The Commission convened via teleconference at 1:01 p.m., Catherine E. Lhamon, Chair, presiding.

PRESENT:

CATHERINE E. LHAMON, Chair
PATRICIA TIMMONS-GOODSON, Vice Chair*
DEBO P. ADEGBILE, Commissioner
DAVID KLABNEY, Commissioner*
KAREN K. NARASAKI, Commissioner
MICHAEL YAKI, Commissioner*

MAURO MORALES, Staff Director
MAUREEN RUDOLPH, General Counsel
STAFF PRESENT:

EVELYN BOHOR*

KATHY CULLITON-GONZALEZ

BARBARA DELAVIEZ*

PAMELA DUNSTON, Chief, ASCD*

ALFREDA GREENE*

TINALOUISE MARTIN*

DAVID MUSSATT, Chief, RPCU*

BRIAN WALCH

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART

JASON LAGRIA

CARISSA MULDER

AMY ROYCE

RUKKU SINGLA

ALISON SOMIN

IRENA VIDULOVIC
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CHAIR LHAMON: This meeting of the U.S. Commission on Civil Rights comes to order at 1:01 p.m. Eastern Time on June 26, 2018. This meeting takes place over the phone.

I am Chair Catherine Lhamon. I'd like to confirm that each of the Commissioners is on the line, so I'll take a roll call here at the outset. And please say present when I say your name. Vice Chair Timmons-Goodson? Commissioner Adegbile?

COMMISSIONER ADEGBILE: Present.

CHAIR LHAMON: Commissioner -- I understand that Commissioner Heriot had a family conflict develop and so will not be on the line. Just confirming by sound that she is not. Commissioner Kirsanow? Commissioner Kladney?

COMMISSIONER KLADNEY: Yes. Present.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASKI: Present.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: I'm here.
CHAIR LHAMON: Thank you. Based on that, a quorum of the Commissioners is present. Is the court reporter present?

COURT REPORTER: I am present.

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

MR. MORALES: Yes, I am.

CHAIR LHAMON: Thank you. The meeting shall now come to order.

I. APPROVAL OF AGENDA

CHAIR LHAMON: Is there a motion to approve the agenda for this business meeting?

COMMISSIONER NARASAKI: Commissioner Narasaki. So moved.

CHAIR LHAMON: Thank you. Is there a second?

COMMISSIONER ADEGBILE: Second.

CHAIR LHAMON: Thank you. Are there any amendments?

COMMISSIONER YAKI: Commissioner Yaki here.

CHAIR LHAMON: Go ahead.

COMMISSIONER YAKI: I would like to amend the agenda to include a motion to reopen the 2015 Immigration Detention Report for follow up
regarding the detention of children, to authorize
the appointment of a Discovery Subcommittee, and to
authorize the issuance of subpoenas.

CHAIR LHAMON: Thank you. Is there a
second?

COMMISSIONER NARASAKI: Commissioner
Narasaki seconds.

CHAIR LHAMON: Thank you. Are there
any further amendments? Hearing none, let's vote
to approve the agenda as amended. All those in
favor, say aye.

(Chorus of ayes.)

CHAIR LHAMON: Any opposed? Any
abstentions? The motion passes unanimously.

II. PROGRAM PLANNING

CHAIR LHAMON: Our item -- our next
item is a discussion and vote on the Commission's
report titled An Assessment of Minority Voting
Rights Access in the United States. There will be
two votes. First, we will consider the report;
and, second, we will consider the findings and
recommendations.

To open up the floor for discussion, is
there a motion?

COMMISSIONER ADEGBILE: So moved.
COMMISSIONER KLADNEY: Second.

Kladney.

CHAIR LHAMON: I believe Commissioner Adegbile moved to approve the report. I heard Commissioner Kladney second. So I'll make a few points to start us off, and then an amendment to begin our discussion.

First, I thank Commissioners Adegbile and Yaki for their leadership in initiating this project last year. Voting rights were at the core of the basis for Congress establishing this Commission in 1957, and I am both proud and grateful to see us return, as the Commission has done many times over the years, to this fundamental question of equal access to our democracy.

This August we will mark the 53rd anniversary of the Voting Rights Act of 1965, and yesterday marked the fifth anniversary of the Supreme Court's decision in Shelby County.

While our nation has made remarkable strides in the 53 years since 1965, this report does an exhaustive job of documenting the state of voter access today and makes clear that we, as a nation, including Congress, still have work left to do to ensure equal access to the franchise for
which so many have fought and died.

I thank our staff, particularly Katherine Culliton-Gonzalez and LaShonda Brenson, as well as all of the other members of our staff who pitched in during the development of this project, planning the briefing in North Carolina, and assisting with research and further refinement of the draft over the last several months.

Thanks to all of their efforts, we today consider a voluminous, intensely researched report, just over four months after we traveled down to North Carolina to hear from various experts on this important issue.

The amendment I'd like to offer is to change references to the Napa County language access case from consent decree to out-of-court agreement. I noted on follow up from the DOJ letter that we refer to that case as a consent decree, but it is in fact an out-of-court agreement.

There are three references to that amendment in the text. I'm going to give you the page numbers according to the clean text circulated from Commissioner Adegbile's special assistant yesterday. They're at page 253, footnote 1447;
page 254, footnote 1451; and page 255, in the first full paragraph.

Do I have a second for that amendment?

COMMISSIONER YAKI: Second.

COMMISSIONER ADEGBILE: Second.

CHAIR LHAMON: Thank you. Just a reminder for my fellow Commissioners that we need to say our names, so that the court reporter knows who we are for the transcript. I think the second came from Commissioner Kladney; is that correct?

COMMISSIONER KLABDNEY: No. I think it was Adegbile, but you can use my name. It's fine.

COMMISSIONER YAKI: Actually, it was Commissioner Yaki, but I'll defer to Commissioner Kladney.

CHAIR LHAMON: Okay. Well, I'm going to go with Commissioner Yaki as the one who said it, and thank you.

Is there any other discussion or amendments?

COMMISSIONER ADEGBILE: Madam Chair, Commissioner Adegbile here.

CHAIR LHAMON: Go ahead.

COMMISSIONER ADEGBILE: I just wanted to join you in your statement about the importance
of this process and how important it has been to the history and good work of the Civil Rights Commission over the course of our existence.

In particular, I think this report does a very good job of laying out something that sometimes folks have difficulty holding in their mind, which is the progress that we have made under the Voting Rights Act is a wonderful tribute to our constitutional system and to our federal civil rights statutes.

And some people interpret that progress as a desire to stop and be satisfied with where we are, but I think at its core the Voting Rights Act has embraced, very importantly for the nation, a minority inclusion principle that has become a central feature of our democracy.

And I would suggest that one of the great lessons of the Voting Rights Act and its success is that success invites more success rather than pausing on progress and taking the risk of moving backward.

And so I think your support has laid out for us in important ways that we have come a great distance and made much progress in the area of voting, as a result of the Voting Rights Act and
the very important enforcement efforts of DOJ and private attorneys general.

But I think the report lays out an equally important and compelling story that there is more work to do, and that the Voting Rights Act needs to remain a central and fully effective feature of encouraging future progress.

And so with that, I wanted to add my thanks to the extraordinary efforts of our staff, of OCRE, of Kathy Culliton in her first effort with a report of this Commission, and LaShonda, who has done extraordinary work, and the SAs, add my thanks to the SAs on a bipartisan basis, all of whom have pitched in to work on the citations of this voluminous report.

And I just think that it has been an extraordinary and focused effort. It is great that we are poised to have it move out on the schedule, and I just want to thank the entire Commission for the effort.

I recognize that doing a field briefing requires additional resources and organization. It went off without a hitch, and I thank Pam and the entire staff that traveled with us to Raleigh for really showing the Commission at its best.
And so I'm grateful for the effort, I look forward to the vote, and I thank each and every one of you for your efforts. And to Irena Vidulovic, who has put in extraordinary efforts, I pay special thanks.

CHAIR LHAMON: Thank you. Is there any other discussion or any other amendments?

COMMISSIONER NARASAKI: This is Commissioner Narasaki. I would like to add my thanks and note the particular importance of this report. It is incredibly well-researched, as has been noted, and I very much appreciate the fact that we also made sure that in addition to examining the challenges that minority voters are facing that we also look at voters with disabilities. I think that's an important contribution. So I want to note that, and thank the Commission and the staff.

CHAIR LHAMON: Thank you. Hearing no further discussion and no further amendments, I'll call the question and take a roll call vote. Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: I understand Commissioner Heriot is not on the line. I
understand Commissioner Kirsanow is not on the line. Commissioner Kladney, how do you vote?

COMMISSIONER KLANDNEY: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: And I believe the Vice Chair has been on the line, but we couldn't hear her? Vice Chair, are you on? And, if so, how do you vote? If you are on the line, we still can't hear you.

I vote yes. The motion passes unanimously.

Next, we will consider the findings and recommendations for the report.

VICE CHAIR TIMMONS-GOODSON: This is Pat. I've been on the wrong line.

CHAIR LHAMON: Welcome, Vice Chair.

VICE CHAIR TIMMONS-GOODSON: Thank you.

COMMISSIONER YAKI: Madam Chair, I would like to reopen the vote.

CHAIR LHAMON: So we were just voting about whether to approve the Voting Rights Report, as amended, and I had offered an amendment to
correct three places in the report where the report now refers to the Napa County language access case as a consent decree, and I'm offering an amendment to correct those references to an out-of-court agreement, responsive to the DOJ letter to the Commission.

I have heard a motion to reopen the vote from Commissioner Yaki. I seconded that motion. And so we will go through our vote again, to be able to include the Vice Chair, who has been on the line.

COMMISSIONER ADEGBILE: Madam Chair, this is Commissioner Adegbile. Can I just note that the motion is to vote on the version of the report that was sent yesterday by my special assistant, Irena Vidulovic, subject to the amendments that you have offered this morning.

CHAIR LHAMON: Thank you for the clarification. That is correct.

So, Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: I understand Commissioners Heriot and Kirsanow are not on the line. Commissioner Kladney, how do you vote?
COMMISSIONER Kladney: Yes.

Chair Lhamon: Commissioner Narasaki?

Commissioner Narasaki: Yes.

Chair Lhamon: Commissioner Yaki?

Commissioner Yaki: Aye.

Chair Lhamon: And Vice Chair Timmons-Goodson?

Vice Chair Timmons-Goodson: Yes.

Chair Lhamon: And I vote yes. So the motion passes unanimously.

Next, we will consider the findings and recommendations for the report. So I open up the floor for discussion. Is there a motion?

Commissioner Yaki: So moved.

Commissioner Adegbile: Madam Chair, this is Commissioner Adegbile. I move that we adopt the findings and recommendations as circulated by my assistant, Irena Vidolovic, yesterday, Monday, June 25th.

Chair Lhamon: Thank you.

Commissioner Narasaki: Commissioner Narasaki seconds.

Chair Lhamon: Thank you. And, Commissioner Yaki, I heard you were also moving, so we will just move forward. Thank you.
Is there any discussion about these findings and recommendations? Hearing none, I'll call the question and take a roll call vote.

Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: I understand Commissioners Heriot and Kirsanow are not on the line. Commissioner Kladney, how do you vote?

COMMISSIONER KLANDNEY: 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 unanimously.

Thank you all. I'll note that with the adoption of the report, and the findings and recommendations, the clock now begins ticking with respect to the deadlines for statements and rebuttals. The deadline for statements will be July 26th, and the deadline for rebuttals will be August 27, as the 26th falls on a weekend.
If a Commissioner intends to file a surrebuttal, notice will need to be given by Tuesday, September 4, as the 3rd falls on Labor Day. And the surrebuttal will be due on September 11th.

We will now move to our amended agenda item, a motion from Commissioner Yaki. Commissioner Yaki, could you please present your motion?

COMMISSIONER YAKI: Thank you very much, Madam Chair. Colleagues, over the past few weeks, the administration has engaged in some unprecedented actions with regard to the treatment of families presenting themselves at the border, beginning with a zero tolerance policy that required prosecution of anyone who presented themselves at the border without proper documentation, and the fallout from that policy was the separation of families, with the children being sent to parts elsewhere in the United States away from their families, which has not been the policy of the United States, with regard to any prosecution of families in prior administrations or prior years.

This motion is to reopen the 2015
Immigration Retention Report for the purposes of following up on the issue of children separation and family detention. This is a motion in four parts.

First, that pursuant to general authority, as well as AI 1-6, Section 21, the authority to reopen the 2015 statutory report for the purposes of obtaining additional information regarding the issue of retention of undocumented immigrant children and families.

Two, pursuant to our statutory authority and Regulation AIs, the Chair shall appoint a subcommittee for the purpose of discovery associated with the follow up to a report.

Three, pursuant to our statutory authority and regulations, pre-authorize the Chair to issue such subpoenas as are necessary for the purpose of discovery associated with the follow up to a report.

And, four, that the Chair of the subcommittee share it with the staff director to ensure that adequate staff time and resources are available and allocated to this.

Colleagues, this is not meant to be a long, drawn-out proceeding. This is meant to do
something that the Commission has not done in quite a bit, which is to see if it can pivot quickly and work on an issue that is very present and has immediate urgency in terms of attempting to see what resources we can bring to bear in terms of the dialogue and resolution regarding the:

a) reunification of children separated from their families; and b) the policies and procedures that led to that as well as the family detention standards that are attempting to be modified and applied to incoming families presenting themselves at the border.

I want to thank all of you for your thoughts and good suggestions with regard to this, and I would love to ask for your support.

CHAIR LHAMON: Thank you. I'll open the floor for discussion. Is there a motion to approve the motion?

COMMISSIONER NARASAKI: This is Commissioner Narasaki. So moved.

(Simultaneous speaking)

CHAIR LHAMON: I heard Commissioner Narasaki move, and I hear Commissioner Kladney seconding. So any discussion of the motion?

MR. MORALE: Madam Chair? Staff
Chair Lhamon: Go ahead.

Mr. Morales: -- Mauro Morales, if I may make a comment?

Chair Lhamon: Go ahead, Staff Director.

Mr. Morales: Thank you, Madam Chair. I just wanted Commissioners to know that I support their efforts to bring attention to the crisis on the border concerning the separation of children and families.

However, my fiduciary duty as Staff Director requires me to remind Commissioners that we have limited financial and personnel resources. The reopening of the 2015 report with new and unanticipated resource demands could potentially impact current projects and reports underway.

Nevertheless, I look forward to working with Commissioners in their renewed effort to examine this issue.

Thank you.

Chair Lhamon: Thank you. Commissioner Narasaki, I think you were wanting to speak?

Commissioner Narasaki: Yes. I want to thank Commissioner Yaki for his leadership and
making the recommendation that we reopen the report and examine what is going on.

The initial report, which I had to recuse myself from at the time, had some very disturbing findings with regard to the detention of women and children. And we sent reports that have been coming out because of the -- what I consider to be a manufactured crisis.

This is not a crisis that had to happen, but it is of significant concern that it has, and that in fact continued reports are coming out about the lack of sufficient planning or being able to now reunite these children with their parents, and also my concern that detaining -- solving the problem of reuniting the kids with their families by simply detaining them all together for long periods of time is not in fact an appropriate solution.

Many experts from the children community and the medical community have documented the incredible damage that detention does to such children. And I have noted before publicly that, as someone whose parents were interned when they were teenagers, I can tell you that that has very lasting damage, even for teenagers, much less for
children.

So I very much think this is very important that we be mindful of our Staff Director's admonition that we be careful in terms of our resources, but I think if there is ever a crisis that required the Commission to step up in recent times, this is one of them. So I strongly support it.

CHAIR LHAMON: Thank you.

COMMISSIONER YAKI: Madam Chair, I just want to -- I just want to thank Commissioner Narasaki for her heartfelt words. In no small part, I think all of our outrage stems from the remembrance of those internment camps in which my father was, when a young boy, interned with his family.

What is disturbing even more is the fact that the rationale for the location of some of these so-called large camps that they are considering putting on military bases sounds very much like the rationale for why and where they situated the Japanese internment camps, out of the area, in the desert, nowhere to run. These are things that disturb me to my core as a human being.

And today, when the Supreme Court
essentially recognizes the broad national security rationale for the Muslim travel ban, that rests in part on the shoulders of the Korematsu decision, it makes it even more important I think for us to step forward and do what we can to deal with this issue.

CHAIR LHAMON: Thank you. Is there any further discussion? I will note as we are about to take our vote that, as I mentioned at our last business meeting, the Flores settlement agreement, which governs some of the issues that we will take up if we vote to take up this issue, is the result of a case that my office, the National Center for Youth Law, is counsel in.

That case, as I mentioned -- as I mentioned in our last business meeting, is not my case, and I have no substantive involvement in the case. Following today's vote, if we do vote to take up this topic, I just want to note that I will recuse myself from the litigation to avoid any appearance of conflict.

Okay. I'll call the question and take a roll call vote. Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: I understand that
Commissioners Heriot and Kirsanow are not on the line. Commissioner Kladney, how do you vote?

COMMISSIONER KLADNEY: Yes.

CHAIR LHAMON: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

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

III. ADJOURN MEETING

CHAIR LHAMON: If there is nothing further, I hereby adjourn this meeting at 1:25 Eastern Time. Oh.

COMMISSIONER ADEGBILE: Madam Chair, this is Commissioner Adegbile. Forgive me, I have one very brief point.

CHAIR LHAMON: Okay. Go ahead.

COMMISSIONER ADEGBILE: I just wanted to add to my list of thanks on what I think the entire Commission -- everybody supported the effort
on the voting report that we voted on today.

And I also omitted to make specific
mention, through inadvertent, Maureen's
extraordinary efforts to help us get the report
done on this schedule. And so I wanted to add that
to my litany of thanks.

I thank the entire staff, but I also
wanted to acknowledge Maureen, Kathy and OCRE's
cooperation in making sure that the legal
sufficiency review of a very substantial and
lengthy report was able to be achieved in the
operative timeframe. So I'm grateful.

CHAIR LHAMON: Thank you. So now, if
there is nothing further, I adjourn our meeting at
1:25 p.m. Eastern Daylight Time. Thank you all.

(Whereupon, the above-entitled matter
went off the record at 1:25 p.m.)