

# UNEDITED

U.S. COMMISSION ON CIVIL RIGHTS

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BUSINESS MEETING

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FRIDAY, SEPTEMBER 20, 2024

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The Commission convened at 1331  
Pennsylvania Avenue, NW, Suite 1150, Washington, DC  
and via Videoconference at 10:00 a.m., Rochelle Garza,  
Chair, presiding.

PRESENT:

ROCHELLE GARZA, Chair

VICTORIA NOURSE, Vice Chair\*

MONDAIRE JONES, Commissioner

GLENN MAGPANTAY, Commissioner

STEPHEN GILCHRIST, Commissioner

J. CHRISTIAN ADAMS, Commissioner

GAIL HERIOT, Commissioner

PETER N. KIRSANOW, Commissioner\*

DANNY VARGAS, SAC Chair

MAURO MORALES, Staff Director

DAVID GANZ, General Counsel and

Parliamentarian

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STAFF PRESENT:

PAMELA DUNSTON, Chief, ACSD

JOHN RADCLIFFE

MICHELE YORKMAN-RAMEY

MARIK XAVIER-BRIER

PILAR VELASQUEZ-McLAUGHLIN

ESSENCE PERRY, ASCD

JULIAN NELSON, ASCD

DAVID BELL

HYUNG KIM

HEATHER HICKS

BRIDGET BREW

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART

YVESNER ZAMAR

IRENA VIDULOVIC

STEPHANIE WONG

ALEXIS FRAGOSA

THOMAS SIMUEL

JOHN MASHBURN

\*Present via Video Teleconference

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P R O C E E D I N G S

(10:10 a.m.)

CHAIR GARZA: Good morning, everyone. Let's go ahead and get started. This building of the United States Commission on Civil Rights comes to order at 9:10 a.m., Eastern -- I'm sorry 10:10 a.m., Eastern Time on Friday, September the 20th, 2024. This meeting is taking place at the Commission's headquarters located at 1331 Pennsylvania Avenue, Northwest, Washington, D.C.

I'm the chair of the Commission, Rochelle Garza and I'd like to start with a roll call. So please confirm your presence when I say your name.

Vice Chair Nourse?

VICE CHAIR NOURSE: Present.

CHAIR GARZA: Commissioner Adams?

COMMISSIONER ADAMS: Present.

CHAIR GARZA: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: Present.

CHAIR GARZA: Commissioner Heriot?

COMMISSIONER HERIOT: I'm here.

CHAIR GARZA: Commissioner Jones?

COMMISSIONER JONES: Present.

CHAIR GARZA: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Here.

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1 CHAIR GARZA: Commissioner Magpantay?

2 COMMISSIONER MAGPANTAY: I'm here.

3 CHAIR GARZA: Wonderful. Thank you.

4 Based on that roll call a quorum of Commissioners is  
5 present.

6 Is the court reporter present?

7 COURT REPORTER: Yes.

8 CHAIR GARZA: Great.

9 Is the staff director present?

10 STAFF DIRECTOR MORALES: I am present.

11 CHAIR GARZA: Is the Parliamentarian  
12 present?

13 MR. GANZ: I'm present.

14 CHAIR GARZA: All right. Everybody is  
15 present.

16 I. APPROVAL OF AGENDA

17 CHAIR GARZA: Before I move forward I'd  
18 like to address the request made by the Republican  
19 Commissioners to amend the agenda to add a vote on the  
20 State Advisory Committee appointments. I am in  
21 receipt of your request, however under the revised  
22 Federal Advisory Committee Act, FACA, regulations,  
23 specifically Section 41, Part 102-3 Subsection 105(k)  
24 of the Code of Federal Regulations, a vote by  
25 Commissioners on SAC appointments is not required with

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1 the new FACA rule revisions issued by the General  
2 Services Administration.

3 I would also like to formally enter into  
4 the record the previously circulated memorandum from  
5 the Office of the General Counsel which outlines the  
6 FACA changes and explains their impact on the  
7 appointment process. While I fully recognize that  
8 there may be differing opinions regarding the legal  
9 conclusions outlined in the memo, I would still like  
10 the record to reflect the memos to which we are  
11 referring. As such, the Commission will not vote on  
12 this matter and I must rule this -- any request out  
13 of order.

14 I appreciate your understanding and I just  
15 want to assure all of you that the Commission remains  
16 committed to transparency and collaboration as we  
17 proceed with the appointment of SAC members under the  
18 revised process.

19 So now --

20 COMMISSIONER HERIOT: Madam Chair, I just  
21 would like to register my objection to that.

22 CHAIR GARZA: So noted. Now we're going  
23 to proceed with today's agenda as posted on the Federal  
24 Register. We were supposed to consider the following:

25 A. Presentations by the Virginia and Maryland

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1 State Advisory Committee Chairs

2 followed by

3 B. the staff director's report.

4 Before we get to that I would like to  
5 propose the following changes to the agenda:

6 First, remove the presentation by the  
7 Maryland Advisory Committee on water affordability as  
8 they're no longer able to present today. And second,  
9 I'd propose adding two items for a discussion and vote.

10 The first one being a discussion and vote  
11 on the fiscal year 2025 statutory enforcement report  
12 topic on teacher shortages led by Commissioner  
13 Gilchrist.

14 And the second is a discussion and vote  
15 on the 2025 briefing report topic on language access  
16 led by Commissioner Magpantay.

17 At this time I move to approve these  
18 changes to the agenda. Do we have a second?

19 COMMISSIONER ADAMS: Second.

20 CHAIR GARZA: A motion has been properly  
21 made and properly seconded. Is there any discussion  
22 on these items that have been proposed?

23 (No audible response.)

24 CHAIR GARZA: Okay. Hearing none, let's  
25 conduct a roll call vote. We'll start with Vice Chair

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1 Nourse?

2 VICE CHAIR NOURSE: Aye.

3 CHAIR GARZA: Commissioner Adams?

4 COMMISSIONER ADAMS: Abstain.

5 CHAIR GARZA: Commissioner Gilchrist?

6 COMMISSIONER GILCHRIST: Aye.

7 CHAIR GARZA: Commissioner Heriot?

8 COMMISSIONER HERIOT: This is just to  
9 amend the agenda?

10 CHAIR GARZA: Yes.

11 COMMISSIONER HERIOT: Aye.

12 CHAIR GARZA: Commissioner Jones?

13 COMMISSIONER JONES: Aye.

14 CHAIR GARZA: Commissioner Kirsanow?

15 COMMISSIONER KIRSANOW: Yes.

16 CHAIR GARZA: Commissioner Magpantay?

17 COMMISSIONER MAGPANTAY: Yes.

18 CHAIR GARZA: And the Chair votes yes.

19 So motion passes with seven yeases and one abstention.

20 II. BUSINESS MEETING

21 A. PRESENTATION BY VIRGINIA ADVISORY COMMITTEE CHAIR  
22 ON RELEASED REPORT AND MEMORANDUM ON POLICE OVERSIGHT  
23 AND ACCOUNTABILITY.

24 So let's go ahead and get started with the  
25 presentation from our Advisory Committee Chairs. In

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1 today's meeting we're hearing from the Chair of the  
2 Virginia Advisory Committee. Again, Advisory  
3 Committees serve as the eyes and ears on the ground  
4 to identify and elevate civil rights concerns from the  
5 local to the national level. Their dedication to  
6 uncovering inequality and recommending actionable  
7 solutions is crucial for promoting justice and equality  
8 across the nation, and so we're very grateful to have  
9 these chairs -- the chairs of these committees as our  
10 guests to present upon the text of their reports that  
11 have been voted upon by a majority of their committees.

12 So before we get started I'd like to set  
13 the stage. The purpose of the presentations is to hear  
14 from the Advisory Committees' representatives about  
15 what was voted upon and recommended as a committee based  
16 on the testimony they gathered.

17 We deeply appreciate your presence and  
18 your ability to represent your committees' findings  
19 and recommendations. And additionally I want to  
20 emphasize that while some statements made today may  
21 be controversial, it is crucial that all Commissioners  
22 respect our colleagues and Advisory Committee Chairs.

23 And as Chair I reserve the right to cut short any  
24 statements that may defame, degrade, or do not pertain  
25 to the issue at hand.

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1           Again, we appreciate our Advisory  
2 Committee Chairs for being here today to share your  
3 insights. And we're going to go ahead and start with  
4 our Virginia Advisory Committee Chair Danny Vargas on  
5 the committee's report, Police Oversight and  
6 Accountability.

7           Thank you, Chair Vargas. The floor is  
8 yours.

9           CHAIR VARGAS: Good morning, Chair Garza  
10 and members of the Commission. Thank you very much  
11 for the opportunity to share with you all this morning.

12          I apologize I couldn't be there in person, but it's  
13 an honor to be able to speak with you today.

14           On behalf of our Commission I wanted to  
15 make sure we had an opportunity to share with you our  
16 report. It was conducted during the 2021-2022 time  
17 frame. We received significant input from a wide range  
18 of experts and policy leaders in the Commonwealth of  
19 Virginia. You'll see in our report that we had a number  
20 of findings as well as a number of recommendations.

21          Our focus was to make sure that we had the opportunity  
22 to investigate police oversight and accountability in  
23 the commonwealth and find ways to ameliorate any  
24 disparities that may occur.

25           Among the recommendations, which you'll

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1 see in the report, is the standardization of training  
2 and practices throughout the various counties and  
3 localities within Virginia. We found that there were  
4 a number of instances in which there wasn't  
5 standardization and we felt that that would help.

6 We also had a recommendation to have  
7 additional background checks for those entering law  
8 enforcement as well as personality checks. We also  
9 found that it was important that we have additional  
10 training as it relates to engaging individuals that  
11 might be suffering from mental health conditions or  
12 incidents in addition to the fact that we needed to  
13 make sure that there was additional scrutiny on  
14 disparities as it relates to protected classes: race,  
15 folks with disabilities, and the like.

16 We appreciate the input we received from  
17 both DCJS as well as the Attorney General as well as  
18 other leaders in law enforcement associations and the  
19 citizens that are involved in civil rights  
20 organizations.

21 I'm happy to take any questions you might  
22 have. As you saw, among our recommendations were items  
23 that would request the U.S. Commission to engage the  
24 U.S. Department of Justice as well as the Virginia  
25 Department of Criminal Justice Services.

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1           Again, thank you all so very much and happy  
2 to take any questions you might have.

3           CHAIR GARZA: I'm going to open the floor  
4 to questions from Commissioners. Would someone like  
5 to be recognized? Oh, Commissioner Magpantay?

6           COMMISSIONER MAGPANTAY: Thank you,  
7 Chair. This is a great report. I read it in detail.  
8       When you completed your study in 2022 we released our  
9 study on anti-Asian racism in 2023. And one of our  
10 recommendations as a bipartisan commission came up with  
11 better language access for law enforcement and victim  
12 services.

13           And so because Virginia has -- is in the  
14 top 10 states with the largest Asian American  
15 population in the country -- many Koreans and  
16 Vietnamese and Chinese who are limited  
17 English-proficient in the commonwealth -- and towards,  
18 as you quote, better interactions with law enforcement  
19 and the community, were you able to look at language  
20 access services or language access by local police  
21 departments in the commonwealth?

22           CHAIR VARGAS: We got some input from --  
23 we were able to speak to the police chief in Fairfax  
24 County and we noted that they did have a significant  
25 amount of resources in a variety of languages. As you

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1 can imagine, in Fairfax County alone we've got over  
2 100 languages spoken. So they do have resources  
3 available to interact with citizens. I think it's  
4 going to depend primarily on the demographic makeup  
5 of each locality, but I know in the case of Fairfax  
6 County they do have those resources.

7 I will note also that in my opening  
8 statement in the report that I extended my sincere  
9 appreciation for the members of law enforcement, the  
10 vast majority of which are good, decent, hardworking  
11 folks. And that's why it's concerning whenever there  
12 is an incident that breaks the covenant of trust between  
13 law enforcement and citizens. But by and large we  
14 appreciate the service and sacrifice of the members  
15 of law enforcement.

16 COMMISSIONER MAGPANTAY: Yes, thank you  
17 so much. And just to clarify, I was not saying that  
18 the police are committing atrocities or anti-Asian  
19 violence.

20 CHAIR VARGAS: No, no, no.

21 COMMISSIONER MAGPANTAY: It is the  
22 community. And the police are there to accept the  
23 report.

24 CHAIR VARGAS: Right.

25 COMMISSIONER MAGPANTAY: And if they

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1 don't speak the language or they have no access in that  
2 situation. Thank you very much. Excellent.

3 CHAIR VARGAS: Thank you.

4 CHAIR GARZA: Are there any other  
5 questions from Commissioners?

6 (No audible response.)

7 CHAIR GARZA: I'll take the privileges of  
8 the Chair and ask, Chair Vargas, if you would dig in  
9 a little bit on what you found regarding people with  
10 disabilities having trouble to -- trouble navigating  
11 police encounters. I understand that includes people  
12 with mental health disabilities. So if you wouldn't  
13 mind sharing a little bit more about what you found  
14 there.

15 CHAIR VARGAS: I think in general what we  
16 found was that law enforcement had not been properly  
17 trained and prepared to engage, particularly when there  
18 is an incident taking place to be able to manage those  
19 incident with folks dealing with law -- mental health  
20 issues. They tend to escalate quickly and law  
21 enforcement needs to be able to be prepared to  
22 de-escalate and ameliorate those situations better.

23 The training needs to be such that they  
24 can understand how best to be able to manage those and  
25 where it's important to bring in mental health

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1 professionals along with the law enforcement officers  
2 to better deal with those situations. In too many  
3 cases I think you have folks that are experiencing  
4 mental health crises where law enforcement may not be  
5 the best agency to be engaging whereas mental health  
6 professionals might be better placed to be able to  
7 reduce incidents and better manage a particular crisis.

8 CHAIR GARZA: Thank you for speaking a  
9 little bit more to that issue.

10 Are there any other questions from  
11 Commissioners?

12 VICE CHAIR NOURSE: Madam Chair, this is  
13 the Vice Chair. Can you hear me?

14 CHAIR GARZA: Yes. Go ahead, Vice Chair  
15 Nourse.

16 VICE CHAIR NOURSE: Thank you, sir, for  
17 this report and I appreciate all the work you've done.

18 I live in the great state of Virginia, so I  
19 particularly appreciate it.

20 One of the things we've learned from the  
21 National Academy of Sciences recently -- and this  
22 testimony came out in our crime hearing -- was that  
23 when we train police and we train police how to deal  
24 with people respectfully, that this actually increases  
25 police officer safety and the safety of the public.

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1       So I would ask you how much emphasis would you lay  
2       on police training to solve the problems you found in  
3       your report?

4                   CHAIR VARGAS:       So I appreciate the  
5       question. I think training is key, I think training  
6       is critical, but I do think standardization is also  
7       important.

8                   As you know, we've got a number of  
9       different counties and localities across the  
10      Commonwealth of Virginia crossing from one to another  
11      and result in significant differences in the ways that  
12      law enforcement agencies either treat their citizens  
13      or deal with a particular interaction.

14                  The other thing that we think is super  
15      important is the background checks and the personality  
16      checks so that even someone who might receive the same  
17      quality training, if they don't have the right  
18      personality for the type of law enforcement officer  
19      that is there to protect and serve, then you might still  
20      have those types of negative incidents. So we would  
21      couple training with standardization as well as the  
22      background checks and personality checks of the  
23      individuals.

24                  VICE CHAIR NOURSE: Thank you.

25                  CHAIR GARZA: Well, thank you so much,

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1 Chair Vargas, for your service and leadership on the  
2 Virginia Advisory Committee. We appreciate you taking  
3 the time to be with us today and sharing the report  
4 and the findings. So with that, if you have any final  
5 thoughts or final comments -- we're going to move onto  
6 the next agenda items, but I would like to give you  
7 the last word.

8 CHAIR VARGAS: Well, Madam Chair, I just  
9 want to appreciate the work of the Commission. The  
10 State Advisory Committees really work hard to make sure  
11 that we can deliver a product that's -- both meets the  
12 needs of our citizens and our neighbors, but also  
13 provides the Commission with the opportunity to have  
14 a direct impact at the state and local level. So thank  
15 you all so much for your important work.

16 CHAIR GARZA: Wonderful. We appreciate  
17 you.

18 B. DISCUSSION AND VOTE ON THE FISCAL YEAR 2025  
19 STATUTORY ENFORCEMENT REPORT ON TEACHER SHORTAGES

20 So we're going to go ahead and move on to  
21 the next item that we added to the agenda, which is  
22 a discussion and vote on the fiscal year 2025 statutory  
23 enforcement report topic on teacher shortages led by  
24 Commissioner Gilchrist.

25 All Commissioners have received the latest

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1 version of the concept paper as circulated on Tuesday,  
2 September 17th, 2024 at 5:14 p.m., Eastern by the  
3 Director of the Office of Civil Rights Evaluation, Dr.  
4 Marik Xavier-Brier.

5 Do we have a second for that motion?

6 COMMISSIONER ADAMS: Second.

7 CHAIR GARZA: All right. A motion has  
8 been made and properly seconded. Is there any  
9 discussion on this?

10 (No audible response.)

11 COMMISSIONER GILCHRIST: Madam Chair?

12 CHAIR GARZA: Yes, Commissioner  
13 Gilchrist?

14 COMMISSIONER GILCHRIST: I just want to  
15 comment that I'm delighted that we are looking to take  
16 up this most important proposal for teacher shortages.

17 Since the pandemic obviously Americans have  
18 continually tried to bring back some normalcy in all  
19 aspects of life. And what we found is that this whole  
20 issue of education and teacher shortages has certainly  
21 become an issue for -- not only for our students, but  
22 for our teachers and for our families. And so for this  
23 Commission to consider examining this particular issue  
24 is certainly something that I want to applaud us for  
25 considering.

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1                   And so that being said, I'm delighted that  
2 we're taking vote on this today and I look forward to  
3 the work that will come from the Commission on this  
4 issue. Thank you.

5                   CHAIR GARZA:           Well, thank you,  
6 Commissioner Gilchrist. I'm very excited about this  
7 topic. Both of my parents were public school teachers.  
8           That's how they met. And it is an issue that is near  
9 and dear to my heart. So very excited that we could  
10 come to agreement on this particular topic for our  
11 statutory enforcement report.

12                   Are there any other comments?  
13 Commissioner Magpantay?

14                   COMMISSIONER MAGPANTAY: Yes, I agree.  
15 As a parent with a child who just went through the public  
16 school system and who has learning disabilities and  
17 challenges I'm very excited about this report. I think  
18 it's an excellent project. I'm looking forward to the  
19 work that we can do together on this. Thank you.

20                   CHAIR GARZA: Wonderful. If there is no  
21 further discussion, we'll go ahead and proceed with  
22 a roll call vote. So please respond yes if you are  
23 in favor; no if you are not. And if you are abstaining,  
24 say abstain.

25                   We're going to start with Vice Chair

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1 Nourse.

2 VICE CHAIR NOURSE: Yes.

3 CHAIR GARZA: Commissioner Adams?

4 COMMISSIONER ADAMS: Yes.

5 CHAIR GARZA: Commissioner Gilchrist?

6 COMMISSIONER GILCHRIST: Yes.

7 CHAIR GARZA: Commissioner Heriot?

8 COMMISSIONER HERIOT: I vote yes.

9 CHAIR GARZA: Commissioner Jones?

10 COMMISSIONER JONES: Yes.

11 CHAIR GARZA: Commissioner Kirsanow?

12 COMMISSIONER KIRSANOW: Yes.

13 CHAIR GARZA: Commissioner Magpantay?

14 COMMISSIONER MAGPANTAY: Yes.

15 CHAIR GARZA: And I vote yes. So

16 unanimously passed. Congratulations.

17 COMMISSIONER GILCHRIST: Excellent.

18 CHAIR GARZA: We're going to move forward

19 on this.

20 C. DISCUSSION AND VOTE ON THE FISCAL YEAR 2025

21 BRIEFING REPORT TOPIC ON LANGUAGE ACCESS

22 Now for the discussion and vote on the

23 fiscal year 2025 briefing report topic on language

24 access as presented by Commissioner Magpantay.

25 I move that we approve the version of the

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1 concept paper as circulated to all Commissioners on  
2 Tuesday, September the 17th, 2024 at 5:14 p.m. Eastern  
3 by the Director of the Office of Civil Rights  
4 Evaluation, Dr. Marik Xavier-Brier. Do we have a  
5 second?

6 COMMISSIONER GILCHRIST: Second, Madam  
7 Chair.

8 CHAIR GARZA: Wonderful. Motion has been  
9 made and properly seconded. Is there any discussion  
10 on this? Commissioner Magpantay, please?

11 COMMISSIONER MAGPANTAY: So likewise, as  
12 America becomes more diverse ethnically, racially,  
13 class, but also in languages, looking at language  
14 access in the safety net programs locally is important.

15 And I want to stress this goes hand in hand with our  
16 last report around language access to hate crimes --  
17 to law enforcement and victim services, but there are  
18 so many more issues. And it's not only Asian  
19 American -- Asian languages, but Spanish-speaking  
20 Latinos, Native American languages, European  
21 languages. There are large pockets of limited  
22 English-proficient communities across the country.

23 There are things that we can do both as  
24 a country and there are ways that this Commission can  
25 spotlight local issues for local populations so they

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1 can access the government services as is required under  
2 federal law. Thank you.

3 CHAIR GARZA: Thank you, Commissioner  
4 Magpantay.

5 Any other discussion?

6 (No audible response.)

7 CHAIR GARZA: Hearing none, we're going  
8 to go ahead and proceed to a roll call vote. Please  
9 respond yes if you are in favor; no if you're opposed.  
10 And if you're abstaining, indicate that you are  
11 abstaining.

12 Vice Chair Nourse?

13 VICE CHAIR NOURSE: Yes.

14 CHAIR GARZA: Commissioner Adams?

15 COMMISSIONER ADAMS: Yes.

16 CHAIR GARZA: Commissioner Gilchrist?

17 COMMISSIONER GILCHRIST: Yes.

18 CHAIR GARZA: Commissioner Heriot?

19 COMMISSIONER HERIOT: I vote yes.

20 CHAIR GARZA: Commissioner Jones?

21 COMMISSIONER JONES: Yes.

22 CHAIR GARZA: Commissioner Kirsanow?

23 COMMISSIONER KIRSANOW: Yes.

24 CHAIR GARZA: Commissioner Magpantay?

25 COMMISSIONER MAGPANTAY: Yes.

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1 CHAIR GARZA: And I vote yes. The motion  
2 unanimately passes with eight votes in favor.

3 Congratulations. Congratulations to  
4 both of you.

5 D. MANAGEMENT AND OPERATIONS

6 STAFF DIRECTOR=S REPORT

7 We're going to proceed with our final issue  
8 today, which is a Staff Director's report.

9 So the floor is yours, staff director.

10 STAFF DIRECTOR MORALES: Thank you, Madam  
11 Chair. In the interest of time I have nothing further  
12 to add than what's already contained in the report that  
13 was submitted to Commissioners. Of course if a  
14 Commissioner has a question and wishes to discuss  
15 anything contained in the report, I'm more than happy  
16 to have a conversation with them.

17 I have nothing further, Madam Chair, and  
18 thank you.

19 COMMISSIONER MAGPANTAY: Madam Chair?

20 CHAIR GARZA: Commissioner Magpantay?

21 COMMISSIONER MAGPANTAY: Yes, I read the  
22 report. Thank you very much, staff director, for this.

23 I just recently found out that Angelia Rorison left  
24 the Commission. I just wanted to thank her on the  
25 record for her service to the Commission and her work.

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1           And I understand that Joe Rim -- Joe Kim will be joining  
2           us in this, so I wanted to welcome him, thank him for  
3           his service to the Commission. Thank you very much.

4                           III. ADJOURN MEETING

5                   CHAIR GARZA: Okay. Well, that concludes  
6           the business on the agenda for today's business  
7           meeting. I hereby adjourn the meeting at 10:32 a.m.,  
8           Eastern Time. Thank you and have a wonderful weekend.

9                           (Whereupon, the above-entitled matter  
10          went off the record at 10:32 a.m.)

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