The Commission convened by teleconference at 12:05 p.m., Catherine Lhamon, Chair, presiding.

PRESENT:

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

MAURO MORALES, Staff Director
MAUREEN RUDOLPH, General Counsel

* Present via telephone
STAFF PRESENT:

PAMELA DUNSTON, Chief, ASCD
ALFREDA GREENE
WARREN ORR

SPECIAL ASSISTANTS PRESENT:

SHERYL COZART
ALEC DUELL
JASON LAGRIA
CARISSA MULDER
AMY ROYCE
RUKKU SINGLA
ALISON SOMIN
IRENA VIDULOVIC
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12:05 p.m.

CHAIR LHAMON: Okay. Let's call this meeting of the U.S. Commission on Civil Rights to Order at 12:05 p.m. on June 29, 2017. This meeting takes place over the phone.

I'm Chair Catherine Lhamon. I'd like each of the Commissioners who are present on the phone at this meeting, in addition to me, to answer verbally as I call your name.

The Vice Chair Timmons-Goodson, are you on the line?

VICE CHAIR TIMMONS-GOODSON: I am on the line, Madam Chair.

CHAIR LHAMON: Thank you. Commissioner Adegbile, are you on the line?

COMMISSIONER ADEGBILE: I am.

CHAIR LHAMON: Commissioner Heriot, are you on the line?

COMMISSIONER HERIOT: I am here.

CHAIR LHAMON: Commissioner Kirsanow, are you on?

COMMISSIONER KIRSANOW: Here.

CHAIR LHAMON: Thank you. Commissioner Kladney, are you on?
COMMISSIONER KLABNEY: Present.

CHAIR LHAMON: Commissioner Narasaki, are you on?

COMMISSIONER NARASAKI: Here.

CHAIR LHAMON: Thank you. And Commissioner Yaki, are you on?

(No response)

CHAIR LHAMON: We do not have Commissioner Yaki. But we do 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.

CHAIR LHAMON: Thank you. The meeting now comes to order. Is there a Motion to Approve the Agenda for this business meeting?

COMMISSIONER NARASAKI: So moved. This is Karen Narasaki.

CHAIR LHAMON: Thank you. Is there a second.

VICE CHAIR TIMMONS-GOODSON: Vice Chair Timmons-Goodson second.

CHAIR LHAMON: Thank you. Are there any
amendments to the Agenda?

(No response)

CHAIR LHAMON: Hearing no amendments, let's vote to approve the Agenda. All those in favor, please say aye.

(Chorus of Ayes)

CHAIR LHAMON: Any opposed?

(No response)

CHAIR LHAMON: Hearing none, are there any abstentions?

(No response)

CHAIR LHAMON: Hearing none, the motion passes unanimously. First we'll discuss and vote on moving the November business meeting to Monday, November 13, 2017 in order to accommodate USCC's anniversary event planned for Tuesday, November 14 from 1:00 to 3:00 p.m.

I move that we schedule the November business meeting date to November 13, 2017. Is there a second?

COMMISSIONER Kladney: Second.

CHAIR LHAMON: Thank you. Any discussion?

(No response)

CHAIR LHAMON: Hearing none, I'll call the question and take a roll call vote. Commissioner
Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: Yes.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Yes.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLADNEY: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki is not present. Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: And I vote yes. The motion passes unanimously.

The next item is a discussion and vote on the Commission's FY 2018 -- '17, sorry, 2017 Statutory Enforcement Report. There will be two votes.

First we will consider the report. And second we will consider the findings and recommendations.

I'll open the floor for discussion. Is there a motion?

VICE CHAIR TIMMONS-GOODSON: This is Vice Chair Timmons-Goodson. I move that we adopt the
report, "Targeted Fines and Fees Against Low-Income Communities of Color: Civil Rights and Constitutional Implications" as circulated by OCRE on Tuesday, the 27th of June 2017.

CHAIR LHAMON: Thank you. Is there a second?

COMMISSIONER NARASAKI: This is Commissioner Narasaki. I second.

CHAIR LHAMON: Thank you. Any discussion?

VICE CHAIR TIMMONS-GOODSON: Madam Chair?

This is Vice Chair Timmons-Goodson. I think that we're dealing with a very important issue.

I believe that the draft that we all have in hand is a good one. A lot of hard work has gone into it by OCRE as well as our special assistants and Commissioners.

I think it's a product that we can all be proud of. I think it will stand the test of time. And I think it's just -- it's important and it will add significantly to the discussion that's going on.

We see that it is most timely based on the news reports of law suits and legislation on the issue. And I'm proud that the Commissioner has seen fit to speak on this.

And I will be voting for.
CHAIR LHAMON: Thank you Vice Chair. Any further discussions?

COMMISSIONER YAKI: Noting that -- this is Commissioner Yaki noting that I am present.

CHAIR LHAMON: Welcome. Thank you. Commissioner Yaki, we're in the middle of discussing the -- and we're trying to vote on the Commission's FY 2017 Statutory Enforcement Report that was proposed. There's been a motion and a second. And we're in the discussion period.

COMMISSIONER YAKI: I have been hearing it.

CHAIR LHAMON: Thank you.

COMMISSIONER NARASAKI: Madam Chair, is this when we would suggest some revisions?

CHAIR LHAMON: If there are any to suggest, yes.

COMMISSIONER NARASAKI: Yes. So, I just have a revision to incorporate an update. Because there's a -- on page 34, there's a statement about how many States. That says at least eight States suspend drivers' license based on missed payments.

And recently, California, under Jerry Brown, signed a law that would prevent courts from signing legislation for California. So I would just
like to update that to reflect that.

So that it would say at the time of the Commission's briefing, at least eight States suspend the driver's license based on missed payments in many cases without considering whether the person has the resources to make payments in the first place.

And then add a sentence, subsequently, in June 2017, California Governor Jerry Brown signed a law that would prevent courts in California from suspending drivers' licenses for failure to pay fines.

And add a footnote, a citation for that.

CHAIR LHAMON: Thank you. And for the court reporter --

COURT REPORTER: This is the Court Reporter. Can I ask that you state your name?

COMMISSIONER NARASAKI: Yes. This is Commissioner Narasaki.

CHAIR LHAMON: Thank you for the proposed additional text. Are there any discussions about that proposal or any other?

And I think we would need them after we complete discussion of any proposed text additions, we would need to modify by motion.

(No response)

CHAIR LHAMON: Hearing --
COMMISSIONER YAKI: Well --
CHAIR LHAMON: Yes?
COMMISSIONER YAKI: Madam Chair, this is Commissioner Yaki.
CHAIR LHAMON: Yes.
COMMISSIONER YAKI: Hello?
CHAIR LHAMON: Go ahead Commissioner Yaki.
COMMISSIONER YAKI: Yes. I just wanted to note for the record that today, Governor Jerry Brown of California signed into law a bill that would prohibit the re -- the stripping of drivers' licenses for unpaid tickets.

I think -- well, due in no small part to the work that we and the people who have been at our briefings have done in pointing out the impact on low-income communities. And it is specifically cited that impact as the reason why the Governor signed the bill.

So, things are moving in the right direction. And I echo everything that the Vice Chair has said.

CHAIR LHAMON: Thank you Commissioner Yaki. That was the subject of the amendment that Commissioner Narasaki was just proposing for page 34 of the text of the report.

I want to make sure that you heard her
text. Is there any further discussion about the report?

VICE CHAIR TIMMONS-GOODSON: This is Vice Chair Timmons-Goodson. Just for a point of clarification, there are a few minor things I would call them nits.

I've implied a few subject/verb disagreements or places where I would contend there was a subject/verb disagreement. Small things like that.

Are we going to be taking the time to identify those? Or are we authorizing the OCRE to -- that they go over it a final time should they identify non-substantive, grammatical things that they may correct those?

CHAIR LHAMON: My recommendation, Vice Chair, is that we authorize OCRE to make non-substantive grammatical changes to the draft as they see appropriate. And I invite each of the Commissioners to share any such non-substantive edits with OCRE for OCRE to incorporate as OCRE deems appropriate.

VICE CHAIR TIMMONS-GOODSON: All right then, thank you.

CHAIR LHAMON: I think that we ought to
modify the motion so that we are clear about what text
we are adding and the authorization to OCRE if others
are so included.

And I -- before we do, I would like to
second the Vice Chair's appreciation to our staff for
the hard work that went into generating this report
and preparing and supporting the briefings that we had
in anticipation of this report.

I second the view that it's a very strong
draft. I am grateful to be able to participate in
this contribution to civil rights for our country.
And I am deeply grateful to our staff for the work
that they've done to bring us to this stage.

Having said that, Vice Chair, would you
like to amend your motion?

VICE CHAIR TIMMONS-GOODSON: Yes. Madam
Chair, at this time I do amend my motion by indicating
that we adopt the report subject to the amendment that
was just offered by Commissioner Narasaki that would
permit including information about the passage of the
California legislation.

I think that covers it.

CHAIR LHAMON: I believe also as a
friendly amendment to your amendment, we also would
authorize OCRE to make any non-substantive changes
they think are appropriate as they do a final review of the report.

VICE CHAIR TIMMONS-GOODSON: Thank you.

And I do add that as well.

CHAIR LHAMON: Is there a second?

COMMISSIONER NARASAKI: Yes. And I re--

Vice Chair Timmons-Goodson: Thank you.

And I do add that as well.

CHAIR LHAMON: Is there a second?

COMMISSIONER NARASAKI: Yes. And I re--

this is Commissioner Narasaki. I re-second.

CHAIR LHAMON: Okay. Thank you. I'll call the question and take a roll call vote.

Chair Lhamon: Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: I abstain.

CHAIR LHAMON: I'm sorry, I couldn't hear you.

COMMISSIONER HERIOT: I abstain.

CHAIR LHAMON: Thank you. Commissioner Kirsanow?

COMMISSIONER KIRSANOW: 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. One Commissioner opposed, one Commissioner abstained, all others were in favor.

Next we'll consider the findings and recommendations for the report. I'll open the floor for discussion.

I move that we approve the findings and recommendations as circulated on Tuesday. Is there a second?

VICE CHAIR TIMMONS-GOODSON: Madam Chair, this is the Vice Chair. I second the motion.

CHAIR LHAMON: Thank you. In the terms of discussion, I'd like to make one amendment. I move that we strike a sentence which comes at the end of finding number two, in the section, Driver's License Suspensions.

Paginated in printing, that's page four. And the sentence that I move to strike now reads, in California, suspensions were found to have a disparate impact on the poor and communities of color.

Second?

COMMISSIONER NARASAKI: This is Commissioner Narasaki. I second.
CHAIR LHAMON: Is there any discussion on the findings and recommendations?

(No response)

CHAIR LHAMON: Hearing no further discussion, I'll call the question and take a roll call vote.

Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: I seem to remember we have a rule that we're supposed to go through these one by one. But, I'm sure we can waive that.

So, with all that in mind, I vote no.

CHAIR LHAMON: Thank you. And thank you for bringing that to my attention as well. I appreciate it.

Commissioner Kirsanow?

COMMISSIONER KIRSANOW: No.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KладNEY: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

(No response)

CHAIR LHAMON: Commissioner Yaki, how do
you vote?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: And I vote yes. The motion passes. Two Commissioners opposed, no Commissioner abstained, and all others were in favor.

Well, thank you all. I note now that we have adopted the report and findings and recommendations.

The clock begins ticking with respect to deadlines for statements and rebuttals. The deadline for statements will be July 31, because July 29 is over a weekend.

And the deadline for rebuttal will be August 31. If a Commissioner intends to file a further rebuttal, those will be due September 7.

If there's nothing further, I hereby adjourn our meeting at 12:20 p.m., Eastern daylight time. Thank you all.

(Whereupon, the above-entitled matter went off the record at 12:21 p.m.)