

## U.S. COMMISSION ON CIVIL RIGHTS

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## BUSINESS MEETING

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FRIDAY, MARCH 16, 2018

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The Commission convened in Suite 1150 at  
1331 Pennsylvania Avenue, Northwest, Washington, D.C.  
at 9:00 a.m., Catherine Lhamon, Chair, presiding.

PRESENT:

CATHERINE E. LHAMON, Chair

PATRICIA TIMMONS-GOODSON, Vice Chair

DEBO P. ADEGBILE, Commissioner

GAIL HERIOT, Commissioner

PETER N. KIRSANOW, Commissioner \*

MICHAEL YAKI, Commissioner\*

MAURO MORALES, Staff Director

\* *Present via telephone*

STAFF PRESENT:

PAMELA DUNSTON, Chief, ASCD

KATHERINE CULLITON-GONZALES

LATRICE FOSHEE

ALFREDA GREENE

DAVID MUSSATT

LENORE OSTROWSKY

MICHELE RAMEY

SARALE SEWELL

BRIAN WALCH

MARIK XAVIER-BRIER

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART

JASON LAGRIA

CARISSA MULDER

AMY ROYCE

RUKKU SINGLA

ALISON SOMIN

IRENA VIDULOVIC

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P R O C E E D I N G S

10:01 a.m.

CHAIRMAN LHAMON: Good morning. This meeting of the U.S. Commission on Civil Rights comes to order at 10:00 a.m. on March 16, 2018.

The meeting takes place at the Commission's Headquarters located at 1331 Pennsylvania Avenue, Northwest in Washington, D.C.

I'm Chair Catherine Lhamon. And, Commissioners who are present at this meeting, in addition to me, are the Vice Chair Patricia Timmons-Goodson, Commissioner Heriot, Commissioner Adegbile.

On the phone, if you could confirm you're on the line after I say your name, I believe we have Commissioner Yaki.

COMMISSIONER YAKI: Hi.

CHAIRMAN LHAMON: Thank you.

Commissioner Kirsanow?

(NO RESPONSE)

CHAIRMAN LHAMON: Okay. We do have a quorum present. Is the court reporter present?

COURT REPORTER: Yes.

CHAIRMAN LHAMON: Thank you.

Is the staff director present?

MR. MORALES: Yes.

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**I. APPROVAL OF AGENDA**

CHAIRMAN LHAMON: Thank you.

The meeting now comes to order.

So, a motion to approve the agenda for this business meeting?

COMMISSIONER ADEGBILE: So moved.

CHAIRMAN LHAMON: Thank you.

Is there a second?

VICE CHAIR TIMMONS-GOODSON: Second.

CHAIRMAN LHAMON: Thank you.

And, looking for amendments, I do have a few to start us off.

First, I'll move to amend Consideration for a Statement Related to the Fiscal Year 2019 Proposed Budget.

Are there any other amendments?

COMMISSIONER YAKI: Commissioner Yaki here.

CHAIRMAN LHAMON: Yes?

COMMISSIONER YAKI: I have two amendments. One is a potential letter to -- regarding the immigration enforcement actions around courthouses.

The second is a statement regarding the EPA decision on Uniontown, Alabama.

CHAIRMAN LHAMON: Okay, thank you.

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1 VICE CHAIR TIMMONS-GOODSON: Madam Chair?  
2 Vice Chair Timmons-Goodson.

3 I would move to amend it to include a  
4 statement regarding the Commission highlighting the  
5 need for the Department of Justice to reopen the  
6 Office of Access to Justice.

7 CHAIRMAN LHAMON: Thank you.

8 Are there any other amendments?

9 Okay, I second the motion to amend for the  
10 amendments that I didn't offer. Is there a second for  
11 mine?

12 VICE CHAIR TIMMONS-GOODSON: Vice Chair  
13 Timmons-Goodson, I second.

14 CHAIRMAN LHAMON: Thank you.

15 Let's vote to approve the agenda as  
16 amended. All those in favor say aye.

17 (CHORUS OF AYES)

18 CHAIRMAN LHAMON: Any opposed?

19 (NO RESPONSE)

20 CHAIRMAN LHAMON: Any abstentions?

21 (NO RESPONSE)

22 CHAIRMAN LHAMON: Okay, the motion passes  
23 unanimously.

24 **II. BUSINESS MEETING**

25 CHAIRMAN LHAMON: Okay, first, we will

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1 hear some presentations from State Advisory Committee  
2 members. Our first presentation will be from Rachel  
3 Talbot Ross, a member of our Maine Advisory Committee  
4 on the Committee's recently released Advisory  
5 Memorandum on Racial Discrimination in Criminal  
6 Prosecution and Sentencing in Maine.

7 Ms. Ross, you have the floor.

8 **PRESENTATION FROM MAINE ADVISORY COMMITTEE MEMBER**  
9 **RACHEL TALBOT ROSS ON THE COMMITTEE'S ADVISORY**  
10 **MEMORANDUM ON RACIAL DISCRIMINATION IN CRIMINAL**  
11 **PROSECUTION AND SENTENCING IN MAINE**

12 CHAIRMAN LHAMON: Ms. Ross, if you are  
13 speaking, you're on mute.

14 (NO RESPONSE)

15 CHAIRMAN LHAMON: And, if you're not, I  
16 think we'll move on, if Ms. Ross joins us, we can come  
17 back to her.

18 We'll instead hear from our Maryland  
19 Advisory Committee Chair, Tom Mackall, on the  
20 Committee's recently released Advisory Memorandum on  
21 Fees and Fines and Bail Reform in Maryland.

22 Chair Mackall?

23 **PRESENTATION FROM MARYLAND ADVISORY COMMITTEE CHAIR,**  
24 **TOM MACKALL, ON THE COMMITTEE'S ADVISORY MEMORANDUM**  
25 **ON FEES AND FINES AND BAIL REFORM IN MARYLAND**

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1 MR. MACKALL: Hello? Can you hear me?

2 CHAIRMAN LHAMON: We can, thank you.

3 MR. MACKALL: Great.

4 Well, thank you, thank you for having me.

5 And, thank you all for the work that you do.

6 I am here today to talk about the Maryland  
7 Advisory Committee's Advisory Memorandum specifically  
8 addressing Maryland -- whether Maryland or its local  
9 jurisdictions use court imposed financial penalties  
10 and money bail in ways that may violate the  
11 Constitutional rights of persons assessed or otherwise  
12 interfere with the administration of justice.

13 Before I proceed, I would like to just  
14 sort of give you -- before I proceed to address the  
15 findings, I would just like very quickly to say that,  
16 there were a couple of things that happened that  
17 brought this to our attention.

18 The Dear Colleague letter that came from  
19 the Department of Justice which is referenced in the  
20 memorandum, the letter from the Maryland Attorney  
21 General regarding money bail which is also referenced  
22 in the memorandum and an earlier study by the Brennan  
23 Center concerning the use of parole supervisory fees  
24 in Maryland and its impact as a barrier for re-entry  
25 to society for people subject to those fees.

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1                   This particular topic was championed by a  
2 member of the Committee, Ms. Pamela Bennet. I would  
3 like specifically to thank her for her leadership on  
4 this effort.

5                   And also, would like to particularly call  
6 out and thank Barbara Delaviez for her support,  
7 guidance and energy that helped the Committee get to  
8 the point that it did.

9                   I don't want to go through all the  
10 findings because I believe that you all have seen  
11 that. I would like to simply emphasize the following.

12                   Where information does exist, that  
13 information raises concerns about the racially and  
14 economic disparate impact of Maryland's system of fees  
15 and fines and money bail, and its overall impact on  
16 the administration of justice.

17                   And, when we had the public briefing, and  
18 the testimony that we received support concerns, for  
19 example, that were raised in the Brennan report  
20 several years ago. That's just one example.

21                   When we dug into this topic, however, I  
22 think the primary concern that we encountered and  
23 probably the basis for the most significant  
24 recommendation going forward is that we do not have in  
25 Maryland today any systematic or verifiable collection

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1 of information pertaining to the impact of the system  
2 of fines and fees and the money bail practices and the  
3 extent to which they result in incarceration, let  
4 alone the expense to which they may have a disparate  
5 impact on certain groups.

6 There is no uniform reporting system.  
7 There is no data regarding bail and pre-trial  
8 detentions on the outcomes of trials. There is no  
9 real data regarding bail bondsmen's uses of extra  
10 judicial remedies for collecting bail.

11 And, there simply is no systematic,  
12 verifiable information that is captured today in the  
13 State of Maryland that allows us to assess the extent  
14 to which these practices may result in incarceration  
15 whether disparate or not.

16 That lack of information is -- was for us,  
17 really a primary impediment to pursuing this project  
18 any further at this time.

19 And, if there is a concrete recommendation  
20 that comes out of this particular memorandum, it is  
21 most importantly that Maryland should address and  
22 begin to collect in a systematic and verifiable way,  
23 what is the practice regarding fees and fines around  
24 the State of Maryland?

25 And, what is the extent to which those

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1 monetary penalties do result in incarceration?

2 And, to what extent does the money -- do  
3 the money bail practices and pre-trial detention that  
4 exists today, what extent do they have an impact on  
5 judicial outcomes?

6 There has been some change with respect to  
7 the Maryland laws regarding money bail where Judges  
8 are expected to take into account the defendant's  
9 ability to pay as they go forward.

10 And, perhaps, as that system is in place,  
11 some information will come to light that may bear  
12 reexamination of this. But, this lack of information,  
13 we think, is a critical issue and needs to be  
14 addressed.

15 And, if that information is collected at  
16 some point and becomes available to the public, we  
17 believe this would be a very fertile topic for the  
18 Committee to take up yet again.

19 CHAIRMAN LHAMON: Thanks very much, Chair  
20 Mackall.

21 I want to open it up for questions from my  
22 fellow Commissioners.

23 Madam Vice Chair?

24 VICE CHAIR TIMMONS-GOODSON: Yes, thank  
25 you so very much for this memorandum. And, I

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1 understand very clearly that your effort to look into  
2 this matter was impeded by the lack of information.

3 My inquiry is whether the fact that you  
4 have put this out, is there any indication that you  
5 have had a positive effect in that there is proposed  
6 legislation?

7 Or, perhaps I should say, is there any  
8 proposed legislation out there in any state or  
9 condition that would take care of the concern that you  
10 have?

11 MR. MACKALL: Thank you for the question.

12 The short answer is, not that I'm aware of  
13 at this point. So, I cannot answer that definitively.

14 What I can say to you is that one of our  
15 witnesses did say that he believed that the judiciary  
16 could pull that information together and would pull  
17 that information together if directed to do so.

18 But, what is clear is, even if they did  
19 so, it would not be done in a verifiable and auditable  
20 fashion. So, while I can't say that there's any  
21 legislation out there at this point, certainly, that  
22 would be an outcome that we would welcome following  
23 from this project.

24 VICE CHAIR TIMMONS-GOODSON: Thank you.

25 CHAIR LHAMON: Chair Mackall, this is

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1 Catherine Lhamon. I need to say to you as a fellow  
2 Marylander, thank you for your service and also for  
3 taking up a topic that's obviously very important to  
4 the state and to the country and also important to  
5 this Commission as a topic that we issued a report on  
6 last September.

7 I want to follow up on the Vice Chair's  
8 question to you. I understand that you're not aware  
9 of pending progress now to address the data collection  
10 issue that was such an impediment to your analysis,  
11 and obviously, is an impediment for the state.

12 I wonder what steps the State Advisory  
13 Committee itself is taking to try to see change in  
14 this area? It's obviously an area that has been ripe  
15 for change in the state, given the state's recent  
16 progress during the pendency of your investigation.

17 So, I'm interested in the steps that you,  
18 together as a Committee, plan to take or are taking  
19 related to correcting this issue?

20 MR. MACKALL: We have not defined at this  
21 point any specific steps. I think we were -- we do  
22 have a meeting scheduled later in the month of April.

23 And, perhaps, that's a topic that we will address as  
24 part of that meeting as to whether there may be any  
25 appropriate or viable steps that the Committee would

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1 take.

2 So, I will take your question actually as  
3 a suggestion of a way that we might move forward a  
4 little further on this topic.

5 CHAIR LHAMON: Terrific.

6 VICE CHAIR TIMMONS-GOODSON: This is Vice  
7 Chair Timmons-Goodson.

8 As another possible way that you could  
9 proceed, given that you have identified that perhaps  
10 the Judges have access to that information and while  
11 it might not -- their collection of that information  
12 might not meet, you know, statistical, you know, rules  
13 and all of that, might that be a place that you could  
14 begin and perhaps going to the judicial council, the  
15 state's judicial council or something, asking them to  
16 voluntarily take on such a responsibility.

17 Now, I can't -- I can almost promise you  
18 that that will not be something that they'll  
19 voluntarily take up, but it does get -- it continues  
20 the discussion of the issue.

21 And, many of us are calling upon our  
22 Judges to do more in this area. But, just a  
23 suggestion.

24 MR. MACKALL: Yes, well, and thank you for  
25 the suggestion. I will tell you that I will be very

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1 frank with you that within the Committee, we had a  
2 number of discussions of steps that would -- that we  
3 could take next.

4 And, quite honestly, one challenge that we  
5 have is how to most efficiently allocate our time for  
6 what we believe would be the return on that time that  
7 we invest.

8 I've just received two fine suggestions  
9 from the Commission, and I appreciate it. And, these  
10 will be topics that we will put into the discussion as  
11 we go forward.

12 CHAIR LHAMON: Thanks very much.

13 Are there any other questions from the  
14 Commission?

15 (NO RESPONSE)

16 CHAIR LHAMON: With that, Chair Mackall,  
17 we really appreciate your presentation.

18 I want to note, I believe that  
19 Commissioner Kirsanow has joined us. Could you  
20 confirm, Commissioner Kirsanow that you're on the  
21 phone?

22 COMMISSIONER KIRSANOW: I am, thank you.

23 CHAIR LHAMON: Terrific, welcome.

24 And, I also understand that our Maine  
25 Advisory Committee member, Rachel Talbot Ross has

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1 called in. Ms. Ross, are you on the phone?

2 MS. ROSS: I am, thank you.

3 CHAIR LHAMON: Terrific, thank you.

4 We would welcome hearing your presentation  
5 on your Advisory Memorandum on Racial Discrimination  
6 and Criminal Prosecution Sentencing in Maine.

7 **PRESENTATION FROM MAINE ADVISORY COMMITTEE MEMBER**

8 **RACHEL TALBOT ROSS ON THE COMMITTEE'S ADVISORY**

9 **MEMORANDUM ON RACIAL DISCRIMINATION IN CRIMINAL**

10 **PROSECUTION AND SENTENCING IN MAINE**

11 MS. ROSS: Well, I want to start by  
12 thanking you for this opportunity to present what we  
13 believe was a very critical investigation that, while  
14 we had the hearing back in 2014, what's really  
15 important to understand is the work that's taken place  
16 as a result of the investigation and with your  
17 support.

18 We've been able to move forward some of  
19 the recommendations. So, I want to first start by  
20 saying thank you for this opportunity.

21 I also have to just mention briefly that  
22 I, at the time that the investigation and our hearing  
23 was held, I was the Chair of the State Advisory  
24 Committee. I am no longer the Chair, but am now  
25 serving in the Maine state legislature and have been

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1 able to help move forward some of the recommendations  
2 from this group and serve on the Criminal Justice  
3 Committee for the House -- in the House of  
4 Representatives.

5 So, I'm really fortunate to be able to  
6 stay very close to the work and remain a member of the  
7 State Advisory Committee.

8 We, just briefly, the impetus for this  
9 work came from actually the local NAACP that had been  
10 working in the state. We have three branches in the  
11 state, one in the greater Bangor area, one in the  
12 Portland area and then, we uniquely have a branch of  
13 the NAACP in our maximum security prison which is the  
14 Maine State Prison in Warren, Maine which has been in  
15 place for well over 20 years.

16 So, the impetus for this work came from  
17 the NAACP. And, the NAACP, through the branch in the  
18 prison, was working on correctional policy and reform  
19 for years and started to see a theme coming out of  
20 some of the work, which was, these stories about  
21 convictions and what appeared to be disparate  
22 sentencing where the only common denominators seemed  
23 to be race, the race of the defendants which were all  
24 men of color predominantly and then the race of the  
25 jury which were all white.

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1           And so, it seeing and hearing the stories  
2 of these disparate sentencing where race was the only  
3 common denominator, it led to a series of meetings  
4 with the judicial branch, the Department of  
5 Corrections and law enforcement in which the ACLU and  
6 the Maine Prisoner Advisory Commission joined us.

7           We held a series of meetings in order to  
8 find out if we could do a pilot project that would  
9 really help analyze what was going on with these  
10 disparities.

11           The result of those meetings were that we  
12 got connected to Cynthia Jones who was one of the  
13 panel members that who gave us the background in the  
14 national context of a professor from the Washington  
15 College of Law.

16           We started meeting with her and really  
17 zeroed in on trying to examine the prosecutorial  
18 decision making.

19           And, knowing that nationally, this was the  
20 place in which the system would show the greatest  
21 disparity.

22           Those meetings actually kind of -- the  
23 pilot project never went on. And so, the Maine State  
24 Advisory Commission picked up that work and held these  
25 hearings.

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1           As you can see, we had a quite good  
2 diverse group of folks who joined us. One thing to  
3 note of particular importance is that this hearing  
4 included both formerly incarcerated folks, but we had  
5 the Board of a currently incarcerated person who  
6 joined us for this hearing and truly made it one of  
7 the most unique hearings that we've ever had, is to  
8 hear from people who were most -- or most impacted by  
9 the situation.

10           So, Brandon Brown, who's still serving  
11 time in Maine State Prison, he was the president of  
12 that branch and also Michael Parker, who was the  
13 founding President of that branch. So, that made the  
14 hearing quite unique.

15           I'll just jump to the actions --

16           CHAIRMAN LHAMON: Ms. Ross, the time for  
17 the presentation is over, but I appreciate the  
18 presentation.

19           And, I'm going to move us --

20           MS. ROSS: Okay.

21           CHAIRMAN LHAMON: -- questions from my  
22 fellow Commissioners on the Advisory Memorandum.

23           VICE CHAIR TIMMONS-GOODSON: This is Vice  
24 Chair Timmons-Goodson, again, we thank you for all of  
25 your work. But, you indicated that, early on, that

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1       you had been able to make some progress with regard to  
2       the recommendations or on this issue.

3                   I'd be interested in hearing more about  
4       that.

5                   MS. ROSS: Thank you for the question,  
6       I'll make it -- try to make it brief.

7                   Two really substantial pieces have come  
8       forward as a result of this.

9                   One is that we were able to close one of  
10       our juvenile detention centers here in Maine and we're  
11       on the verge of looking to close the last juvenile  
12       detention center here in Maine, understanding that  
13       these are not the places for our youth, particularly  
14       with such disparities for youth of color.

15                   The ACLU, members of the Maine SAC and  
16       other community action groups have really come  
17       together to address juvenile justice issues in the  
18       state. So, we're looking to close the last remaining  
19       juvenile detention center in the state.

20                   The second thing that we've done is we are  
21       trying to re-engage the judiciary, corrections and law  
22       enforcement in order to get data, comprehensive data  
23       so that we can hold briefings with legislators.

24                   It looks like we are going to be able to  
25       re-engage those folks.

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1           The Supreme Court Justice for the -- has  
2           indicated a willingness to try to launch that pilot  
3           program, so we're really excited about that.

4           And, we have identified the Maine Muskie  
5           School of Public Service will do the analysis on that  
6           data.

7           The third piece is that we were able to  
8           introduce two bills in this legislative session that  
9           were written by currently incarcerated men to address  
10          the issue of parole, not having parole in the State of  
11          Maine.

12          We introduce a bill called Earned Time  
13          which would, upon completion of a rehabilitation  
14          program, it would give inmates additional time.

15          And, we also introduced a bill on  
16          rehabilitation that would put in statute the pathway  
17          to rehabilitation so that we could address  
18          reintegration and re-entry.

19          So, we've introduced legislation. We  
20          helped closed down a juvenile detention center and  
21          we've re-engaged the judiciary, corrections and law  
22          enforcement on data collection.

23                       VICE CHAIR TIMMONS-GOODSON: Thank you.

24                       CHAIRMAN LHAMON: Ms. Ross, the second to  
25          the last bills that you mentioned that would address

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1 reintegration and re-entry has particularly piqued my  
2 interest because of pending investigation at the  
3 Commission about the collateral consequences of  
4 incarceration.

5 And, I would welcome information about the  
6 status of that bill after this legislative session, if  
7 you are able and willing to share with us.

8 MS. ROSS: Absolutely. I've got to say  
9 that we're so proud, and I don't know where else this  
10 has happened, but we're really, really proud that in  
11 this legislative session, we were able to introduce a  
12 total of four bills that were written by currently  
13 incarcerated men at the Maine State Prison.

14 And, the rehabilitation one, it's based on  
15 a proposal that was written by currently incarcerated  
16 men that we translated into a bill. That bill is now  
17 working its way through the Maine State legislature.

18 And, I'd be more than pleased to keep you  
19 updated on the status of that.

20 CHAIRMAN LHAMON: Thank you.

21 Any other questions from fellow  
22 Commissioners?

23 (NO RESPONSE)

24 CHAIRMAN LHAMON: Commissioners on the  
25 phone?

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1 (NO RESPONSE)

2 CHAIRMAN LHAMON: Thanks so much, Ms.  
3 Ross. We really appreciate your presentation and your  
4 work on the Committee.

5 MS. ROSS: Thank you, I appreciate the  
6 opportunity.

7 **PRESENTATION FROM ILLINOIS ADVISORY COMMITTEE CHAIR,**  
8 **JUAN CARLOS LINARES, ON THE COMMITTEE'S REPORT CIVIL**  
9 **RIGHTS AND VOTING IN ILLINOIS**

10 CHAIRMAN LHAMON: We'll now hear from our  
11 Illinois Advisory Committee Chair, Juan Carlos Linares  
12 on the Committee's report on civil rights and voting  
13 in Illinois.

14 MR. LINARES: Good morning, can you hear  
15 me?

16 CHAIRMAN LHAMON: We can, good morning.

17 MR. LINARES: Great, good morning. Thank  
18 you so much for the opportunity. The Illinois  
19 Advisory Committee also thanks you for this  
20 opportunity to present.

21 And, special thanks also to David Mussatt  
22 and Melissa Wojnaroski of our Chicago Office who were  
23 instrumental in facilitating this work for us over the  
24 past couple of years.

25 I'm going to summarize then the impetus of

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1 why we went ahead and worked on the issue of civil  
2 rights as they pertain to voters in Illinois.

3 And then, I'll go over some of the  
4 findings for some of the sections that we pulled for  
5 the report and then some recommendations.

6 So, the impetus of our work with regards  
7 to voting and civil rights really stemmed from the  
8 2016 general election, the presidential election where  
9 there was a lot of discussion, not just in the media,  
10 but directly from the White House, really, about  
11 discuss whether we go ahead and research if there was  
12 voter fraud, voters who were non-citizens who were  
13 going to booths and voting.

14 And, we really found this as a compelling  
15 issue in Illinois.

16 So, to jump to one of the findings, we  
17 first, if you have the report, there's a section on  
18 voting rights in Illinois and we talked the specific  
19 law as it pertains to the local jurisdictions in  
20 Illinois.

21 And, just to jump to one of the findings  
22 which addressed directly the impetus for our work,  
23 from 2000 to 2014, there was found no fraud in voting  
24 or voting from any illegal voting from non-citizens.

25 In fact, from some of the panelists, we

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1 heard, there's a broad awareness of non-citizens who  
2 are hoping to become citizens, that voting is a  
3 deportable offense. So, we saw no fraud coming from  
4 the panelists.

5 At this point, let me pause to say that,  
6 given the partisan nature that voting rights and civil  
7 rights can take, we were very intentional about  
8 selecting a panel that would provide a balanced  
9 overview of these civil rights issues as they pertain  
10 to voting, and I'm confident in saying that we  
11 achieved that diversity and bipartisan nature of the  
12 panelists that we had.

13 We heard from folks in nonprofit service  
14 agencies, we heard from people in policy think tanks.

15 We heard from government officials and from folks who  
16 are general residents and voters, including those who  
17 were formerly incarcerated.

18 So, to jump to a few more sections, then,  
19 we looked at a few content specific issues with  
20 regards to voting rights, one of which was voting  
21 access among jailed inmates or to the formerly  
22 incarcerated.

23 Now, this is specific -- this is -- was  
24 very important in Illinois, in that 56 percent of the  
25 incarcerated individuals in Illinois are African-

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1 American, even though only 15 percent of the general  
2 population is.

3 So, there is this potential just on the  
4 face of it to look at issues of disparate impact.  
5 But, what we found was very compelling.

6 Illinois is one of 14 states that allows  
7 for voting automatically once the incarcerated have  
8 come out of being incarcerated. So, that's 14 states  
9 including the District of Columbia.

10 All that said, we heard testimony,  
11 including from those who were formerly incarcerated  
12 that mentioned that there is not a lot of awareness  
13 among prison jail officials for those who are not  
14 currently facing felony sentences, but those who are  
15 merely jailed before their trials.

16 Those folks do have the right to vote, but  
17 there's just not an awareness amongst jail officials,  
18 whether or how to operate these voting rights.

19 I do want to say, since our panels  
20 occurred, the Cook County Sheriff, and Cook County is  
21 where Chicago sits, the Cook County Sheriff went ahead  
22 and does a mass voting exercise for early voting  
23 purposes with the jailed inmates for those who want to  
24 participate.

25 There's also a lack of awareness with

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1        regards to distributing absentee ballots in the jails  
2        themselves.

3                    One very compelling thing that we found  
4        was with regards to what we call prison  
5        gerrymandering.

6                    So, in one specific instance, there's a  
7        city called Pinckneyville in southern Illinois, where  
8        in that jurisdiction, there are more people  
9        incarcerated in that county than there are people  
10       actually living in the county that are not  
11       incarcerated.

12                    So, the issue there is with regards to  
13        representative power is that we are counting folks who  
14        are prisoners as residents of that county even though  
15        they are not allowed to vote because they're serving  
16        felony sentences.

17                    CHAIRMAN LHAMON: Mr. Linares, can you --

18                    MR. LINARES: So, that was one very  
19        compelling --

20                    CHAIRMAN LHAMON: Mr. Linares, just to --  
21        I'm sorry for interrupting, but just to pause for a  
22        moment.

23                    For folks who are on the line, if you are  
24        not speaking, could you mute your lines? We're  
25        hearing a little bit of backfeed -- feedback.

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1 Thank you.

2 Go ahead, Mr. Linares.

3 MR. LINARES: I appreciate that, I heard  
4 that, too.

5 So, just to jump to a few more sections  
6 then to summarize and wrap up, we also looked at  
7 voting access for limited English proficient voters.  
8 There specifically, there are some federal laws in  
9 place including Sections 203 and 208 which you'll find  
10 in the report.

11 The issues there are with regards to  
12 Section 203 how we count individuals who need language  
13 access on the ballots themselves. Specifically, in  
14 the city of Chicago, which is one of those  
15 jurisdictions which triggers the language access, we  
16 have ballots in Spanish, in Chinese Mandarin and in  
17 Hindi.

18 But, there are outlying counties where  
19 that number trigger, either 10,000 individuals within  
20 that jurisdiction or 5 percent of that jurisdiction  
21 needing the language access, this will be an issue in  
22 the next Census on how we count individuals.

23 And then, for Section 208, this gets into  
24 the last section. So, it's a mixture of language  
25 access issue where Section 208 mandates that folks

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1 that need assistance at the ballots themselves, can  
2 bring in someone to translate for them, someone who is  
3 not either their employer or a union steward.

4 But, the issue there goes with election  
5 judges. Election judges are often not trained enough  
6 to know what the rules are with regards to either  
7 bringing folks in to translate for them or a variety  
8 of other issues.

9 This jumps to sections of the report on  
10 access for individuals with disabilities or the  
11 homeless who don't always have that permanent address  
12 but are doubled up and staying with someone else do  
13 have that address and may have to have different forms  
14 of identification, but the election judges aren't  
15 always aware.

16 So, jumping to some of the recommendations  
17 then that we found is, in order to ensure that the  
18 civil rights of voters are being met, the training of  
19 election judges is critical in facilitating the  
20 process of voting itself.

21 There's also issues that we found from  
22 some of our government officials that, when training  
23 election judges, there's not always enough money to do  
24 so and there's not always enough money to pay judges  
25 so that we're getting the highest quality of folks

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1 that are willing to stay a 14-hour day to facilitate  
2 the ballot.

3 So, jumping to in other recommendations  
4 then, we did have a brief discussion on campaign  
5 finance. And, this is where I'll conclude with  
6 regards to the content piece, is we had some panel  
7 testimony with regards to those that donate under the  
8 Citizens United case where folks are -- candidates are  
9 free to receive amounts of money that aren't  
10 restricted under the Citizens United ruling.

11 So, but, what we found, particularly in  
12 the Chicago mayoral election, that 94 percent of the  
13 current mayor's funders were white individuals. And,  
14 many of those male as well. And, many of those upper  
15 income.

16 So, what we're finding then is a potential  
17 for policy to be drawn so that they're serving those  
18 donors and not necessarily the general public. This  
19 is something to be analyzed further, we think, under  
20 the Citizens United case and the results therein.

21 So, to conclude then, again, we thank you  
22 for the time. There are in Illinois a variety of  
23 content issues related to civil rights with regards to  
24 voting, particularly disparate impact amongst African-  
25 Americans and those who are incarcerated.

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1           Also, access to the ballot with regards to  
2 language, disability or housing status.

3           And, at the end of the day, campaign  
4 finance being one of those that can perhaps see a  
5 disparate impact on how policies are written.

6           CHAIRMAN LHAMON: Mr. Linares, thank you  
7 very much for your presentation and please thank your  
8 fellow Committee members for the thorough and very  
9 comprehensive report on voting in Illinois. I really  
10 appreciate it.

11           I want to open the floor for conversation  
12 from my fellow Commissioners.

13           Commissioner Adegbile?

14           COMMISSIONER ADEGBILE: Yes, hello.

15           I was wondering if you could give us a  
16 little bit more of a flavor of how the implementation  
17 of Election Day registration has been going in  
18 Illinois?

19           MR. LINARES: Thank you for asking that  
20 question. So, what we found, when the panels were  
21 being conducting was the issue of automatic voter  
22 registration was currently in our legislature and it  
23 had not been passed.

24           But, since we've had our panel testimony  
25 and since we've had drafts of the report going back

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1 and forth, the Illinois governor did sign automatic  
2 voter registration into law on August 28, 2017.

3 And, what that says is, anytime you go to  
4 renew your driver's license, you will be automatically  
5 be registered to vote if you're also a citizen of the  
6 United States.

7 We also have some law that says that  
8 you're automatically registered, but if you're a small  
9 county, you can opt out. So, this leads to maybe some  
10 disparate impact with regards to the smaller counties  
11 where their election commissioners can opt out of this  
12 law.

13 Now, 20 of 120 counties guarantee this by  
14 virtue of the size of their populations. But, we  
15 heard testimony from folks that, in the southern part  
16 of Illinois, it's not a guarantee to have that  
17 automatic voter registration.

18 So, this could bring up some issues with  
19 regards to the fairness of and impacts with regards to  
20 who gets to automatically register on election day.

21 COMMISSIONER ADEGBILE: And, I take it  
22 that exclusion has something to do with the  
23 administrability of election day registration in  
24 smaller counties?

25 MR. LINARES: Yes, that's what we found.

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1 And so, some of the counties can't fully staff their  
2 precincts or election jurisdiction with the numbers of  
3 people to be able to administer this. The larger  
4 counties more clearly can.

5 But, the -- one of the issues becomes the  
6 funding of this mandate is if we -- if the state is  
7 able to fund this, then there probably shouldn't be  
8 this disparity.

9 But, these are all testimonies that we've  
10 heard, the facts remain that 20 of 120 counties do  
11 allow for Election Day registration and the rest can  
12 opt out.

13 CHAIRMAN LHAMON: Thank you.

14 Mr. Linares, this is Catherine Lhamon. I  
15 found very compelling the window into the experiences  
16 of voters and potential voters in your state that you  
17 included in the report, including, for example, the  
18 discussion about voter intimidation in Cook County  
19 that you had included at page 20.

20 So, thank you very much for making visible  
21 to folks who are outside Illinois experiences of  
22 people in Illinois.

23 I also was struck in the report about one  
24 of the issues that the report raises with respect to  
25 voting rights of formerly incarcerated individuals,

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1 that even though Illinois automatically restores the  
2 voting rights, many individuals in this position are  
3 not aware of the restoration, and that's an issue that  
4 I heard about when I visited the Alabama State  
5 Advisory Committee's briefing also on voting rights.

6 And, interested in whether your Committee  
7 considered a recommendation on this issue and how the  
8 current state of this information might be improved?

9 MR. LINARES: Yes, and thank you for your  
10 question. And, actually both parts of your comments  
11 are very much related into a culture of training, not  
12 just election judges, but all policy officials into  
13 the voting rights in Illinois as they stand.

14 So, as you mentioned, voter intimidation,  
15 there was one scenario in Cicero, Illinois which is a  
16 near west suburb of Chicago where police officers were  
17 present at the polls and were demanding that voters  
18 bring their permits, quote, unquote, permits which are  
19 not really -- it's not a real thing, it's not  
20 necessary to have a permit to vote.

21 So, that's one of the instances of voter  
22 intimidation.

23 But, again, it goes towards teaching not  
24 just the election judges as to what the rules are, but  
25 police officers, all government personnel and anyone

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1 related to the voting system outright.

2 We did hear from one individual who had  
3 been incarcerated that he was told outright by the  
4 local county jail official, that you cannot vote. And  
5 so, and that was -- he thought not necessarily a  
6 malicious statement so much as it was the jail -- the  
7 officer just wasn't really informed as to what the  
8 rules are and was just guessing and trying to keep  
9 people quiet during that time period.

10 So, to your question, one of the  
11 recommendations that we want to informally put forward  
12 is the better training of both, not just the election  
13 officials, but of all folks who work in government and  
14 who work on policy.

15 CHAIRMAN LHAMON: Thank you.

16 Commissioner Adegbile?

17 COMMISSIONER ADEGBILE: Hi, I have one  
18 more question with respect to the automatic voter  
19 registration effort in Illinois.

20 Is it the case that that effort is focused  
21 only on DMVs as opposed to other agencies?

22 MR. LINARES: So, thank you for your  
23 question. To answer your question, to my knowledge,  
24 it is focused on the DMVs at the current moment.

25 But, I am aware of discussions of either

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1 broadening that effort or further clarifying that.

2 But, to the extent that we heard  
3 testimony, it is currently, yes, focused on the DMV.

4 COMMISSIONER ADEGBILE: Because I take it  
5 one consideration there is whether that approach  
6 itself may have some disparate impact to the extent  
7 that there may be disparities in people who hold  
8 driver's licenses. And so, that may be something  
9 worth further inquiry.

10 MR. LINARES: And, thank you for your  
11 comment, because one of the findings in the report is  
12 that individuals who earn less than \$35,000.00 a year  
13 which are more likely to be seniors, those with  
14 disabilities or people of color are less likely to  
15 have either a driver's license or a state issued ID.  
16 So, thank you for your comment, because that is  
17 reflected in the report as well.

18 COMMISSIONER ADEGBILE: Thank you.

19 CHAIRMAN LHAMON: Any other questions from  
20 Commissioners including Commissioners on the phone?

21 COMMISSIONER KIRSANOW: Madam Chair,  
22 Kirsanow here.

23 CHAIRMAN LHAMON: Commissioner Kirsanow?

24 COMMISSIONER KIRSANOW: Thank you.

25 Thanks very much for your presentation, it

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1 was very informative. You stated at the outset I  
2 think I may have misheard or didn't hear the entire  
3 presentation, but I think you said that you didn't  
4 find any evidence of voter fraud in Illinois?

5 MR. LINARES: That is correct, that's per  
6 the findings of our panel discussion, yes.

7 COMMISSIONER KIRSANOW: And, how did you  
8 make that determination?

9 MR. LINARES: So, we had several  
10 individuals, and we have the transcripts available,  
11 too, I think publically available, so I can't quote  
12 exactly who it was, but we had government officials  
13 including those with Cook County Clerk's Office which  
14 administers voting and those with the Chicago Board of  
15 Elections.

16 And, I believe it was one of those  
17 individuals that looked at the study on enforcement  
18 and showed us that there was no finding of fraud in  
19 Illinois from the years 2000 to 2014 or any evidence  
20 of non-citizen voting during that time either.

21 COMMISSIONER KIRSANOW: Oh, well, thank  
22 you.

23 It may, in the future, if you look at this  
24 again, be a good idea to look at some media reports  
25 from CBS and Chicago Tribune that cite a number of

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1 individuals who've been convicted of voter fraud  
2 including Mahmoud Vakili, an Iranian citizen who was  
3 convicted and sentenced to prison for voting while he  
4 was not eligible to vote, Steveland Kidd who CBS says  
5 was sentenced for voting fraudulently pursuant to  
6 absentee ballot, Brian McDouglar three years in prison  
7 for falsified absentee ballot, Audrey Cook, Augustus  
8 Stacker, Pamela Boyd, Monica LaPlant.

9 Sometimes the media has information that  
10 maybe Cook County doesn't.

11 MR. LINARES: And, I appreciate that  
12 information and research. We will look into that.  
13 And, again, we were relying on the government  
14 officials that testified us. So, thank you for that  
15 information.

16 COMMISSIONER KIRSANOW: Thank you.

17 CHAIRMAN LHAMON: Any other questions?

18 (NO RESPONSE)

19 CHAIRMAN LHAMON: What that, Mr. Linares,  
20 thank you very much for your presentation and thank  
21 you to each of the State Advisory Committee members  
22 who took the time to present to us and for the work  
23 that you've taken for your State Advisory Committees.

24 It's always a pleasure for us to be able to hear from  
25 you and, as is reflected in the reports from today,

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1 it's a pleasure to see the wide variety of issues that  
2 the State Advisory Committees are taking up.

3 Thanks very much.

4 MR. LINARES: Thank you very much, thank  
5 you.

6 **DISCUSSION AND VOTE ON TIMELINE, DISCOVERY PLAN AND**  
7 **OUTLINE FOR COMMISSION PROJECT, "IN THE NAME OF**  
8 **HATE: EXAMINING THE FEDERAL GOVERNMENT'S ROLE IN**  
9 **PREVENTING HATE CRIMES:**

10 CHAIRMAN LHAMON: The next item on our  
11 agenda is discussion and vote on the time line  
12 discovery plan and outline for our upcoming project  
13 for our May briefing titled, In the Name of Hate:  
14 Examining the Federal Government's Role in Preventing  
15 Hate Crimes."

16 Is there a motion so we can open the floor  
17 for discussion?

18 COMMISSIONER ADEGBILE: I so move.

19 CHAIRMAN LHAMON: Is there a second?

20 VICE CHAIR TIMMONS-GOODSON: Second.

21 CHAIRMAN LHAMON: Terrific, we'll now have  
22 a discussion on the motion.

23 I'll start by offering my thanks to our  
24 staff for their research and hard work in putting  
25 together the materials and working with all the

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1 Commissioners and Commissioner Special Assistants to  
2 get to these final documents.

3 Are there any other points for discussion  
4 before we vote?

5 COMMISSIONER HERIOT: Madam Chairman?

6 CHAIRMAN LHAMON: Commissioner Heriot?

7 COMMISSIONER HERIOT: I know that both  
8 Commissioner Kirsanow and I have made the point that  
9 this is too ambitious, that we've never been able to  
10 pull off quite so much work in one of our reports.

11 And, we have recommended that the part  
12 that's addressed to the Department of Education, which  
13 is not a crime oriented area at all, would be best  
14 deleted.

15 No action seems to have been taken on  
16 that, so I've assumed that the majority of the  
17 Commission is of the other view.

18 But, I did want to point out that I  
19 predict that this is not going to be something that  
20 our staff can handle and that we would be much better  
21 off if, at the very least, we cut back on the part  
22 that is related to bias incidents rather than hate  
23 crimes since that's going to open a whole new can of  
24 worms with First Amendment issues, with all sorts of  
25 stuff.

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1                   So, I would, again, strongly urge that we  
2 get rid of that part.

3                   CHAIRMAN LHAMON: Thank you.

4                   The materials reflect the proposal that we  
5 voted on as a Commission that included the Department  
6 of Education. But, I appreciate your sustained view  
7 on the topic, too.

8                   Any other discussion?

9                   (NO RESPONSE)

10                  CHAIRMAN LHAMON: Okay. I'll call the  
11 question, we can take a roll call vote.

12                  Commissioner Adegbile, how do you vote?

13                  COMMISSIONER ADEGBILE: Aye.

14                  CHAIRMAN LHAMON: Commissioner Heriot?

15                  COMMISSIONER HERIOT: I vote no.

16                  CHAIRMAN LHAMON: Commissioner Kirsanow?

17                  COMMISSIONER KIRSANOW: No.

18                  CHAIRMAN LHAMON: Commissioner Yaki?

19                  COMMISSIONER YAKI: Aye.

20                  CHAIRMAN LHAMON: Vice Chair Timmons-  
21 Goodson?

22                  VICE CHAIR TIMMONS-GOODSON: Yes.

23                  CHAIRMAN LHAMON: And, I vote yes.

24                  The motion passes, two Commissioners  
25 opposed, no Commissioner abstained and all others were

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1 in favor.

2 **AMENDED BUSINESS ITEMS**

3 **DISCUSSION ON THE U.S. COMMISSION ON CIVIL RIGHTS**  
4 **HIGHLIGHTS THE NEED FOR THE DEPARTMENT OF JUSTICE TO**  
5 **REOPEN THE OFFICE FOR ACCESS TO JUSTICE**

6 CHAIRMAN LHAMON: We'll now consider our  
7 amended business items beginning with the statement on  
8 the Department of Justice Access to Justice Office.

9 I'll turn it over to the Vice Chair to  
10 read the statement and, as is our customer, I take it  
11 you omit the footnotes as you read so that we can move  
12 forward expeditiously.

13 COMMISSIONER HERIOT: Yes, please.

14 VICE CHAIR TIMMONS-GOODSON: I will omit  
15 the footnotes.

16 The statement is entitled, The U.S.  
17 Commission on Civil Rights Highlights the Need for the  
18 Department of Justice to Reopen the Office for Access  
19 to Justice.

20 The U.S. Commission on Civil Rights calls  
21 on Attorney General Jeff Sessions to ensure the  
22 Department of Justice's Office for Access to Justice  
23 is fully operational and able to perform its  
24 functions.

25 The Office safeguards access to justice on

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1       behalf of people who cannot afford lawyers so that the  
2       justice system delivers outcomes that are fair and  
3       accessible to all, regardless of income.

4               The Commission is concerned about reports  
5       that the Attorney General has functionally closed the  
6       office by reducing its staff and shifting its  
7       resources elsewhere within the Department.

8               We call on Attorney General Sessions to  
9       immediately reconstitute the office with dedicated  
10      staff and to rescind any efforts otherwise.

11              Since its inception in 2010, the office  
12      has worked within the Department across federal  
13      agencies and with various stakeholders in an effort to  
14      focus the country's attention on the right to counsel.

15              To that end, the office has engaged in  
16      filing a series of statements of interest and amicus  
17      briefs related to Access to Justice issues, launched  
18      an interagency collaboration and served as the U.S.  
19      government's central authority on access to justice.

20              The work of the office was also critical  
21      in informing the Commission's findings and  
22      recommendations following our investigation into  
23      excessive fines and fees that target low income people  
24      of color.

25              In the area of fines and fees, the office,

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1 multiple times, convened policy makers, judges,  
2 prosecutors, defense attorneys and advocates to  
3 discuss how certain practices with respect to the  
4 imposition and enforcement of fines and fees can  
5 result in unlawful and harmful conduct.

6 In addition, the office, along with the  
7 Department's Civil Rights Division, issued Dear  
8 Colleague Letters to state administrators and chief  
9 justices in each state to provide greater clarity to  
10 state and local courts regarding their legal  
11 obligations.

12 The Commission majority recognized in our  
13 report on fines and fees that these convenings and  
14 guidance letters influenced local and statewide  
15 reformed practice, increasing access to justice  
16 consistent with constitutional commands.

17 The Commission is concerned that the work  
18 of the office in convening stakeholders, issuing  
19 guidance, litigating noncompliance and serving as a  
20 central authority will end without dedicated staff.  
21 Ceasing that work risks ending, in practical terms,  
22 the mission of the Department of Justice itself for  
23 many millions of low income Americans.

24 Access to justice is core to effective  
25 democracy and also a core component Congress has

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1 charged the Commission with safeguarding.

2 Thus, the Commission urges Attorney  
3 General Sessions to immediately shift resources back  
4 to the office and to rededicate the staff to the  
5 important mission of access to justice.

6 Chair Catherine E. Lhamon stated, and I  
7 quote, the Department of Justice disservices all  
8 Americans by turning its back on access to justice for  
9 those with the lowest income among us. We strongly  
10 urge renewed immediate fidelity to the core justice  
11 mission.

12 CHAIR LHAMON: Thank you, Madam Vice  
13 Chair.

14 Is there a motion so we can open the floor  
15 for discussion? I'll move.

16 Is there a second?

17 COMMISSIONER ADEGBILE: Second.

18 CHAIR LHAMON: Thank you.

19 Is there any discussion on this statement?

20 Commissioner Heriot?

21 COMMISSIONER HERIOT: This statement seems  
22 to me to be premature. If we're actually interested  
23 in whether the Department of Justice is, in fact,  
24 doing what we -- what the statement seems to assume  
25 that it's doing, the best way to do that is through a

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1 letter, not by a press release of this sort.

2 And so, I would urge that this be recast  
3 as a letter to the Department of Justice. If the  
4 response that you get is not to your liking, you can  
5 always do a press release.

6 But, it's a little hard to see this  
7 document as sincere given that it's not being phrased  
8 as a question. It may well be that the Attorney  
9 General is shifting even more resources to this topic  
10 just within the Civil Rights Division.

11 I note the Civil Rights Division is  
12 getting a modest increase in its budget this year,  
13 even though the tasks that are assigned to the Civil  
14 Rights Division are less now than what they were a few  
15 years ago because of the Shelby County decision by the  
16 Supreme Court.

17 So, I would urge that this be done as a  
18 letter that's a true inquiry and not a press release  
19 that's designed to cause the reader to assume what  
20 facts that aren't yet in evidence.

21 VICE CHAIR TIMMONS-GOODSON: I thank you  
22 for that, Commissioner Heriot. And, I, too, gave that  
23 some thought, but I'm of the opinion that time is of  
24 the essence.

25 While we -- what we're hoping to do is to

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1 have some effect on the decision itself and by --

2 COMMISSIONER HERIOT: But, we don't know  
3 what that decision was.

4 VICE CHAIR TIMMONS-GOODSON: And, I'm  
5 concerned that if we wait and it's done, then we've  
6 lost whatever we could have done to have some say or  
7 word out on the decision.

8 CHAIR LHAMON: My understanding, in  
9 addition, is that we have engaged in substantial  
10 efforts to find out the specific actions and that the  
11 Department of Justice has not been forthcoming in its  
12 words.

13 COMMISSIONER HERIOT: But, not a letter.

14 CHAIR LHAMON: And, it is my view that it  
15 is important for the Commission to fulfill its role to  
16 Congress, to the President, to the American people in  
17 addressing core civil rights issues as they come up in  
18 a timely manner, in a way to try to influence their  
19 operation.

20 So, I support issuing the statement now.

21 Any further discussion?

22 (NO RESPONSE)

23 CHAIR LHAMON: Okay, I'll call the  
24 question and take a roll call vote.

25 Commissioner Adegbile, how do you vote?

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1 COMMISSIONER ADEGBILE: Aye.

2 CHAIR LHAMON: Commissioner Heriot?

3 COMMISSIONER HERIOT: Of course I vote no.

4 CHAIR LHAMON: Commissioner Kirsanow?

5 COMMISSIONER KIRSANOW: No.

6 CHAIR LHAMON: Commissioner Yaki?

7 COMMISSIONER YAKI: No.

8 CHAIR LHAMON: Vice Chair Timmons-Goodson?

9 VICE CHAIR TIMMONS-GOODSON: Of course I  
10 vote yes.

11 CHAIR LHAMON: And I vote yes.

12 The motion fails because there were three  
13 Commissioners opposed and three Commissioners in  
14 favor.

15 VICE CHAIR TIMMONS-GOODSON: Okay, with it  
16 having failed, might it be appropriate, Madam Chair,  
17 that I then offer this in terms of it going out as a  
18 letter under your signature inquiring as Commissioner  
19 Heriot has sought? It failed.

20 CHAIR LHAMON: Yes, maybe we could  
21 persuade Commissioner Heriot.

22 COMMISSIONER HERIOT: I'm not used to  
23 winning on this.

24 CHAIR LHAMON: You convinced Commissioner  
25 Yaki to come along with you.

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1 COMMISSIONER ADEGBILE: Democracy in  
2 action.

3 COMMISSIONER YAKI: Hang on, hang on. I'm  
4 sorry, I'm sorry, I'm going to move to change my vote  
5 because I totally was not paying attention to what was  
6 going on.

7 CHAIR LHAMON: Were you, perhaps, confused  
8 Commissioner Yaki, and you intended to vote yes?

9 COMMISSIONER YAKI: I was actually looking  
10 at a statement by Commissioner Kirsanow on another  
11 issues and I thought, no. So, I apologize.

12 Could I -- I'd like to change my vote to a  
13 yes.

14 CHAIR LHAMON: Okay.

15 COMMISSIONER HERIOT: I have no objection  
16 to that.

17 CHAIR LHAMON: Thank you.

18 But, we all appreciate your levity, so,  
19 thank you for that today as well.

20 The motion therefore passes, two  
21 Commissioners opposed, none abstained, all others were  
22 in favor. So, thank you.

23 COMMISSIONER ADEGBILE: Thanks for that  
24 experiment in democracy.

25 (LAUGHTER)

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1           **DISCUSSION ON THE ENVIRONMENTAL PROTECTION AGENCY**  
2           **AND ITS DECISION REGARDING UNIONTOWN, ALABAMA**

3           CHAIR LHAMON: And, let's see how do with  
4 our next statement. Let's now consider the statement  
5 about the Environment Protection Agency and its  
6 decision regarding Uniontown, Alabama.

7           I'll turn it over to Commissioner Yaki to  
8 read the statement, please.

9           COMMISSIONER YAKI: I hope I won't vote no  
10 on my own thing.

11           (LAUGHTER)

12           COMMISSIONER YAKI: You know, so,  
13 Commissioners, as you know, this is an issue that this  
14 Commission actually, unfortunately, perhaps foresaw in  
15 its report last year, this is regarding the dismissal  
16 of the civil rights complaint made by the residents of  
17 Uniontown, Alabama from the coal ash deposits and this  
18 is what it states.

19           U.S. Commission on Civil Rights Statement  
20 regarding EPA decision on Uniontown, Alabama.

21           As an Agency that conducted its own fact  
22 finding on environmental justice enforcement from the  
23 Environmental Protection Agency, we express our deep  
24 concern over the EPA's recent decision to dismiss two  
25 Uniontown, Alabama civil rights investigations without

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1 violation findings.

2           Sadly, these dismissals continue the EPA  
3 disturbing and longstanding track record which this  
4 Commission documented of not making a formal finding  
5 of discrimination or denying or withdrawing financial  
6 assistance from a recipient for civil rights  
7 violations.

8           After our investigation, which included  
9 meeting with and hearing from the affected residents  
10 of the Uniontown community, the Commission found that  
11 the EPA decision to allow the movement and storage of  
12 coal ash in Uniontown did not fully consider the civil  
13 rights impacts.

14           We also found that storage of coal ash in  
15 Uniontown has adversely impacted the surrounding  
16 community.

17           These latest decisions by the EPA  
18 perpetuate the environmental injustice the Uniontown  
19 community must endure.

20           Environmental justice is a critical civil  
21 right that helps address the negative health outcomes  
22 in communities of color and low income communities who  
23 are disproportionately affected by environmental  
24 pollution.

25           We will continue to monitor the EPA's

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1 enforcement of federal civil rights statutes and find  
2 this is yet another distressing step in the wrong  
3 direction for the Agency.

4 The Commission's 2016 Statutory  
5 Enforcement Report, Environmental Justice, Toxic  
6 Materials, Poor Economies and the Impact on the  
7 Environment of Low Income Minority Communities  
8 examined the EPA's work under Title 6 of the Civil  
9 Rights Act of 1964 and Executive Order 12898 with a  
10 focus on the civil rights implications of the  
11 placement of coal ash disposal facilities near  
12 communities of color and low income communities  
13 exactly like -- and I just editorialized that exactly  
14 -- like Uniontown, Alabama.

15 In addition to the briefings held by the  
16 Commission in Washington, D.C., two additional public  
17 -- two additional meetings on the topics were  
18 coordinated that year by the Commissions North  
19 Carolina and Illinois State Advisory Committees.  
20 Period.

21 End of statement.

22 CHAIRMAN LHAMON: Thank you.

23 And, whereas, we typically don't read the  
24 footnotes, there is only one in this one and it notes  
25 that both Commissioner Adegbile and I did not

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1 participate in this investigation because it occurred  
2 prior to our appointment.

3 Thank you for reading it, Commissioner  
4 Yaki.

5 We can now discuss the statement. Is  
6 there a motion so we can open the floor for  
7 discussion?

8 COMMISSIONER YAKI: I so move.

9 CHAIRMAN LHAMON: Thank you.

10 Is there a second?

11 VICE CHAIR TIMMONS-GOODSON: Vice Chair  
12 Timmons-Goodson, I second.

13 CHAIRMAN LHAMON: Thank you.

14 Any discussion on this statement?

15 Commissioner Heriot?

16 COMMISSIONER HERIOT: Yeah, I was a little  
17 surprised by this statement. This is the case, I know  
18 some of you were not on the Commission at the time,  
19 this is the case where we had planned an investigation  
20 to go down to Uniontown, Alabama, but it was abruptly  
21 cancelled over my objections.

22 This is one of those cases where at least  
23 one member of the Commission tried to have the General  
24 Counsel's Office state that it would an ethical  
25 violation for me to go down to Uniontown.

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1           In the end, I was the only Commissioner to  
2 go to Uniontown. It was very clear that some of what  
3 we were told during the briefing here in Washington,  
4 D.C. was incorrect.

5           Frankly, I thought that report was one of  
6 the Commission's greater embarrassments.

7           And so, I am very surprised given our  
8 level of expertise in this area, which is essentially  
9 nil, that we would be questioning the EPA's findings.

10           CHAIRMAN LHAMON: Any others?

11           COMMISSIONER YAKI: Commissioner -- Chair?

12           CHAIRMAN LHAMON: Commissioner Yaki?

13           COMMISSIONER YAKI: We had two briefings  
14 on this in Washington, D.C. North Carolina also held  
15 issues on this.

16           Again, this is a pattern and practice by  
17 the EPA Office of Civil Rights through many  
18 administrations. This is not aimed at any single  
19 administration, this is something that we have found  
20 to be a distressing pattern, ongoing.

21           And, this confirms actually our findings  
22 going forward. And, I will say that one of the great  
23 things that came out, side benefits of our hearing on  
24 voting rights in North Carolina is that we actually  
25 met with some of the folks from Alabama who drove up

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1 to talk about what an impact our hearing has had  
2 positively for residents in the community.

3 And, I think that this is -- this  
4 statement is amply warranted.

5 CHAIRMAN LHAMON: Any further discussion?

6 (NO RESPONSE)

7 CHAIRMAN LHAMON: Okay, I'll call the  
8 question and take a roll call vote.

9 Commissioner Adegbile, how do you vote?

10 COMMISSIONER ADEGBILE: Aye.

11 CHAIRMAN LHAMON: Commissioner Heriot?

12 COMMISSIONER HERIOT: No.

13 CHAIRMAN LHAMON: Commissioner Kirsanow?

14 COMMISSIONER KIRSANOW: No.

15 CHAIRMAN LHAMON: Commissioner Yaki?

16 COMMISSIONER YAKI: Yes.

17 CHAIRMAN LHAMON: Vice Chair Timmons-  
18 Goodson?

19 VICE CHAIR TIMMONS-GOODSON: Yes.

20 CHAIRMAN LHAMON: And, I vote yes.

21 The motion passes, two Commissioners  
22 opposed, no Commissioner abstained, all others were in  
23 favor.

24 **COMMEMORATION OF WOMEN'S HISTORY MONTH PAGE**

25 **HARRINGTON, HISTORIAN AND PRESERVATIONIST**

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1                   CHAIRMAN LHAMON: I see that we are just  
2                   at 11:00 a.m. and we have our two scheduled speakers  
3                   here with us, so I'm going to table the discussion for  
4                   the rest of the business meeting to follow the  
5                   presentation from our two speakers and invite them to  
6                   come to their places at the podium and we can begin  
7                   our historical presentation.

8                   Then, after that concludes, we'll return  
9                   to the remainder of our business meeting.

10                  So, as our two speakers are joining us, we  
11                  are planning now to commemorate Women's History Month  
12                  and I will say that the long march toward full  
13                  equality for women in this country continues and  
14                  follows the vision, leadership and every day acts of  
15                  courage that are well worth our remarking and  
16                  celebrating.

17                  In keeping with our bipartisan tradition  
18                  at the Commission, I also note that the women's  
19                  equality effort has long been bipartisan and  
20                  championed by strong leaders across the political  
21                  aisle.

22                  Whereas, feminism is often associated with  
23                  the Democratic Party, I offer a few very recent  
24                  examples of Republican leadership for women's rights.

25                  It was Republican President Nixon's

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1 Presidential Task Force on Women's Rights and  
2 Responsibilities that recommended adding sex  
3 discrimination to this Commission's jurisdiction,  
4 which President Nixon supported in 1972.

5 Former First Lady Betty Ford lobbied  
6 extensively for women's rights and specifically for  
7 the Equal Rights Amendment which has yet to be  
8 ratified and was named Time Magazine's Woman of the  
9 Year in 1975 for her efforts toward women's full  
10 equality.

11 As a child of that era and having grown up  
12 with ERA Now pins and stickers displayed at my  
13 mother's office and in our home, I especially  
14 appreciate her leadership.

15 And, more recently, Carly Fiorina  
16 proclaimed the Republican Party as the party of  
17 women's suffrage during her recent presidential  
18 campaign in 2016.

19 I look forward to hearing more about the  
20 rich and varied history of this civil rights movement  
21 from our speakers today. And, I appreciate the  
22 persistence of those who paved the way before me,  
23 creating a space for freedoms I and my daughters now  
24 enjoy.

25 Our first speaker, Page Harrington is a

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1 consulting public historian and preservationist  
2 specializing in early 20th Century women's history.

3 As President of Page Harrington and  
4 Company, LLC, she advises museums on creative and  
5 practical strategies to integrate women's history into  
6 existing museum interpretation exhibits and programs.

7 Harrington's forthcoming book titled,  
8 Interpreting Suffrage, Women's Equality and Racism at  
9 Museums and Historic Sites, will be released in spring  
10 of 2019. I look forward to reading it.

11 Harrington is the former Executive  
12 Director of the National Woman's Party at the Belmont-  
13 Paul Women's Equality National Monument, the founding  
14 co-chair of the Women's History Affinity Group for the  
15 American Association of State and Local History and  
16 serves on the Women's Vote Centennial Initiative.

17 She also advised the U.S. Congressional  
18 Commission on their exploratory study for an American  
19 Museum of Women's History as part of their Scholar  
20 Committee.

21 Harrington holds two Master's degrees from  
22 the University of San Diego, one in public history and  
23 historic preservation and the second in nonprofit  
24 management and leadership.

25 Our second speaker, Fatima Goss Graves, is

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1 the President and CEO of the National Women's Law  
2 Center.

3 Ms. Goss Graves has served in numerous  
4 roles at the National Women's Law Center for more than  
5 a decade and has a distinguished track record working  
6 across a broad set of issues central to women's lives  
7 including income security, health and reproductive  
8 rights, education access and workplace justice.

9 Ms. Goss Graves currently oversees the  
10 Center's administration of the Times Up Legal Defense  
11 Initiative which connects those who experience sexual  
12 misconduct including assault, harassment, abuse and  
13 related retaliation in the workplace or in trying to  
14 advance their careers with legal and public relations  
15 assistance.

16 Before becoming CEO and President, she  
17 served as the Center's Senior Vice President for  
18 Program where she led the organization's broad program  
19 agenda.

20 Prior to that, as the Center's Vice  
21 President for Education and Employment. She led the  
22 Center's Anti-discrimination Initiatives including  
23 work to promote equal pay and address harassment and  
24 violence at work and in school with a particular focus  
25 on outcomes for women and girls of color.

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1           As I can attest, as having been on the  
2 receiving end of her impressive advocacy, she is  
3 widely recognized for her effectiveness in the complex  
4 public policy arena at both the state and federal  
5 levels, regularly testifies before Congress and  
6 federal agencies and is a frequent speaker at  
7 conferences and other public education forums.

8           Ms. Goss Graves appears often in print and  
9 on air as a legal expert on issues core to women's  
10 lives including in the New York Times, Wall Street  
11 Journal, Washington Post, Associated Press, Chicago  
12 Tribune, LA Times, San Francisco Chronicle, CNN,  
13 MSNBC, PBS and NPR.

14           Ms. Harrington, we'll hear from you first.

15           **PAGE HARRINGTON, HISTORIAN AND PRESERVATIONIST**

16           MS. HARRINGTON:           Good morning,  
17 Commissioners and Chair Lhamon. I'm delighted to be  
18 here today and speak to you a little bit in honor of  
19 Women's History Month.

20           I have prepared remarks and then, what I'm  
21 hoping for is some questions and maybe a little bit of  
22 a dialogue going back and forth I think would be  
23 fantastic.

24           CHAIRMAN LHAMON:   Terrific.

25           MS. HARRINGTON:   The women's suffrage

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1 movement officially began with the Seneca Falls  
2 convention in 1848 and continued through the  
3 ratification of the 19th Amendment in August of 1920  
4 which ultimately granted 26 million the right to vote.

5 Early icons such as Elizabeth Cady  
6 Stanton, Lucretia Mott, Sojourner Truth, Susan B.  
7 Anthony and Mary Church Terrell knew that women could  
8 not better their own lives and the lives of their  
9 children and their communities without enfranchisement  
10 and equal rights under the law.

11 The history of the National Woman's Party  
12 begins with Alice Paul and Lucy Burns who,  
13 coincidentally, met in England while they were in jail  
14 picketing with the Pankhurst family.

15 They were not encumbered by husbands or  
16 children, so they could travel to England and work on  
17 this important work.

18 They were both white, educated, middle-  
19 class women and they had the financial means and time  
20 to take on the cause.

21 The Pankhursts used militant tactics like  
22 heckling politicians, smashing windows, setting fires  
23 in public trash cans, all to raise public awareness of  
24 their suffrage demands.

25 When Paul, Burns and the others returned

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1 to the United States in 1910, they were determined to  
2 bring these militant activities back and use them  
3 here.

4 Alice and Lucy and many others began by  
5 planning the March 3rd, 1913 parade. The parade was  
6 meant to disrupt the arrival of the newly elected  
7 President Wilson on the eve of his inauguration.

8 Instead, they hoped that the public would  
9 watch more than 5,000 women march from the U.S.  
10 Capitol down Pennsylvania Avenue to the White House.  
11 This type of spectacle was largely unheard of in 1913  
12 and the public reacted very badly.

13 The women were violently attacked as they  
14 marched. The police stood by and simply watched the  
15 riots unfold. Over 100 marchers were hospitalized and  
16 ultimately, the Fort Myer Calvary had to be called in  
17 to disburse the crowd.

18 By 1916, women had the vote in only 12  
19 states. And, Alice Paul and Lucy Burns officially  
20 founded the National Woman's Party.

21 Through a sustained campaign of mass  
22 propaganda and nonviolent action, the National Woman's  
23 Party campaigned for a federal suffrage amendment.

24 The organization brilliantly used  
25 cartoons, posters, pamphlets and picket banners in

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1 order to educate the public, influence politicians and  
2 fight back against the long established hostility  
3 toward the suffrage campaign.

4 The NWP very aggressively lobbied members  
5 of Congress. Now, they were not the first to do this.

6 However, the strategic way in which they tracked  
7 their subjects made them very unique and many  
8 organizations later adopted their strategies.

9 The press often referred to their deadly  
10 political index which, in essence, was really just a  
11 collection of index cards in which the NWP kept  
12 meticulous notes on every member of Congress.

13 But, their research was meticulous. They  
14 knew their hobbies, education, religious and family  
15 economic background, where they stood on suffrage and  
16 also other issues.

17 The NWP members who conducted the  
18 interviews left detailed notes that speak to the  
19 thoughts of Congress at the time. I have two  
20 examples.

21 He was so violently opposed as to even be  
22 hostile in his attitude. He opposes the amendment on  
23 the grounds of states' rights but also on the  
24 principle of the everlasting inferiority of women.

25 And second, a smart aleck of the worst

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1 kind. My interview was a complete waste of time and a  
2 sore trial on my patience.

3 Beginning in 1917, the NWP began picketing  
4 the White House. For over two years, NWP members  
5 coordinated an ongoing demonstration in front of the  
6 White House gates.

7 Thousands of women known as the Silent  
8 Sentinels came from across the country and took turns  
9 picketing and engaging in civil disobedience.

10 They burned Wilson's speeches and silently  
11 held large banners for the president and everyone else  
12 to see with slogans like, how long must women wait for  
13 liberty? And, Mr. President, what will you do for  
14 women's suffrage?

15 These banners and the pickets were  
16 aggressive, direct and rhetorically brilliant, with  
17 slogans meant to inspire and engage.

18 We take it as commonplace today for  
19 protesters to be outside of the White House. But,  
20 until the NWP's picketing, this had actually never  
21 been done before.

22 And so, as you can imagine, eager crowds  
23 would gather daily to read the new banners and to  
24 watch the spectacles unfold.

25 When the United States entered World War I

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1 in 1917, public sentiment changed. Across the  
2 country, thousands of women turned their attention to  
3 the war effort and many expected the suffragists to do  
4 so.

5 But, the NWP felt otherwise. During the  
6 Civil War, suffragists had put their cause on hold and  
7 many felt that it had held them back for decades.

8 The banners they carried to the picket  
9 line became more inflammatory, basically labeling  
10 President Wilson a hypocrite for fighting a war of  
11 democracy abroad while not protecting women at home.

12 One very powerful banner slogan was, Mr.  
13 President, how long must women be denied a voice in  
14 government which is conscripting their sons?

15 They even called him Kaiser Wilson, which  
16 is, you can imagine, did not go over well and actually  
17 resulted in attacks on the suffragists.

18 The police, again, made no effort to stop  
19 the attacks or to apprehend the attackers. At the  
20 request of the Administration, the police began to  
21 arrest the suffragists.

22 These were well known social advocates and  
23 prominent society women. In some cases, middle-aged  
24 or older women who were arrested on charges of  
25 obstructing traffic.

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1                   Ultimately, over 2,000 women picketed the  
2 White House, 500 were arrested and 168 were imprisoned  
3 either at Occoquan Workhouse in Lorton, Virginia or in  
4 the District of Columbia Jail.

5                   They demanded to be treated as political  
6 prisoners. Instead, they were met with brutality.  
7 They were fed meals that consisted of sour bread, half  
8 cooked vegetables and rancid soup with worms in it.

9                   When the women went on hunger strikes,  
10 they were strapped down and forcibly fed. The oldest,  
11 Mary Nolan, was 73 when she was arrested and jailed.

12                   The public and press reacted with outrage  
13 and sympathy toward the women.

14                   By 1918, the NWP's tactics, the backlash  
15 from their imprisonment and the persistent lobbying  
16 eventually forced President Wilson to endorse the 19th  
17 Amendment as a war measure.

18                   In 1919, both the House and the Senate  
19 passed the Susan B. Anthony Amendment and on August  
20 26th, 1920, the 19th Amendment was signed into law,  
21 granting 26 million women the right to vote, and it  
22 only took 72 years.

23                   Under Alice's leadership, the NWP then  
24 turned their attention back to Congress. They worked  
25 on hundreds of pieces of legislation that secured

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1 marriage rights, the right to have custody of their  
2 own children in case of divorce, the right to  
3 education, the right to own property, the right to  
4 keep their own wages and over 100 more.

5 Most notably, in 1923, the NWP produced a  
6 new piece of legislation, the Equal Rights Amendment.

7 Equality of rights under the law shall not be denied  
8 or abridged by the United States or by any state on  
9 account of sex.

10 The NWP continued to work for more than 50  
11 years to end the legal, social and economic  
12 discrimination against women both here in the United  
13 States and abroad.

14 From 1929, when the NWP moved into the  
15 Sewall-Belmont House, it became the principle center  
16 for women's rights activism through the '30s, '40s,  
17 '50s both nationally and internationally.

18 The NWP was, for many years, the only  
19 national organization committed to raising the legal  
20 status of women through the Equal Rights Amendment and  
21 other pieces of legislation.

22 Some examples include the 1922 Cable Act  
23 which impacted women who lost their citizenship  
24 because they married foreigners or resided abroad.

25 The repeal of Section 213 of the National

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1 Recovery Act of 1932 which eliminated the barring of  
2 federal employees working for the government if their  
3 spouses were also so employed.

4 1963 Equal Pay Act made it illegal to pay  
5 women lower rates for the same jobs strictly on the  
6 basis of sex.

7 Title VII of the Civil Rights Act and  
8 Title IX Education Amendments prohibiting  
9 discrimination against girls in federally funded  
10 athletic programs.

11 By the 1930s, the National Woman's Party  
12 was operating the house as a public museum and sharing  
13 the history of suffrage. In order to protect the  
14 house and continue sharing that history, the National  
15 Woman's Party began yet another campaign, this time to  
16 secure recognition for the house as a national  
17 monument.

18 So, 39 years after Alice Paul passed away,  
19 the house became the first national monument named for  
20 two women, NWP benefactor, Alva Belmont and Alice Paul  
21 and the first named for women's equality.

22 On Equal Pay Day of 2016, President Barak  
23 Obama declared the Sewall-Belmont House was now the  
24 Belmont-Paul Women's Equality National Monument so  
25 that generations of girls and boys would hear the

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1 story and be inspired.

2 In partnership with the National Park  
3 Service, the NWP remains in the house and is the  
4 principle steward of the archival collection of over  
5 30,000 artifacts including many of the original  
6 banners that I discussed.

7 The NWP also remains a public convener  
8 hosting programs and discussions that focus on women's  
9 equality.

10 Within the first year under National Park  
11 Service, visitation was up 75 percent and the house  
12 has already undergone assessment for upcoming  
13 preservation projects.

14 However, there is still much work to do  
15 before we note the centennial of the 19th Amendment in  
16 2020.

17 In this very limited summary of the NWP's  
18 campaign for suffrage, you'll notice that there were  
19 very few references to the many women of color who  
20 also worked for suffrage.

21 And, until now, I haven't even mentioned  
22 the vast racial and economic discrimination of the  
23 movement.

24 For example, the African-American women  
25 who marched in the 1913 suffrage parade including Ida

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1 Wells-Barnett and many women from Howard University  
2 had to march at the back of the procession.

3 Wells, of course, did not agree and  
4 marched instead with the Illinois delegation, but the  
5 vast majority of women did.

6 In the early years after the Seneca Falls  
7 convention, the American Woman Suffrage Association  
8 worked toward universal suffrage.

9 However, as the decades passed, the larger  
10 suffrage associations, including the NWP, bowed to  
11 pressure from their members in the south who were  
12 interested only in the voting rights of white women.

13 Because the women of color were excluded  
14 from the larger organizations, they're also largely  
15 left out of the interpretation at historic sites  
16 today. And, many of their documents and artifacts are  
17 not included in archives and repositories which makes  
18 their stories incredibly hard to find.

19 There is, however, great work being done.  
20 National Park Service and NWP are jointly working on  
21 research that will yield materials and information and  
22 allow a more accurate interpretation of suffrage that  
23 can then be shared with the visiting public.

24 Scholars and historians including myself  
25 continue to research and publish on this subject.

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1                   And, grassroots organizations like Chick  
2                   History in Tennessee and the National Civil Rights  
3                   Museum at the Lorraine Motel are actively working to  
4                   digitize family records of African-American women  
5                   during the suffrage campaign and make them available  
6                   for research.

7                   The goal being, that when the exhibits and  
8                   programs and celebrations focusing on the centennial  
9                   of the 19th Amendment in 2020 will finally share the  
10                  accurate and honest story of the suffrage campaign,  
11                  one that reflects all communities and is inclusive of  
12                  all voices.

13                  Thank you.

14                  CHAIRMAN LHAMON: Thanks very much, Ms.  
15                  Harrington.

16                  Ms. Goss Graves?

17                  **FATIMA GOSS GRACES, PRESIDENT AND CEO, NATIONAL**  
18                  **WOMEN'S LAW CENTER**

19                  MS. GOSS GRAVES: Thank you so much for  
20                  having me at the Commission. And, it's really an  
21                  exciting time, I believe, in the women's movement and  
22                  the movement for gender justice broadly for a few  
23                  reasons that I will promise I will get to the history  
24                  part, but I want to just sort of set the table about  
25                  where we are now.

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1           And, part of the reason that it is  
2 exciting is because we, I think, are growing to have a  
3 different understanding about the real importance of  
4 organizing and doing work at the intersections of  
5 gender discrimination but the way it intersects with  
6 many other forms of oppression.

7           And, there are also new leaders in this  
8 work whose long-time advocacy to improve the lives of  
9 women and girls is coming to the surface and their  
10 names are getting known and will hopefully be  
11 documented in our history.

12           And, there is a different level of energy,  
13 the sort of energy that led to the greatest mass  
14 mobilization that we've seen in our nation's history  
15 with a women's march that centered the experiences of  
16 women of color.

17           And, women, themselves, are engaged as  
18 activists in new ways. They are leading both in  
19 making calls to Congress, they are leading in who  
20 shows up at town halls, women lawyers which we're  
21 really excited about are leading in their  
22 volunteerism.

23           And, women in both parties are running for  
24 office in record numbers.

25           And so, for the work we do at the National

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1 Women's Law Center, which was founded 45 years ago to  
2 be doing this work in the middle of such a vibrant and  
3 energetic understanding and such very serious  
4 attention to women and girls' lives is really exciting  
5 for all of us.

6 And, one of the things that's happening  
7 right now is women are leading conversations and  
8 really standing in solidarity and trying to break the  
9 silence around harassment and violence and the ways in  
10 which it impacts their lives.

11 And, that has come to prominence through  
12 the framework of MeToo. And, most of you probably  
13 hear -- have heard about MeToo, but I'll just say a  
14 couple of things about it.

15 It was the long-time rallying cry that was  
16 developed first by Tarana Burke in her local  
17 organizing to let survivors of harassment and violence  
18 know that they were not alone and that there was  
19 collective -- that there could be healing and joy in  
20 coming together as a collective and understanding that  
21 you are not alone and, yes, me too.

22 It was amplified in October and millions  
23 became to share their experiences in digital spaces  
24 and then in real life and now, it's showing up at  
25 institutions.

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1                   But, it also has been the space where many  
2 first learned about harassment and violence in deep  
3 ways and the ways in which it touched so many  
4 institutions, the ways in which workers facing working  
5 in the lowest paid jobs in restaurants and hotels and  
6 on farms actually had a lot in common with those who  
7 were in the upper paid jobs and even those who were  
8 working in Hollywood.

9                   And, that common understanding is what  
10 galvanized a coalition of initially 300, but far more  
11 now, entertainment influencers and attorneys to create  
12 an initiative that's designed to help low wage workers  
13 connect with attorneys who can represent them in  
14 harassment and related retaliation cases.

15                   And, that is what became what is now the  
16 Times Up Legal Defense Fund.

17                   I will just tell you a couple things about  
18 the Times Up Legal Defense Fund. It, in two months,  
19 has raised over \$21 million to support these types of  
20 cases.

21                   But, what I have been truly inspired by is  
22 the way people have showed up to support. We now have  
23 almost 700 attorneys how have joined with us to say  
24 that they will be willing to take on these cases.

25                   We've had over 20,000 people contribute to

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1 the fund in increments as small as \$5.00 which is  
2 really their way of saying I want to support this  
3 effort.

4 And, we have had over 2,000 people contact  
5 us since January 1st seeking our assistance, really  
6 bravely, many people unfortunately are calling us too  
7 late because they have been reliving experiences that  
8 were long ago.

9 And so, some people are calling us to just  
10 tell their story so that someone knows. They now know  
11 that something that happened five years ago, there's  
12 not a lot of protection for you under our federal  
13 laws, but they wanted to still name their experiences.

14 So, for us, it's really just extraordinary  
15 to be living in such a vibrant period and doing this  
16 work where, in a time where we really feel like it's a  
17 moment that stands to push institutions to no longer  
18 engage in the historic shaming and blaming and  
19 silencing survivors that has occurred historically.

20 And, as exciting as I find this movement  
21 and this moment, I have been thinking a lot about the  
22 many people over time who laid the groundwork for  
23 where we are today.

24 And, in many ways, their stories and the  
25 stories of the leaders, in particular, have been

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1 really critical points in time and have not really  
2 gotten the prominence.

3 So, I'll start, you know, thanks to Oprah,  
4 we now know the name of Recy Taylor. And, Recy Taylor  
5 was a black woman who was kidnaped and gang-raped by  
6 six white men while leaving church in 1944.

7 And, took, at the time, the very unusual  
8 step of trying to seek justice through the criminal  
9 justice system.

10 And, although two grand juries failed to  
11 indict, the outrage about this unaddressed violence  
12 sparked critical mobilizing around the country. And,  
13 that mobilizing seeded the groundwork for the  
14 Montgomery Bus Boycott built on decades later.

15 So, when we think about Recy Taylor's  
16 story, many of us didn't know it in modern times, but  
17 those of us who were steeped in this work really  
18 believe we are building on the power of sharing those  
19 sorts of stories and experiences to mobilize people  
20 into action really broadly.

21 I also recently have been reminded of  
22 Carmita Wood. And Carmita was a black woman who was,  
23 at the time, refused unemployment insurance on the  
24 grounds that the decision to leave her job at Cornell  
25 Lab after years of sexual harassment was a personal

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1 decision, it was personal reasons so she did not  
2 qualify they said for unemployment insurance.

3 But, that did not stop her. She worked  
4 with advocates and lawyers to form what was then  
5 called Working Women United. And, it was one of the  
6 first organizations to really lay the foundation and  
7 language for sexual harassment and framed the issue of  
8 sexual harassment as not a personal issue for people  
9 to deal with, but as a matter of discrimination.

10 That's critical for the moment that we're  
11 in. Part of what we're dealing with now is a cultural  
12 shift where people are thinking about harassment and  
13 violence as not just personal issues for people to  
14 contend with by themselves, but structural issues  
15 including as ones that are covered by our  
16 discrimination laws that are going to require also  
17 structural solutions.

18 It's also important to remind us of  
19 Michelle Vincent. Michelle Vincent was also a black  
20 woman who was working as a bank teller who stood up to  
21 her employer and brought the case that established in  
22 the Supreme Court that harassment was protected under  
23 Title VII.

24 When she brought that case, her bank's  
25 defense was essentially that she was either lying or

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1 promiscuous and dressed really provocatively or all of  
2 those things.

3 The Court rejected those arguments and,  
4 you know, you think back to that period of time that,  
5 you know, Michelle Vincent carried the weight of not  
6 only working there for so many years and enduring this  
7 sort of abuse, but also the abuse of standing up to  
8 her employer and hearing reflected back to you that  
9 all of these things that are so steeped in race and  
10 sex stereotypes were cause for you not to have a  
11 claim.

12 It also reminds us of Paulette Barnes who  
13 worked at the EPA and also stood up to her boss. Her  
14 case led to the Federal Court of Appeals finding that  
15 sexual harassment constituted sex discrimination under  
16 Title VII before the Vincent case.

17 And, this case really led the first legal  
18 groundwork and framework for so many cases to come for  
19 us to understand how harassment really is a form of  
20 discrimination covered by our civil rights laws.

21 And, it is all of their bravery that paved  
22 the way for Anita Hill to testify in 1991 and for now  
23 the millions who are saying, me too.

24 I also wanted to let you know about  
25 someone who's very near and dear to the National

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1 Women's Law Center, and that is LaShonda Davis.

2 LaShonda Davis was our client and she  
3 stood up to her school in the Title IX case that  
4 established that schools have an obligation to address  
5 harassment.

6 I'll tell you a little bit about her. She  
7 was in 5th grade and she reported harassment, an  
8 unwanted touching, repeatedly to her teachers and to  
9 the school. Her parents reported repeatedly.

10 And, the school's response was  
11 effectively, kids will be kids, boys will be boys.

12 Her parents complained for months and,  
13 after months, the only resolution was to move LaShonda  
14 to the back of the classroom.

15 Finally, her parents found a suicide note.

16 There was no investigation into the claims. And, in  
17 that case, the Supreme Court held that schools, yes,  
18 did have an obligation to address sexual harassment  
19 and set forth the standard for doing so.

20 But, that case was important for so many  
21 other reasons. It was really the national rejection  
22 of the idea that, you know, the concept of kids will  
23 be kids or boys will be boys is a thing that should  
24 happen and unchallenged.

25 It was also, it rejected the idea that was

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1 pervasive at the time that there was nothing that  
2 schools could do in response.

3 And, it also is a good reminder of the  
4 powers of students and parents and all of their  
5 supporters to be able to speak up and challenge  
6 practices that they see as unfair and that leaves  
7 students feeling unsafe.

8 And, LaShonda's bravery and her family's  
9 bravery really led the groundwork for an exciting and  
10 vibrant student led movement 20 years later. And,  
11 when those students took their schools to task and  
12 took the government to task for failing to put the  
13 sort of systems in place for preventing and address  
14 sexual violence, they were building on the work of  
15 LaShonda Davis and her family.

16 So, it's worth pointing out one other  
17 group of women whose stories don't get told very often  
18 and that was a group of iron workers who joined  
19 together to challenge sexual harassment in their  
20 workplace.

21 And, they became, together, the first  
22 certified class to pursue a class action sexual  
23 harassment claim against their employer.

24 And, again, understanding that harassment  
25 is not just a personal private problem that it

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1 sometimes can be a systemic problem that affects many  
2 different employees together.

3 These and so many other leaders really  
4 showed their ability to change the way we think about  
5 issues that undermine women's lives. And, they led  
6 the fight for law and policy change largely quietly  
7 with few people knowing their names.

8 Today's leaders, I believe, are also  
9 following in their footsteps and helping us to rise  
10 and frame how we should be experiencing this current  
11 moment we are in.

12 And, I'm going to just name their names so  
13 that we begin to have more of a record and memory of  
14 who they are and the work that they are importantly  
15 doing.

16 So, whether that is Tarana Burke, who  
17 organized for so long under the MeToo framework and  
18 has really emerged as a national north star reminding  
19 us about the healing journey for survivors and that  
20 that is as important as any other conversation.

21 She also reminds us to organize with joy,  
22 which is an important thing for our movement.

23 Or, Monica Ramirez who really graciously  
24 steered hundreds of thousands of farm workers to  
25 support and align with Hollywood. She really reminds

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1 us of the power of women working on farms when she  
2 sent a letter to Hollywood starting Dear Sisters.

3 That letter, basically, said we know your  
4 experiences because we have shared those experiences,  
5 too. And, rather than saying and our experiences are  
6 worse because we're doing it in conditions that you  
7 can't imagine, she said, we've been organizing for  
8 decades. We're here to fight with you for your fight.  
9 And, we're here for this shared fight.

10 That is really -- that collective approach  
11 in so many ways has -- is what inspired Times Up to  
12 not just be about the entertainment industry but to be  
13 about all sectors.

14 Or Saru Jayaraman who long ago helped us  
15 all to make the connection between harassment and  
16 tipped wages that restaurant workers are subject to.

17 She constantly reminds us that any  
18 solution to harassment at work must also address the  
19 underlying conditions that mean that harassment is  
20 prevalent.

21 So, for the work we do, I don't want to  
22 suggest that these are easy times, but as the work  
23 continues to push our culture, our laws and our  
24 policies through, I think a lot about who our modern  
25 day Recy's and Michelle's and Paulette's are.

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1           And, I have no doubt that so many other  
2 new voices will rise in this time and working to try  
3 to secure a world where women can work where they  
4 want, attend schools where they want with equity, with  
5 dignity and real safety and lead the lives that they  
6 want without these sort of conditions that diminish us  
7 all.

8           So, thank you so much for having me and I  
9 look forward to any conversation and questions.

10           CHAIRMAN LHAMON: Thanks very much to both  
11 of you. I really appreciate both of your  
12 presentations.

13           And, I'll open for questions and comments  
14 from my fellow Commissioners.

15           Commissioner Heriot?

16           COMMISSIONER HERIOT: I would like to say  
17 a word on behalf of the great State of New Jersey.

18           You mentioned Seneca Falls which, of  
19 course, is where we date the beginning of the women's  
20 movement.

21           But, in 1776, the New Jersey Constitution  
22 actually was rather ambiguous about whether women  
23 could vote, it used the word inhabitants. There were  
24 other requirements as well.

25           But, in 1790, New Jersey had a statute

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1 that very clearly allowed women to vote, it used he or  
2 she. It's kind of a mixed story on New Jersey, but  
3 it's a fairly interesting one.

4 But, women were voting in New Jersey in  
5 very, you know, in the last 18th and early 19th  
6 Century.

7 I think in about 1707, there was an  
8 election where there accusations of fraud and there  
9 were some accusations that men were voting twice, once  
10 dressed as men and then once dressed as women. I, of  
11 course, cannot comment on the truth of that. New  
12 Jersey ended up repealing that law.

13 But, nevertheless, there was a period  
14 where New Jersey was leading in this area.

15 I also should say a word on behalf of  
16 Wyoming and that is the first state to enter the Union  
17 with women voting.

18 Congress originally balked at the notion  
19 of admitting Wyoming because they thought this would  
20 be a bad example across the country to have a state  
21 where women were voting.

22 And so, they said, hey guys, you know, if  
23 you like get rid of this women suffrage thing, then  
24 you're going to grease the wheels a lot more quickly.

25 And, the Wyoming legislature, to its

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1       everlasting credit, cabled back to congressional  
2       leaders, and I've written it down here so I'll get the  
3       words right, we will remain out of the Union 100 years  
4       rather than come in without the women.

5                       And so, eventually, Congress relented and  
6       by the end of the century, there were four states that  
7       allowed women to vote, all mountain states. So, go  
8       mountain women.

9                       CHAIRMAN LHAMON: Madam Vice Chair?

10                      VICE CHAIR TIMMONS-GOODSON: Yes, Ms.  
11       Harrington, I listened to you talk about all of the  
12       efforts that were put forward that eventually led  
13       President Wilson to support the 19th Amendment.

14                      And, I found myself thinking back to the  
15       ERA and all of the efforts made during my lifetime to  
16       get that amendment passed.

17                      And, I was wondering whether you had any  
18       thoughts on why we've been unsuccessful in passing the  
19       ERA Amendment?

20                      MS. HARRINGTON: So, it is -- there are  
21       definite parallels, I think, between the suffrage  
22       campaigns and certainly the campaign for equal rights.

23                      It's astonishing to most people, and I'll  
24       say, I was the Executive Director of the National  
25       Woman's Party for about nine years, and in all of the

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1 tours and all of the hundreds of times that I've led  
2 people through that house, they say two things to me  
3 that just never fails to shock me.

4 The first is, why didn't I learn this in  
5 school? To that, I can't -- I know of a lot of  
6 reasons you didn't learn it in school, I didn't learn  
7 it in school. I didn't learn it until graduate  
8 school.

9 And, the second is, they almost always  
10 assume that the Equal Rights Amendment was something  
11 that was put forth and passed and is part of the  
12 Constitution since the 1970s.

13 So, the vastness of these campaigns and  
14 how long it actually takes to get this change to  
15 happen is really shocking for a lot of people,  
16 especially younger people because they're thinking, my  
17 goodness, 1923? The '70s sounds like ancient times,  
18 right, to most kids that are in high school today or  
19 college.

20 (LAUGHTER)

21 MS. HARRINGTON: It is. So, it's very  
22 fascinating.

23 But, you know, I think that, for one  
24 thing, it's complicated. And, two, just like the  
25 suffrage campaign, there were very many factions

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1 working on different things. And, there was not a lot  
2 of unity to really push it forward.

3 The Equal Rights Amendment has had a lot  
4 of -- there's been a lot of resurgence. There's been  
5 a lot of talk about it, certainly in the last few  
6 years.

7 Nevada just passed the Equal Rights  
8 Amendment, I think it was in 2016 or early 2017, which  
9 leaves two states, if they were to ratify, then -- and  
10 the time limit was eliminated, then we would have an  
11 Equal Rights Amendment.

12 But, a lot of people still don't agree  
13 with it because they believe that a lot of the blanket  
14 protection has already been done in other pieces of  
15 legislation and policies. And, I know that Ms. Goss  
16 Graves can certainly speak to that much better than I  
17 can.

18 But, I do know that there are still  
19 organizations that are working on it and do believe  
20 that, again, we're not equal under the law, not yet.

21 VICE CHAIR TIMMONS-GOODSON: Madam Chair,  
22 may I ask one more question?

23 CHAIRMAN LHAMON: Sure.

24 VICE CHAIR TIMMONS-GOODSON: This one is  
25 for Ms. Goss Graves.

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1                   Thank you, thank you, thank you for the  
2 names that you've shared with us and the tremendous  
3 work that they did and the debt that we owe all of  
4 them.

5                   But, as I listened to you talk about Recy  
6 Taylor and Carmita Woods and Michelle Vincent and, you  
7 know, all the others, I found myself wondering what is  
8 it that these ladies had in common that gave them the  
9 courage and whatever else to go forward and to stand  
10 up and to complain?

11                   And then, selfishly, I asked how can I get  
12 a hold of some of that?

13                   (LAUGHTER)

14                   MS. GOSS GRAVES: Well, I also want that,  
15 too.

16                   (LAUGHTER)

17                   MS. GOSS GRAVES: But, I will maybe answer  
18 your question a little bit differently because,  
19 sometimes when people are coming forward and we've  
20 been finding this in the many intakes we have gotten,  
21 when they take those first steps, I don't know that  
22 people always know the range of things they're about  
23 to confront. Right?

24                   They're seeking fairness and many times,  
25 people sort of think, it should be fair, so I should

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1 just be able to do this thing.

2 And, so, the fact that they were also not  
3 just able to initiate but also endure through many,  
4 many hurdles, not just legal hurdles, but also the  
5 sort of shaming that many of them dealt with.

6 And, to the extent that there was public  
7 reaction and, you know, it was sometimes negative  
8 public reaction.

9 And, recently, the Washington Post talked  
10 a little bit about what it was like for Michelle  
11 Vincent when she brought her case at the time. And,  
12 there was, you know, coverage about what it is she  
13 wore to the Supreme Court argument and coverage about  
14 and debate about, you know, is it really illegal to  
15 not want to sleep with your boss?

16 You know, they, at the time when people  
17 were trying to establish these principles firmly in  
18 the law and there was a lot of cultural unsettlement  
19 and not legal clarity, you know, so I'm not really  
20 answering your question, I'm just saying, in some  
21 ways, it was even harder than you can imagine because  
22 there wasn't the certainty.

23 And, when I think about the people who are  
24 coming forward today where there is more legal  
25 certainty on a number of fronts and have long been the

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1 case for decades, yet they have these experiences that  
2 don't get addressed by their employers.

3 So, one of the questions that we are  
4 asking ourselves now really deeply is, where that  
5 disconnect is? Why is it that so -- that when there  
6 is survey data as high as 1 in 3 and in some sectors,  
7 even higher, people say, yes, I've experienced  
8 harassment, and actually, no, I probably wouldn't  
9 report it. Right.

10 So, why there is this disconnect, this --  
11 despite our current legal framework?

12 VICE CHAIR TIMMONS-GOODSON: I think your  
13 response has helped me define more clearly the  
14 question that I'm trying to ask and that is, what is  
15 it that these ladies have in common that, in fact,  
16 allowed them to endure what they were later subjected  
17 to?

18 MS. GOSS GRAVE: Yes, you know, one thing  
19 that is the case for several of them when I've read  
20 about their back stories that they all had really  
21 strong family support as they were coming forward.

22 And so, even though you have, in some  
23 cases, a public rejection, there was family support.  
24 And, that was true and Anita Hill has even talked  
25 about that, that deep family support that she had

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1 during her testimony.

2 So, that might be one factor.

3 VICE CHAIR TIMMONS-GOODSON: Thank you.

4 CHAIRMAN LHAMON: I'm really struck  
5 listening to both of you about the efforts that you  
6 both have made and that the organizations you work in  
7 have both made to give voice to, give visibility to  
8 the wide variety of people who have populated this  
9 effort and this struggle.

10 And, I appreciate, and Ms. Harrington, in  
11 your historical perspective, the conscious effort to  
12 explain that this is not only a white women's  
13 movement, that this is a movement that all women have  
14 participated in. And, that that movement has included  
15 much attention about that topic as well.

16 And, Ms. Goss Graves has, in your  
17 discussion now, about making sure that today, this is  
18 a movement that reflects all of who women are and is  
19 inclusive in the civil rights effort.

20 I think that resonates for me and also I  
21 so appreciate Ms. Harrington, your effort to ensure  
22 that, at the 100th anniversary, we will be able to see  
23 and hear and have context for all of whom -- all of  
24 whose shoulders we stand on now and what brought us  
25 here.

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1 I also was struck in your last answer, Ms.  
2 Goss Graves, with the notion of the strength of a  
3 family support in contrast, Ms. Harrington, to what  
4 you said about two women who were unencumbered by  
5 spouses and children in their ability to move forward.

6 And, I think that makes me think that we  
7 think of families in broad and narrow terms, right?

8 MS. GOSS GRAVES: Right.

9 CHAIRMAN LHAMON: And, the ways that I  
10 imagine they had support that led them able to move  
11 forward, but at a time when spousal or children  
12 support would have been an albatross and that would  
13 have been an impediment and I hope maybe you could  
14 speak more to that.

15 MS. HARRINGTON: Right, definitely.

16 So, it was. When we think about family,  
17 we think about our biological family or the families  
18 that raised us and that we lived in.

19 And, a lot of the suffragists did have  
20 support of husbands and they did have children at  
21 home. But, the support in their own relationships  
22 allowed them to do this work.

23 But, I think with Alice and Lucy, in  
24 particular, they had a singular focus to making sure  
25 that this was going to happen. And, in order to do

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1 that, they had to make that their main focus.

2 And so, they lived in -- there were five  
3 different headquarters, the one 144 Constitution which  
4 is now Belmont-Paul was the final headquarters. And,  
5 they had five headquarters where they all lived, so  
6 they had dormitories.

7 Women would come from across the country  
8 to learn how to lobby and how to picket. And, of  
9 course, remember, in the 1930s or the 19-teens, there  
10 wasn't an American Express card and you couldn't just  
11 pick up, you know, your Southwest Rewards card and  
12 head over to Washington, D.C.

13 And, a woman, especially alone, certainly  
14 couldn't do that.

15 So, for her to have a community, a family  
16 that was built into the National Woman's Party was a  
17 big part of that. And, the other organizations were  
18 very similar.

19 And, we see this in all types of  
20 organizations certainly.

21 But, I think for them to move it forward  
22 in that short amount of time after having peaks and  
23 valleys and certainly languishing for 60-some odd  
24 years, I think that it took that type of attitude to  
25 push it forward no matter what to ensure that it was

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1 done.

2 Now, interestingly, Lucy Burns left the  
3 movement after the 19th Amendment was ratified and  
4 went back to her family. And, Alice Paul did not.  
5 She continued to stay. She lived in the house at 144  
6 Constitution until probably 1974 and then she passed  
7 away in 1977.

8 So, still, today, we have women that would  
9 come in and say, when I was a 19-year-old co-ed and I  
10 was here in the '70s, I walked up those steps and  
11 Alice Paul answered the door. That's phenomenal that  
12 that was her only -- that was her -- the only thing in  
13 her life that she wanted to do was work toward  
14 equality for women.

15 Now, she wasn't -- she did not look at it  
16 in an intersectional way that we, of course, would  
17 look at it today. And so, there are issues that are a  
18 little bit harder to resolve, but you do have to say,  
19 the circumstances in her life gave her the ability to  
20 stand there and do that work with many others.

21 But, to do that work, really, until she  
22 passed away.

23 CHAIRMAN LHAMON: I wonder if the two of  
24 you could reflect also on, in particular, Ms.  
25 Harrington, you described about the violent opposition

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1 to some of the equality efforts.

2 And, they seem with the benefit of  
3 hindsight, like pretty core equality components, you  
4 know, that right vote or the right to be recognized as  
5 a full person.

6 When you included the quote about the  
7 everlasting inferiority of women, obviously, that does  
8 not strike a chord for me.

9 MS. HARRINGTON: Right, no.

10 CHAIRMAN LHAMON: But, the notion of both  
11 physically violent reaction as well as psychically  
12 violent reaction to the efforts that these women led  
13 and persisted through, I think is also a theme that  
14 rides through what you've described in the case  
15 discussions with Goss Graves of the specific people  
16 that you identified.

17 And, the pre-litigation discussion that  
18 begins with Recy Taylor and that's a history that's  
19 hard to hear, and also hard to reflect on in this  
20 moment, especially when we don't have an Equal Rights  
21 Amendment still, and some of the core tenants that  
22 garnered that violent opposition are tenants that we  
23 have not yet achieved.

24 MS. GOSS GRAVES: And, it's interesting,  
25 and I'm just sort of thinking about this right now,

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1 you know, one of the reasons we may not know their  
2 names is because, for some them, they sort or  
3 retreated a bit after their experience.

4 And, they did expend -- they did  
5 experience very serious threats against themselves,  
6 against their broader families for coming forward and  
7 bringing these cases, for naming experiences of  
8 harassment and violence and inequality that that came  
9 at personal risk. But, that also came at family, and  
10 in some cases, community risk.

11 MS. HARRINGTON: It is amazing to think  
12 that something as simple as voting today or the  
13 ability to vote today was so controversial for so many  
14 years.

15 I appreciate Commissioner Heriot, the  
16 remarks that you made about even prior to 1848,  
17 because there were states and there were territories  
18 that did allow women to vote.

19 It seems like sometimes equality ebbs and  
20 flows. Sometimes we make progress and then, again, it  
21 kind of swings back a little bit.

22 As far as the violence was concerned,  
23 particularly in during World War I. So, the women  
24 were very much expected to give up that campaign and  
25 to retreat and to go back and work for the war effort.

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1       And, many, many, many of them did.

2               But, again, the leaders of the NWP thought  
3 that that would just set them back even further.

4               So, from the public's perspective, you  
5 have Washington, D.C. outside of the White House. You  
6 have sailors and soldiers that are returning from or  
7 on their way overseas to fight in World War I. And,  
8 they're seeing these women stand there and picket with  
9 banners that say things like Kaiser Wilson.

10              Now, the Kaiser Wilson banner did not  
11 survive, shockingly. There are supposed to be a  
12 couple of small fragments of it at the Smithsonian,  
13 but it's not -- we're not sure.

14              But, a lot of the other ones did which  
15 always amazes me that we have this collection of  
16 almost a 1,000 textiles that survived because the  
17 women were beaten, horribly beaten. And, that is not  
18 -- that's while they were on the street, that's not  
19 even what happened when they were jailed.

20              So, it really is astonishing. There are  
21 women that talk in their firsthand accounts about  
22 being forcibly fed. Their teeth were knocked out,  
23 right? They're strapped down, they have these big  
24 tubes shoved down their throat, irritating everything.

25       And then, the vomiting that just took place.

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1           So, just the small snippets of what I've  
2 shared with you are absolutely horrific. It is not  
3 unlike plenty of other people in many different  
4 circumstances when they're fighting for rights that  
5 these same types of things have happened.

6           So, it is a little bit shocking to think  
7 about it that something as simple as being able to  
8 vote.

9           I always try to make sure that I share  
10 with people, this is a right that we have and it is  
11 also a responsibility. So, to vote, to be civic  
12 minded, to be civically engaged, to make sure that  
13 you're educating yourself and voting, no matter what  
14 you vote for, just make sure that you do engage and  
15 you do vote.

16           CHAIRMAN LHAMON: Thank you.

17           Commissioner Adegbile?

18           COMMISSIONER ADEGBILE: Yes, both of your  
19 presentations were so full and rich of layers of  
20 history that are important.

21           And so, I'm trying to synthesize some  
22 lessons from the history that can help us think about  
23 how we go forward.

24           And, I have two questions in mind. The  
25 first is, that obviously laws and enforcement and

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1 education and practices all come together in a range  
2 of civil rights contexts to protect equality.

3 And, I'm wondering if you have views, from  
4 the history, about how the relative contribution of  
5 these pieces have advanced or stood as impediments to  
6 women's equality.

7 Why don't I pause with that one, because  
8 there's a lot in there and then I'll come back with  
9 the next one.

10 MS. GOSS GRAVES: Well, and, you know, one  
11 thing that I think about is, I fully agree with you  
12 that it's usually a mix of law and policy and culture  
13 change.

14 And, that sometimes you have one out there  
15 leading far ahead of the other and it takes a while  
16 for the other to catch up.

17 And, I think we have seen that for sure in  
18 the area around harassment and violence in particular  
19 where there were some legal shifts, but the cultural  
20 shift hadn't yet fully happened.

21 So, the Vincent case where the Supreme  
22 Court said, yes, Title VII covers sexual harassment  
23 was 1986. But the EEOC didn't actually start to  
24 receive significant levels of harassment charges until  
25 after the national conversation following Anita Hill's

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1 testimony in 1991.

2 So, you know, that period of time, it was  
3 sort of on the books but not actually made very  
4 meaningful.

5 And, the converse is sometimes true as  
6 well where you have a really rich cultural  
7 conversation but not yet the legal framework or  
8 administrative framework or even the institutional  
9 changes that would make these cultural conversations  
10 real and lasting.

11 And, the moment we are in right now is  
12 extraordinarily cultural, right? There are  
13 conversations happening at every level. And, there  
14 are some policy changes that are happening.

15 You know, you had just last month, the  
16 House, in a bipartisan way, finally fixed its sort of  
17 extraordinary system that it had had in place for 20  
18 years to deal with discrimination complaints against  
19 the House of Representatives.

20 And, you know, there were all sorts of  
21 barriers that were built in. Like, there was, you  
22 know, a waiting period before you actually filed a  
23 formal complaint or you had to get counseling and be  
24 really, really sure you wanted to do it and mandatory  
25 arbitration.

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1           You know, all sorts of things that don't  
2 happen in the private sector or you wouldn't say, yes,  
3 you need to really think hard about filing that  
4 complaint. You need a cooling off period. No one  
5 would build that in today in the private sector.

6           So, they have made changes in a bipartisan  
7 way in the House to address that. That would not have  
8 happened but for MeToo and there had been bills to fix  
9 that for decades, so it wasn't as if there wasn't an  
10 idea to fix it.

11           But, there is a lot of work to do to catch  
12 up with the cultural period we're in.

13           MS. HARRINGTON: Absolutely. And, I will  
14 add that, to loop back to when we were talking about  
15 the Equal Rights Amendment, in the 1970s when there  
16 was a lot of opposition for that, and ultimately, the  
17 -- it was not ratified.

18           A couple of the main issues that women did  
19 not support it, would there be no maternity leave?  
20 Would girls have to register for the draft the same as  
21 boys when they turned 18? Would we have unisex  
22 bathrooms? Would women serve in the military? Would  
23 they serve in forward zones?

24           Well, a lot of those things, if you just  
25 think about, just those few things that I've just

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1 named, within the last 15 to 20 years, a lot of those  
2 things have already sort of been culturally decided.

3 We've talked through them, communities  
4 wrangled with them, we make progress. And now, those  
5 things aren't nearly as upsetting as they would have  
6 been in the '70s and especially in the early '80s as  
7 well.

8 So, you're right, sometimes there's the  
9 legal framework and then sometimes there's the  
10 practical side. What does culture want? What does  
11 the culture want? What can the community -- what type  
12 of change can the community withstand and still  
13 emerge?

14 So, a lot of things just have to work  
15 themselves out. And, perhaps, that is maybe a silver  
16 lining to why things take so long, because some of  
17 those other questions just sort of naturally get taken  
18 care of. We still have plenty of things to work out  
19 as far as that is concerned, but some of the bigger  
20 ones were -- are not necessarily such a big deal  
21 today.

22 COMMISSIONER ADEGBILE: Great, thank you.

23 And, my last question is, I have two  
24 teenaged daughters and I'm thinking about pieces of  
25 this wonderful presentation that I can bring back to

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1       them and, indeed, that we can be sharing more broadly  
2       with people across the country.

3                   And so, I would ask if both of you have a  
4       couple of core lessons from the history of the  
5       struggle for women's equality that we should think  
6       about as we take this fight forward?

7                   Are there any distillations of the history  
8       that are important to think about as we push forward  
9       to get to the next place in terms of women's equality  
10      in the country?

11                  And, hard question, but I'm open to any  
12      thoughts you may have.

13                  MS. HARRINGTON:     Well, I would say  
14      certainly for teenaged boys and girls, it's important  
15      for them to understand that history did not just  
16      unfold out of the pages of the textbook.  These were  
17      actually real people that were grappling with real  
18      different and real difficult situations.

19                  And, each person who played a role in that  
20      had a choice to make of what side of history they were  
21      on.  And, ultimately, it comes down to knowing  
22      yourself, knowing what you find valuable and then  
23      making sure that you're educated about that and moving  
24      forward to make sure that those rights or those -- or  
25      the inequality is worked forward so that you're not

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1 leaving others behind.

2 But, I think, to let them know that it's  
3 real people just like them who are making these  
4 decisions is very important.

5 And then, second, I would say is to get  
6 engaged. And, you know, I'm terrible with names and  
7 I'm terrible with dates, so I became a historian.

8 (LAUGHTER)

9 MS. HARRINGTON: But, it's not all about  
10 dates and names, it really is about what those stories  
11 make you feel, how you make that connection.

12 So, historic sites are absolutely amazing  
13 as are museums. And, I would say, you know, just  
14 taking the time to go explore those resources that you  
15 have in your own community, that also helps broaden  
16 your thoughts and will lead you to being more true to  
17 yourself and more true to what you actually believe in  
18 and want to work for.

19 MS. GOSS GRAVES: That's a very good  
20 lesson.

21 And, I will echo one thing that you said,  
22 it's that individuals really matter and I think about,  
23 in the moment we're in, how powerful it has been for  
24 each silent breaker to tell their story and realize,  
25 all of a sudden, you're not an individual, you're in a

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1 full community.

2 And then, the second thing is a lesson  
3 that we are still learning in the women's movement,  
4 and that is -- but our true equality really requires  
5 it to be for all women.

6 And, that, you know, there has been  
7 beautiful fits and starts over that real question over  
8 time. Do you take an inch if that means cording off,  
9 you know, one population or another?

10 And, I think that the lesson around caring  
11 and pushing for full equality for all women is one  
12 that we should be, not just remembering, but  
13 implementing going forward.

14 CHAIRMAN LHAMON: Thank you both.

15 I want to make sure that our Commissioners  
16 on the phone have a chance to ask questions if they  
17 have any.

18 Commissioner Heriot, you have --

19 COMMISSIONER HERIOT: Do we have time for  
20 another one from me?

21 CHAIRMAN LHAMON: We do, but it sounded  
22 like there was on the phone, too.

23 COMMISSIONER YAKI: Yes, hi. I want to  
24 thank the speakers very much for their presentation  
25 today.

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1 I really don't have any questions other  
2 than to just note that everything that happens is  
3 related to everything else.

4 And, the courage and the deadlock upon  
5 which we stand today is, in part, because of the work  
6 of these early pioneers.

7 But, I just wanted to note that one of the  
8 pioneers in the '80s and '90s and up until today,  
9 Representative Louise Slaughter just passed away. She  
10 was the author of the Violence Against Women Act which  
11 had dramatic impact on raising the issue and reducing  
12 domestic violence in our country.

13 And, she was a friend of mine and a true  
14 champion and someone who proudly stood in the shoes of  
15 those who came before her.

16 CHAIRMAN LHAMON: And, she was until  
17 today, the longest serving member of Congress.

18 Commissioner Heriot?

19 COMMISSIONER HERIOT: I wanted to go back  
20 to what Ms. Harrington was saying about the Seneca  
21 Falls conference.

22 And, you know, you're right, this is -- we  
23 trace the history of women's movement back to that  
24 point because it was a single event.

25 But, there were also things that were

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1 going on just before that and that included the Seneca  
2 Falls conference. And, it connects up to our  
3 Commission.

4 We are the Commission on Civil Rights.  
5 But, civil rights meant something different in those  
6 days. They had a definition that basically was, civil  
7 rights on the one hand and political rights on the  
8 other.

9 And so, when Elizabeth Cady Stanton was  
10 talking about, yes, we should, you know, argue for  
11 voting rights.

12 At first, Lucretia Mott said, I think I'm  
13 quoting here, you know, oh, Lizzy, you know, you'll  
14 make us look foolish.

15 But, they were more focused on civil  
16 rights. And, to them, that meant the right to own  
17 property and the right to be sued and they were  
18 focused not on all women, but on married women  
19 because, under common law at the time, single women  
20 and widows already had those rights, but married women  
21 did not.

22 And, in particular, the right to be sued  
23 doesn't sound like a great idea, it sounds like, you  
24 know, oh, who wants that? But, when you think about  
25 it, no one will lend you money if you cannot be sued

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1 to get that money back.

2 So, that meant that married women couldn't  
3 operate farms, they couldn't operate their own  
4 businesses. And, we were living in a frontier society  
5 where, you know, we think of divorce as all too common  
6 today, it's sad. But, desertion was a big problem  
7 then.

8 You know, men would just pick up and move  
9 west and their wives would be left back in the east  
10 with no means of support unless they could borrow  
11 money. And so, that hugely important.

12 The New York Married Women's Act was in  
13 1848, I believe, you're nodding yes, so it sounds like  
14 I have -- you're right.

15 And so, that was a huge movement and one  
16 that doesn't get enough attention today.

17 MS. HARRINGTON: Right, it is important to  
18 remember how different the world was at that time.  
19 And, it's just like the vote, it seems very simple, at  
20 that time, if a person died, if a man died and he left  
21 his estate to -- he couldn't leave his estate to his  
22 daughter, she could not inherit, there was no land  
23 ownership.

24 COMMISSIONER HERIOT: Oh no, she could,  
25 she could, she could, she could, she could.

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1 MS. HARRINGTON: But, if she was married -  
2 -

3 COMMISSIONER HERIOT: If she's married,  
4 then it's her husband's.

5 MS. HARRINGTON: It's her husband's,  
6 exactly. And, if he deserts her and takes everything,  
7 that's okay because it was his, not hers, when it was  
8 really hers.

9 So, those types of very simple connections  
10 with family and what was legal is incredibly different  
11 to think about today.

12 And, I think maybe that is part of what we  
13 all need to think about, which is, any time multiple  
14 decades goes by and you're working for progress,  
15 you're impacted by the newness of each of the new  
16 decades.

17 And, what we should be doing is thinking,  
18 we are much more wise today. I am much more wise  
19 today than I was 10 years ago, than I was 20 years  
20 ago, et cetera.

21 I should be using that viewpoint then to  
22 view the world in a more complete way, most  
23 definitely. And, part of it is just to say, history  
24 is still -- we are still thinking differently and  
25 learning things about history, but even so, these are

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1 similar issues that we have today.

2 And, everyone should think about it moving  
3 forward as well. So, not just what it was, what we  
4 didn't have, but what we are today and what we still  
5 need to get. I think it's that longer time frame or  
6 view that I think is incredibly important.

7 CHAIRMAN LHAMON: Lovely.

8 With that, I will thank both of you for  
9 taking your time and sharing your expertise with us  
10 today.

11 We are -- we do have some more items to  
12 complete for our business today, but let's take a five  
13 minute break so we can take a moment to have a  
14 photograph with our panelists if they will before they  
15 leave us.

16 And then, we'll come back in five minutes  
17 to complete our business meeting.

18 (Whereupon, the above-entitled matter went  
19 off the record at 12:05 p.m.)

20 CHAIRMAN LHAMON: Okay, I'm going to  
21 return us to our record. We will next return to our  
22 agenda items. And next in it is to consider a  
23 statement about the White House's budget request for  
24 Fiscal Year '19.

25 C. STATEMENT ABOUT THE WHITE HOUSE'S BUDGET

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1                   REQUEST FOR FISCAL YEAR '19

2                   CHAIRMAN LHAMON: I'm going to start us,  
3 even though Commissioner Adegbile hasn't yet returned.  
4       He is recused from this statement.

5                   I'll first read the statement that we will  
6 consider, and that is the Members of the U.S.  
7 Commission on Civil Rights are dismayed that the  
8 administrations proposed budget for Fiscal Year 2019  
9 again drastically cuts civil rights enforcement across  
10 key federal agencies.

11                   The Commission urges congress instead to  
12 prioritize federal civil rights enforcement resources.

13       Available data reflects growing need for federal  
14 enforcement of civil rights.

15                   Yet the White House not only fails to seek  
16 increases in funding for its Agency civil rights  
17 enforcement work, it instead proposes dramatic cuts in  
18 funding and personnel and to reduce the federal role,  
19 even in serving as the critical backstop against harm  
20 to vulnerable Americans.

21                   For example, the Department of Education  
22 touts limiting the federal role in education as a  
23 highlight of its budget proposal.

24                   Despite reports of an increase of racial  
25 harassment and hate crimes, the administration

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1 proposes to eliminate 27 additional positions in the  
2 Department of Justice's civil rights division, 23  
3 investigative positions in the Department of  
4 Education's Office for Civil Rights and 75 positions  
5 in the Office of Federal Contract Compliance Programs  
6 in the Department of Labor.

7 The Administration's budget request  
8 proposes to slash the budget of the Office for Civil  
9 Rights at the Department of Health and Human Services  
10 by 20 percent. \$8 million below its budget for the  
11 last two years.

12 None of the White House's proposed budget  
13 increases is directed at increasing civil rights  
14 enforcement. Even where Congress rejected the  
15 Administrations proposed cuts to civil rights  
16 enforcement last year and provided for an increase in  
17 such funding, the White House now seeks \$1.1 million  
18 less funding, even than Congress appropriated  
19 specifically for that purpose in the current fiscal  
20 year.

21 Likewise, the Department of Health and  
22 Human Services projects an increase in civil rights  
23 complaint receipts in the coming year.

24 But the Administration proposes not only  
25 significantly decreasing its budget, but also

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1       compounding its workload through creation of its new  
2       Conscious and Religious Freedom Division, within out  
3       addressing how this divisions budget and staffing will  
4       impact the Office for Civil Rights ability to carry  
5       out the other critical portions of its mandate.

6               The White House budget also proposes to  
7       zero out the budget of the Department of Justice's  
8       community relations service and transfer its functions  
9       to the civil rights division. That transfer would  
10      further reduce the functional budget of the civil  
11      rights division.

12             Which then Administration already proposes  
13      to cut by 27 people, by adding to its workload without  
14      funding that work.

15             A further concern, CRS provides critical  
16      services as the budget, its request, itself  
17      acknowledges, to assist communities with preventing  
18      and resolving tensions and violence related to  
19      discrimination. Including violent hate crimes  
20      committed "on the basis of actual or perceived race,  
21      color, national origin, gender, gender identity,  
22      sexual orientation, religion or disability."

23             An essential function of CRS is to act as  
24      a mediating presence in communities experiencing  
25      conflict, combining its functions with the civil

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1 rights divisions which investigates and prosecutes  
2 offenders of civil rights laws, could harm the  
3 effective function of CRS.

4 In addition, the Administration's budget  
5 request proposes to cut nearly \$3 million from the  
6 Department of Housing and Urban Developments fair  
7 housing initiatives, programs education and outreach  
8 initiative.

9 This program is part of HUDs efforts to  
10 provide fair housing enforcement and education across  
11 the country, funds critical efforts to inform the  
12 public on the rights, responsibilities, remedies and  
13 resources available under the Fair Housing Act. The  
14 dollars lost in this program, nearly a third of what  
15 was allocated the last two years, could have a  
16 devastating impact.

17 Recent news reports that the Department is  
18 considering removing the language in its mission  
19 statement that HUD is "to build inclusive and  
20 sustainable communities free from discrimination"  
21 compound the Commission's concern regarding reducing  
22 funding specific to fair housing.

23 Secretary Carson promises that HUD will  
24 continue its legal and rightful role in protecting  
25 Americans from housing discrimination whether or not

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1 the mission statement includes that commitment.  
2 However, removing the formal commitment to  
3 nondiscrimination, while also proposing to reduce  
4 funds, signals a retreat from the equity mission of  
5 the agency harming communities around the country, who  
6 depend on HUD, to ensure they are not subject to  
7 discriminatory and unequal access to housing.

8 These proposed cuts and failure to  
9 prioritize civil rights enforcement reflect a  
10 dangerous departure from the federal role in  
11 protecting core rights to which this nation has  
12 committed and re-committed itself over the past 60  
13 years.

14 Last June, the Commission unanimously  
15 approved a comprehensive two year assessment of  
16 federal rights enforcement, which will conclude in  
17 Fiscal Year 2019.

18 The ongoing review examines the degree to  
19 which current budgets and staffing levels allow civil  
20 rights offices to perform their statutory and  
21 regulatory functions, the management practices in  
22 place in the offices and whether these practices are  
23 sufficient to meet the volume of civil rights issues  
24 within the office's jurisdiction, and the efficacy of  
25 recent civil rights enforcement efforts from the

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1 offices that our assessment is ongoing and our final  
2 report will not issue until the close of Fiscal year  
3 2019.

4 The Administrations second budget proposal  
5 is, as its first one was, deeply alarming. Chair  
6 Catherine E. Lhamon states the Commission urges  
7 Congress to reject this Administration's retreat on  
8 civil rights and instead to appropriate funds at the  
9 level necessary to ensure effective enforcement of  
10 federal civil rights so that we might all live the  
11 promise of the justice and equality for all.

12 Congress, and this Administration, if it  
13 were appropriately focused on fair representation of  
14 all Americans, could balance all American interests to  
15 ensure equity and fairness through the budget. We can  
16 now discuss the statement.

17 To open the floor for discussion, I move  
18 that we approve the statement. Is there a second?

19 VICE CHAIR TIMMONS-GOODSON: I'll second.

20 CHAIRMAN LHAMON: Thank you. Any  
21 discussion on this statement?

22 VICE CHAIR TIMMONS-GOODSON: Yes, Madam  
23 Chair, I would wonder, I mean, I wonder if you would  
24 consider, in the title, I would propose that the U.S.  
25 Commission on civil rights urges Congress to

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1       prioritize civil rights in the Fiscal Year 2019  
2       budget. As opposed to what's currently written.

3                   CHAIRMAN LHAMON: I accept that proposal.

4       Thank you. I think it's an improvement over what I  
5       had.

6                   Any other discussion on this statement?

7       Okay. Oh, Commissioner Heriot.

8                   COMMISSIONER HERIOT: Thank you. I just  
9       want to say that I intend to vote no on this motion.  
10       For example, the Department of Education, it states  
11       that the Department of Education touts limiting the  
12       federal role on education as a highlight of its budget  
13       proposal.

14                   I support that and I think that a lot of  
15       Americans do. I note that these civil rights  
16       divisions budget has in fact been modestly, the  
17       proposal is to modestly increase it, although it does  
18       bring in issues that weren't previously before the  
19       civil rights division.

20                   And so I could go on here but I have a  
21       feeling I'm going to lose this vote too so why don't  
22       we just get on with it.

23                   (Laughter)

24                   CHAIRMAN LHAMON: Okay. Thank you. Any  
25       other discussion?

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1 COMMISSIONER KIRSANOW: Kirsanow.

2 CHAIRMAN LHAMON: Commissioner Kirsanow.

3 COMMISSIONER KIRSANOW: Thanks very much.

4 Just would note that expenditures of funds don't  
5 necessarily equate to efficacy.

6 The amount of funds apparently expended on  
7 "civil rights enforcement under the Obama  
8 Administration went up significantly, admittedly."  
9 But there are a number of studies, including by  
10 Indiana University of Law School that showed that  
11 despite that fact, the number of enforcement actions  
12 taken by the Obama Justice Department, in areas such  
13 as education, housing and employment, were down. And  
14 in some cases, significantly down, from a similar  
15 period under the Bush Administration.

16 So I think money is nice but money isn't  
17 the be all and end all. And I would also note my  
18 perplex, being perplexed that only 75 positions are  
19 being eliminated from the Office of Federal Contract  
20 Compliance Programs.

21 CHAIRMAN LHAMON: Meaning you would have  
22 expected more to be eliminated? Commissioner  
23 Kirsanow, did we lose you?

24 COMMISSIONER KIRSANOW: I'm sorry, I  
25 didn't hear that?

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1                   CHAIRMAN LHAMON: So I was asking, did you  
2 expect that there would be more eliminated or I didn't  
3 understand what you were perplexed about I guess.

4                   COMMISSIONER KIRSANOW: Yes.

5                   CHAIRMAN LHAMON: I see. Thank you. I  
6 will say I share your view, that the budgets far from  
7 tell, the whole story, and that it's important to  
8 examine how the budget, how the dollars are used and  
9 how effectively the dollars are used.

10                  And that there are good questions to be  
11 asked about whether more dollars are spent wisely and  
12 whether less dollars can be spent efficiently. So I  
13 wholeheartedly share that view and think that is worth  
14 examining, and I look forward to our ongoing  
15 examination of that, over the next year.

16                  And I think that it is hard to imagine  
17 doing civil rights work effectively, in these  
18 agencies, with the cuts that are being proposed. And  
19 so I think it's also important to say the concern  
20 about budgets that are more sufficient than this  
21 proposal allows.

22                  If there is no further discussion I'll  
23 call a roll call vote. My understanding, Commissioner  
24 Adegbile, is that you are recused, is that correct?

25                  COMMISSIONER ADEGBILE: Correct.

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1 CHAIRMAN LHAMON: Okay. Commissioner  
2 Heriot, how do you vote?

3 COMMISSIONER HERIOT: I vote no.

4 CHAIRMAN LHAMON: Commissioner Kirsanow?

5 COMMISSIONER KIRSANOW: No.

6 CHAIRMAN LHAMON: Commissioner Yaki?

7 COMMISSIONER YAKI: See, this is a  
8 problem. You have two no's right in front of me so of  
9 course that confuses me. Yes.

10 CHAIRMAN LHAMON: As contrarian as you, I  
11 think it would give you clear direction, Commissioner  
12 Yaki.

13 (Laughter)

14 CHAIRMAN LHAMON: Thank you. Vice Chair  
15 Timmons-Goodson?

16 VICE CHAIR TIMMONS-GOODSON: Yes.

17 CHAIRMAN LHAMON: And I'll vote yes. The  
18 motion passes. Two Commissioners voted no, one  
19 Commissioner is recused and all others were in favor.

20 COMMISSIONER YAKI: And I think  
21 Commissioner Kirsanow was using a mind meld on me on  
22 the other vote.

23 CHAIRMAN LHAMON: Definitely. I'm certain  
24 that's what it was. Commissioner Yaki, I think we  
25 have --

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1 COMMISSIONER YAKI: Yes.

2 CHAIRMAN LHAMON: -- a statement from you  
3 to look at next.

4 COMMISSIONER YAKI: Yes. Actually, I'd  
5 say letter, that should build upon the statement that  
6 we issued earlier.

7 This is regarding immigration enforcement  
8 actions in court houses. It's a letter from the  
9 Commission to Thomas Homan, the deputy director and  
10 senior official performing the duties for the director  
11 of ICE.

12 D. LETTER FROM COMMISSION TO THOMAS HOMAN  
13 REGARDING IMMIGRATION ENFORCEMENT ACTIONS  
14 IN COURT HOUSES

15 COMMISSIONER YAKI: Dear Deputy Director  
16 Homan, the undersigned numbers of the United States  
17 Commission on Civil Rights, writes to express our  
18 continuing concern with U.S. Immigration and Customs  
19 Enforcement policy allowing immigration enforcement  
20 actions inside court houses and its dangerous  
21 consequences that undermine our judicial system.

22 The Commission previously issued a  
23 majority approved statement raising concern that  
24 conducting immigration enforcement actions inside  
25 courthouses instill needless additional fear of

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1 anxiety within immigrant communities, discourages  
2 interacting with the judicial system and endangers the  
3 safety of entire communities. We've attached our  
4 statement for your consideration.

5 ICE's recent guidance on when and how it  
6 will conduct civil immigration enforcement actions in  
7 courthouses, is a step in the right direction but  
8 falls short of ensuring the fair administration of  
9 justice and the safety of communities.

10 Specifically, ICE's policy does not  
11 consider courthouses sensitive locations, such as it  
12 has for schools, hospital or places of worship where  
13 ICE will conduct immigration enforcement actions in  
14 limited circumstances, such as exigent circumstances,  
15 but will generally be avoided.

16 The failure to contract courthouses in  
17 sensitive places is perplexing, but ICEs sensitive  
18 location policy is meant to enhance the public  
19 understanding the trust and to ensure that the people  
20 seeking to participate in activities or to utilize  
21 services provided at any sensitive location are free  
22 to do so, without free or hesitation.

23 The failure to exclude courthouses from  
24 ICE's enforcement action achieves exactly the opposite  
25 effect and prevents victims of violent crime, domestic

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1 abuse and work exploitation from seeking justice. The  
2 policy unnecessarily increases the disruptive presence  
3 of ICE agents in courthouses, instilling fear of  
4 mistrust of our injustice system among immigrant  
5 invulnerable communities when such enforcement actions  
6 could be conducted elsewhere with less harmful impact.

7 Moreover, immigrants such as family  
8 members and friends accompanying the targeted  
9 immigrant community may still be arrested on a  
10 case-by-case basis. Finally, the policy does not  
11 apply only to criminal immigration enforcement actions  
12 and does not further distinguish which immigrants will  
13 be targeted for criminal enforcement actions.

14 As an independent bipartisan federal  
15 agency charged with advising the President and  
16 Congress on civil rights matters and the  
17 administration of justice, the Commission strongly  
18 urges ICE to reconsider its guidance on courthouse  
19 arrest and classify courthouses as sensitive  
20 locations. Thank you for your consideration, we look  
21 forward to your responses, hugs and kisses, the  
22 Commission.

23 (Laughter)

24 CHAIRMAN LHAMON: The hugs and kisses were  
25 of course hyperbole but --

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1 (Laughter)

2 CHAIRMAN LHAMON: So do we have a motion  
3 so we can open the floor for discussion?

4 VICE CHAIR TIMMONS-GOODSON: So moved.

5 CHAIRMAN LHAMON: And do we have a second?  
6 I'll second it. Do we have any discussion on this  
7 letter? Hearing none --

8 COMMISSIONER KIRSANOW: Kirsanow here.

9 CHAIRMAN LHAMON: Oh, Commissioner  
10 Kirsanow.

11 COMMISSIONER KIRSANOW: Yes. Boy, I'm  
12 almost inclined to sign on just based on the fact I'd  
13 like to sign on to something that ends with hugs and  
14 kisses.

15 (Laughter)

16 COMMISSIONER KIRSANOW: But, aside from  
17 that, just three observations. First, I just note  
18 that absent from the letters, any evidence of any  
19 action taken by ICE that falls within our  
20 jurisdiction.

21 There is no evidence, at least deduced in  
22 this letter, or shown to have been deduced in this  
23 letter by the Commission that the ICE's courthouse  
24 enforcement efforts discriminate or deny equal  
25 protection on the basis of race, color, sex or any

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1 other protected class.

2 And also, as we do with other letters,  
3 several of us have made the point that it might be  
4 advisable to defer to the expertise of the relevant  
5 agency. In this case, the experience and expertise of  
6 ICE and what constitutes a "sensitive location for  
7 purposes of effective immigration enforcement."

8 And also, courthouses are not considered  
9 sensitive locations insulating American citizens or  
10 lawful residents from arrest if they're otherwise in  
11 violation of the law when they entered a courthouse.  
12 So we're treating, here in this letter, illegal  
13 immigrants in a more elevated or protective status  
14 than that enjoyed by American citizens when it comes  
15 to insulation from courthouse arrest.

16 CHAIRMAN LHAMON: Thank you, Commissioner  
17 Kirsanow. We do of course have jurisdiction over  
18 administration of justice and the access to  
19 courthouses is core within our jurisdiction. I don't  
20 know if others have other questions about the  
21 responses. Okay.

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

24 COMMISSIONER ADEGBILE: Aye.

25 CHAIRMAN LHAMON: Commissioner Heriot?

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1 COMMISSIONER HERIOT: I vote no.

2 CHAIRMAN LHAMON: Commissioner Kirsanow?

3 COMMISSIONER KIRSANOW: No.

4 CHAIRMAN LHAMON: Commissioner Yaki?

5 COMMISSIONER YAKI: Aye, with hugs.

6 CHAIRMAN LHAMON: Vice Chair

7 Timmons-Goodson?

8 VICE CHAIR TIMMONS-GOODSON: Yes.

9 CHAIRMAN LHAMON: And I vote yes with hugs  
10 as well.

11 (Laughter)

12 CHAIRMAN LHAMON: The vote, the motion  
13 passes. Two Commissioners voted no, no Commissioner  
14 abstained and all those were in favor.

15 COMMISSIONER YAKI: But there is not a  
16 majority in favor of hugs which I'm very disheartened  
17 to see.

18 COMMISSIONER HERIOT: I bet you could get  
19 the majority on hugs and kisses, it's the letter  
20 that's the problem.

21 (Laughter)

22 CHAIRMAN LHAMON: We'll have to add that  
23 to our next agenda, since that's not an agenda item.  
24 But I'm sure we would be unanimously in favor of  
25 expressing love.

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1                   Next, we're turning to management and  
2 operations.

3                   E. MANAGEMENT AND OPERATIONS

4                   CHAIRMAN LHAMON:    We'll hear from the  
5 Staff Director Mauro Morales, for our monthly staff  
6 director's report.

7                   MR. MORALES:    Thank you, Madam Chair.  In  
8 the interest of time I thank you, and of course in the  
9 interest of time I have nothing further to add beyond  
10 what is already contained in the report.

11                   I'm always available to discuss any matter  
12 with a Commissioner and if they see anything in the  
13 report they would like to get more information on.

14                   However, I would like to take a moment to  
15 recognize our, the service of our spring interns.  Two  
16 of which are still seated here in our audience.  One  
17 of them just stepped out.

18                   Shimeng Zhang, she is a law clerk to the  
19 special assistants and currently supervised by  
20 Commissioner Kladney, we should have additional  
21 interns coming in over the summer.

22                   But we also have Krista Painter.  Please  
23 stand up, shake to say hello and waive.  She's at the  
24 University of Texas and she's currently with OCRE.

25                   And we also have Elizabeth Boyle.  She's

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1 an undergrad at the University of Norte Dame. Please  
2 stand up.

3 Thank you, ladies, so much for coming and  
4 for helping in providing the research that you've  
5 done. It's extraordinarily important to what we do  
6 here and we thank you.

7 And we hope you're learning and have, when  
8 you go back to your institutions you'll have some  
9 additional knowledge that will help you in your  
10 career, so thank you very much.

11 CHAIRMAN LHAMON: Thank you.

12 MR. MORALES: We also have two that are  
13 not here. A Laura Gevarter, she's with OCRE. And we  
14 have, I know I'm going to mispronounce this name, but  
15 we have Qiuxu Li. She's with the Office of General  
16 Council.

17 And Ms. Zhang had just joined us. Just  
18 waive at the Commissioners. Again, thank you. We  
19 expect to have an additional number of interns this  
20 summer and we'll recognize them as they come in.

21 But all of you, thank you so much. And  
22 the fact that you're all women during women's history  
23 month is amazing, so thank you for coming and  
24 participating and learning about civil rights and  
25 being, hopefully someday, practice wherever your

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1 careers take you and you'll always recognize the  
2 importance of civil rights. So thank you very much.

3 And with that, Madam Chair, I have nothing  
4 further.

5 CHAIRMAN LHAMON: Thank you, Mr. Staff  
6 Director. I also do want to add my thanks to our  
7 staff for their assistance in setting up today's  
8 presentations and making this meeting, as all  
9 meetings, run as smoothly as possible. Very, very  
10 grateful for it, so thank you.

11 And with that, I adjourn our meeting at  
12 12:29 Eastern Time. Thank you all.

13 III. ADJOURN MEETING

14 (Whereupon, the above-entitled matter went  
15 off the record at 12:29 p.m.)

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