

UNEDITED

U.S. COMMISSION ON CIVIL RIGHTS

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TELEPHONIC BUSINESS MEETING

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FRIDAY, MARCH 11, 2022

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The Commission convened via
teleconference at 12:00 p.m. EST, 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

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STAFF PRESENT:

KENDRA BROWN, Chair, Maryland Advisory Committee

STANLEY CARR, ASCD Contractor

PAMELA DUNSTON, Chief ASCD

DAVID GANZ, General Counsel & Parliamentarian

TINA LOUISE MARTIN, Director OM

TED MAURO, Chair, South Carolina Advisory Committee

DAVID MUSSATT, Director, RPCU

SANDRA RODRIGUEZ, Former Chair, New Mexico Advisory
Committee

COMMISSIONER ASSISTANTS PRESENT:

JOSHUA DANSBY

ALEC DUELL

ALEXANDER HEIDEMAN

JOHN K. MASHBURN

CARISSA MULDER

JUANA SILVERIO

THOMAS SIMUEL

IRENA VIDULOVIC

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

2 (12:02 P.M.)

3 CHAIR CANTU: Welcome to the business
4 meeting for the U.S. Commission on Civil Rights. The
5 meeting comes to order at 9:03 Pacific Time, which would
6 be noon Eastern Standard Time, on Friday, March 11,
7 2022.

8 I am Chair Norma V. Cantu. We welcome the
9 staff who completed the public notice needed for this
10 meeting and arranged for this public phone call. We
11 thank the general public for their interest in
12 attending today.

13 Due to respect for health and safety during
14 the ongoing COVID-19 pandemic, the Commissioners are
15 conducting this business meeting by phone conference.

16 I would like to confirm the Commissioners are on the
17 line and we'll take a roll call. So please say present
18 or here when I say your name.

19 Commissioner Adams.

20 COMMISSIONER ADAMS: Present.

21 CHAIR CANTU: Commissioner Adegbile.

22 COMMISSIONER ADEGBILE: Present.

23 CHAIR CANTU: Commissioner Gilchrist.

24 COMMISSIONER GILCHRIST: Present.

25 CHAIR CANTU: Commissioner Heriot.

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1 COMMISSIONER HERIOT: I'm here.

2 CHAIR CANTU: Commissioner Kirsanow.
3 Commissioner Kladney.

4 COMMISSIONER KLADNEY: Here.

5 CHAIR CANTU: Thank you. Commissioner
6 Yaki.

7 COMMISSIONER YAKI: Presente.

8 CHAIR CANTU: Thank you. Based on the
9 response, a quorum of Commissioners is present.

10 Is the court reporter present?

11 COURT REPORTER: Hi. Good morning. My
12 name is Graham Koester.

13 CHAIR CANTU: Thank you. Is the Staff
14 Director present?

15 MR. MORALES: I am present.

16 CHAIR CANTU: Thank you. So I'll ask if
17 Commissioners wish to amend the agenda and I'll be the
18 first of this group. Through an oversight, we did not
19 add to this posted agenda the discussion of our -- and
20 approval of our research plan for the advisory
21 committees.

22 As you recall at an earlier meeting, we
23 approved that we would be doing an investigation, a
24 report -- or a survey, excuse me, a survey, of the
25 advisory committees, similar to the one conducted in

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1 2018. And I understand that over the last two weeks,
2 you've been given a draft that on Friday we received
3 comments and then on Monday, a new draft was sent back
4 that had then incorporated those comments.

5 So I thank the Commissioners who took time
6 and gave us their expertise to improve the research
7 plan. So I will ask that the agenda be amended to
8 include discussion and vote on the research plan for
9 our USCCR Advisory Committees as one of our 2023
10 projects -- correct me, is that 2022 or 2022? 2022?
11 2023 it sounds like.

12 I would ask, please, for a second to the
13 motion.

14 COMMISSIONER HERIOT: Heriot seconds.

15 CHAIR CANTU: Thank you. Are there other
16 amendments, proposed amendments?

17 Hearing no other proposed amendments, I
18 would ask our Commissioners to say aye and this is to
19 the proposed amendments to the agenda. If you are in
20 favor, say aye.

21 (Chorus of ayes.)

22 CHAIR CANTU: If you are opposed? Anyone
23 abstain? The motion to amend the agenda passes.

24 Are there other items to amend the agenda?

25 Hearing none, I move to amend today's agenda. I call

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1 for a second to the motion?

2 COMMISSIONER KLADNEY: I thought we just
3 did, Madame Chair.

4 CHAIR CANTU: I'm sorry. I'm sorry,
5 you're right. I'm calling to approve the whole agenda.

6 I. APPROVAL OF AGENDA

7 COMMISSIONER HERIOT: I second it,
8 Heriot.

9 CHAIR CANTU: Thank you. Thank you,
10 Commissioner Heriot. Good catch, Commissioner
11 Kladney. All in favor of approving the agenda for
12 today's meeting say aye.

13 (Chorus of ayes.)

14 CHAIR CANTU: Any opposed? Any
15 abstaining?

16 We turn to our first order of business
17 which are the presentations from the Advisory
18 Committees. The first presentation we will hear is
19 from the New Mexico Chair of the new USCCR Committee,
20 Sandra Rodriguez, the former Chair of our New Mexico
21 State Advisory Committee that has an advisory
22 memorandum on wage theft and subminimum wages.

23 I'm going to turn it over to you, Chair
24 Rodriguez. And you've got the phone for ten minutes.

25 II. BUSINESS MEETING

1 A. PRESENTATIONS BY STATE ADVISORY COMMITTEE

2 CHAIRS ON RELEASED REPORTS AND MEMORANDUMS

3 COMMISSIONER KLADNEY: Madam Chair, this
4 is --

5 CHAIR CANTU: Yes, Commissioner?

6 COMMISSIONER KLADNEY: I just want to make
7 sure that we're clear that the item that you added to
8 the agenda about the research plan is for 2022. That's
9 my understanding, not 2023?

10 CHAIR CANTU: Thank you. I'm glad you
11 caught that. I appreciate you. Yes. It is for 2022.
12 Thank you.

13 Chair Rodriguez.

14 MS. RODRIGUEZ: Okay, thank you, Madam
15 Chair and members of the Commission. I'm Dr. Sandra
16 Rodriguez.

17 In November of 2020, the past New Mexico
18 Advisory Commission issued an Advisory Memorandum on
19 issues involving wage theft and subminimum wages. The
20 memorandum was issued after a series of public meetings
21 with testimony provided by advocacy groups, employers,
22 government officials, labor union officials, and other
23 affected individuals.

24 The memorandum focused on two issues, wage
25 theft and subminimum wages. The committee issued

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1 multiple recommendations to address concerns arising
2 from the wage related civil rights issues. The first
3 one was on wage theft. Wage theft is the unlawful
4 practice of employers not paying their employees the
5 full amount for the work they have performed or the
6 wages they were guaranteed. Common examples include
7 not paying workers minimum wage, withholding overtime
8 pay, forcing employees to work off the clock and during
9 breaks or meal times, and simply just not paying them
10 for all the services they performed.

11 The committee issued many findings, but
12 most significantly found immigrants, both documented
13 and undocumented, were more likely to be victims of
14 wage theft and faced additional barriers in filing wage
15 theft claims. Certain industries, including the
16 hospitality industry and construction industries, were
17 more prone to wage theft issues.

18 The New Mexico Department of Work Force
19 Solutions had made many strides before this to address
20 wage theft in the state, but they just did not have
21 enough resources to assist the agency in enforcement
22 of wage loss.

23 The second issue was in subminimum wages.

24 In contrast to wage theft where the minimum wage is
25 guaranteed by law, but unlawfully withheld, there are

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1 some instances and specific categories of workers who
2 can lawfully receive a wage that is less than the
3 minimum wage. And it's often segregated or in
4 sheltered work places.

5 The committee issues many findings, but
6 these are the ones that are most significant.
7 Individuals with disabilities were paid wages far below
8 the standard minimum wage. While the 14(c)
9 sub-minimum wage program do provide an opportunity for
10 employment that an individual might not have otherwise,
11 the current 14(c) program and standards do not
12 incentivize work for either the individual or the
13 employer.

14 Recommendations were issued that tried to
15 address gaps identified in the findings. The
16 recommendations from the committee were -- they were
17 issued in four categories. One was to Congress and
18 the President to look at and to review and pass
19 legislation that addressed gaps identified in the
20 findings. Examples were to implement the collection
21 of more robust data and to strengthen enforcement of
22 the 14(c) certificate program.

23 The next area for recommendations is the
24 United States Department of Labor. The
25 recommendations included to raise awareness efforts

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1 to include increased support for enforcement,
2 strengthen the protection for victims of wage theft,
3 and to strengthen enforcement of 14(c)'s certificate
4 program.

5 The third area was to the New Mexico State
6 legislature, to the President and the Congress, to
7 implement the collection of more robust data collection
8 to strengthen protection for victims of wage theft and
9 to repeal Section 14(c) with a planned, phased-out
10 period.

11 The fourth one was to the New Mexico State
12 Department of Work Force Solutions. Those
13 recommendations included again implement the
14 collection of more robust data. And until the 14(c)
15 certificate programs can be fully phased out, to
16 strengthen the enforcement of existing program.

17 That is my presentation, Madam Chair.

18 CHAIR CANTU: Thank you, Chair Rodriguez.

19

20 We now have time for commissioner
21 questions for Chair Rodriguez. Are there any
22 questions?

23 COMMISSIONER ADAMS: This is Adams.
24 Madam Chair, go ahead.

25 CHAIR CANTU: I have Commissioner Adams

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1 and Commissioner Kladney.

2 COMMISSIONER ADAMS: This is Commissioner
3 Adams. Thank you very much for your presentation and
4 your work.

5 Do you have any idea if New Mexico has a
6 law similar to a law in several states including
7 Virginia that is a criminal offense whenever an
8 employer fails to pay wages to an employee?

9 MS. RODRIGUEZ: I'm almost afraid to
10 answer that. If I remember correctly, the answer is
11 yes. But the enforcement and the litigation that is
12 required is actually not out of place that that happens.

13 What we found is that there is just not enough -- the
14 enforcement is extremely weak on this end. And one
15 of the areas -- it was a huge backlog, New Mexico
16 solutions, work force solutions and cases. So in terms
17 of even if there is, it's not happening.

18 COMMISSIONER ADAMS: Thanks.

19 CHAIR CANTU: Commissioner Kladney.

20 COMMISSIONER KLADNEY: Thank you, Madam
21 Chair. I would just like to thank the Chair and the
22 New Mexico Committee. I attended one of their
23 briefings and I thought it was excellently done. Their
24 questions were very insightful and their work was very
25 serious on the subject, so thank you very much. I

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1 thought you guys did a great job.

2 MS. RODRIGUEZ: Thank you. Thank you for
3 those points.

4 COMMISSIONER GILCHRIST: Madam Chair?
5 Gilchrist.

6 CHAIR CANTU: Yes, Commissioner
7 Gilchrist.

8 COMMISSIONER GILCHRIST: Thank you so
9 much, Madam Chair. Let me also thank the chairwoman
10 for her presentation today.

11 I had a quick question to piggyback on
12 Commissioner Adams' comments. I read that the state
13 increased the minimum wage to \$9, but excluded a couple
14 of categories from that list including groups like
15 agricultural workers and dairy workers and home care
16 givers.

17 Do you think the exemptions were a targeted
18 exemption or was it due to the fact that the sectors
19 could less afford the wage increase?

20 MS. RODRIGUEZ: That's a really good
21 question. When we collected the data, and we spoke
22 to different groups, one of them again is agriculture,
23 also in the dairy farms. So there are areas that are
24 not protected right now and there have been studies.
25 We just didn't have enough time, but further studies

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1 would be encouraged to look at those very questions
2 because we can make assumptions, but that's not going
3 to help us.

4 COMMISSIONER GILCHRIST: Thank you for
5 that. I would certainly be interested in learning more
6 about that as well. Thank you.

7 Thank you, Madam Chair.

8 CHAIR CANTU: Thank you, Commissioner
9 Gilchrist.

10 Are there other questions? We still have
11 time.

12 Ms. Rodriguez, I think people are very
13 satisfied with your report and have no further
14 questions. I wanted to compliment you as well. This
15 was extremely well done, considering you did it during
16 pandemic time and that you looked at it very carefully,
17 especially on issues of language and disabilities.
18 Those two areas contain vulnerable groups and please
19 share with the members of your advisory committee our
20 congratulations on this report.

21 MS. RODRIGUEZ: I will. And thank you,
22 Madam Chair.

23 CHAIR CANTU: Thank you. You're welcome
24 to stay on the line, but if you've got something you
25 need to run to, you of course, leave, please attend

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1 to your business and be safe. Thank you. Thank you
2 so much.

3 We are going to turn to Kendra Brown, chair
4 of the Maryland State Advisory Committee, who will
5 present a report on COVID-19 and health disparities
6 in Maryland.

7 MS. BROWN: Thank you so much. Thank you,
8 and I appreciate the opportunity to share. So good
9 morning and thank you for the opportunity to share.

10 This is Kendra Brown, Chair of the Maryland State
11 Advisory Committee for the U.S. Commission on Civil
12 Rights. And I will share a few highlights, findings,
13 and recommendations as a result of the work leading
14 up to our reports on the health disparities and health
15 outcomes for people of color in Maryland during the
16 COVID-19 pandemic.

17 During the briefing, we heard testimony
18 from elected officials, government officials,
19 academicians, advocates, and others. And the purpose
20 of these briefings was to examine and gain a deeper
21 understanding of the health disparities in Maryland
22 during the COVID-19 pandemic.

23 The committee decided to take up the issue
24 for investigation because there were numerous concerns
25 that were coming forward at the start and during the

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1 COVID-19 pandemic which led to our findings that we
2 came to.

3 Relative to general findings, COVID-19
4 revealed glaring racial disparities and the
5 consequences these long-standing inequities have had
6 on communities of color and individuals of color,
7 whereby regardless of income, people of color or
8 marginalized groups have limited access to the
9 resources that are both necessary for life long
10 wellness and critical during emergencies such as
11 quality medical services, healthy food, child care,
12 education, technology, and secure housing.

13 These long-standing inequities have led
14 to inequitable health outcomes both in Maryland and
15 nationally, and we felt as a committee that these
16 inequities warranted a deeper examination by the
17 Maryland State Government and the United States
18 Government also.

19 The committee encouraged both to work in
20 partnership with communities of color to ensure
21 programs and policies reflect their experiences' need
22 and support their long-term recovery.

23 We carried out our charge as a state
24 advisory committee by conducting a qualitative
25 fact-finding study through four virtual hearings where

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1 we heard testimony from elected officials, government
2 officials, as stated earlier, academicians, advocates,
3 or others. The committee grouped its recommendations
4 into two themes. Direct provision of healthcare was
5 the first and the second was social determinants of
6 healthcare.

7 So relative to the recommendations under
8 the theme of direct provision of healthcare, theme
9 number one, racial discrimination is systemic and
10 functions to segregate and suppress people of color
11 and prevent equitable access to healthcare. Thus, the
12 committee recommended Maryland develop an alternate
13 housing program for infected individuals who may
14 shelter and self-isolate in place similar to the
15 COVID-infected individuals in Singapore and South
16 Korea; that the government increases the number of
17 COVID testing sites and contact tracing in communities
18 of color; that the government provide essential public
19 workers with PPE and facilitate access to PPE for
20 private employers; that the government provide
21 equitable distribution of healthcare resources,
22 include vaccines, and also that the state should use
23 ZIP code data to prioritize access to quality
24 healthcare for people of color as you commit to
25 equitable health standards that value individuals and

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1 populations.

2 Theme number two, communities of color
3 mistrust doctors, hospital personnel, nurses, and
4 health department officials. Thus, the committee
5 recommended that public officials engage community
6 organizations, leaders, church spokespersons, and
7 other community members to build trust, understand
8 community needs, change perception, provide
9 information on how to access healthcare are needed and
10 engage with the healthcare community including
11 non-traditional care providers.

12 The second recommendation under this theme
13 was that the Maryland Higher Education Commission and
14 the Maryland Office of Mental Health and Health
15 Disparities work in Maryland schools, boards, and
16 commissions to incorporate training such as cultural,
17 competency training and bias training in medical and
18 nursing education programs; training professional
19 healthcare providers to become culturally aware and
20 sensitive when caring for communities of color, engage
21 the communities of color to identify and address their
22 effective needs.

23 The third theme here is immigrant
24 communities' access to healthcare is adversely
25 affected by social determinants and systemic

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1 determination. Thus, the committee recommends local
2 governments engage with members of immigrant
3 communities such as church groups, school officials,
4 clubs, business and nonprofit organizations, and
5 provide leaders with important health information in
6 native languages, and also the government develop and
7 institute a community relations communications
8 outreach plan aimed at addressing health risks that
9 affect immigrant communities and families.

10 The last theme under this bucket is to
11 improve health and longevity among people of color.

12 It is essential that public health entities work in
13 partnership with communities to foster trust,
14 encourage cooperation, and inform communities about
15 government guidelines with regard to COVID testing,
16 tracing, and vaccination.

17 Thus, the committee recommends that as we
18 are geared up for the distribution of the COVID
19 vaccines, local public health departments, the medical
20 community, local organizations, and the state
21 government should devote adequate resources to create
22 and sustain partnerships with communities of color.

23 These partnerships will help identify volunteers
24 willing to participate in the pre-trials and
25 disseminate valuable health information to their

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1 communities.

2 The second bucket is social determinants
3 of healthcare. The leading theme here children of color
4 have a significant disadvantage due to a long history
5 of racism that has undermined their education, and
6 COVID is exacerbating these preexisting issues of
7 discrimination in educational attainment. And
8 educational attainment will inevitably influence
9 economic attainment and promote disparate outcomes.

10

11 Thus, the committee recommends the state,
12 in partnership with communities, develop and implement
13 a statewide recovery plan in advance to support a long
14 term economic, health, and educational recovery of
15 vulnerable teams of children of color post-pandemic.

16 Planning stages for the statewide recovery plan should
17 include, but are not limited to, members from various
18 communities of color, state, federal, and local
19 government officials, religious community leaders,
20 educators, health providers, and mental health
21 professionals.

22 The next theme is State of Maryland's
23 research experts provide evidence of social
24 determinants of racism. The committee recommends
25 federal and state governments to partner along with

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1 academic institutions, develop a unified effort to
2 focus on systemic racism and health inequities, further
3 research and data, as well as spending to support the
4 studies are needed; that public health entities create
5 a needs assessment and surveillance platforms that
6 continuously monitor emerging health inequities.
7 Academic institutions could plan intervention
8 strategies in communities that have data indicating
9 high diabetes, for example, and academia could research
10 systemic racism and disparities.

11 And finally, where agencies involved in
12 diversity and inclusion, an issue with the policy
13 making should immediately begin this aggregating
14 socio-demographic data collection to potentially
15 better understand and address health disparities and
16 health inequities in diverse communities of color in
17 Maryland.

18 So these four are the recommendations that
19 were posited by our committee and this report was
20 disseminated to leaders across the state and community
21 leaders also. And I do welcome all questions that you
22 may have at this time.

23 CHAIR CANTU: Thank you. Thank you.
24 That was excellent, Chair Brown.

25 We have time for Commissioner questions.

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1 Any questions?

2 COMMISSIONER GILCHRIST: Madam Chair,
3 Gilchrist.

4 CHAIR CANTU: Yes, Commissioner
5 Gilchrist, proceed.

6 COMMISSIONER GILCHRIST: Chair Brown,
7 thank you so much for your comments and your
8 presentation today. I appreciate you referencing the
9 number of partners that were responsible for helping
10 to encourage and increase the communities of color's
11 participation in the COVID-19 efforts.

12 Now that we've been two years into this,
13 do you believe that the efforts were adequate enough
14 to engage communities of color? Do you think that that
15 -- those partners and the state government and all those
16 entities, did they do enough in your opinion to show
17 evidence that they made efforts to do that?

18 MS. BROWN: Thank you for your question.
19 It's my understanding that even as the report was
20 shared, I believe we shared it in April, there were
21 efforts that were underway at that time to ensure that
22 there were solid communications, plans, and
23 stakeholder engagement.

24 One of the examples that I can give is that
25 Mayor Brandon Scott really spoke to in the

1 conversations that we had in the briefings. I know
2 that he was a part of our briefing in November. He
3 was giving an excellent example of how the communities'
4 engagement needed to be differentiated due to the types
5 of communication needed to reach certain communities.

6 So for example, he hosted tele-town halls for the
7 seniors, right, totally understanding that they may
8 not have the digital access that those other
9 generations may have. And so I think that there were
10 great examples of how the communications and
11 partnerships were extended to ensure a broad outreach.

12 Relative to the adequacy, I think that
13 there's always room to ensure that more are reached,
14 but I do think that the local mayors, the county
15 executives, and others really did a good job in Maryland
16 of ensuring a broad swath of type of outreach really
17 garnered and picked up steam to ensure that the
18 community knew about the ways that they could access
19 PPEs, ways that they could ensure that they had masks,
20 vaccines, and so I think that as time went on, the effort
21 did increase, so that's how I would respond and what
22 we saw at the state level.

23 COMMISSIONER GILCHRIST: Thank you very
24 much. Excellent.

25 Thank you, Madam Chair, that's all.

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1 CHAIR CANTU: My mute button wouldn't
2 respond. I apologize. Other Commissioners have
3 questions?

4 COMMISSIONER KIRSANOW: Madam Chair,
5 Kirsanow. No, go ahead.

6 CHAIR CANTU: Commissioner Kirsanow.

7 COMMISSIONER KIRSANOW: Madam Chair, I
8 think Commissioner Adegbile was asking a question.
9 I yield to him.

10 CHAIR CANTU: Thank you. Commissioner
11 Adegbile.

12 COMMISSIONER ADEGBILE: Thank you,
13 Commissioner Kirsanow.

14 Thank you for your report on the health
15 issues related to potential disparities in connection
16 with the COVID response. I think that the area of
17 healthcare and disparities in healthcare is one that
18 is garnering additional attention these days for lots
19 of good reasons. You may be aware that we recently
20 released a maternal healthcare report that looked at
21 some of these issues through a particular lens. And
22 I understand that there are sort of multi-faceted
23 factors that contribute to some of the disparities.
24 And I'm wondering if you have a view, if there are
25 recommendations at the state level that could help the

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1 Federal Government think about what the best approach
2 is in closing gaps in these areas.

3 MS. BROWN: Absolutely, and I appreciate
4 your question. I think that, and I agree with you
5 relative to the overall disparities that exist and have
6 absolutely been tracking the maternal fatality in
7 healthcare concerns.

8 I think that one thing that we would share
9 from the state level in one of our themes, theme number
10 six under social determinants of healthcare, our
11 recommendations really speak to a need to ensure
12 funding for additional research that public health of
13 entities to really utilize to show why there are efforts
14 that aren't needed because the data speaks for itself
15 and so I think that there is an opportunity for academic
16 institutions of federal and state governments to really
17 have a unified effort to focus on the system, and based
18 on health inequities and look at best practices on how
19 these should be resolved.

20 We also had a recommendation to ensure that
21 there are continuous monitoring, but I think that part
22 of what should be done is to ensure that the entities
23 and the direct care professionals, the doctors and the
24 nurses, they are such a keen voice in treating
25 individuals. And they are really the first line of

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1 seeing these disparities in play, so I think that there
2 are opportunities for increased partnerships with the
3 individuals who are on the front lines, who are treating
4 communities, and who are serving communities to really
5 have a voice at the table to share what they're seeing,
6 right, and to ensure that those voices are lifted so
7 that they can share the data and the voice of the
8 communities, not only at the state, but at the federal
9 level also.

10 COMMISSIONER ADEGBILE: Thank you very
11 much for your work.

12 MS. BROWN: Thank you.

13 CHAIR CANTU: Thank you. Commissioner
14 Kirsanow, please proceed.

15 COMMISSIONER KIRSANOW: Thank you, Madam
16 Chair.

17 And thank you, Chair Brown, for your
18 report. A couple of things, could you be a little bit
19 more specific? You made a couple of references to
20 systemic racism, systemic discrimination.

21 Could you give us an example of systemic
22 racism and discrimination with respect to healthcare
23 disparities?

24 MS. BROWN: Yes. So I'm going to actually
25 pull from the report, relative to some of the -- some

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1 of the findings from the speakers. So in our first
2 grouping, we had testimony from Dr. Nan, who is an
3 epidemiologist in the Maryland Office of Minority
4 Health and Health Disparities. And Dr. Nan shared how
5 COVID-19 exposed the lack of opportunity to equitable
6 healthcare and the risk distribution available to
7 people of color that are already facing existing health
8 disparities in areas such as infant mortality, maternal
9 mortality, diabetes related to hypertension that I
10 would draw everyone's attention to that particular
11 statement. That's part of the July 7th, 2020 briefing
12 on page 18 of the briefing document. So that's one
13 example.

14 I would also add relative to what I was
15 sharing, relative to front-line workers, also from that
16 particular -- there's another, you know, testimony from
17 Dr. Jones from the July 7th briefing on page 6 of the
18 briefing document and that is footnote number 5, that
19 people of color make up a large majority of front-line
20 workforce without added health benefits and are
21 over-represented in the unhoused communities, as well
22 jails and detention centers.

23 So I say that to say that people of color
24 do have disparities that come forth in many different
25 ways, particularly as it relates to the lack of added

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1 health benefits. So those are two examples that I
2 would share directly from the briefings that we had.

3 COMMISSIONER KIRSANOW: Thank you. But
4 is that disparity on the basis of race or on the basis
5 of income?

6 MS. BROWN: I would -- so for the second,
7 I would say that would be relative to the health
8 benefits that could be seen as being seen on the basis
9 of lack of income or disparate income, but the first
10 point that Dr. Nan made is specifically, it
11 specifically speaks to the inequitable healthcare
12 access that people of color face and that's in Dr. Nan's
13 testimony specifically.

14 COMMISSIONER KIRSANOW: Thank you, Madam
15 Chair.

16 COMMISSIONER ADEGBILE: Madam Chair,
17 Adegbile.

18 CHAIR CANTU: Yes, please, Commissioner,
19 please proceed.

20 COMMISSIONER ADEGBILE: Thank you. So
21 turning back for just a moment to the maternal
22 healthcare report that I mentioned. In that report,
23 we found that -- that I alluded to a moment ago, that
24 there were a number of variables that affected
25 pregnancy-related deaths and to be sure, there are some

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1 social determinants of health that folks looked to
2 considered their impact on health outcomes including
3 access to quality healthcare, insurance status, the
4 presence of preexisting conditions, many variables
5 that folks look to.

6 But what we were told when the experts
7 testified on this topic is that even when you control
8 for those factors, lack of Native American women had
9 consistently, dramatically higher rates of
10 pregnancy-related deaths. And what they took from
11 that is that race is playing a factor in these health
12 outcomes. And so that was the context of what the
13 testimony was on the maternal healthcare report and
14 it may -- I don't know if you found similar things in
15 Maryland or not, but that was what we heard in the
16 context of maternal healthcare.

17 MS. BROWN: Thank you for that statement
18 and yes, that is absolutely what we found. Also
19 relative to how health disparities are affected and
20 why they come to exist. So that's also in our report
21 from the testimony of Dr. Nan. And Dr. Nan also spoke
22 to this in the briefing on July 7th as well. So I would
23 draw your attention to page 15 of the briefing there
24 where Dr. Nan speaks to the factors which affect health
25 and where health disparities often exist.

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1 CHAIR CANTU: This has been very
2 interesting. Thank you for those questions.

3 Are there other questions?

4 There seem to be no further questions.
5 Thank you, Chair Brown, for your service and for your
6 excellent leadership on the South Carolina State
7 Advisory Committee. And especially thank you for
8 taking the time to speak with us today. You're welcome
9 to stay with us, Chair Brown, or if you have other
10 commitments, we again thank you for this time today.

11 MS. BROWN: Thank you.

12 CHAIR CANTU: You're welcome. We're
13 going to move to the next item on our agenda. And so
14 our next item today is the discussion and vote on the
15 State Territory Advisory Committee Appointments.

16 B. DISCUSSION AND VOTE ON ADVISORY COMMITTEE

17 APPOINTMENTS

18 CHAIR CANTU: As you know, the Commission
19 depends on advice from highly-qualified persons who
20 serve in each of our 50 states, plus the District of
21 Columbia, and most recently the U.S. Virgin Islands,
22 and Puerto Rico, Northern Mariana Islands, Guam,
23 American Samoa. Today, we're going to appoint two
24 advisory committees, one for American Samoa and one
25 for Guam.

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1 I move to appoint the following persons
2 to serve as advisory committee members in American
3 Samoa. The following are all new appointees. So
4 we've got Roy Hall, Jr., nominated as chair; Daniel
5 Aga, Dora Ah Sue, Jude Chun, Asaua Fuimaono, Lillian
6 Langford, Juanita Leiato-Manutulila, Maijid Shehri.

7
8 All these individuals will serve as
9 uncompensated government employees. If the motion
10 passes, the Commission will authorize the Staff
11 Director to execute the appropriate paperwork.

12 Do I have a second for this motion?

13 COMMISSIONER KLADNEY: You have a second,
14 Madam Chair.

15 CHAIR CANTU: Thank you. Thank you.
16 I'll now open the floor for discussion.

17 Hearing no discussion, thank you. Unless
18 there's further discussion, there is no discussion.

19 I'll call the question and I will take a roll call
20 vote.

21 Commissioner Adams, how do you vote?

22 COMMISSIONER ADAMS: Yes.

23 CHAIR CANTU: Thank you. Commissioner
24 Adegbile.

25 COMMISSIONER ADEGBILE: Aye.

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: Yes.

7 CHAIR CANTU: Commissioner Kladney.

8 COMMISSIONER KLADNEY: Yes.

9 CHAIR CANTU: Commissioner Yaki.

10 COMMISSIONER YAKI: Aye.

11 CHAIR CANTU: And I vote yes as well. The
12 motion passes unanimously. Congratulations to the new
13 members.

14 So our next motion is -- I move to appoint
15 the following persons to serve as the Commission
16 Advisory Committee members in Guam based on the
17 recommendations of the Staff Director. The following
18 are all new appointees: Vanessa Williams, nominated
19 as chair; Joanne Brown, Robert Crisostomo, Philip
20 Flores, Kimberlee Kihleng, Robert Klitzkie, Kenneth
21 Kuper, Regine Biscoe Lee, Joseph McDonald, Leslie
22 Travis.

23 All these individuals will serve as
24 uncompensated government employees. If the motion
25 passes, the Commission will authorize the Staff

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1 Director to execute the appropriate paperwork.

2 Do I have a second for this motion?

3 COMMISSIONER HERIOT: Heriot seconds.

4 CHAIR CANTU: Thank you. I'll open the
5 floor for discussion.

6 COMMISSIONER ADEGBILE: Madam Chair,
7 Commissioner Adegbile.

8 CHAIR CANTU: Yes, Commissioner, please
9 proceed.

10 COMMISSIONER ADEGBILE: I just wanted to
11 mention with respect to both of these slates that it's
12 going to be exciting in the future to learn more about
13 the issues that present themselves in these parts of
14 the territories and the country. And we look forward
15 to expanding our view and understanding of the issues
16 that affect people in different parts of geography.

17 CHAIR CANTU: I wholeheartedly agree with
18 you. Thank you for that intervention.

19 Does anyone else have comments or
20 questions for this discussion period?

21 I'll call the question and take a roll call
22 vote.

23 Commissioner Adams, how do you vote?

24 COMMISSIONER ADAMS: Yes.

25 CHAIR CANTU: Commissioner Adegbile.

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1 COMMISSIONER ADEGBILE: Aye.

2 CHAIR CANTU: Commissioner Gilchrist.

3 COMMISSIONER GILCHRIST: Aye.

4 CHAIR CANTU: Commissioner Heriot.

5 COMMISSIONER HERIOT: We are one big happy
6 Commission today. I vote yes.

7 CHAIR CANTU: Thank you. Commissioner
8 Kirsanow.

9 COMMISSIONER KIRSANOW: Yes.

10 CHAIR CANTU: Commissioner Kladney.

11 COMMISSIONER KLADNEY: Yes.

12 CHAIR CANTU: Commissioner Yaki.

13 COMMISSIONER YAKI: One big happy
14 Commission, sure. Yes.

15 CHAIR CANTU: And I vote yes. The motion
16 passes. Congratulations to the new members of the
17 Advisory Committee for Guam as well.

18 We're now going to turn to the third item
19 in our amended agenda which is a discussion and vote
20 to appoint Wayne Heard as Interim Chair for the District
21 of Columbia Advisory Committee.

22 C. DISCUSSION AND VOTE TO APPOINT WAYNE HEARD AS CHAIR
23 OF THE WASHINGTON, D.C. ADVISORY COMMITTEE

24 CHAIR CANTU: Due to the resignation of
25 Chair, by Blake Peterson, we have an opportunity to

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1 appoint a new chair for the District of Columbia
2 Advisory Committee. So thank you, Mr. Peterson, for
3 your service.

4 I move to appoint Wayne Heard as interim
5 Chair of the District of Columbia Advisory Committee.

6 That's the recommendation of the Staff Director. Is
7 there a second?

8 COMMISSIONER GILCHRIST: Second, Madam
9 Chair, Gilchrist.

10 CHAIR CANTU: Thank you, Commissioner
11 Gilchrist.

12 I'll open the floor for discussion. I
13 hear no questions, no discussion, so I'll call the
14 question and take a roll call vote.

15 Commissioner Adams, how do you vote?

16 COMMISSIONER ADAMS: Yes.

17 CHAIR CANTU: Commissioner Adegbile.

18 COMMISSIONER ADEGBILE: Aye.

19 CHAIR CANTU: Commissioner Gilchrist.

20 COMMISSIONER GILCHRIST: Aye.

21 CHAIR CANTU: Commissioner Heriot.

22 COMMISSIONER HERIOT: I vote yes.

23 CHAIR CANTU: Commissioner Kirsanow.

24 COMMISSIONER KIRSANOW: Yes.

25 CHAIR CANTU: Commissioner Kladney.

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1 COMMISSIONER KLADNEY: Yes.

2 CHAIR CANTU: Commissioner Yaki.

3 COMMISSIONER YAKI: Still happy, yes.

4 CHAIR CANTU: Thank you. And I vote yes.

5 The motion passes. And I've been corrected, the
6 outgoing Commissioner Blake is Ms. Blake. So I got
7 my pronouns straightened out. Thank you all. Thank
8 you all for this vote. We'll move to our next item.

9 Discussion and vote on the State Advisory
10 Committee Interim Chair for Maine.

11 D. DISCUSSION AND VOTE TO APPOINT SAMANTHA LE AS INTERIM
12 CHAIR OF THE MAINE ADVISORY COMMITTEE

13 CHAIR CANTU: Due to the resignation of
14 chair by Diane Khiel, we have an opportunity to appoint
15 a new chair for the Maine State Advisory Committee.
16 We thank you, Ms. Khiel for your service.

17 I move to appoint Samantha Le as interim
18 Chair of the Maine State Advisory Committee at the
19 recommendation of the Staff Director. Is there a
20 second?

21 COMMISSIONER HERIOT: Heriot seconds.

22 CHAIR CANTU: Thank you, Commissioner
23 Heriot.

24 I'll open the floor for discussion. Not
25 hearing questions or discussion, I'll call the question

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1 and take a roll call vote.

2 Commissioner Adams, how do you vote?

3 COMMISSIONER ADAMS: Yes.

4 CHAIR CANTU: Commissioner Adegbile.

5 COMMISSIONER ADEGBILE: Aye.

6 CHAIR CANTU: Commissioner Gilchrist.

7 COMMISSIONER GILCHRIST: Aye.

8 CHAIR CANTU: Commissioner Heriot.

9 COMMISSIONER HERIOT: I vote yes.

10 CHAIR CANTU: Thank you. Commissioner
11 Kirsanow.

12 COMMISSIONER KIRSANOW: Yes.

13 CHAIR CANTU: Commissioner Kladney.

14 COMMISSIONER KLADNEY: Yes.

15 CHAIR CANTU: Commissioner Yaki.

16 COMMISSIONER YAKI: Still happy, yes.

17 CHAIR CANTU: And I vote yes as well. The
18 motion passes unanimously. Congratulations to the
19 interim.

20 I now open the floor -- oh, no, hold on.

21 There's something else. Our fifth agenda was the one
22 that we amended today and that is the agenda item of
23 approving the research plan for 2022 USCCR report.

24 E. DISCUSSION AND VOTE TO APPROVE THE RESEARCH

25 PLAN FOR 2022 USCCR REPORT

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1 CHAIR CANTU: I open the floor for
2 discussion or questions. Well, it looks like I'll call
3 the question. I said the word question more times
4 today than I have in my entire life. I call the
5 question.

6 COMMISSIONER HERIOT: You haven't made
7 the motion yet.

8 CHAIR CANTU: Oh, excuse me. Thank you.
9 See, I knew there was something I was missing. Thank
10 you, Commissioner Heriot.

11 I move for the approval of the research
12 plan for the 2022 USCCR Report. Is there a second?

13 COMMISSIONER GILCHRIST: Second.
14 Gilchrist.

15 CHAIR CANTU: Thank you, Commissioner
16 Gilchrist.

17 Discussion? Now I can call the question.
18 Thanks, Commissioner Heriot.

19 Commissioner Adams, how do you vote?

20 COMMISSIONER ADAMS: Yes.

21 CHAIR CANTU: Commissioner Adegbile.

22 COMMISSIONER ADEGBILE: Aye.

23 CHAIR CANTU: Commissioner Gilchrist.

24 COMMISSIONER GILCHRIST: Aye.

25 CHAIR CANTU: Commissioner Heriot.

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1 COMMISSIONER HERIOT: I shouldn't tempt
2 Commissioner Yaki on this, but I think we're about to
3 have more yes votes than we've ever had without any
4 other kind of vote for a meeting. I vote yes.

5 CHAIR CANTU: Thank you, Commissioner
6 Heriot.

7 Commissioner Kirsanow.

8 COMMISSIONER KIRSANOW: I was kind of
9 hoping that Commissioner Yaki would be the contrarian
10 because I agree. In my 20 years on the Commission,
11 I don't think we've ever had 40 consecutive yeses on
12 anything. So I'll say yes.

13 CHAIR CANTU: Commissioner Kladney.

14 COMMISSIONER KLADNEY: I would like to
15 note that there's been unanimity throughout this entire
16 meeting. I vote yes.

17 CHAIR CANTU: Commissioner Yaki. I'm
18 afraid to call on you.

19 (Laughter.)

20 COMMISSIONER YAKI: Yes, I do not
21 understand why you would be afraid to call on me this
22 particular instance. I'm trying to decide whether or
23 not an abstention would actually be the same as ruining
24 the unanimity standard that we have set.

25 I've often thought about the fact that

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1 voting alphabetically was, I think, unfair and
2 discriminatory, so having always had to deal with being
3 the last vote called, I find it refreshing that I have
4 within my power the ability to completely ruin the
5 unanimity standard that we have set. I've been on this
6 Commission for 16 years. Other than Commissioner
7 Kirsanow, we are the two most senior members of this
8 thing and I've always voted last and I've always thought
9 to myself that's not how it really should work. So
10 because of that, because of that standard, because of
11 my continuing bitterness over having to vote last all
12 the time and having the opportunity to express that
13 through my vote, I vote aye.

14 CHAIR CANTU: You can change your name.

15 (Laughter.)

16 CHAIR CANTU: I missed it. Did you vote
17 yes?

18 COMMISSIONER YAKI: You better record my
19 vote. I'm going to reconsider. I'm going to
20 reconsider. I'm going to reconsider now.

21 (Laughter.)

22 COMMISSIONER YAKI: I didn't think my vote
23 didn't matter that much that the chair missed my vote.

24 And if it doesn't matter, it must be because I'm at
25 the end of the voting and there's a presumption that

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1 I will vote a certain way, I perhaps may change my vote.

2 CHAIR CANTU: I'm sorry.

3 COMMISSIONER YAKI: I vote aye.

4 CHAIR CANTU: I blurted out. You're
5 right.

6 COMMISSIONER YAKI: And you spoke over my
7 vote again. You spoke over my vote a second time.
8 So you had two opportunities to record my vote and spoke
9 over it twice.

10 CHAIR CANTU: Do I have to ask the court
11 reporter to answer that you did say aye?

12 COMMISSIONER YAKI: You cannot tell the
13 court reporter to report what my vote is. That is a
14 totalitarian state. We cannot do that.

15 (Laughter.)

16 COMMISSIONER YAKI: Okay. So, if everyone
17 can please -- in the interest of decorum and respect
18 for this, the last vote -- is this the last vote of
19 the day?

20 CHAIR CANTU: Yes.

21 COMMISSIONER YAKI: Okay. This being the
22 last vote of the day, being the last person to vote
23 --

24 PARTICIPANT: Drum roll, please.

25 COMMISSIONER YAKI: Commissioner Yaki

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1 thoughtfully, respectfully, and with great pride casts
2 the vote of aye.

3 CHAIR CANTU: Yay.

4 COMMISSIONER YAKI: Thank you.

5 COMMISSIONER KLADNEY: Amen.

6 CHAIR CANTU: Now I can't vote because I
7 always call on myself, so I will not vote. The motion
8 passes unanimously.

9 (Simultaneous speaking.)

10 (Laughter.)

11 CHAIR CANTU: I vote yes, but I yield to
12 Yaki as the last vote and the last word.

13 COMMISSIONER HERIOT: It's a day of
14 unanimity. Yay.

15 CHAIR CANTU: Mm-hmm. We're now going to
16 turn --

17 COMMISSIONER ADEGBILE: Madam Chair?

18 CHAIR CANTU: Yes, please.

19 COMMISSIONER ADEGBILE: Mr. Adegbile.

20 CHAIR CANTU: Yes.

21 COMMISSIONER ADEGBILE: At the risk of
22 undoing some things of importance that have just been
23 accomplished, I just want to clarify that the vote that
24 was taken is for the time line, the overview, and the
25 research plan, all of those things bundled together,

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1 that we understand the vote.

2 CHAIR CANTU: Yes, this is the SAC survey
3 for 2022 which is in our download in three separate
4 items which you've just described.

5 COMMISSIONER ADEGBILE: Thank you.

6 CHAIR CANTU: Not upsetting at all because
7 that is an excellent clarification.

8 And now we turn to the Staff Director
9 Report.

10 Mr. Morales, we're going to hear from you
11 on the monthly Staff Director Report.

12 F. MANAGEMENT AND OPERATIONS STAFF

13 DIRECTOR'S REPORT

14 MR. MORALES: Thank you, Madam Chair. I
15 have nothing further to add than what's already
16 contained in the Staff Director's Report. Of course,
17 I'm always available to speak to any Commissioner about
18 any specific item contained in the report.

19 I would like to take just a moment to
20 acknowledge the work of David Mussat, Alex Heideman,
21 and Irena Vidulovic for their efforts to prepare and
22 all the work they do, along with the regional staff,
23 of course, to prepare and get the State Advisory
24 Committee slates prepared, in particular, the Guam and
25 American Samoa and the Puerto Rico one that was done,

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1 the territories. It was an outstanding effort and I
2 really do appreciate their work.

3 Lastly, I just want Commissioners to know
4 that we'll be reopening the Commission headquarters
5 offices this Monday, the 14th. Staff and everybody
6 has received notice about this and we had multiple
7 discussions about this, so I believe we're prepared
8 to do it safely.

9 And then also I look forward to the
10 in-person Commission business meeting that we have
11 scheduled commencing on April 8th. So it will be nice
12 to see Commissioners in person and have our first
13 in-person commissioner business meeting for those that
14 are able to travel to Washington safely on April 8th.

15
16 So with that, I have nothing further, Madam
17 Chair, and I wish everybody a wonderful weekend.

18 CHAIR CANTU: Thank you for your report.
19 I know your staff has been incredibly busy and you've
20 had an all staff meeting to take questions.

21 Everyone please show grace and patience.
22 We've never reopened an office before, so we will,
23 of course, appreciate any questions that you have, but
24 at this point we are concluding the business item on
25 the agenda.

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1 CHAIR CANTU: So this concludes the
2 meeting and let me -- hold on, someone is -- I thank
3 Chair Brown for presenting the Maryland Report and so
4 I'm just correcting the record for the court reporter.

5 If I misspoke on the state, I apologize. That report
6 was the Maryland State Advisory Report.

7 III. ADJOURN MEETING

8 CHAIR CANTU: Okay, are there any other
9 items for the record?

10 Hearing nothing further, I hereby adjourn
11 this happy meeting at 10 o'clock Pacific Time which
12 is 1 o'clock Eastern Standard Time. Thank you all and
13 have a safe day. This is a lovely meeting. Let's
14 congratulate ourselves. Goodbye and thank you.

15 (Whereupon, the above-entitled matter
16 went off the record at 1:00 p.m.)

17

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