

## U.S. COMMISSION ON CIVIL RIGHTS

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UNEDITED

TELEPHONIC BUSINESS MEETING

+ + + + +

FRIDAY, NOVEMBER 19, 2021

+ + + + +

The Commission convened via  
teleconference at 12:00 p.m. EST, 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 &amp; Parliamentarian

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## STAFF PRESENT:

STANLEY CARR, ASCD Contractor

PAMELA DUNSTON, Chief ASCD

ALFREDA GREENE

TINALOUISE MARTIN, Director, OM

DAVID MUSSATT, Director, RPCU

## COMMISSIONER ASSISTANTS PRESENT:

JOSHUA DANSBY

ALEC DEULL

ALEXANDER HEIDEMAN

JOHN K. MASHBURN

CARISSA MULDER

JUANA SILVERIO

THOMAS SIMUEL

IRENA VIDULOVIC

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

12:03 p.m.

OPERATOR: Good day and welcome to the Commission meeting. Today's conference is being recorded. At this time, it is my pleasure to turn the conference over to Chair Cantu. Ma'am, please begin.

CHAIR CANTU: Thank you. Welcome to the business meeting for the U.S. Commission on Civil Rights. The meeting comes to order at 12:00 Eastern Standard Time on Friday, November 19, 2021.

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

Due to respect for health and safety, the commissioners are conducting this business meeting by phone conference.

We are recording all business telephone calls, so I remind everyone that please have the commissioners and our guests not talk over each other so the court reporter can hear you clearly and we can obtain the best quality transcription of today's meeting.

I would like to confirm that the

1 commissioners are on the line and I will take a roll  
2 call at the outset, so please say aye or present when  
3 I say your name. Commissioner Adams?

4 COMMISSIONER ADAMS: Present.

5 CHAIR CANTU: Commissioner Adegbile?

6 COMMISSIONER ADEGBILE: Aye.

7 CHAIR CANTU: Commissioner Gilchrist?

8 COMMISSIONER GILCHRIST: Aye.

9 CHAIR CANTU: Commissioner Heriot?

10 COMMISSIONER HERIOT: I'm here.

11 CHAIR CANTU: Commissioner Kirsanow?

12 COMMISSIONER KIRSANOW: Here.

13 CHAIR CANTU: Commissioner Kladney?

14 COMMISSIONER KLADNEY: Here.

15 CHAIR CANTU: Commissioner Yaki?

16 COMMISSIONER YAKI: Presente.

17 CHAIR CANTU: Based on this bilingual  
18 response, a quorum of the commissioners is present.

19 Is the court reporter present?

20 COURT REPORTER: Yes, Madam Chair, the  
21 court reporter is present.

22 CHAIR CANTU: Thank you. Is the staff  
23 director present?

24 MR. MORALES: I am present.

25 CHAIR CANTU: Thank you. The meeting

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1 will now come to order.

2 **I. APPROVAL OF AGENDA**

3 CHAIR CANTU: I will begin by my moving  
4 to add an item to our agenda for consideration of the  
5 Commissioner's five-year strategic plan. This plan,  
6 also known as the PAR, is to be prepared every five  
7 years and has expired at the end of fiscal year 2020,  
8 yes, 2020.

9 So, on October 1, we should have had a new  
10 five-year strategic plan. So, I call a second for the  
11 motion to add the agenda to our item at the end of  
12 today's discussion. Could I have a second, please?

13 Hello?

14 COMMISSIONER YAKI: Commissioner Yaki  
15 will second.

16 CHAIR CANTU: Thank you. Do any  
17 commissioners wish to further amend today's agenda?

18 I don't hear anyone, and I appreciate it because it  
19 is a lengthy agenda, so thank you all very much.

20 All right, so the motion to amend the  
21 agenda, I need to -- it may be faster -- folks, would  
22 you allow me to just ask if any commissioners are  
23 opposed to speak up, please?

24 COMMISSIONER HERIOT: They are. We are  
25 opposed.

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1 CHAIR CANTU: Yes, please, okay, so please

2 --

3 COMMISSIONER HERIOT: You're going to  
4 have to take a roll call vote.

5 CHAIR CANTU: -- state your name. I'll  
6 take a roll call vote. Thank you. I'll do that.  
7 That's more organized. Commissioner Adams, the motion  
8 to amend the agenda?

9 COMMISSIONER ADAMS: Was there any  
10 discussion we had about this? I'm sorry, I --

11 CHAIR CANTU: No, no, there was -- we can  
12 have discussion about adding something to the agenda,  
13 yes.

14 COMMISSIONER ADAMS: Okay, can you pass  
15 over me, please, and come back to me? I'm sorry.

16 CHAIR CANTU: Absolutely, sir.  
17 Commissioner Adegbile?

18 COMMISSIONER ADEGBILE: Aye.

19 CHAIR CANTU: Commissioner Gilchrist?

20 COMMISSIONER GILCHRIST: No.

21 CHAIR CANTU: Commissioner Heriot?

22 COMMISSIONER HERIOT: No, I think we can  
23 work this out by notational vote really quickly next  
24 week, but you didn't respond to our request on this,  
25 so we're going to have to vote no, or I'm going to have

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1 to vote no.

2 CHAIR CANTU: Thank you. I did respond  
3 to Commissioner Gilchrist, but, yes, ma'am, I didn't  
4 respond to you and I hear you as you want more time.  
5 Commissioner Kirsanow?

6 COMMISSIONER KIRSANOW: Yes, I'd like  
7 more time also, so I'm going to vote no.

8 CHAIR CANTU: Commissioner Kladney?

9 COMMISSIONER KLADNEY: Yes.

10 CHAIR CANTU: Commissioner Yaki?

11 COMMISSIONER YAKI: Aye.

12 CHAIR CANTU: Coming back to Commissioner  
13 Adams?

14 COMMISSIONER ADAMS: No.

15 CHAIR CANTU: Okay, while I have you all,  
16 because we are already behind, can I poll you? This  
17 is not a vote, but can I poll you as to whether you  
18 can be available before Friday to have a notational  
19 vote? Can we do a notational vote in a week? This  
20 is just a poll. Adams?

21 COMMISSIONER ADAMS: Yes, sooner than  
22 that.

23 CHAIR CANTU: Sooner than that.  
24 Adegbile?

25 COMMISSIONER ADEGBILE: Of course.

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1 CHAIR CANTU: Gilchrist?

2 COMMISSIONER GILCHRIST: Yes, Madam  
3 Chair.

4 CHAIR CANTU: Heriot?

5 COMMISSIONER HERIOT: Yes, I'm available  
6 all week. I think this will be easy. It's just that  
7 we got to do it.

8 CHAIR CANTU: Kirsanow?

9 COMMISSIONER KIRSANOW: Yes.

10 CHAIR CANTU: Kladney?

11 COMMISSIONER KLADNEY: I don't know how  
12 easy it will be, but I'm available.

13 CHAIR CANTU: Yaki?

14 COMMISSIONER YAKI: Assuming that we can  
15 reach an agreement, I'll be available.

16 CHAIR CANTU: Okay, now just again a poll,  
17 how many of you all received the request to amend the  
18 strategic plan? Did anyone not receive it because that  
19 will slow things down? Did anyone not receive the  
20 proposal to amend the strategic plan?

21 COMMISSIONER ADEGBILE: Madam Chair, this  
22 is Commissioner Adegbile. I would suggest that we take  
23 offline the business about whether or not we're going  
24 to have a notational vote and just stick to whatever  
25 is the approved agenda for this meeting and not have

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1 these administrative matters on the record.

2 CHAIR CANTU: Okay, since the motion came  
3 from -- since it was my motion and it looks like my  
4 motion has failed, and, yes, it did, then I accept the  
5 counsel of my fellow commissioner. Thank you.

6 Are there any other agenda items that would  
7 amend today's agenda? If there are no other  
8 amendments, no other proposed amendments, we'll  
9 proceed to approve the amended agenda, the agenda.  
10 Thank you. By roll call vote, please say aye or no  
11 if you approve the agenda. Adams?

12 COMMISSIONER ADAMS: Yes, approve.

13 CHAIR CANTU: Commissioner Adegbile?

14 COMMISSIONER ADEGBILE: Aye.

15 CHAIR CANTU: Commissioner Gilchrist?

16 COMMISSIONER GILCHRIST: Aye.

17 CHAIR CANTU: Commissioner Heriot?

18 COMMISSIONER HERIOT: Yes.

19 CHAIR CANTU: Commissioner Kirsanow?

20 COMMISSIONER KIRSANOW: Yes.

21 CHAIR CANTU: Commissioner Kladney?

22 COMMISSIONER KLADNEY: Yes.

23 CHAIR CANTU: Commissioner Yaki?

24 COMMISSIONER YAKI: Aye.

25 CHAIR CANTU: Thank you very much.

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**II. BUSINESS MEETING**

1  
2 E. Vote to Amend January 2022 Business Meeting Date

3 CHAIR CANTU: I also have a housekeeping  
4 matter that I need to take care of. I move to take  
5 care of the item E on today's agenda. That is amending  
6 the January 2022 business meeting.

7 We had given notice to the commissioners  
8 that the January meeting would take place January 14,  
9 2022 and we are moving back that to January 21 of 2022.

10 Do I have a second to this motion?

11 COMMISSIONER YAKI: Commissioner Yaki  
12 seconds.

13 CHAIR CANTU: Thank you, Commissioner  
14 Yaki. Is there discussion on this?

15 COMMISSIONER ADAMS: Commissioner Adams.

16 CHAIR CANTU: Yes, Commissioner Adams?

17 COMMISSIONER ADAMS: Is it the regular  
18 time, noon?

19 CHAIR CANTU: I don't want to guess at  
20 that. Does someone on the line have that answer? It's  
21 going to depend on whether it's in person or not. We  
22 don't have an answer, Commissioner. We're going to  
23 get back to you on that.

24 COMMISSIONER ADAMS: Okay, thank you.

25 MR. MORALES: Madam Chair, this is Staff

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1 Director Morales. I can answer that.

2 CHAIR CANTU: Oh, yes, please.

3 MR. MORALES: As always, we will comply  
4 with whatever commissioners' desire is for the time.

5 Generally, we've had them at noontime to accommodate  
6 the commissioners on the west coast and their time  
7 change. We could continue to do that for this meeting  
8 on the 21st.

9 We do not anticipate that this meeting will  
10 be in person because the staff will just be getting  
11 in. We're hopeful that we will have the first, be able  
12 to have the first in-person business meeting in  
13 February for the February meeting. So, with that, I  
14 would yield back the floor to you, Madam Chair.

15 CHAIR CANTU: Thank you. So, it is noon  
16 on January 21 if this motion carries, so I'm going to  
17 call for a vote. Commissioner Adams, how do you vote?

18 COMMISSIONER ADAMS: Yes.

19 CHAIR CANTU: Commissioner Adegbile?

20 COMMISSIONER ADEGBILE: Aye.

21 CHAIR CANTU: Commissioner Gilchrist?

22 COMMISSIONER GILCHRIST: Aye.

23 CHAIR CANTU: Commissioner Heriot?

24 COMMISSIONER HERIOT: Yes.

25 CHAIR CANTU: Commissioner Kirsanow?

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1 COMMISSIONER KIRSANOW: Yes.

2 CHAIR CANTU: Commissioner Kladney?

3 COMMISSIONER KLADNEY: Yes.

4 CHAIR CANTU: Commissioner Yaki?

5 COMMISSIONER YAKI: Aye.

6 CHAIR CANTU: The motion passes and I vote  
7 aye. So, now turning to our agenda, I would like to  
8 welcome our guests from our advisory committees, so  
9 we're going to turn to presentations from advisory  
10 committees on recent reports and memos that they  
11 prepared.

12 **A. Presentations from Advisory Committees to the**  
13 **Commission on Recent Reports/Memo Releases**

14 CHAIR CANTU: The first presentation will  
15 be from our Missouri State Advisory Chair Elizabeth  
16 A. Moran on the committee's released memorandum Voting  
17 Rights in Missouri, the Impact of COVID-19.

18 Chair Moran, we've got ten minutes and I  
19 give bonus points for people who stay within time, and  
20 after that, there will be questions and answers.

21 MS. MORAN: Very good, thank you, Madam  
22 Chair and commissioners for providing the opportunity  
23 to present the Missouri Advisory Committee's summary  
24 of testimony on Voting Rights in Missouri, the Impact  
25 of COVID-19.

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1           So, the state of Missouri has some of the  
2 strictest absentee voting laws in the country, and  
3 during the course of the committee's research and  
4 inquiry leading up to and during meetings back in April  
5 of 2020, it became apparent that there were concerns  
6 regarding the impact and potential additional barriers  
7 to absentee voting during the COVID-19 pandemic and  
8 the need to investigate potential discriminatory  
9 practices and burdens on Missouri citizens'  
10 fundamental right to vote.

11           In particular, the committee expressed  
12 concern regarding barriers to voting for already  
13 marginalized populations. This includes, but is not  
14 limited to, people with disabilities, the working poor,  
15 people living in rural areas, and then other citizens  
16 with limited access to things like transportation,  
17 internet access, and just information about voting in  
18 general.

19           The committee chose to study the extent  
20 to which the COVID-19 pandemic impacted the right to  
21 vote in Missouri in recognition of both the  
22 significance of the right in our democracy, but also  
23 the role that Missouri law and election policy and  
24 practices have played in shaping that right.

25           So, the committee considered state and

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1 local responses to the virus and an examination of  
2 potential disruptions in the election process which  
3 could lead to deprivations of that right to vote.

4 To that end, we convened a series of public  
5 meetings which ultimately ended up being four  
6 teleconferences, and we invited election official  
7 panelists which included the Missouri Secretary of  
8 State, county election officials, some local party  
9 leaders and advocates, academics, and then a couple  
10 of just national election experts that were identified  
11 by our committee members, and those teleconferences  
12 were held in June, July, August, I'm sorry, June, July,  
13 and then two in August of last year.

14 So, the investigation and sort of the  
15 inquiry really centered on two issues, voter fraud and  
16 then, of course, COVID-19, and in Missouri, the specter  
17 of fraud competed sort of with the threat of the  
18 disease, and at that time, you know, the lockdowns,  
19 and mask mandates, and sort of the restrictions that  
20 were going on in the state of Missouri and across the  
21 nation at that time.

22 And so, this report addressed sort of the  
23 lead-up to the election that year, so among the topics  
24 included in the testimony were things like the  
25 notarization requirement for absentee and vote by mail

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1 ballots, fair access to ballot boxes, and then voter  
2 disenfranchisement.

3 I will say the candor of the witnesses at  
4 our hearings revealed that even as members of panels  
5 disagreed about the status or the reality of the voting  
6 in Missouri, they were committed to open and frank  
7 discussions, which we very much appreciated, and it  
8 wasn't uncommon for some of the hearings to run a little  
9 bit over time or right up to that last minute.

10 So, while the report does not make specific  
11 findings and it doesn't offer any specific  
12 recommendations, the summary of the testimony provided  
13 in the report is a product of all of those discussions.

14 And it's intended to inform the Commission  
15 on the potential civil rights implications of the steps  
16 taken and not taken during the pandemic to ensure that  
17 all citizens in Missouri with the legal right to vote  
18 were given access to a ballot and/or the polls.

19 And with that, there are three areas of  
20 the report that I would like to direct the Commission's  
21 attention to and that I feel were of particular  
22 importance and worthy of further discussion and  
23 investigation.

24 The first one is Missouri's requirement  
25 for a notarized voter signature on an absentee ballot.

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1       So, Missouri already has very, very strict absentee  
2 voter laws, which has exacerbated voters' potential  
3 exposure during COVID-19 by keeping the notarization  
4 requirement on the absentee and mail-in ballots, and  
5 allowing waivers for those people among the high-risk  
6 categories for contracting COVID.

7               As one of our panelist's remarked, the very  
8 reason why we should by staying home socially makes  
9 it unsafe to congregate in crowds at the polls.

10              The second piece that I think is worth  
11 looking at is the conclusion over mail-in and absentee  
12 voting. So, any registered Missouri voter can request  
13 a mail-in ballot. Absentee ballots are only for  
14 eligible voters that meet very strict criteria.

15              So, we asked our panelists about this and  
16 our policy experts and election officials remarked on  
17 the confusing requirements for each type of ballot,  
18 so they differ in the manner in which they can be  
19 requested.

20              So, some can be requested by mail, by fax,  
21 by email, or how they must be returned. So, for  
22 instance, mail-in ballots must be returned by mail,  
23 but absentee ballots can be returned by mail or in  
24 person, and this information, although it was online,  
25 was often not intuitive to find.

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1           So, the only commonality is they both had  
2 to be notarized, which led many policy experts on our  
3 panel to question how this process offers protection  
4 from COVID-19 exposure when it still required the voter  
5 to engage with people outside their normal social  
6 circle or their household.

7           And I think it's important to note that  
8 while electronic notarizations have slowly become more  
9 common, that that sort of notarization creates even  
10 additional barriers for voting already for  
11 marginalized populations.

12           So, if you're an individual with a  
13 disability, if you are among the working poor with  
14 little to no access to transportation or internet, if  
15 you are living in a rural community or have other  
16 reasons for limited access to transportation  
17 information, but also for individuals who have  
18 disabilities, let's say cognitive impairment due to  
19 aging and/or disability, this extra layer makes it even  
20 more difficult for those individuals to participate  
21 in the voting process.

22           So, the combination of strict deadlines,  
23 slowed mail service, notary requirements, and ballot  
24 confusion were among the more alarming threats  
25 identified in the 2020 election by our panelists.

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1           The final area that I think is worth  
2 mentioning and directing your attention to is what I  
3 just talked about regarding voters with disabilities.

4           So, one of our experts on the election  
5 administration side said that the issue is that a lot  
6 of voters with accessible challenges have is  
7 transportation to get from A to B, so COVID exacerbated  
8 that, but we knew that before COVID.

9           And we also knew that particularly for  
10 individuals who have disabilities, many of their  
11 services and supports moved to a tele or a telemedicine  
12 or a telesupport network, and so, again, exacerbating  
13 the need for notarization, but also just getting to  
14 the polls generally.

15           That same expert claimed that that was true  
16 for other systems. For instance, California and Utah  
17 have created remote accessible vote mail-in program  
18 voters for those voters who need accessible technology  
19 to vote, so they can now do that at home.

20           They have to print the ballot at that end,  
21 so it's not electronic delivery, but they print the  
22 ballot in the end, insert it into envelope, and then  
23 return it that way, and that one's on the books in a  
24 couple of different states.

25           So, I want to mention too with regard to

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1 disabilities, speaking about accommodation for voters,  
2 another panelist who was also an elections official  
3 said he would just add that curbside voting under  
4 Missouri law is available for disabled voters at every  
5 polling place, and that has been the case for a long  
6 time.

7 He said I will say though, and I'm quoting  
8 him here, that curbside voting is labor intensive, and  
9 at a polling place when a voter does vote curbside,  
10 it takes two election officials away from the polling  
11 place, and that usually leads to the line backing up.

12 That's why we do encourage voters who want to vote  
13 in their car curbside to come to the main office.

14 So, in summary, some key points that I  
15 think are worthy of the Commission's review, Missouri  
16 is one of the few states that offers absentee voting  
17 only for limited reasons. Missouri is also only one  
18 of three states that require notarized voter signatures  
19 on an absentee ballot.

20 In addition to absentee balloting,  
21 Missouri allows registered voters to vote by mail, but  
22 these ballots must also be notarized and they must be  
23 returned by mail by election day.

24 Our policy experts and public interest  
25 organizations testified that these regulations are

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1 unnecessarily burdensome, and our state leaders,  
2 despite the public health guidelines and warnings,  
3 promoted in-person voting based on the specter of  
4 fraud.

5 Our own secretary of state told the  
6 committee that despite the pandemic, that in-person  
7 voting is still the best way to make sure our ballot  
8 counts.

9 So, as far as any gaps in our committee's  
10 investigation, there were none that I'm aware of. That  
11 being said, while the report doesn't make specific  
12 findings or offer any specific recommendations, as  
13 chair of the committee at the time the hearings were  
14 held and in the spirit of nothing about me without me,  
15 if I could go back, I would encourage future inquiry  
16 to identify and provide meaningful engagement for  
17 representation of those marginalized populations just  
18 to get them in the loop to get some testimony about  
19 sort of what their experiences have been with voting  
20 in Missouri.

21 And then finally, I will say that there  
22 were no dissenting opinions on the report to my  
23 knowledge, and the only dissension among committee  
24 members throughout the process was really with regard  
25 to specific individuals that might be invited to

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1 provide the testimony at those hearings, but even that  
2 was minimal and easily resolved through a nomination  
3 process that was facilitated by our DFO, David  
4 Barreras, who has just been incredible and instrumental  
5 in providing logistical support, coordination, and  
6 just organization of our committee's wishes.

7 So, I think that concludes my report and  
8 I think I'm right at ten minutes, so thank you, and  
9 I will pass it back to you, Madam Chair.

10 CHAIR CANTU: Thank you, Chair Moran.  
11 Yes, it is exactly below ten minutes, so you did really,  
12 really well. Do I have any -- thank you, thank you,  
13 thank you. Do I have any discussion or conversation  
14 from the commissioners? And please identify yourself  
15 by name.

16 (Pause.)

17 CHAIR CANTU: Okay, I'm trying to turn off  
18 the timer. It just went off.

19 MS. MORAN: Well, hearing none, Madam  
20 Chair, I will just thank you for your time and thank  
21 the Commission for their time, and if anyone has any  
22 questions following the committee, I welcome those  
23 through email or phone.

24 CHAIR CANTU: Thank you very much.

25 COMMISSIONER YAKI: Madam Chair, this is

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1 Commissioner Yaki. I just wanted to thank the Missouri  
2 Chair for her presentation.

3 She obviously raises a lot of the issues  
4 that we have considered and discussed in our reports,  
5 and I'm glad to see that they addressed those in their  
6 hearings, and again thank her for the work that she's  
7 done.

8 MS. MORAN: Thank you, much appreciated.

9 CHAIR CANTU: So, if there are no further  
10 questions, thank you again to Chair Moran.

11 We're going to move onto our next item,  
12 and so we're going to hear from Virginia State Advisory  
13 Committee Chair K. Shiek Pal on the committee's  
14 released statement condemning the rise in hate crimes  
15 and violence targeted at Asian Americans and Pacific  
16 Islanders and in anti-Semitic incidents in the United  
17 States. Chair Pal, welcome, and you've got ten  
18 minutes.

19 MR. PAL: Thank you, Madam Chair.  
20 Actually, I think I'm supposed to present on our report  
21 that was submitted, not the statement on anti-Asian  
22 crimes, but our multi-year study of hate crimes in  
23 Virginia.

24 CHAIR CANTU: I believe you are right, of  
25 course. Please proceed.

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1 MR. PAL: Should I go ahead with that?

2 CHAIR CANTU: Yes, I see it right in front  
3 of me.

4 MR. PAL: Okay, thank you.

5 CHAIR CANTU: Thank you.

6 MR. PAL: And thank you to the Commission  
7 for this opportunity to present. I'd like to start  
8 with just a procedural observation that will provide  
9 some context for this report.

10 As you'll see, our report actually  
11 started, the work on this report started in the fall  
12 of 2016, immediately following the 2016 election when,  
13 the day after the election, there was a string of hate  
14 crimes across northern Virginia that brought this to  
15 several of our members' attention and we chose it as  
16 a topic.

17 A year later, after the events of the Unite  
18 the Right rally in Charlottesville, sort of the urgency  
19 and the tone of our inquiry changed and took on a lot  
20 more urgency.

21 Unfortunately, at the same time, that  
22 incident also introduced a significant amount of  
23 internal discord within our committee that we hadn't  
24 encountered, at least not to the same degree, prior  
25 to that.

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1           Our work was then interrupted by the  
2 government shutdown in 2018 into 2019, which actually  
3 caused us to miss one of our scheduled hearings, and  
4 then following that, we actually ended up losing  
5 several members.

6           And so, the committee that did the bulk  
7 of this work ultimately ended up disbanding, and the  
8 report that you have in front of you was written by  
9 the new committee that came in for the next term.

10           That committee worked off of the  
11 transcripts of the hearing that the prior committee  
12 held, but given that they were working off secondhand  
13 material, they had some reservations about conducting  
14 their own analysis based simply on a transcript without  
15 the opportunity to engage with the experts.

16           And so, the report that you have in front  
17 of you is more of a summary of the findings of the  
18 experts from the hearings and some overall observations  
19 as opposed to the analysis that the original committee  
20 had intended to do before it was disbanded.

21           So, with that procedural background, let  
22 me just quickly run through some of the key points in  
23 our report.

24           The first thing that became evident to us  
25 very quickly is that one of the major problems in

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1 understanding the scope of hate crimes, not only in  
2 Virginia, but really it seemed in any jurisdiction,  
3 is the question of the definition of what is a hate  
4 crime.

5 Many jurisdictions don't have standalone  
6 hate crime statutes. It's an add-on statute that can  
7 be used at sentencing in the law enforcement context  
8 or for categorization of other violations of the  
9 criminal code, but is not in and of itself a separate  
10 violation that can be prosecuted.

11 In those jurisdictions where it can be  
12 added, often it's an option that is not utilized because  
13 in both contexts, the nature of defining a hate crime  
14 requires proving the bias in addition to the elements  
15 of the underlying crime.

16 And so, it creates an additional burden  
17 for law enforcement and for prosecution, and so  
18 numerous experts testified that hate crimes are  
19 routinely and significantly underreported because it  
20 presents -- it's easier to prosecute a non-hate crime  
21 because there's no need to prove the bias, and  
22 therefore, there's no incentive to identify a given  
23 transgression as a hate crime, which then has further  
24 ramifications for the reporting and the statistics.

25 Additionally, there's another aspect of

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1 the underreporting which is from the victims'  
2 perspective. Several of our experts testified that  
3 for particular groups, particularly those oriented  
4 around ethnicity or religion, there's often a stigma  
5 about reporting hate crimes.

6 There is pressure to keep incidents of bias  
7 within the community, to not engage law enforcement,  
8 to not bring publicity to the group that serves to  
9 additionally other them, and so there's underreporting  
10 of hate crimes from both the prosecutorial side and  
11 the victims' side.

12 When we got to the question of trying to  
13 look at the trends in the data to understand whether  
14 indeed there had been a statistically significant  
15 increase in hate crimes, we found that another problem  
16 that emanated from the same question of definition is  
17 that the various reporting entities, and we looked  
18 primarily at the BJS, which is the Bureau of Justice  
19 Statistics, and the FBI hate crime database, that the  
20 reporting requirements turned on the same question of  
21 prosecutorial discretion.

22 And so, the underreporting that happened  
23 in the field also manifests itself in the data, and  
24 then between the BJS and the FBI, there's different  
25 time periods.

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1           And so, all of our experts agreed that,  
2           in terms of a longitudinal study, it was very difficult  
3           to draw empirical conclusions about trends, but all  
4           but one of the experts said that in conjunction with  
5           the consensus that hate crimes are underreported and  
6           the colloquial evidence of an increase in bias crimes,  
7           all but one of our experts agreed that there was a  
8           significant rise from 2016 onwards.

9           The one that did not agree was the  
10          representative from the Bureau of Justice Statistics,  
11          and as you'll see in the report, a lot of that can be  
12          attributed, I believe, and this is my personal opinion,  
13          to the differences in the way BJS collects their data  
14          as opposed to the FBI as I alluded to earlier.

15          Let me just conclude with some of the  
16          recommendations for best practices that our experts  
17          shared with us, and really they fall into three buckets,  
18          the identification of hate crimes, prevention of hate  
19          crimes, and prosecution of hate crimes.

20          One of the consistent things that all of  
21          our experts agreed on is that better training on the  
22          front lines in terms of law enforcement and first  
23          responders is absolutely essential to identifying hate  
24          crimes, and then processing them in a manner that would  
25          make them eligible for mandatory reporting such that

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1 statistics can be followed and measured.

2 Additionally, part of that training has  
3 to be engagement with the targeted communities, and  
4 particularly for those communities where cultural, or  
5 linguistic, or in some cases, religious differences  
6 are often at play in terms of appearance or the reasons  
7 underlying the bias.

8 First responders and law enforcement  
9 should receive training, not only in terms of  
10 sensitivity, but in terms of being able to understand  
11 when a victim may not self-report issues of bias such  
12 that a first responder or law enforcement can follow-up  
13 and ask further questions to make an independent  
14 assessment of whether bias was at play.

15 On a related note, there was also agreement  
16 that engaging with activists in the local communities,  
17 community activists, community leaders, social service  
18 providers, religious institutions.

19 These are all opportunities to develop  
20 ties and to build trust between the affected  
21 communities, law enforcement, and the resources  
22 available to help victims get the help they need and  
23 to register that they've been the victim of a bias  
24 crime.

25 And I think I will stop there. I think

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1 that covers most of it, and so I'm happy to take any  
2 questions that anyone may have. Thank you.

3 CHAIR CANTU: Thank you, Chair. You left  
4 a minute on the table and I appreciate the gift of time.  
5 This is now where the commissioners have an  
6 opportunity to interact with you. Any questions,  
7 commissioners?

8 COMMISSIONER YAKI: This is Commissioner  
9 Yaki. I just wanted to say to the chair that as someone  
10 who, when he was growing up, was one of two Asian  
11 Americans, the other one being his sister, in high  
12 school in northern Virginia, Virginia has changed a  
13 lot since my youth, and the issues of diversity and  
14 inclusion have multiplied in a good way there.

15 I just wanted to sort of get a sense from  
16 you about how you see the diversity in Virginia changing  
17 and how it's reflected in how you conducted your work  
18 and the people who are on your committee.

19 MR. PAL: Thank you for that question.  
20 I would say three things. First, on a demographic  
21 level, you're absolutely correct that diversity, not  
22 only in northern Virginia, but in several parts of  
23 Virginia, has definitely increased in recent times.

24 But the second point is that the  
25 integration of diverse populations has not been as

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1 seamless, and although that might be slightly better  
2 in northern Virginia than in other parts of the state,  
3 there are still fundamental issues, particularly  
4 around questions of language for the Asian American  
5 community, questions of religion for the Muslim  
6 community, and there's also some question of  
7 intersectionality between the LGBTQ community and  
8 these other marginalized groups.

9 And so, the final point that I would make  
10 is that I believe that although the numbers are  
11 changing, if anything it's underscoring that there  
12 continues to be, in my view, a growing problem in  
13 Virginia.

14 COMMISSIONER YAKI: Thank you.

15 COMMISSIONER ADEGBILE: Madam Chair,  
16 Commissioner Adegbile.

17 CHAIR CANTU: Yes, please.

18 COMMISSIONER ADEGBILE: Thank you very  
19 much for your report and for the work that the state  
20 advisory committees, I take it two different committees  
21 in effect, have contributed to this one, so thanks to  
22 both of those cohorts for the work in this space.

23 As you may be aware, the U.S. Civil Rights  
24 Commission has done a report that covers some of these  
25 topics on hate crimes, and in service of that study,

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1 we had an opportunity to have people come before us  
2 and testify pre-pandemic.

3 And we heard the very poignant testimony  
4 of Judy Shepard, Matthew Shepard's mother, of Micah  
5 Fletcher, a young man who nearly lost his life  
6 intervening on a hate crime on public transportation  
7 in Oregon, and we also heard from Susan Bro, the mother  
8 of Heather Heyer, who was killed in Virginia as you  
9 know.

10 And one of my questions to you is did the  
11 study have the opportunity to dig in with victims of  
12 hate crimes to capture their perspectives and to add  
13 that layer of understanding to just how terrible a blow  
14 these crimes are to the fabric of the United States  
15 and of Virginia?

16 MR. PAL: Thank you for the question.  
17 Actually, Susan Bro was one of our witnesses, and in  
18 a personal twist, I was actually in Charlottesville  
19 for the Unite the Right rally.

20 I had gone down with some other volunteers,  
21 and so I'd actually had an opportunity to meet Ms. Bro  
22 several times prior to her testimony, and as you know  
23 from having heard her, every time I hear from her, she's  
24 so eloquent and so powerful on this.

25 We also had somebody who, while not a

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1 direct victim, was a family member of a victim of the  
2 Tree of Life Synagogue, which although it isn't in  
3 Virginia, obviously it goes to, you know, some of the  
4 central questions that we were facing. That was  
5 somebody that was invited by one of our witnesses who  
6 was the regional representative or president of the  
7 ADL.

8 Other than that, we heard from several  
9 advocates who represented victims, but not direct  
10 victim testimony, so just those two.

11 COMMISSIONER ADEGBILE: Thank you, and  
12 thanks again for the study.

13 CHAIR CANTU: Do any of the other  
14 commissioners wish to ask questions? I would ask one  
15 brief question. Chairman, how were -- what were your  
16 success stories in terms of being able to overcome all  
17 of these barriers that you described, a government  
18 shutdown, the pandemic?

19 I mean, what additional steps did you and  
20 your colleagues on the advisory committee have to do  
21 to be able to deliver such a well-researched and  
22 well-developed report? What worked for you?

23 MR. PAL: I'll be very honest with you.

24 I actually don't think that our initial committee,  
25 the one that did the bulk of the work on this, worked

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1 well.

2           Unfortunately, given the politics of the  
3 time, given the events of Charlottesville, given some  
4 of the particular membership of the committee,  
5 unfortunately, by the end, the bulk of 2019, I think,  
6 partisan issues overcame a lot of the functionality  
7 of the committee.

8           And so, I would have to start by  
9 acknowledging the yeoman's work done by the new  
10 committee which has only two carryover members.  
11 Myself and one other member were the only two  
12 carryovers, and so the bulk of this work was done by  
13 the new committee which, although it represents a wide  
14 cross-section of social and political views, was far  
15 more functional than our prior committee was.

16           And I recognize that, to a certain extent,  
17 that's a reflection on my leadership as the chair of  
18 both committees and I own that, but unfortunately, I  
19 have to admit that I think, unfortunately, our work  
20 -- we weren't able to overcome those issues, let alone  
21 larger systemic issues like the shutdown.

22           CHAIR CANTU: Thank you. Unless there  
23 are other further questions, I want to give you again  
24 my thanks, Chair, for your service and your leadership  
25 on the Virginia State Advisory Committee, and for

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1 taking the time to speak with us today. We're going  
2 to move to the next presentation, but you're welcome  
3 to stay on the line, and again, thank you.

4 MR. PAL: Thanks very much.

5 CHAIR CANTU: Thank you. So, we're now  
6 going to hear from the California State Advisory  
7 Committee. The vice chair of that committee is Brian  
8 Moriguchi, and the vice chair will be reporting on the  
9 committee's released report, Understanding the Impact  
10 of Immigration Enforcement on California Children in  
11 K-12 Schools.

12 So, for the presentation, we actually have  
13 three committee members speaking. Presenting the  
14 report is Vice Chair Brian Moriguchi, and I've  
15 allocated six minutes, and then presenting a dissenting  
16 view is Committee Member Maimon Schwarzschild for two  
17 and a half minutes and Committee Member Rogelio Ruiz  
18 for one and a half minutes, and I have a bell that lets  
19 you know the time is over. So, thank you so much, Vice  
20 Chair. Would you please proceed?

21 MR. MORIGUCHI: Thank you, Madam Chair.  
22 We're aware that the Commission has addressed many  
23 immigration topics which can be very controversial,  
24 so we did narrow our review specifically to the impact  
25 on schoolchildren.

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1           In California, there have been numerous  
2 reports, media reports regarding immigration  
3 enforcement at or near schools. These reports,  
4 whether accurate or not, sparked fear in the community  
5 and fear in children attending school, so our committee  
6 wanted to examine the immigration enforcement  
7 practices and the impact they have on students and their  
8 access to education.

9           The way we went about our project is we  
10 held two committee, or two public meetings, one in Los  
11 Angeles and one in Chula Vista, which is a city closer  
12 to the U.S.-Mexico border.

13           And we heard from stakeholders, including  
14 Customs and Border Protection, California Department  
15 of Justice, academics, national and state advocacy  
16 groups, legal experts and other individuals. We also  
17 convened a meeting with representatives from U.S.  
18 Immigration and Customs Enforcement.

19           Through the collection of data and  
20 testimony, we found there are approximately three  
21 million K-12 students in the U.S. who are children of  
22 undocumented parents. In California, approximately  
23 750,000 children live with undocumented parents and  
24 approximately 250,000 are undocumented as well.

25           California has one of the highest numbers

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1 of K-12 students with undocumented immigrant parents,  
2 representing about 12 percent of all students.

3 In Plyler v. Doe, the U.S. Supreme Court  
4 recognized that undocumented immigrants are guaranteed  
5 due process and equal protections rights under the U.S.  
6 Constitution, and that children cannot be denied equal  
7 access to a public education on the basis of their  
8 immigration status.

9 The committee heard testimony and reviewed  
10 studies regarding the effect immigration enforcement  
11 may have on children, as well as an examination of the  
12 policies and practices of immigration enforcement.

13 Several studies concluded that  
14 immigration enforcement in or around --  
15 (Telephonic interference.)

16 MR. MORIGUCHI: -- on students, and not  
17 just undocumented students. These studies state that  
18 children suffer from anxiety, depression, withdrawal,  
19 as well as externalized behavioral problems such as  
20 rule breaking and aggression as a result of the  
21 immigration enforcement.

22 In one study, 85 percent of educators  
23 polled reported observing students overt expressions  
24 of fear of an ICE intervention in their lives. Many  
25 educators reported an increase in bullying against

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1 those perceived to be undocumented immigrants.

2 In addition, it was reported that  
3 absenteeism increased when fear of immigration  
4 enforcement was high, and we've provided links to these  
5 various studies in our report.

6 Next, we examined the immigration  
7 enforcement practices and policies in California.  
8 California Senate Bill 54 prevents state and local law  
9 enforcement agencies from using their resources on  
10 behalf of federal law enforcement agencies with a few  
11 exceptions, so immigration enforcement was almost  
12 exclusively handled by ICE.

13 ICE has a policy known as the sensitive  
14 locations policy to address enforcement in certain  
15 locations. Under this policy, enforcement activity  
16 near sensitive locations, including schools, should  
17 generally be avoided, though not prohibited, and they  
18 require prior approval from a supervisor or exigent  
19 circumstances.

20 Unfortunately, ICE does not capture data  
21 related to activities in or around schools  
22 specifically, so we were unable to determine the extent  
23 of such activity or the effectiveness of this policy,  
24 or even adherence to the policy.

25 So, what about the perspective of the

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1 schools? We found that California has several laws  
2 related to the handling of immigration-related issues.

3 For example, Assembly Bill 699 restricts the  
4 collection of immigration status data and restricts  
5 the release of personal information of students.

6 In addition, the California Attorney  
7 General produced the guide and model policy report,  
8 which we have provided a link to, to assist the schools  
9 in responding to immigration issues and immigration  
10 enforcement requests on school property.

11 So, with the California laws and the  
12 policies of the schools, as well as the sensitive  
13 location policy of ICE, there appears to be many  
14 safeguards to prevent or minimize immigration  
15 enforcement at or near schools, yet there are still  
16 media reports of alleged inappropriate enforcement  
17 activities occurring at schools.

18 As I stated earlier, collecting data  
19 relative to enforcement and arrests in and around  
20 schools would be helpful in determining the extent of  
21 the problem, if one exists.

22 I briefly mentioned California Senate Bill  
23 54 earlier. This bill was known as the California  
24 Values Act or sanctuary law. ICE representatives  
25 expressed that due to this law, local law enforcement

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1 no longer shared information about undocumented  
2 persons in custody, with a few exceptions as I mentioned  
3 before.

4 This law makes it difficult for ICE agents  
5 to identify or deal with deportation and immigration  
6 issues of those who are incarcerated. As a result,  
7 immigration and deportation enforcement has shifted  
8 into the communities instead of the controlled  
9 environment of jails or prisons. This shift increases  
10 the risk to agents, the undocumented individual being  
11 sought, as well as the community at large.

12 The ICE representatives believe this  
13 increase in enforcement in the community increases the  
14 negative perception of ICE in those communities, and  
15 increased greater fear for undocumented individuals  
16 and their children who live in those communities.

17 We also heard testimony regarding violent  
18 crimes, including murder, alleged to have been  
19 committed by undocumented individuals who were  
20 released into the community in accordance with  
21 California law.

22 And so, we were very concerned about this,  
23 and so we recommended that an in-depth study be done  
24 on the effects of California's laws related to  
25 immigration and whether they are meeting their intended

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1 goals and whether they negatively impact public safety.

2 In relation to immigration enforcement at  
3 schools, it's clear that California and California  
4 schools, as well as the federal government, understand  
5 the need for schools to be a safe place for children,  
6 and it does appear that ICE understands the sensitive  
7 nature of conducting such activities as well. What  
8 is left to clear is whether this activity is actually  
9 occurring.

10 The immigration impact on children is a  
11 very complex one that extends beyond the schools, so  
12 we covered some areas in our report, including border  
13 practices, access to legal representation, and  
14 enforcement at other locations like courthouses, but  
15 I'll stop my presentation to allow my colleagues some  
16 time to speak.

17 So, I'd like to introduce Rogelio Ruiz to  
18 say a few words and then Maimon Schwarzschild to give  
19 a dissenting opinion.

20 CHAIR CANTU: Thank you.

21 MR. MORIGUCHI: Can I turn this over to  
22 Rogelio?

23 CHAIR CANTU: Yes, please. Thank you.

24 MR. RUIZ: Thank you, and thank you, Madam  
25 Chair and the Commission for allowing us this

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1 opportunity. I'd like to address one issue primarily  
2 and then a couple of other side issues.

3 But I think it's important to note for this  
4 Commission that the genesis of this report was really  
5 an extraordinary letter in 2017 that was sent by Tani  
6 Cantil-Sakauye, the Chief Justice of the California  
7 Supreme Court, to the Secretary of Homeland Security  
8 and to the Attorney General, the United States Attorney  
9 General.

10 And in her letter, she noted that there  
11 were ICE enforcement actions occurring in courthouses  
12 in California and she expressed her view that she felt  
13 that those enforcement activities were undermining the  
14 judiciary's ability to provide equal access to justice,  
15 and she was deeply concerned by these efforts.

16 And then as Brian said, at the same time,  
17 there were multiple media reports relating to ICE  
18 enforcement activities around schools, public schools  
19 specifically, and so that was really the genesis of  
20 this.

21 And I think one of the critical things that  
22 we learned as a committee was that this is an issue  
23 that impacts not just immigrant children living in the  
24 United States, documented or undocumented immigrant  
25 children.

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1           As Brian said, there are approximately  
2 four and a half million children in the United States  
3 who have an undocumented parent, but those children  
4 are U.S. citizens, and so I would like to just stress  
5 that this issue isn't just about ICE enforcement  
6 actions and the impact on the immigrant communities.

7           These are ICE enforcement actions that  
8 have an actual impact on U.S. citizens as well, and  
9 specifically their access to the administration of  
10 justice and to public education, and so I can limit  
11 my comments to that and give it to Mr. Schwarzschild.

12         Thank you.

13           CHAIR CANTU: Thank you.

14           MR. SCHWARZSCHILD: Shall I go ahead?  
15 Maimon Schwarzschild here.

16           CHAIR CANTU: Yes, please proceed, and  
17 there's a little extra time, so you're getting one more  
18 minute in addition to your two and a half.

19           MR. SCHWARZSCHILD: Okay, thank you.  
20 Madam Chair and members of the Commission, you have  
21 the extensively documented supplemental and dissenting  
22 statement of three of us on the California SAC.

23           We do not support many of the majority's  
24 recommendations, nor do we believe that the  
25 information, testimony, and public comments gathered

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1 by the committee support them.

2 The evidence indicates that effective  
3 immigration law enforcement enhances the quality of  
4 life for families with children, including immigrant  
5 families.

6 Immigration law enforcement contributes  
7 to public safety and protects job opportunities, wages,  
8 affordable housing, and resources for social services.

9 These protections are perhaps most important for those  
10 American citizens and legal immigrants who live on the  
11 economic margins of our society.

12 The Commission should not endorse the  
13 adoption of policies that undermine these protections  
14 and the families who benefit from them.

15 The committee document dwells largely, if  
16 not primarily, on an emotionally inflammatory claim  
17 that children are victimized by immigration law  
18 enforcement. The committee uncovered no convincing  
19 link between actual law enforcement operations and the  
20 well-being of California children, and no systemic  
21 civil rights violations or abuse of authority.

22 As our statement demonstrates, much of the  
23 committee report puts forth a false narrative about  
24 immigration enforcement, claiming misleadingly that  
25 enforcement is ubiquitous, overzealous, and abusive.

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1           Its assertions about the effects on  
2 children in particular rely on dubious and  
3 unsubstantiated claims refuted at least in part by some  
4 of the very advocacy studies relied upon by the SAC  
5 majority.

6           The SAC's entire exercise was  
7 transparently designed to lead to a set of  
8 recommendations for reduced immigration law  
9 enforcement rather than to address any actual civil  
10 rights violations.

11           We urge the Commission to read our detailed  
12 and documented statement and not to adopt the flawed  
13 findings and misguided recommendations in the  
14 committee's majority's document. Thank you, Madam  
15 Chairman and commissioners.

16           CHAIR CANTU: Thank you. Thank you very  
17 much, and I do want to compliment you on how well planned  
18 and how well presented you did today.

19           So, commissioners, would you have any  
20 questions, please? We have all three still with us,  
21 Vice Chair Brian Moriguchi, and we have Maimon  
22 Schwarzschild, and we have Rogelio Ruiz.

23           So, if you want to ask any particular one  
24 of them a question, please identify who you'd like to  
25 hear from.

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1 COMMISSIONER YAKI: Madam Commissioner,  
2 this is Commissioner Yaki, Madam Chair.

3 CHAIR CANTU: Yes, please.

4 COMMISSIONER YAKI: Yeah, I mean, I just  
5 wanted to thank the vice chair for their report.

6 As the committee is probably aware, this  
7 Commission on numerous occasions sent letters to the  
8 Department of Justice over the past few years regarding  
9 the sensitive location policy that in many cases was  
10 the targeted location policy by the previous  
11 administration.

12 And we, during that time, did our own  
13 additional investigation report on the separation of  
14 children from their parents at the southern border and  
15 the psychological impact that it had upon them.

16 So, I just wanted to thank them for their  
17 continued work and to note that report is available  
18 for people to, by the Commission for people to follow  
19 up and read in more detail.

20 MR. MORIGUCHI: I want to thank you for  
21 that. And I just wanted to add that one of our  
22 recommendations was to respond to the Supreme Court  
23 Justice Sakaue about possibly adding court buildings  
24 to that sensitive locations policy. It is notably  
25 missing from that policy.

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1 CHAIR CANTU: The experiences of students  
2 being pursued by immigration agents into school  
3 buildings has been happening for several decades and  
4 it does traumatize the students, particularly when we  
5 have high stakes days where students are taking final  
6 exams.

7 I do want to share one experience because  
8 I suffered trauma, and that was as a law graduate, I  
9 took the California bar exam, which is traumatic by  
10 itself, but federal agents showed up just before the  
11 exam started and arrested someone in front of all of  
12 us who had memorized everything and thought this was  
13 going to be the most important day of our lives, and  
14 we had to see someone put down on the ground,  
15 handcuffed, and taken away.

16 So, it's also a matter of common sense,  
17 to use better judgment and to abide by existing  
18 policies. So, I really appreciate the effort of this  
19 group and I do agree that's what we all want is some  
20 common sense here, so thank you very much. Any other  
21 commissioner have something to add?

22 COMMISSIONER KIRSANOW: Madam Chair?

23 CHAIR CANTU: Yes?

24 COMMISSIONER KIRSANOW: This is a  
25 question for anybody who may have the information.

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1 We were you able to adduce any numbers as to or the  
2 percentage of California students who are illegal  
3 immigrants?

4 MR. RUIZ: This is Rogelio Ruiz. I can  
5 give a -- I believe I have some information on that.

6 So, the data that we received was that at least 750,000  
7 children in California live in households where one  
8 parent is undocumented. Of those 750,000 children,  
9 250,000 are undocumented.

10 COMMISSIONER KIRSANOW: And do you have  
11 any idea what percentage that makes of the entire  
12 student population of California?

13 MR. RUIZ: I do not.

14 MR. MORIGUCHI: It's roughly about 12  
15 percent.

16 COMMISSIONER KIRSANOW: Thank you.

17 CHAIR CANTU: And I'm sorry,  
18 Commissioner, I didn't hear your name when you spoke  
19 up.

20 COMMISSIONER KIRSANOW: Kirsanow.

21 CHAIR CANTU: Kirsanow, thank you, sir.  
22 Thank you, Commissioner. Are there any other  
23 questions?

24 If there's no further questions, thank you  
25 to the panel again, and Committee Members Schwarzschild

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1 and Ruiz, and Vice Chair Moriguchi, and thank you for  
2 your service and your leadership on the California  
3 State Advisory Committee.

4 And you're welcome to stay and hear the  
5 rest of the meeting, but your panel has done its service  
6 and thank you so very, very much.

7 We move now to the second item -- yes, I'm  
8 sorry?

9 MR. MORIGUCHI: Thank you, Madam Chair.

10 CHAIR CANTU: Thank you, sir. Okay, the  
11 second item on today's agenda is a discussion and vote  
12 on state advisory committee appointments.

### 13 **B. Discussion and Vote on Advisory Committee**

#### 14 **Appointments**

15 CHAIR CANTU: As you know, the Commission  
16 depends on advice from highly qualified persons who  
17 serve in each of our 50 states plus the District of  
18 Columbia, and most recently, the U.S. Virgin Islands,  
19 Puerto Rico, Northern Mariana Islands, Guam, and  
20 American Samoa.

21 Today, we will appoint four advisory state  
22 committees, Mississippi, Nebraska, Indiana, and  
23 Arizona.

24 So, I'm going to make a motion and then  
25 read out the names because I know their parents and

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1 their children are proud, and I move to appoint the  
2 following persons to serve as state advisory committee  
3 members.

4 First, in the state of Mississippi, based  
5 on the recommendation of the staff director, Ronald  
6 Rychlak nominated for chair and he's a returning  
7 appointee; Rhonda Bailey, new appointee; Brittany  
8 Barbee, new appointee; Zeb, also Zeke, Baucum, new  
9 appointee; Jessica Carter, new appointee; Charles  
10 Cowan, new appointee; Macey Edmondson, returning  
11 appointee; Lisette Gushiniere, new appointee; Russ  
12 Latino, new appointee; Nicholas Lott, returning  
13 appointee; Michael Oropeza, new appointee; Aaron Rice,  
14 new appointee; and Darein Spann, new appointee.

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

19 Do I have a second for this motion for  
20 Mississippi's state advisory committee?

21 (Simultaneous speaking.)

22 COMMISSIONER ADAMS: Adams, second.

23 CHAIR CANTU: Yes, please identify  
24 yourself. Seconded by Commissioner?

25 COMMISSIONER ADEGBILE: Go right ahead,

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1 Commissioner Adams.

2 COMMISSIONER ADAMS: Adams, Adams  
3 seconds.

4 CHAIR CANTU: Thank you, thank you. Now  
5 I'll open the floor for discussion. Thank you.  
6 Unless there's any other questions, I'm going to call  
7 the question and take a roll call vote.

8 Commissioner Adams, how do you vote?

9 COMMISSIONER ADAMS: Yes.

10 CHAIR CANTU: Commissioner Adegbile.

11 COMMISSIONER ADEGBILE: Aye.

12 CHAIR CANTU: Commissioner Gilchrist.

13 COMMISSIONER GILCHRIST: Aye.

14 CHAIR CANTU: Commissioner Heriot.

15 COMMISSIONER GILCHRIST: Yes.

16 CHAIR CANTU: Commissioner Kirsanow.

17 COMMISSIONER KIRSANOW: Yes.

18 CHAIR CANTU: Commissioner Kladney.

19 COMMISSIONER KLADNEY: Yes.

20 CHAIR CANTU: Commissioner Yaki.

21 COMMISSIONER YAKI: Pass.

22 CHAIR CANTU: I vote yes. The motion  
23 passes, congratulations to the members returning and  
24 who are new to the Advisory Committee for Mississippi.

25 I now move to appoint the following persons

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1 to serve as state advisory committee members in the  
2 state of Nebraska, based on the recommendations of the  
3 Staff Director.

4 Judy -- oops, someone coughing. I have  
5 practiced this name. Judy Gaiashkibos, nominated for  
6 Chair and returning appointee.

7 Jennifer Creager, new appointee. Janet  
8 Eckerson, returning appointee. Edmund Hamann,  
9 returning appointee. Jason Hayes, returning  
10 appointee. John Icenogle, new appointee. Nikitah  
11 Imani, a returning appointee. Andrew La Grone, a new  
12 appointee.

13 David Lopez, new appointee. Jose Soto,  
14 returning appointee. Peter Szto, returning  
15 appointee. Edward Ventura, new appointee.  
16 Alexandria Lee Walker, new appointee.

17 All these individuals will serve as  
18 uncompensated government employees. If the motion  
19 passes, the Commission will authorize the Staff  
20 Director to execute the appropriate paperwork.

21 Do I have a motion, do I have a second for  
22 this motion?

23 COMMISSIONER KLADNEY: Kladney seconds.

24 CHAIR CANTU: Commissioner Kladney, thank  
25 you. I'll open the floor for discussion. Thank you.

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1 With no further discussion, I'll call a question.

2 Commissioner Adams, how do you vote?

3 COMMISSIONER ADAMS: Aye.

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: Commissioner Kirsanow.

11 COMMISSIONER KIRSANOW: Abstain.

12 CHAIR CANTU: Thank you. Commissioner  
13 Kladney.

14 COMMISSIONER KLADNEY: Yes.

15 CHAIR CANTU: Commissioner Yaki.

16 COMMISSIONER YAKI: Aye.

17 CHAIR CANTU: The motion passes, seven in  
18 favor, one abstention. Thank you all very much, and  
19 I congratulate the new members of the state advisory  
20 committee for the state of Nebraska.

21 I now move to appoint the following persons  
22 to serve as state advisory committee members in the  
23 state of Indiana, based on the recommendations of the  
24 Staff Director. All these individuals will serve as  
25 uncompensated government employees. If the motion

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1 passes, the Commission will authorize the Staff  
2 Director to execute the appropriate paperwork.

3 Diane Clements-Boyd, nominated for Chair  
4 and returning appointee. Dawn Adams, new appointee.

5 Jeannine Bell, new appointee. Christopher Douglas,  
6 returning appointee. Jason Fertig, new appointee.  
7 Perry Jett, new appointee.

8 David Johnson, new appointee. Zachary  
9 Kester, new appointee. Melissa Keyes, new appointee.

10 Tony Kirkland, returning appointee. Billy McGill,  
11 returning appointee. Patti O'Callaghan, returning  
12 appointee. Michael Padgett, new appointee. Travis  
13 Phillips, new appointee.

14 Jonathan Watson, new appointee. Thomas  
15 Wheeler, new appointee. Ellen Wu, returning  
16 appointee. Seth Zirkle, new appointee.

17 Do I have a second for this motion to  
18 approve state advisory committee members for the state  
19 of Indiana?

20 COMMISSIONER GILCHRIST: Madam Chair,  
21 Gilchrist second.

22 CHAIR CANTU: Thank you Commissioner  
23 Gilchrist. I'll open the floor for discussion.  
24 Unless someone chimes me, I'll call the question by  
25 roll call.

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1 Commissioner Adams, how do you vote?

2 COMMISSIONER ADAMS: Yes.

3 CHAIR CANTU: Thank you. Commissioner  
4 Adegbile.

5 COMMISSIONER ADEGBILE: Aye.

6 CHAIR CANTU: Thank you. Commissioner  
7 Gilchrist.

8 COMMISSIONER GILCHRIST: Aye.

9 CHAIR CANTU: Thank you. Commissioner  
10 Heriot.

11 COMMISSIONER HERIOT: I vote yes.

12 CHAIR CANTU: Thank you. Commissioner  
13 Kirsanow.

14 COMMISSIONER KIRSANOW: Yes.

15 CHAIR CANTU: Thank you. Commissioner  
16 Kladney.

17 COMMISSIONER KLADNEY: Yes.

18 CHAIR CANTU: Thank you. Commissioner  
19 Yaki.

20 COMMISSIONER YAKI: Aye.

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

22 The motion passes, eight in favor.

23 And lastly I now move to appoint the  
24 following persons to serve as state advisory committee  
25 members in the state of Arizona, based on the

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1 recommendations of the Staff Director.

2 Leslie Ross, nominated for Chair and new  
3 appointee. Angela Banks, new appointee. Rebekah  
4 Browder, returning appointee. Tessa Dysart, new  
5 appointee. Patty Ferguson-Bohnee, returning  
6 appointee. Melissa Ho, returning appointee. David  
7 Kim, returning appointee.

8 Theresa Rassas, returning appointee.  
9 Emma Robbins, new appointee. Jonathan Rose, returning  
10 appointee. Christina Sandefur, new appointee.  
11 Beverly Traver, returning appointee. Heather  
12 Whiteman Runs Him, new appointee. Henry Whitmer, new  
13 appointee. Eric Yordy, returning appointee.

14 All these individuals will serve as  
15 uncompensated government employees. If the motion  
16 passes, the Commission will authorize the Staff  
17 Director to execute the appropriate paperwork.

18 Do I have a second for this motion for the  
19 committee members for the state of Arizona?

20 COMMISSIONER GILCHRIST: Gilchrist  
21 second, Madam Chair.

22 CHAIR CANTU: Thank you, Commissioner  
23 Gilchrist. I'll open the floor for discussion. Thank  
24 you. Unless there's further discussion, I'm going to  
25 call the question. I now take a roll call vote.

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1 Commissioner Adams, how do you vote?

2 COMMISSIONER ADAMS: Yes.

3 CHAIR CANTU: Thank you. Commissioner  
4 Adegbile.

5 COMMISSIONER ADEGBILE: Aye.

6 CHAIR CANTU: Thank you. Commissioner  
7 Gilchrist.

8 COMMISSIONER GILCHRIST: Aye.

9 CHAIR CANTU: Thank you. Commissioner  
10 Heriot.

11 COMMISSIONER HERIOT: I vote yes.

12 CHAIR CANTU: Thank you. Commissioner  
13 Kirsanow.

14 COMMISSIONER KIRSANOW: Yes.

15 CHAIR CANTU: Thank you. Commissioner  
16 Kladney.

17 COMMISSIONER KLADNEY: Yes.

18 CHAIR CANTU: Thank you. Commissioner  
19 Yaki.

20 COMMISSIONER YAKI: Aye.

21 CHAIR CANTU: And I vote yes. The motion  
22 passes, with eight votes. So congratulations to the  
23 Commissioners.

24 We're going to turn now to our third agenda  
25 item. I know there's champagne corks popping

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1 somewhere, but let's go on to our next item. This is  
2 a motion to -- a vote to appoint Travis Letellier as  
3 the new Chair of the South Dakota Advisory Committee.

4 **C. VOTE TO APPOINT TRAVIS LETELLIER AS NEW**  
5 **CHAIR OF SOUTH DAKOTA ADVISORY COMMITTEE**

6 CHAIR CANTU: The Commissioner thanks the  
7 former Chair and looks forward to her continued  
8 participation in the state advisory committee. Thank  
9 you for service, please.

10 At the recommendation of the staff, I move  
11 to appoint Travis Letellier as the new Chair of the  
12 South Dakota Advisory Committee, effective immediately  
13 through the Chair's expiration date, which will be  
14 August 13, 2023.

15 So could I -- at this time I'm going to  
16 ask if someone will make the motion for the new Chair  
17 for the South Dakota Advisory Committee. Just to  
18 change it a little bit.

19 COMMISSIONER YAKI: So moved by  
20 Commissioner Yaki.

21 CHAIR CANTU: Thank you, Commissioner  
22 Yaki. Is there a second?

23 COMMISSIONER KLADNEY: Kladney seconds.

24 COMMISSIONER HERIOT: Heriot seconds.

25 CHAIR CANTU: Did I hear -- did I hear

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1 Commissioner Heriot?

2 COMMISSIONER HERIOT: Yes, you did.

3 CHAIR CANTU: Thank you, you have  
4 seconded. I'll open the floor for discussion.  
5 Hearing no discussion I'll call the question and take  
6 the roll call.

7 Commissioner Adams, how do you vote?

8 COMMISSIONER ADAMS: Abstain.

9 CHAIR CANTU: Commissioner Adegbile.

10 COMMISSIONER ADEGBILE: Aye.

11 CHAIR CANTU: Commissioner Gilchrist.

12 COMMISSIONER GILCHRIST: Abstain.

13 CHAIR CANTU: Thank you. Commissioner  
14 Heriot.

15 COMMISSIONER HERIOT: I vote yes.

16 CHAIR CANTU: Commissioner Kirsanow.

17 COMMISSIONER KIRSANOW: Abstain.

18 CHAIR CANTU: Did I -- say it again,  
19 please.

20 COMMISSIONER KIRSANOW: Abstain.

21 CHAIR CANTU: Thank you, sir, thank you,  
22 Commissioner. Commissioner Kladney.

23 COMMISSIONER KLADNEY: Yes.

24 CHAIR CANTU: Commissioner Yaki.

25 COMMISSIONER YAKI: Aye.

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1 CHAIR CANTU: And I vote aye. The motion  
2 carries, with three abstentions and five yeases.  
3 Congratulations.

4 We're now going to turn to our fourth item  
5 on our amended agenda, and that is the vote to confirm  
6 the US Commission on Civil Rights Representative to  
7 the Election Assistance Commission.

8 **D. VOTE TO CONFIRM USCCR REPRESENTATIVE**  
9 **TO THE EAC**

10 CHAIR CANTU: By way of background, the  
11 commissioners of the USCCR have the sole authority to  
12 appoint members to serve on other federal entities such  
13 as advisory boards, task forces, other commissions.  
14 And this is exercised by majority vote of the  
15 commissioners.

16 The Election Assistance Commission  
17 solicited nominations and requested the US Commission  
18 on Civil Rights, among other organizations and other  
19 entities, to nominate advisors. We were asked to  
20 nominate two advisors to the Election Assistance  
21 Commission Board of Advisors' 35-member board.

22 The Commission previously ratified by  
23 majority vote two candidates to serve. So we followed,  
24 and now I'm ad-libbing, bear with me. We followed a  
25 new process that started when I became Chair. And the

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1 new process was to fulfill our mission as a bipartisan  
2 organization and to nominate two members, one  
3 representing the conservatives on our commission, and  
4 the other representing the progressives.

5 This is aligned to the Election Assistance  
6 Commission, which is a bipartisan organization, as well  
7 as we are. Due to changes in candidates' availability,  
8 though, the Commission had one available slot to fill.

9  
10 And so today I am moving to have the  
11 Commission confirm Jenny E. Carroll, who is with the  
12 University of Alabama School of Law. She holds the  
13 Wiggins, Childs, Quinn, and Pantazis Professor of Law,  
14 and she is the seat, she is the Chair of the Alabama  
15 Advisory Committee to the US Commission on Civil  
16 Rights.

17 So I nominate her to fill the -- a position  
18 that became vacant. And this will meet our  
19 requirements that we entered into in April of this year  
20 to have appointments to the Election Assistance  
21 Commission be bipartisan. So open the floor for  
22 discussion. Let's hear from a motion from one of the  
23 Commissioners.

24 COMMISSIONER ADAMS: Motion made, Adams.

25 CHAIR CANTU: Thank you, Commissioner

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1 Adams. Is there a second?

2 COMMISSIONER KLADNEY: I will.

3 CHAIR CANTU: Yes, sir? Is there a  
4 second?

5 COMMISSIONER KLADNEY: Kladney will  
6 second.

7 CHAIR CANTU: Kladney, thank you,  
8 Commissioner Kladney. I'll open the floor for  
9 discussion. Hearing no discussion, I'll call the  
10 question and take the roll --

11 COMMISSIONER KIRSANOW: Madame Chair,  
12 Kirsanow here. I'm sorry, I was on mute. I was trying  
13 to talk and I wasn't -- I didn't realize. Apologize  
14 for that.

15 I just want to raise a point regarding the  
16 process and some emails I received from members of the  
17 media that suggested some type of, well, it went beyond  
18 suggesting. They indicated that some of our  
19 Commissioners were being defamed in terms of the  
20 process, calling them, you know, all kinds of -- or  
21 ascribing to them ill motives related to the process  
22 in how we arrived at this.

23 And I just want to note a little bit of  
24 disappointment. Not that -- I'm not saying that  
25 anybody did that, but I'm hopeful that the reports are

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1 incorrect. And we'd think there'd be a little bit  
2 greater collegiality among us if in fact these reports  
3 are correct.

4 CHAIR CANTU: I'm not sure which specific  
5 report you're referring to, but yes, we have had a bunch  
6 of media requests. And we have referred them to the  
7 records, the transcripts of our April meeting where  
8 we approved the process of having two nominees, one  
9 from progressive and one from conservative.

10 The fact that each caucus picked the two  
11 and then -- and that there -- that we followed the  
12 agreement that was included in an administrative  
13 instruction. So we pointed the media to the facts.

14 Can you give me more information?

15 COMMISSIONER KIRSANOW: Well, one of the  
16 reports, and I'm looking for the email right now,  
17 ascribed to one of our Commissioners a motive with  
18 respect to how this appointment process occurred and  
19 referred to him as somebody who has done all kinds of,  
20 you know, bad things for Black and Brown people.

21 And to my knowledge, I don't know of any  
22 Commissioner serving on this Commission that has done  
23 bad things related to Black and Brown people.

24 CHAIR CANTU: I don't know how to respond  
25 if you don't have more information.

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1                   COMMISSIONER KIRSANOW: I'm looking for  
2 the email, I'm sorry.

3                   CHAIR CANTU: Yes, sir, I appreciate that.  
4 I'll pause.

5                   COMMISSIONER KIRSANOW: Madam Chair, I  
6 don't want to hold up the proceedings. I'm still  
7 looking. I get about 300 emails a day, and I put in  
8 key words. If I can find it, I'll raise it.

9                   CHAIR CANTU: We are here so that each  
10 Commissioner can have a voice and can have their  
11 interests addressed. So I do want you to have your  
12 voice. Sounds like he waived it.

13                   COMMISSIONER ADEGBILE: Madam Chair?  
14 Commissioner Adegbile.

15                   CHAIR CANTU: Yes, Commissioner Adegbile?  
16 Please proceed.

17                   COMMISSIONER ADEGBILE: So of course I  
18 welcome an opportunity for Commissioner Kirsanow to  
19 amplify his comments should he identify information  
20 that's relevant. I just want to raise a question, not  
21 to the press, but on the record just for an abundance  
22 of clarity.

23                   One of the things that had been identified  
24 in some of the news stories was the fact that one of  
25 the appointees at the time that the two appointees were

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1 voted in to serve on the EAC Advisory Committee served  
2 in some capacity as Board Chair in the organization  
3 that employs Commissioner Adams.

4 And to the extent that that's true, I don't  
5 know if it's true or not, but if it indicates that Ms.  
6 Mitchell is the Board Chair of an organization that  
7 employs and compensates Mr. Adams, it would be my hope  
8 that any issue about the appropriateness of Mr. Adams's  
9 vote in connection with Ms. Mitchell was ventilated  
10 pursuant to the ethics rules and the financial  
11 disqualification rules that apply to our work.

12 I don't know whether that was done or not,  
13 but if there was a concern that there could be some  
14 appearance of a financial interest or a business  
15 relationship, because boards of director typically  
16 approve compensation for folks in not-for-profits,  
17 then that would be something that should be ventilated  
18 and should have been the subject of inquiry with the  
19 appropriate official at the US Civil Rights Commission.

20 It may be the case that all of this was  
21 ventilated and looked into. If it was, if Commissioner  
22 Adams was approved to vote on that appointment, so be  
23 it. If it wasn't, then I think our Office of General  
24 Counsel should focus on giving us a writing on whether  
25 or not this raises any issue or not. And if it does,

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1 we would need to know what the impacts should be on  
2 the vote.

3 CHAIR CANTU: And before our General  
4 Counsel answers, I want to have you help me recall,  
5 if my recollection is correct, at our last business  
6 meeting, we had a conversation about what our agency  
7 duties were with response to the ethical behavior or  
8 the communication and transparency of our appointees  
9 on other agencies.

10 And the response I recall was that when  
11 we appoint someone, they're not an employee of our  
12 agency. And so we are -- we neither -- we neither hold  
13 them to our own standards as fellow commissioners  
14 because they are not on our payroll, they are not folk  
15 who take our ethics training. And they have become  
16 the responsibility of the receiving agency, who will  
17 then have to apply the appropriate federal requirements  
18 for ethic disclosure and financial disclosures.

19 But if I'm not correct in what happened,  
20 the transcript will speak for itself.

21 COMMISSIONER ADEGBILE: Madam Chair, I  
22 would just direct the GC to 5 CFR 2635- -- in sorry,  
23 .402, and the question is in what context potential  
24 financial interests or financial entanglement impact  
25 the vote and action of a special government employee

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1 in connection with our work. It's not -- it's not a  
2 question of what is the compensation or not of the EAC  
3 designee.

4 It's a question of whether people that have  
5 a financial interest in connection with that person  
6 who's being voted on by these members of the board,  
7 whether that's something that should be disclosed and  
8 approved before there's a vote on it. That's the  
9 question.

10 CHAIR CANTU: Thank you for clarifying.

11 I do understand now that you are asking about one of  
12 our commissioners who is an employee of the federal  
13 government. Yes, that's an appropriate question that  
14 we did not at the last meeting of this commission.  
15 So you're raising a new point. So, sorry for my  
16 intervention, but I do see that this is an appropriate  
17 question.

18 Could our General Counsel please reply to  
19 this?

20 MR. GANZ: Hi, this is David Ganz, I'm the  
21 GC. Yeah, it's -- we'll look into it. It's something,  
22 you know, I can't offer an opinion right here and now.

23 But it's certainly something that we'll look into in  
24 the future. I'll discuss it I guess offline.

25 COMMISSIONER ADAMS: Madame Chair, Adams.

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1 CHAIR CANTU: Yes, Commissioner Adams.

2 COMMISSIONER ADAMS: First of all, I was  
3 expecting to hit unmute because I thought the question  
4 had been called. But regardless, I understand there  
5 is a tremendous fever to see the EAC pick ridded of  
6 Cleta Mitchell. And I understand that. The  
7 conservatives of course are prepared to offer the  
8 Democrats a whole new range of people that they can  
9 choose from like they did Cleta Mitchell, if in fact  
10 there was some issue that would be implicated here.

11 But I understand there's a huge frenzy in  
12 some parts to undo the action of the Commission. So  
13 we can go right back to square one if that's where folks  
14 want to go. But there wasn't any question about her  
15 being in the position she's in when we addressed this  
16 over the last five months.

17 We started this process in March to find  
18 a bipartisan process where each side can make a  
19 bipartisan pick. And obviously some people are  
20 unhappy with that. But as far as I'm concerned, I think  
21 both sides made a good pick, and I'm prepared to support  
22 the pick that we made from the progressive nomination  
23 list.

24 That's all I have.

25 CHAIR CANTU: Thank you for your

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1 intervention, Commissioner Adams. Just -- I don't  
2 like the language of the fevered pitch because I've  
3 been trying to be as deliberate and inclusive as I have  
4 ever been in my entire life. And I do -- I do want  
5 it on the record that there's no one trying to throw  
6 anyone off this train.

7 In fact, when the conservative caucus was  
8 late in coming up with a decision, I had an opportunity  
9 to say well, okay, they don't -- they didn't meet the  
10 deadline, I'll come up with a name. But that's not  
11 fair to you all, and I didn't do that.

12 My intent has been and continues to be to  
13 follow the agreement that we all entered to in April  
14 to be bipartisan and to be fair. And I called looking  
15 for everybody on the conservative caucus. I did find  
16 Commissioner Heriot, and she was able, although it was  
17 late, I really appreciate very much that she was able  
18 to give me the decision made on the replacement  
19 candidate, on the nominee.

20 So there's no fevered pitch here. There's  
21 a very slow, deliberate, inclusive effort to be sure  
22 that both caucuses are treated fairly.

23 COMMISSIONER ADEGBILE: Madam Chair,  
24 Adegbile. Sorry, I yield to Commissioner Kirsanow.

25 COMMISSIONER KIRSANOW: Thank you,

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1 Commissioner Adegbile. I just wanted to. Make  
2 mention of the email that I think some of us got from  
3 inquiries from media. And the reference point that  
4 I made was that they made reference to, apparently this  
5 is a quote from one of our commissioners that in terms  
6 of how it came about that we had these picks to the  
7 EAC, specifically Cleta Mitchell.

8 And it said, A lawyer who has led the  
9 right-wing efforts to destroy the voting rights of  
10 Black and Brown people in this country -- it's a choice  
11 between a lawyer who led the right-wing efforts to  
12 destroy the voting rights of Black people and Brown  
13 people in this country, or a lawyer who backed up  
14 Trump's election lies that resulted in the January 6  
15 insurrection.

16 And I don't know of anybody on this  
17 commission that was trying to destroy voting rights  
18 of Black and Brown people. I think everybody on this  
19 commission is pretty committed to preserving the Black  
20 and Brown rights -- the voting right of Black and Brown  
21 people.

22 It's a little disturbing that such a  
23 comment would be made to media. And it was more than  
24 one media source that at least emailed me. I didn't  
25 get back in touch with them.

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1 CHAIR CANTU: We're still in the same  
2 place we were before you went on your hunt that we don't  
3 have a name. I think we will have to take this offline  
4 if we don't -- we should have an exercise among us as  
5 commissioners to remind us that, I've done this at prior  
6 meetings, that statements -- statements that are being  
7 made should not -- should be factual. And if they are  
8 factual, we'll have that conversation.

9 If they're not factual, we will remind  
10 commissioners about the effect it has on the  
11 team-building I'm trying to create here at the  
12 Commission. We all chose to be on this commission,  
13 this was not a draft into the military. We all chose  
14 to be here because we believe in the mission of civil  
15 rights for all. And so how we speak to each other  
16 should be professional.

17 COMMISSIONER GILCHRIST: Madam Chair?

18 CHAIR CANTU: Yes, please, who is  
19 speaking?

20 COMMISSIONER GILCHRIST: This is  
21 Gilchrist.

22 CHAIR CANTU: Thank you, Commissioner  
23 Gilchrist.

24 COMMISSIONER GILCHRIST: I just want to  
25 echo Commissioner Kirsanow's comments regarding our

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1 fellow commissioners. I was very disappointed and  
2 quite disturbed actually to read a CNN article about  
3 one of our colleagues here on the Commission that was  
4 actually being accused of being one of the biggest enemy  
5 of Black and Brown voting rights in the United States.

6 As a matter of fact, if the colleague that  
7 our other colleague is referring to is correct, I have  
8 the pleasure -- I had the pleasure of being actually  
9 involved in an effort here in South Carolina, where  
10 my colleague, Commissioner Adams, before I knew him  
11 actually, was engaged in an effort to fundamentally  
12 change the voting rights of county -- a school board  
13 and a county in South Carolina, Georgetown County, to  
14 give Black people the right to have equity when it comes  
15 to voting, fair representation on the school board.

16 That was when I first learned about  
17 Commissioner Adams's work as it relates to helping  
18 Black and Brown people in this country. And I never  
19 thought I would actually reconnect with him on the  
20 United States Civil Rights Commission, but reading the  
21 accounts in the media regarding Commissioner Adams was  
22 very disturbing to me as an African American that  
23 recognized his work in this space.

24 And so I just wanted to echo my colleague  
25 Commissioner Kirsanow's reference as well that it's

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1 my hope that as we work with our fellow commissioners  
2 on the Commission, that these mischaracterizations of  
3 our fellow commissioners, we've got to make sure that  
4 that does not become commonplace for the work that we're  
5 trying to do on behalf of the American people.

6 So I just wanted to share my two cents on  
7 that for sure.

8 CHAIR CANTU: I'm hearing you all and I  
9 want anyone who's not had a chance on the Commission  
10 to speak, to speak. You know how I am, once it gets  
11 repetitive I will ask people to -- if we're ready for  
12 a vote. So is anyone who has not spoken, please be  
13 heard.

14 COMMISSIONER ADEGBILE: Madam Chair, I  
15 believe I was in the queue.

16 CHAIR CANTU: Thank you.

17 COMMISSIONER ADEGBILE: I just wanted to  
18 clarify a couple of points. You referred a couple of  
19 times to the vote in April about how representatives,  
20 the Commission's representatives to the EAC Advisory  
21 Committee were to be selected, and that was a vote that  
22 prevailed by a majority of the Commission that  
23 Commissioner Kladney and I dissented from. But it  
24 became the rule of the Commission through the  
25 administrative rules. But I just wanted the record

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1 to be clear about what the vote was.

2 Now, on this issue that I'm raising, I'm  
3 not -- and I don't suggest that Commissioner Kirsanow  
4 has suggested anything to the contrary. I'm not  
5 raising any personal or ad hominem attacks.

6 Everybody's record on what they have or  
7 haven't done for the Voting Rights Act and protecting  
8 access to voters for all voters in America is a matter  
9 of public record, and people can go explore it in great  
10 detail and decide where people line up. And that's  
11 not the question I'm focused on.

12 I'm focused specifically on the rules that  
13 govern our conduct as commissioners, and I have asked  
14 for an opinion from the GC's office. And I did not  
15 expect Mr. Ganz to offer the opinion on the fly, I don't  
16 think it would be appropriate, so he should have  
17 adequate time.

18 But I've asked for a written opinion about  
19 whether the procedures under the CFR that I mentioned  
20 were applicable, and if applicable they were followed.

21 And if they're applicable and they weren't followed,  
22 then I want to know what the appropriate response should  
23 be. And that's an issue on the record, not anybody  
24 in the press. That's just about the way we do our  
25 business.

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1 MR. GANZ: This is David, yeah, as I said,  
2 I will work that up in the coming weeks for the other  
3 commissioners.

4 COMMISSIONER KLADNEY: Madam Chair, this  
5 Dave Kladney.

6 CHAIR CANTU: Thank you, Commissioner  
7 Kladney.

8 COMMISSIONER KLADNEY: I would just like  
9 to note that Commissioner Adams did note that during  
10 the five months from the time this procedure was adopted  
11 until the vote on the two individuals for the EAC, that  
12 no one raised this issue regarding any relationship  
13 between him and one of the nominees.

14 I would just like to say that it was never  
15 disclosed. Thank you. On the record.

16 CHAIR CANTU: Thank you. And I can add  
17 that I have asked commissioners by email if you have  
18 a conflict, I remind them, if you have a conflict, and  
19 I don't believe it was with regards to be up for election  
20 to be nominated to the Election Assistance Commission's  
21 Board of Advisors. I believe it was with regard to  
22 the concept papers.

23 But I reminded all commissioners, if you  
24 have any conflict of interest, financial or otherwise,  
25 you need to disclose it. So this is not a surprise

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1 because I've got my email where I sent it out to you  
2 folks.

3 Any other commissioner wish to speak while  
4 we are on the topic of our appointment to the Election  
5 Assistance Commission?

6 COMMISSIONER KLADNEY: Madam Chair, Dave  
7 Kladney here. I apologize, I accidentally cut myself  
8 off, so if I missed anything, I'd appreciate being  
9 informed before I comment further. Thank you.

10 CHAIR CANTU: Thank you, Commissioner.  
11 Further discussion?

12 COMMISSIONER HERIOT: Madam Chair, I'm a  
13 bit confused at this point.

14 CHAIR CANTU: Yes, Commissioner Heriot.

15 COMMISSIONER HERIOT: I mean, is the  
16 suggestion that somehow, even though this motion  
17 carried months ago, and it would have carried even  
18 without Commissioner Adams's vote, that that is now  
19 somehow up in the air? If that's the feeling, then  
20 I suppose that makes the current motion up in the air  
21 as well.

22 CHAIR CANTU: No, Commissioner Heriot, as  
23 I said before, I will adhere to the language of the  
24 agreement that we reached on how to conduct ourselves  
25 in making these elections happen. And I had an

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1 opportunity, as I said, I could have said hey, they  
2 didn't turn something in, but I don't think that's fair.

3  
4 So no, we've not -- we've not been advised  
5 by our General Counsel for the Commission on what issues  
6 -- we don't even know what questions we need to raise  
7 right now. But I think this is a healthy exercise to  
8 remind each other that we look out for each other.

9 And if we see someone getting close to  
10 doing something that's not ethical, we help them, and  
11 we say so. And this is -- this is part of having a  
12 strong team, that we all look out for each other.

13 COMMISSIONER HERIOT: Yeah, I'm still not  
14 clear what you mean by that. I mean, you know, if the  
15 election of Cleta Mitchell to this advisory board is  
16 somehow up in the air because of this issue, even though  
17 it would have passed anyway, does that mean that the  
18 election of Jenny Carroll also needs to be up in the  
19 air until this is resolved?

20 I mean, the way we had intended to do this  
21 is that it would all be together. We elected both  
22 Commissioner Yaki and Cleta Mitchell to this advisory  
23 board. Now he has resigned. But are we potentially  
24 without anyone on the Advisory Board, or are we not?

25 CHAIR CANTU: No, as I understand it, the

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1 question about whether one of our commissioners, need  
2 to respond about ethics, that's apart from Jenny  
3 Carroll. But I can't say definitively, that's just  
4 my gut as a person who's practiced law since the 70s.

5 COMMISSIONER HERIOT: The question is  
6 whether it's apart from Cleta Mitchell.

7 COMMISSIONER KLADNEY: Madam Chair, Dave  
8 Kladney here. As I understand it, Cleta Mitchell is  
9 on the Election Advisory Commission currently. So I  
10 don't know if it's up in the air, or she's currently  
11 a member of the EAC.

12 And we should move forward with this  
13 nomination in the spirit of good faith because half  
14 of the Commission is unrepresented. To do so would  
15 be unfair and untimely. It's not -- it's not  
16 appropriate yet to discuss anything about Ms. Mitchell  
17 because she is on the EAC. I don't understand the  
18 question, I guess.

19 COMMISSIONER HERIOT: It sounds like you  
20 do understand the question. You said that, you know,  
21 the question is unresolved.

22 COMMISSIONER KLADNEY: I don't understand  
23 the allegation that her nomination is up in the air,  
24 when in fact she's seated on the EAC.

25 MR. GANZ: Advisory Commission.

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1                   COMMISSIONER HERIOT: And I tried -- and  
2 I tried to explain that that -- this is a different  
3 question that what we discussed before. We're not  
4 trying to apply our commission's ethical standards to  
5 Cleta Mitchell. She is now on a different commission  
6 and she is not an employee of this commission. So I  
7 don't see -- I don't see a nexus. I also am confused  
8 by your question.

9                   COMMISSIONER GILCHRIST: Madam Chair,  
10 Gilchrist here.

11                  CHAIR CANTU: Yes, Commissioner.

12                  COMMISSIONER GILCHRIST: And so are we  
13 planning to vote on Ms. Carroll today?

14                  CHAIR CANTU: That is the motion on the  
15 -- yes. So I have Commissioner Adams saying he filed  
16 a motion, I have a second from Commissioner Kirsanow,  
17 and we are in discussion. When we start repeating  
18 ourselves, then we'll be at a point where I can call  
19 a question.

20                  COMMISSIONER GILCHRIST: Thank you, Madam  
21 Chair.

22                  COMMISSIONER HERIOT: I think we're  
23 repeating ourselves, so I would also say that all of  
24 this has been out of order. If it's not related to  
25 the Jenny Carroll motion, then it's all been out of

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1 order.

2 CHAIR CANTU: It has been a healthy  
3 team-building exercise. We need to -- we need to speak  
4 up to each other rather than through the press. So  
5 this is a very --

6 COMMISSIONER KLADNEY: Kladney calls the  
7 question, Madam Chair.

8 CHAIR CANTU: Call the question, bang,  
9 we're done. Okay. We are going to have a roll call  
10 vote.

11 Commissioner Adams, how do you vote?

12 COMMISSIONER ADAMS: Yes.

13 CHAIR CANTU: Commissioner Adegbile.

14 COMMISSIONER ADEGBILE: Aye.

15 CHAIR CANTU: Commissioner Gilchrist.

16 COMMISSIONER GILCHRIST: Aye.

17 CHAIR CANTU: Commissioner Heriot.

18 COMMISSIONER HERIOT: I vote yes.

19 CHAIR CANTU: Commissioner Kirsanow.

20 COMMISSIONER KIRSANOW: Yes.

21 CHAIR CANTU: Commissioner Kladney.

22 COMMISSIONER KLADNEY: Yes.

23 CHAIR CANTU: Commissioner Yaki.

24 COMMISSIONER YAKI: Aye.

25 CHAIR CANTU: And I vote yes. The motion

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1 passes by eight votes.

2 We -- do you all need a ten-minute break?

3 Because we're going to go to our last item. Oh no,  
4 our second-to-the-last item. Folks? Then let's  
5 proceed.

6 **F. DISCUSSION AND VOTE ON FISCAL YEAR 2022**

7 **CONCEPT PAPERS AND FISCAL YEARL 2023 STATUTORY**

8 **ENFORCEMENT REPORT**

9 CHAIR CANTU: We turn to the fifth item  
10 on our amended agenda, Discussion and Vote on Fiscal  
11 Year 2022 Concept Papers, and the Fiscal Year 2023  
12 Statutory Enforcement Report, establishes an  
13 independent, bipartisan fact-finding federal agency.

14 The USCCR mission is to inform the development of  
15 national civil rights policy and enhance enforcement  
16 of federal civil rights laws.

17 We pursue this mission by studying alleged  
18 deprivations of voting rights and alleged  
19 discrimination based on race, color, religion, sex,  
20 age, disability, or national origin, or in the  
21 administration of justice. Although the US Civil  
22 Rights Commission is a non-enforcement agency, through  
23 the Commission's work, the civil rights issues are  
24 lifted to a national level.

25 At today's meeting, we will discuss and

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1 vote two topics for our fiscal year 2022, which started  
2 October 1, 2021. I'm sorry, there are -- we are  
3 choosing two topics. We have three topics that have  
4 been presented in your -- in your Commission packets.

5  
6 The three topics that are in front of us  
7 today are, one, the impact of COVID-19 and the digital  
8 divide on education. Lead Cantu, me. Two, crime  
9 increase. Lead, Commissioner Kirsanow. Three,  
10 minority entrepreneurship. Lead, Commissioner Adams.

11 Each paper will be voted on separately,  
12 and the ones with the majority vote will be passed on  
13 to the Office of Civil Rights Evaluation and the Office  
14 of our General Counsel to begin the research and the  
15 briefing planning.

16 So I will go last. Commissioner Kirsanow,  
17 do you mind presenting briefly on your concept paper?

18 COMMISSIONER KIRSANOW: Yeah, thank you,  
19 Madam Chair. I would, first of all, I was a little  
20 confused. I thought we were moving on four different,  
21 including the 230, Section 230 and hate speech.

22 CHAIR CANTU: That project has been  
23 withdrawn.

24 COMMISSIONER KIRSANOW: Okay.

25 CHAIR CANTU: So we're -- this is

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1 progress. We started out, remember, with a dozen  
2 topics.

3 COMMISSIONER KIRSANOW: Yeah, and toward  
4 that end --

5 CHAIR CANTU: I've spent a great amount  
6 of time with all of you discussing them and I'm happy  
7 to see we're getting closer. So we have a withdrawal  
8 of the Section 230 project from Yaki.

9 COMMISSIONER KIRSANOW: Given that we  
10 only have three topics, Madam Chair, I would make a  
11 friendly amendment or suggest that we vote on all three  
12 as a package. I don't think there's any reason why  
13 we can't do all three.

14 CHAIR CANTU: Provided a reason's in  
15 writing to the commissioners. I can say them again  
16 for the record if you'd like for me to do it again.

17 COMMISSIONER KIRSANOW: Yes.

18 CHAIR CANTU: Okay. So each of -- each  
19 of the topics has to be reviewed by the Office of Civil  
20 Rights Evaluation and by the Office of General Counsel  
21 to see if there's any ethics of conflict of interests.  
22 Whether someone should have withdrawn, and that's what  
23 I reported out to you all.

24 That when they are bundled and discussed  
25 together, it is confusing as to whether someone who

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1 should not have participated, participated. I did ask  
2 would people will please tell me if they have a  
3 conflict. Some did, and many thanks for that.  
4 Others, I got no response at all.

5 So the commissioners bundling them  
6 together as a discussion of three creates a problem  
7 of sorting out who should have spoken up and who should  
8 have recused themselves.

9 The second objection is we have leads  
10 indicated and some projects are meritorious and should  
11 be discussed on their own merits. I mean, all three  
12 have strong advocates and strong leads.

13 But I think that we -- each project  
14 deserves the attention to look at both the impact that  
15 can be had by our devoting resources of this  
16 organization to it. But also the urgency. And some  
17 projects I think can be pitched to 2023. And that  
18 discussion can't happen if we talk about them as a  
19 bundle.

20 So it's ethics, resources, and timing.

21 COMMISSIONER HERIOT: Madam Chair?

22 CHAIR CANTU: Yes, Commissioner Heriot.

23 COMMISSIONER HERIOT: The ethics issue is  
24 like out of this world. It is extremely rare for a  
25 commissioner to have to be, you know, recused from a

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1 report. The notion that putting the three together  
2 will make it difficult is almost laughable.

3 CHAIR CANTU: I'm not laughing.

4 COMMISSIONER HERIOT: You should start,  
5 I mean, you have --

6 CHAIR CANTU: I wish you could see me --  
7 (Simultaneous speaking.)

8 COMMISSIONER HERIOT: But if you don't do  
9 them as a bundle, you won't get them through.

10 CHAIR CANTU: I've been asked already in  
11 writing, and in writing I responded that I don't support  
12 doing them as a bundle. So, so --

13 (Simultaneous speaking.)

14 COMMISSIONER HERIOT: You can get them  
15 through as a bundle. You can't get them through --

16 COMMISSIONER YAKI: Madam Chair, Madam  
17 Chair? Commissioner Yaki here.

18 CHAIR CANTU: Thank you, Commissioner.

19 COMMISSIONER YAKI: I am not voting for  
20 it as a bundle.

21 COMMISSIONER KLADNEY: Madam Chair, this  
22 is Dave Kladney. If they were bundled together, I  
23 would move to divide the question. So quoting the  
24 Robert's Rules of Order, I have that right. And I would  
25 move to enforce it.

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1                   COMMISSIONER HERIOT: Then you're moving  
2 to not have anything picked.

3                   CHAIR CANTU: Okay, let me hear all the  
4 commissioners.

5                   COMMISSIONER KLADNEY: Commissioner  
6 Heriot, everybody votes the way they vote. And how  
7 it turns out, it will turn out.

8                   CHAIR CANTU: Robert's Rule is correct  
9 that in matters than can be handled with more clarity,  
10 they should be broken into separate components. You  
11 can ask, Commissioner Heriot, you make a motion to waive  
12 Robert's Rules. It will require a majority for that  
13 motion to pass.

14                   COMMISSIONER HERIOT: Madam Chair, my  
15 point is not that you cannot split this up. My point  
16 is you've got a four-four Commission on your hands,  
17 and this is a way that you can get agreement. If you  
18 don't want agreement, if you don't want there to be  
19 briefings, then this is the right thing to do, to vote  
20 on them separately.

21                   But this is the way that compromise is had.  
22                   And we were quite prepared to vote for all four,  
23 including Commissioner Yaki's. But if you'd rather  
24 not, you know, get a majority.

25                   COMMISSIONER ADAMS: Madam Chair, Adams.

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1 CHAIR CANTU: Yes, please.

2 COMMISSIONER ADAMS: Just very briefly,  
3 I am prepared to vote for anything that Commissioner  
4 Adegbile, Commissioner Yaki, Commissioner Kladney, or  
5 you want. So I extend that deference to whatever you  
6 all want to do, I will support. That's all I have.

7 COMMISSIONER YAKI: Commissioner Cantu --  
8 Chair Cantu, this is Commissioner Yaki.

9 CHAIR CANTU: Yes, Commissioner.

10 COMMISSIONER YAKI: To me, the definition  
11 of bipartisanship when it comes to the Commission on  
12 Civil Rights is not a question of I get mine, the  
13 comments made by Commissioner Heriot and Commissioner  
14 Adams, but I do not agree with the results.

15 I think that if we truly wish to get to  
16 a bipartisan such matter, as we did during the days  
17 when we previously had a four to four split and we worked  
18 together to find topics of common interest.

19 And even if we may disagree on components  
20 and parts and in the end some of the findings, we still  
21 managed to find common ground on a fair number of those,  
22 enough to be able to issue a report that did have common  
23 findings and recommendations.

24 I cannot in good conscience vote for the  
25 two proposals advanced thus far. I know that there

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1 are other proposals that were put forward, some by other  
2 commissioners in -- by other commissioners that I think  
3 may be worth exploring, and could in fact become the  
4 basis of a bipartisan project moving forward.

5 But as constituted right now, I cannot --  
6 I cannot support the two projects advanced by my  
7 esteemed colleagues, Commissioner Kirsanow and  
8 Commissioner Adams, and would require -- and I doubt  
9 that I -- and I doubt that I would be able to reach  
10 an accommodation with them. But I'm not averse to  
11 trying.

12 But as is, I cannot do it. I would suggest  
13 that we redouble our efforts to discuss these and  
14 possible other topics that may not get to be on the  
15 table to figure out a way to get to a point where we  
16 can move forward in a true bipartisan fashion. Rather  
17 than simply one that, in my view and in my estimation  
18 and in my opinion, does not truly reflect a bipartisan  
19 approach that adheres to the mission of the United  
20 States Commission on Civil Rights.

21 COMMISSIONER GILCHRIST: Madam Chair,  
22 Gilchrist here.

23 CHAIR CANTU: Yes, Commissioner  
24 Gilchrist.

25 COMMISSIONER GILCHRIST: So are we are

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1 under a timeline with regard to the three proposals?

2 CHAIR CANTU: Yes, absolutely. The -- we  
3 are fortunate that for the enforcement report, the  
4 statutory enforcement report, that the Commission has  
5 already done its work and the staff are working on it.

6 And so for our fiscal year 2022, we have an enforcement  
7 report, but we have no other reports in the works.

8 So we missed -- the deadline normally would  
9 be to -- at the end of the fiscal year we'd already  
10 have the staff working. And sometimes we'd do it long  
11 before that, we'd do early in the summer. But we don't  
12 have -- we're here already into the fiscal year where  
13 the staff should be working on these topics.

14 So yes, the timeline came and went October  
15 1. And not for a lack of attention and not for a lack  
16 of work. Those three who were -- have been leaders  
17 on the topics and the fourth including Yaki have all  
18 tried to be as persuasive to gain the majority vote.

19 And we have done it all following all the federal  
20 rules. We never had quorum, we never broke the FACA,  
21 we never did anything with that.

22 But we now are at a point where I'm not  
23 able to parse out the merits of the topic I prepared  
24 separate from the topics that Commissioner Kirsanow  
25 and Commissioner Adams. I'm being held to their votes

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1 passing without ever knowing, you know, what -- whether  
2 the Commission actually understood or was able to ask  
3 questions about.

4 And I look forward to that conversation  
5 because these get voted on again. And what you tell  
6 me about the program that I'm trying to lead helps me  
7 respond to you and give you a better understanding of  
8 what we're trying to do with this research topic. So  
9 we blew the deadline. We're on overtime now.

10 And I called to you, and you look at it  
11 when you have the discussion about the performance  
12 report and the strategic plan that I had to put in the  
13 column of reports by the Commission. I had to put under  
14 whether it was met or not met for 2222, and I had to  
15 write in not met. Because we didn't come up with a  
16 topic that we should be working on right now.

17 And it's on me. I'm your leader, I'm your  
18 Chair. But I don't want to be an enabler. I want to  
19 be fair and honest with us in terms of where we are.

20 COMMISSIONER KLADNEY: Madam Chair, Dave  
21 Kladney here.

22 CHAIR CANTU: Thank you, David.

23 COMMISSIONER KLADNEY: I would just like  
24 to note that a compromise isn't trading one paper for  
25 another. A compromise is finding a page that

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1 (telephonic interference) where people agree there is  
2 interest in the subject area and that each part,  
3 different parts of the subject create an interest in  
4 different commissioners or different participants in  
5 the paper.

6 And that has not occurred here. I know  
7 I wrote what my feelings were on some of these papers  
8 and submitted them, and I saw no change in any paper.

9 So that is what I believe compromise is. Compromise  
10 is not one paper for another. Thank you.

11 COMMISSIONER ADEGBILE: Madam Chair,  
12 Commissioner Adegbile.

13 CHAIR CANTU: Yes, Commissioner.

14 COMMISSIONER ADEGBILE: It seems to me,  
15 based on this colloquy, that we would be best served  
16 by taking this offline and trying to see if an agreement  
17 can be reached, rather than having internal business  
18 conducted in this way.

19 CHAIR CANTU: Would that require a motion?

20 COMMISSIONER ADAMS: Madam Chair, Adams.

21 CHAIR CANTU: Yes, Commissioner Adams.

22 COMMISSIONER ADAMS: Pursuant to your  
23 invitation, I agree with Commissioner Adegbile, it's  
24 sometimes best to take things offline to deal with.

25 And therefore I would move to table the consideration

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1 of these papers for a future date.

2 COMMISSIONER KIRSANOW: Kirsanow second.

3 COMMISSIONER KLADNEY: Move the question.

4 Kladney --

5 CHAIR CANTU: Was that Commissioner  
6 Kladney?

7 COMMISSIONER KLADNEY: Yes.

8 CHAIR CANTU: Commissioner Kladney, thank  
9 you. I am now going to have a roll call vote to table,  
10 knowing that everyone understands our timeline that  
11 -- and so I appreciate that you folks wanted to continue  
12 to discuss. That is positive. So please, please  
13 accept my thanks for that.

14 So on a roll call vote, Commissioner Adams,  
15 how do you vote? So this is a vote --

16 COMMISSIONER ADAMS: Yes.

17 CHAIR CANTU: To table -- thank you.

18 COMMISSIONER ADAMS: Yes.

19 CHAIR CANTU: Commissioner Adegbile.

20 COMMISSIONER ADEGBILE: Aye.

21 CHAIR CANTU: Commissioner Gilchrist.

22 COMMISSIONER GILCHRIST: Aye.

23 CHAIR CANTU: Commissioner Heriot.

24 COMMISSIONER HERIOT: I vote yes on the  
25 assumption we're going to get to this very quickly.

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1 CHAIR CANTU: Thank you. Commissioner  
2 Kirsanow.

3 COMMISSIONER KIRSANOW: Yes.

4 CHAIR CANTU: Commissioner Yaki.

5 COMMISSIONER YAKI: Aye.

6 CHAIR CANTU: I'm leading from behind, but  
7 I'm with you folks, so I put aye as well.

8 COMMISSIONER KLADNEY: Can I vote,  
9 Kladney? Kladney vote?

10 CHAIR CANTU: Pardon me, I'm sorry,  
11 Commissioner Kladney.

12 COMMISSIONER KLADNEY: Thank you.

13 CHAIR CANTU: I didn't have a gap in my  
14 notes for this vote, so I put -- I had to do it by memory.  
15 So Commissioner Kladney, you are very memorable. And  
16 how do you vote, sir?

17 COMMISSIONER KLADNEY: I vote yes.

18 CHAIR CANTU: Thanks, Commissioner.

19 We are ready for a staff report, is that  
20 where we are on the agenda? Yes, we're ready for --  
21 if the Staff Director would like to make a report, this  
22 is his window.

23 **G. MANAGEMENT AND OPERATIONS,**

24 **STAFF DIRECTOR'S REPORT**

25 MR. MORALES: Thank you, Madam Chair.

1           In the interest of time, I have nothing  
2 further to add than what's already contained in the  
3 report. As always, I'm available to speak with any  
4 commissioner about any item contained in the Staff  
5 Director's report.

6           And with that, I'd like to take a moment  
7 just to commend the staff for the work they've done  
8 in not only preparation for this meeting, but for the  
9 release of the performance accountability report that  
10 all of you received that we are required to file with  
11 Congress and place on our website, as well as the  
12 statutory enforcement report.

13           I will note that in the performance  
14 accountability report, we had received a unmodified  
15 opinion, which is the highest opinion that auditors  
16 can give to an organization in the federal government.

17           And so this is for the fifth year in the row. I'm  
18 very pleased obviously with that development over the  
19 years here.

20           We look forward to whatever changes or  
21 compromises you might want to make in the strategic  
22 plan, and please provide those to us. And we can take  
23 a notational vote per commissioners' desire.

24           Lastly, I just want to acknowledge some  
25 of the team here that were a part of both the performance

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1 accountability report and the strategic plan. They  
2 worked very hard over the last eight to six months on  
3 these things to get them prepared and up and ready to  
4 go and ready to file.

5 They are TinaLouise Martin, Pam Dunston,  
6 Robert Amartey, John Ratcliffe, Zakee Martin, Mayowa  
7 Olu Bakinda. And there were others I probably am  
8 leaving off, but I -- we have an outstanding staff,  
9 and everybody works really hard and diligent in the  
10 finest of federal employment, federal employee  
11 traditions.

12 So thank you with that. We're pleased for  
13 all their work they've done on the audit, the PAR, and  
14 the strategic plan. Thank you very much, Madam Chair.

15 I have nothing further.

16 CHAIR CANTU: Thank you. And I do want  
17 to say that, as we come up on the holidays, whether  
18 we celebrate it as indigenous, which my DNA check says  
19 I'm a third, but I've not been raised on a reservation.

20 But I am grateful to you. I am thankful this  
21 Thanksgiving for the work that you all are delivering  
22 as staff. You are amazing.

23 And I am thankful to the commissioners.

24 The service that you're performing is hard to do.  
25 If it were easy, anyone would be doing it. And I do

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1 look forward to a quick resolution to those tabled  
2 items.

3 **III. AJOURN MEETING**

4 With that, I'm going to conclude the  
5 business of the agenda for today's business meeting.

6 If there's nothing further, we adjourn this meeting  
7 at 2:07 p.m. Eastern Standard Time. Thank you, and  
8 God bless. Bye bye.

9 (Whereupon, the above-entitled matter  
10 went off the record at 2:07 p.m.)

11

12