

UNEDITED

U.S. COMMISSION ON CIVIL RIGHTS

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BUSINESS MEETING

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FRIDAY, APRIL 8, 2022

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The Commission convened at the National Press Building, 529 14th St NW, Washington, DC, at 12:00 p.m. EDT, Norma V. Cantu, Chair, presiding.

PRESENT:

NORMA V. CANTU, Chair

J. CHRISTIAN ADAMS, Commissioner*

DEBO P. ADEGBILE, Commissioner*

STEPHEN GILCHRIST, Commissioner

GAIL HERIOT, Commissioner

PETER N. KIRSANOW, Commissioner*

DAVID KLADNEY, Commissioner*

MICHAEL YAKI, Commissioner*

MAURO MORALES, Staff Director

DAVID GANZ, General Counsel and

Parliamentarian

* *Present via telephone***NEAL R. GROSS**

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STAFF PRESENT:

STANLEY CARR

PAMELA DUNSTON, Chief ASCD

ALFREDA GREENE

TINALOUISE MARTIN, Director, OM

DAVID MUSSATT, Director, RPCU

COMMISSIONER ASSISTANTS PRESENT:

JOSHUA DANSBY

ALEC DUELL

ALEXANDER HEIDEMAN

JOHN K. MASHBURN

CARISSA MULDER

JUANA SILVERIO

THOMAS SIMUEL

IRENA VIDULOC

ALSO PRESENT

WENDELL BLAYLOCK, Nevada Advisory Committee Chair

SONDRA COSGROVE, Nevada Advisory Committee Member

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

2 (12:01 p.m.)

3 CHAIRMAN CANTU: Welcome to the
4 Business meeting for the U.S. Commission on Civil
5 Rights. The meeting comes to order at 12:01 p.m.
6 Eastern Standard Time on Friday, April 8, 2022.

7 I am Chair Norma V. Cantu. We thank the
8 staff who completed the public notice needed for
9 this meeting and arranged for this public, in-
10 person meeting, our first business meeting in
11 person since the pandemic started.

12 We thank the general public for their
13 interest in attending. Due to respect for health
14 and safety during the ongoing COVID-19 pandemic,
15 the commissioners are both in person and via
16 conference all today, and are hosting the general
17 public by phone conference.

18 I would like to confirm the
19 commissioners present both in person and on the
20 line and will take a roll call. Please say present
21 or aye when I say your name.

22 Commissioner Adams.

23 COMMISSIONER ADAMS: Present.

24 CHAIRMAN CANTU: Commissioner Adegbile.

25 COMMISSIONER ADEGBILE: Aye.

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1 CHAIRMAN CANTU: Commissioner

2 Gilchrist.

3 COMMISSIONER GILCHRIST: Aye.

4 CHAIRMAN CANTU: Commissioner Heriot.

5 COMMISSIONER HERIOT: I'm here.

6 CHAIRMAN CANTU: Commissioner Kirsanow.

7 COMMISSIONER KIRSANOW: Here.

8 CHAIRMAN CANTU: Commissioner Kladney.

9 COMMISSIONER KLADNEY: Here.

10 CHAIRMAN CANTU: Commissioner Yaki.

11 COMMISSIONER YAKI: Present.

12 CHAIRMAN CANTU: Based on the response,
13 a quorum of commissioners is present. Is the Court
14 Reporter present? Thank you.

15 Is the Staff Director present?

16 MR. MORALES: I'm present.

17 CHAIRMAN CANTU: Thank you. The
18 meeting will now come to order.

19 I want to thank the commissioners and
20 the staff for all their hard work in preparing for
21 today's first in-person business meeting, and I
22 want to thank everyone for in-person participation
23 and being online.

24 When the Commission provided public
25 notice, I was ambitious in estimating how many

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1 agenda items we could cover. I realized that there
2 were too many agenda to give each item our full
3 attention. Therefore, as a matter of housekeeping,
4 as Chair, I've decided to withdraw two items from
5 today's agenda.

6 One that I'm withdrawing is the
7 discussion the status of the state advisory
8 committees and committee assignments. And the
9 second I'm withdrawing is the discussion of our
10 Instruction 9-1, which is appropriate use of
11 Commission letterhead.

12 Do any commissioners have any
13 objections to the withdrawal? It's a housekeeping
14 matter. Hearing none, then I turn to the
15 commissioners and ask if any commissioner would
16 like an amendment to the agenda.

17 I. APPROVAL OF AGENDA

18 Since there are no amendments to the
19 agenda, let us vote to approve the agenda. All
20 those in favor, please say aye.

21 (Chorus of aye.)

22 CHAIRMAN CANTU: Are any opposed to the
23 agenda? And does anyone abstain? The motion
24 passes.

25 For our first order of business, we're

1 going to turn to presentations from advisory --
2 from the advisory committee from Nevada. And their
3 presentation will be made by Nevada's Commission
4 Chair, Wendell Blaylock, and also committee member
5 Sondra Cosgrove.

6 The will present on the committee's
7 report on the impact of remote learning on
8 education equity in Nevada. Commissioner -- the
9 Chair Blaylock will speak for five minutes. So you
10 have the floor, Chair Blaylock.

11 II. PRESENTATION FROM ADVISORY COMMITTEE

12 FROM NEVADA

13 MR. BLAYLOCK: Thank you. Thank you
14 for inviting Vice Chair Cosgrove and me to share
15 with you information regarding the Nevada Advisory
16 Committee's report on the impact of remote learning
17 on education equity in Nevada.

18 There was a great deal of interest in
19 our project from throughout the state. After the
20 conclusion of our hearings of May 2021, the
21 committee was repeatedly contacted by our
22 presenters and others wishing to provide progress
23 reports on the committee's recommendations and to
24 request copies of the finalized report.

25 Shortly after the release of the report

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1 in November 2021, the committee contacted the
2 Nevada Governor, County Commission Chairs, and
3 municipal mayors, the Nevada Department of
4 Education, Nevada school district superintendents
5 and school board of trustees presidents, and the
6 Nevada system of higher education Board of Regents
7 to request feedback on their progress on
8 implementing the report recommendations.

9 A web hearing was scheduled for January
10 28, 2022 to review their feedback. At that time,
11 we learned that the report was read widely and
12 implemented in various ways.

13 We learned the Nevada Department of
14 Education ensured that every student had a device
15 suited for remote learning and that they were
16 working to ensure Native American communities are
17 consulted and have opportunities to contribute to
18 the decisionmaking process for distributing federal
19 funds.

20 Furthermore, to address the mental
21 health crisis in our schools, Nevada is spending
22 \$7.5 million to hire 100 school-based mental health
23 professionals.

24 Vice Chair Cosgrove.

25 MS. COSGROVE: Thank you. So last

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1 month our school district superintendents reported
2 to our legislature that they are dispersing federal
3 relief funding to provide wrap-around services
4 which are included in our recommendation. The
5 superintendents did express concern, however, that
6 the ability to sustain these services would
7 disappear once the federal funding is spent.

8 Our interim finance committee met
9 yesterday and authorized the disbursement of just
10 over \$200 million from the American Rescue Plan to
11 expand broadband internet services statewide,
12 especially to our underserved populations.

13 And the Nevada center of -- the Nevada
14 system of higher education received a \$10 million
15 grant to recruit and retain students for mental
16 health degrees, while the Nevada Department of
17 Education received \$2.3 million to expand teacher
18 training opportunities in remote learning for our
19 rural educators.

20 Chair Blaylock.

21 MR. BLAYLOCK: Based on the testimony
22 from the 28 January meeting and the legislative
23 hearings, it appears that there are significant
24 efforts to mitigate the impact of the pandemic
25 among Nevada students. We are concerned, however,

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1 that once the federal relief funding is exhausted,
2 the supportive services will stop while the need
3 remains.

4 We recommend that our legislative
5 leaders and the governor consider sustainability
6 planning that will build these funding needs into
7 the state's next biannual budget.

8 Thank you.

9 CHAIRMAN CANTU: So I had planned for
10 five minutes each. Would you like to expand a
11 little more on the -- on the recommendations?

12 MR. BLAYLOCK: Absolutely. Yes, just
13 one moment.

14 MS. COSGROVE: Chair Blaylock, should
15 we talk about the mental health services and the
16 dire need to train more professionals?

17 MR. BLAYLOCK: I think that's a good
18 place to start. Would you like to begin, Vice
19 Chair Cosgrove?

20 MS. COSGROVE: Sure. Of all of the
21 concerns that we heard here in Nevada, probably the
22 thing that is making us worry the most is even if
23 we have as much federal money as they can send to
24 us, we just do not have the mental health
25 professionals. So we need workforce development to

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1 be starting now, and it needs to go fast.

2 And that's going to include our higher
3 education system, it's going to include Pell Grant
4 reform. It might include tuition being forgiven.

5 And so we're really going to need a
6 partnership with our federal government to make
7 sure that the state of Nevada and I'm sure other
8 states can start training these mental health
9 professionals as quickly as possible to address the
10 crisis that we're seeing in schools when it comes
11 to mental health.

12 MR. BLAYLOCK: One thing that we
13 learned with our January 28 meeting was that we
14 desperately needed mental health professionals. So
15 for the state, we needed over 800 counselors; 649
16 psychologists; over 1300 social workers; 200,
17 almost 300 nurses; language pathologists; and
18 library media specialists, or over 400.

19 And there has been money that has been
20 allocated to meet these needs. But as we've
21 indicated, we're concerned about sustainability.

22 CHAIRMAN CANTU: Thank you --

23 MR. BLAYLOCK: In addition, a number of
24 our communities have spent money on the health
25 professions. So as an example, in Washoe County,

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1 they have spent funds for wrap-around services.
2 They've also spent funds for learning loss and
3 mental health issues that were made worse by the
4 distance between towns and meeting mental health
5 professionals.

6 Similarly, social workers were hired in
7 Douglas County, Humboldt County, and Mineral
8 Country in addition to learning strategists and
9 other related mental health providers.

10 Vice Chair Cosgrove.

11 MS. COSGROVE: I think that pretty much
12 covers it, because I think the other
13 recommendations we made, we are seeing movement on
14 those things being addressed. So the thing that
15 worries me the most is that workforce development
16 component that you just kind of laid out and how
17 dire that is.

18 MR. BLAYLOCK: Right. There were some
19 -- there were some challenges, opportunities for
20 us, as well as some positive notes that you'll see
21 in our report. Nevada was the only state that
22 provided a device for all of our students.

23 In addition, there was a private-public
24 partnership to improve broadband throughout the
25 state for our students as well. So there were

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1 quite a few positive things that we learned.

2 And as I've indicated, throughout the
3 process, we were contacted by a number of
4 presenters and other people. In fact I was
5 contacted by our congressional elected officials,
6 who wished to discuss the report and what they
7 could do going forward to be of assistance.

8 CHAIRMAN CANTU: Thank you. The report
9 was very well developed, and I saw that the effort
10 had been made to be inclusive to reach out on
11 smaller communities and also to reach out to the
12 indigenous Native American community. I do want to
13 congratulate you on the writing, how well you
14 presented the research.

15 The -- as Chair, I hear these reports
16 and it makes me very, very proud of the work that
17 is happening in our -- in our state advisory
18 committees. Because the topics you've chosen are
19 timely, are important.

20 And they -- and as you describe, they
21 reach -- they reach national, state, and local
22 governmental entities. So you embraced a
23 challenging topic and you dealt with it extremely
24 well.

25 I'm looking forward to hearing more

1 about -- from the other commissioners about any
2 particular areas that they'd like to learn more
3 about, so I'm going to now use the time to ask if
4 any commissioners have questions or comments. And
5 just to be fair, I'm going --

6 COMMISSIONER KLADNEY: Madam Chair --

7 CHAIRMAN CANTU: Just let me conclude.

8 I will try to alternate back and forth phone and
9 then in-persons to be sure that everyone has time.

10 So from the phone, who was speaking?

11 COMMISSIONER KLADNEY: Dave Kladney.

12 CHAIRMAN CANTU: Yes, your home state,
13 David.

14 COMMISSIONER KLADNEY: Yes, thank you,
15 Madam Chair.

16 Chair Blaylock, Vice Chair Cosgrove,
17 I'd like to thank you very much. This was an
18 excellent report. It's well done, got very wide
19 exposure, got lots of press. And I think it was a
20 needy program in our state. And knowing the
21 shortages and the financial situation our state
22 finds itself in, especially after the pandemic and
23 the Great Recession.

24 So I'd like to thank you very much.
25 I'd like you to maybe give a short explanation of

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1 how the broadband was extended throughout our rural
2 areas during the pandemic if you could. I think
3 that's very important for our commission to know.

4 MR. BLAYLOCK: Absolutely, and thank
5 you for your comments.

6 The Nevada mining community in northern
7 -- donated and contributed over \$30 million to
8 extend broadband throughout northern Nevada. And
9 for those of you that are not familiar with Nevada,
10 the population is concentrated in the greater Las
11 Vegas area and the greater Reno, Sparks, and Lake
12 Tahoe Area.

13 And we had -- we had a couple towns
14 where the majority of the population did not have
15 access to a stable internet connection. So through
16 a private-public partnership, Nevada mines stepped
17 up to provide \$30 million.

18 And Vice Chair Cosgrove, who is the
19 provider up in northern Nevada?

20 MS. COSGROVE: I think it's called
21 Anthem Internet Service.

22 MR. BLAYLOCK: Yes, I believe that's
23 correct. So Anthem Internet Service is expanding
24 their service area across northern Nevada. You may
25 recall seeing in the news last year how there were

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1 some communities where students would have to go to
2 a McDonalds to have an internet connection. And
3 that was the case here in Nevada.

4 So we were very pleased that they
5 stepped up to increase broadband.

6 COMMISSIONER KLADNEY: And I would also
7 wonder what you found out about any deficit in
8 learning that occurred during this period of time
9 and what the school districts are doing to try to I
10 guess raise up the students that have had their
11 issues.

12 MS. COSGROVE: So this is Vice Chair
13 Cosgrove, I can handle that. We are hearing from
14 our superintendents that they're using federal
15 relief funding to hire tutors, to hire counselors,
16 to hire -- bring back retired teachers in order to
17 help not just focus on the learning loss. Just
18 assume that there's going to need to be remediation
19 and that it has to happen as fast as possible.

20 So we do know that they're being very
21 creative to bring in professionals to help with
22 that.

23 COMMISSIONER KLADNEY: Great. Once
24 again, I'd like to thank you both, and please tell
25 the committee how great the report was and what

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1 good they did. Because I know it was several
2 meetings, it was lots of work, and this is one of
3 the better reports I've seen in a while. Thank you
4 very much.

5 MS. COSGROVE: Thank you.

6 CHAIRMAN CANTU: Thank you.

7 COMMISSIONER GILCHRIST: Madam Chair.

8 CHAIRMAN CANTU: I recognize you,
9 Commissioner Gilchrist.

10 COMMISSIONER GILCHRIST: First of all,
11 Chair Blaylock and Vice Chair Cosgrove, let me
12 thank you as well for a report that I thought was
13 very well put together.

14 I want to make a comment and I do have
15 a question. My comment is relative to the private
16 sector involvement with your effort there. I'm
17 most encouraged to hear that you sought out the
18 private community to engage in this effort.

19 And as we've seen the impact of COVID
20 across our country as it relates to distance
21 learning, this is an area that I have been most
22 interested in wanting to explore more, so thank you
23 for that.

24 I did have a question, though,
25 regarding the institutionalization of distance

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1 learning. In reading your report, it seemed to
2 suggest that there was some interest from the
3 larger community to institutionalize distance
4 learning. Can you speak to that at any level?

5 MR. BLAYLOCK: So thank you for your
6 question. Yes, there were some individuals, and we
7 did have a presenter who indicated that having
8 distance learning would be an option and choice for
9 students and parents going forward. And that is
10 something that we did present.

11 Now, Vice Chair Cosgrove can report
12 that in the, let's see, we got the College of
13 Southern Nevada. They have been providing distance
14 learning for their students for quite some time.
15 So the ability to provide distance learning is
16 something that the College of Southern Nevada has
17 been doing, and was able to share their experiences
18 with other school districts throughout the state.

19 And Vice Chair Cosgrove, you may want
20 to comment.

21 MS. COSGROVE: Yes, this is Vice Chair
22 Cosgrove. I'm a history professor at the College
23 of Southern Nevada, and we've been offering online
24 education for over 20 years.

25 And so what we're proposing is that we

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1 have a partnership between the community colleges
2 and our K12 system in order to help the K12
3 teachers know how to be more effective in offering
4 the option of distance learning.

5 Because we did hear that we have many
6 single parents or many even with two parents in the
7 household, if they're essential workers, oftentimes
8 the older children are happy to take care of the
9 younger children and aren't going to school during
10 the regular school hours.

11 So we would like to have remote
12 learning available for them asynchronously to make
13 sure those students can take classes when they have
14 time available.

15 COMMISSIONER GILCHRIST: No, that's
16 excellent. And a followup question to that is how
17 has the -- your state department of education
18 received that information, or your superintendents
19 in your state?

20 MS. COSGROVE: They embraced it
21 wholeheartedly. They agree, because they are also
22 very concerned about those students that, quote
23 unquote, disappeared. They can be brought back in
24 and get their education is we do asynchronous
25 remote learning as an option.

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1 COMMISSIONER GILCHRIST: Thank you very
2 much, good report. Oh, I'm sorry.

3 MR. BLAYLOCK: The feedback -- the
4 feedback from across the state has been very
5 positive regarding our report.

6 COMMISSIONER GILCHRIST: Fantastic.
7 Thank you, Madam Chair, that's all I have.

8 CHAIRMAN CANTU: Thank you,
9 Commissioner. Anyone else on the phone would like
10 a comment or question please? Thank you.

11 I've got some background in school
12 finance litigation, and I've been surprised that in
13 my home state of Texas, that way that the state
14 funded issues regarding to advances in technology
15 is that they would ask school districts to compete
16 against each other.

17 And they would have a limited amount of
18 funding, and it would result in a really long wait
19 list among those campuses and those school
20 districts that were waiting for -- for the state
21 assistance with being able to make some purchases.

22 It is a dramatic change now that there
23 has been federal assistance to the various states.

24 But I don't -- I do agree completely with you all
25 that sustainability is an issue. That now that the

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1 students, the parents, and the teachers have been
2 shown that -- that some instruction can be done
3 online, how do we sustain that interest and how do
4 we scaffold and learn in addition.

5 Do you all have any thoughts with
6 regards to the -- tell me more about the
7 partnerships because I'm excited about that as
8 well, because teacher training is key. Can you
9 tell me more about the sustainability moving
10 forward?

11 MS. COSGROVE: This is Vice Chair
12 Cosgrove. I would say that sustainability
13 component is what were thinking of when we
14 suggested having a partnership within the education
15 system, so that if the community colleges are the
16 ones doing the partnership, there's not going to be
17 any extra cost.

18 And then maybe Chair Blaylock would
19 like to talk about maybe some of the private
20 partnership opportunities.

21 MR. BLAYLOCK: Yes, thank you, Vice
22 Chair Cosgrove.

23 So we did have -- we were very pleased
24 with the private and public partnership
25 opportunities, one with Connecting Kids, and

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1 Connecting Kids, as you can see in the report,
2 ensured that every student throughout the state did
3 have a device so that they could do their learning
4 online.

5 Also the Elaine Wynn Foundation, which
6 is connected with a number of private
7 organizations, including Cox Communication and
8 CenturyLink.

9 The various cities and other
10 organizations here in southern Nevada put together
11 a partnership concerning our broadband access, so
12 the ISPs, or internet service providers, ensure
13 that in communities that were in LMI areas, that
14 the households would have a stable internet
15 connection.

16 And that they would have speed of a
17 least 25 megabits per second, which you need to
18 have in order to download assignments, to have
19 multiple pages open online, and to actually do your
20 assignments.

21 So we were very pleased with the
22 partnership that occurred here in the state of
23 Nevada.

24 CHAIRMAN CANTU: Well, I congratulate
25 both and the entire committee for the state

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1 advisory committee for Nevada for an excellent
2 report. You all are being very creative in how to
3 make the education excellent in Nevada, and you're
4 being very creative in including all aspects of the
5 communities, including the tribal communities.

6 I congratulate you. I see how well you
7 are working to forge these partnerships, and I hope
8 I could call you again later after this meeting so
9 that I can continue to learn from you. So we thank
10 you very deeply.

11 MS. COSGROVE: Thank you so much for
12 saying that.

13 MR. BLAYLOCK: We appreciate that. And
14 just so you know, we do have an addendum that is
15 currently going through legal sufficiency review,
16 and that should be --

17 MS. COSGROVE: Actually, Chair
18 Blaylock, it's on the report, it's on the website
19 right now. And it just emailed late last night.

20 MR. BLAYLOCK: Oh, okay. So there is
21 an addendum that's available now. So it will have
22 -- it will summarize the information from our
23 January 28 report and the progress that has been
24 made since we concluded our hearings in May and
25 published our report in November.

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1 CHAIRMAN CANTU: Thank you very much.
2 If there are no further questions, we're going to
3 move to our next item.

4 Chair Blaylock and Vice Chair Cosgrove,
5 you're welcome to stay online if you'd like, but if
6 you need to say your goodbyes, we do again thank
7 you very much for your service and your leadership
8 on the Nevada State Advisory Committee, and for
9 taking the time to speak with us about this
10 important matter today. So thank you again.

11 MS. COSGROVE: Thank you.

12 MR. BLAYLOCK: Thank you for having us.

13 **III. DISCUSSION AND VOTE ON THE**
14 **STATE AND TERRITORIAL ADVISORY**
15 **COMMITTEE APPOINTMENTS**

16 CHAIRMAN CANTU: It's a pleasure.

17 Now we're going to turn a discussion
18 and vote on the state and territorial advisory
19 committee appointed -- appointments.

20 First, we're -- as you know, the
21 Commission depends on the advice from highly
22 qualified persons who serve in each of our 50
23 states plus the District of Columbia, and most
24 recently the US Virgin Islands, Puerto Rico,
25 Northern Mariana Islands, Guam, and American Samoa.

1 Today we will appoint two advisory
2 committees, Hawaii and Ohio. I move to appoint the
3 following persons to serve as advisory committee
4 members in Hawaii, based on the recommendations of
5 the staff director. And I'm going to call out
6 their names, and I hope their families are
7 listening, or at least it will be recorded, so
8 their families will know that this is happening.

9 Shaunda Makaimoku, nominated for Chair
10 and new appointee. Alphonso Braggs, returning
11 appointee. Jennifer Dotson, returning appointee.
12 Arthur Hannemann, new appointee. Aaron Kubo, new
13 appointee.

14 Adreil Lam, new appointee. Asia
15 LaVonne, new appointee. Raymund Liongson, new
16 appointee. Sarah "Mili" Milianta Laffin, new
17 appointee. Troy Smith, new appointee.

18 All these individuals will serve as
19 uncompensated government employees. If the motion
20 passes, the Commission will authorize a staff
21 director to execute the appropriate paperwork. Do
22 I have a second for the motion regarding the Hawaii
23 committee, advisory committee?

24 COMMISSIONER HERIOT: I second the
25 motion.

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1 CHAIRMAN CANTU: Thank you,
2 Commissioner Heriot.

3 I'll open to the floor to any
4 discussion or questions, or the phone. Thank you.

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

6 Commissioner Adams, how do you vote?

7 COMMISSIONER ADAMS: Yes.

8 CHAIRMAN CANTU: Commissioner Adegbile?

9 COMMISSIONER ADEGBILE: Abstain.

10 CHAIRMAN CANTU: Commissioner
11 Gilchrist?

12 COMMISSIONER GILCHRIST: Aye.

13 CHAIRMAN CANTU: Commissioner Heriot?

14 COMMISSIONER HERIOT: I vote yes.

15 CHAIRMAN CANTU: Commissioner Kirsanow?

16 COMMISSIONER KIRSANOW: Yes.

17 CHAIRMAN CANTU: Commissioner Kladney?

18 COMMISSIONER KLADNEY: Yes.

19 CHAIRMAN CANTU: Commissioner Yaki.

20 COMMISSIONER YAKI: Aye.

21 CHAIRMAN CANTU: And I -- and I vote
22 yes. The motion carries, seven yes and one
23 abstention. Is my math right?

24 MR. MORALES: Yes.

25 CHAIRMAN CANTU: Thank you. I have

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1 trouble counting all the way up to eight, so the
2 lucky number eight.

3 I now move to appoint the following
4 persons to serve as Commission advisory committee
5 members in Ohio, based on the recommendations of
6 the staff director.

7 And they are Lee Strang, nominated for
8 Chair and returning appointee. Cassandra Bledsoe,
9 returning appointee. Elizabeth Callan, new
10 appointee. Subodh Chandra, returning appointee.
11 Anjali Chavan, new appointee. Diane Citrino,
12 returning appointee.

13 David Forte, or Forte, excuse me if I
14 mispronounce, returning appointee. Scott Gerber,
15 returning appointee. Willa Gibson, new appointee.
16 Robert Salem, returning appointee. Bradley Smith,
17 new appointee. Mark Strasser, returning appointee.

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

23 Do I have a second for this motion?

24 COMMISSIONER GILCHRIST: Second, Madam
25 Chair.

1 CHAIRMAN CANTU: Thank you,
2 Commissioner Gilchrist. I'll open the floor for
3 discussion. Thank you. Not hearing discussion,
4 I'll call the question and take a roll call vote.

5 Commissioner Adams, how do you vote?

6 COMMISSIONER ADAMS: Yes.

7 CHAIRMAN CANTU: Commissioner Adegbile?

8 COMMISSIONER ADEGBILE: Aye.

9 CHAIRMAN CANTU: Commissioner
10 Gilchrist?

11 COMMISSIONER GILCHRIST: Aye.

12 CHAIRMAN CANTU: Commissioner Heriot.

13 COMMISSIONER HERIOT: I vote yes.

14 CHAIRMAN CANTU: Commissioner Kirsanow.

15 COMMISSIONER KIRSANOW: Yes.

16 CHAIRMAN CANTU: Commissioner Kladney.

17 COMMISSIONER KLADNEY: Yes.

18 CHAIRMAN CANTU: Commissioner Yaki.

19 COMMISSIONER YAKI: Aye.

20 CHAIRMAN CANTU: And I vote yes. The
21 motion passes unanimously.

22 IV. DISCUSSION OF STATUS OF 2023 TOPICS

23 We now turn to the third and last item
24 on our agenda, and that is to discuss the status of
25 our 2023 and -- topics. And if we do want to, we

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1 can also discuss whether we need a committee to
2 have a -- to proceed with our topics.

3 As you recall, Congress requires that
4 the Commission -- Congress requires from our
5 commission a statutory investigative report every
6 year. And we submit additional Commission reports,
7 which are approved by a majority of the
8 commissioners.

9 For Fiscal Year 2022, we voted last
10 year to do a statutory report regarding the
11 responses of FEMA to hurricanes Harvey and Maria.
12 And for 2022, we've also approved data collection
13 in the form of a survey of the U.S. Commission's
14 advisory committees for states and territories.
15 This survey of our advisory committees should
16 produce a second civil rights report.

17 So for Fiscal Year 2022, we will have
18 two reports. We will fulfill our mandate from the
19 statute that we have the FEMA report, and we also
20 will count the survey questions and the survey
21 responses that are put together into a report as
22 one of our national reports.

23 I take this moment to please ask if
24 there are any members of our state advisory
25 committees or territorial advisory committees, if

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1 you've not responded already to the survey that was
2 sent out, you still have time. We have until close
3 of business on Monday, April 11, so please, please
4 share with us your survey responses.

5 So today the -- I'm looking at the
6 calendar for Fiscal Year 2023, we are to choose
7 topics. And I know we struggled last year to stay
8 on schedule, but thanks to the hard work of your --
9 the commissioners and all our staff, we were able
10 to conduct investigations last year. And we used
11 briefings using virtual means.

12 Last year in December we were even able
13 to hold a hybrid briefing session with
14 commissioners in person and virtually. It was a
15 challenge, but I believe the results were well
16 worth it. So I'm grateful to all of you in terms
17 of our work for Fiscal Year 2022.

18 Today I'm asking the commissioners to
19 pick up one strand of a conversation that we had at
20 a previous business meeting, and that discussion
21 centered on not using the trading of votes on
22 selecting the topics. This process of if you
23 choose my topic, I'll choose your topic really
24 doesn't recognize that each topic should stand on
25 its merits.

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1 While I understand that Congress and
2 other bodies use a log-rolling method of voting on
3 certain matters, that method didn't work for us
4 last year as a commission. So my question is
5 whether there are other processes that we can use.

6
7 And today I want to have a
8 conversation, a discussion about how do we get to
9 consensus on the topics for Fiscal Year 2023, or at
10 least the majority votes that we need to have to
11 approve going forward on those topics. We're not
12 taking a vote today on any of these ideas that we
13 hope to generate by our discussion, but we are
14 exploring them.

15 And I'm prepared to listen to you, and
16 I promise to all the commissioners to do my best
17 not to interrupt you. With eight commissioners, I
18 estimate our talk could last 20 minutes, 30
19 minutes. You can take less time or more time, but
20 I'm looking forward to your ideas.

21 So I'm turning it over to you folk.
22 Should I start with the phone? Is someone on the
23 phone willing to help us have this conversation
24 about how we can do better this year than last
25 year?

1 COMMISSIONER HERIOT: Uh oh.

2 CHAIRMAN CANTU: All right, let me
3 suggest my idea and -- and please, please, you
4 know, improve it.

5 I'm suggesting that we have a -- that I
6 appoint a committee that is a bipartisan committee.

7 It does -- it will not violate any of our laws in
8 terms of open meetings, it'll be smaller than the
9 quorum. But that that committee work on finding --
10 helping us stay on task so we don't run out of time
11 and have the clock run out of us, as was a problem
12 last year.

13 And that if you want to discuss the
14 committee idea, this is -- this is an opportunity
15 so that we can all hear each other.

16 COMMISSIONER ADAMS: Chair Cantu, Adams.

17 CHAIRMAN CANTU: Yes, Commissioner.

18 COMMISSIONER ADAMS: I'd like to say
19 that that -- I think the committee idea's a
20 fantastic one. I know that some on the Commission,
21 despite your reservations about so-called log-
22 rolling, were perfectly willing to move forward
23 with a variety of topics. It wasn't even a close
24 call, the willingness of some of us, I dare say
25 probably a majority on the Commission.

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1 And I think the committee is a great
2 way to have some folks carefully look at it without
3 some of the temperature, high temperature views
4 that we encountered whenever ideas were proposed.
5 So I would support any particular motion you want
6 to put forward on that issue.

7 CHAIRMAN CANTU: And again, we're not
8 voting, we're discussing. So but, I appreciate
9 your enthusiasm, Commissioner.

10 COMMISSIONER HERIOT: Madam Chair.

11 CHAIRMAN CANTU: Yes, Commissioner
12 Heriot.

13 COMMISSIONER HERIOT: I would say that
14 I would rate the committee idea somewhat less than
15 fantastic but adequate, you know. It's good
16 enough, you know. We gotta -- we gotta move
17 forward, and we're going to move forward.

18 I would hesitate to the use the word
19 log-rolling on what we were doing before, where I
20 would call that compromise. That in the past if a
21 commissioner felt very strongly about -- about an
22 issue, even if it wasn't, you know, something that
23 the whole Commission was enthusiastic about it,
24 we'd do it, you know.

25 There was a time when we had six

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1 commissioners who I would say were center left, and
2 two that were center right. And still the center
3 right, even though they would be outvoted on any
4 particular issue, could have a topic of theirs
5 addressed. And I think that's actually the better
6 way to go about it.

7 Sounds like you're not the fond of it,
8 and you're the Chair, and I think that that counts
9 for something. So I think the committee idea is
10 probably a good one here, and that we ought to be
11 able to come up with something, and we will, we
12 will.

13 CHAIRMAN CANTU: I appreciate that very
14 much, thank you, thank you.

15 COMMISSIONER GILCHRIST: Madam Chair.

16 CHAIRMAN CANTU: Yes, Commissioner
17 Gilchrist.

18 COMMISSIONER GILCHRIST: I just want to
19 echo Commissioner Heriot's point as well.
20 Compromise is good, and I think any time we have an
21 opportunity to do that, more specifically when
22 we're trying to have balance in our discussions, I
23 think that is certainly something that we should
24 consider.

25 But I, too, would very much support the

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1 idea of a committee being appointed to begin to
2 look at proposals that we all believe that we can
3 get some consensus on.

4 CHAIRMAN CANTU: Thank you, thank you.

5 On the phone, any commissioners have questions or
6 comments to add to the discussion? Well, it seems
7 we have informed me at least about some ideas.

8 COMMISSIONER YAKI: This is
9 Commissioner Yaki.

10 CHAIRMAN CANTU: Yes, Commissioner,
11 thank you.

12 COMMISSIONER YAKI: I am a little
13 unclear on the concept of what this committee's
14 charge would be exactly. Would it be to discuss
15 how to get to topics, or it'd be to -- or it would
16 to discuss resolution or accommodation on
17 individual topics?

18 CHAIRMAN CANTU: I'm open to hearing
19 your suggestion. Which are you proposing?

20 COMMISSIONER YAKI: Well, I mean, it
21 was your idea, so I'm just trying to get an idea of
22 exactly what it is your -- your thoughts were about
23 it.

24 CHAIRMAN CANTU: I started out with a
25 notion of trying to figure out where the process

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1 slowed down. And it seemed to slow down with the
2 bundling of topics that I'm not going to describe.

3 We didn't get to the part of really
4 thoroughly describing each topic because we worked
5 as a group of topics, and I had trouble with that.

6 But, because each topic is important and each
7 topic ultimately will have to be voted as a
8 separate topic and not as a group of topics.

9 But I -- but I -- to answer your
10 question in terms of as an individual, as an
11 individual I think that we're looking for a topic
12 that -- that embraces principles held by both
13 caucuses, progressive and conservative. And that
14 that is doable.

15 I mean, today, we heard from one of the
16 state advisory committees a topic that affects
17 everyone in a bipartisan way, you know, having
18 access to high quality education without the
19 barrier of the internet breaking down.

20 So there are topics that do exist, and
21 I would task that committee to look at the process
22 to see if there are ways to improve it. But also,
23 also to feel free to discuss what topics they want
24 to pursue.

25 And this committee does not -- does not

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1 change the fact that we've already agreed at an
2 earlier meeting to follow a timeline and to meet
3 that timeline for -- for doing the work that we're
4 required to do by Congress.

5 MR. MORALES: Madam Chair, if I might
6 be able to opine?

7 CHAIRMAN CANTU: Yes, Staff Director.

8 MR. MORALES: I just want to let you
9 and all the commissioners know that we would be
10 supportive of any method that could assist
11 commissioners in reaching consensus on a topic that
12 they wish the Commission's full-time professional
13 employees of the Commission to study.

14 I would offer to you, you know, the
15 expertise of the Office of Civil Rights Evaluation
16 and the Office of our General Counsel to assist you
17 in whatever type of committee you may be interested
18 in creating or how you -- the process you'd like to
19 begin. We have a level of expertise in having done
20 these for many years.

21 But we can't think of anything that's
22 more important for commissioners than to decide
23 what those topics are. Especially, you know, as
24 you well know, and all the commissioners know,
25 there's a time period, a long runway of where we

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1 have to prepare the discovery plans, the briefing
2 plans, hold the briefings, and then do one to two
3 different drafts of a report that turns out to be
4 acceptable for all commissioners that they can vote
5 on.

6 So the sooner is better, obviously, and
7 puts a lot of pressure on the staff to try to turn
8 things around in only a few months' period of time
9 as opposed to a longer period of time. But we're -
10 - I just want you to know that we are supportive
11 and that we as a staff would be more than happy to
12 assist in any manner you might want. Thank you.

13 CHAIRMAN CANTU: Any other comments,
14 any other ideas for us? Well, I kept my promise
15 and did not interrupt. And I do appreciate the
16 feedback that the -- that perception is everything,
17 the perception is that people are trying their best
18 to compromise and to work out topics that are
19 useful and fulfill our mission.

20 And so -- so I'm taking this as -- with
21 some encouragement, I'm taking this very positively
22 to go ahead and proceed with creating a committee.

23 I encourage you all to volunteer, but if you don't
24 volunteer, I'm afraid you'll be voluntold. I do
25 need your help.

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1 This is important work that we do, and
2 these reports have been used to -- as a support for
3 improving policy and have been used to support by
4 Congress to pass new legislation. So the work that
5 you as commissioners do is very valuable, and I
6 just want to share that with you again and again.

7 Any other items, any other discussions
8 on this item?

9 Now I'll turn to Staff Director
10 Morales. Mr. Morales, we can hear from you -- from
11 you in the monthly Staff Director's report, please.

12 **V. STAFF DIRECTOR'S REPORT**

13 MR. MORALES: Madam Chair, thank you
14 very much.

15 I have nothing further to add than
16 what's already contained in the report, of course.

17 And of course I'm always available for any
18 commissioner that may have a question about a
19 particular item in the report. And in order to be
20 brief, I'll move forward, unless there's a
21 particular question.

22 But I would like to take a moment of
23 personal privilege to thank Alex Heideman for his
24 service. I understand he's going to be leaving our
25 commission. We appreciate his professionalism and

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1 how he has worked well with the staff and various
2 endeavors.

3 And specifically in getting the state
4 advisory committees up to speed and the slate
5 prepared that we can vote on him and some other.
6 But I want to just do a shout-out for him and
7 really appreciate his professionalism. And we'll
8 miss and wish -- we wish him the best.

9 Thank you, Madam Chair.

10 COMMISSIONER HERIOT: Madam Chair.

11 CHAIRMAN CANTU: Yes, Commissioner
12 Heriot?

13 COMMISSIONER HERIOT: I would also like
14 to have a shout-out to Alex Heideman here. He has
15 been a terrific special assistant, and I'm so sorry
16 that he's leaving me. Alex, come back.

17 But you know, life is changing for
18 Alex. He's down in Atlanta now, and he's going to
19 be a father soon. So congratulations to Alex. But
20 like, he has been terrific. I wish he were staying
21 with us, and I wish him the best.

22 COMMISSIONER GILCHRIST: Absolutely.

23 CHAIRMAN CANTU: With that, thank you
24 for your report. Thank you for your wonderful warm
25 wishes for Mr. Heideman. So that concludes the

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1 business items --

2 COMMISSIONER GILCHRIST: Madam Chair.

3 CHAIRMAN CANTU: Oh, Commissioner
4 Gilchrist.

5 COMMISSIONER GILCHRIST: If I could
6 just -- I'm sorry to.

7 CHAIRMAN CANTU: Yes, yes.

8 COMMISSIONER GILCHRIST: I just want to
9 make an observation that I think the United States
10 Commission on Civil Rights can't ignore. On
11 yesterday, we had a justice appointed to the United
12 States Supreme Court. I have a Black wife who
13 called me yesterday in my travels to remind me how
14 important that was to her.

15 And certainly I don't agree with all of
16 Judge Ketanji Brown Jackson's rulings, but I can't
17 ignore the fact that what happened on yesterday was
18 historic, not only for her and her family, but for
19 our country. And I just wanted to make sure that
20 before we left here today, that we did not overlook
21 that opportunity.

22 So thank you, Madam Chair. And again,
23 my congratulations to Judge Ketanji Brown Jackson.

24 CHAIRMAN CANTU: Well, well spoken.

25 Thank you, Commissioner.

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1 So that concludes the business on the
2 agenda of the U.S. Commission on Civil Rights for
3 our business meeting. If there's nothing further,
4 I hereby adjourn -- adjourn the meeting at 12:48
5 Eastern Standard Time.

6 (Whereupon, the above-entitled matter
7 went off the record at 12:48 p.m.)
8
9
10
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14
15