

U.S. COMMISSION ON CIVIL RIGHTS

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BUSINESS MEETING **UNEDITED**

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FRIDAY, OCTOBER 21, 2022

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The Commission convened via
Teleconference at 10:32 a.m. EDT, Norma V. Cantu,
Chair, presiding.

PRESENT:

NORMA V. CANTU, Chair

J. CHRISTIAN ADAMS, Commissioner

DEBO P. ADEGBILE, Commissioner

STEPHEN GILCHRIST, Commissioner

GAIL HERIOT, Commissioner

PETER N. KIRSANOW, Commissioner

DAVID KLADNEY, Commissioner

MICHAEL YAKI, Commissioner

MAURO MORALES, Staff Director

DAVID GANZ, General Counsel

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STAFF PRESENT:

CODY BOWLER, OGC Pathways Intern

SHERYL COZART

PAMELA DUNSTON, Chief ASCD

PATRICIA FLETCHER

GERALD FOSTEN, (CSSBMB)

ALFREDA GREENE

JULIA GRIECO

ALEXES HARRIS, Washington State Advisory Chair

TINALOUISE MARTIN, Chief, OM

DAVID MUSSATT, Director, RPCU

PILAR McLAUGHLIN

JULIAN NELSON, ASCD Pathways Intern

ESSENCE PERRY, ASCD Pathways Intern

MICHELE RAMEY

MARK SPENCER, (CSSBMB)

COMMISSIONER ASSISTANTS PRESENT

JAMES DANSBY

ALEC DUELL

ALEXIS FRAGOSA

JOHN K. MASHBURN

CARISSA MULDER

JUANA SILVERIO

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THOMAS SIMUEL

IRENA VIDULOVIC

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P R O C E E D I N G S

10:32 a.m.

CHAIR CANTU: Welcome to the business meeting for the U.S. Commission on Civil Rights. The meeting comes to order at 10:32 Eastern Standard Time on Friday, October 21st, 2022.

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

Due to respect for health and safety during the ongoing COVID-19 pandemic and to the brevity of today's agenda, the Commissioners are in attendance via conference call. We are hosting the general public by phone conference.

I would like to confirm the commissioners present on the line and will take a roll call vote. Please say present or aye when I say your name.

Commissioner Adams.

COMMISSIONER ADAMS: Present.

CHAIR CANTU: Commissioner Adegbile.

COMMISSIONER ADEGBILE: Present.

CHAIR CANTU: Commissioner Gilchrist.

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COMMISSIONER GILCHRIST: Present.

CHAIR CANTU: Commissioner Heriot.

COMMISSIONER HERIOT: I'm here.

CHAIR CANTU: Commissioner Kirsanow.

COMMISSIONER KIRSANOW: Here.

CHAIR CANTU: Commissioner Kladney.

COMMISSIONER KLADNEY: Here.

CHAIR CANTU: Commissioner Yaki.

COMMISSIONER YAKI: Present.

CHAIR CANTU: Based on the response, a quorum of commissioners is present.

Is the court reporter present?

COURT REPORTER: I am.

CHAIR CANTU: Thank you.

Is the staff director present?

MR. MORALES: I am present.

CHAIR CANTU: Thank you.

The meeting will now come to order.

I. APPROVAL OF AGENDA

CHAIR CANTU: First I will begin by asking whether any commissioners have amendments to the agenda for this meeting.

Hearing no proposals for amendments, let's

1 proceed to vote on approving the agenda.

2 All those in favor of the posted agenda,
3 say aye.

4 (Chorus of aye.)

5 CHAIR CANTU: Are any commissioners
6 opposed?

7 Do any commissioners abstain?

8 The agenda is approved.

9 **II. BUSINESS MEETING**

10 CHAIR CANTU: For our first order of
11 business we will turn to presentations from our
12 Advisory Committee to the Commission on recent
13 reports.

14 **A. PRESENTATIONS BY STATE ADVISORY COMMITTEE**

15 **CHAIRS ON RELEASED REPORT AND MEMORANDUMS**

16 CHAIR CANTU: Our presentation today will
17 be by Washington State Advisory Chair Alexes Harris on
18 the Committee's Report on Barriers to Accountability
19 for Law Enforcement Officers' Use of Excessive Force.

20 Ms. Harris, we're going to give you 10
21 minutes. And I, and I have enjoyed reading your
22 report. So you have the floor.

23 MS. HARRIS: Thank you so much. I
24 appreciate the time to speak with you today. I'd like

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1 to begin by very briefly acknowledging Brooke Perry
2 and Hela Catravino and, in particular, Kelly McGrath,
3 who is a civil rights intern at the U.S. Commission on
4 Civil Rights. And this report definitely would not
5 have been made possible without her dedication and
6 support, and also from my committee members.

7 As you see before you in the report, our
8 focus was on excessive use of force by law enforcement
9 officers. We had five hearings in 2021, all via Zoom,
10 throughout March, May, and June.

11 We heard testimony from a number of
12 people, including law enforcement agencies, law
13 enforcement unions, representatives from the legal
14 community, academics, advocacy organizations, and also
15 individuals who are directly affected by the use of
16 excessive force in our state.

17 Many of the issues that we were interested
18 in focusing on were the community impacts from cases
19 of excessive force, the ways in which law enforcement
20 have policies around the use of excessive force in the
21 communities that they are mandated to have, issues
22 around collective bargaining agreements, also,
23 arbitration procedures following discipline for use of
24 excessive force.

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1 And then, also, different types of
2 proposals for reform, thinking about policies and
3 procedures that might address police accountability
4 and discipline when excessive use of force is alleged
5 and found to have occurred.

6 We found there's a host of findings. And
7 I won't go through all of them in the report because
8 we've outlined them in really good detail for you.
9 But I'll highlight a few of the emergent themes that
10 we had.

11 We really found a need for comprehensive
12 data collection across our state, also across the
13 nation, but particularly within Washington State.

14 We found a need for increased transparency
15 for the handling of police discipline cases. One, for
16 people who are victims to understand what's happening
17 with their specific case, but also to increase the
18 trust of our law enforcement officers. We found that
19 in our state we need to understand what's happening to
20 police officers and how they're being evaluated.

21 We found a perception that current
22 procedures did not adequately protect the public from
23 the use of force. And we heard this message clearly
24 from community members.

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1 And we also, an emergent theme was the
2 need to prevent appropriate discipline procedures
3 related to use of force or discrimination from being
4 obstructed as a result of the collective bargaining
5 process. We learned a lot about the collective
6 bargaining process and the ways in which different
7 people feel that their rights are not being allowed to
8 be explored because of the different things that had
9 been negotiated with the labor union.

10 We have six recommendations or six that
11 I'll highlight, again briefly here.

12 The first recommendation is the creation
13 and maintenance of a national registry of officers who
14 have been decertified as a result of misconduct.

15 Second, a creation and maintenance of a
16 database that tracks incidents of serious injury or
17 death resulting from police action. Right now we have
18 neither of the two in Washington State and nationally
19 that would allow for certain individuals who have a
20 record of proven excessive use of force to no longer
21 work for various law enforcement agencies.

22 Number 3, formulation and dissemination by
23 the Department of Justice of best practices so there
24 isn't a need for use of force by law enforcement

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1 officers. What are the alternatives?

2 Fourth, allocation of increased resources
3 for alternatives to the use of force, such as mental
4 health intervention.

5 Five, exclusion from collective bargaining
6 agreements of provisions that would obstruct the
7 ability of law enforcement agencies to comply with
8 federal prohibitions against excessive force or
9 discrimination.

10 One of our people that testified noted
11 that doctors and attorneys have higher protections,
12 they can't bargain away the ability of people who hire
13 them to explore or reprimand for excessive use of
14 force. And many people felt that police should not be
15 able, unions should not be able to bargain away who
16 gets to overview and review their cases of excessive
17 use of force.

18 And then, six, narrowly tailored
19 safeguards regarding arbitration of disciplinary
20 actions based on use of force or discrimination, in
21 order to share that law enforcement agencies retaining
22 the ability to fully comply with the federal
23 prohibitions against the excessive use of force and
24 discrimination.

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1 So these are the recommendations. And I
2 think I did that definitely under 10 minutes.

3 CHAIR CANTU: Very succinct. Thank you.

4 We now have time for commissioner
5 questions for Chair Harris.

6 I will, I will tell you that I was
7 surprised that there was not a database of decertified
8 personnel. We have databases for teachers who have
9 been decertified.

10 MS. HARRIS: Oh, yeah.

11 CHAIR CANTU: And you can look on any
12 education website and find whose license has been
13 removed. So I was surprised by that.

14 Thank you for bringing that up today.

15 MS. HARRIS: That was surprising, yeah.

16 CHAIR CANTU: Thank you.

17 Well, thank you, Chair Harris. You've
18 impressed us. Your presentation was succinct. And
19 your reading itself, the report itself is very well
20 worded.

21 I also compliment you that you got to the
22 recommendations right away on page 24, so if I were
23 your professor I would have given you an A for being
24 concise. Thank you so much.

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1 MS. HARRIS: I'm actually a professor
2 myself. So I'll give myself an A. Thank you.

3 CHAIR CANTU: Thank you so much.

4 So there being no further questions --

5 MS. HARRIS: Thank you.

6 CHAIR CANTU: -- if you wish to stay on the
7 line, please. But I know this is a busy time in
8 higher ed, so I would not be at all offended if you
9 move on to your next work assignment. So, thank you.

10 MS. HARRIS: Perfect. Thank you. Have a
11 good day.

12 CHAIR CANTU: And particularly for your
13 service and leadership. I mean, what you've done with
14 the Washington State Advisory Committee is very
15 commendable. So, thank you.

16 MS. HARRIS: Thank you. And I do need to
17 say that's because of your staff support. So, thank
18 you for that.

19 CHAIR CANTU: Oh, I will tell them that.
20 Oh, that's terrific. Thank you for mentioning.
21 Great.

22 So our next item is a discussion and vote
23 on state and territorial advisory committee
24 appointments.

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**B. DISCUSSION AND VOTE ON
ADVISORY COMMITTEE APPOINTMENTS**

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

I will start by making a motion.

I move to correct the record from last month's meeting and appoint Devin, D-E-V-I-N, Wiser, as a new appointee based on the recommendation of the staff director so he can join the other members appointed last month to the Utah State Advisory Committee.

This is my responsibility. I inadvertently left him out of last month's list that we voted upon. His name was cut off. It was right next to the header, and when the header was cut off I did not notice that his name was cut off as well.

So he's qualified. And I, and I own my mistake.

So he, along with the other previously appointed members will serve as uncompensated

1 government employees. And if the motion passes, the
2 Commission will authorize the staff director to
3 execute the appropriate paperwork.

4 Can I have a second for this motion?

5 COMMISSIONER KLADNEY: Kladney seconds.

6 CHAIR CANTU: Thank you, Commissioner
7 Kladney. I'll open the floor for discussion.

8 I thought you would discuss my getting a
9 new printer. Thank you.

10 Unless there's further discussion, I'll
11 call the question and take a roll call.

12 Commissioner Adams, how do you vote?

13 COMMISSIONER ADAMS: Aye.

14 CHAIR CANTU: Commissioner Adegbile.

15 COMMISSIONER ADEGBILE: Aye.

16 CHAIR CANTU: Commissioner Gilchrist.

17 COMMISSIONER GILCHRIST: Aye.

18 CHAIR CANTU: Commissioner Heriot.

19 COMMISSIONER HERIOT: Aye.

20 CHAIR CANTU: I couldn't hear you.
21 Commissioner Heriot?

22 I'll come back to you.

23 COMMISSIONER HERIOT: I voted aye.

24 CHAIR CANTU: Oh, I'm sorry. Thank you. I

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1 couldn't hear you.

2 Okay. Commissioner Kirsanow.

3 COMMISSIONER KIRSANOW: Yes.

4 CHAIR CANTU: Commissioner Kladney.

5 COMMISSIONER KLADNEY: Yes.

6 CHAIR CANTU: Commissioner Yaki.

7 COMMISSIONER YAKI: Aye.

8 CHAIR CANTU: And I vote aye.

9 The motion passes. Thank you, all.

10 The third item on today's agenda is a
11 discussion and vote on the Advisory Committee Report
12 of the State and Territorial Advisory Committees.

13 **C. DISCUSSION AND VOTE ON ADVISORY COMMITTEE**

14 **(SAC) REPORT**

15 CHAIR CANTU: The Commission voted in March
16 2022 to update the 2018 survey and a subsequent report
17 called Contemporary Civil Rights Challenges, a View
18 from the State Advisory Committees. We did this in
19 the hopes of capturing the ever-evolving civil rights
20 challenges across the 50 states and the U.S.
21 territories.

22 I want to thank the Commission staff in
23 headquarters and at our regional offices for the hard
24 work conducted over the last 9 months.

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1 I also would like to thank the State
2 Advisory Committee members for sharing their
3 perspectives and contributions to ensuring the
4 Commission stayed apprised of what is happening
5 outside the Beltway.

6 I move to open up the floor for discussion
7 and to vote on approving the Contemporary Civil Rights
8 Challenges, a View from the State Advisory Committees,
9 the 2022 survey of the State Advisory Committee to the
10 U.S. Commission on Civil Rights.

11 Do I have a second?

12 COMMISSIONER GILCHRIST: Madam Chair,
13 Gilchrist, second.

14 COMMISSIONER KLADNEY: Kladney, second.

15 CHAIR CANTU: I'm sorry. Again, please.

16 COMMISSIONER KLADNEY: Kladney, second.

17 COMMISSIONER GILCHRIST: Gilchrist, second.

18 CHAIR CANTU: We have co-seconds from
19 Commissioners Gilchrist and Kladney. Thank you both.

20 COMMISSIONER KLADNEY: Yes.

21 CHAIR CANTU: The floor is now open for
22 discussion.

23 COMMISSIONER GILCHRIST: Madam Chair, this
24 is Gilchrist.

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1 CHAIR CANTU: Yes, Commissioner?

2 COMMISSIONER GILCHRIST: I just want to
3 echo your sentiments earlier by thanking the staff for
4 their hard work with the survey. This information is
5 extremely important, particularly when we hear the
6 voices from across the country. And so I just wanted
7 to also echo those sentiments as well.

8 Thank you.

9 CHAIR CANTU: Appreciate the commentary.
10 Thank you.

11 Any other discussion?

12 Just for the record, they collected data,
13 they had focus group work, and were just so diligent
14 and so attentive to being sure that the voices came
15 through of each of the State Advisory Committees. And
16 that is difficult to do, considering that they did
17 have a good turnout response on the survey.

18 So commendations to the staff. Really
19 well done.

20 Unless there's further discussion, I'm
21 going to call the question and take a roll call vote
22 for the Contemporary Civil Rights Challenges, a View
23 from the State Advisory Committees, the 2022 Survey
24 for the State Advisory Committees to the U.S.

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1 Commission on Civil Rights.

2 Commissioner Adams, how do you vote?

3 COMMISSIONER ADAMS: Yes.

4 CHAIR CANTU: Commissioner Adegbile.

5 COMMISSIONER ADEGBILE: Aye.

6 CHAIR CANTU: Commissioner Gilchrist.

7 COMMISSIONER GILCHRIST: Aye.

8 CHAIR CANTU: Commissioner Heriot.

9 COMMISSIONER HERIOT: I'm going to have to
10 abstain. I apologize. I haven't gotten to the end of
11 it yet.

12 CHAIR CANTU: Thank you.

13 Commissioner Kirsanow.

14 COMMISSIONER KIRSANOW: Same with me, I'd
15 have to abstain.

16 CHAIR CANTU: Thank you.

17 Commissioner Kladney.

18 COMMISSIONER KLADNEY: Yes.

19 CHAIR CANTU: Commissioner Yaki.

20 COMMISSIONER YAKI: Aye.

21 CHAIR CANTU: And I vote yes.

22 We have 6 ayes, and 2 abstaining. The
23 motion passes.

24 Thank you all very much.

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1 On a personal note, I would like to write
2 a letter thanking the staff and the SAC. So, staff
3 director, please remind me to do that.

4 MR. MORALES: Certainly.

5 CHAIR CANTU: The fourth -- Thank you, sir.

6 **D. DISCUSSION AND VOTE ON FY 2023 SE ANTI-ASIAN**

7 **RACISM PLANNING DOCUMENTS**

8 CHAIR CANTU: The fourth item on today's
9 agenda is a discussion and vote on Fiscal Year 2023, a
10 statutory enforcement report. And it's entitled Anti-
11 Asian Racism. And it has a longer title. So I
12 apologize I don't have the whole title.

13 It's called Anti-Asian Hate Crimes. Is
14 that correct? Anti-Asian Racism and Hate Crimes.

15 So let me get the whole thing in for the
16 record.

17 In line with fulfilling our statutory
18 obligation to Congress and to the President, as well
19 as our responsibility to the American public to ensure
20 civil rights across our federal government are being
21 enforced with equity, the Commission will vote --
22 voted last month on the Fiscal Year 2023 Statutory
23 Enforcement Report, Anti-Asian Racism in the United
24 States.

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1 Together today we're going to be voting on
2 the report's outline, its timeline, and its research
3 facts.

4 So to begin the discussion, I'll start by
5 making a motion to open the floor for discussion and a
6 vote on the Anti-Asian Racism in the United States
7 report's planning materials.

8 Do I have a second to my motion?

9 COMMISSIONER KLADNEY: Kladney, second.

10 COMMISSIONER YAKI: Commissioner Yaki has a
11 second. But I have an amendment.

12 CHAIR CANTU: Yes. Commissioner Yaki, I'll
13 stop for a second and see. Please read your
14 amendment.

15 COMMISSIONER YAKI: Well, I distributed a
16 revised timeline, a discovery plan to the, to my
17 fellow commissioners on Tuesday. It would change what
18 was proposed by the staff in only one key area, and
19 that is to add to say that there is a field briefing
20 in San Francisco as well as a briefing in the District
21 of Columbia. The date and time, obviously, would be
22 at the discretion of the staff, although I proposed
23 that it occur a week before or a week after the field
24 briefing in San Francisco.

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1 That's my, that's my amendment.

2 COMMISSIONER KLADNEY: Kladney seconds.

3 COMMISSIONER KIRSANOW: Madam Chair, I'd
4 like to offer a friendly amendment to Commissioner
5 Yaki's motion.

6 CHAIR CANTU: Am I -- Commissioner, would
7 you state your name for the record.

8 COMMISSIONER KIRSANOW: This is
9 Commissioner Kirsanow.

10 CHAIR CANTU: Commissioner Kirsanow, would
11 you please say what you propose?

12 COMMISSIONER YAKI: I couldn't figure that,
13 Commissioner Kirsanow. His voice changes all the
14 time.

15 (Laughter.)

16 CHAIR CANTU: I've got two good ears but
17 I've not spent enough time with you all in person.

18 COMMISSIONER YAKI: Well, Commissioner
19 Kirsanow and I have spent 17 years together. So we're
20 either a common law couple or, or we just know each
21 other pretty well.

22 CHAIR CANTU: Very good. Very good.

23 Please proceed, Commissioner Kirsanow.

24 COMMISSIONER KIRSANOW: Sure. Thank you,

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1 Madam Chair.

2 My caucus would like to confirm the --in
3 addition to Commissioner Yaki's motion, with the
4 number and location of briefings for all reports at
5 this time, including the crime victims or the crime
6 increase report. And since we're amending the anti-
7 Asian racism planning documents to add a briefing to
8 D.C., that would be a total of two briefings, I would
9 move that the Commission hold an in-person briefing in
10 New York City and one in D.C., whether it's in-person
11 or virtual, for the crime increase report.

12 And that would provide two briefings for
13 each report. And, in addition, the Commission would
14 direct the staff to begin planning for these briefings
15 and to incorporate these briefings into the planning
16 documents.

17 So that's my friendly amendment.

18 COMMISSIONER YAKI: This is Commissioner
19 Yaki. I have no objection to that amendment.

20 CHAIR CANTU: All right. Under Robert's
21 Rules of Order we need to vote on the amendment before
22 we can vote on the content. Is that correct, folks?

23 COMMISSIONER ADAMS: Yes.

24 CHAIR CANTU: So is there no objection --

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1 I'm sorry?

2 COMMISSIONER ADAMS: Yes.

3 CHAIR CANTU: So I'm going to call -- I'm
4 going to treat the acceptance as a second, and go
5 ahead and proceed with a vote on the proposed change.

6 Commissioner Adams -- oh, first, is there
7 discussion?

8 COMMISSIONER ADAMS: Yes.

9 CHAIR CANTU: I'm opening the floor for
10 discussion.

11 Let me start the discussion. The first
12 time that, that -- I'm in full league with
13 Commissioner Adams on the law enforcement. We've not
14 had a discussion about the places where the hearings
15 would be held until yesterday.

16 And yesterday I raised New York as a place
17 not to hold, as an example, a place not to hold a
18 briefing until we had a description of the method that
19 we selected New York.

20 There are many sites where it is possible
21 for the public to be able to either do a virtual or
22 in-person. And it seems that we do have to have a --
23 we have not had a discussion. And I think that this
24 moment, this motion is premature.

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1 But I'd like to hear the discussion from
2 the commissioners. Perhaps there's been a discussion.
3 I've just not been present.

4 COMMISSIONER HERIOT: Madam Chair.

5 COMMISSIONER KIRSANOW: Madam Chair, this
6 is Kirsanow.

7 Are you -- Commissioner Heriot.

8 CHAIR CANTU: Yes, thank you.

9 Commissioner Heriot.

10 COMMISSIONER HERIOT: I thought that New
11 York was a good idea because that's where the
12 Manhattan Institute is located. And there are a
13 number of experts that I think that would be really
14 crucial for the Commission to get.

15 And we're much more likely to get them if
16 it's convenient for the fellows there at the Manhattan
17 Institute. They've taken a lead over the last few
18 decades on crime issues, locally in New York and
19 nationally as well.

20 So that's why I thought New York was a
21 good idea.

22 CHAIR CANTU: Thank you.

23 COMMISSIONER KIRSANOW: Madam Chair.

24 CHAIR CANTU: Yes. Commissioner Kirsanow.

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1 COMMISSIONER KIRSANOW: Yeah, I concur with
2 Commissioner Heriot. But it goes even further than
3 that, I think, further than that.

4 In addition to the Manhattan Institute,
5 there are several other think tanks there that we've,
6 you know, accessed in the past that have data on this
7 issue and have experts on this issue. Manhattan
8 Institute is obviously one. There's Brookings.
9 There's the Center for Urban Future. There's the
10 Roosevelt Institute. It goes on and on. The Center
11 for American Progress has a think tank there, although
12 I don't know if they have an expert on this issue, but
13 the Aspen Institute I think does.

14 In addition, since I'm the old man of the
15 Commission, we've had a Commission hearing, a field
16 briefing in New York before. And I thought it went
17 splendidly. Because despite the fact that it's a big
18 city, it was easily accessible. And it's only 170 or
19 so miles from Washington, so I think we can convey
20 staff and others there who need to get there from
21 Washington pretty readily as opposed to almost
22 anyplace else in the country.

23 No doubt it's a transportation hub, so
24 that makes it easier.

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1 In addition, as we've seen at least one
2 other briefing, New York has fairly robust data on
3 this issue. And there are a number of experts and
4 other witnesses in that area that have information on
5 this. And I think since we're having anti-Asian
6 racism on the West Coast, may as well have something
7 on the East Coast also.

8 CHAIR CANTU: Thank you.

9 More discussion, please?

10 All right. We're now going to go, I'm
11 going to call the question and take a roll call vote
12 on the amendment, on the proposed amendment that in
13 addition to the two briefings for the anti-Asian,
14 there will also be two briefings for the law
15 enforcement.

16 Now, keep in mind that the staff director
17 will still have to have the staff take a look at it
18 because these are moving parts. It's not just the
19 places, it's also the time that it would take to make
20 all four hearings happen.

21 So we're now talking about the amendment.

22 Commissioner Adams, how do you vote on the
23 proposed amendment to the timeline, outline, and
24 research plan for the anti-Asian racism report?

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1 COMMISSIONER ADAMS: I vote yes.

2 CHAIR CANTU: Commissioner Adegbile?

3 COMMISSIONER ADEGBILE: Nay.

4 CHAIR CANTU: Commissioner Gilchrist?

5 COMMISSIONER GILCHRIST: Aye.

6 CHAIR CANTU: Commissioner Heriot?

7 COMMISSIONER HERIOT: I vote yes.

8 CHAIR CANTU: Commissioner Kirsanow?

9 COMMISSIONER KIRSANOW: Yes.

10 CHAIR CANTU: Commissioner Kladney?

11 COMMISSIONER KLADNEY: No.

12 CHAIR CANTU: Commissioner Yaki.

13 COMMISSIONER YAKI: Aye.

14 CHAIR CANTU: And I will abstain.

15 Four yeses, 2 noes, and one abstain. The

16 motion passes.

17 So the outline, timeline, and research

18 plan are modified.

19 And I would proceed to --

20 COMMISSIONER KIRSANOW: Hang on, Madam

21 Chair.

22 CHAIR CANTU: Yes, sir?

23 COMMISSIONER KIRSANOW: Point of order.

24 CHAIR CANTU: Yes.

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1 COMMISSIONER KIRSANOW: You said four
2 yeses. Did Commissioner Gilchrist not vote?

3 CHAIR CANTU: I'm sorry. Hold on.

4 COMMISSIONER GILCHRIST: Commissioner, yes,
5 I did, in the affirmative.

6 CHAIR CANTU: Yes. I have 4 yeses. I have
7 Gilchrist, Heriot, Kirsanow, Yaki. And Adams. And
8 Adams. I have five. Five yeses.

9 Thank you.

10 COMMISSIONER KIRSANOW: Yes.

11 CHAIR CANTU: All right. I know what I'm
12 doing here. I'm on the wrong line. Thank you.

13 Five yeses, 2 noes, and one abstaining.
14 And the motion passes. Thank you for the correction.

15 So now we are --

16 COMMISSIONER KIRSANOW: Madam Chair.

17 CHAIR CANTU: Yes, sir? Who's speaking?

18 COMMISSIONER KIRSANOW: This is
19 Commissioner Kirsanow.

20 Given that we would be doing a couple of
21 briefings here, I think it's important that we try to,
22 as quickly as we can, get the logistics confirmed on
23 this. I think it's doable, and I think it will be a
24 really enlightening couple of briefings. But I think

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1 that --

2 CHAIR CANTU: Okay.

3 COMMISSIONER KIRSANOW: -- we need to move
4 on getting --

5 CHAIR CANTU: But we haven't, we haven't
6 voted on, we haven't voted on the main motion. So
7 that would be part of --

8 COMMISSIONER KIRSANOW: Okay.

9 CHAIR CANTU: -- the discussion of the main
10 motion. Okay?

11 COMMISSIONER KIRSANOW: All right.

12 CHAIR CANTU: All right. So now we're
13 going backward, we're going back to the main motion as
14 amended. So we are in the discussion phase now.

15 So please proceed now, Commissioner
16 Kirsanow.

17 COMMISSIONER KIRSANOW: Well, we could go
18 ahead and vote on that and I could make another
19 motion.

20 But what I was saying is that with respect
21 to the planning of these briefings, we're going to
22 need to have, I think, an outline of the planning
23 documents related to the in-person briefing. And
24 we're going to have to have a notational vote on that.

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1 And it should be done as quickly as we possibly can.

2 But we can do that after we have a vote.

3 CHAIR CANTU: Thank you.

4 Further discussion on the main motion
5 regarding the statutory enforcement report Anti-Asian
6 Racism in the U.S.?

7 And, again, I want to thank the staff who
8 prepared the first proposal with regards to outline,
9 timeline, and research plan. It is a very thorough
10 presentation of all of the moving parts of an
11 important and large endeavor.

12 But, however, the hate crimes topic is a
13 topic that our staff are proficient on and our
14 Commission has already issued prior reports upon.

15 So I'm saying that as a way of expressing
16 my thanks to all the hard work that's gone into it by
17 staff, special assistants, and commissioners.

18 Are we ready to vote?

19 Further discussion?

20 I will call the question and vote on the
21 main motion.

22 Commissioner Adams, how do you vote?

23 COMMISSIONER ADAMS: Aye.

24 CHAIR CANTU: Commissioner Adegbile.

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1 COMMISSIONER ADEGBILE: Aye.

2 CHAIR CANTU: Commissioner Gilchrist.

3 COMMISSIONER GILCHRIST: Aye.

4 CHAIR CANTU: Commissioner Heriot.

5 COMMISSIONER HERIOT: I vote yes.

6 CHAIR CANTU: Commissioner Kirsanow.

7 COMMISSIONER KIRSANOW: Yes.

8 CHAIR CANTU: Commissioner Kladney.

9 COMMISSIONER KLADNEY: No.

10 CHAIR CANTU: Commissioner Yaki.

11 COMMISSIONER YAKI: Aye. Aye, aye, aye,

12 aye.

13 Sorry. Thought I was on mute.

14 CHAIR CANTU: I vote -- thank you -- I vote

15 yes as well.

16 We have 7 yeses, and 1 no. The motion

17 passes.

18 Now, are there any -- there was a request

19 from Commissioner Kirsanow to speak after the vote.

20 Did you want to make a statement again?

21 COMMISSIONER KIRSANOW: Right.

22 I guess I would make a motion that -- and

23 I don't have a firm deadline for this, but I think we

24 need to move with some alacrity here that by, I'll

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1 pick a date, November 1st, the staff provide the final
2 planning documents for the field briefings on the
3 crime victims, and the San Francisco anti-Asian
4 briefing.

5 We can do this by a notational vote to
6 approve both sets of planning documents. But I think
7 we need to complete it as soon as possible. And I
8 would suggest that it be done by the close of business
9 on Friday, November 4th.

10 You know, the notational vote would be on
11 to approve both or disapprove both set of planning
12 documents.

13 CHAIR CANTU: This motion is already on
14 approving the first set of documents.

15 COMMISSIONER KIRSANOW: Yes. Right.

16 CHAIR CANTU: So that would leave the
17 remaining work to approve the, by notational vote, the
18 documents regarding the law enforcement on violent
19 crimes report.

20 COMMISSIONER KIRSANOW: Uh-huh. Okay.

21 CHAIR CANTU: Okay?

22 Is there a second to the motion?

23 COMMISSIONER HERIOT: Heriot seconds.

24 CHAIR CANTU: We are open for discussion.

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1 COMMISSIONER ADEGBILE: Can somebody
2 clarify what the motion is?

3 COMMISSIONER KIRSANOW: I'm sorry, was that
4 Commissioner Adegbile?

5 COMMISSIONER ADEGBILE: Yes. Commissioner
6 Kirsanow, I'm just, I'm a little confused about what
7 the motion is.

8 COMMISSIONER KIRSANOW: Okay. It's just
9 that I move that, and I'm just going to select the
10 date, that by November 1st, that's two days from now,
11 the staff provides final planning documents for the
12 crime victims report and the in-person briefing. And
13 that the Commission hold a notational vote to approve
14 the planning documents by November 4th.

15 CHAIR CANTU: I think it's fair to have the
16 staff director speak to this topic.

17 Staff director.

18 MR. MORALES: Thank you, Madam Chair. I'm
19 happy to speak about what's gone on here,
20 unfortunately.

21 As commissioners are aware, I wrote a memo
22 to all of you last Friday outlining the dilemma the
23 commissioners created when they voted to report topics
24 over two years late. They left the staff with less

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1 than 8 months to hold briefings and draft reports.

2 And I remind commissioners that the first
3 draft, the statutory enforcement report, is due in
4 February, with a final vote in June.

5 Commissioners have regularly and
6 repeatedly exceeded their own deadlines that they have
7 set, and yet they expect the staff to adhere to such
8 deadlines. I would point out that to have four
9 briefings between, to have four briefings will require
10 one briefing per month. We're in a continuing
11 resolution, so the soonest we could have a briefing
12 would be January.

13 And if they need to be concluded by May or
14 June, that's one a month. So that would be in
15 addition to holding a Commission business meeting for
16 commissioners. That means commissioners, SAs, and
17 staff would have to travel twice a month, whether it
18 be to a field hearing, a headquarters hearing, and/or
19 Commission business meetings.

20 So, you know, this would create a chaos
21 that certainly is unprecedented, you know. That's,
22 again, one briefing per month.

23 However, I will state, as always, you
24 know, the staff will act as professionals and carry

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1 out their responsibilities as professionals as best
2 they can under the circumstances provided.

3 So, you know, selecting an arbitrary date
4 that you selected out of the air without consultation
5 of staff and the Office of Civil Rights is, again,
6 unprecedented and, you know, not helpful.

7 So I would encourage the commissioners and
8 their SAs to hold off on putting a date and allowing
9 the staff to look at the demand that commissioners
10 have placed on them in trying to dissolve a dilemma
11 that the commissioners have created.

12 So we will do our best, as always. But we
13 would request that commissioners also take into
14 consideration their demand on staff time, and
15 resources, and personnel.

16 So, thank you. I have nothing further.

17 CHAIR CANTU: Thank you. Now, you've done
18 a very good job of describing what the consequences
19 were of the delays that we've experienced on the
20 Commission side of -- on the Commission by the
21 commissioners. The commissioners have the
22 responsibility for planning ahead and making decisions
23 on time. And could not come to closure. And I accept
24 that as a chair.

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1 But we, as commissioners, I don't believe
2 should rush the staff and should give the staff at
3 least -- at least have conversations and have, and
4 meet with staff. So far, the commissioners have not
5 even met with all of us together as a group about this
6 proposal, about having it by notational vote.

7 So it is, it is -- I compliment the
8 eagerness with which the commissioners want to
9 proceed. But I, I do believe that it was not until
10 today that it was described, you know, where what the
11 reasons were and what the methodology suggestion would
12 be to the staff.

13 And so my contribution to the discussion
14 on this proposed motion is that we're not working in
15 an organized plan, thoughtfully, and using, and making
16 the best use of the remaining time. We already have a
17 meeting scheduled for our November business meeting.
18 And it's already something that will be on the agenda.

19 And nothing stops us as commissioners from
20 talking with each other about what the answers are or
21 any comments that people want to make on the outline
22 time and research plan, they can make those comments.

23 But my experience is it takes time to
24 write a good notational ballot, the language for a

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1 notational vote. And I think that time would better
2 be spent on sharing with each other what our ideas are
3 for the law enforcement report.

4 COMMISSIONER KIRSANOW: Madam Chair.

5 CHAIR CANTU: Or the out -- yes, please.

6 COMMISSIONER KIRSANOW: Kirsanow here.
7 Thank you very much.

8 I'm sensitive to what the staff director
9 is indicating because of logistical challenges. I
10 would note that this is not unprecedented. I've been
11 on the Commission for 21 years, and we've done these
12 kinds of things in the past. We've been pretty -- we
13 used to have briefings almost every month. In fact, I
14 think my first few years it was every month.

15 We had a slightly larger staff there. But
16 we've now gotten a little bit more staff than we had
17 in the past, a little bit more money. That doesn't
18 necessarily mean it's going to be an easy drill. And
19 I think in voting in this fashion each commissioner
20 took their responsibility seriously in either voting
21 yes or no, and the motion passed.

22 I think that Commissioner Yaki's report
23 I'm, I'm really in favor of it, the anti-Asian one.
24 It's one of my pet peeves also, or pet projects. And

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1 I think it's essential that we have that.

2 I also think it's essential we have it in
3 the field, whether it be San Francisco or elsewhere.
4 Same with the crime increase.

5 I am willing, and I think all staff, all
6 our special assistants, all the other commissioners,
7 are more than happy to provide whatever assistance we
8 possibly can consistent with the statutory framework,
9 to conduct these hearings and get the reports out.

10 I also am aware that, you know,
11 commissioners have sometimes taken time to, you know,
12 write their own opinions and dissents, et cetera. But
13 I'm sure that, given the time frame that we've just
14 offered, and given the fact that we're all sensitive
15 to the fact that we're asking for two reports that
16 we're going to do whatever we can to promote alacrity.

17 So it's just my comment with respect to this. We are
18 sensitive to the demand that we've placed on staff,
19 but we also think highly of the staff, and we think it
20 can be accomplished.

21 CHAIR CANTU: If I can respond. I mean,
22 I'm going to -- I am going to respond.

23 I mean, I voted along with giving an
24 earlier vote today on the New York being added for the

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1 law enforcement paper. And that was because for the
2 first time I got a description of what had to happen,
3 and New York was the right choice.

4 So the justification for the choice of the
5 place for the briefing was that we were going to reach
6 out to a number of community folk. We were going to
7 reach out to a lot of academic folk. We were going to
8 reach out to think tanks. And all of that is going to
9 have to happen with some discussion of, and a good
10 amount of staff work.

11 So giving folks a couple of days to line
12 up doesn't -- possible presenters is not a reasonable
13 ask. I think we should stay with the schedule of our
14 November vote.

15 Are there other discussions?

16 COMMISSIONER KLADNEY: Call the question,
17 Madam Chair.

18 CHAIR CANTU: Thank you.

19 COMMISSIONER KLADNEY: Call the question.
20 This is Kladney.

21 COMMISSIONER HERIOT: I think one --

22 CHAIR CANTU: We have a call.

23 COMMISSIONER HERIOT: -- one thing.

24 CHAIR CANTU: We've called the question.

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1 COMMISSIONER HERIOT: I think --

2 CHAIR CANTU: Are you saying something
3 different?

4 COMMISSIONER HERIOT: I think he maybe
5 misspoke about the date. Today is only the 21st. So
6 November is not, like, two or three days away, it's
7 still quite a bit of time away.

8 We've got 10 more days of October.

9 CHAIR CANTU: I understand that. It is not
10 very many days. In business days we're looking at a
11 handful of days.

12 Let's call the question. I think, I think
13 we, we've aired the same suggestions of whether it
14 should be on the regular scheduled November business
15 meeting or whether we should put the effort into doing
16 it by notational vote.

17 So I'm going to go ahead and ask for you
18 all to vote, please.

19 The motion is that we direct the staff to
20 present an updated outline, timeline, and research
21 plan to have that done so that we can -- Is that to be
22 done by November 4th, Commissioner Kirsanow? Or so
23 that the notational --

24 COMMISSIONER KIRSANOW: Yeah, I'd move --

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1 CHAIR CANTU: -- vote takes place on
2 November 4th?

3 COMMISSIONER KIRSANOW: I think that we
4 have a notational vote to be completed by November
5 4th.

6 I move that by November 1st.

7 CHAIR CANTU: That's a couple of days.

8 COMMISSIONER KIRSANOW: Right, right.

9 November 1st the planning documents for
10 both briefings be provided.

11 CHAIR CANTU: And what days of the week are
12 between our date on the paper and our having the
13 notational vote turned in?

14 COMMISSIONER KIRSANOW: Well, that would
15 be, November 1st is a Tuesday. And November 4th where
16 the notational vote will be completed, is a Friday.

17 CHAIR CANTU: That's not leaving very much
18 discussion time or reaction time at all.

19 But let's -- I think, I think we know, we
20 can see the differences in terms of whether we're
21 proceeding -- I mean, what I don't understand is how
22 much of a difference it's going to make in the savings
23 of the couple of weeks.

24 Can you explain that?

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1 COMMISSIONER KIRSANOW: I'm not sure what
2 you're getting at there.

3 CHAIR CANTU: The November business meeting
4 is scheduled for the 18th. So from the 4th to the
5 18th we're saving a couple of weeks. And so we're
6 just distracting the staff from what they're doing for
7 a couple of weeks of savings in terms of time.

8 COMMISSIONER HERIOT: A couple of weeks is
9 a lot.

10 COMMISSIONER KIRSANOW: Yes.

11 CHAIR CANTU: Well, we voted today on the
12 Asian hate crime, and that, that's going to proceed,
13 too.

14 Why don't we, why don't we see what the
15 vote turns out, folks? I mean, unless you've got
16 something new.

17 All right. Commissioner Kladney's already
18 called the question. And I apologize, Commissioner,
19 that I allowed the discussion to continue.

20 I'm ready to call the vote.

21 Commissioner Adams, how do you vote?

22 COMMISSIONER ADAMS: A point of
23 Parliamentary proceeding. This is a vote to do a
24 notation vote?

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1 CHAIR CANTU: No. A vote to have a vote.
2 COMMISSIONER ADAMS: Okay. Yes.
3 CHAIR CANTU: Okay. Commissioner Adegbile.
4 COMMISSIONER ADEGBILE: Nay.
5 CHAIR CANTU: Commissioner Gilchrist.
6 COMMISSIONER GILCHRIST: Yes.
7 CHAIR CANTU: Commissioner Heriot.
8 COMMISSIONER HERIOT: Yes.
9 CHAIR CANTU: Commissioner Kirsanow.
10 COMMISSIONER KIRSANOW: Yes.
11 CHAIR CANTU: Commissioner Kladney.
12 COMMISSIONER KLADNEY: No.
13 CHAIR CANTU: Commissioner Yaki.
14 COMMISSIONER YAKI: No.
15 CHAIR CANTU: And I vote no.
16 We have 4 yeses, 4 noes. The motion does
17 not -- the motion fails.
18 Okay. So we are, we're back -- we're
19 done, we're done with the topic of outline, timeline,
20 and research plans for this meeting. We will get back
21 to that conversation at the November business meeting.
22 The fifth item for today's agenda is the
23 discussion and the vote on our fiscal year 2023 Blue
24 Ribbon Report and field briefings.

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1 So we're, we're going to open the floor
2 for a conversation about -- let's see, that was
3 circulated, but I don't have it in front of me. I
4 apologize.

5 Okay, hold on a second. Let me, let me
6 look at this.

7 I've got an agenda item -- No. We've
8 already done that. We've already done that. I'm
9 sorry.

10 **E. MANAGEMENT AND OPERATIONS**

11 Let me turn, I'm going to turn now to the
12 staff director for the monthly staff director report.

13 And he's going to, he's going to also address some
14 views regarding members of our, of the Commission.

15 **STAFF DIRECTOR'S REPORT**

16 MR. MORALES: Madam Chair, I believe you
17 have the script for numbers. So I will defer to you
18 on that.

19 CHAIR CANTU: Thank you.

20 MR. MORALES: Thank you. I have nothing
21 further to add than is already contained in the Staff
22 Director's Report.

23 CHAIR CANTU: Okay.

24 MR. MORALES: And remain available if any

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1 commissioners have any further discussions.

2 I have nothing further. Thank you, Madam
3 Chair.

4 CHAIR CANTU: Thank you.

5 Okay. I see it now. And it is bad news.

6 I want to share with you a statement, an
7 obituary regarding the loss of Philip Montez.

8 Philip Montez, former Regional Director of
9 the Western Regional Office of the U.S. Commission on
10 Civil Rights, passed away on August 2nd at his home in
11 Pasadena, with Marcia, his wife of twenty -- of 37
12 years by his side. He was 93 years old.

13 Philip served in the U.S. Air Force during
14 the Korean War, and following he earned a Bachelor and
15 Master's Degree from the University of Southern
16 California.

17 He began his professional career in high
18 school education. His observations about education
19 suggested that the educational needs of minority
20 students were not being met.

21 Educators established the Mexican-American
22 Educational Association, which quickly spread to
23 districts throughout California, Arizona, and New
24 Mexico.

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1 Phil was recruited and appointed to serve
2 as the Commission's Area Coordinator in 1967, and
3 became Regional Director in 1968. He served 37 years
4 with distinction and an abiding sense of concern for
5 communities and civil rights issues.

6 During his tenure, the Western Regional
7 Office undertook groundbreaking studies and reports of
8 education in the farming communities, and on Asian
9 American and Pacific Islander issues, and on minority
10 participation in crews for television and movie
11 production, police-community relations and in prison
12 reform.

13 He retired from the Commission in 2004.
14 And he is survived by his wife and their combined 7
15 children and 12 grandchildren. He will be missed by
16 family, friends, and former colleagues. But his
17 spirit of adventure, activism, and commitment to civil
18 rights will remain.

19 The second statement in the obituary is
20 regarding Reverend Cassandra Bledsoe.

21 The Ohio Advisory Committee members will
22 miss Reverend Cassandra Bledsoe as an Advisory
23 Committee member. She passed away on June 14, 2022.

24 Over the past 20 years, Cassandra served

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1 an instrumental role in making the Ohio Advisory
2 Committee one of the most productive and exemplary
3 advisory committees to the U.S. Commission on Civil
4 Rights. The committee itself is a model of political
5 balance and diversity of opinion. And Cassandra was
6 instrumental in ensuring that these were
7 characteristics which led to positive meaningful
8 contributions to the civil rights topic study, and not
9 a source of contention and conflict.

10 This includes -- inclusiveness is
11 exemplified by the fact that over her nearly 20 years
12 of service, Cassandra served as a leading member or a
13 vice chair for reports to the Commission on hate
14 crimes, for reports on voting rights, fair housing,
15 barriers to entrepreneurship, human trafficking,
16 public health disparities, education funding, and
17 COVID-19 disparities.

18 Her fellow Advisory Committee member Scott
19 Gerber said Cassandra was a wonderful colleague and
20 will be sorely missed. Former Chair Diana Citrino
21 said that Cassandra was always a shining light
22 directing our committee's way forward toward justice.

23 We offer our sincere thanks for Reverend
24 Bledsoe's years of service to the Commission, and our

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1 condolences to her family, particularly her three
2 children.

3 We've heard from the staff director that
4 he has already submitted his report. Are there any
5 questions on the staff director's report?

6 COMMISSIONER YAKI: Madam Chair, this is
7 Commissioner Yaki.

8 CHAIR CANTU: Yes, Commissioner?

9 COMMISSIONER YAKI: I would just ask that
10 we adjourn in the memory of both these individuals and
11 their contributions to the Commission.

12 **III. AJOURN MEETING**

13 CHAIR CANTU: I agree. That concludes the
14 business for today. We adjourn in their memory and
15 may they rise in power.

16 If there's nothing further, we adjourn at
17 10:25 Central, 11:25 Eastern Standard Time.

18 Thank you all very much.

19 (Whereupon, the above-entitled matter went
20 off the record at 11:25 a.m.)

NEAL R. GROSS

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