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U.S. COMMISSION ON CIVIL RIGHTS

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BUSINESS MEETING

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FRIDAY, NOVEMBER 18, 2022

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The Commission convened at the National Press Club, 529 14th Street, Northwest, 13th Floor, Washington, D.C., at 10:00 a.m. EST, Norma 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 & Parliamentarian

STAFF PRESENT:

**PAMELA DUNSTON, Chief, Administrative Services and
Clearinghouse Division (ASCD)**

TINALOUISE MARTIN, Director, Office of Management

**DAVID MUSSATT, Director, Regional Programs
Coordination Unit**

JULIAN NELSON-SAUNDERS, ASCD Pathways Intern

ESSENCE PERRY, ASCD Pathways Intern

**MICHELE YORKMAN-RAMEY, Deputy Chief Information
Officer**

COMMISSIONER ASSISTANTS PRESENT:

JOSHUA DANSBY

ALEC DUELL

ALEXIS FRAGOSA

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

(10:07 a.m.)

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3 CHAIR CANTU: Welcome to the business
4 meeting for the U.S. Commission on Civil Rights. The
5 meeting comes to order at 10:08 a.m. Eastern Standard
6 Time on Friday. I am Chair Norma V. Cantu, and we
7 thank the staff who completed the public notice needed
8 for this meeting, and arranged for today's business
9 meeting. We thank the general public for their
10 interest in attending. Due to the ongoing COVID-19
11 pandemic, we're hosting the general meeting for the
12 public by phone conference.

13 We commissioners are both in person, and
14 by phone conference, and I think one by Zoom. At this
15 time I would like to confirm the commissioners
16 present, and we'll take a roll call. Please say
17 present when I say your name. Commissioner Adams? He
18 was on the line, I'll come back to you sir.
19 Commissioner Adegbile?

20 COMMISSIONER ADEGBILE: Present.

21 CHAIR CANTU: Commissioner Gilchrist?

22 COMMISSIONER GILCHRIST: Present.

23 CHAIR CANTU: Commissioner Heriot?

24 COMMISSIONER HERIOT: I am here.

25 CHAIR CANTU: Commissioner Kirsanow?

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1 COMMISSIONER KIRSANOW: Here.

2 CHAIR CANTU: Commissioner Kladney?

3 COMMISSIONER KLADNEY: Here.

4 CHAIR CANTU: Commissioner Yaki?

5 COMMISSIONER YAKI: I am virtually here.

6 CHAIR CANTU: Thank you. And based on the
7 response, a quorum of the commissioners are present.
8 Is the court reporter present?

9 COURT REPORTER: Yes.

10 CHAIR CANTU: Thank you. Is the staff
11 director present?

12 MR. MORALES: I am present.

13 APPROVAL OF AGENDA

14 CHAIR CANTU: Thank you Mr. Morales. The
15 meeting will now come to order. Before we begin, I'd
16 like to remove item B from the agenda, as I've been
17 advised that we will need more time to consider the
18 other items on the business meeting. Do any
19 commissioners have their proposed amendments to this
20 agenda? Anyone online? If there are no other
21 amendments, let's vote to approve the agenda as
22 amended. All those in favor please say aye.

23 (Chorus of aye.)

24 CHAIR CANTU: Anyone opposed? Anyone
25 abstain? The agenda is approved.

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spent by law enforcement agencies. When we look at finding three, it focused on the fact that most cases of civil asset forfeiture are not targeting high level organized criminal activity, and it is instead impacting low income individuals who are rarely charged with any crime.

We heard repeatedly that it's not used for its intended purpose. It's rarely used for large value forfeitures, or to target international criminal activities, or organizations. In fact we had panelists that shared 58 percent of the forfeited property between 2015, and 2018 at the state level was cash, and it was worth less than 540 dollars. And we also heard consistently that there were no arrests, or criminal charges that could be connected to those civil asset forfeiture cases.

Lastly, we focused in finding six, on the data that is available related to Georgia. Now, this was very difficult, because there is a lack of data in Georgia. But the data that we did find showed a disturbing pattern. It showed that it had disparate impact on several protected classes under civil rights law. It showed consistently that civil asset forfeiture is disproportionately deployed against poor people, and people of color.

1 There's no right to an attorney, there's
2 no protection against self incrimination. And we
3 heard from multiple panelists, as well as community
4 members, that just being near criminal activity, or
5 having cash was sufficient to trigger a search, or
6 seizure, and eventual forfeiture of property. And
7 many of these persons were not charged with, or
8 convicted of any criminal activity.

9 From these seven findings, the committee
10 made six recommendations to the committee. We
11 recommended a national study of civil asset
12 forfeiture, and for Georgia specifically to look at
13 the elimination of the use of civil asset forfeiture.
14 However, if that cannot be done, we've recommended
15 some reforms to civil asset forfeiture, including
16 establishing the right to counsel.

17 Using those forfeiture funds to improve
18 data collection, and to fund public defenders to
19 require a criminal conviction. To also look at the
20 evidentiary standard, raising it from preponderance of
21 the evidence to clear, and convincing evidence.
22 Developing a more robust, and electronic reporting
23 system that tracks civil asset forfeiture data, and
24 publish an annual report as well.

25 We've looked at -- one of our

1 recommendations was around eliminating it at the
2 federal level, including federal equitable sharing
3 agreements, and in the alternative, look at some
4 reforms for civil asset forfeiture. Lastly, a data
5 tracking system for any agency that monitors, and
6 collects civil asset data. I'd like to conclude my
7 presentation with a description of how one panelist
8 described civil asset forfeiture in Georgia.

9 One officer alone made 1400 stops, but
10 issued just 8 citations, made 47 arrests, and out of
11 the 47 arrests, 44 were people of color. This is what
12 it looks like in Georgia. Thank you for considering
13 our findings, and recommendation, this is the end of
14 my presentation, and I'm happy to answer any questions
15 that commission members may have.

16 CHAIR CANTU: Thank you, you Chair Mullen.
17 We now have time for the commissioners to ask
18 questions of Georgia's presentation by Chair Mullen.
19 I'll turn first to the folk here, do the commissioners
20 have any questions? And then I'll turn to folk on the
21 line. Commissioner Adegbile.

22 COMMISSIONER ADEGBILE: Thank you, you
23 very much for that presentation. I noted in the
24 report that one of your witnesses was trying to draw
25 a distinction between criminal forfeiture, and civil

1 asset forfeiture, and the point that I took from the
2 testimony was that there was an assertion that
3 criminal forfeiture is adequate, and that civil asset
4 forfeiture is thus unnecessary. Can you help us
5 understand whether that's true, and if so, why?

6 MS. MULLEN: Thank you, you for your
7 question. Yes, we did have a panelist make that
8 distinction. The panelist focused on the fact that
9 there are a number of rights available in criminal
10 asset forfeiture that are not mirrored in civil asset
11 forfeiture. And it made sure that you walked through
12 the whole process giving the person the right to
13 defend themselves, the right to have an attorney.

14 And none of those rights are present in
15 civil asset forfeiture. And one of the biggest points
16 that our panelist consistently made is you can't tie
17 it to any crime, because one, of the data reporting
18 system, but also there is no encouragement to continue
19 through that process after the property is taken.
20 With civil asset forfeiture, officers don't have to
21 continue through the criminal process.

22 But with criminal forfeiture, you do. And
23 so, they wanted to err on the side of making sure
24 community members were safe, and had their rights
25 protected as well.

1 COMMISSIONER ADEGBILE: I have one other
2 question, and thank you for that response. This
3 question goes to another theme that ran through the
4 report, which is the extent to which civil asset
5 forfeiture may not have adequate guardrails in place,
6 and you mentioned specifically, I think that there is
7 not a lot of information, or limitation on how the
8 money that is yielded from the seizure of people's
9 property is used, and disposed of by the seizing
10 authorities. Do I have that right?

11 MS. MULLEN: You, you are correct, there
12 are no guardrails.

13 COMMISSIONER ADEGBILE: Okay, so I see at
14 least two problems with that. You've described in
15 some sense that it creates a system of incentives. If
16 somebody has the opportunity to obtain the property of
17 another, which is another way of saying to obtain
18 money, or things that have cash value, and there is no
19 guardrail, or limitation, it may create a weird
20 incentive to use that power in ways that some of the
21 evidence bears out, at least in some places asset
22 forfeiture is being used.

23 You've also described the racial disparity
24 that is associated with it, and how it's being used.
25 But I think one of the problems that we need to walk

1 up to, and own, is that to the extent that law
2 enforcement agencies are making bona fide claims that
3 they have funding needs that are not being met, I
4 think there's a democracy distortion problem if we
5 allow legislative bodies that have the responsibility
6 for determining law enforcement budgets to not address
7 those issues openly, and publicly.

8 And instead allow law enforcement in a
9 sense to raise their own budgets through this power,
10 which has no checks, and balances. So, in a sense,
11 it's a democracy distortion, and a dereliction of duty
12 on the part of the responsible elected officials, and
13 leaves law enforcement to sort of make its own way, to
14 find such funding as they either need, or want. How
15 do you respond to this assertion?

16 MS. MULLEN: I would say that we actually
17 had a panelist, a couple of panelists that made your
18 same assertion, talked about how the use of civil
19 asset forfeiture allowed law enforcement agencies to
20 effectively create a shadow budget, and it is a budget
21 that is outside the realm of what the legislature, or
22 their local counties give to our sheriff's offices, or
23 other law enforcement agencies.

24 And so, that was problematic, because
25 there is no guardrail for it, and there is no

1 oversight for it. And there's no way to track how
2 those funds are spent. And so, we found that to be
3 problematic in several senses. Because one panelist
4 suggested that we put police officers, or law
5 enforcement agencies in a very weird position, because
6 one, they are on the street making a probable cause
7 call in taking that property.

8 And then they get to keep that property,
9 and use that property, and there's no intervening
10 agency, or oversight looking at that. Which is why
11 one of our recommendations in terms of reform is to
12 remove those funds from going back to the police
13 officers for their use in their budgets, designate
14 them for other budgetary uses.

15 And there have been a couple of
16 legislators in Georgia who have proposed that
17 specifically in previous legislative sessions, however
18 it has not advanced.

19 COMMISSIONER ADEGBILE: Thank you, you.
20 And I said that my last question was my last question,
21 but I misrepresented myself, I have one more, and I
22 apologize, I'll yield the floor after this one. So,
23 as we focus on this issue, during your examination,
24 did anybody put this issue to the law enforcement
25 officials, and ask them whether they think that, at a

1 minimum, there is some level of guardrail, or
2 additional oversight that should be in place?

3 I understand that the advocates took that
4 position, and we've talked at some length about why.
5 But did anybody put to the law enforcement officials,
6 the ones with the power, the question about whether
7 the absence of guard rails is a problem, creates a
8 weird system of incentives, and whether they agree,
9 have ideas about guard rails that should be put in
10 place?

11 MS. MULLEN: Thank you for that question.
12 You know, we would have loved to have asked that
13 question to law enforcement, unfortunately it was very
14 challenging to get that perspective for our hearing.
15 We were able to get law enforcement testimony around
16 some specific issues, but not that particular issue.
17 And we would have loved to have that perspective,
18 however we were unable to get it.

19 COMMISSIONER ADEGBILE: Thank you.

20 CHAIR CANTU: Thank you. Online, would
21 any commissioner have any comments, or questions
22 please?

23 COMMISSIONER ADAMS: Christian Adams, I
24 hope you can hear me.

25 CHAIR CANTU: Yes, and thank you, we

1 called roll, and I said that I knew you were on the
2 line.

3 COMMISSIONER ADAMS: Indeed. Just a
4 question, you indicated you were not able to get that
5 perspective from law enforcement, why not?

6 MS. MULLEN: Well, we sent out several
7 invitations to multiple law enforcement agencies, and
8 we either did not get a response, or they declined to
9 participate.

10 COMMISSIONER ADAMS: Did they ever offer
11 any reasons why they were reluctant, or didn't want to
12 participate?

13 MS. MULLEN: We did not receive any
14 reasons.

15 COMMISSIONER ADAMS: Thank you, that's all
16 I have.

17 CHAIR CANTU: Thank you Commissioner
18 Adams. Does anyone else have questions please?

19 COMMISSIONER GILCHRIST: Madam Chair,
20 Commissioner Gilchrist here.

21 CHAIR CANTU: Yes Commissioner Gilchrist,
22 please proceed.

23 COMMISSIONER GILCHRIST: Chair Mullen,
24 thank you so much for your testimony today. I have a
25 quick question for you. Do you know of any

1 initiatives, or programs that could potentially have
2 used civil asset forfeiture profits to help support
3 initiatives back into communities, and, or
4 jurisdictions which the resources were derived from?
5 Did you guys highlight any of that in the report?

6 MS. MULLEN: We did not. However -- well,
7 let me back up. We actually did reference in our
8 report, two bills that were proposed in the Georgia
9 legislature during the 2019, and 2020 sessions. One
10 actually proposed to halt civil asset forfeiture
11 proceedings until the conclusion of any criminal
12 proceedings.

13 The other was House Bill 1036, which would
14 direct seized funds to an indigent care trust fund,
15 and safety harbor for sexually exploited children fund
16 instead of local district attorneys, or law
17 enforcement agencies. So, those were proposed by some
18 of our legislators. We did not highlight anything in
19 particular. We did point to using the funds develop
20 a more robust data, electronic data reporting system,
21 and possibly using those for public defenders.

22 Because if you give people access to the
23 right to an attorney, they also -- there may be those
24 who need a public defender. So, this could be one way
25 of funding that as well, so those were some of the

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suggestions we listed in the report.

COMMISSIONER GILCHRIST: So, there were two legislative proposals that obviously did not come to fruition, is that right?

MS. MULLEN: That's correct, House Bill 1086, and House Bill 1036, and those were in the 2019, and 2020 session.

COMMISSIONER GILCHRIST: Okay, thank you very much.

CHAIR CANTU: Thank you, you Commissioner Gilchrist, anyone else online? Yes, Chair Mullen, I do have a question. I am concerned that your witnesses were consistently saying there was a denial of due process, and that there was not much data, or any data where in Georgia, agencies were collecting information about whether the civil asset forfeiture actually made people feel safer, or whether it actually in fact made it safer for the residents of Georgia.

I see in your report that you pointed to New Mexico, where they collected data, where they went through the extra effort of tracking what was the follow up to that incident, and what was the follow up to the civil forfeiture. And so, collecting data before, and after a change in state law, the state law

1 involved in 2015, they eliminated civil forfeiture
2 under their state practices.

3 And they found that there was no
4 improvement, or impact at all on crime rates. That
5 removing the civil forfeiture did not make people in
6 New Mexico safer, would you comment please, on that
7 part of your report?

8 MS. MULLEN: Well, in looking at our
9 report, it's very difficult to get data. We had one
10 of our panelists provide data from the Georgia Center
11 for Opportunity, and it had gone through the known
12 reports from 2016 to 2018. Over 130 reports were
13 missing, and that's significant, because in Georgia,
14 we have 608 law enforcement agencies. We have 156
15 sheriff's departments, we have 346 local police
16 departments.

17 And so, that's a significant number of
18 reports. A good percentage, about a third of those
19 reports that were filed were incomplete, about ten
20 percent were not in the proper format. 22 percent
21 omitted required details, and attachments, and 61
22 percent just failed to report currency accurately.
23 Looking at the reports, the way Georgia reports, it's
24 basically paper, and pencil.

25 They fill out a report, and upload it.

1 And so, you can actually pull it up, and look at it,
2 but if you want to do any analysis, it's very
3 difficult to do so. There's no case numbers attached,
4 you can't figure out if there has been an arrest, if
5 there were any charges. So, you can't really
6 determine -- although law enforcement said it made it
7 feel better, there's no data either way to support
8 that assertion.

9 We had community members that said how it
10 made them feel, but you can't really tell if this
11 practice makes anyone in Georgia better if you're
12 doing a data analysis. And so, one thing that we
13 would need is better data. And we need to know what
14 is happening in the communities, and to whom.

15 CHAIR CANTU: And I thank you for that.
16 Just as a follow up, are you aware whether in Georgia
17 the police use what is called evidence based policing,
18 where they use data to reflect, to reexamine, and to
19 determine if their practices are in fact reducing
20 crime?

21 MS. MULLEN: I am not aware of that Madam
22 Chair.

23 CHAIR CANTU: Thank you. With regards to
24 feeling safe -- I should not have said feeling safe,
25 we do need evidence that people are in fact safer.

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So, I do appreciate your answering the question, that without the data, we will not have the facts, or the evidence that people are in fact safer. Do any folk have any other questions? If there are no further questions, then we're going to move onto the next agenda.

But before that, I need to very warmly thank you Chair Mullen, for your patriotism, your service, your leadership on the Georgia State Advisory Committee, and for taking the time to speak with us. The service that you all provide is unpaid, and yet so deeply respected, and valued by us here on this commission. So, thank you, Chair Mullen, if you'd like to stay on the line, you're welcome.

But if your business is pressing, you may certainly move on to your next responsibilities today.

MS. MULLEN: Thank you for having me.

CHAIR CANTU: You're welcome.

DISCUSSION AND VOTE ON FY 2023 CRIME VICTIMS REPORT

TIME LINE AND DISCOVERY MATERIALS

CHAIR CANTU: The second item on today's agenda is a discussion, and vote on the fiscal year 2023 Crime Victims Report. We have an outline, a discovery plan, as well as a time line to discuss. The vote today will consist of the outline, time line,

1 research plan, and this is something that for those
2 who have not seen what we do with a briefing report,
3 it's where we ourselves at the national level look at
4 a national problem, and lift it up so that we can see
5 where we can affect disparities.

6 And this is a report that is based on
7 disparities in the way that people of color,
8 particularly African Americans, have experienced
9 violent crimes in the United States. So, to start
10 this discussion moving, I move to open the floor for
11 discussion, and vote on the crime victims discovery
12 materials. Do I have a second?

13 COMMISSIONER HERIOT: Madam Chair?

14 CHAIR CANTU: Yes, I'm sorry?

15 COMMISSIONER HERIOT: I do have an
16 amendment.

17 CHAIR CANTU: We would need the second.

18 COMMISSIONER HERIOT: Well, it may be that
19 it won't get a second without the amendment.

20 CHAIR CANTU: Commissioner Adams, as co-
21 lead --

22 COMMISSIONER ADAMS: Second, I'm having
23 hard time with this phone system, so second.

24 CHAIR CANTU: I'm so sorry commissioner,
25 but yes, I can hear you. And for those listening,

1 Commissioner Adams is co-lead on this proposed
2 briefing report, so we have a second. Now, we can
3 turn to your procedural amendment.

4 COMMISSIONER HERIOT: Okay, I've been
5 asked to make an amendment here. This amendment is
6 intended to clarify what was already agreed to with
7 the adoption of the concept paper for this report, and
8 that is that the report include a section examining
9 crime in New York City, and the effect on rising crime
10 on minority members there in New York City.

11 So, my motion, I move that the report
12 include a section examining crime in New York City,
13 and the effect of rising crime on minority members
14 there in New York City.

15 CHAIR CANTU: We open the floor for
16 discussion.

17 COMMISSIONER HERIOT: I think you need a
18 second.

19 CHAIR CANTU: Excuse me. We need a second
20 to the proposed amendment to the motion.

21 COMMISSIONER KIRSANOW: Kirsanow second.

22 CHAIR CANTU: Commissioner Kirsanow, I
23 open the floor for discussion.

24 COMMISSIONER HERIOT: Madam Chair?

25 CHAIR CANTU: Yes?

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COMMISSIONER HERIOT: My understanding is that --

CHAIR CANTU: Commissioner Heriot.

COMMISSIONER HERIOT: Commissioner Heriot, whatever.

CHAIR CANTU: Thank you, you.

COMMISSIONER HERIOT: We thought that this was part of the concept paper in the first place, and the concept paper says that we will have a field hearing, or a field briefing there, and that this was the plan from the concept paper, and that this is simply to clarify that that is what the commission has already agreed to.

CHAIR CANTU: Any further discussion on the proposed amendment?

COMMISSIONER ADAMS: It's Commissioner Adams.

CHAIR CANTU: Yes Commissioner Adams?

COMMISSIONER ADAMS: Question for Commissioner Heriot. Is this redundant, this motion, with what's already agreed to? In other words didn't the original plan contemplate something, and I'm wondering what the difference is between the original plan, and your motion, that's all.

COMMISSIONER HERIOT: Well, my motion is

1 simply to clarify that this was agreed to, because
2 apparently some staff members don't understand this.

3 COMMISSIONER ADAMS: So, there was
4 something inserted by staff that was contradictory to
5 the originally agreed on plan?

6 COMMISSIONER HERIOT: You, you may want to
7 talk to Commissioner Kirsanow about that.

8 COMMISSIONER ADAMS: Okay.

9 COMMISSIONER KIRSANOW: Kirsanow Here.

10 COMMISSIONER KLADNEY: Madam Chair, Dave
11 Kladney -- go ahead Commissioner Kirsanow.

12 COMMISSIONER KIRSANOW: Thank you, you
13 Commissioner Kladney. Yeah, the last time we discussed
14 this, we talked about having a briefing in New York
15 City, and that we would be studying crime victims
16 related to New York City, and the presumption was that
17 this would include an analysis of crime data related
18 to New York City. In fact I think if you go back to
19 the transcript of the hearing, we talk about that.

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

22 CHAIR CANTU: Yes Commissioner Kladney?

23 COMMISSIONER KLADNEY: As I recall it was
24 not in the paper, and the paper was passed, I guess,
25 as I recall. As I recall, Commissioner Kirsanow spoke

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about it in his presentation that that might be a possibility, but it was never in the paper as far as I can see. Thank you.

COMMISSIONER YAKI: Commissioner Yaki.

CHAIR CANTU: Yes Commissioner Yaki.

COMMISSIONER YAKI: Commissioner Yaki, I thank you very much Chair Cantu. My recollection of the conversation was that it was more about the site location of a field briefing as it was convenient to several groups that study the issue that was behind the proposal, and not that it was because it was going to study New York City either. I agree with Commissioner Kladney.

When I supported the motion, it was because of the ease of access to individuals, and entities associated with groups who have studied the issue of crime, and not because it was going to study the issue of crime in New York City.

CHAIR CANTU: This is Cantu, and my recollection was that the concept paper talked separately about having a place for a briefing, and that we did discuss the types of organizations that were relevant, and pertinent to a briefing. We did not talk about that in the context of what kind of data that would supplement national data already

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public.

So, we did not talk about the gathering separately from having people come forward, and deliver testimony at our meeting when we voted to approve the concept paper. I also caution the commissioners that we're kind of drifting out of our lane, where we set policy, where we choose the concepts, and getting kind of into the weeds on the specific details.

Generally, I've been here only a year, and a half, but in that close to two year time, I have learned to trust, and respect the work of the staff of the commission who come forward with their best ideas, and then after we've heard from the staff then, we do vote ultimately to approve a concept paper, and then approve the research plan, and approve the time line, and outline.

Those of you who have been here, and are more senior, can you please speak to whether we are still within our lane as commissioners?

COMMISSIONER KIRSANOW: Madam Chair?

CHAIR CANTU: Yes please, who is speaking?

COMMISSIONER KIRSANOW: This is Kirsanow again.

CHAIR CANTU: Thank you, you Kirsanow.

1 COMMISSIONER KIRSANOW: When we voted on
2 this, we voted on the concept paper that said the
3 commission will hold field briefings in two studied
4 cities in order to facilitate more participation from
5 local law enforcement, and local organizations,
6 etcetera. So, the presumption was we're holding a
7 field briefing in a studied city, which is New York
8 City. So, for that reason, I think that having New
9 York City as -- Commissioner Heriot asked whether, or
10 not this is redundant, and it's already baked into the
11 original motion.

12 COMMISSIONER HERIOT: and again, we moved
13 to hold the field briefing in New York City, the
14 commission approved that motion. The concept paper
15 says that the briefings will be held in a city that we
16 will study. This is a done deal, I just want to make
17 sure that everybody understands that.

18 COMMISSIONER YAKI: This is Commissioner
19 Yaki.

20 CHAIR CANTU: Yes Commissioner Yaki.

21 COMMISSIONER YAKI: I don't consider that
22 a done deal, the tenor of the discussion was a last
23 minute amendment that was part of a discussion that
24 was not focused on this particular paper, but rather
25 the fact that there was a desire to have both a field,

1 what I believe the tenor of the paper is. Which is
2 about the impact of violent crime on the protected
3 classes which we are charged by our charter.

4 And curious to know how we do that
5 analysis without doing an analysis under which the
6 statutes under which we deal with, which are the Civil
7 Rights Act, etcetera, and what standard of legal
8 review? Are we doing a disparate impact analysis, are
9 we doing a disproportionate burden, what is it that
10 we're looking at? Because that to me is going to
11 govern sort of the selection sample that we would take
12 a look at.

13 Because right now, I'm not sure if the
14 sample that exists in the current outline is either
15 adequate, or truly representative of the issue of
16 violent crime in the United States. So, I have a
17 number of issues with this on any number of different
18 levels, and for that, I just peremptorily wanted to
19 say I will be opposing approving this at this time
20 until further clarification, and responses are able to
21 be received from staff on this matter.

22 CHAIR CANTU: Thank you, you. Any other
23 questions, or comments from commissioners?

24 COMMISSIONER ADEGBILE: Madam Chair?

25 COMMISSIONER KIRSANOW: Madam Chair?

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COMMISSIONER ADEGBILE: I yield to
Kirsanow.

COMMISSIONER KIRSANOW: Thank you, you
Commissioner Adegbile. Just one observation, in
addition to the concept paper being very clear about
this, that is that New York City is a studied city, we
didn't propose, or I didn't propose going to New York
City just to go on vacation. It doesn't make sense
for us to be going to, having a location briefing if
we're not going to be studying that city.

We could be obtaining documentary, or
testimonial evidence from almost any place, we could
have stayed within Washington D.C. The evident
purpose of this was to study New York City, and it
says so in the concept paper.

CHAIR CANTU: I've read all of the
documents -- this is the chair -- and in the
documents, there was an original list proposed of
places where we would ask for supplemental data. Just
for clarity, for my co-lead Commissioner Adams, and
for you Commissioner Kirsanow, we've not had very much
conversation as a commission as to what it is we
intend to study that is supplemental to what the
federal government has already collected.

Last week I thought we had three national

1 databases, one being the uniform crime study, the
2 other being the crime victimization, and the third, a
3 new version of the uniform crime, which is called
4 NIBRS, and it looks at incidents as opposed to solely
5 looking at aggregate numbers of crimes. The fourth
6 that I learned from Commissioner Kladney was that the
7 Center for Disease Control also does a national crime
8 victims study, and that it's generously funded, and
9 it's multi year.

10 Learning all this, I am also puzzled if
11 whether we've had enough conversations to know what it
12 means to be a studied city, and what exactly are we
13 studying that four databases from the federal
14 government don't provide us enough data? Knowing that
15 we're going to be having two briefings where people
16 personally will share with us what their expertise,
17 and what their experiences have been relevant to
18 violent crimes.

19 So, my co-lead Commissioner Adams, can you
20 please help me explain to the other commissioners,
21 what you have in mind that will be studied in a
22 studied city, and in other cities, so that we can vote
23 on this amendment? The phone line's given up?

24 COMMISSIONER KLADNEY: Can I say something
25 before Commissioner Adams?

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CHAIR CANTU: Yes, and I worry that the phone line gave up again. Yes, please proceed, is this Commissioner Kladney?

COMMISSIONER KLADNEY: Yes. I can't find anywhere in the paper that was uploaded in September where it says New York City.

COMMISSIONER HERIOT: It's a separate motion.

COMMISSIONER KLADNEY: Can someone quote me where it says -- can someone quote me the passage where it says that in the September upload?

COMMISSIONER ADAMS: There was a motion, and it carried at the business meeting in October to amend that.

COMMISSIONER KLADNEY: It said that we would have a hearing there, it didn't say that we would study there.

COMMISSIONER ADAMS: Well, look at the transcript.

COMMISSIONER HERIOT: It said it was a field briefing, and the concept paper itself says the commission will hold field briefings in two studied cities.

CHAIR CANTU: And we've not referred to field briefings as studied meetings before, so it is

1 a new concept to me, at least in the two years I've
2 been here.

3 COMMISSIONER HERIOT: But it's the concept
4 paper that connects the two, the field briefing is for
5 a studied city, and it says specifically this would be
6 in order to facilitate more participation from local
7 law enforcement, local organizations, and concerned
8 citizens.

9 CHAIR CANTU: But somewhere the
10 communication has not reached our staff. Our staff
11 would have eagerly included in the original list of
12 cities from which we would study, which is not
13 different from a studied city, and New York would have
14 been on that first list. I agree with Commissioner
15 Kladney, New York did not show up. And I'm becoming
16 repetitive, so I apologize. Is it time for
17 Commissioner Adams to come back on?

18 COMMISSIONER ADAMS: Yeah, I think you can
19 hear me now.

20 CHAIR CANTU: Thank you, you.

21 COMMISSIONER ADAMS: Okay. It does seem
22 strange that we would go to New York just to go there.
23 I also know that there's a variety of data that can
24 easily be looked at, and it's not complicated to look
25 at it, which raises the question why this is such a

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fuss. I don't think it's going to add weeks of work to pool a bit of extra data, and decide. And I saw some emails from staff who did not seem to have any awareness of the motion in the October business meeting.

And so, all of it is a bit perplexing as to why we're even having this controversy. It seems that the staff didn't hear the motion, or something in the October business meeting. I don't understand, and perhaps someone could explain, and I understand that we don't want to deviate from what we agreed to, but what is the down side to doing this? That's the part I'm not sure about.

CHAIR CANTU: In the federal government, as we collect information, we abide by a system where we do try to avoid wasting the tax payer's money, and avoid duplication. We also try to be transparent about it is our intent to gather data, or our intent to conduct surveys. This process where our staff draft up a proposed outline, timeline, and research plan is so that we can be transparent.

And I haven't found the transparency, as far as what is different, what is additional information that we have a research plan to gather from New York as a studied city, and from the first

1 six cities, and now a different list of five cities,
2 where we will be doing additional collection of data.
3 I'm just trying to be transparent. There should not
4 be any secrets here, and I've not heard it before.
5 I'm using this as an opportunity to share out.

6 COMMISSIONER HERIOT: Madam Chair?

7 COMMISSIONER ADAMS: Madam Chair Adams?

8 CHAIR CANTU: Yes, Commissioner Adams.

9 COMMISSIONER ADAMS: As I understand it,
10 New York is a bit of an outlier as far as the system
11 they use to gather, and collect data, and report data.
12 And perhaps that was viewed by staff as a disqualifier
13 to avoid an apples to oranges comparison. My question
14 is isn't it something worth examining that it is an
15 outlier, and therefore we can't do apples to apples
16 comparisons?

17 If for no other reason, we at some point
18 focus on the data collection methods, and it seems a
19 meritorious inquiry to ask why New York doesn't do
20 what everybody else does. Because it might have the
21 downstream effect of delaying responses to crime
22 increase, because we don't know what the crime
23 increase is.

24 CHAIR CANTU: To whom are you directing
25 that question?

1 COMMISSIONER ADAMS: Well, really it's not
2 directed at anybody. I'm trying to understand the
3 fierce objection that seems to manifest every month to
4 looking at an issue that I would think people would
5 care about, and that is that New York doesn't even
6 seem to use the same system to record data, and that
7 alone would seem to merit at least a paragraph that
8 perhaps might take an hour, or two for staff to write.

9 COMMISSIONER HERIOT: Madam Chair?

10 CHAIR CANTU: Yes please, Commissioner
11 Heriot.

12 COMMISSIONER HERIOT: I've got a different
13 comment here. I've been on this commission I think 15
14 years, or so. We almost always get discovery
15 materials of this sort. They're almost always very
16 thin, poorly conceived, seat of the pants. And yet
17 for some reason this report is getting massive push
18 back that other reports with much less well thought
19 out discovery plans didn't get.

20 To me it is utterly baffling that we have
21 an increase in crime, you would think that everyone on
22 the commission would be interested in studying this,
23 interested in New York City. And yet for some reason
24 this is getting massively more push back from the
25 progressive caucus than anything else we've ever done

1 from what I can see, to the point where I was told
2 that one staff member said over my dead body will we
3 even look into the increase in crime.

4 I'm just baffled why this is so difficult.
5 Four members of the commission want to study New York
6 City. They made a motion, the motion passed, I don't
7 see why this is such a problem.

8 CHAIR CANTU: May I reply?

9 COMMISSIONER YAKI: May I respond?

10 COMMISSIONER KLADNEY: Madam Chair?

11 COMMISSIONER KIRSANOW: Madam Chair?

12 CHAIR CANTU: Everyone wants to respond.

13 Yes, I always defer to the other commissioners before
14 I speak, so will someone identify themselves?

15 COMMISSIONER KLADNEY: Go ahead

16 Commissioner Yaki.

17 CHAIR CANTU: Yes, Commissioner Yaki,
18 please.

19 COMMISSIONER YAKI: Thank you Commissioner
20 Kladney. First, I have to respond to the statement
21 made by the previous speaker. We have had, in the
22 time that I've been here, which is longer than she has
23 been here, a number of different reports that -- and
24 briefings, and discovery plans that were, how shall I
25 put it? Lacking in many instances.

1 And where there was a tremendous push back
2 against it because of the overtly political, and
3 completely unsubstantiated facts, in fact there were
4 no facts, and this is even before alternative facts
5 became a word, in some of the projects that her
6 former, and current colleagues pushed. And I'm just
7 going to say again, that this commission spent
8 hundreds of thousands of dollars, and years of time
9 pursuing a ghost called the New Black Panther Party.

10 And that to me, is one of the nadirs of
11 what this commission has done over time. So, there is
12 more than ample evidence of people like me pushing
13 back hard on issues, because to me, this is just
14 because we approve the concept paper on this does not
15 mean that we subscribe to what is in the concept paper
16 by any stretch of the imagination. Nor do I suppose
17 that they will subscribe to the concept paper that
18 would approve that I put forward.

19 This is who we are, this is how we act,
20 there's healthy, and considered debate, and
21 discussion, and hopefully facts will bear themselves
22 out. And the facts on this one are simply that. I am
23 not confining my objection to the inclusion of New
24 York City. If New York City merits inclusion, I would
25 be one to support that. However, I have objections to

1 the focus on cities as with regard to where the quote
2 unquote increase in violent crime has occurred.

3 I have concerns about how you can possibly
4 study this issue without studying why, and where, and
5 what other conditions may, or may not be surrounding
6 it. Because we are going a little far afield in terms
7 of taking an issue that anyone has yet to identify a
8 correlative predicate for the statutory jurisdictions
9 under which we go, because at best I think we're using
10 some kind of disproportionate impact analysis.

11 Which of course has usually been rejected
12 by colleagues who are in favor of this report today,
13 unless they're willing to concede the validity of
14 disproportionate impact, and disproportionality
15 analysis, in which case let's see how this would apply
16 in these kinds of situations. So, there is a lot
17 about this to still discuss.

18 I am more than willing, as I have said, to
19 accept a New York City, if under the analysis that we
20 adopt, and I don't think we've adopted really a good
21 statutory analysis with regard to what it is we do,
22 and what our charge is, as well as the data, as well
23 as other things that I think are deficient in the
24 papers that we have before us right now.

25 We are committed to making this go

1 forward, I am not going to stop that. But I do want
2 to make sure that in going forward, we do so in a
3 considered way that is in the best interests, and
4 within the jurisdictional charge of the commission.
5 And right now, just simply saying we're going to pick
6 this city because there is violent crime there, does
7 not, to me, meet that test.

8 CHAIR CANTU: Thank you. Any other
9 commissioners? Because I still have something I want
10 to say as a co-lead. Commissioner Kladney?

11 COMMISSIONER KLADNEY: Madam Chair, I
12 would just indicate that I believe that -- I again
13 assert that New York City was not in the paper, that
14 in fact when Commissioner Kirsanow made his
15 presentation, he basically talked about New York City,
16 having a hearing there because the institutions were
17 there, like John Jay College, like the American
18 Enterprise Institute, and other national nonprofits
19 that deal with crime.

20 So, that we would have access to
21 expertise. I don't believe there was ever a comment
22 about studying New York City itself, and I just
23 maintain that until someone can show me something
24 different. Thank you very much.

25 COMMISSIONER KIRSANOW: Madam Chair?

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CHAIR CANTU: Yes. Is this --

COMMISSIONER KIRSANOW: Yeah, all you have to do is look at the first paragraph of the concept paper. The commission passed studying this issue, and doing so in -- holding field briefings in a studied city. And New York City is where we're having the field briefing, it is a studied city. After we passed that, we got back from staff, a list of cities, I have no objections to the cities per se, other than New York City was not included.

That completely vitiates the concept paper, what we passed. And it's baffling to me why we're even having this discussion, New York City is inherently part of this. And I'll say it again, why are we going to New York City? Just to go on a little junket? No, we're going there to study New York City.

CHAIR CANTU: All right. We are using the word study in a form of jargon that I don't understand. New York City can be studied through the interaction with the eight, or ten different working groups, and nonprofits that were listed in the motion to amend. So, studied meaning to me, and I've read all of the rules about research -- folks, in my real life, I direct dissertations, and I coach students on how to do research.

1 And I also have been an administrator for
2 eight years in the federal government. The federal
3 government conducts research in a way that protects
4 the taxpayers. That means that anything that is new
5 that we have not collected before as a federal agency,
6 we have to be sure that we comply with the paperwork
7 reduction act. We have to be sure that we also comply
8 with the ethics in research that all federal agencies
9 do, which is part of the Belmont Report.

10 Where HHS was conducting studies, and
11 funding studies, and it was on prisoners in Tuskegee,
12 and prisoners were not given medication, and studied
13 to see if they will die, and guess what, they died.
14 And so, we have had in this country, a duty to respond
15 in an ethical, and in a legal way to conducting
16 research, and that requires transparency. When this
17 report began, the first concept that was presented to
18 me was a concept of let's just look at everything.

19 Let's just fish, and it's easy, and there
20 doesn't need to be a whole lot of deliberation.
21 Fortunately, the entire commission reigned that
22 enthusiasm back, and said we will move forward in a
23 deliberate way, and we will produce something that is
24 credible, supported by evidence. The system that
25 we're doing is hard, because we are wading into an

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area, where as I have said, there are already four federal databases.

And we are looking for a niche, a gap in data, or a way to better understand what those four federal agencies tell us. If you go to the website for the FBI, it says you may not rank, or conduct listings where you prioritize which city is the most safe, and which city is not. I had to work with my colleagues to have them understand we have to follow that caution, because it guides all researchers.

There's no exception that says except for Norma in the U.S. Commission on Civil Rights, she can do rankings, and she can list cities in particular orders, and groupings. If I were doing what you have suggested, and pick cities based on one sole database, I would probably lose my certification as a higher education professional. But I'm sitting here wearing a chair hat, and I want the conversation to continue.

The cities have been mentioned, including New York, for the purpose of additional information, and yet, I have not heard from any of our commissioners what is it that you are studying that we cannot get from the Uniform Crime Report, the NIBRS Report, the Crime Victimization Report? And while it's not in the concept paper, and I'm not adding it,

1 there also happens to be a crime victims database over
2 at Center for Disease Control.

3 And it affects mental health, and it also
4 includes inquiries into the why the crime rate is
5 going up. I am not haranguing, I am not harassing, I
6 am trying to coach here.

7 COMMISSIONER HERIOT: Madam Chair, if
8 we're comparing this to the Tuskegee Experiment, then
9 the commission has lost its mind. That is just crazy.

10 CHAIR CANTU: Commissioner --

11 COMMISSIONER HERIOT: The commission voted
12 to hold a field briefing in New York City. We've done
13 that vote, it's over. The concept paper says that we
14 will hold a field briefing in a studied city, hence
15 the commission has agreed this will be a studied city.

16 CHAIR CANTU: The reason I mentioned the
17 experiment is the Belmont Report concludes that when
18 research is conducted using federal funding, that
19 research shall benefit the people who have experienced
20 the harm, the victim, and who will somehow benefit
21 from being subjects in the experience of the research.
22 In this situation, our entire commission voted that we
23 believe the folk who experience the harm are those who
24 are the victims of violent crime.

25 Which are predominantly people of color,

1 which are African American in particular. The study
2 is going to look at certain cities without telling the
3 folk who will benefit from it, those victims of crime,
4 what is the benefit of going into that city, what is
5 it we will look at that the federal government hasn't
6 already looked at? And that is why I brought in the
7 Belmont Report.

8 Because you don't study folk for your
9 information as a general population, you study folk to
10 see if in some way the study will benefit those people
11 who are experiencing harm right now.

12 COMMISSIONER ADEGBILE: Madam Chair?

13 COMMISSIONER KIRSANOW: Madam Chair,
14 Kirsanow here.

15 COMMISSIONER ADEGBILE: I yield to
16 Kirsanow.

17 COMMISSIONER KIRSANOW: Thank you, you
18 Commissioner Adegbile. All due respect, the burden of
19 proof in changing this is not on those advocating for
20 the motion as passed. The concept paper was clear, it
21 says the commission will hold field briefings in two
22 studied cities, that's the basis of the motion, that
23 was passed. That is the motion that staff is supposed
24 to discharge, that we're going to be implementing
25 pursuant to a field briefing.

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And then study of that particular city, and it's going to be incorporated into a report. I'm baffled as to why we're having this discussion. This shouldn't be a discussion, New York City is in.

COMMISSIONER ADEGBILE: Madam Chair?

CHAIR CANTU: Yes, Commissioner Adegbile.

COMMISSIONER ADEGBILE: As I understand it, we're having the discussion because Commissioner Heriot, Commissioner Kirsanow assert that the voted on documents were clear, and yet they move to introduce an amendment that has created the conversation that we've been having for approximately 30 minutes. So, whatever else may be said, there seems to be some lack of clarity, and disagreement.

If it was in fact clear, we wouldn't have needed to have the amendment that Commissioner Heriot put forward, and we would have gone forward. And so, there is something that is not clear here. I don't understand why we are talking out of both sides of our mouth, and asserting on the one hand that everything is crystal clear, and on the other hand we need to amend what we've done.

That's the first point. The second point is the voted on report did not mention New York. The third point is that previous versions of the concept

1 paper did mention New York, but those were not voted
2 on. I understand the submission that there was a
3 statement made, and an amendment proffered by
4 Commissioner Kirsanow about where the field briefing
5 would happen.

6 I recall, as Commissioner Kladney has, I
7 think accurately characterized, the rationale that
8 Commissioner Kirsanow offered for New York as a venue,
9 citing the organizations, and the institutions that
10 would be available there, and readily accessible. It
11 was an argument about convenience, principally, as I
12 recall it. Though the transcript will say whatever
13 the transcript says.

14 Next, one reason we have OCRE weighed in
15 on the jurisdictions, and help us work through it, and
16 it is an important, and complex process is because we
17 have to attend to the availability of data. And I
18 take Commissioner Adams point that sometimes
19 statistical anomalies can be interesting to study for
20 their own merit.

21 But there also is a point in making sure
22 that there are relevant comparisons where that's
23 acceptable under the applicable research standards
24 that can be made, and that what we are talking of is
25 of a piece. And so, OCRE does have a role in helping

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us work through that. It doesn't mean that we reflexively have to adopt, and approve that, which is why we're having a vote on this plan today.

So, that we can see if we ratify it, but there is a role to be played. The submission that the staff doesn't understand in light of all of this, seems to me to be unfair, and not well put. Certainly, we all have subjects on which our understanding can improve. But this discussion is one that reveals a lack of clarity, and not the existence of it.

Finally, Commissioner Yaki has noted that there are broader questions about this plan that's before us, prior to the amendment, and I would like to call a vote so we can see whether commissioner Heriot's vote will carry, and if not, then to see if the vote on the research plan as it exists before us will carry.

CHAIR CANTU: Commissioner Adegbile has called a question on the vote, and I'm going to go ahead, and proceed, and ask each of the commissioners how they will vote on the proposed amendment. We're not voting on the entire plan itself. We're just on the proposed amendment to clarify that New York City is a studied city, and that everyone understood what

1 studied city meant.

2 I'm sorry, I will be serious here. That
3 what we are doing is voting on that amendment only.
4 Any questions before we vote? Then I'm going to call
5 the vote, Commissioner Adams, how do you vote?

6 COMMISSIONER ADAMS: Yes.

7 CHAIR CANTU: Commissioner Adegbile?

8 COMMISSIONER ADEGBILE: Nay.

9 CHAIR CANTU: Commissioner Gilchrist?

10 COMMISSIONER GILCHRIST: Aye.

11 CHAIR CANTU: Commissioner Heriot?

12 COMMISSIONER HERIOT: I vote yes.

13 CHAIR CANTU: Commissioner Kirsanow?

14 COMMISSIONER KIRSANOW: Yes.

15 CHAIR CANTU: Commissioner Kladney?

16 COMMISSIONER KLADNEY: No.

17 CHAIR CANTU: Commissioner Yaki?

18 COMMISSIONER YAKI: No.

19 CHAIR CANTU: And I vote no, and please,
20 always I need someone to help me with my math. Is
21 that a four, and four?

22 COMMISSIONER HERIOT: Yes, the motion
23 fails.

24 CHAIR CANTU: The motion fails. So, we
25 are back to the original discovery materials, the

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outline, and the time line.

COMMISSIONER ADEGBILE: Was your motion seconded?

CHAIR CANTU: I don't believe --

COMMISSIONER HERIOT: Yes, it was.

CHAIR CANTU: Who seconded?

COMMISSIONER ADAMS: Adams seconded.

CHAIR CANTU: Thank you commissioner.

COMMISSIONER ADEGBILE: Call the vote.

CHAIR CANTU: There's a discussion -- because there's a point that was raised that has to go through.

COMMISSIONER ADEGBILE: Fair enough.

CHAIR CANTU: So, I am opening the floor for discussion on the motion on the crime victims briefing report. Discovery materials, outline, time line, research plan. I mean I can start with -- I notice in mentioning the different cities where we would collect supplemental information beyond those federal databases that there were six cities, and the criteria for selecting the cities were shared with us.

Then some discussion occurred, which I encourage, I really do appreciate when commissioners do ask questions of our research, and evaluation staff. That those conversations produced a shorter

1 list of five. The only city that remained from the
2 first list that carried over to the second list was
3 Memphis. And the criteria were not repeated in the
4 report.

5 The criteria in the original draft talked
6 about we want to be sure that cities are
7 representative of not just one political party, so if
8 we have cities where the mayor appoints the head of
9 law enforcement, we will look at cities that are
10 Republican mayors, as well as Democrat mayors. When
11 I checked the newer list, all of the cities were
12 operated by law enforcement chiefs who had been
13 appointed by a Democrat mayor.

14 And again, if folk are going to benefit,
15 and receive feedback from the report, we're going to
16 give only a feedback on additional information
17 collected by Democrat led cities. The other comment
18 I want to make regarding to that short list, is there
19 could have been cities that were Republican led. I
20 looked at the 50 largest cities, and I understand from
21 the criteria used by our research staff, is they kind
22 of took out the outliers.

23 The ones in the top 50 list, they took out
24 the top five, and maybe the bottom five, and I'm
25 getting this from a conversation I had with my co-

1 lead. And what remained in the middle were 25 cities.
2 Well, in those 25 cities, there were republican led
3 cities available in the pool. But not produced in the
4 final list that was shared in our materials for this
5 meeting.

6 So, one is I've encouraged people from the
7 very beginning to keep the politics out of it. And I
8 know police chiefs, and I've gone to their
9 conferences, I've been meeting with police chiefs
10 since 1980 when I worked in a nonprofit. And so, I
11 know police chiefs, and they don't want the politics
12 in how they protect citizens. They believe it is
13 their duty, and their oath, and their responsibility
14 to protect everyone.

15 So, I'm kind of embarrassed to go back,
16 and talk to my friends, and colleagues, and say yeah,
17 we're going to visit five cities, and this is the list
18 that we came up with. So, I'm not prepared yet to
19 give them an answer. So, I'd like some discussion on
20 how we came up with the five cities to be further
21 studied.

22 COMMISSIONER YAKI: Madam Chair, this is
23 Commissioner Yaki.

24 CHAIR CANTU: Yes commissioner.

25 COMMISSIONER YAKI: I mean you bring up to

1 me, the points that I was concerned about in my
2 previous statements on the previous motion. Which is
3 how this relates to our charge as a commission.
4 Everything I think must be viewed through that lens.
5 I voted for this out of respect for you, and my other
6 colleagues. And I'm still not convinced where this
7 especially is going.

8 And the points that you raise to me, are
9 not about politics. I am one of the few people on
10 this commission, because I don't know everyone's
11 biography to the Nth degree, I can't say I'm the only
12 one, but I am one of the few that has served in local
13 government that has been involved in hiring law
14 enforcement personnel.

15 People associated with the process,
16 whether it be district attorneys, whether it's the
17 police chief, whether it's the allocation of resources
18 for police throughout the city when I was on the board
19 of supervisors for the city, and county of San
20 Francisco. I have some knowledge on the ground of how
21 this issue manifests itself, and to me there are many
22 other factors that should go into the selection of
23 cities beyond whether they are lead by a D, or lead by
24 an R.

25 Just because there are many factors that

1 lead to how, and why crime may, or may not be on the
2 rise, or certain types of crime, versus other types of
3 crime may, or may not be on the rise in certain
4 jurisdictions across this country. And I think that
5 those kind of criteria need to be part of that
6 selection process, and I'm going to be very specific
7 about this.

8 I think that there are issues related to
9 -- nonpolitical, that are related to issues such as
10 what is the nature of the state penal code, and how it
11 treats certain types of crimes. You would have to
12 look at issues of prosecutorial conduct, and charging
13 decisions, again, that may not be that reflective, or
14 may not be in the federal databases that we have
15 access to.

16 There are other issues related to the
17 prevalence, and widespread availability of handguns in
18 certain neighborhoods, and to determine certain types
19 of violent crimes that people may, or may not be
20 discussing. There's a coterie of different kinds of
21 cross tabs here that I do not believe we have even
22 begun to think about, and need to be reflected in the
23 selection of the jurisdictions that we're talking
24 about.

25 And I also want to reiterate the point

1 that's been made by my fellow Commissioner Kladney,
2 which is there are crime rates, and there are crime
3 rates, and some of the states with the highest crime
4 rates in the country are not reflected anywhere in the
5 selection of jurisdictions that we see here, and that
6 came on the list. So, why is it that a state can have
7 a high crime rate, but not be susceptible by analysis
8 by this commission, but a city can?

9 A city not in a one of these states with
10 the highest violent crime rates, especially violent
11 crime rates against persons of color, or sex, or
12 because of their -- or gender. So, these are all
13 issues that I think, to me, need to be fleshed out a
14 little bit more, and why I opposed the first motion,
15 and why I am opposing the plan as it currently stands
16 right now.

17 COMMISSIONER HERIOT: Madam Chair?

18 CHAIR CANTU: Yes Commissioner Heriot.

19 COMMISSIONER HERIOT: You asked why the
20 particular cities were selected that were on the
21 staff's list. My understanding is that your special
22 assistant, and the commission staff, which has been
23 utterly unresponsive to the conservatives on the
24 commission, they chose this, not us. So, I'm not
25 quite sure why you're asking us why those five cities

1 were chosen. I would have thought that you had
2 something to do with this.

3 I don't know, if you didn't, that's fine,
4 but it was your special assistant, and the staff that
5 has done this, and not the conservatives on the
6 commission.

7 CHAIR CANTU: No, my assistant, and I have
8 been talking through the entire process, and things
9 were continuing to be under discussion. I called on
10 my co-lead on Monday to continue the discussion, and
11 he said not in those words, but to the effect of the
12 words you used, it was already a done deal. That
13 there was no need for any further discussion. And
14 then he sent an email confirming it's a set deal,
15 we've already agreed on this.

16 COMMISSIONER HERIOT: Already agreed on
17 New York City, sure.

18 CHAIR CANTU: No, no, no, I was calling
19 about the cities.

20 COMMISSIONER ADAMS: Madam Chair? Adams.

21 CHAIR CANTU: Yes commissioner.

22 COMMISSIONER ADAMS: The specific language
23 I used was that the documents that were sent to me, I
24 believe on Wednesday, the drafts, were identical to
25 what I thought my SA, and your SA, and staff had

1 agreed upon. In other words, there were no changes,
2 and the documents were sent to me right before the
3 deadline for Sunshine Act, compared to what they had
4 agreed to.

5 It's not that it was a done deal, it was
6 that there was consistency between the two documents,
7 and that's all I was concerned about, to make sure we
8 didn't have to reopen the can of worms on the document
9 that was sent to me on Thursday, or maybe late
10 Wednesday.

11 CHAIR CANTU: And my purpose for the call
12 was to talk to my co-lead, and to communicate. And
13 apparently that did not -- you did not see that as the
14 purpose of my call. You just wanted to see if I
15 wanted to confirm if something that I saw in front of
16 me was the same thing you saw in front of you, and
17 that's not why I called.

18 COMMISSIONER ADAMS: Well, the purpose
19 was, I thought, to make sure I was on board with what
20 you, and your SA, and my SA had come up with. And I
21 said that it looked good.

22 CHAIR CANTU: And that's right, I asked --
23 I'm trying to remember exactly what my words were. I
24 asked do you see that all of these, that there's not
25 any people who are led by Republican mayors on this

1 list, is that okay with you? And you said if that's
2 what it says.

3 COMMISSIONER ADAMS: Right, because I
4 hadn't thought about politics in this analysis
5 whatsoever. That was the first time I heard that
6 anybody had raised a political issue, and my
7 understanding was that you, and your SA, and my SA,
8 and OCRE had come up with this list of cities, and I
9 was deferring to that contemplative process.

10 CHAIR CANTU: I think your answer to that
11 was we took out all of the smaller cities, and the
12 Republicans might have dropped out because they were
13 smaller cities. There aren't that many on the list of
14 the top 50 cities where Republicans are in charge of
15 appointing the chief law enforcer. What I did after
16 our call is I went, and looked at the 50 cities list,
17 and I saw that within the pool, there were Republican
18 led agencies. And somehow those got missed out, and
19 did not end up in the final selection.

20 COMMISSIONER ADAMS: I hadn't even
21 considered politics, if you want to throw them in
22 there, go right ahead, I don't really care. That
23 wasn't the criteria that I was looking at.

24 CHAIR CANTU: And what I needed was more
25 time to figure out what does this mean? It also

1 brings up the issue of time. The time line is
2 compressed. I've tried to be sensitive to the staff
3 director's explanation, and it is an accurate
4 explanation. This is hard work, I do it with my
5 students, we plan on two, or three years on a very
6 small project, not a national one like we're
7 undertaking.

8 I've looked at the website in the
9 Department of Justice programs, and also on the Bureau
10 of Justice statistics. And when they do an overview
11 analysis, the federal government will offer out a
12 contract for a multi year review. I do think that
13 time is something also that you, and I need as co-
14 leads with input from the rest of the commissioners
15 before we can be satisfied that we're doing a quality
16 job here.

17 COMMISSIONER ADAMS: Madam Chair, this is
18 Adams again.

19 CHAIR CANTU: Yes.

20 COMMISSIONER ADAMS: We frequently -- I
21 have heard over, and over since I have been on this
22 commission, deferring to the very careful work of
23 staff, okay? And more often, than not, the commission
24 endorses the very careful, thorough work of staff.
25 Well, these cities are the very thorough, careful work

1 of staff. They want commissioner cities. This was
2 OCRE who came up with this list of cities based on who
3 reports to NIBRS, the federal reporting.

4 This had nothing to do with Commissioner,
5 or Chair Cantu, or Commissioner Adams, or our SA's
6 coming up with it. These are staff cities, so what
7 about this long deference to OCRE, and staff for their
8 careful, thoughtful work? This is their list, not
9 ours. And I'm happy to endorse it. That's all I
10 have.

11 CHAIR CANTU: Thank you. It does bother
12 me that we are -- that we don't have a city where
13 people -- we've excluded people who did not turn in
14 their reports. It is a voluntary system, they don't
15 have to turn in their reports. The law enforcement
16 agencies, God bless them, have so much on their plate,
17 that having to submit a report to the federal
18 government can be a problem, a burden for them, and I
19 understand that.

20 But what I also understand is as a
21 researcher, I can't show any bias, I can't show any
22 preference for one group, or another group. As a
23 researcher, my obligation is to follow the federal
24 government's rules on ethical research, and I'm
25 leaving out maybe 25, 30 percent of law enforcement

1 local jurisdictions who did not turn in reports. And
2 I need to account for that somehow.

3 And that takes some conversation with you,
4 my co-lead Commissioner Adams, and with others on how
5 I will explain that, and be transparent about that.

6 COMMISSIONER ADAMS: It's Commissioner
7 Adams.

8 CHAIR CANTU: Commissioner Adams.

9 COMMISSIONER ADAMS: Does one of the
10 jurisdictions that do not report, that exclude data,
11 like you just referenced, is one of those New York
12 City?

13 CHAIR CANTU: I believe that -- I have to
14 check. Yes, New York City is one of the ones, did
15 they answer incomplete, or did not answer at all?

16 MS. SILVERIO: Mostly incomplete.

17 CHAIR CANTU: Mostly incomplete.

18 MS. SILVERIO: Particularly in 2021.

19 CHAIR CANTU: Did you hear that?

20 Particularly 2021.

21 COMMISSIONER ADAMS: Yes, thank you.

22 CHAIR CANTU: All of this the staff would
23 have told us if we asked, and you, and I could have
24 told each other if we'd had more conversation.

25 Further comments please? Questions? Are we ready for

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a vote?

COMMISSIONER ADEGBILE: Call the vote.

CHAIR CANTU: All right. On the report on crime victims, the outline, time line, and research plan, Commissioner Adams, how do you vote?

COMMISSIONER ADAMS: Yes.

CHAIR CANTU: Commissioner Adegbile?

COMMISSIONER ADEGBILE: Nay.

CHAIR CANTU: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: Yes.

CHAIR CANTU: Commissioner Heriot?

COMMISSIONER HERIOT: I vote yes.

CHAIR CANTU: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Yes.

CHAIR CANTU: Commissioner Kladney?

COMMISSIONER KLADNEY: No.

CHAIR CANTU: Commissioner Yaki?

COMMISSIONER YAKI: No.

CHAIR CANTU: And I vote no, the motion fails. We have one -- we now turn to the staff director for the monthly staff director report, and after he is done, I'd like to recognize our Commissioner Adegbile. But so, Mr. Morales, would you like to talk to us about your report?

MANAGEMENT AND OPERATIONS

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STAFF DIRECTOR'S REPORT

MR. MORALES: Yes, thank you Madam Chair.

I have nothing further to add in the interest of time, and what's already contained in the report. As always, I'm available to discussion with any commissioner any questions you may have about what's in the report. I do want to acknowledge the outstanding work of our administrative services team, and our budget, and finance team.

Pam, Robert, John, Mayowa, Tina on their work to complete the performance, and accountability report, the PAR. I'll release that to all of you this week, and for the 6th year in a row, USCCR has received an unqualified audit opinion which is the highest opinion that we can achieve. That means that USCCR is being administered in the best financial, and budget procedures available.

So, congratulations to the staff for that. And lastly, on behalf of USCCR employees, we wish -- we want to say, and we want to wish the best for Commissioner Debo Adegbile, we thank you for your integrity, and kindness, and respect to us you have given us, and all the tremendous work. We really appreciate your example of hard work, and concern not only for USCCR, but for civil rights.

1 Your services will be missed by all. Best
2 of luck to you Commissioner Adegbile, on your future
3 endeavors. We look to see you continue your fight
4 here in the civil rights sector, so thank you. Madam
5 Chair, that's all I have.

6 CHAIR CANTU: Thank you.

7 APPRECIATION OF COMMISSIONER ADEGBILE

8 COMMISSIONER YAKI: Wait, we don't have a
9 cake for him? Actually this brings up a question
10 Commissioner Chair, which is we have a number of terms
11 expiring in the first two weeks of December. Are we
12 having a meeting in December, or not?

13 CHAIR CANTU: I am planning on having a
14 meeting, but I live on day to day waiting for news as
15 to who is returning. And so, I have no news that
16 would tell us we're changing our plans.

17 COMMISSIONER YAKI: Because Commissioner
18 Kladney may not be back, I may not be back. So, I
19 think it's important to prepare accordingly.

20 CHAIR CANTU: I will talk with the staff
21 director, and we have a meeting scheduled for
22 December.

23 COMMISSIONER YAKI: And cake would be
24 appropriate, I'm just saying that.

25 CHAIR CANTU: I would like to recognize

1 our colleague Commissioner Debo Adebile, whose term
2 expires on December 5th, and since our December
3 meeting falls on December 9th, this could make it your
4 last one for this term. I don't know how to speak for
5 the future. I mean I don't believe in goodbyes, but
6 I do want to talk about Debo.

7 During his tenure, Commissioner Adebile
8 has led six major USCCR reports on voting rights,
9 sexual harassment, health disparities, environmental
10 justice, racial equity, hate crimes, hate speech,
11 immigration, and he's issued -- brought our country
12 around a conversation, and has issued us with his
13 powerful, eloquent expressions on topics such as civil
14 rights, and the protection in the federal response to
15 natural disasters.

16 Racial disparities in mental health, the
17 federal MeToo, examining sexual harassment in
18 government work places. In the name of hate,
19 examining the federal government's role in responding
20 to hate crimes. Trauma at the border, the human cost
21 of inhumane immigration policies. Minority voting
22 rights access. Along with these reports, he led, he
23 provided input, and advised, and voted on 17 civil
24 rights reports on federal civil rights enforcement.

25 And this covered disability rights,

1 women's rights, criminal justice, immigration,
2 national American rights, education, LGBTQ+ rights,
3 and prisoner rights. He's authored, co-authored, and
4 advised on over 60 policy statements issued by the
5 commission on urgent civil rights issues such as
6 immigrant's access to justice, bail, and sentencing
7 reform.

8 Prisoner healthcare in the pandemic,
9 police use of force, the Muslim ban, religious
10 intolerance, anti-Asian racism, and xenophobia. When
11 I go out, or go on Zoom, and speak to civil rights
12 organizations, and speak to nonprofit groups, I'm
13 asked why I joined the U.S. Commission on Civil
14 Rights. And I explain to people, because of the
15 people who are commissioners.

16 And after I do the presentation, folk come
17 up to me, and some of them are cabinet secretaries
18 come up to me, and say I know him, I've known him for
19 years. I know Debo Adebile, and respect him, and say
20 hi to him for me. My personal reflections of Debo is
21 that he has worked in the vineyards. That he has
22 worked in the shadow of great civil rights leaders,
23 but he himself has become a civil rights icon.

24 And I'm not going to say goodbye to him,
25 because I'm going to continue relying on his counsel,

1 and relying on the expertise of the wonderful
2 Commissioner Debo Adegbile. And I'm going to open it
3 up, you're going to have to listen to other
4 commissioners say things about you commissioner, and
5 hopefully you have something as well that you'd like
6 to say.

7 COMMISSIONER ADEGBILE: With respect, I'd
8 like to invite some commissioners to hold what they
9 may want to say, and send it to me in a letter.

10 CHAIR CANTU: Commissioners? I'm opening
11 it up.

12 COMMISSIONER YAKI: This is Commissioner
13 Yaki.

14 CHAIR CANTU: Thank you, you.

15 COMMISSIONER YAKI: I'm sorry Commissioner
16 Adegbile, but I am being forced against my will to say
17 these -- I'm just cheesing. The only word I can
18 describe for you that I think is -- embodies who, and
19 what you are is fierce. You are fierce. You are
20 someone who is a fierce advocate. Fiercely
21 passionate, a fierce believer in civil rights for all
22 in this country.

23 And you are a fierce defender, and
24 prosecutor of those rights, and I admire the hell out
25 of you for that. And I will miss you on this

1 commission for the ferocity with which you attack
2 these issues. And I know that we have done our best
3 to drive you crazy during these past six years. I
4 know that we have not succeeded.

5 And that you will continue the great work
6 that you have done with us, and without in the future.
7 And it's just been a great privilege to have served
8 along side you for these past six years.

9 COMMISSIONER ADEGBILE: Thank you.

10 COMMISSIONER KLADNEY: Madam Chair, Dave
11 Kladney here.

12 CHAIR CANTU: Yes commissioner.

13 COMMISSIONER KLADNEY: Commissioner
14 Adegbile, I would second, and support everything that
15 Commissioner Yaki just said. You've been a colleague,
16 you've been a friend, you've been a good advisor, and
17 you give me hope for civil rights in the future. I
18 thank you for all that, and your time, and effort.
19 Finally, I'd like to thank you for teaching me many
20 words in your vocabulary, and your muted presentation.

21 Boy from the west has learned a lot from
22 a kid from New York City. Thank you very much
23 commissioner.

24 COMMISSIONER ADEGBILE: Thank you
25 Commissioner Kladney, and thank you Madam Chair.

1 CHAIR CANTU: I think you have the floor.

2 COMMISSIONER ADEGBILE: Great. Well,
3 thank you for all of those kind words, more than I
4 deserve, but I do appreciate each, and every one of
5 them. The road of the fight for civil rights is long,
6 and twisting, and indeed, my own road to the U.S.
7 Civil Rights Commission, as some of you may know,
8 turns out to have been long, and twisting as well.

9 I had hoped to serve this commission many
10 years ago when I was a junior lawyer, and was hoping,
11 and planning to serve as Commissioner A. Leon
12 Higginbotham's special assistant. He was my mentor,
13 he was a presidential appointee to this commission
14 during the Clinton administration. A former colleague
15 was stepping away in his role as special assistant,
16 and I hoped to take on that role.

17 But unfortunately Judge Higginbotham would
18 pass away before we could execute on that plan, and so
19 I wasn't able to come to the commission in the 1990s,
20 as I hoped to sort of start a career of service in
21 civil rights. And the road would wind a bit, and down
22 the road, I would come to serve on the commission, and
23 had the great pleasure when we were meeting in our
24 offices for about half of my term, I would sit across
25 from Judge A. Leon Higginbotham's portrait on the wall

1 from his photograph.

2 And so, he continued in many ways, to
3 watch over me. I just want to share some thank yous
4 with all who do the work of the commission, and all
5 who I've had the great pleasure to do it with over
6 these six years. I'd like to thank Mauro Morales, our
7 staff director, and Tina Martin from the director of
8 office and management, as well as Pam Dunston.

9 Some of the leaders of our staff who stand
10 in the trenches, and have helped us navigate a
11 pandemic which has challenged our work, but saw to it
12 that the work would never the less continue. And I
13 thank each, and every one of you, and all who report
14 up to you for what you do to continue the work of this
15 commission.

16 And OCRE has been much in dialogue today,
17 and obviously the work of civil rights is contested,
18 as we have demonstrated for the country on this very
19 day. But never the less, I would like to thank Marik
20 Xavier-Brier, and Julie Grieco, as well as all of the
21 folks who have served in OCRE, working on the reports,
22 and helping us speak to the country about civil
23 rights, and hopefully light a path about what more we
24 can do to expand a quality, and opportunity.

25 I also need to recognize, I was appointed

1 six years ago on the same day as Catherine Lhamon, who
2 served as the first chair during my time, and gave
3 excellent service, and vice chair Pat Timmons-Goodson
4 was superb, as was Commissioner Karen Narasaki, and
5 many of their staffers, and the SAs, Amy, Rukku,
6 Sheryl, Jason, Allison, the whole gang. As the chair
7 mentioned, we did work on a lot of reports during my
8 time.

9 And as I recall it, when we came to the
10 commission six years ago, there was a backlog of a
11 dozen, or so reports that were in the queue, but had
12 not been released. And we worked diligently, and
13 vigilantly to clear that backlog, and then to continue
14 the many reports, Madam Chair, that you mentioned, and
15 to see that we were continuing to address the issues
16 of the day, even as we were trying to catch up on some
17 work that had not been completed.

18 And we were grateful to do that, including
19 many statutory enforcement reports, and I was pleased
20 to lead one of the reports that caused us to go back
21 into the field, the way the U.S. Civil Rights
22 Commission used to be. Not just to sit in D.C., and
23 talk about it amongst ourselves, and have people come
24 to talk to us, but to have the experience of going,
25 and seeing the issues, and witnessing them as they

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unfold in the jurisdictions.

And we have done that, as you know, in North Carolina, and we did that in Puerto Rico. And I think it added to the quality, and understanding both of the commissioners, and was reflected in the reports. Part of that work is aided by the state advisory committees, and there were many that had not been appointed for a long time. And I think we treated seriously the obligation to appoint the state advisory committees.

They are the eyes, and ears of the U.S. Civil Rights Commission. All of us who sit on the federal commission, the United States Commission, we do what we can. But all of you on these state advisory committees give of your time freely to lift up the issues as they are presenting themselves in states across the country. And now we have expanded this to some of the territories, and we look forward to the outputs.

We heard a wonderful report today, and in some of our reports, we have incorporated your work. It's been a great pleasure to attend the state advisory committee meetings in places like Alaska, New York, Florida, among other places, and to call in, and to participate remotely, and many others to hear of

1 the work. You mentioned the policy statements in
2 which I've had the pleasure to participate.

3 I want to thank the commissioners for the
4 unanimous in support of three that were particularly
5 meaningful to me, and I guess to the commission. One
6 was the statement we had after the tragedy in
7 Charlottesville, where every sitting commissioner
8 voted in support of that statement. And we had
9 unanimity on two other statements that I had the
10 opportunity to draft one, recognizing the
11 extraordinary contributions of the life of John Lewis
12 after his passing.

13 And the Reverend C.T. Vivian after he
14 passed. One of the things that I would say to the
15 future commissioners, is that whatever degree of
16 expertise you have when you come to this job, you will
17 leave with a deeper understanding of the nature, and
18 structure of civil rights challenges in our country.
19 And you will touch issues that you didn't know too
20 much about.

21 And so, it's a learning experience as much
22 as anything else, and I had that experience with our
23 broken promises report, and the civil rights issues as
24 they unfold in Indian country, and for some of our
25 first Americans. Dave Kladney's sub minimum wages

1 report, and the rules under the Fair Labor Standards
2 Act, and the like that have allowed us to pay sub
3 minimum wages to some people on account of their
4 differences opened my world, and understanding about
5 some challenges that we face.

6 As did the disaster relief report in the
7 first ever maternal healthcare report. Sometimes we
8 go talk to Congress about our work, and it's
9 interesting to get grilled up there every once in
10 awhile. And I thank Chair Cantu, and Chair Lhamon
11 before her, for letting me carry the mantle for the
12 commission in some of those briefings. I've greatly
13 appreciated it, and appreciated being on the road to
14 talk about the work of the Civil Rights Commission.

15 One thing we added was the speaker series,
16 and we had lots of experts come before us, and talk
17 about civil rights issues, and to travel with some of
18 you, many of you, to the U.S. Holocaust Museum. Dave
19 Kladney, and I traveled to Rikers Island, which we're
20 hearing about almost every day in the news, to
21 experience some of the civil rights issues that are
22 presented there.

23 And of course we traveled to some of the
24 workshops at issue in the sub minimum wage report, and
25 went to Vermont, and Virginia together to see those

1 places, as well as the travel to Puerto Rico that I
2 mentioned. I'll close with two thoughts, and the
3 first is that as I reflect on civil rights in my time
4 laboring in the vineyards as Commissioner Yaki put it,
5 I've come to understand civil rights a little bit in
6 the following way.

7 And that is that our constitution, and
8 lots of our great documents make what I like to call,
9 and think of as high promises to the people. We
10 promise equality, and equal protection of the laws,
11 and due process. Too often, not always, but too often
12 those high promises are met with low practices. And
13 so what we're dealing with in this country too often,
14 not always, but too often, is a gap between what we
15 promise, and what we do.

16 And I have come to understand the work of
17 civil rights as an effort to narrow the gap between
18 what we promise, and what people experience. Each,
19 and every one of you on this commission, and your
20 predecessors, I think take up that mantle. And we
21 have different ideas sometimes about what that
22 requires, and what that involves.

23 There is a strain of thought in American
24 history, and perhaps in contemporary American life
25 that draws parallels between discrimination itself,

1 and the remedies, and responses to it. This strain in
2 a sense equates the disease with the cure. And this
3 equivalency is perhaps best exemplified in an old case
4 from the reconstruction era called the Civil Rights
5 Cases.

6 In that case, the supreme court disabled
7 a federal civil rights statute in the area of public
8 accommodation saying that the federal government could
9 not intervene with respect to public acts of
10 discrimination, and that the federal statute couldn't
11 reach it. But what was important about that decision
12 was not only the ruling, which created problems for a
13 country that was trying to rebuild itself after the
14 institution of slavery, but it was also the words of
15 the ruling that we need to remember.

16 And in the ruling, in explaining why the
17 court was disabling this important civil rights
18 protection, the court in the reconstruction period,
19 where people with the bondages of slavery are walking
20 about having scars on their body, in that time the
21 court said that there comes a time when a man must
22 cease to be the special favorite of the laws.

23 Again, equating efforts to provide the
24 equality we promise with the remedy -- with the harm
25 to which we're trying to respond. I think that we can

1 navigate these issues, even through our fights I know
2 that we have. We have on this commission, we have on
3 this country, but it's hard work. And so, I leave
4 with thanks, and appreciation to all of the
5 commissioners with whom I've served, to Chair Cantu,
6 to the commissioners for their generous words.

7 A special shout out of thanks to Irena
8 Vidulovic, who is the special assistant whom I had the
9 good fortune to inherit from a previous chair, and who
10 was a hold over, and who became a font of
11 institutional knowledge that greatly aided me. The
12 commissioners aren't here full time, but the staff is,
13 and the essays really advance our work.

14 Work an extraordinary number of hours,
15 there was a way that those reports got out, and it was
16 the work of OCRE, and the essays through the years,
17 day, and night working to get it done. And so, I'm
18 grateful to each of you. I know that I will see many
19 of you in the fights ahead. Sometimes we will be
20 sitting on the same side of the table. I've lived
21 long enough to know sometimes we will be sitting on
22 other sides of the table.

23 But I will greet you with warmth, and
24 admiration for the time that we spent here together,
25 and I'm grateful to President Obama for having given

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me this opportunity. Thank you.

CHAIR CANTU: Thank you. In the spirit of gratitude, I am very grateful for you Commissioner Adegbile. I am grateful to the entire commission. We know we are in a time of transition, and we have done it here, and we are continuing to do it here peacefully, and with kindness to each other. So, that concludes the business meeting on the agenda for today.

ADJOURN MEETING.

CHAIR CANTU: If there is nothing further, I adjourn the meeting at 12:00 o'clock, and almost one minute. We are adjourned, thank you.

(Whereupon, the above-entitled matter went off the record at 12:00 p.m.)

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Before: US CCR

Date: 11-18-22

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Neal R Gross

Court Reporter

NEAL R. GROSS

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