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U.S. COMMISSION ON CIVIL RIGHTS

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BUSINESS MEETING

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FRIDAY, JULY 21, 2023

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The Commission convened at 1331
Pennsylvania Avenue, NW, Suite 1150, Washington,
D.C. at 12:27 p.m. EDT, Mauro Morales, Staff
Director, and Rochelle Garza, Chair, presiding.

PRESENT:

ROCHELLE GARZA, Chair

VICTORIA F. NOURSE, Vice Chair

J. CHRISTIAN ADAMS, Commissioner

STEPHEN GILCHRIST, Commissioner

GAIL HERIOT, Commissioner

MONDAIRE JONES, Commissioner

PETER N. KIRSANOW, Commissioner

GLENN D. MAGPANTAY, Commissioner

MAURO MORALES, Staff Director

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STAFF PRESENT:

ROBERT AMARTEY

BEST BLACKBURN

BRIDGET BREW

SHERYL COZART

IVY DAVIS

PAMELA DUNSTON

PATRICIA FLETCHER

DAVID GANZ

JULIE GRIECO

GIORGIANNA HEIKO

HYUNG KIM

TINALOUISE MARTIN

PILAR MCLAUGHLIN

JULIAN NELSON

MAJOWA OLUBAKINDE

ESSENCE PERRY

JOHN RATCLIFFE

ANGELIA RORISON

SWASTI SHAH

MARIK XAVIER-BRIER

MICHELE YORKMAN-RAMEY

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COMMISSIONER ASSISTANTS PRESENT:

ALEXIS FRAGOSA

JOHN MASHBURN

CARISSA MULDER

THOMAS SIMUEL

IRENA VIDULOVIC

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A G E N D A

I. Approval of Agenda 6

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 A. Discussion and Vote on Presidential
 Designation of Commissioner Rochelle Mercedes
 Garza as Chairperson and Victoria Frances
 Nourse as Vice Chair of the U.S. Commission
 on Civil Rights

III. Adjourn Meeting44

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12:27 p.m.

MR. MORALES: Thank you. Welcome to the business meeting for the U.S. Commission on Civil Rights. The meeting comes to order at 12:27 Eastern Standard Time on Friday, July 21, 2023.

I am Staff Director Mauro Morales. I am not substantively participating in this meeting, but because of the current absence of a chair or a vice chair, I am administering pursuant to my administrative functions.

I would like to confirm the commissioners that are present, and I will take a roll call. Please say present when I say your name.

Commissioner Adams?

COMMISSIONER ADAMS: Present.

MR. MORALES: Commissioner Garza?

COMMISSIONER GARZA: Present.

MR. MORALES: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: Present.

MR. MORALES: Commissioner Heriot.

COMMISSIONER HERIOT: I'm here.

MR. MORALES: Commissioner Jones.

COMMISSIONER JONES: Present.

MR. MORALES: Commissioner Kirsanow.

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COMMISSIONER KIRSANOW: Here.

MR. MORALES: Commissioner Magpantay.

COMMISSIONER MAGPANTAY: Here.

MR. MORALES: Commissioner Nourse.

COMMISSIONER NOURSE: Present.

MR. MORALES: Based on the responses, a quorum of commissioners is present.

Is the court reporter present?

COURT REPORTER: I'm here.

MR. MORALES: Thank you. The meeting will now come to order.

Commissioners have been informed that only one item was created for the agenda, and it would be the presence request to designate a chair and a vice chair for the Commission. Commissioners have further been informed that the proper procedure is to amend a current agenda, as established by Commission rules, and commissioners can make a motion to change the agenda by a majority vote.

Do any commissioners have amendments to the agenda?

I. MOTION TO ADOPT AGENDA

COMMISSIONER KIRSANOW: I move to adopt the agenda.

COMMISSIONER HERIOT: I second.

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1 MR. MORALES: Any objections?

2 COMMISSIONER HERIOT: I move to amend
3 the agenda. I move to include first a vote jointly
4 on the crime victims package of documents and the
5 confirmation of the nominations for chair and vice
6 chair. At which time commissioners Garza and Nourse
7 will make an on-the-record statement regarding our
8 30-30-10 policy.

9 And second, a vote on the report titled
10 The Federal Response to Anti-Asian Racism.

11 And third, a vote on findings and
12 recommendations for the same report, The Federal
13 Response to Anti-Asian racism.

14 This would obviate the need to vote to
15 confirm the chair and vice chair as a separate item.

16 MR. MORALES: Is there a second?

17 COMMISSIONER KIRSANOW: Second.

18 MR. MORALES: Any objections? None?
19 Are there additional motions?

20 (Off-microphone comments.)

21 MR. MORALES: How do you vote?

22 COMMISSIONER HERIOT: I bet we can take
23 an oral one on that, and then just a group vote.

24 MR. MORALES: I thought I did, but okay.
25 Are there any -- all in favor, say aye.

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1 in 2023 and a report to be published in September
2 2024. And to confirm Commissioner Rochelle Garza as
3 chair of the Commission and Commissioner Victoria
4 Nourse as vice chair of the Commission.

5 COMMISSIONER KIRSANOW: Second.

6 MR. MORALES: I'll take a vote, correct?

7 COMMISSIONER HERIOT: Nope, nope. I
8 would like to turn to Commissioner Garza that has --

9 III. STATEMENTS FROM COMMISSIONERS

10 GARZA AND NOURSE

11 COMMISSIONER GARZA: I think we're in --
12 in the discussion portion.

13 So I know this has taken quite a bit of
14 time to get here. I'm very pleased that we could
15 come to an agreement. I'm very pleased. I'm very
16 excited about the work that we're going to do
17 together moving forward.

18 I think that this commission is
19 critically important for civil rights in this
20 country. I deeply believe in civil rights. I think
21 my first meeting, I talked about my grandmother and
22 how much was accomplished through her and how I
23 stand on her shoulders to be in a place like this.

24 So I take this very, very seriously.
25 And I'm deeply honored to have been nominated for

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1 the position and to have been able to come to an
2 agreement with my colleagues on the other side.

3 And you know, I obviously accept the
4 nomination, I accept the role of being chair. I do
5 want to just be very brief on what we've agreed to.

6 You know, we found agreement on the
7 Crime Victims Discovery Plan that the Republican
8 caucus has put forward. And we also have come to an
9 understanding on how we're going to work together
10 moving forward, including, you know, a 30-30-10
11 process for statements, rebuttals, and surrebuttals
12 on reports.

13 And also in terms of working together on
14 findings and recommendations moving forward. And
15 I'll allow others to step in on that issue.

16 MR. MORALES: Any additional--

17 COMMISSIONER HERIOT: You're going to
18 read the statement?

19 COMMISSIONER NOURSE: Yeah, I'd like to
20 read this statement.

21 I want to concur in what Commissioner
22 Garza said. It's a great honor to be nominated by
23 the President. And it's a great honor for me
24 personally to be Commissioner Garza's veep.

25 So, memorandum of understanding.

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1 Commissioners have the right to contribute written
2 statements to Commission reports. This longstanding
3 practice was formally adopted by the Commission in a
4 business meeting on November 19, 2010. This policy
5 provides that from the date of the adoption of the
6 Commission report, commissioners have 30 days in
7 which to submit a written statement that will
8 accompany the report.

9 After the Staff Director distributes the
10 written statements, commissioners have 30 days in
11 which to submit a rebuttal. If three commissioners
12 agree that surrebuttal is warranted, there will be a
13 ten-day surrebuttal period.

14 If commissioners wish to invoke
15 surrebuttal, they will notify the Staff Director of
16 their intention to invoke the surrebuttal period no
17 more than three days after the rebuttals are
18 distributed. For all of you, what that just means
19 is normal federal court practice.

20 We pledge to always vote with our
21 colleagues to uphold this Commission statement, this
22 particular statement and the rebuttal and
23 surrebuttal policy. And speaking for Commissioner
24 Garza, she disagrees, she can state it for the
25 record.

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1 I believe we both agree that we will
2 affirmatively vote against any attempt to truncate
3 the timelines. We will only vote to truncate the
4 timeline for a particular report if all
5 commissioners plan to write statements, rebuttals,
6 and surrebuttals agree to truncating the timeline,
7 which does happen on occasion.

8 Thank you.

9 MR. MORALES: Any further?

10 PARTICIPANT: You're going to say that
11 you agree.

12 COMMISSIONER GARZA: There is no
13 disagreement from me on this. As I said in my
14 opening statement that, you know, we worked very
15 hard over the last three months to come to an
16 agreement here, and I am a person of my word. So I
17 obviously agree with everything that we have agreed
18 to.

19 And just to give you all the opportunity
20 with regards to the findings and recommendations
21 that we had discussed.

22 COMMISSIONER HERIOT: Yes, during our
23 negotiations, we agreed that we would try very hard
24 to come up with findings and recommendations for our
25 reports. We of course cannot, you know, guarantee

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1 that we will agree, but we want to have a procedure
2 in place that will allow us to be thinking about
3 that and trying to reach agreement where we can for
4 each report.

5 COMMISSIONER GARZA: And that procedure
6 includes at least having two commissioners from each
7 caucus work together, you know, with enough time to
8 make sure that we can include findings and
9 recommendations in our reports.

10 COMMISSIONER HERIOT: Yes, I think
11 that's a good idea, and I think I'd like to see that
12 committee formed at the time that the first draft of
13 the report comes out.

14 COMMISSIONER GARZA: Okay.

15 MR. MORALES: Any further comments?

16 COMMISSIONER KIRSANOW: I would just
17 like to extend my gratitude and appreciation to all
18 the commissioners, but particularly Commissioner and
19 chair nominee Garza and vice chair Nourse.

20 This has been a collegial process.
21 We've come to an agreement. I hope this portends
22 for the future on the Commission. It hasn't always
23 been thus, but this is a great start, and I look
24 forward to working with everybody here.

25 COMMISSIONER GARZA: I appreciate that.

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1 You know, genuinely I think, you know, I'm someone
2 that always tries to find some middle ground, and I
3 appreciate the fact that we were able to do that.

4 And I appreciate the efforts that you
5 all made. I'm proud of what we did to get to this
6 point, and I'm really looking forward to what we're
7 going to do moving forward. And I -- you have my
8 commitment to work with you always, so.

9 I call the question.

10 IV. VOTE ON THE QUESTION

11 COMMISSIONER HERIOT: Let me call the
12 question on your behalf here.

13 (Laughter.)

14 COMMISSIONER GARZA: Sorry. If you
15 would like to do it.

16 COMMISSIONER HERIOT: I would like to do
17 that. So.

18 MR. MORALES: Please, Commissioner
19 Heriot.

20 COMMISSIONER HERIOT: I just call the
21 question.

22 MR. MORALES: Call the question, got
23 you, I just wanted to clarify.

24 COMMISSIONER HERIOT: Let's get these
25 ladies installed here.

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1 MR. MORALES: Sure, let's have a vote on
2 their -- your motion to move the package of the
3 documents negotiated by Commissioners Garza, Nourse,
4 Heriot, and Kirsanow and distributed by email by
5 Commissioner Garza at 11:38 to be adopted as a
6 Commission project, with a briefing in 2023 and a
7 report to be published in September of 2024.

8 And to confirm Commissioner Rochelle
9 Garza as chair and Commissioner Victoria Nourse as
10 vice chair. I will take a roll call vote.

11 Commissioner Adams, how do you vote?

12 COMMISSIONER ADAMS: Aye.

13 MR. MORALES: Commissioner Garza, how do
14 you vote?

15 COMMISSIONER GARZA: Yes.

16 MR. MORALES: Commissioner Gilchrist,
17 how do you vote?

18 COMMISSIONER GILCHRIST: Absolutely,
19 yes.

20 MR. MORALES: Emphatic. Commissioner
21 Heriot, how do you vote?

22 COMMISSIONER HERIOT: Yes.

23 MR. MORALES: Commissioner Jones, how do
24 you vote?

25 COMMISSIONER JONES: Yes.

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1 MR. MORALES: Commissioner Kirsanow, how
2 do you vote?

3 COMMISSIONER KIRSANOW: Emphatically
4 yes.

5 MR. MORALES: Commissioner Magpantay?

6 COMMISSIONER MAGPANTAY: Aye.

7 MR. MORALES: Commissioner Nourse?

8 COMMISSIONER NOURSE: Aye.

9 MR. MORALES: Well, congratulations,
10 Chair Garza and Vice Chair Nourse.

11 (Applause.)

12 MR. MORALES: I turn the gavel over to
13 you.

14 V. DISCUSSION AND VOTE ON 2023

15 STATUTORY ENFORCEMENT REPORT

16 CHAIR GARZA: Thank you, Staff Director
17 Morales.

18 Okay, for our second order of business,
19 we turn to discussion and vote on the 2023 Statutory
20 Enforcement Report, the federal response to anti-
21 Asian racism in the United States. The version that
22 we will be voting on was shared by Special Assistant
23 Irena Vidulovic, I'm sorry, on Thursday, July 20 at
24 2:39 p.m. That same version was also uploaded to
25 the commissioners' folder.

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1 I'll open up the floor for discussion.

2 COMMISSIONER MAGPANTAY: Do you need a
3 motion to --

4 CHAIR GARZA: I believe that it was
5 already moved on in our omnibus.

6 COMMISSIONER HERIOT: No, that's -- no,
7 this is a separate motion.

8 CHAIR GARZA: Or no.

9 COMMISSIONER HERIOT: No, he needs to
10 move --

11 CHAIR GARZA: Oh, I apologize.

12 COMMISSIONER MAGPANTAY: I move for
13 adoption.

14 COMMISSIONER HERIOT: I second the
15 motion.

16 CHAIR GARZA: Is there discussion on
17 this?

18 VICE CHAIR NOURSE: I would just say one
19 thing, that this may be one of the first or second
20 reports that we have ever done with regards to the
21 Asian community. So I think that's a sign of
22 progress, that we are moving forward here, despite
23 the delays in getting us all installed. So thank
24 you.

25 COMMISSIONER HERIOT: I think it is the

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1 second, I think. Maybe not even that, I'm certain.
2 But it's not the first.

3 COMMISSIONER MAGPANTAY: Yeah, no, I
4 believe it's the second. The first report was civil
5 rights issues facing Asian-Americans in the 1990s.
6 And so I'm very proud of the support. It was a lot
7 of work. I thank the staff for their diligence and
8 their efforts and tolerance with all the changes and
9 edits. Thank you, and accommodation.

10 I think it says some great things. This
11 is important for our community. This is important
12 for America. It's a great report.

13 CHAIR GARZA: Yeah, and just some
14 thoughts. I mean, that was my first -- the first
15 meeting I attended for USCCR. And just I was
16 incredibly touched by the individuals that came to
17 speak about their experiences.

18 I think it's critically important that
19 we memorialize what has happened in the wake of
20 COVID-19, specifically with the Asian-American
21 community experiencing these kinds of discrimination
22 and issues and hate crimes.

23 You know, obviously the report
24 identifies room for improvement when it comes to
25 reporting and having systems in place to capture

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1 what is happening. And I, you know, I look forward
2 to our report at least memorializing all of this and
3 creating the space for additional research and
4 additional improvements to the system so that we can
5 protect people's civil rights moving forward.

6 If there's nothing further, we can call
7 to question. Well, I have one additional thing. I
8 just would like to thank the staff for all the work
9 that you all put into that report and to putting
10 together the event. Marik, specifically, thank you
11 for all that work.

12 I think, I mean we obviously wouldn't be
13 able to do it without you. So thank you very much
14 for all of your efforts.

15 VICE CHAIR NOURSE: I concur.

16 CHAIR GARZA: Okay, let's call to
17 question then, if -- or can I do that? Okay.

18 Commissioner Adams, how do you vote?

19 COMMISSIONER ADAMS: Yes.

20 CHAIR GARZA: Commissioner Garza, that's
21 myself, yes.

22 Commissioner Gilchrist?

23 COMMISSIONER GILCHRIST: Yes.

24 CHAIR GARZA: Commissioner Heriot?

25 COMMISSIONER HERIOT: I'm going to

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1 abstain.

2 CHAIR GARZA: Commissioner Jones?

3 COMMISSIONER JONES: Yes.

4 CHAIR GARZA: Commissioner Kirsanow?

5 COMMISSIONER KIRSANOW: Abstain.

6 CHAIR GARZA: Commissioner Magpantay?

7 COMMISSIONER MAGPANTAY: Aye.

8 CHAIR GARZA: Commissioner Nourse?

9 VICE CHAIR NOURSE: Aye.

10 CHAIR GARZA: The vote passes with two
11 abstentions -- okay, six yeas and two abstentions.
12 So the vote passes. The report should be adopted.

13 VI. MOTION FOR ADOPTION OF FINDINGS
14 AND RECOMMENDATIONS

15 COMMISSIONER MAGPANTAY: Madam Chair,
16 may I move for adoption of the findings and
17 recommendations that was distributed to the
18 commissioners via email on Wednesday 9:10 a.m.?
19 That's in the commissioners' folder.

20 CHAIR GARZA: Do I have a second?

21 COMMISSIONER ADAMS: Second.

22 CHAIR GARZA: Seconded by Commissioner
23 Gilchrist. I'm sorry, Commissioner Adams. Any
24 discussion?

25 COMMISSIONER HERIOT: We're talking

1 about the long list here.

2 COMMISSIONER MAGPANTAY: Yes. Yes, I --
3 so since I made the motion, I just want to read some
4 of the findings and recommendations that we found
5 out from this work. This will take a minute.

6 So the findings that we find around data
7 collection and reporting. A major impediment to
8 understanding the severity and magnitude of hate
9 crimes against persons of Asian descent is the lack
10 of comprehensive data. Hate crime victims are often
11 likely to report incidents due to fear, retaliation,
12 concerns that justice will not be served, and
13 distrust of the criminal justice system.

14 In March 2023, the FBI released
15 supplemental hate crime statistics report, and
16 showed that a number of anti-Asian incidents
17 increased 167% from 2,079 in 2020 to 740 in 2021.
18 National data shows that all race-based hate crimes
19 rose by 30% in 2020. And specifically, anti-Asian
20 hate crimes increased over 70% in 2020.

21 Hate crimes data are under-reported by
22 victims and by law enforcement and are less likely
23 to be reported to police compared to other types of
24 crimes. And some research suggests that Asian-
25 Americans have been even less likely to report

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1 discriminatory behavior when it occurs.

2 In the United States, 34% of the Asian-
3 American population is limited English proficient.
4 The most frequently spoken languages are Chinese,
5 Korean, Vietnamese, Tagalog, Thai, Khmer, Bengali,
6 Gujarati, Hindi, and Punjabi.

7 What are the barriers? Few police
8 departments have offices fluent in Asian languages,
9 even in metropolitan areas with high numbers of AAPI
10 residents. Therefore, the language barriers
11 continue to be a major barrier to reporting hate
12 crimes and hate incidents and hate harassment.

13 Under the COVID-19 Hate Crimes Act
14 passed by Congress, funding is provided for state
15 and local independent reporting hotlines. However,
16 the Commission's briefing panelist testified that
17 local reporting hotlines, victim services, and law
18 enforcement were not accessible to victims with
19 limited English proficiency. And we heard moving
20 testimony about this.

21 The lack of hate crimes prosecutions may
22 also be a contributing factor to low reporting of
23 hate crimes. Prosecution of hate crimes is
24 difficult, even in states with comprehensive hate
25 crimes legislation, because there is no one legal

1 standard to which courts have agreed, or because the
2 standard to prove is too bias -- to prove bias is
3 too high.

4 So some recommendations that we teased
5 out from the report. That in reporting, the FBI
6 should require local law enforcement to submit crime
7 data. DOJ should fund local and state government
8 efforts in partnership with community-based
9 organizations to address discrimination and other
10 incidents of hate. Law enforcement agencies should
11 improve data collection.

12 Recommendations in trainings and
13 partnerships. The Justice Department should provide
14 safety training and workshops in the respective
15 languages of targeted communities and expend federal
16 funding for community advocacy groups fighting hate
17 crimes.

18 The Justice Department should codify the
19 role of language access coordinator into federal law
20 to ensure that all individuals have access to
21 justice and access to federal programs and benefits
22 regardless of language access.

23 A written policy with law enforcement
24 organizations can serve as a bridge between hate
25 crimes legislation and implementation of that law by

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1 providing officers with information and a standard
2 that the agency expects them to follow.

3 Prosecutors and law enforcement should
4 engage in joint trainings on hate crimes and
5 community engagement, and law enforcement agencies
6 may even consider recommending that the prosecutor's
7 office have a designated attorney to prosecute hate
8 crimes in the community.

9 And prosecutors and law enforcement
10 should vigorously investigate and prosecute hate
11 crimes and harassment against Asian-Americans.

12 A public health and gender-based focus
13 approach to prevent hate crimes in public spaces
14 needs to be increased, including the street
15 harassment of AAPI women and other vulnerable
16 communities.

17 The strengthening of local networks
18 should be investigated so individuals have ready
19 access to community-based places where they can
20 report attacks, receive supportive services, and
21 take safety training and workshops in their own
22 languages.

23 Language access, we're almost there.
24 Language access, reporting language -- regarding
25 language access, federal agencies need to review

1 their compliance with Title 6 of federal --
2 Executive Order 13166 and take appropriate steps to
3 address any potential violations to ensure that they
4 provide language access to services to individuals
5 who need them.

6 The recipients of federal funding, local
7 law enforcement and victims services should comply
8 with Title 6 of Executive Order 13166, provide
9 language access, such as interpreters and bilingual
10 officers who speak Asian languages.

11 Federal agencies need to identify
12 critical deficiencies of language -- limited English
13 proficient programs for individuals who need
14 language and expand reporting hotlines or in-person
15 contact for those with limited English proficiency.

16 Those were some of the major highlights
17 of the findings and recommendations, the list that
18 was circulated to the commissioners. Thank you.

19 CHAIR GARZA: Is there anyone else that
20 has any other comments or discussion on this point?

21 COMMISSIONER ADAMS: Madam Chair?

22 CHAIR GARZA: Yes.

23 VII. MOTION TO AMEND AND VOTE

24 COMMISSIONER ADAMS: This is a motion to
25 amend. And I'm going to be a little specific for

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1 the court reporter so the staff can look through the
2 record, should this motion pass, to do probably what
3 we're trying to do.

4 I would move to amend the very earnest
5 and thoughtful recommendations listed by
6 Commissioner Magpantay. And I would move to amend
7 his motion.

8 And the reason is, is because I think
9 there's a good chance that some recommendations and
10 findings can pass. And I think there's a good
11 chance on the other side of the coin that no
12 findings or recommendations could pass.

13 And I would move to amend his list,
14 which we've all gotten, and hopefully will be
15 attached for the court reporter somewhere in the
16 record, and to make his list become five findings
17 and recommendations. And I'm going to list them.
18 And there's also a number I'll have for the court
19 reporter to catch and staff to look at the record to
20 figure this out.

21 So the first one, which Commissioner
22 Magpantay's bullet sheet list would be the fourth
23 bullet point. Now, the list doesn't have numbers,
24 but it is the fourth bullet point. And that is, A
25 major impediment to understanding the severity and

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1 magnitude of hate crimes against persons of Asian
2 descent is a lack of comprehensive data.

3 My motion is to include that one.

4 There's four more.

5 The next one is bullet point number six,
6 and that says, The transition to all the NIBRS data
7 collection has been slow for some agencies for 2021.
8 The numbering of -- number of participating agencies
9 within the FBI hate crimes database was 11,834,
10 compared to the 15,138 participating agencies for
11 2020 data. And many of the agencies that have not
12 submitted 2021 are the largest jurisdictions.

13 So my motion to amend also includes that
14 finding and recommendation. There's three more.

15 The next is bullet point number 29.
16 Prosecutors and law enforcement should vigorously
17 investigate and prosecute hate crimes against all
18 Americans. My motion to amend includes number 29.

19 The fourth one. First responders should
20 be provided with training aimed at teaching a clear
21 understanding of what constitutes a hate crime in
22 their jurisdiction. On Commissioner Magpantay's
23 document, that is bullet point number 30.

24 And Yankee Doodle. I don't know what
25 that's coming from--we had a cat earlier I guess.

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1 Okay. The last one, five, this is the
2 fifth one. Now, Commissioner Magpantay's list it's
3 bullet 36, bullet number 36. And it says, Federal
4 agencies and law enforcement need to identify
5 critical deficiencies in limited English proficient
6 LEP programs for individuals who need language
7 assistance. That's number 36 on Commissioner
8 Magpantay's list.

9 I would move to amend his list to be
10 replaced with these five bullet points.

11 CHAIR GARZA: We have a motion, do we
12 have a second? Motion to amend, do we have a
13 second?

14 COMMISSIONER KIRSANOW: Second.

15 CHAIR GARZA: Discussion?

16 COMMISSIONER ADAMS: As we've seen the
17 last three or four months, it's pretty hard to get
18 five votes around here. My amendment is designed to
19 get five votes for some findings and
20 recommendations.

21 That's the purpose of the amendment. I
22 think these are good findings and recommendations,
23 and I think this will mean that there will be some
24 findings and recommendations.

25 That's all I have.

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1 CHAIR GARZA: Any further discussion?

2 Call to question?

3 COMMISSIONER ADAMS: On the amendment?

4 CHAIR GARZA: On your amendment? Okay.

5 Commissioner Adams, how do you vote?

6 COMMISSIONER ADAMS: Yes.

7 CHAIR GARZA: Commissioner Garza, yes.

8 Commissioner Gilchrist?

9 COMMISSIONER GILCHRIST: Yes.

10 CHAIR GARZA: Commissioner Heriot?

11 COMMISSIONER HERIOT: I just want to
12 clarify, this is a motion to amend, this is not the
13 final motion on this actual thing. I can vote in
14 favor of the motion to amend.

15 CHAIR GARZA: Okay, yes for Commissioner
16 Heriot.

17 Commissioner Jones?

18 COMMISSIONER JONES: Yes.

19 CHAIR GARZA: Commissioner Kirsanow?

20 COMMISSIONER KIRSANOW: Yes.

21 CHAIR GARZA: Commissioner Magpantay?

22 COMMISSIONER MAGPANTAY: A tolerant yes.

23 (Laughter.)

24 CHAIR GARZA: Noted. Commissioner

25 Nourse?

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VICE CHAIR NOURSE: Aye.

CHAIR GARZA: Okay, motion passes
unanimously.

Is there any just -- then we go back to
the original, okay. Do we want to call -- sorry?

COMMISSIONER ADAMS: Discussion.

CHAIR GARZA: Is there discussion on
this issue?

VIII. DISCUSSION OF MOTION AND VOTE

COMMISSIONER HERIOT: Yeah.

COMMISSIONER ADAMS: Madam Chair?

CHAIR GARZA: Yes.

COMMISSIONER ADAMS: I think that
Commissioner Magpantay's list that we've amended has
some really important things. And I know when I was
an attorney at the Civil Rights Division in the
Justice Department, that having limited English
proficient people in place in important offices that
contact the public is the difference between
bewilderment and protection.

And a lot of times when they didn't
speak the language it was bewilderment, and when
they did it was -- they were protected. And so I
think there's some really good ideas here. Clearly
we need to prosecute and investigate hate crimes,

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1 maybe not in that order. I suppose investigate and
2 prosecute is better.

3 And first responders, I mean, we heard
4 testimony at the hearing where hate crimes die on
5 the vine at the beginning as far as prosecutions go
6 because there's no one who understands what happened
7 when a first responder shows up.

8 So I think there's some really good
9 ideas in this, and that's why I support the passage
10 to include these findings are recommendations.

11 CHAIR GARZA: Any further discussion?

12 VICE CHAIR NOURSE: In a spirit of
13 concurrence I will just say I think that
14 Commissioner Adams is absolutely correct. Having
15 worked on hate crimes issues for many years, the
16 identification of a hate crime itself is very
17 difficult.

18 And unless first responders are capable
19 of distinguishing between that which is and which is
20 not, and they must investigate, not simply look for
21 some kind of statement. Because that's not what
22 makes a hate crime.

23 So I, too, was moved by that testimony
24 from the hate crimes coordinator in Los Angeles at
25 our first hearing, and I think that's a very

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1 important recommendation and finding of the
2 Commission.

3 CHAIR GARZA: Commissioner Magpantay?

4 COMMISSIONER MAGPANTAY: Yeah, no, I
5 support these five points in principle. I think
6 they are good. I still think that our findings and
7 recommendations should be more robust. But in the
8 spirit of finding common ground and areas of
9 agreement, I get it. And I support these items.

10 I also do want to note that around
11 language access and for the record, we are not
12 saying translate everything to like the 300
13 languages across the world in all of America.

14 I want to be very clear that there is a
15 federal standard, which is articulated under
16 Executive Order 13166, which looks at the numbers of
17 limited English proficient people in an area with
18 the rates of English proficiency.

19 And so we're not looking encapsulating
20 covering every language for everyone at every
21 moment. That would be great, I would support that
22 too. But that might be a strain on resources.
23 There is a prioritization to look at the populations
24 who most need the services who are numerous in
25 numbers and do not speak English or English well.

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1 And so these recommendations would go
2 towards that and to advancing that. And we have a
3 good report and a good briefing that actually
4 supports these findings and recommendations.

5 CHAIR GARZA: Commissioner Jones.

6 COMMISSIONER JONES: Thank you, Madam
7 Chair. Feels really good to call you that.

8 (Laughter.)

9 I just want to thank my colleague Glenn
10 for just his incredible work on finding areas of
11 common ground with our Republican colleagues on
12 these findings and recommendations.

13 I, too, want to go on the record as
14 expressing my disappointment that we could not reach
15 agreement on a much more comprehensive set of what I
16 view to be non-controversial findings and
17 recommendations. But in the interest of comity and
18 moving forward the work of this commission, of
19 course I'm going to vote for what we were able to
20 agree on with our Republican colleagues.

21 I will tell you as someone who was very
22 proud to vote for hate crimes legislation that
23 became law during COVID to protect the Asian-
24 American community here in the United States, that
25 this is something that is very important to me.

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1 It has been far too long that the AAPI
2 community in this country has not gotten the
3 attention that it deserves when it comes to these
4 crimes and other incidents of hate, which maybe
5 don't meet the definition of crimes, but certainly
6 have devastating impacts on the AAPI community. And
7 I'm glad that we're taking a step forward today.

8 CHAIR GARZA: I would like to add as
9 well that I wish we could incorporate more robust
10 findings and recommendations. However, I, in the
11 spirit of compromise, in the spirit of finding
12 something that we can put in the official record and
13 the report, you know, I'm going to be voting in
14 favor of this.

15 Is there any other discussion?

16 COMMISSIONER HERIOT: Madam Chair? I
17 just want to put on the record that I'm very pleased
18 that my colleagues have come to some agreement. I'm
19 going to have to abstain on these. But I am very
20 confident that with the new procedures that we're
21 going to be putting in for findings and recs that
22 we'll be able to do an even better job next time.

23 And that there are things on this list I
24 could easily agree to, but I'll spare you the
25 details of which parts I have problems with.

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1 CHAIR GARZA: Okay. Well, I appreciate
2 the encouragement that we're going to be able to
3 work together moving forward on that.

4 Is there any further discussion on this
5 before we call to question? Commissioner Magpantay?

6 COMMISSIONER MAGPANTAY: Just this is,
7 to be transparent, this is a personal issue for me.
8 You know, I had worked on the federal hate crimes
9 act, on hate crime statistics since 1988. And you
10 know, in full disclosure, I am the survivor of a
11 hate crime for being gay from 20 years ago. And I
12 am the victim of a hate crime for being Asian from
13 20 months ago.

14 So I sit on this commission having lived
15 this experience as well. I think it forms what I
16 see that's on the ground, and why I am so happy and
17 grateful for this report and these recommendations.
18 They will mean a lot, they will make a tremendous
19 impact on the communities, you know, that need the
20 support.

21 And I'm a lawyer, and I'm a victim of a
22 hate crime. You can imagine what the non-lawyers
23 are trying to deal with. I mean, I can deal with my
24 case.

25 So thank you for the support and for

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1 moving these issues forward.

2 CHAIR GARZA: And thank you for sharing
3 that, Glenn.

4 VICE CHAIR NOURSE: Madam Chair?

5 CHAIR GARZA: Commissioner Nourse?

6 VICE CHAIR NOURSE: I just want to thank
7 Commissioner Magpantay for sharing that, because
8 that's often kind of difficult for those of us who
9 are lawyers. And I want to thank Commissioner Adams
10 for his comity on trying to come to some agreement
11 on this. Thank you.

12 CHAIR GARZA: Wonderful. With no
13 further discussion, we can vote on the motion as
14 amended, to include the items that Commissioner
15 Adams identified.

16 We can start with Commissioner Adams,
17 how do you vote?

18 COMMISSIONER ADAMS: Aye.

19 CHAIR GARZA: I vote yes.

20 Commissioner Gilchrist?

21 COMMISSIONER GILCHRIST: Aye.

22 CHAIR GARZA: Commissioner Heriot?

23 COMMISSIONER HERIOT: I abstain.

24 CHAIR GARZA: Commissioner Jones?

25 COMMISSIONER JONES: Aye.

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1 CHAIR GARZA: Commissioner Kirsanow?

2 COMMISSIONER KIRSANOW: Yes.

3 CHAIR GARZA: Commissioner Magpantay?

4 COMMISSIONER MAGPANTAY: Aye.

5 CHAIR GARZA: Commissioner Nourse?

6 VICE CHAIR NOURSE: Aye.

7 CHAIR GARZA: Wonderful, we have seven
8 yeses and one abstention. So we have findings and
9 recommendations.

10 COMMISSIONER HERIOT: And you just
11 conducted your first meeting, so congratulations.

12 CHAIR GARZA: Yes, I did. Thank you all
13 for your patience, it will get better.

14 I do, I'm going to take a point of
15 privilege here and just say thank you to the staff
16 for all of your support in bending over backwards
17 and answering a million questions a million times
18 from all of us. We really genuinely appreciate all
19 that you've done to help us get to this point.

20 I am very encouraged. I am optimist
21 through and through. I'm also pragmatic, but you
22 know, I'm very optimistic about where we're going as
23 a commission.

24 And I just want to say thank you also, a
25 big thank you to the Staff Director, Mauro Morales,

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1 for really -- for his leadership and for the support
2 that he has obviously provided the staff and support
3 he's provided to this commission as a whole in
4 helping us get on track. And I look forward to
5 moving us forward. But I do want to say a big thank
6 you to you.

7 MR. MORALES: Thank you very much.

8 If I might just take a quick minute.
9 Normally we have an opportunity to do the Staff
10 Director's report. I usually don't do it because
11 all the information is contained in the report and
12 if you have any specific questions, please see me, I
13 don't want to take up additional time.

14 But I would like to just as a reminder,
15 a reminder to all commissioners, special assistants,
16 and of course the staff, that the offices are being
17 closed on Monday for renovation. You won't have
18 access to the offices. They're going to put in some
19 new carpet, painting. They're going to actually
20 create a couple more extra offices since we're
21 adding some staff.

22 So they'll reopen on August 14. But if you
23 have any questions, please see Pam Dunston. She
24 will let you know whatever it is you might -- answer
25 any questions or let you know what you need to know.

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1 And also, please, Commissioners, look
2 for an email about our interns that served this
3 summer. I didn't get a chance, normally we bring
4 them forward, and you know, thank them for -- and
5 some are here and some of them aren't. But I want
6 to make sure that they all get recognized.

7 Some of them were interns for
8 commissioners, some are for the different
9 departments. So I want to make sure we do that as
10 we're getting towards the close of the summer.

11 And then finally I just want to thank
12 the staff. I mean, this has been a interesting
13 time, but everybody's hung together and worked
14 together as a team. And I'm so proud of you all.

15 And congratulations Chair Garza and Vice
16 Chair Nourse. We look forward to working with you.
17 I speak on behalf of the staff, we're all looking to
18 helping you do your jobs, and all the commissioners
19 of course, at any time we're available to help. And
20 the General Counsel's Office and everybody else. So
21 thank you very much.

22 COMMISSIONER JONES: Madam Chair, just
23 if you'll indulge me just for a quick second.

24 CHAIR GARZA: Yes, of course,
25 Commissioner Jones.

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1 COMMISSIONER JONES: I also want to give
2 a huge thank you to my confidential assistant, my
3 special assistant, Irena Vidulovic, who has done a
4 lot of incredible work on behalf of the Democratic
5 commissioners on this body as we wait for the White
6 House to finally move forward the process to get
7 other special assistants approved.

8 I mean, she has really responded to so
9 many of us and been incredibly helpful in moving the
10 ball forward. So I just want to highlight her
11 important work.

12 CHAIR GARZA: Irena's indispensable.
13 And forgive me for the oversight. You know, we --
14 most of us are new and we haven't had a special
15 assistant for most of this time. And Irena has kind
16 of carried the team and carried the work. So I
17 genuinely appreciate her.

18 But I also want to say thank you to my
19 colleagues as well for being supportive. I think I
20 feel like this is a really, a good moment, because
21 I feel like this can set the tone for what this is
22 going to look like moving forward.

23 And I'm, like I said, I'm truly an
24 optimist, and I feel like we can always find
25 agreement. And I look forward to what we can do as

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1 a commission and what we can do together.

2 So Commissioner Magpantay.

3 COMMISSIONER MAGPANTAY: With the Staff
4 Director's report, I did read it. You know, I want
5 to actually commend the state advisory committees,
6 the SACs, for what they did.

7 I actually had an opportunity to meet
8 with David Mussatt in Chicago. And also Romana Lee-
9 Akiyama from the Pennsylvania State Advisory
10 Committee invited me to a meeting, so I had an
11 opportunity to listen in on their meeting. And
12 they're issuing a wonderful report.

13 The state advisory committees I think do
14 really great work. They advise this commission.
15 They look at issues that maybe are more state and
16 local focused than we would look at at the federal
17 and national level, but I really want to applaud
18 them.

19 And again, I want to recognize David on
20 the record for his good work and all the staff in
21 Chicago. I know Chicago's a little far away and
22 they're -- I've been watching. Thank you for what
23 you do and for your service. And to all the state
24 advisory committees, thank you for your service.

25 CHAIR GARZA: Yeah, Commissioner Adams?

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IX. PARLIAMENTARY INQUIRY

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2 COMMISSIONER ADAMS: Point of I guess
3 it's parliamentary inquiry. We had some discussion
4 about a conflict somebody had with an August meeting
5 date, I thought.

6 CHAIR GARZA: Yes.

7 COMMISSIONER ADAMS: Are we going to --
8 is that on the agenda to take up, or that's -- so
9 it's parliamentary inquiry. Are we going to take up
10 that problem somebody had?

11 CHAIR GARZA: I mean, we could do it by
12 notational vote --

13 COMMISSIONER ADAMS: Okay.

14 CHAIR GARZA: If there is no opposition,
15 we can just do that. Unless you all are in
16 agreement.

17 COMMISSIONER MAGPANTAY: I would vote to
18 cancel the August meeting due to conflicting
19 schedules.

20 COMMISSIONER ADAMS: Second.

21 CHAIR GARZA: I will take that under
22 advisement, I think, is my understanding how this
23 works.

24 MR. MORALES: I think we should kind of
25 survey all the commissioners. It's probably the

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1 direction of the right direction to go, but I don't
2 know that everybody has had an opportunity to weigh
3 in.

4 COMMISSIONER ADAMS: There's somebody
5 who --

6 MR. MORALES: Go ahead, sorry.

7 COMMISSIONER ADAMS: My staff assistant
8 informs me the decision's already been made.
9 Apparently I didn't know that it's canceled.

10 CHAIR GARZA: No, no, no, there's --

11 COMMISSIONER ADAMS: Informal, I'm
12 sorry.

13 CHAIR GARZA: No, no, no, there's been
14 no decision. I move that we go ahead and table this
15 and that we can resolve it via email. I think we
16 could do a notational vote on that.

17 COMMISSIONER ADAMS: Well, I think we'd
18 also have five votes to cancel it here, so.

19 CHAIR GARZA: No, we don't vote --

20 COMMISSIONER ADAMS: Okay, fair enough.

21 CHAIR GARZA: Yeah. Okay. All right,
22 let's --

23 COMMISSIONER ADAMS: There's an open
24 motion right now that was seconded.

25 COMMISSIONER MAGPANTAY: I'll withdraw.

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CHAIR GARZA: Glenn has withdrawn.

Okay, is there a motion to adjourn?

COMMISSIONER JONES: So moved.

CHAIR GARZA: Is there a second?

COMMISSIONER ADAMS: Second.

CHAIR GARZA: All in favor?

(Chorus of aye.)

CHAIR GARZA: Okay. We are adjourned,
thank you so much.

(Whereupon, the above-entitled matter
went off the record at 1:09 p.m.)

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Before: US CCR

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Place: teleconference

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Court Reporter

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