U.S. COMMISSION ON CIVIL RIGHTS

BUSINESS MEETING

FRIDAY, MARCH 16, 2018

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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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.
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.
VICE CHAIR TIMMONS-GOODSON: Madam Chair?

Vice Chair Timmons-Goodson.

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

CHAIRMAN LHAMON: Thank you.

Are there any other amendments?

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

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

CHAIRMAN LHAMON: Thank you.

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

(CHORUS OF AYES)

CHAIRMAN LHAMON: Any opposed?

(NO RESPONSE)

CHAIRMAN LHAMON: Any abstentions?

(NO RESPONSE)

CHAIRMAN LHAMON: Okay, the motion passes unanimously.

II. BUSINESS MEETING

CHAIRMAN LHAMON: Okay, first, we will
hear some presentations from State Advisory Committee members. Our first presentation will be from Rachel Talbot Ross, a member of our Maine Advisory Committee on the Committee's recently released Advisory Memorandum on Racial Discrimination in Criminal Prosecution and Sentencing in Maine.

Ms. Ross, you have the floor.

PRESENTATION FROM MAINE ADVISORY COMMITTEE MEMBER

RACHEL TALBOT ROSS ON THE COMMITTEE’S ADVISORY MEMORANDUM ON RACIAL DISCRIMINATION IN CRIMINAL PROSECUTION AND SENTENCING IN MAINE

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

(NO RESPONSE)

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

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

Chair Mackall?

PRESENTATION FROM MARYLAND ADVISORY COMMITTEE CHAIR, TOM MACKALL, ON THE COMMITTEE’S ADVISORY MEMORANDUM ON FEES AND FINES AND BAIL REFORM IN MARYLAND
MR. MACKALL: Hello? Can you hear me?

CHAIRMAN LHAMON: We can, thank you.

MR. MACKALL: Great.

Well, thank you, thank you for having me.

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

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

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

The Dear Colleague letter that came from the Department of Justice which is referenced in the memorandum, the letter from the Maryland Attorney General regarding money bail which is also referenced in the memorandum and an earlier study by the Brennan Center concerning the use of parole supervisory fees in Maryland and its impact as a barrier for re-entry to society for people subject to those fees.
This particular topic was championed by a member of the Committee, Ms. Pamela Bennet. I would like specifically to thank her for her leadership on this effort.

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

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

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

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

When we dug into this topic, however, I think the primary concern that we encountered and probably the basis for the most significant recommendation going forward is that we do not have in Maryland today any systematic or verifiable collection
of information pertaining to the impact of the system of fines and fees and the money bail practices and the extent to which they result in incarceration, let alone the expense to which they may have a disparate impact on certain groups.

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

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

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

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

And, what is the extent to which those
monetary penalties do result in incarceration?

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

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

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

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

CHAIRMAN LHAMON: Thanks very much, Chair Mackall.

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

Madam Vice Chair?

VICE CHAIR TIMMONS-GOODSON: Yes, thank you so very much for this memorandum. And, I
understand very clearly that your effort to look into
this matter was impeded by the lack of information.

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

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

MR. MACKALL: Thank you for the question.

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

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

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

VICE CHAIR TIMMONS-GOODSON: Thank you.

CHAIR LHAMON: Chair Mackall, this is
Catherine Lhamon. I need to say to you as a fellow Marylander, thank you for your service and also for taking up a topic that's obviously very important to the state and to the country and also important to this Commission as a topic that we issued a report on last September.

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

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

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

MR. MACKALL: We have not defined at this point any specific steps. I think we were -- we do have a meeting scheduled later in the month of April. And, perhaps, that's a topic that we will address as part of that meeting as to whether there may be any appropriate or viable steps that the Committee would
So, I will take your question actually as a suggestion of a way that we might move forward a little further on this topic.

CHAIR LHAMON: Terrific.

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

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

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

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

MR. MACKALL: Yes, well, and thank you for the suggestion. I will tell you that I will be very
frank with you that within the Committee, we had a number of discussions of steps that would -- that we could take next.

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

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

CHAIR LHAMON: Thanks very much.

Are there any other questions from the Commission?

(NO RESPONSE)

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

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

COMMISSIONER KIRSANOW: I am, thank you.

CHAIR LHAMON: Terrific, welcome.

And, I also understand that our Maine Advisory Committee member, Rachel Talbot Ross has...
called in. Ms. Ross, are you on the phone?

Ms. Ross: I am, thank you.

Chair Lhamon: Terrific, thank you.

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

**PRESENTATION FROM MAINE ADVISORY COMMITTEE MEMBER**

Rachel Talbot Ross on the Committee's Advisory Memorandum on Racial Discrimination in Criminal Prosecution and Sentencing in Maine

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

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

I also have to just mention briefly that I, at the time that the investigation and our hearing was held, I was the Chair of the State Advisory Committee. I am no longer the Chair, but am now serving in the Maine state legislature and have been
able to help move forward some of the recommendations from this group and serve on the Criminal Justice Committee for the House -- in the House of Representatives.

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

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

So, the impetus for this work came from the NAACP. And, the NAACP, through the branch in the prison, was working on correctional policy and reform for years and started to see a theme coming out of some of the work, which was, these stories about convictions and what appeared to be disparate sentencing where the only common denominators seemed to be race, the race of the defendants which were all men of color predominantly and then the race of the jury which were all white.
And so, it seeing and hearing the stories
of these disparate sentencing where race was the only
common denominator, it led to a series of meetings
with the judicial branch, the Department of
Corrections and law enforcement in which the ACLU and
the Maine Prisoner Advisory Commission joined us.

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

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

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

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

Those meetings actually kind of -- the
pilot project never went on. And so, the Maine State
Advisory Commission picked up that work and held these
hearings.
As you can see, we had a quite good diverse group of folks who joined us. One thing to note of particular importance is that this hearing included both formerly incarcerated folks, but we had the Board of a currently incarcerated person who joined us for this hearing and truly made it one of the most unique hearings that we've ever had, is to hear from people who were most -- or most impacted by the situation.

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

I'll just jump to the actions --

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

And, I'm going to move us --

MS. ROSS: Okay.

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

VICE CHAIR TIMMONS-GOODSON: This is Vice Chair Timmons-Goodson, again, we thank you for all of your work. But, you indicated that, early on, that
you had been able to make some progress with regard to
the recommendations or on this issue.  

    I'd be interested in hearing more about
that.  

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

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

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

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

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

    It looks like we are going to be able to
re-engage those folks.
The Supreme Court Justice for the -- has indicated a willingness to try to launch that pilot program, so we're really excited about that.

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

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

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

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

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

VICE CHAIR TIMMONS-GOODSON: Thank you.

CHAIRMAN LHAMON: Ms. Ross, the second to the last bills that you mentioned that would address
reintegration and re-entry has particularly piqued my interest because of pending investigation at the Commission about the collateral consequences of incarceration.

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

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

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

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

CHAIRMAN LHAMON: Thank you.

Any other questions from fellow Commissioners?

(NO RESPONSE)

CHAIRMAN LHAMON: Commissioners on the phone?
CHAIRMAN LHAMON: Thanks so much, Ms. Ross. We really appreciate your presentation and your work on the Committee.

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

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

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

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

CHAIRMAN LHAMON: We can, good morning.

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

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

I'm going to summarize then the impetus of
why we went ahead and worked on the issue of civil rights as they pertain to voters in Illinois.

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

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

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

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

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

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

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

We heard from folks in nonprofit service agencies, we heard from people in policy think tanks. We heard from government officials and from folks who are general residents and voters, including those who were formerly incarcerated.

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

Now, this is specific -- this is -- was very important in Illinois, in that 56 percent of the incarcerated individuals in Illinois are African-
American, even though only 15 percent of the general population is.

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

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

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

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

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

There's also a lack of awareness with
regards to distributing absentee ballots in the jails themselves.

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

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

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

CHAIRMAN LHAMON: Mr. Linares, can you --

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

CHAIRMAN LHAMON: Mr. Linares, just to --

I'm sorry for interrupting, but just to pause for a moment.

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

Go ahead, Mr. Linares.

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

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

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

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

And then, for Section 208, this gets into the last section. So, it's a mixture of language access issue where Section 208 mandates that folks
that need assistance at the ballots themselves, can
bring in someone to translate for them, someone who is
not either their employer or a union steward.

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

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

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

There's also issues that we found from
some of our government officials that, when training
election judges, there's not always enough money to do
so and there's not always enough money to pay judges
so that we're getting the highest quality of folks
that are willing to stay a 14-hour day to facilitate
the ballot.

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

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

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

So, to conclude then, again, we thank you
for the time. There are in Illinois a variety of
content issues related to civil rights with regards to
voting, particularly disparate impact amongst African-
Americans and those who are incarcerated.
Also, access to the ballot with regards to language, disability or housing status.

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

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

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

Commissioner Adegbile?

COMMISSIONER ADEGBILE: Yes, hello.

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

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

But, since we've had our panel testimony and since we've had drafts of the report going back
and forth, the Illinois governor did sign automatic voter registration into law on August 28, 2017.

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

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

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

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

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

MR. LINARES: Yes, that's what we found.
And so, some of the counties can't fully staff their precincts or election jurisdiction with the numbers of people to be able to administer this. The larger counties more clearly can.

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

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

CHAIRMAN LHAMON: Thank you.

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

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

I also was struck in the report about one of the issues that the report raises with respect to voting rights of formerly incarcerated individuals,
that even though Illinois automatically restores the voting rights, many individuals in this position are not aware of the restoration, and that's an issue that I heard about when I visited the Alabama State Advisory Committee's briefing also on voting rights. And, interested in whether your Committee considered a recommendation on this issue and how the current state of this information might be improved?

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

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

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

But, again, it goes towards teaching not just the election judges as to what the rules are, but police officers, all government personnel and anyone
related to the voting system outright.

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

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

CHAIRMAN LHAMON: Thank you.

Commissioner Adegbile?

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

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

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

But, I am aware of discussions of either
broadening that effort or further clarifying that.

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

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

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

COMMISSIONER ADEGBILE: Thank you.

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

COMMISSIONER KIRSANOW: Madam Chair, Kirsanow here.

CHAIRMAN LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Thank you.

Thanks very much for your presentation, it
was very informative. You stated at the outset I think I may have misheard or didn't hear the entire presentation, but I think you said that you didn't find any evidence of voter fraud in Illinois?

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

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

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

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

COMMISSIONER KIRSANOW: Oh, well, thank you.

It may, in the future, if you look at this again, be a good idea to look at some media reports from CBS and Chicago Tribune that cite a number of
individuals who've been convicted of voter fraud including Mahmoud Vakili, an Iranian citizen who was convicted and sentenced to prison for voting while he was not eligible to vote, Steveland Kidd who CBS says was sentenced for voting fraudulently pursuant to absentee ballot, Brian McDouglar three years in prison for falsified absentee ballot, Audrey Cook, Augustus Stacker, Pamela Boyd, Monica LaPlant.

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

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

COMMISSIONER KIRSANOW: Thank you.

CHAIRMAN LHAMON: Any other questions?

(NO RESPONSE)

CHAIRMAN LHAMON: What that, Mr. Linares, thank you very much for your presentation and thank you to each of the State Advisory Committee members who took the time to present to us and for the work that you've taken for your State Advisory Committees. It's always a pleasure for us to be able to hear from you and, as is reflected in the reports from today,
it's a pleasure to see the wide variety of issues that
the State Advisory Committees are taking up.

    Thanks very much.

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

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

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

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

    COMMISSIONER ADEGBILE: I so move.

    CHAIRMAN LHAMON: Is there a second?

    VICE CHAIR TIMMONS-GOODSON: Second.

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

    I'll start by offering my thanks to our
staff for their research and hard work in putting
together the materials and working with all the
Commissioners and Commissioner Special Assistants to get to these final documents.

Are there any other points for discussion before we vote?

COMMISSIONER HERIOT: Madam Chairman?

CHAIRMAN LHAMON: Commissioner Heriot?

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

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

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

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

CHAIRMAN LHAMON: Thank you.

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

Any other discussion?

(NO RESPONSE)

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

Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIRMAN LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: I vote no.

CHAIRMAN LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: No.

CHAIRMAN LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIRMAN LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN LHAMON: And, I vote yes.

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

AMENDED BUSINESS ITEMS

DISCUSSION ON THE U.S. COMMISSION ON CIVIL RIGHTS

HIGHLIGHTS THE NEED FOR THE DEPARTMENT OF JUSTICE TO

REOPEN THE OFFICE FOR ACCESS TO JUSTICE

CHAIRMAN LHAMON: We'll now consider our

amended business items beginning with the statement on

the Department of Justice Access to Justice Office.

I'll turn it over to the Vice Chair to

read the statement and, as is our customer, I take it

you omit the footnotes as you read so that we can move

forward expeditiously.

COMMISSIONER HERIOT: Yes, please.

VICE CHAIR TIMMONS-GOODSON: I will omit

the footnotes.

The statement is entitled, The U.S.

Commission on Civil Rights Highlights the Need for the

Department of Justice to Reopen the Office for Access

to Justice.

The U.S. Commission on Civil Rights calls

on Attorney General Jeff Sessions to ensure the

Department of Justice's Office for Access to Justice

is fully operational and able to perform its

functions.

The Office safeguards access to justice on
behalf of people who cannot afford lawyers so that the justice system delivers outcomes that are fair and accessible to all, regardless of income.

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

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

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

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

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

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

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

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

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

Access to justice is core to effective democracy and also a core component Congress has
charged the Commission with safeguarding.

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

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

CHAIR LHAMON: Thank you, Madam Vice Chair.

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

Is there a second?

COMMISSIONER ADEGBILE: Second.

CHAIR LHAMON: Thank you.

Is there any discussion on this statement?

Commissioner Heriot?

COMMISSIONER HERIOT: This statement seems to me to be premature. If we're actually interested in whether the Department of Justice is, in fact, doing what we -- what the statement seems to assume that it's doing, the best way to do that is through a
letter, not by a press release of this sort.

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

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

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

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

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

While we -- what we're hoping to do is to
have some effect on the decision itself and by --

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

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

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

COMMISSIONER HERIOT: But, not a letter.

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

So, I support issuing the statement now.

Any further discussion?

(NO RESPONSE)

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

Commissioner Adegbile, how do you vote?
COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: Of course I vote no.

CHAIR LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: No.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: No.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

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

CHAIR LHAMON: And I vote yes.

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

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

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

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

CHAIR LHAMON: You convinced Commissioner Yaki to come along with you.
COMMISSIONER ADEGBILE: Democracy in action.

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

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

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

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

CHAIR LHAMON: Okay.

COMMISSIONER HERIOT: I have no objection to that.

CHAIR LHAMON: Thank you.

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

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

COMMISSIONER ADEGBILE: Thanks for that experiment in democracy.

(LAUGHTER)
DISCUSSION ON THE ENVIRONMENTAL PROTECTION AGENCY

AND ITS DECISION REGARDING UNIONTOWN, ALABAMA

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

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

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

(LAUGHTER)

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

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

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

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

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

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

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

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

We will continue to monitor the EPA's
enforcement of federal civil rights statutes and find this is yet another distressing step in the wrong direction for the Agency.


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

End of statement.

CHAIRMAN LHAMON: Thank you.

And, whereas, we typically don't read the footnotes, there is only one in this one and it notes that both Commissioner Adegbile and I did not...
participate in this investigation because it occurred prior to our appointment.

Thank you for reading it, Commissioner Yaki.

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

COMMISSIONER YAKI: I so move.

CHAIRMAN LHAMON: Thank you.

Is there a second?

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

CHAIRMAN LHAMON: Thank you.

Any discussion on this statement?

Commissioner Heriot?

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

This is one of those cases where at least one member of the Commission tried to have the General Counsel's Office state that it would an ethical violation for me to go down to Uniontown.
In the end, I was the only Commissioner to go to Uniontown. It was very clear that some of what we were told during the briefing here in Washington, D.C. was incorrect.

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

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

CHAIRMAN LHAMON: Any others?

COMMISSIONER YAKI: Commissioner -- Chair?

CHAIRMAN LHAMON: Commissioner Yaki?

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

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

And, this confirms actually our findings going forward. And, I will say that one of the great things that came out, side benefits of our hearing on voting rights in North Carolina is that we actually met with some of the folks from Alabama who drove up
to talk about what an impact our hearing has had positively for residents in the community.

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

CHAIRMAN LHAMON: Any further discussion?

(NO RESPONSE)

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

Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIRMAN LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: No.

CHAIRMAN LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: No.

CHAIRMAN LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Yes.

CHAIRMAN LHAMON: Vice Chair Timmons-

Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN LHAMON: And, I vote yes.

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

COMMEMORATION OF WOMEN'S HISTORY MONTH PAGE

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

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

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

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

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

It was Republican President Nixon's
Presidential Task Force on Women's Rights and Responsibilities that recommended adding sex discrimination to this Commission's jurisdiction, which President Nixon supported in 1972.

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

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

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

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

Our first speaker, Page Harrington is a
consulting public historian and preservationist specializing in early 20th Century women's history.

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


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

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

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

Our second speaker, Fatima Goss Graves, is
the President and CEO of the National Women's Law Center.

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

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

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

Prior to that, as the Center's Vice President for Education and Employment. She led the Center's Anti-discrimination Initiatives including work to promote equal pay and address harassment and violence at work and in school with a particular focus on outcomes for women and girls of color.
As I can attest, as having been on the receiving end of her impressive advocacy, she is widely recognized for her effectiveness in the complex public policy arena at both the state and federal levels, regularly testifies before Congress and federal agencies and is a frequent speaker at conferences and other public education forums.


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

PAGE HARRINGTON, HISTORIAN AND PRESERVATIONIST

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

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

CHAIRMAN LHAMON: Terrific.

MS. HARRINGTON: The women's suffrage
movement officially began with the Seneca Falls
convention in 1848 and continued through the
ratification of the 19th Amendment in August of 1920
which ultimately granted 26 million the right to vote.

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

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

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

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

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

When Paul, Burns and the others returned
to the United States in 1910, they were determined to bring these militant activities back and use them here.

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

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

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

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

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

The organization brilliantly used cartoons, posters, pamphlets and picket banners in
order to educate the public, influence politicians and
fight back against the long established hostility
toward the suffrage campaign.

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

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

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

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

The NWP members who conducted the
interviews left detailed notes that speak to the
thoughts of Congress at the time. I have two
eamples.

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

And second, a smart aleck of the worst
kind. My interview was a complete waste of time and a
sore trial on my patience.

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

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

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

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

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

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

When the United States entered World War I
in 1917, public sentiment changed. Across the country, thousands of women turned their attention to the war effort and many expected the suffragists to do so.

But, the NWP felt otherwise. During the Civil War, suffragists had put their cause on hold and many felt that it had held them back for decades. The banners they carried to the picket line became more inflammatory, basically labeling President Wilson a hypocrite for fighting a war of democracy abroad while not protecting women at home.

One very powerful banner slogan was, Mr. President, how long must women be denied a voice in government which is conscripting their sons? They even called him Kaiser Wilson, which is, you can imagine, did not go over well and actually resulted in attacks on the suffragists.

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

These were well known social advocates and prominent society women. In some cases, middle-aged or older women who were arrested on charges of obstructing traffic.
Ultimately, over 2,000 women picketed the White House, 500 were arrested and 168 were imprisoned either at Occoquan Workhouse in Lorton, Virginia or in the District of Columbia Jail.

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

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

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

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

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

Under Alice's leadership, the NWP then turned their attention back to Congress. They worked on hundreds of pieces of legislation that secured
marriage rights, the right to have custody of their
own children in case of divorce, the right to
education, the right to own property, the right to
keep their own wages and over 100 more.

Most notably, in 1923, the NWP produced a
new piece of legislation, the Equal Rights Amendment.
Equality of rights under the law shall not be denied
or abridged by the United States or by any state on
account of sex.

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

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

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

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

The repeal of Section 213 of the National
Recovery Act of 1932 which eliminated the barring of federal employees working for the government if their spouses were also so employed.

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

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

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

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

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

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

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

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

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

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

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

For example, the African-American women who marched in the 1913 suffrage parade including Ida
Wells-Barnett and many women from Howard University had to march at the back of the procession.

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

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

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

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

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

Scholars and historians including myself continue to research and publish on this subject.
And, grassroots organizations like Chick History in Tennessee and the National Civil Rights Museum at the Lorraine Motel are actively working to digitize family records of African-American women during the suffrage campaign and make them available for research.

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

Thank you.

CHAIRMAN LHAMON: Thanks very much, Ms. Harrington.

Ms. Goss Graves?

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

MS. GOSS GRAVES: Thank you so much for having me at the Commission. And, it's really an exciting time, I believe, in the women's movement and the movement for gender justice broadly for a few reasons that I will promise I will get to the history part, but I want to just sort of set the table about where we are now.
And, part of the reason that it is exciting is because we, I think, are growing to have a different understanding about the real importance of organizing and doing work at the intersections of gender discrimination but the way it intersects with many other forms of oppression.

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

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

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

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

And so, for the work we do at the National
Women's Law Center, which was founded 45 years ago to be doing this work in the middle of such a vibrant and energetic understanding and such very serious attention to women and girls’ lives is really exciting for all of us.

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

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

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

It was amplified in October and millions became to share their experiences in digital spaces and then in real life and now, it's showing up at institutions.
But, it also has been the space where many first learned about harassment and violence in deep ways and the ways in which it touched so many institutions, the ways in which workers facing working in the lowest paid jobs in restaurants and hotels and on farms actually had a lot in common with those who were in the upper paid jobs and even those who were working in Hollywood.

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

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

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

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

We've had over 20,000 people contribute to
the fund in increments as small as $5.00 which is really their way of saying I want to support this effort.

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

And so, some people are calling us to just tell their story so that someone knows. They now know that something that happened five years ago, there's not a lot of protection for you under our federal laws, but they wanted to still name their experiences. So, for us, it's really just extraordinary to be living in such a vibrant period and doing this work where, in a time where we really feel like it's a moment that stands to push institutions to no longer engage in the historic shaming and blaming and silencing survivors that has occurred historically.

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

And, in many ways, their stories and the stories of the leaders, in particular, have been
really critical points in time and have not really
gotten the prominence.

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

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

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

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

I also recently have been reminded of Carmita Wood. And Carmita was a black woman who was, at the time, refused unemployment insurance on the grounds that the decision to leave her job at Cornell Lab after years of sexual harassment was a personal
decision, it was personal reasons so she did not qualify they said for unemployment insurance.

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

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

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

When she brought that case, her bank's defense was essentially that she was either lying or
promiscuous and dressed really provocatively or all of those things.

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

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

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

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

I also wanted to let you know about someone who's very near and dear to the National
Women's Law Center, and that is LaShonda Davis.

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

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

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

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

Finally, her parents found a suicide note. There was no investigation into the claims. And, in that case, the Supreme Court held that schools, yes, did have an obligation to address sexual harassment and set forth the standard for doing so.

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

It was also, it rejected the idea that was
pervasive at the time that there was nothing that
schools could do in response.

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

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

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

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

And, again, understanding that harassment
is not just a personal private problem that it
sometimes can be a systemic problem that affects many
different employees together.

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

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

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

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

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

Or, Monica Ramirez who really graciously
steered hundreds of thousands of farm workers to
support and align with Hollywood. She really reminds
us of the power of women working on farms when she sent a letter to Hollywood starting Dear Sisters.

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

And, we're here for this shared fight.

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

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

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

So, for the work we do, I don't want to suggest that these are easy times, but as the work continues to push our culture, our laws and our policies through, I think a lot about who our modern day Recy's and Michelle's and Paulette's are.
And, I have no doubt that so many other new voices will rise in this time and working to try to secure a world where women can work where they want, attend schools where they want with equity, with dignity and real safety and lead the lives that they want without these sort of conditions that diminish us all.

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

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

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

Commissioner Heriot?

COMMISSIONER HERIOT: I would like to say a word on behalf of the great State of New Jersey. You mentioned Seneca Falls which, of course, is where we date the beginning of the women's movement.

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

But, in 1790, New Jersey had a statute
that very clearly allowed women to vote, it used he or she. It's kind of a mixed story on New Jersey, but it's a fairly interesting one.

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

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

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

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

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

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

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

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

CHAIRMAN LHAMON: Madam Vice Chair?

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

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

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

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

It's astonishing to most people, and I'll say, I was the Executive Director of the National Woman's Party for about nine years, and in all of the
tours and all of the hundreds of times that I've led people through that house, they say two things to me that just never fails to shock me.

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

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

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

(LAUGHTER)

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

But, you know, I think that, for one thing, it's complicated. And, two, just like the suffrage campaign, there were very many factions...
working on different things. And, there was not a lot of unity to really push it forward.

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

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

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

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

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

CHAIRMAN LHAMON: Sure.

VICE CHAIR TIMMONS-GOODSON: This one is for Ms. Goss Graves.
Thank you, thank you, thank you for the names that you've shared with us and the tremendous work that they did and the debt that we owe all of them.

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

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

(LAUGHTER)

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

(LAUGHTER)

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

They're seeking fairness and many times, people sort of think, it should be fair, so I should
just be able to do this thing.

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

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

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

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

And, when I think about the people who are coming forward today where there is more legal certainty on a number of fronts and have long been the
case for decades, yet they have these experiences that
don't get addressed by their employers.

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

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

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

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

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

So, that might be one factor.

VICE CHAIR TIMMONS-GOODSON: Thank you.

CHAIRMAN LHAMON: I'm really struck

listening to both of you about the efforts that you

both have made and that the organizations you work in

have both made to give voice to, give visibility to

the wide variety of people who have populated this

effort and this struggle.

And, I appreciate, and Ms. Harrington, in

your historical perspective, the conscious effort to

explain that this is not only a white women's

movement, that this is a movement that all women have

participated in. And, that that movement has included

much attention about that topic as well.

And, Ms. Goss Graves has, in your

discussion now, about making sure that today, this is

a movement that reflects all of who women are and is

inclusive in the civil rights effort.

I think that resonates for me and also I

so appreciate Ms. Harrington, your effort to ensure

that, at the 100th anniversary, we will be able to see

and hear and have context for all of whom -- all of

whose shoulders we stand on now and what brought us

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

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

MS. GOSS GRAVES: Right.

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

MS. HARRINGTON: Right, definitely.

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAIRMAN LHAMON: I wonder if the two of you could reflect also on, in particular, Ms. Harrington, you described about the violent opposition
to some of the equality efforts.

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

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

MS. HARRINGTON: Right, no.

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

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

MS. GOSS GRAVES: And, it's interesting, and I'm just sort of thinking about this right now,
you know, one of the reasons we may not know their names is because, for some them, they sort or retreated a bit after their experience.

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

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

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

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

As far as the violence was concerned, particularly in during World War I. So, the women were very much expected to give up that campaign and to retreat and to go back and work for the war effort.
And, many, many, many of them did.

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

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

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

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

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

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

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

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

CHAIRMAN LHAMON: Thank you.

Commissioner Adegbile?

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

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

And, I have two questions in mind. The first is, that obviously laws and enforcement and
education and practices all come together in a range of civil rights contexts to protect equality.

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

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

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

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

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

So, the Vincent case where the Supreme Court said, yes, Title VII covers sexual harassment was 1986. But the EEOC didn't actually start to receive significant levels of harassment charges until after the national conversation following Anita Hill's
testimony in 1991.

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

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

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

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

And, you know, there were all sorts of barriers that were built in. Like, there was, you know, a waiting period before you actually filed a formal complaint or you had to get counseling and be really, really sure you wanted to do it and mandatory arbitration.
You know, all sorts of things that don't happen in the private sector or you wouldn't say, yes, you need to really think hard about filing that complaint. You need a cooling off period. No one would build that in today in the private sector.

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

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

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

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

Well, a lot of those things, if you just think about, just those few things that I've just
named, within the last 15 to 20 years, a lot of those things have already sort of been culturally decided.

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

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

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

COMMISSIONER ADEGBILE: Great, thank you.

And, my last question is, I have two teenaged daughters and I'm thinking about pieces of this wonderful presentation that I can bring back to
them and, indeed, that we can be sharing more broadly with people across the country.

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

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

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

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

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

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

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

   (LAUGHTER)

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

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

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

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

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

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

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

CHAIRMAN LHAMON: Thank you both.

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

Commissioner Heriot, you have --

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

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

COMMISSIONER YAKI: Yes, hi. I want to thank the speakers very much for their presentation today.
I really don't have any questions other than to just note that everything that happens is related to everything else.

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

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

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

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

Commissioner Heriot?

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

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

But, there were also things that were
going on just before that and that included the Seneca Falls conference. And, it connects up to our Commission.

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

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

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

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

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

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

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

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

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

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

COMMISSIONER HERIOT: Oh no, she could, she could, she could, she could, she could.
MS. HARRINGTON: But, if she was married -

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

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

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

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

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

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

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

CHAIRMAN LHAMON: Lovely.

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

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

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

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

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

C. STATEMENT ABOUT THE WHITE HOUSE'S BUDGET
REQUEST FOR FISCAL YEAR '19

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

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

The Commission urges congress instead to prioritize federal civil rights enforcement resources. Available data reflects growing need for federal enforcement of civil rights.

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

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

Despite reports of an increase of racial harassment and hate crimes, the administration
proposes to eliminate 27 additional positions in the Department of Justice's civil rights division, 23 investigative positions in the Department of Education's Office for Civil Rights and 75 positions in the Office of Federal Contract Compliance Programs in the Department of Labor.

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

None of the White House’s proposed budget increases is directed at increasing civil rights enforcement. Even where Congress rejected the Administration's proposed cuts to civil rights enforcement last year and provided for an increase in such funding, the White House now seeks $1.1 million less funding, even than Congress appropriated specifically for that purpose in the current fiscal year.

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

But the Administration proposes not only significantly decreasing its budget, but also
compounding its workload through creation of its new Conscious and Religious Freedom Division, within out addressing how this divisions budget and staffing will impact the Office for Civil Rights ability to carry out the other critical portions of its mandate.

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

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

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

An essential function of CRS is to act as a mediating presence in communities experiencing conflict, combining its functions with the civil
rights divisions which investigates and prosecutes offenders of civil rights laws, could harm the effective function of CRS.

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

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

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

Secretary Carson promises that HUD will continue its legal and rightful role in protecting Americans from housing discrimination whether or not
the mission statement includes that commitment. However, removing the formal commitment to
nondiscrimination, while also proposing to reduce funds, signals a retreat from the equity mission of
the agency harming communities around the country, who depend on HUD, to ensure they are not subject to
discriminatory and unequal access to housing.

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

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

The ongoing review examines the degree to
which current budgets and staffing levels allow civil
rights offices to perform their statutory and regulatory functions, the management practices in
place in the offices and whether these practices are sufficient to meet the volume of civil rights issues
within the office’s jurisdiction, and the efficacy of recent civil rights enforcement efforts from the
offices that our assessment is ongoing and our final report will not issue until the close of Fiscal year 2019.

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

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

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

VICE CHAIR TIMMONS-GOODSON: I'll second.

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

VICE CHAIR TIMMONS-GOODSON: Yes, Madam Chair, I would wonder, I mean, I wonder if you would consider, in the title, I would propose that the U.S. Commission on civil rights urges Congress to
prioritize civil rights in the Fiscal Year 2019 budget. As opposed to what's currently written.

CHAIRMAN LHAMON: I accept that proposal. Thank you. I think it's an improvement over what I had.

Any other discussion on this statement?

Okay. Oh, Commissioner Heriot.

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

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

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

(Laughter)

CHAIRMAN LHAMON: Okay. Thank you. Any other discussion?
COMMISSIONER KIRSANOW: Kirsanow.

CHAIRMAN LHAMON: Commissioner Kirsanow.

COMMISSIONER KIRSANOW: Thanks very much.

Just would note that expenditures of funds don’t necessarily equate to efficacy.

The amount of funds apparently expended on "civil rights enforcement under the Obama Administration went up significantly, admittedly."

But there are a number of studies, including by Indiana University of Law School that showed that despite that fact, the number of enforcement actions taken by the Obama Justice Department, in areas such as education, housing and employment, were down. And in some cases, significantly down, from a similar period under the Bush Administration.

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

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

COMMISSIONER KIRSANOW: I'm sorry, I didn't hear that?
CHAIRMAN LHAMON: So I was asking, did you expect that there would be more eliminated or I didn't understand what you were perplexed about I guess.

COMMISSIONER KIRSANOW: Yes.

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

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

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

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

COMMISSIONER ADEGBILE: Correct.
CHAIRMAN LHAMON: Okay. Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: I vote no.

CHAIRMAN LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: No.

CHAIRMAN LHAMON: Commissioner Yaki?

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

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

(Laughter)

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

VICE CHAIR TIMMONS-GOODSON: Yes.

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

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

CHAIRMAN LHAMON: Definitely. I'm certain that's what it was. Commissioner Yaki, I think we have --
COMMISSIONER YAKI: Yes.

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

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

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

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

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

The Commission previously issued a majority approved statement raising concern that conducting immigration enforcement actions inside courthouses instill needless additional fear of
anxiety within immigrant communities, discourages interacting with the judicial system and endangers the safety of entire communities. We've attached our statement for your consideration.

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

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

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

The failure to exclude courthouses from ICE's enforcement action achieves exactly the opposite effect and prevents victims of violent crime, domestic
abuse and work exploitation from seeking justice. The
policy unnecessarily increases the disruptive presence
of ICE agents in courthouses, instilling fear of
mistrust of our injustice system among immigrant
invulnerable communities when such enforcement actions
could be conducted elsewhere with less harmful impact.

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

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

(Laughter)

CHAIRMAN LHAMON: The hugs and kisses were

of course hyperbole but --
(Laughter)

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

VICE CHAIR TIMMONS-GOODSON: So moved.

CHAIRMAN LHAMON: And do we have a second?

I'll second it. Do we have any discussion on this letter? Hearing none --

COMMISSIONER KIRSANOW: Kirsanow here.

CHAIRMAN LHAMON: Oh, Commissioner Kirsanow.

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

(Laughter)

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

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

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

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

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

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

COMMISSIONER ADEGBILE: Aye.

CHAIRMAN LHAMON: Commissioner Heriot?
COMMISSIONER HERIOT: I vote no.

CHAIRMAN LHAMON: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: No.

CHAIRMAN LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye, with hugs.

CHAIRMAN LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

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

(Laughter)

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

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

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

(Laughter)

CHAIRMAN LHAMON: We'll have to add that to our next agenda, since that's not an agenda item. But I'm sure we would be unanimously in favor of expressing love.
Next, we're turning to management and operations.

E. MANAGEMENT AND OPERATIONS

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

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

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

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

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

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

And we also have Elizabeth Boyle. She's
an undergrad at the University of Norte Dame. Please stand up.

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

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

CHAIRMAN LHAMON: Thank you.

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

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

But all of you, thank you so much. And the fact that you're all women during women's history month is amazing, so thank you for coming and participating and learning about civil rights and being, hopefully someday, practice wherever your
careers take you and you'll always recognize the
importance of civil rights. So thank you very much.

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

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

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

III. ADJOURN MEETING

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