The Commission convened in Suite 1150 at 1331 Pennsylvania Avenue, Northwest, Washington, D.C., at 10:00 a.m., Catherine Lhamon, Chair, presiding.

PRESENT:

CATHERINE E. LHAMON, Chair
PATRICIA TIMMONS-GOODSON, Vice Chair*
DEBO P. ADEGBILE, Commissioner
GAIL HERIOT, Commissioner
PETER KIRSANOW, Commissioner*
DAVID Kladney, Commissioner*
KAREN NARASAKI, Commissioner
MICHAEL YAKI, Commissioner*

MAURO MORALES, Staff Director
MAUREEN RUDOLPH, General Counsel

* Present via telephone
STAFF PRESENT:
ROBERT AMARTEY
LASHONDRA BRENSON
MARIK XAVIER-BRIER
ROIAINE CASTRO
BREANNA DAVIDSON, Intern, MWRO
PAMELA DUNSTON, Chief, ASCD
ALFREDA GREENE
DAVID MUSSATT, DIR., RPCU*
WARREN ORR
MICHELE RAMEY
SARALE SEWELL
JUANDA SMITH
BRIAN WALCH

COMMISSIONER ASSISTANTS PRESENT:
SHERYL COZART
ALEC DUELL
JASON LAGRIA
CARISSA MULDER
AMY ROYCE
RUKKU SINGLA
ALISON SOMIN
IRENA VIDULOVIC
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PROCEEDINGS

(10:01 a.m.)

CHAIR LHAMON: This is the meeting of the U.S. Commission on Civil Rights. It's coming to order at 10:00 a.m. on April 21st, 2017. This meeting's taking place at our Commission's headquarters at 1331 Pennsylvania Avenue, NW, Washington, D.C.

I'm Chair Catherine Lhamon. Present with me at this meeting are Commissioner Adegbile, Commissioner Heriot, Commissioner Narasaki. And I understand that on the phone are Vice Chair Timmons-Goodson, Commissioner Yaki, Commissioner Kladney, and Commissioner Kirsanow.

Could each of you say that you are present so that we know for sure that you are here?

VICE CHAIR TIMMONS-GOODSON: Good morning, this is Commissioner Timmons-Goodson. I am present.

CHAIR LHAMON: Thank you.

COMMISSIONER Kladney: This is Dave Kladney, I'm here.

CHAIR LHAMON: Thank you. Commissioners?

COMMISSIONER KIRSANOW: Kirsanow here.

CHAIR LHAMON: Thank you. Commissioner Yaki, are you here?
COMMISSIONER YAKI: I am, especially because Commissioner Kirsanow's not there.

CHAIR LHAMON: Thank you. So just a reminder to each of you who is on the phone, please state your name before speaking so that we can avoid confusion for the court reporter. I'll just confirm that that was Commissioner Yaki speaking last.

We have a quorum of the Commissioners present. Is the court reporter present?

COURT REPORTER: I am.

CHAIR LHAMON: Thank you. Is the Staff Director present?

STAFF DIRECTOR MORALES: I am present.

I. APPROVAL OF AGENDA

CHAIR LHAMON: Thank you. So this meeting now comes to order. I'd like to discuss a couple of amendments to the agenda, but, first, is there a motion to approve the agenda so we can start that process?

COMMISSIONER NARASAKI: So moved.

CHAIR LHAMON: Thank you. Is there a second?

COMMISSIONER ADEGBILE: Second.

CHAIR LHAMON: Great. I move amend the agenda --

COMMISSIONER KLASNEY: Kladney here, I'll
second.

CHAIR LHAMON: Thank you. We have two seconds now. I move to amend the agenda to add two items and remove one item. We would add first a discussion and vote on a statement titled "U.S. Commission on Civil Rights Urges Department of Justice to Use All Available Tools to Work with Police Departments to Ensure Constitutional Policing."

Second, a discussion and vote on a statement titled, "U.S. Commission on Civil Rights Expresses Concern with Immigrants' Access to Justice."

And we would remove an item that was voting on appointments to the Michigan State Advisory Committee, per the Staff Director's email earlier this week. Is there a second?

COMMISSIONER ADEGBILE: Second.

CHAIR LHAMON: Thank you.

VICE CHAIR TIMMONS-GOODSON: Timmons-Goodson, I second.

CHAIR LHAMON: Thank you. So if there are no further amendments, let's vote to approve the agenda as amended. All those in favor say "aye."

(Chorus of ayes.)

CHAIR LHAMON: Any opposed? Any abstentions?
COMMISSIONER KIRSANOW: Kirsanow.

CHAIR LHAMON: Thank you. The motion passes. No Commissioner opposed, one Commissioner abstained, all others were in favor.

II A. PROGRAM PLANNING

1. DISCUSSION AND VOTE ON CONSTITUTIONAL POLICING STATEMENT

CHAIR LHAMON: So, turning to Program Planning, we have two amended agenda items today under Program Planning. First, we will discuss and vote on the statement regarding constitutional policing. I'll note here that Commissioner Adegbile is recused from this discussion and vote, and so will not be participating. Is that correct?

COMMISSIONER ADEGBILE: That's correct.

CHAIR LHAMON: Thank you. So I'll begin by reading the statement so we know what it is that we're voting on. It's titled, "U.S. Commission on Civil Rights Urges Department of Justice to Use All Available Tools to Work with Police Departments to Ensure Constitutional Policing."

The U.S. Commission on Civil Rights is deeply concerned by signals from the U.S. Department of Justice indicating that it does not intend to continue holding local police departments accountable for
violating the rights of individuals as defined by the Constitution and other federal laws.

We call on the Attorney General to re-examine this course and continue to fulfill the Justice Department's mandate to protect the civil rights of all persons.

On March 31, 2017, the Attorney General issued a memorandum directing the Deputy Attorney General and the Associate Attorney General to "immediately review all Department activities to ensure they appropriately supported state, local, and tribal law enforcement."

The Commission is troubled that this action sends a message to communities across the country that reform agreements urgently needed, and in some instances, already agreed to by the respective police departments and municipalities involved, may be in jeopardy.

We commend Judge Bredar of the U.S. District Court for the District of Maryland for approving the Justice Department's consent decree with the Baltimore Police Department, and recognizing that "the time for expressing grave concerns has passed; and instead, the parties must now exercise the agreement as they promised they would."
The Commission is also concerned that the Attorney General's memorandum points to a deeper misunderstanding of the federal government's role with respect to state and local law enforcement.

The memorandum included a list of principles by which the Department is expected to operate, including a declaration that "it is not the responsibility of the federal government to manage non-federal law enforcement agencies."

In 1994, Congress provided the Department of Justice with authority to bring pattern and practice investigations for systematic violations of constitutional rights within police departments. Since that time, the Department of Justice has opened a total of 69 formal investigations of police departments, averaging fewer than three per year.

Each investigation, negotiated agreement, and subsequent reforms were done with input from the local law enforcement agency and the surrounding community they affect.

These investigations addressed serious, systemic, deeply rooted, abusive practices that violated the Constitution and other federal laws. They have made for better policing in communities served by law enforcement.
The Commission has recognized the value of the work done by the Civil Rights Division with its pattern and practice investigations, most recently with the Division's report on the law enforcement and municipal courts of Ferguson, Missouri in 2015.

In response to the investigation and findings made by the Division's report, the Commission is undertaking our own investigation to evaluate the problematic use of fines and fees in different jurisdictions around the country, as well as to examine the efficacy of the Justice Department's efforts to curb constitutional violations in this realm.

Advocates and experts from around the country attested to the relevance and necessity of the Justice Department's work under the express authority granted by Congress. The Division's report has spurred positive change in municipal jurisdictions around the country.

The Commission also received positive reports on the Justice Department's policing work from experts at the Commission's briefing on police use of force in April 2015.

Reports indicate that the DOJ is considering drastic cutbacks in the Office of Community-Oriented Policing Services, COPS, an office
that has received praise from police departments around the country.

COPS assists police departments when the departments themselves invite the Department of Justice to collaborate with them in reviewing their policies and procedures, and assist them in better policing practices. Failing to appropriately fund any resource to ensure constitutional policing is a setback.

Chair Catherine E. Lhamon stated, "The Department of Justice should and must continue to work with local law enforcement and communities to remedy constitutional violations and repair damaged community relationships. Fair treatment and effective policing depend on the Department fulfilling its obligations in this continuous effort, using any and all tools at its disposal to achieve the fulfilment of civil rights."

That's the full statement. We can now discuss it. Are there any points other commissioners would like to make?

COMMISSIONER KIRSANOW: Kirsanow.

CHAIR LHAMON: Go ahead.

COMMISSIONER KIRSANOW: I think maybe we want to hold off on this. It sounds to me that this statement, it may be well-considered, but I think it's somewhat premature.
I'm not sure how we can make the leap from saying that the Justice Department doesn't intend to continue holding local police departments accountable for violating the rights of individuals as defined by the Constitution when all they did was issue this memorandum that says they're going to review Department activities to ensure that they appropriately support state, local, and tribal law enforcement.

In addition to that, there's some, at least questionable, assertions of fact, one of which is that the consent decrees have made for better policing in communities served by law enforcement.

First of all, I'm not sure what that sentence means. I think almost every community is served by law enforcement. But beyond that, we cite Baltimore as being one of the cities subject to consent decree, and just this last year Baltimore had an extraordinary spike in crime, including the second highest rate of murder in its history. The same applies to Chicago, where we have 762 murders. And then just immediately adjacent to Ferguson, in St. Louis, we have an extraordinary spike in crime also. So maybe we want to hold off before issuing this statement.

CHAIR LHAMON: Thanks, Commissioner Kirsanow. I will point out that Baltimore's consent
The decree was only just entered this month. So the spike in crime that precedes it is unrelated to the entry of the consent decree.

In addition, the existence of a spike in crime does not necessarily indicate a failure of effective policing. It does indicate serious criminal justice concerns for the communities who live in those communities.

COMMISSIONER KIRSANOW: If I may respond, I did read the article here that's cited. And I'm not sure that this supports an assertion that these consent decrees necessarily provide for better policing. I'm open to that, but I'm not sure that this is evidence of that.

And I would also note that at least the investigation related to Baltimore began well before the spike in crime.

CHAIR LHAMON: Thank you. I think Commissioner Heriot wanted to comment?

COMMISSIONER HERIOT: Yeah. I intend to vote no on this motion. I think the first sentence, for example, is quite unfair. The Department of Justice has not indicated that it does not intend to continue holding local police departments accountable for violating the rights of individuals as defined by the
Constitution and other federal laws.

What they have said is that they are taking a look at some of these consent decrees, which is a very different thing. So, in that sense, I agree with Commissioner Kirsanow that this is premature.

I also believe that -- and perhaps this is more important here -- the third paragraph of this statement tries to draw a line here. It says that the Department has said -- and it uses the word "declaration" here, actually -- but to quote the Department, "it is not the responsibility of the federal government to manage non-federal law enforcement agencies."

And this statement takes issue with that, saying that, indeed, there is a statute that gives the Department authority to bring pattern and practice investigations for systematic violations of constitutional rights.

And that's true, but I don't see those two statements as being in tension. There's a very large difference between managing local law enforcement and using the power that has been rightly given to the Department of Justice to bring pattern and practice investigations for systematic violations of constitutional rights.
So those two statements are not in tension, and I think it's a big mistake and a misunderstanding of federalism to think that they are. Also I just want to echo what Commissioner Kirsanow just said about the consent decree in Baltimore, and that is, it's not a question of when the consent decree was entered. It's a question of how the Baltimore Police Department has been adjusting its activities to go along with what the Department of Justice has been telling it that it needs to do, and that starts long before the judge actually enters the consent decree.

So I don't think it's a situation where you can say that the Department of Justice's activities have not influenced how the Baltimore Police Department conducts its activities. So I don't think you can say that it's unrelated to the spike in crime. It may or may not be. I don't think that we should be dismissing that as an issue that doesn't need to be looked at carefully. I think it really does. And so, again, I will be voting against this statement.

CHAIR LHAMON: Thank you. I don't disagree with you that the statements in the third paragraph should not be in tension. I believe that they are in tension because of the memorandum from the Attorney General. And that is, for me, a strong reason.
I'll ask if there are any other comments from other Commissioners?

VICE CHAIR TIMMONS-GOODSON: This is Vice Chair Timmons-Goodson. I support the statement. I intend to vote for it. I believe that we are properly commenting and expressing concerns on an issue extremely important for the day. And I think we ought to issue it.

CHAIR LHAMON: Thank you.

COMMISSIONER NARASAKI: I also intend to vote for it. During the hearings that we've had on the issue of police use of force and reform, we heard consistently that the Department of Justice's interventions have been very helpful to those who want to help push the cities to reform.

It gives them political support for the budget support they need in order to train officers sufficiently. So I believe that it's very clear that these consent decrees, which are very closely negotiated by both sides, and the cities and police departments are more than able to negotiate their interests. It's not that they're helpless in these discussions with the Department of Justice. So I think it's very important.
And my concern is that, while the statement itself may be fairly narrow, there's a context in terms of what the Attorney General has been saying on these topics that I think make our concern clear, and better to put the Department of Justice on notice about our concerns now than after the fact.

CHAIR LHAMON: Thank you. Any other discussion on this motion? Okay. Do I have motion to approve the statement regarding constitutional policing? Well, I will move.

COMMISSIONER KLADNEY: Kladney here. I so move.

CHAIR LHAMON: Okay. Thank you. Is there a second?

VICE CHAIR TIMMONS-GOODSON: I'll second.

CHAIR LHAMON: Was that a second? Okay. Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: No.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: No.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLABDEY: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?
COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: And I vote yes. That's five votes yes, two votes no, one Commissioner recused, and no abstentions. Thank you.

II A. PROGRAM PLANNING

2. DISCUSSION AND VOTE ON U.S. COMMISSION ON CIVIL RIGHTS URGES DEPARTMENT OF JUSTICE TO USE ALL AVAILABLE TOOLS TO WORK WITH POLICE DEPARTMENTS TO ENSURE CONSTITUTIONAL POLICING

CHAIR LHAMON: So now we will discuss and vote on the statement regarding immigrants' access to justice. I'll also read this statement so we are clear about what we are voting on. The title is "U.S. Commission on Civil Rights Expresses Concern with Immigrants' Access to Justice."

The Commission is concerned that some of the most vulnerable individuals' access to justice is hindered by the recent actions of the federal government. The Commission urges Attorney General Sessions and Department of Homeland Security Secretary Kelly to consider the fair administration of justice when determining how and where they send Immigrations...
and Customs Enforcement, ICE, agents.

In the last few months, troubling reports have emerged of federal immigration agents following, confronting, and in some instances, arresting undocumented immigrants in state and local courthouses when some of those immigrants were seeking help from authorities and the local justice system.

For example, in Texas, ICE agents reportedly arrested a woman just after she obtained a protective order against her alleged abuser. In Colorado, video footage of ICE agents with an administrative arrest warrant waiting in a Denver courthouse was widely circulated. Similar reports have been made about courthouses in California, Washington, Arizona, and Oregon.

Stationing ICE agents in local courthouse instills needless additional fear and anxiety within immigrant’s communities, discourages interacting with the judicial system, and endangers the safety of entire communities.

Courthouses are often the first places individuals interact with local governments. It is the site of resolution for not only criminal matters, where a victim might seek justice when she has been harmed or wronged, but also for resolution of civil matters,
including family and custody issues, housing, public benefits, and numerous other aspects integral to an individual's life.

The chilling effect on witness and victims is already apparent. According to Denver City Attorney Kristin Bronson, four women dropped their cases of physical and violent assault for fear of being arrested at the courthouse and subsequently deported.

Bronson stated that the video footage of ICE officers waiting to make arrests at a Denver courthouse has "resulted in a high degree of fear and anxiety in our immigrant communities. And as a result, we have grave concerns here that they distrust the court system now and that we are not going to have continued cooperation of victims and witnesses."

The response from Attorney General Sessions and Secretary Kelly to these concerns is that local officials "have enacted policies that occasionally necessitate ICE officers and agents to make arrests at courthouses and other public places." And such policies "threaten public safety."

Contrary to this claim regarding jurisdictions that are refusing to hold individuals solely based on ICE detainer requests, it appears that these tactics have been deployed even where local law
enforcement has indicated that they are willing to act in concert with federal immigration agents.

In El Paso County, Texas, for instance, Sheriff Richard Wiles signed a letter requiring his office to hold any individuals with an ICE detainer request. Despite this, ICE agents entered a courthouse in El Paso County to arrest a woman after she left the courtroom where she secured a protective order against her alleged abuser.

More importantly, even if this strategy were used exclusively in jurisdictions refusing to cooperate regarding enforcement of ICE detainers, studies have shown that public safety is in fact undermined when members of the community are fearful of local law enforcement, and therefore less likely to report crimes, make official statement to police, or testify in court.

In the words of California Supreme Court Chief Justice Tani G. Cantil-Sakauye, "courthouses should not be used as bait in the necessary enforcement of our country's immigration laws."

Chair Catherine E. Lhamon adds, "The fair administration of justice requires equal access to our courthouses. People are at their most vulnerable when they seek out the assistance of local authorities, and
we are all less safe if individuals who need help do not feel safe to come forward."

That's the end of the statement. We can now discuss it, if there's any discussion. Commissioner Heriot?

COMMISSIONER HERIOT: I've got a question on this. I mean, is anyone else immune from arrest in courthouses? I've looked, you know, preliminarily at this issue, and I couldn't find anything to suggest that anybody else, for any other kind of law enforcement issue, would be immune in a courthouse.

So why would someone uniquely be immune if the problem is one of immigration law? That's what I don't understand about this statement.

CHAIR LHAMON: I suspect you don't find information about that because it is not the practice of police and law enforcement agencies to arrest people in courthouses.

COMMISSIONER HERIOT: Actually I did find it. There were quite a few sting operations operated out of courthouses.

CHAIR LHAMON: And were you finding news about that because it was newsworthy? Because it was unusual?

COMMISSIONER HERIOT: There was actually a
lot of it. No, I don't think it was unusual. I think it was actually being publicized to give people a sense of, gosh, this can happen. And there was nothing to suggest that ordinarily people are immune from arrest in courthouses, nothing like that at all. So if you can point me to something that says that this is unusual, I'd love to see it.

CHAIR LHAMON: I think the fact that you're reading news about it suggests that it is unusual, but also --

COMMISSIONER HERIOT: No, I found quite a few news stories, and what was interesting about it was not that, oh goodness, this is unusual, but the fact that they were able to arrest a lot of people that way. It was actually a sting operation.

CHAIR LHAMON: To be clear, there's nothing in the statement that suggests that it is not lawful for ICE to do it. It is that the Commission has concerns --

COMMISSIONER HERIOT: Then that's my question. What is so unique about immigration law that makes you want to argue that this shouldn't be done in the case of immigration law, but it's okay in other situations?

CHAIR LHAMON: Commissioner Narasaki?
COMMISSIONER KLADNEY: Commissioner Heriot, Kladney here. So, I think what the statement's main thrust is, is that we are hurting the judicial system in that witnesses to crimes are not appearing because they are under the threat of arrest, as well. And so this is undermining the judicial system as a whole. Not a sting operation, which is set up by the police to capture wrongdoers. So this undermining of the judicial system by keeping witnesses away from the courthouse is clearly hurting the community as a whole. And I think that's the gist of this statement.

COMMISSIONER HERIOT: But, again, my question is, what's so unique about immigration laws with regard to this? Why wouldn't you want the same rule for all things, and why wouldn't -- you know, if that isn't the case, then why are we making a special argument here? Why are we engaging in special pleading here?

CHAIR LHAMON: Commissioner Narasaki.

COMMISSIONER NARASAKI: Let's take the example of domestic violence. There is lengthy documentation about the special vulnerability of immigrant women to abusers, who in fact hold over their head their immigration status as a way to keep them victimized. And these are among the victims that we're
concerned are not coming forward.

And so the challenge here is that you are allowing crimes to continue to happen because the victims themselves are not coming forward. And we're talking about, as you know, not a handful of people, but literally millions of people and their families who are made much more vulnerable, who are made -- not just domestic violence victims, but victims or home invasions and robberies. This is not helpful, as Commissioner Kladney notes, for everyone's public safety, not just the immigrants themselves. So that's why we are particularly looking at this situation.

COMMISSIONER HERIOT: But, again, as we saw in our fees and fines briefing, you know, arrest warrants are pretty common. There are a lot of them out there. It's not just for immigration cases.

It seems to me that if we have a long-standing history where there is no such immunity, then issuing a puny statement like this, that has not been researched, you know, not --- there's hardly anything to this. This is off the top of somebody's head. That strikes me as a deep error.

COMMISSIONER HERIOT: I will say that the statement has been researched and it is consistent with three state Supreme Court justices' request to the
Department of Justice to date.

COMMISSIONER HERIOT: Looking up a few newspaper articles is not researching a legal topic.

CHAIR LHAMON: For what it's worth --

COMMISSIONER HERIOT: A legal topic requires a lot more than that.

CHAIR LHAMON: For what it's worth, your not having done the research does not mean the research has not been done. But go ahead, Commissioner Narasaki.

COMMISSIONER NARASAKI: So I was just going to say that I think that what's important to note here is that we are not making the argument that anyone should be immune. What we are saying is there's common sense, and it used to be the policy where people would be routinely arrested, immigrants. And in fact that changed because of the documentation of the public safety risks and the risks to victims that were becoming very apparent.

So, this is not something that we just came up with right now. There was a change in policy several years ago for the very reasons that we are laying out. And we are suggesting that that policy should stay in place, instead of being changed back to where it's going.
CHAIR LHAMON: And I believe one of the commissioners on the phone has been trying to get in. Is that Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Yes, thank you, Madam Chair. I concur with Commissioner Heriot. I'd make a couple of observations. First, we are creating somewhat of a protected class here, because it is in fact true that almost anyone who's out of lawful status, regardless of whether it pertains to immigration, it could be because someone has outstanding warrants, outstanding warrants for drug possession, outstanding warrants for traffic. Whatever it may be, and as someone who spends a lot of time in courts, it's not just sting operations. I've seen individuals arrested on a frequent basis because they've come into court for some reason, and then someone determines that, hey, there's an outstanding warrant on that particular person.

That applies to Americans. It applies to documented immigrants. It applies to everybody. And yet we have singled out a class because, for whatever reason, they are somehow insulated from the same type of treatment that everyone else is subjected to.

In addition, our statement here says, "people are at their most vulnerable when they seek out these systems of local authority." And the question
is, what's the limiting principle? Does this only apply to courthouse appearances, or does it apply to other attempts to seek out help from authorities, whether it be at -- who knows -- the police station? Title agencies? The DMV? Or whether or not somebody goes to a public hospital? Are they then somehow insulated because we deemed that particular activity as essential to either the administration of justice or in assisting that particular individual in a time of need?

There are a lot of Americans who abuse people in domestic violence situations. We do not insulate them from that. And those Americans who are abused are very often abused by people who have outstanding warrants and will be otherwise subject to arrest if they appeared.

So I think that this is -- it is the case that this is a protected class. I think it's done because this is a political gesture, not anything that is supported by empirical evidence or the fair administration of the rule of law. So I'm going to be voting against it.

COMMISSIONER NARASAKI: I think Commissioner Kirsanow is misunderstanding the extent of what we are saying. We are not saying that someone who happens to be an immigrant should not be arrested at the
courthouse if they've committed murder. What we are saying is they should not be taken for an immigration violation, which is a totally different animal.

So we're not saying that you can never be arrested if you're near a courthouse. We're just saying that ICE should not be active around courthouses, because it chills everyone's ability to participate in a justice system that we all need to work.

COMMISSIONER HERIOT: I think we do understand that, but that's making a --

COMMISSIONER KIRSANOW: Well, essentially, Commissioner, that makes my point. Because immigration has been set aside as a specific type of activity that we think is maybe more worthy of protection than someone who's in violation for some other reason.

So, someone may be subject to arrest, for example, because of outstanding warrants for a whole host of things. Why should those people be subject to arrest but somebody who is out of legal status because of an immigration violation be protected?

COMMISSIONER HERIOT: Let me just add one more thing here, and that is -- now that I think about it, I actually know a personal story where a very dear friend of mine walked into a police department to make
a complaint about someone who was acting in a criminal manner towards him. And sure enough, there was an outstanding arrest warrant for my friend.

It was unfair and was inappropriate. He had not committed that crime. But they had to arrest him. This argument would see to me to apply even more strongly to the notion of an illegal immigrant entering a police department to make a complaint, and yet is routine when people come in and make a complaint: if there's an outstanding arrest warrant they get arrested.

I think we want to know a whole lot more about how this would affect law enforcement before we single out a particular area of the law and say, "for this area of the law, we want to have special protections." I don't understand why that would be.

COMMISSIONER YAKI: This is Commissioner Yaki. May I speak?

CHAIR LHAMON: Yes.

COMMISSIONER YAKI: This debate highlights, I think, what the change in policy is that we are trying to deal with, which is the bootstrapping of the argument that pretty much anyone who is here in an undocumented status is, essentially, by their nature, having committed a crime.
This is a distinct change in policy. This is where the statements of the president do not match the actions of his administration, especially of his attorney general. The notion that the first DACA individual was deported is another example of that.

But here, this is not about a sting operation to get people with very big and bad warrants out there. This is for people whose crime, such as it is, is being in this country, being deemed law-abiding, working, supporting their families, and they don't have status, a subject that everyone agrees there needs to be some discussion about, and some comprehensive resolution to, but which no one is willing to take the step and take legislative action to actually fix it.

So, in the meantime, we close a blind eye to -- turn a blind eye to the situation right now, which is that there is this increased enforcement going on, an increased tactic of intimidation, and you are actually allowing people who should be arrested to not be arrested if their accusers are not allowed to go to a police station or go to a courthouse to make a complaint, to do these sorts of things that benefit the greater society as a whole.

So this is a change. This is a problem.

And I do support the statement.
COMMISSIONER Kladney: This is Commissioner Kladney. I will be voting for this statement, basically because the people that they are arresting at the courthouses that committed crimes, it's my understanding, most immigration violations are civil in nature. And there's not the same public safety concern in this regard as there is with people who have warrants out for crimes of drug dealing or -- I don't think anybody argues with someone being arrested for a crime at a courthouse.

But for a civil violation, and then undermining the judicial system by not allowing people to make complaints for their own safety, as well as witnesses to crimes, to enforce -- to help the judicial system come to a resolution in criminal cases as well as civil cases is very important. And that's the reason I'll be supporting this statement.

Chair Lhamon: Any other discussion? Pete?

Commissioner Heriot: My understanding is that is a crime. It's a misdemeanor, it's not a major crime. But that's also true for a lot of arrest warrants. I mean, that's what our report on detention facilities said, that this was in fact a misdemeanor. That's a crime.
COMMISSIONER KLADNEY: If I may respond to Commissioner Heriot. As I recall, the immigration violations are civil in nature because the person being accused of an immigration violation is not entitled to counsel. The people we saw at the detention facility --

COMMISSIONER HERIOT: That's not the distinction.

COMMISSIONER KLADNEY: -- that were being deported -- if I may. The people that we saw at the detention facility that were being deported, that was more like a jail -- the second facility, I forget the name of it -- were people who were found out after committing a criminal violation, and therefore were being deported. That is the distinction.

COMMISSIONER HERIOT: No, you can have a civil proceeding here. But that doesn't mean that it's not a crime. Just like you can have a lawsuit for battery, a civil lawsuit, that doesn't mean that battery is not a crime. It is.

My understanding, and I remember citing the provisions in the code, was that, you know, this is a misdemeanor. It is a crime. It's not always -- they don't always use that procedure, but that doesn't mean that it's not a crime.
COMMISSIONER NARASAKI: As someone who's worked on immigration law for 30 years, I can tell you that under the immigration code there are some things that are civil violations and some things that are criminal violations. So they are not all criminal violations. And even those that are criminal, aren't necessarily because they're particularly harmful to the public safety.

CHAIR LHAMON: Commissioner Kirsanow, I think you were trying to speak also.

COMMISSIONER KIRSANOW: Yeah, I'm just wondering, as I asked before, what's the limiting principle on this? Does this also apply to police stations? If someone walks into a police station to make a report and they may be in illegal status, are they insulated from arrest? Or if someone calls in, and police are responding to a business or a home and the complainant is an illegal immigrant, are they then insulated from arrest? How do we limit that?

COMMISSIONER ADEGBILE: As I read the statement, it does not purport to --

VICE CHAIR TIMMONS-GOODSON: This is Commissioner Timmons-Goodson. I intend to vote for this. This is a statement. We're not trying to write a statute. And it is an issue that we need to speak out
on, and it appears to me that this discussion is part of what it is that we're trying to do: get people thinking and talking about this, and perhaps we can get some positive to come out of it.

We're not all going to agree on each issue, on each statement in our statement. This is an important issue. We need to speak out on it. I think we've done well, and I would call the question.

CHAIR LHAMON: Thank you, Vice Chair. Commissioner Adegbile was speaking also.

COMMISSIONER ADEGBILE: I was just responding to Commissioner Kirsanow. As I read the four corners of this statement, it doesn't purport --

COMMISSIONER KIRSANOW: Can you speak up a little?

VICE CHAIR TIMMONS-GOODSON: I'm unable to hear.

COMMISSIONER ADEGBILE: I'm sorry, I was having mic problems. As I read the four corners of this statement, it doesn't purport to speak to every context in which the policy judgment needs to be made about whether or not ICE should be seeking to enforce detainer orders.

It speaks to a specific context. That context was what motivated the extraordinary step of the
Chief Justice of the California Supreme Court writing a letter to the Attorney General because of the centrality of enforcing this policy in courthouses and the role that courthouses play with respect to the rule of law.

Now, this statement does not create an immunity; it does not create a protected class. It speaks to the trade-offs of the policy judgment and using what the California Chief Justice called an expedient way of enforcing these detainer orders in courthouses.

This statement does not call for the statutes that require people to be held to not be enforced. It's focused on a specific scenario in which the trade-offs seem to be too grave to society.

CHAIR LHAMON: Having had this discussion, I now call the vote. Do I have a motion to approve the statement regarding immigrants' access to justice?

COMMISSIONER NARASAKI: So moved.

CHAIR LHAMON: Do we have a second?

COMMISSIONER ADEGBILE: Second.

CHAIR LHAMON: Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Kirsanow?
COMMISSIONER KIRSANOW: No.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: No.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLADNEY: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: And I vote yes. The motion passes, and there were two oppositions, no abstentions, and all others were in favor.

II B. STATE ADVISORY COMMITTEES

1. Vote on Appointments to the Alaska State Advisory Committee

CHAIR LHAMON: Next on our agenda is a discussion of two state advisory committee appointments for slates to consider. I move that the Commission appoints the following individuals to the Alaska State Advisory Committee based on the recommendation of the Staff Director: Natalie Landreth, Robin Bronen, Nelson Godoy, Paula Haley, Cynthia Henry, John Hoffman, Judith
Kleinfeld, Gerald McBeath, Elizabeth Medicine Crow,
Denise Morris, Marilyn Stewart, Margaret Stock, and
Venus Woods.

With this motion, the Commission will also
appoint Natalie Landreth as Chair of the Alaska State
Advisory Committee. All of these members will serve as
uncompensated government employees.

If the motion passes, the Commission will
authorize the Staff Director to execute the appropriate
paperwork for the appointments. Do I have a second for
this motion?

COMMISSIONER ADEGBILE: Second.
CHAIR LHAMON: Thank you. Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.
CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Yes.
CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: Wait, did we have
discussion?
CHAIR LHAMON: No. Did you want to
discuss it?
COMMISSIONER HERIOT: I don't, but I want
you to say --

COMMISSIONER NARASAKI: I have
discussion.

CHAIR LHAMON: Oh, I'm sorry. Commissioner Narasaki, please proceed. We'll suspend the vote.

COMMISSIONER NARASAKI: I just wanted to thank the staff for their hard work on really recruiting some stellar individuals. I'm very much looking forward to those who have volunteered to serve.

I particularly want to appreciate one of the interns, Breanna Davidson, who our Staff Director, David Mussatt, feels we should recognize as she goes back off to school.

And then, finally, I did want to note, though, that I continue to be interested in trying to make sure that we have views on the SACs for people who are LGBTQ or are people with disabilities. And I would like to see more effort, collectively, with the Commissioners, in trying to recruit a richer pool from which our staff can select these slates.

CHAIR LHAMON: Thank you. Is there any other discussion while we are in mid-vote? Perfect. Thank you. Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: Yes.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLANDNEY: Yes.
CHAIR LHAMON: Thank you. Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: And I vote yes. That makes unanimous approval, and the motion passes. No commissioners opposed or abstained.

II B. STATE ADVISORY COMMITTEES

2. Vote on Appointments to the Arizona State Advisory Committee

CHAIR LHAMON: I will, with the next motion, remember discussion before calling for the vote. So I now move that the Commission appoints the following individuals to the Arizona State Advisory Committee, based on the recommendations of the Staff Director: Lorena Van Assche, Rebekah Browder, Patty Ferguson-Bohnee, Ann Hart, Dana Kennedy, Adolfo Maldonado, Aaron Martin, Evangeline Nunez, Theresa Rassas, Jonathan Rose, Beverly Walker, Eric Yordy, David Kim, and Melissa Ho.

With this motion, the Commission will also
appoint Lorena Van Assche as Chair of the Arizona State Advisory Committee. All of these members will serve as uncompensated government employees.

If the motion passes, the Commission will authorize the Staff Director to execute the appropriate paperwork for the appointments. Do I have a second for this motion?

COMMISSIONER ADEGBILE: Second.

CHAIR LHAMON: Thanks. So any discussion of this proposed state advisory committee? Okay. Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Yes.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: Yes.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLASTNEY: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.
CHAIR LHAMON: And I vote yes. Again, the motion passes via unanimous vote.

II C. Presentation by
Regional Programs Coordinator on Recent Accomplishments of SACs

CHAIR LHAMON: So we will now hear, over the phone, from David Mussatt, Supervisory Chief of the Regional Programs Unit here at the Commission. David? David, if you're speaking, you're on mute.

COMMISSIONER YAKI: I thought I saw an email that said he couldn't attend today.

MR. MUSSATT: I'm on, hold on.

CHAIR LHAMON: Terrific. So we are ready for your presentation, David.

MR. MUSSATT: You can hear me now?

CHAIR LHAMON: Yes, we can, thank you.

MR. MUSSATT: I'm sorry, okay. Yes, Chairwoman Lhamon, Vice Chairwoman Timmons-Goodson, and Commissioners, it is my pleasure to speak with you today. The Staff Director had asked that I provide an update on the work of the agency's advisory committees and the status of the appointments to these committees.

The GSA method of quantifying success of federal advisory committees is by tracking the number of recommendations advisory committees make to an
agency, and the number of those recommendations that are implemented.

Given this standard, our agency has achieved much success recently because, as you know, the Commissioner forwarded the Michigan SAC report on civil asset forfeitures to the Governor of Michigan, state legislative leadership, and the U.S. Department of Justice as recommended by the committee.

In addition, at the request of the Indiana Advisory Committee, the Commission forwarded their report on the school-to-prison pipeline to the Commissioner of the Indiana Department of Corrections, the Superintendent of the Indiana Department of Public Instruction, the Indiana State Senate Leadership, the acting Assistant Secretary for Civil Rights at the U.S. Department of Education, and the U.S. Department of Justice.

In addition, since I last presented to you in December, two advisory committees have submitted reports for your consideration. The Kansas Advisory Committee issued a report on voting rights in the state, and the SAC chair presented the report to you during your February meeting. The recommendations from that report are soon to be implemented, as well.

Also the Maine Advisory Committee issued
its report on human trafficking this past March.

The Council reports to you that there were a number of reports and advisory memos that we anticipate will be published in the coming days, weeks, and months, including reports by the Ohio Advisory Committee on human trafficking, the Wisconsin Advisory Committee on hate crimes, and the California Advisory Committee on voting rights; as well as advisory memos by the District of Columbia Advisory Committee on human trafficking, the Connecticut Advisory Committee on solitary confinement, and the Nevada Advisory Committee on municipal fees and fines, which it hopes will be considered for inclusion in your statutory enforcement report.

As is now practiced, we hope that the Chairs or committee members from these committees will be scheduled to present their respective reports personally at an upcoming business meeting.

If these six reports are published this fiscal year as anticipated, our advisory committees will have presented you with ten reports for Fiscal Year 2017.

I'd like to recognize the continued excellent work of the hundreds of advisory committee members in producing these reports. We ask a lot out

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of our advisory team members, who serve as volunteers.

And as these particular committees exemplify, they perform their duties with expertise, integrity, and true collaboration, even when the politics and ideologies of the members are quite different.

In addition, I want to recognize the Designated Federal Officers, DFOs, for the huge role they play in directing the drafting of these reports. As you know, it is difficult to work through committee, so the leadership support and technical skill the DFOs provide these committees in getting these reports out should not be underestimated.

Finally, I would also like to highlight that I believe the new focus the DFOs have placed on process, openness, and fostering committee engagements has proven to be extremely successful in getting advisory committees to achieve their mission better.

In addition to reports, a number of advisory committees have held public meetings to hear testimony on the importance of right topics within their jurisdictions, which will eventually lead to reports.

Since December, the Connecticut Advisory Committee held a meeting on solitary confinement; the Minnesota Advisory Committee held a meeting the state's
implementation of President's Task Force on 21st Century Policing recommendations, which Commissioner Narasaki attended; the New York Advisory Committee held a meeting on the policies and practices of the New York Police Department, which Commissioners Kladney and Adegbile attended; the Illinois Advisory Committee held a meeting on voting rights, which the Staff Director, Mauro Morales, attended; the Nevada Advisory Committee held a meeting on municipal fees and fines; and the South Dakota Advisory Committee held a meeting on the subtle effects of racism.

In addition, the Maryland Advisory Committee plans to have a meeting on municipal fees and fines and bail reform next week.

In addition to the work that DFOs do to help committees with meeting logistics and to do the outreach to create the agendas for these meetings, our support specialist team does an amazing job working with the DFOs, the committees themselves, as well as Pam and John in headquarters, to make sure these meetings run seamlessly. And they almost always run seamlessly, as those who've attended can attest.

I also note that advisory committees appreciate having commissioners present at these meetings. Your interest in their work is motivating
and encouraging to them, and I've heard nothing but
positive things from your involvement.

Regarding the advisory committee
appointments, after the meeting today and the
appointment of the Alaska and Arizona Advisory
Committees, we have 39 committees appointed and 12
committees left for re-appointments.

Along the way, we have significantly amped
up our recruitment outreach, including reaching out to
members of Congress for nominations. And our
implementation of a team approach to recruitment,
building collaboration between the DFOs, support
specialists, interns, and of course the special
assistants, has helped us move closer to accomplishing
our goal of appointing all standing committees.

In addition, the use of the appointment
spreadsheets has prevented these team efforts from
turning into a tracking and coordination nightmare.

Although we continue to iron out the
process of recruiting and getting the packages up and
reviewed, I think we are on the right trajectory, and
I continue to welcome input and ideas on how to continue
to improve the process.

As Commissioner Narasaki mentioned, I want
to give special thanks to Breanna Davidson, who is
sitting here with me in Chicago; as our intern, she has
worked tirelessly and thanklessly, for the most part,
to recruit these diverse and talented committees since
January.

Breanna is a second-year graduate student
at the University of Southern California's School of
Social Work, and she will be leaving us in two weeks;
she'll be graduating. Her contributions have been
invaluable to this process as well as her work on the
upcoming New Mexico Advisory Committee report. So
thank you, Breanna.

MS. DAVIDSON: Thank you.

MR. MUSSATT: Finally, as I mentioned
earlier, I think it has become clear that the renewed
focus on process, openness, and communication has been
successful. This is reflected in the fact that, as of
today, there have been 111 advisory committee meetings
this fiscal year. That's nearly as many as all of last
year.

And we've had approximately 170 members of
the public attend these meetings. That's a
conservative estimate, because we haven't actually
tallied all of the participants of the briefings we've
held in March.

But in addition, the rollout of the
quarterly newsletter has proven to be a great value to the advisory committee members. As someone who has been around the agency long enough to remember the quarterly newsletter that was an actual piece of paper and not an electronic document, it is outstanding and wonderful to see that the agency is again publicly advertising the work of its advisory committees as part of the mission of the agency; so thank you all for that. And that's all I have to report on. Thank you.

CHAIR LHAMON: Thank you, David; to you, to the regional staff, to Breanna, and to all the state advisory committee volunteers, for your time and your effort in illuminating the issues that arise around the country.

As I think we all know, and it bears repeating, that the SACs are our eyes and ears on the ground across the country, and we depend on them to advise us on civil rights issues.

I'm very, very grateful, and I specifically grateful to you, David, and to the staff and to Breanna for moving us so far forward in such a short time, in appointing more of the state advisory committees. Thank you so much.

COMMISSIONER ADEGBILE: Can I just add --

COMMISSIONER KLABNEY: Madam Chair, if I
may add, I would second your remarks and I would ask Mr. Mussatt to make sure that the state advisory committees know that the U.S. commission, our commission is behind them 100 percent in their efforts; I think they're doing a wonderful job. Thank you.

COMMISSIONER ADEGBILE: I'd like to add my thanks to the statements of my fellow commissioners, and say also that while the civil rights laws apply coast to coast, issues manifest themselves in different ways in different parts of the country.

And having people that are on the ground and able to assess, describe, and where necessary, recommend approaches to dealing with the vital civil rights issues in various parts of our country is integral to our work and informs our work.

And I'd like to add my thanks to everybody who helps to bring these SACs to us, and our volunteers across the country that give up their time to make sure that everybody can walk with dignity. Thank you.

CHAIR LHAMON: Go ahead, Commissioner Narasaki.

COMMISSIONER NARASAKI: I also want to add my thanks. As David noted, I was at the Minneapolis hearing this year, and last year I was in North Carolina for the hearing there. And I really want to commend our
staff, as well; they do an outstanding job with very limited resources, and I want them to know we're aware that their resources are too limited, and we are working as hard as we can to try to improve that situation, and it is a priority for us.

CHAIR LHAMON: Thank you. So next we'll hear from Staff Director Mauro Morales for the monthly Staff Director's Report.

II D. MANAGEMENT AND OPERATIONS

STAFF DIRECTOR'S REPORT

STAFF DIRECTOR MORALES: Thank you, Madam Chair. In the interest of time, I really don't have anything more to add that's already contained in the report. I'm always available to discuss any questions or issues that Commissioners may have.

And what I'd like to do, just real briefly, I just want to do shout out, thank the staff, Pam Dunston and her team, Wanda and Michele, the work they've done to help coordinate this meeting this morning, and to make sure that our presentation that's coming will work well.

And I also want to really do another good shout out to Jeff Knishkowy, who's on detail from USDA for us. And for Brian, on the work they did to help arrange the presentation and having these outstanding
representatives from the U.S. Holocaust Museum come to
give us this timely presentation.

So with that, that's all I have, unless any
Commissioners have any questions for me. Thank you,
Madam Chair.

CHAIR LHAMON: Do any commissioners have
questions? Okay, hearing none, we promised we would
start at 11:00, so why don't we take just a five-minute
break, and come back to begin at 11:00.

(Whereupon, the above-entitled meeting
went off the record at 10:55 a.m. and resumed at 11:02
a.m.)

II E. PRESENTATION BY DIANE F. AFOUMADO, PH.D.
AND REBECCA ERBELDING, PH.D. FROM U.S. HOLOCAUST
MUSEUM ON JOURNEY OF THE ST LOUIS: HOW JEWISH REFUGEES
FLEEING THE NAZI REGIME WERE
DENIED ENTRY BY THE U.S.

CHAIR LHAMON: So now we'll turn to a
historical presentation scheduled for today, which is
the Journey of the St. Louis: How Jewish Refugees
Fleeing the Nazi Regime Were Denied Entry by the U.S.
Government. As some of you may know, April is
recognized as Genocide Awareness and Prevention Month.
The internationally-recognized date for Holocaust
Remembrance Day, called Yom Hashoah in Hebrew, is this
Monday, April 24th.

Congress has long encouraged all in the nation to commemorate the Days of Remembrance, and we are grateful to be joined today by two accomplished historians with the U.S. Holocaust Memorial Museum to do that.

The horrors of the Holocaust and the terror visited upon the Jewish people, along with several other targeted groups, should never be forgotten. A painful reality is that hostility to Jews because they are Jewish existed outside Nazi Germany at the time of the journey of the St. Louis.

And that journey tells a chapter in that odious tale. Today we honor the memory of those who perished in the Holocaust by hearing about the journey of the St. Louis; and we also honor their memory by ensuring that such horrors do not continue today.

Unfortunately, media reports abound with devastating images and videos of attacks on innocent civilians, very recently with news of the chemical bombings in Syria. The plight of refugees fleeing from the civil war in Syria weighs heavy on many minds, and rightfully so.

Those heavy weights -- of the Holocaust itself and contemporary stressors -- undergird my
gratitude today to have Dr. Erbelding and Dr. Afoumado
here with us to discuss the journey of the St. Louis,
a German transatlantic liner filled with mostly Jewish
refugees fleeing from the Nazi regime.

After most passengers were denied visas in
Cuba, the ship sailed onward, hoping to find refuge here
in the United States. Unfortunately for them, the U.S.
did not heed their calls, and the ship ultimately made
its way back to Europe.

Though most of the passengers were not
forced to return to Germany, hundreds were still killed
by the end of World War II.

Our first speaker, Dr. Rebecca Erbelding,
has been an archivist and curator at the United States
Holocaust Museum for 14 years, working with survivors,
liberators, and historians to donate to and access the
museum's vast holdings.

She has a BA in history and American studies
from the University of Mary Washington, and an MA and
PhD in American history from George Mason University.
Her scholarly expertise is the U.S. during World War II,
particularly government-sponsored rescue attempts
related to the Holocaust, and she is working as a
historian for the museum's upcoming exhibition,
examining the role of Americans during the Holocaust.
Her revised dissertation on the War Refugee Board will be published by Doubleday in the spring of 2018, for which I congratulate you.

DR. ERBELDING: Thank you.

CHAIR LHAMON: Our second speaker, Dr. Diane Afoumado, is Chief of the Research and Reference Branch of the Holocaust Survivors and Victims Resource Center at the United States Holocaust Memorial Museum.

Formally Assistant Professor of contemporary history at the University of Paris and the Institute called Inalco in Paris, she worked for the two French commissions on compensation to Jewish victims.

She is the author of several books and other publications, including more than 20 articles related to the Holocaust. So thank you, Dr. Erbelding and Dr. Afoumado. Would you start, Dr. Erbelding?

DR. ERBELDING: Thank you. Thank you so much for having us this morning. For my brief talk, I'm going to provide the context of the refugee crisis in the 1930s; how the factors that influenced U.S. policy and the way that U.S. policy changed as events in Europe changed.

A refugee crisis never comes out of the blue, and American reaction to it doesn't either. It's always complicated, and in the exhibit that we're
working on now at the museum, which will open next spring, we're really trying to bring our visitors back to the period, so that they're not judging with hindsight, but understanding the complicated factors that led to American reaction in that period.

The U.S. was only involved in World War I for a short period of time, and that brief interaction with Europe, of that whole experience, including the perceived failures of the Versailles Treaty, and the failed League of Nations -- from the American perspective -- it convinced Americans that we had done better when we stayed on our side of the Atlantic.

The country becomes deeply isolationist in the late teens and early '20s, to the point of signing a pact to outlaw war in the late 1920s. We pare down the military, and World War I is considered a mistake that United States should have avoided.

The country is still segregated; legally in places, by custom in others. Americans are very concerned about race and genetics. Many Americans accept eugenic science as truth, still; and believe that some races are genetically superior over others.

The red scares in the 1920s and '30s exacerbate a feeling that Jews are stereotypically linked with Communism. So this is a time of great
racial strife, and also great anti-Semitism.

These factors, isolation after the World War I, a wide acceptance of racial theory, and anti-Semitism, lead to the Johnson-Reed Act of 1924. This act ended the idea that we all had in our heads of immigrants arriving at Ellis Island, waving at the Statue of Liberty, standing in line and presenting their papers.

From here on, there are numerical limits to the number of immigrants who are allowed to come into this country. It is limited to 150,000 people per year. Now in 1907, 20 years earlier, millions of people came in in a single year. Now it is limited to 150,000.

And due to the racial theories I mentioned, countries outside the western hemisphere have quotas. They have percentages of this 150,000, for people born in those countries who can come at any given year. They're called national origins quotas, and they remain in place until 1965.

The quota breakdown favors northern and Western Europe, people who were considered to be good immigrants. More than 50 percent of the quota slots were for people born in Great Britain or Ireland. And there are far fewer immigration opportunities for people who are in southern or Eastern Europe, who are
considered racially, religiously, economically undesirable.

Some countries have quotas of only 100 people per year, and many are barred entirely on racial grounds. You can be, at this point, too brown to enter the United States and become an immigrant.

The quotas are also maximums; they are not goals. And crucially, for understanding the history of the American response to the Holocaust, the State Department decides in Europe, or in your country, whether you can qualify for an immigration visa to the United States.

So you're not coming to Ellis Island and presenting your papers; you're doing all of that back in Europe. Once you have your visa, then you can come and immigrate. Crucially, also, the United States has no refugee policy. We only have an immigration policy. So people fleeing racial and religious persecution have to go through the same deliberate immigration steps as everyone else.

In 1929 the stock market crashes, five years after the new immigration acts, and the U.S. and a lot of the world descend into an economic depression. And as a result of that, President Herbert Hoover issues an instruction to State Department consular officials
to deny immigration visas to anyone who was likely to
become a public charge. Anyone who they perceived
would, at any point, need any sort of assistance from
the United States once they immigrated.

So if you did not have almost an indefinite
stream of income, you were no longer eligible for a visa.
Immigration numbers dropped significantly from the
already low quotas after that.

In March 1933, Roosevelt takes the oath of
office, and he promises his countrymen in his
inauguration speech that the only thing they have to
fear is fear itself.

And for Americans looking around at that
time, that will ring hollow, because they're seeing 25
percent unemployment, they're seeing great racial
strife in this country, they are seeing a Europe that
is descending into chaos that they want no part of.

Roosevelt is also more concerned about the
economic depression than he is about Germany, and so are
most Americans. In 1937, a new economic recession
brings unemployment back up to 19 percent, even after
the New Deal programs.

And problems overseas like the Spanish
Civil War, Japanese aggression in Manchuria, the
Italian invasion of Ethiopia; all of that just convinces
Americans that we are right to stay on our side of the Atlantic, and not get involved in issues overseas.

But for thousands of people seeking refuge, the United States still represented a land of freedom and opportunity, and a land away from the persecutions that they knew at home. Throughout the 1930s, more than 90,000 Germans, mostly Jews, remain on the waiting list to immigrate to the United States.

The State Department slowly begins to increase immigration. Roosevelt slowly liberalizes this, likely to become a public charge interpretation. But the quotas are very far from being filled.

In 1933 and '34, the first full quota year after the Nazis take power in Germany, only a little more than 4,000 visas are issued to Germans to come to the United States, out of a possible 25,957.

So we can talk for a minute about what is required to enter the United States, and whether we would consider that extreme vetting. Often, people ask, why don't Jews just leave? And the answer is, that it was very difficult to leave, and it was equally difficult to come.

Potential immigrants had to prove their identities with birth certificates, military discharge papers, passports. They had to show that they were good
citizens. They had to have letters attesting to their moral character. They had to pass a medical exam with a State Department-approved physician.

And they still had to prove that they would not become a financial burden, which was very difficult, because the Nazis established severe taxes on anyone who wanted to emigrate, stripping you of your wealth. And then you had to prove to the country you wanted to immigrate to that you were wealthy enough to be able to make it in the new land.

All of these things had expiration dates; some, a few weeks, some, a few months. So if all of your paperwork did not line up, there are very serious ramifications for you.

The prominent American journalist Dorothy Thompson wrote in 1938, it's a fantastic commentary on the inhumanity of our times, that for thousands and thousands of people, a piece of paper with a stamp on it is the difference between life and death.

It is clear by 1938 that life in Germany is becoming unbearable for Jews. In March, Germany annexes Austria, bringing another 250,000 people under the Third Reich. Thousands wait outside the embassies every day to get on the waiting list. Roosevelt combines the German and Austrian quotas, but that still
only means that 27,370 people can immigrate each year.

He also calls an international conference in Evian, France, hoping for an international solution to this international problem. 32 nations attend, but most say in very polite diplomatic language that they don't have a Jewish problem in their country, and they have no desire to import a Jewish problem into their country.

On November 9th and 10th, 1938, in response to the assassination of a minor German diplomat in Paris, the Nazis unleash a coordinated terror campaign throughout Germany, which we know as Kristallnacht. Hundreds of synagogues are burned, more than 30,000 Jewish men and boys are arrested and sent to camps.

Kristallnacht is the largest sustained American news coverage about the persecution of the Jews between 1933 and '35. It is front page news for weeks, and this is only a day after mid-term congressional elections.

So it is a big deal in the United States, and you can see this is from mid-November: Nazis warn world Jews will be wiped out unless evacuated by democracies.

Roosevelt publicly condemns the Kristallnacht attacks. He summons our ambassador back
from Berlin for consultation. He extends the permission for people who are here on visitors visas, on traveling visas, so that they don't have to go back to Germany.

That brings about 12 to 15,000 people here. Americans, though, are decidedly conflicted about the new refugee crisis. The situation in Europe is clearly getting worse for Jews, but most Americans are not sure they want to be a solution to the problem.

So there are two polls, both from November 1938, right after Kristallnacht; they get at the crux of American response. 94 percent of Americans disapprove of Nazism; only 21 percent of people think that the U.S. should bring more Jewish immigrants into the country.

So there's a disconnect throughout this entire period, from '33 to the end of the war, between sympathy for the victims and the willingness for Americans to do something about it.

As I said, thousands joined the waiting list to immigrate to the U.S. Germany has the second largest quota of any nation in the world, and in 1939 that quota is entirely filled. In 1940, 27,355 of the 27,370 quota slots are filled. So the State Department, at this point, is maxing out the quota for
Germans and Austrians, most of whom are Jewish at this time.

The war has not even begun yet, and people elsewhere are getting very nervous. In Romania, for example, the waiting list to come to the United States is 43 years long.

Americans are polled on another important question related to the refugee crisis. They're asked, if you were a member of Congress, would you open the doors to a larger number of European refugees? And only nine percent of Americans say yes. Americans are united by very little except for their desire not to increase immigration to America.

Congress could change immigration law, but even members of FDR's own Democratic Party are against enlarging the quotas. Many more bills are introduced to tighten the quotas than there are to reduce them.

Robert Reynolds, a Democrat from North Carolina, wrote to his fellow citizens in a constituent letter in March 1939, that, quote, all the nations of impoverished Europe wish to dump their political, economic, and undesired minorities upon us. Write to your senators and to your congressmen to aid me in putting legislation on the statute books which will shut off immigration entirely during this period of
unemployment and hardship and distress for young and old
among our people. And furthermore, to expel from this
country the alien propagandists, the habitual criminal,
and the alien diseased or insane.

This is the context in which the St. Louis
sails. I'm going to continue my overview of the U.S.
and Jewish refugees up until where the war begins, but
I want to kind of peg this moment so that when Diane
speaks about the St. Louis as an example, you'll
understand the context.

So as Reynolds speaks and as the St. Louis
sails, newspapers are reporting that Europe is on the
verge of war. And when war breaks out on September 1st,
1939, 90 percent of Americans want to stay neutral.

One of Reynolds' refrains, even the idea of
bringing German refugee children to the U.S. was that
America's children are America's problem, Europe's
children are Europe's problem. We need to stay on our
side of the Atlantic and let Europe deal with its
problems.

In the first few months of World War II,
some in Western Europe call it the phony war. There
isn't a lot of fighting after the British and the French
evacuate Dunkirk. There's very little fighting until
May 1940, when Germany invades the Netherlands,
Belgium, and France.

That puts a lot of fear into the American people because many Americans had been to France, and had seen the Eiffel Tower. And so images of Adolph Hitler standing on top of the Eiffel Tower is a very scary thing for Americans, and they start to realize that we might get dragged into this war against our will.

And Americans begin to worry that we are vulnerable too; not just if Nazi Germany decides to invade, because we didn't have a very large standing army, but we also might be vulnerable from the inside. There might be a fifth column of spies and saboteurs seeking to bring us down from the inside.

In June 1940, as France is falling, 93 percent of Americans think that Nazi Germany has either already begun to organize a fifth column and put sleeper agents in the U.S., or they're not sure about that.

The FBI begins to receive thousands of tips per day from people who suspect that their neighbors might be spies. Popular magazines have articles like this, Hitler's Slave Spies, which say that refugees coming may have their families back home -- the Nazis may have their families hostages back home, in exchange for the newly arrived Jewish refugees committing acts of spying and sabotage.
So when the State Department puts in additional security screening in the name of national security, very few people complain about this. The country is very afraid.

By this point in time, though, for a refugee, the ship ticket is the most important part of getting out of Europe. If you've gathered all your paperwork, you still need that ship ticket. And the war, which has both increased regulation from the United States and made it more difficult as war progresses and armies invade, making it more difficult for you to physically get out, the ship ticket, the actual escape becomes the most difficult thing.

The museum has done a lot of new research about ships carrying Jewish refugees during this period, and we've found that between January 1st, 1939 and July 15th, 1941, more than 750 ships, carrying over 71,000 self-identified Jewish refugees arrive in New York harbor.

There's a perception in the public that the St. Louis is the only ship sailing, and in reality, the St. Louis is an anomaly. There are people who are making it through this very complicated system, despite all the barriers.

Once war begins, as you can see, passenger
ships get removed from service. Whereas ten ships a week carrying refugees are arriving in New York in January 1939, by 1941, it's down to two. And they're leaving from Lisbon; they're not leaving from Hamburg or Rotterdam or Antwerp anymore.

So you have to physically escape Nazi territory, buy a very expensive ship ticket for one of the two ships trying to cross the Atlantic through the submarine warfare and still navigating our very difficult State Department system.

In December 1940, the State Department cancels the waiting list because there are so few ships. So if you have a ticket and you have all your paperwork in order, you can have a visa to the United States.

At the end of June 1941, everything changes. World War II is nearly two years old at that point, and the United States is still not involved. But staying out seems less and less likely. The country has a peacetime draft; the renewal of the peacetime draft in September 1941 passes with one vote. It passes Congress 203 to 202. So it shows you that through this period, the U.S. is still very isolationist, Congress is still very isolationist.

On June 22nd, 1941, the Nazis invade the Soviet Union and begin the mass murder of the Jews. At
the beginning of that month, the State Department sent a cable to consulates in Europe instructing them that no visas should be issued to anyone in Nazi-occupied territory.

The U.S. closes our consulates in Nazi territory in July 1941, and we order the Nazis to close all of their consulates here, fearing that there were spies among them.

In October 1941, the Nazis make emigration illegal from their territory. Calculations are difficult for a number of reasons, including that refugees is not a fixed category at this time. But the museum estimated that between 180 and 220,000 refugees do come to the United States between 1933 and 1945.

So we have a terrible record until and unless you compare it with the rest of the world. We actually bring in more refugees, despite everything that I just said, more refugees than any other country in the world in this period.

CHAIR LHAMON: Thank you very much. Dr. Afoumado?

DR. AFOUMADO: Thank you very much. So like Rebecca said, it was very hard to get all the papers to board a ship, and all the companies at that time, whether they were German or in the U.K. or France,
basically took advantage of this. They increased the prices of their tickets, and this is the German company and the St. Louis belonged to that German company, the HAPAG Company.

So when the St. Louis passengers got all the documents they needed to have Cuban documents in order to immigrate to Cuba. What they needed was a landing permit; and this is not a visa, per se. If they had had visas, they would have disembarked in Cuba, probably. But they had landing permits.

Legally, they bought those documents; those documents were actually sold by the Cuban consulate in Germany. And they bought all the legal documents, so we're talking about legal immigration here, of families. And you're going to see some photographs later.

But those documents were actually sold by the Cuban consulate, and behind the Cuban consulate was some sort of traffic organized by the Secretary of Immigration in Cuba, Manuel Benitez, Jr. There was no need to remember his name, because his name is not really important, except for the St. Louis and I will tell you more about this later.

So when the St. Louis sails, the St. Louis' journey is very short. It's only a month in history,
but it's emblematic of what happened at that time. Rebecca mentioned all the refugees and all the Jews on those boats, the St. Louis basically carried more than 95 percent Jews on board.

But this was not an exception. Most of those companies at that time had a lot of Jews on board when they could escape from Europe. And you have to bear in mind that after the Kristallnacht, this the largest immigration, it's more than 50 percent of the Jewish immigration outside the Reich. But it was really, really complicated to get on any boat at that time.

All the countries that attended the Evian Conference in 1938 basically closed their doors officially to the refugees, so the only countries that remained possible legally were Cuba and Shanghai. When you are a German Jew, this is not your primary ideal country where you want to go, but this the only country where you can go.

So when the St. Louis left Hamburg in May 1939, we're talking about families on the St. Louis; we're talking about legal immigration here, not illegal immigration. We have families on board of the St. Louis. The youngest passenger was born in January 1939, and so was just a few months old.
And the oldest passenger was born in the 1880s. So we're talking about legal immigration of people who left everything behind; they cannot take much with them. So what some of them did, they actually bought cameras. And this is not just an anecdote; this is the reason why we have so many photographs of the St. Louis passengers on board.

And you also have to imagine that, looking at this picture, this is a page of the list of passengers on the St. Louis; and by boarding the St. Louis, those people are jumping into a different world, into a world of luxury.

They have experienced persecution since 1933, so they cannot work, they cannot use a phone booth, they cannot go to the swimming pool. And by boarding the St. Louis, they are stepping into a world of luxury. The St. Louis was one of the most beautiful boats at that time, you can almost imagine the Titanic with a decor of the 1030s.

So what is important for the passengers is that some of them were actually arrested during Kristallnacht, some men. And they were exceptionally released on the condition that they would never, never return to Germany. So you can imagine the atmosphere on the St. Louis; it's not very easy to relax, but thanks
to the captain, Gustav Schroeder, and his crew, the passengers are going to be able to relax until they arrive in Cuba.

The reason why they are able to relax is because the captain -- I have to say a few words about him -- I would describe him as a romantic German of the 19th century, somehow. He fought during World War I; he was a war prisoner during World War I. He speaks seven languages and he loves Germany. He really loves German culture, and he hates what the Nazis are doing to his country.

So on board, he is really the captain, and he gathers the crew and he says, we have more than 95 percent Jews on board for this journey, and on the boat it is out of the question to implement the Nazi laws against the Jews. So we're going to treat the passengers like any other passengers on a cruise. And if someone has a problem with this, well, you're free to leave. None of the crew actually disembarks.

So the passengers, little by little, are going to be able to enjoy the journey on the St. Louis. Some of them, like I said, were actually arrested during the Kristallnacht and were in concentration camps. This one, for example, Werner Lenneberg, was arrested and sent to Dachau. This is his prisoner card in
Dachau. And he's doing the best he can to enjoy the journey on the St. Louis. I mean, he enjoyed with a little question mark.

This is a photograph of another passenger, posing with this two sons, Siegfried Chraplewski, who actually, when the St. Louis returned to Europe, ended up in Buchenwald. He was released after the war, and eventually made it to the U.S. in '41.

But you can imagine what the journey is for those people. They were trying to make the best they could on the St. Louis. There are about 200 children on the St. Louis, and I really like this photograph with the swimming pool, because the youngest children probably don't even know how to swim; just because they Jews could not go to swimming pools in Germany, they were not allowed in swimming pools. So there on the St. Louis, they can enjoy swimming.

So when the St. Louis arrives in Havana, Cuba, this is where everything gets more complicated. Again, bear in mind that this is legal immigration; they have all the documents to disembark in Cuba, but they cannot disembark.

And the reason why they cannot is actually a political crisis. The Cuban President, Federico Laredo Bru -- again, his name is not really remembered
by any historians because he is not really famous -- but he has difficulty in establishing his power in his own government.

He is destabilized somehow by some people within the government, and especially the Secretary of Immigration, Manuel Benitez, Jr., who made a lot of money out of the traffic by selling landing permits to refugees and passengers who want to go to Cuba.

And Manuel Benitez, Jr. actually made two mistakes; the first one is that he did not share the money with the president, and the second one is that it was actually supported by the main opponent of the president, Batista, who was already in the political scene in the 1930s.

So the St. Louis passengers cannot disembark; they don't know anything about the situation in Cuba. And in order to re-establish his power, the Cuban president promulgated a decree, the very same day that the St. Louis actually left Hamburg.

This has nothing to do with the St. Louis passengers; it is to put an end to the traffic of the landing permits sold by the Secretary of Immigration. So the decree is to put an end to immigration, to legal immigration, in Cuba.

The situation in Cuba is getting more and
more complicated. When the passengers cannot disembark and basically no one tells them anything. The only thing they heard was, manana, which means, tomorrow. So they think that they will disembark tomorrow, the day after. They don't understand, because they could legally disembark in Cuba.

At this point, the American-Jewish Joint Distribution Committee mandates Lawrence Berenson, who is the head of the Cuban Chamber of Commerce in the U.S., and who knows a lot about the Cuban political scene and he is mandated by the JDC to try to negotiate with the Cuban authorities. But he misunderstands, somehow, the situation and he thinks that it is just a money question.

So he's trying to bargain with the Cuban authorities, but the Cuban president is really determined to put an end to the traffic.

And Cecilia Razovsky is also someone who is really involved in helping the refugees, and she's trying to help as well, but to no avail.

On the right-hand side, you see a photograph of the captain of the St. Louis, Gustav Schroeder. He also helped and he's putting on civilian clothes and trying to negotiate with the Cuban authorities, as well. So he's basically considering
the passengers as his passengers, and he's trying to do
the best he can to help them.

So the passengers are on the boat; they're
looking at Havana. For German Jews, they've never seen
palm trees, they've never seen exotic fruits, for
example. And you see all those little boats driving
around the St. Louis; those boats were rented by family
members or friends of the passengers on the St. Louis
who were already in Cuba, and they tried to communicate
with the passengers on the different decks.

But no one can really disembark at this
point. The St. Louis received the order to leave the
Cuban waters on June 2nd, because more than 734 people
on the St. Louis had registered on the American quota
list that Rebecca already mentioned.

So Cuba is just a waiting place for them.
So it means that the moment that their number comes up
-- it could be a question of days, weeks, months, or
years -- but Cuba is not the final destination for 734
passengers out of 937.

So the captain of the St. Louis decides to
sail along the shore of the United States, and here they
are in front of Miami. So this is when it becomes
somehow an American story.

There were a lot of different levels of
responses; Rebecca mentioned the response from the U.S. Government, but there were also interesting responses from the newspapers and interesting responses from American citizens, as well.

So the St. Louis is very well-known and very well reported upon by American newspapers. It is actually published front page between May 28th and June 28th, it's on the front page of 26 newspapers across 20 states of the United States, 115 times.

So it's really published front page. All the newspapers in the U.S. from the east coast to the west coast talk about the St. Louis, publish something about the St. Louis. They mostly reproduce factual information from the Associated Press. They are not very critical about what is going on, but they actually report on the St. Louis.

The only article that is somehow critical was published by the Washington Post, and it says substantially something like, there are a lot of refuges for birds and nature in the U.S., but there is absolutely no refuge for 907 refugees.

So this is the response, and the newspapers are covering the whole story. And it becomes a symbol, already, in 1939. There is a very interesting response from the American citizens, as well.
At the National Archives, you can find 233 letters or telegrams sent by American citizens, both Jewish and non-Jewish -- mostly non-Jewish -- to Roosevelt, to the State Department, and to Roosevelt's wife, begging the Government to let them in, begging the Government to let the St. Louis passengers in.

I should say the St. Louis refugees, because the moment that they are refused in Cuba, basically their status changed from legal immigrants to refugees, without moving an inch.

All those letters and telegrams use different reasons; it could be religious reasons or historical reasons that this country is a country of immigration. There are also some letters from teenagers; especially one moving letter from a 14-year-old girl who says, I don't have good grades at school, but I'm a human being and I'm human. And I would like you to let them in or to actually let them on an island that belongs to the United States.

So all those telegrams and letters received a very formal letter saying that we have the immigration law and we cannot make an exception. This is basically what the letters are when it's a response to the telegrams.

The only telegram that doesn't receive any
response from the government was actually sent by the committee on board of the St. Louis, the passengers committee, begging the U.S. to accept at least the women and children, about 400 people. This telegram did not receive any response.

So the St. Louis has to go back to Europe, and the St. Louis was supposed to go back to Europe with American passengers on a cruise to Europe, but of course, the passengers are going back. So you can imagine what the atmosphere is on board, at this point.

It's not exactly the same atmosphere as the first journey out to Cuba. Although all the newspapers are very much afraid of a mutiny on board, this is not exactly what the captain is afraid of. He's afraid of suicides on board, because a lot of people don't want to go back to Germany, and some others, the ones who were already in concentration camps, cannot go back to Germany.

So at this point, the negotiations in Cuba have failed, so it's completely over. The American Jewish Joint Distribution Committee mandates its representative in Europe, Morris Troper, who is based in Paris, who has very little time to negotiate with some countries in Europe. And those four countries are France, Belgium, the Netherlands and the U.K.
It's really difficult for those countries -- I'm not talking about the U.K., but mostly the countries that border Germany or are very close to Germany -- because they have already received a lot of refugees across the border, both legal and illegal refugees. So they have already accepted a lot of them.

So Morris Troper, at some point, plays some sort of poker game, and he says to the representatives of those countries, well, some countries have already accepted the some refugees.

At this point, it's not true at all. No country has accepted any refugees. But he doesn't have much choice. So eventually, the four countries accepted the refugees. I just want to mention that France offered to accept them all, but saying, we would like some other countries to do it, as well.

And I'm not saying that because I'm French because what the France did to the passengers afterward, there's no reason to be proud of this.

The St. Louis goes to Antwerp and from Antwerp, the passengers are actually dispersed in four countries. This is a photograph of Morris Troper and his wife, who are welcomed on board of the St. Louis by the children and who wrote them a beautiful letter saying, if roses grew on the St. Louis you would have
received the largest bouquet of roses.

The letter that you can see on the slide was written by the captain of the St. Louis to Morris Troper, to thank him for his involvement and his role in the St. Louis story.

So this is the dispersion of the St. Louis passengers more or less equally. It was a lot of negotiations, but it was more or less equally. And when the St. Louis passengers arrive in Europe, they are in those four countries. But we are in June 1939; so we are very close to war.

So basically, they are in those four countries with no documentation at all, because they had legal documentation to go to Cuba. But they don't have any documentation to work in those four countries.

So they need to be helped mostly by the Jewish organizations that take care of them. But at the beginning of the war, when the war breaks out, those passengers -- or refugees -- are in the same position as any other refugees who cross the borders with those countries. And I'm not talking about the U.K., but I'm talking about France, Belgium, and Poland.

Some St. Louis passengers who could have been free in Cuba ended up in some concentration camps or in some internment camps. And I say concentration
camps because Gurs is one of them, in the south of France.

The regime in Gurs was so harsh that some of these stories consider them concentration camp and not an internment camp. Here you can see Rudolf Goldreich on the St. Louis and later on in Gurs internment camp.

There is another passenger, Maurice, who ended up in several internment camps in France, as well; Gurs, des Milles, and St. Cyprien in the south of France. He was somehow lucky enough to make it to the U.S. in November of 1941.

But not all the passengers were that lucky. Here we have two beautiful photographs of Ilse Karliner. She is on the left-hand side. You can see her talking to other passengers on the St. Louis. And on the right-hand side, you can see her. The whole family was a family of two daughters and two brothers and their parents. They ended up in France, and the children were actually separated.

You can see her in one of the children’s homes in France. Later on she was arrested and deported to Auschwitz from France on November 6th, 1942 and murdered in Auschwitz.

So some of those passengers knew exactly
the same fate as other refugees in Europe. For example, out of 937 passengers on the St. Louis, 231 perished during the Holocaust and were deported from Europe.

Like I said, out of the 900 passengers, 734 had affidavits to immigrate to the U.S.; the U.S. was the final destination of those passengers. When the St. Louis returned to Germany, it was actually bombed by the Royal Air Force in 1944 and almost completely destroyed.

And you can also think about what happened to the captain, because the St. Louis belonged to the HAPAG Company, and the HAPAG was nationalized by the Reich in 1934. So the captain was anti-Nazi, like I said, but he was not so much in trouble after the war; at some point he was, but not so much.

And he was rewarded in 1957 by West Germany; a medal for his help and involvement in the St. Louis story, two years before he passed away.

And in 1993, he was posthumously awarded the Righteous Among the Nations by Yad Vashem. It was something exceptional because usually Yad Vashem honors people who helped Jews during the war; this was a little bit before the war. But because of his involvement, Yad Vashem decided to honor the captain.

And those are not exactly links, but
photographs of the website. If you want to know more about the St. Louis, you have many, many pages on our website.

And it's not only about the story of the St. Louis, but also about the fate of some of the passengers. We had a project at a museum by two of my colleagues who tracked down all the passengers of the St. Louis and they found them.

And when we received an amazing collection at the museum in 2007, which is the International Tracing Service, we have basically documents about almost all the passengers in that collection; so we can even go further to trace down their fate. Thank you.

CHAIR LHAMON: Thank you, Dr. Afoumado; and thank you both. I now invite my fellow commissioners to ask any questions they may have for our speakers.

VICE CHAIR TIMMONS-GOODSON: This is Vice Chair Timmons-Goodson, and I have just been spellbound by all that I've heard. I thank our speakers for coming in and providing such a tremendous presentation and opportunity to learn.

I guess, as I was listening I kept thinking about how some would say history repeats itself. And we are very much living in times that remind me so much
of what I heard.

So the obvious question to me was, what lessons, if any, would our speakers suggest that the leaders of this country and its people might learn from this past experience?

DR. ERBOLDING: That's a very difficult question, because it's hard to pull lessons -- and the more that you drill down into the specifics of things, the more you recognize differences between now and then.

But this history is really about, to me, immigration in the United States has always been challenged by people's economic concerns, national security concerns, possibly known or unknown racism; and you hear that rhetoric today too.

And so if someone is very concerned about what happened, looking back, is very concerned about what happened in the 1930s, they can think about what our reaction is today when we hear the same rhetoric.

CHAIR LHAMON: Thank you.

COMMISSIONER KLANDNEY: Madam Chair, Kladney here.

CHAIR LHAMON: Go ahead.

COMMISSIONER KLANDNEY: I'd like to ask a question. I'm not sure I heard this, but I think you said the U.S. still has no refugee policy?
DR. ERBELDING: No. The United States had no refugee policy until after World War II. So after World War II, we did and do have a refugee policy now. And that is one of the main differences between now and then, is that there is a system, supposedly, to deal with people who are being persecuted for racial and religious reasons.

And back then, you had to go through the same immigration system. There was no other line to get into.

COMMISSIONER KLANDNEY: Thank you.

CHAIR LHAMON: Commissioner Adegbile?

COMMISSIONER ADEGBILE: Do you understand the refugee policy to have changed the fundamental balancing of interests? That is to say, it seems to me that nations are always thinking about what is a limit.

And sometimes they're thinking about it for reasons that some of us may think are legitimate, and at other times for reasons that go to animus or other things that don't reach our better angels.

I'm wondering if, even in the context of a refugee policy, that balancing changes in some way to animate the concern about humanity and the persecution that they face, or whether the calculus remains like the earlier pre-refugee time?
DR. ERBELDING: Obviously, U.S. refugee policy changes over time and the limits change. Historically, U.S. concern for refugees’ writ large has always been tied to national geopolitical goals. So we are much more willing to take refugees when there’s another reason, anti-communism or people that have helped us fight a war.

There's usually another reason for it other than strict humanitarian goals. And so that has historically always been a challenge, even within a refugee policy. But you're right; it's always about limits.

CHAIR LHAMON: Commissioner Narasaki.

COMMISSIONER NARASAKI: Thank you for your presentation, it was very fascinating. So what was the general feeling about Jews in the U.S. at that time, and how well-organized or not was the community? What were they doing at the time in terms of advocacy around these issues?

DR. ERBELDING: Franklin Roosevelt famously complained that there was no Jewish Pope, and he wished that there would be one, because the Jewish community is split in a lot of ways.

There is a kind of German-Jewish population that had historically been here for much longer than
recent immigrants from eastern Europe, who were more socialist, communist, labor organizers, as opposed to the old school, wealthier German-Jewish population.

And so there's a split in tactics in how they're addressing the threat of Nazism, and how they're -- they're both in favor of helping refugees, but their tactics in how they're doing that changes.

I'm sorry, I forgot the first part of your question.

COMMISSIONER NARASAKI: Was there a level of animus --

DR. ERBELDING: Oh. Yes, very much so. Yes. Anti-Semitism is booming in the 1920s and '30s. It's drummed up by people like Father Charles Coughlin, who is a Catholic priest with a nationalized radio show, who railed about the Jews and money, and was very popular.

At one point during the war, Jews are seen as one of the greatest -- not threats to the nation, but people we should be concerned about watching.

Roosevelt is frequently criticized for being too pro-Jewish. They say he's secretly Rosenfeld or Rosenveldt, trying to make his name sound more Jewish.

The fear that he has too many Jewish
advisors; and any effort — I mean, Frances Perkins, the Secretary of Labor, goes out on a limb in several points, trying to advocate for increased immigration, for more refugees, and the INS fell under the Department of Labor.

So she felt like she could advocate for this. And she is accused immediately of being secretly Jewish, that that's the only reason that she might want to help people.

So we still had a lot of hotels and golf courses and things that were gentiles-only; and there was slang for it at the time too.

CHAIR LHAMON: Another?

COMMISSIONER NARASAKI: Yes, just one more follow-up. So the Commission -- we've been hearing some concerns about anti-Semitism now, and the rise of hate crimes in the community. I realize this may not be in your bailiwick, but I'm wondering if the museum has been tracking that concern?

DR. AFOUMADO: Well, we have a division that is actually working on contemporary anti-Semitism, so we are very much aware of this. We follow this not only in the U.S., but around the world, so we know about anti-Semitic propaganda. We know what type of anti-Semitic speech is given somewhere. So we follow
that quite seriously and quite closely.

CHAIR LHAMON: Thank you. Commissioner Heriot?

COMMISSIONER HERIOT: I just wanted to thank you, thank you because that was fascinating. I agree with the Vice Chair that history repeats itself, and you have to be alert for that. There's also, of course, the equal and opposite notion that generals are always fighting the last war.

And our best defense against making mistakes, I believe, is a greater knowledge of history. And that is why I thank you.

CHAIR LHAMON: Any other questions? So I share my fellow commissioners' thanks to you for this astounding presentation, and for continuing to make history live for us, both in your presentation to us and in your work at the museum. Thank you very, very much for coming and joining us today.

I also want to thank our staff who helped to bring you; Dr. Jeff Knishkowy, who is instrumental for us, and for Staff Director and Brian Walch and our entire ACSD team for their efforts in making today's presentation possible. This was very moving and very helpful to us as a commission, so I thank you. And if there are no further items, I now adjourn the meeting.
of the Commission at 11:55 a.m. Thank you.

(Whereupon, the meeting in the above-entitled matter was adjourned at 11:55 a.m.)