9 Merrill Matthews, nominated for chair and  
10 returning appointee; Jada Andrews Sullivan, new;  
11 Joni Baker, returning; Josh Blackburn, returning;  
12 Charles Blaine, new; Charles Burcheyy; returning;  
13 Rogene Clavert, returning; Cecelia Castillo,  
14 returning; Ariel Dulitisky, new; Mark Harrington,  
15 new; Brandon Holt, new; Christopher Kulesza, new;  
16 Austin Nimocks, new; Ronald Smeberg, returning;  
17 Barbara Walters, returning; Jamilah Way, new.

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

23 Do I have a second for this motion for  
24 advisory committee members in the state of Texas?

25 COMMISSIONER YAKI: Seconded,

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1 Commissioner Yaki.

2 CHAIR CANTU: Thank you. I'll now  
3 open the floor for discussion.

4 COMMISSIONER ADEGBILE: Madam Chair,  
5 Commissioner Adegbile.

6 CHAIR CANTU: Yes, I recognize  
7 Commissioner Adegbile.

8 COMMISSIONER ADEGBILE: Madam Chair,  
9 I'm just double-checking, did you designate the  
10 person who would serve as chair of the Texas  
11 State Advisory Committee?

12 CHAIR CANTU: The first name, Merrill  
13 Matthews, nominated for chair and returning.

14 COMMISSIONER ADEGBILE: Thank you.

15 CHAIR CANTU: He's a returning  
16 appointee. Any other questions or comments?  
17 Okay. Unless there's any further discussion, I'm  
18 going to call the question and take a roll call  
19 vote.

20 Commissioner Adams.

21 COMMISSIONER ADAMS: Yes.

22 CHAIR CANTU: Commissioner Adegbile.

23 COMMISSIONER ADEGBILE: Aye.

24 CHAIR CANTU: Commissioner Gilchrist.

25 COMMISSIONER GILCHRIST: Aye.

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1 CHAIR CANTU: Commissioner Heriot.

2 COMMISSIONER HERIOT: Yes.

3 CHAIR CANTU: Commissioner Kirsanow,  
4 are you back online? That's okay. Commissioner  
5 Kladney.

6 Commissioner Yaki.

7 COMMISSIONER YAKI: Aye.

8 CHAIR CANTU: And I vote aye. Let me  
9 come back just to double-check. Commissioner  
10 Kirsanow. Commissioner Kladney.

11 We have six commissioners all voting  
12 aye. The motion carries. Congratulations to the  
13 new advisory committee members for the states of  
14 New Mexico and Texas. This is one of the very  
15 important items of business that commissioners  
16 carry, and I congratulate the new members and the  
17 returning members.

18 We're now going to go to the third  
19 item --

20 COMMISSIONER KLADNEY: Madam Chair,  
21 here's Kladney. My call got dropped, but I vote  
22 yes.

23 CHAIR CANTU: Thank you. Yes, thank  
24 you, sir. We are having, we are experiencing  
25 these difficulties, and I please ask your

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1 patience on that. And please let us know through  
2 your essays also if you get dropped on the phone.  
3 We will try to get you right back on again.

4 **VOTE TO AMEND OCTOBER 2022 BUSINESS MEETING**

5 **DATE**

6 CHAIR CANTU: The third item on the  
7 agenda is amending the date of the business  
8 meeting in October. I move to adopt October 21st  
9 in 2022, and is there a second?

10 COMMISSIONER KLADNEY: Kladney will  
11 second.

12 CHAIR CANTU: Thank you. Any  
13 discussion?

14 COMMISSIONER KLADNEY: What time does  
15 that meeting start?

16 CHAIR CANTU: I can't answer. Does  
17 someone know? We usually do this on Eastern  
18 Time.

19 COMMISSIONER YAKI: I think it's 12 to  
20 3, isn't it?

21 CHAIR CANTU: Mr. Morales--

22 MR. MORALES: This is Staff Director  
23 Morales. That is correct. It is scheduled for  
24 12 to 3, same time as it was for Friday, the  
25 22nd. It's just been moved up one day. Thank

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1 you.

2 CHAIR CANTU: So any further  
3 discussion? I'm reminding everyone that this is  
4 October 21st, 2022, so please let's not confuse  
5 that with this October.

6 Any other questions?

7 Commissioner Adams. Calling for votes  
8 now.

9 COMMISSIONER ADAMS: Yes.

10 CHAIR CANTU: Commissioner Adegbile.

11 COMMISSIONER ADEGBILE: Aye.

12 CHAIR CANTU: Commissioner Gilchrist.

13 COMMISSIONER GILCHRIST: Aye.

14 CHAIR CANTU: Commissioner Heriot.

15 COMMISSIONER HERIOT: Yes.

16 CHAIR CANTU: Commissioner Kirsanow.  
17 Commissioner Kladney.

18 COMMISSIONER KLADNEY: Yes.

19 CHAIR CANTU: Commissioner Yaki.

20 COMMISSIONER YAKI: I think I'll vote  
21 no because I haven't voted no in a while.

22 CHAIR CANTU: Got you. You just want  
23 to see if I can add. Okay. So I'm voting yes,  
24 so we have seven members voting, six  
25 commissioners voting yes and one no. Was my math

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1 right? You're never going to say I'm right.

2 CHAIR CANTU: And now we're turning to  
3 the last item -- not the last item because I  
4 don't ever want to call someone the last item.  
5 We're going to turn to Staff Director Morales.  
6 If you have a report you'd like to present right  
7 now, we'd be happy to hear from you.

8 MR. MORALES: Yes, Madam Chair. But I  
9 think there was the amending to FEMA Houston  
10 field briefing date.

11 **VOTE TO AMEND FEMA HOUSTON FIELD BRIEFING DATE**

12 CHAIR CANTU: Let's look at that.  
13 Thank you. That is a good catch.

14 COMMISSIONER ADEGBILE: Madam Chair,  
15 Commissioner Adegbile. My understanding is that  
16 we're trying to amend the date from Friday,  
17 October 22nd to Thursday, October 21st.

18 CHAIR CANTU: Correct. So it's our  
19 fourth item on the agenda. It's amending the  
20 Houston field briefing date. We had some  
21 scheduling conflicts. It's for this year, so my  
22 motion is to hold the Houston field briefing date  
23 on Thursday, October 22nd, 2021, and that's a  
24 change. Right now, we had voted in October 22nd,  
25 Friday. We want to do it Thursday.

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1 So to open the floor, is there a  
2 second?

3 COMMISSIONER YAKI: Commissioner Yaki  
4 seconds.

5 CHAIR CANTU: Thank you, Commissioner  
6 Yaki.

7 COMMISSIONER KLADNEY: Madam Chair,  
8 we're changing it to October 21, 2021; is that  
9 correct?

10 CHAIR CANTU: Yes, 21 in '21.

11 COMMISSIONER KLADNEY: At 11:00  
12 Eastern Standard Time; is that correct?

13 CHAIR CANTU: Staff Director, can you  
14 answer that? Because I don't know.

15 MR. MORALES: I believe it's 12, but,  
16 Commissioner Adegbile, do you have any --

17 COMMISSIONER ADEGBILE: I believe it's  
18 11 to 2. I was under the impression it was 11  
19 Eastern to 2 was what I had, but I'm open --

20 MR. MORALES: Okay. You're correct,  
21 you are correct.

22 COMMISSIONER ADEGBILE: -- to  
23 revision.

24 MR. MORALES: You are correct. Thank  
25 you.

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1 COMMISSIONER KLADNEY: Thank you for  
2 the clarity.

3 CHAIR CANTU: Any other questions or  
4 discussion? So I'll call the question and take  
5 roll call.

6 Commissioner Adams, how do you vote?

7 COMMISSIONER ADAMS: Yes.

8 CHAIR CANTU: Commissioner Adegbile.

9 COMMISSIONER ADEGBILE: Aye.

10 CHAIR CANTU: Commissioner Gilchrist.

11 COMMISSIONER GILCHRIST: Aye.

12 CHAIR CANTU: Commissioner Heriot.

13 COMMISSIONER HERIOT: Yes.

14 CHAIR CANTU: Commissioner Kirsanow.  
15 Commissioner Kladney.

16 COMMISSIONER KLADNEY: Yes.

17 CHAIR CANTU: Commissioner Yaki.

18 COMMISSIONER YAKI: Aye.

19 CHAIR CANTU: And I vote yes. Seven  
20 commissioners voted, all voted aye. The change  
21 is approved, and the motion carries.

22 All right. So we've done both the  
23 FEMA and the business meeting.

24 **MANAGEMENT AND OPERATIONS - STAFF DIRECTOR'S**

25 **REPORT**

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1 CHAIR CANTU: And so our last item,  
2 Staff Director Morales, thank you for getting me  
3 back on track. Just inquiring once more, we've  
4 already gotten your written Staff Director's  
5 report. Do you have anything to add or any oral  
6 presentation to accompany it?

7 MR. MORALES: Thank you, Madam Chair.

8 In the interest of time, I have nothing further  
9 to add than what's already contained in the  
10 report. I just want commissioners to know that  
11 I'm always available to discuss with a  
12 commissioner about any item contained in the  
13 report.

14 So I would like to take a moment just  
15 to acknowledge that yesterday was the anniversary  
16 that 64 years ago President Dwight Eisenhower  
17 signed the Civil Rights Act of 1957. The act  
18 established the civil rights section of the  
19 Justice Department, empowered federal prosecutors  
20 to obtain court injunctions against interference  
21 with the right to vote. But, more importantly,  
22 for our purposes, the act established the federal  
23 civil rights, the U.S. Civil Rights Commission  
24 with the authority to investigate discriminatory  
25 conditions and recommend corrective measures.

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1 I'll probably do an outreach to  
2 commissioners in the near future about the  
3 potential to have an anniversary of some sort  
4 celebration, probably not as elaborate as the one  
5 we had for the 60th, but, given next year will be  
6 the 65th, it will be probably appropriate to have  
7 some sort of acknowledgment of the 65th  
8 anniversary.

9 So with that, Madam Chair, I thank you  
10 and I'll reach out to commissioners on that issue  
11 in the future.

12 CHAIR CANTU: We need causes for  
13 celebration, and that is an excellent reason to  
14 have an anniversary.

15 Before concluding the business, I  
16 would like to take the Chair's privilege and ask  
17 for a moment of silence to show our respect  
18 because tomorrow will be the 20th anniversary of  
19 September 11 to show in honor the folks who had  
20 deceased because of that tragedy. There are  
21 survivors who will never forget, and we want to  
22 thank the first responders and show our respect  
23 to family and friends.

24 Could we please have a moment of  
25 silence?

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(Moment of silence.)

**III. ADJORN MEETING**

CHAIR CANTU: Thank you. That concludes the business on the agenda for today's business meeting. If there's nothing further, I hereby adjourn the meeting at 1:13 p.m. Eastern Standard Time.

(Whereupon, the above-entitled matter went off the record at 1:13 p.m.)

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