U.S. COMMISSION ON CIVIL RIGHTS

+ + + + +

BUSINESS MEETING

+ + + + +

FRIDAY, JUNE 7, 2019

+ + + + +

The Commission convened in Suite 1150 at 1331 Pennsylvania Avenue, Northwest, Washington, D.C. at 11:30 a.m., Catherine Lhamon, Chair, presiding.

PRESENT:

CATHERINE E. LHAMON, Chair

PATRICIA TIMMONS-GOODSON, Vice Chair

DEBO P. ADEGBILE, Commissioner

GAIL HERIOT, Commissioner*

PETER KIRSANOW, Commissioner*

DAVID KLADNEY, Commissioner

KAREN K. NARASAKI, Commissioner

MICHAEL YAKI, Commissioner*

MAURO MORALES, Staff Director*

MAUREEN RUDOLPH, General Counsel

** Present via telephone*

STAFF PRESENT:

ROBERT AMARTEY

NICHOLAS BAIR

LASHONDA BRENSON

KATHERINE CULLITON-GONZALES

PAMELA DUNSTON, Chief, ASCD

ALFREDA GREENE

TINALOUISE MARTIN, OM

PILAR MCLAUGHLIN

WARREN ORR

LENORE OSTROWSKY

JUANA SMITH

BRIAN WALCH

MARIK XAVIER-BRIER, Ph.D.

MICHELLE YORKMAN-RAMEY

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART

JASON LAGRIA

AMY ROYCE

RUKKU SINGLA

ALISON SOMIN

INTERNS:

ZAKEE MARTIN

MAYOWA OLUBAKINDA

SARA ASRAT

ERIN DROLAT

BEN FALSTEIN

LAURA KELLY

CHRISTINE KUMAR

LILLIAN OFILI

KYLE PHAM

KORI PRUETT

ARIANA ROSENTHAL

MARK SAUNDERS

BROOKE SCHWARTZ

JULIETTE SINGARELLA

PATRICK WILLIAMSON

A G E N D A

P R O C E E D I N G S

(11:32 a.m.)

CHAIRMAN LHAMON: Okay so this meeting of the U.S. Commission on Civil Rights comes to order at 11:32 a.m. on June 7, 2019. The meeting takes place at the Commission's headquarters located at 1331 Pennsylvania Avenue NW, Washington, D.C. I'm Chair Catherine Lhamon, the commissioners who are present in addition to me are Vice-Chair Timmons-Goodson, Commissioner Adegbile, Commissioner Kladney, and Commissioner Narasaki. On the phone, if you could confirm you are on the line after I say your name, I believe we have Commissioner Heriot?

COMMISSIONER HERIOT: Yes.

CHAIR LHAMON: Thank you, and Commissioner Yaki?

COMMISSIONER YAKI: Yes, but there's a really annoying hum coming from--on our line.

CHAIR LHAMON: Thanks for letting me know; we'll see what we can do to correct that. And that means that we have a quorum of the commissioners present; court reporter, can you confirm that you are present?

MR. CRAWLEY: Yes ma'am.

CHAIR LHAMON: Thank you. Mr. Staff Director, can you confirm that you are on the phone?

STAFF DIRECTOR MORALES: I am on the phone.

I. APPROVAL OF AGENDA

CHAIR LHAMON: Thank you. The meeting will now come to order. So a motion to approve the agenda for this business meeting?

COMMISSIONER KLADNEY: So moved.

CHAIR LHAMON: Thank you; is there a second?

COMMISSIONER ADEGBILE: Second.

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

COMMISSIONER NARASAKI: Yes, Madam Chair.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: I move for the Commission to consider a statement regarding the Equality Act circulated by my special assistant, Jason Lagria this past Wednesday morning.

CHAIR LHAMON: Perfect, thank you. Is there a second?

COMMISSIONER ADEGBILE: Second.

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

COMMISSIONER ADEGBILE: Madam Chair, I would like to propose another amendment.

CHAIR LHAMON: Go ahead, Commissioner Adegbile.

COMMISSIONER ADEGBILE: With the indulgence of Commissioner Kladney, I would like to propose that I amend the agenda to add a discussion and vote on the sexual harassment in the federal workplace public comment time line.

CHAIR LHAMON: Is there a second?

COMMISSIONER KLADNEY: I'll second.

CHAIR LHAMON: Okay, thank you. Are there any further amendments? If there are no further amendments, let's vote to approve the agenda as amended. All those in favor say aye.

(CHORUS OF AYES)

CHAIR LHAMON: Any opposed? Any abstention? The motion passes unanimously. Before moving to our first item of business, I'd like to take a moment to recognize our interns who are assisting the Commission this year. We're very grateful for their time and their dedication throughout the year, and especially

now in the summer. So this year, we have Sara Asrat, Erin Drolet, Ben Falstein, Lauren Kelly, Christine Kumar, Danielle London, Zakee Martin, Lillian Ofili, Mayowa Olubakinde, Kyle Pham, Kori Pruett, Ariana Rosenthal, Mark Saunders, Brooke Schwartz, Juliette Singarella, and Patrick Williamson. Thanks to all of you.

II. BUSINESS MEETING

A. CONNECTICUT ADVISORY COMMITTEE MEMORANDUM ON PROSECUTORIAL PRACTICES

CHAIR LHAMON: So now we'll actually turn to our agenda, and our first item on the agenda is hearing from the chair of our very prolific Connecticut Advisory Committee, David McGuire, on the committee's most recent advisory memorandum on prosecutorial practices.

Chair McGuire?

MR. MCGUIRE: Thank you so much for having me. I'd like to start by thanking the Commission staff that really helped make this happen in a very short amount of time, Barbara and Evelyn. We held our briefing on April 2 at the Legislative Office Building here in Connecticut, and we were convening to examine racial disparities in our criminal justice system

here, which are amongst the worst in the country. Connecticut is very fortunate to have very detailed data about our prison system, but we really don't have much about the front end of the system. We believe it's in somewhat of a black box, so we had a total of nine panelists on two panels, and also heard from the public on the second.

The first panel was Connecticut specific experts and folks that deal with the system. We had two prosecutors, we had a public defender, and then we had the undersecretary of criminal justice for the Office of Policy and Management, and we had a really robust hour and 20 minute or so discussion, and pulled out some of the peculiarities with our system here in Connecticut. We're unique in that we are one of three states that appoint prosecutors; we do not elect them, and typically once they're appointed, they get re-appointed without fail every time they're up for reappointment every eight years. We're also unique in that our agency, the criminal justice division is not considered a public agency under the Freedom of Information Act, so it's literally impossible for watchdog

groups, policy makers, or the public to get access to data about our system.

And then lastly, we uncovered that our prosecutors do not have a digital case management system, so they are literally using buckets filled with manila envelopes and files and carting those to and from court. So there's not a really easy way for administrators or the state's attorneys to really have a handle on the larger trends about their docket. So we had that first panel, and then we segued into a second panel of national experts, and we had prosecutors from the Brooklyn DA's office, from the Philadelphia DA's office, and we had a professor from UPenn Law School who focuses and runs a clinic on criminal justice reform, and then we had a representative from Fair and Just Prosecution with us.

And they gave us some really great feedback, they were fortunately able to hear the first panel, and gave us some reflection, talked about the work that they did either at their agencies or in their work working on criminal justice reform. And those were really helpful in allowing the SAC to come up with some pretty quick recommendations regarding a pending piece of

legislation that was, you know, already had had a public hearing, but was definitely something that could be improved on. So we really quickly turned it around; by the third week in April, we had our advisory memo approved, and we actually released it on May 1, so just under a month, we got that out there, and it was received very, very positively by the legislature here in Connecticut.

Both Democrats and Republicans really embraced it, we had some great conversations, and a couple of members actually went and met with some representatives. We also met with the chief state's attorney here, who was very, very happy to have us get involved.

Ultimately, we pushed for the legislature to pass a law to mandate the data collection and to make that data public. We also were trying to reform the process around how prosecutors are appointed and whether the public has access or input into that. And I'm proud to say that in the last week of the session, so that was late last week and Wednesday of this week, the legislature did pass a really comprehensive and sweeping prosecutorial transparency bill. The Associated Press ran a national story calling it

the first of its kind in the country, because there are several counties and cities that are now aggregating data on race and really taking a look at them; there's no state that is doing that yet. So the SAC was very, very influential in bringing the prosecutors along, and also getting a couple of different points in the legislation that were not in it when we were having our briefing.

So now the Division of Criminal Justice, in collaboration with the judicial branch and the Department of Correction will annually report on a multitude of things, but what's most important for the civil rights aspect is demographics on those accused or convicted of crimes. It's got a slew of information on charging, diversionary programs, conditions of probation, restitution requirements, so when this data comes in, we at the SAC will be able to take a look at it and potentially find some of the front end sources of the really huge racial disparities in our system.

It also tasks the Office of Policy and Management, which is a very well respected branch of our government here, with analyzing that data annually and making a presentation to the

Judiciary Committee, which is a public presentation. That will start not later than July of 2020, so it's going to be a pretty quick turnaround; within a year we'll have that analysis in a report, and then really significantly, there was an amendment at the very end of the session which was spurred by our recommendations I believe that now requires those criminal justice commission meetings to be at the legislative office building with a public comment period, and it must be noticed in advance.

Those are all really big changes. Right now, there's really no meaningful notice to the public of those meetings where prosecutors are re-interviewed and either appointed or reappointed. There's no public comment period currently and when the law signed in, when it's signed into law, that will be a requirement, and they're held right now at the prosecutor's office and it's really not a friendly environment for the public to engage. So now it will be in the legislative office building, which is centrally located, and we imagine that most of these will be carried on CTN, which is Connecticut's version of C-SPAN.

So all in all, I have to say that the SAC, together with commission staff, we got I think a really impressive memo together in short order, and it made a big impact this session. So that's the summary; if anyone has any questions, I'm happy to field them.

CHAIR LHAMON: Thank you, Chair McGuire. I'll open it for questions. Commissioner Kladney?

COMMISSIONER KLADNEY: Thank you, Madam Chair. Mr. McGuire, I find your report very interesting, and I want to thank you and your committee for the fine work, especially in, like you said, how fast you were able to do it. In the first recommendation, you talk about the data you want to collect, and when I read it I was wondering is that total data you're collecting on defendants and everything like that, or are you also proposing to collect data per case when it comes to pleas and plea bargains and sentences, things like that?

MR. MCGUIRE: The idea is that it will be individual case data. There is a provision in the bill which I do believe will be signed in the next week or so that it will protect the anonymity

of defendants, particularly of vulnerable classes. So juveniles, or if the case is such that it will be very easily linked to someone, there can be either a redaction or withheld from the individual reporting. But really what we're looking at is trying to get data from specific courthouses.

What we have identified as the SAC is that there is not one standard of justice here in Connecticut; we have 13 state's attorneys who essentially run that district, and they have very different practices and I believe--this is anecdotal at this point--but I believe that some of those state's attorneys are much more aggressive, and I think we will find some potential bias in some of the districts. So really what we're looking for is being able to boil it down to geographical regions as well as, you know, classes. So folks that were held pretrial, for example, and look at that. And the data that's going to be collected and shared out now will allow us to do that kind of fine sorting through it.

COMMISSIONER KLADNEY: Did you by any chance look at the software and the ability of it to simply sort this type of data?

MR. MCGUIRE: So we were able to ask the two prosecutors in the first panel about that digital case management system. They've gotten funding for that several years ago and have been in a slow process of developing that. The good news is that we brought some attention to it, there were quite a few people at our briefing, and it was also televised, so I think this is going to likely spur the development of that. The public defenders for example in Connecticut, who are representative of that division was also on the panel, developed a digital case management system three years ago, and they shared some, you know, bumps in the road, but how ultimately how that has made management of their docket and analysis a lot easier. So I do think that we will remain engaged to make sure that this bill is complied with, and then part of it is there's going to need to be that implementation of that digital case management system.

COMMISSIONER KLADNEY: And one final question, thank you Madam Chair. Has your committee ever thought about seeing if this type of data would be applicable to your trial courts and how your judges rule and sentence is provided

to defendants from those judges?

MR. MCGUIRE: I think that is definitely the next step. I think once we-- particularly on the pretrial and sentencing components, get some data, I think the next step if we do see some outliers would be to look to judicial statistics, because ultimately in all these cases, there is judicial action. The prosecutors are, I believe, the most powerful actor in the courtroom, but they're not the only decision maker; clearly, the judges have a very significant role. We are very much interested in that, our judicial branch has been moving forward and they're now requiring bias-free training for all judges at their annual training, but I do think that sort of collection would be useful and potentially a next step.

COMMISSIONER KLADNEY: Thank you so much, and thank you for your good work.

MR. MCGUIRE: Thank you for the support.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Hi, I want to add my congratulations on the impact that your work has already had. I just have a couple of

questions, particularly since this is Gay Pride month. I'm wondering in one of the initial recommendations, you talk about the categories of data that you're looking for, and I didn't see an inclusion of LGBTQ status, and I'm just wondering whether--

MR. MCGUIRE: Commissioner, Commissioner, you're cutting in and out.

COMMISSIONER YAKI: Commissioner Narasaki, this is Commissioner Yaki. We are only catching, if he is on the same line as I am, we're only getting about every third word you are saying; whenever you pause it will just simply drop out, and we couldn't hear you.

CHAIR LHAMON: We're going to try to work on that but Commissioner Narasaki, you want to try again?

COMMISSIONER NARASAKI: Okay, I'm like as close to the mic as I can be; can you hear me now?

COMMISSIONER YAKI: It's a lot better.

COMMISSIONER NARASAKI: Okay, great.

COMMISSIONER YAKI: Sorry about that.

COMMISSIONER NARASAKI: No worries. So my question is that in one of your

recommendations, you talk about the different kinds of categories of data that you're recommending collection of, and I didn't see LGBTQ status, and I'm wondering if there was discussion about that.

MR. MCGUIRE: So there was not explicit discussion about that, and the bill that passed names several categories, but it's not an exclusive list so it's something that--it mandates that they have data on race, sex, age and ethnicity. I do believe the head at OPM, the Office of Policy and Management if going to be the key for implementation, and he served on that first panel and has definitely been a big proponent of the legislation and is open to suggestions, so that is something we can absolutely explore. One tricky thing would be where they would pull that data from and whether it would be available inter-systems, since they're going to pull from several different systems, but I do think that's a good suggestion that I can certainly follow up on with the person that will be implementing this law.

COMMISSIONER NARASAKI: Great, thank you.

CHAIR LHAMON: Commissioner Adegbile?

COMMISSIONER ADEGBILE: Yes, I wanted to add my thanks to the Connecticut State Advisory Committee; this is the second time in recent years that you've been before us talking about your work, and the reports and the quality of the work has been excellent, and obviously having an impact in Connecticut and perhaps beyond that. So I begin with thanks and congratulations. But I do have a specific question for one dimension of the training, and perhaps a resource that may go beyond training for prosecutors, and I noted in your memo you said that one of the pieces of training being contemplated is training on the impact of prosecutor's decisions.

And there are certain dimensions of prosecutions that raise a group of ethical issues and considerations that could be hard for individual line prosecutors to work through without adequate supervisory support and a clear path to go to consult and talk about those issues. And so sometimes prosecutor's offices try to handle them internally by having an identifying person that is prepared to work through these things with prosecutors that have a number of

cases, but there are also some models being explored out there consistent with the attorney/client privilege to have an advisory body that folks can reach out to try and stop some problems that could be baked into cases. And so I'm wondering if this ethical dimension of prosecutions was any part of the conversation.

MR. MCGUIRE: Not specifically, and those are great suggestions, some of which I hadn't really thought about. Unfortunately, the budget that passed and will be signed by the governor does give some increase to the Division of Criminal Justice, but there's none specifically for the training line item. Unbelievably, they're allocated I believe it's $20,000 a year for training the entire division's attorneys and staff, which is just kind of ridiculous. What we are trying to do is urge them to not only keep pushing for a larger appropriation, but to also look to out-of-state non-profits who have been doing a lot of work with prosecutor's offices across the country and providing training. It sounds very much like what you're talking about is something that may be offered through one of these entities that has grant funding. The fact that

this law is now in place I do believe is going to make Connecticut a real focus of academia and non-profits that are seeking to improve and streamline prosecution, to increase public safety, and also curb implicit bias, as we will be the only state in the country with a state-wide data set. And so I appreciate the recommendation, and will certainly pass on both to the SAC, but also to agency heads, particularly the chief state's attorney, some of those concepts and obviously we wouldn't be a formal actor in them applying or getting connected with some of these out-of-state funders that are looking to do this work, but I can certainly make the suggestion and flag the issues that you just raised.

COMMISSIONER ADEGBILE: That's great, and one additional source of information that could be fed into this if it gets stood up at some future point is just an examination of some appeals and reversals to see if there--is there any common set of problems or difficulties--

COMMISSIONER YAKI: We're losing you, Commissioner, I'm sorry.

MR. MCGUIRE: Yes, I'm sorry, we can't--yes, sorry about that.

COMMISSIONER ADEGBILE: Can you hear me now?

MR. MCGUIRE: Yes, we can hear you now.

COMMISSIONER ADEGBILE: Okay. I was just suggesting that to the extent that that capacity gets built out at some future point, it seem obvious but there's some lessons that could be learned from reversals and test cases, and it can be fed into the training to the extent there are prosecutions that are turned away because of mistakes that got built into the prosecution, holding those up as lessons for prosecutors so that they can learn them on the front end. I'm very mindful of the crush of work that many prosecutors face, and making the space to reflect on these issues and to have support about how to do it right is a really pragmatic but important concern.

CHAIR LHAMON: I'm going to pause here and note that the technical difficulties I think we're having are going to require us to have everyone on the line hang up and then all of us dial back in. Let's try to get through Chairman McGuire's presentation; I know the Vice Chair has

a question as well. And then we'll take a five-minute pause in the business meeting so that all on the line can hang up--

COMMISSIONER YAKI: And I have a question as well.

CHAIR LHAMON: Okay, so we'll do Commissioner Yaki and the Vice Chair, and then we'll hang up. But I think this is untenable for us to continue, so Chair McGuire, I apologize that during your presentation, we're had this difficulty.

MR. MCGUIRE: As long as folks can hear me, yes that's fine.

CHAIR LHAMON: Great, thank you. So Madam Vice Chair?

VICE CHAIR TIMMONS-GOODSON: Yes, thank you very much Chair McGuire. You indicated in your materials that the prison population of the state of Connecticut is not consistent with the demographics of the state, and that in part led--

COMMISSIONER YAKI: We just lost you, Commissioner.

CHAIR LHAMON: Commissioner Yaki, we're going to do the best we can, but if you were

here in the room, you would see that people are really right at the mic, so there's nothing more that we can do now, and we'll hang up after this presentation--

COMMISSIONER YAKI: No, I just--Chair, look, I'm just reporting to you, I'm on the line with Chair McGuire and I'm just reporting to you when we can't hear. It's not--it's just to let you know that we can't hear; it's not to criticize.

CHAIR LHAMON: Very much appreciated, Commissioner Yaki, and I'm letting you what we're going to do. Go ahead, Madam Vice Chair.

VICE CHAIR TIMMONS-GOODSON: Yes, I was simply indicating that it's stated in the materials, Chair McGuire, that the prison population of Connecticut does not or is not consistent with the demographics of the state of Connecticut, and that in part led you to look at this question of prosecutorial appointment, the process, and the various practices. And one of your stated purposes was to determine whether those issues contributed to the racial disparities found in the prison system. Did you arrive at a conclusion or did you answer that question?

MR. MCGUIRE: Great question. So no, we did not arrive at a definitive answer; I think we got some suggestions that some of the practices, particularly around the lack of data and the fact that the prosecutors and the state's attorneys don't actually have access to this themselves, may be leading to some of those disparities. The appointment process itself does not necessarily lead to the disparities, but we did feel that it was important to open those processes up and allow the public to both see what the Criminal Justice Commission was doing, which prosecutors were being appointed, and allow the public to ask questions about, for example, disparities at their local level or if they have a grievance about a particular prosecutor in Connecticut.

Our judges are also appointed, but their reappointments have been at a traditional public hearing at the legislature in front of the Judiciary Committee where the public can weigh in. The public also is able to express concerns through a judicial review committee; there's no such framework for prosecutors, and what seemed to be clear is that from the prosecutors themselves

that there are real inconsistencies in some cases between practices in each jurisdiction, and we're a really small state. I mean, there's some variation in obviously rural versus suburban versus urban, but that seemed to be something that we think may be contributing to some of the disparities. But no, we did not arrive at an exact answer as to what on the front end is causing these disparities.

VICE CHAIR TIMMONS-GOODSON: Thank you very much.

CHAIR LHAMON: Commissioner Yaki, you want to go ahead? Commissioner Yaki?

COMMISSIONER YAKI: I'd like to state a question.

CHAIR LHAMON: Oh, you had the same question as the Vice Chair?

COMMISSIONER YAKI: No, I couldn't-- well first of all, we had nothing but dead silence there for about 10 seconds. I just said I wanted to be able to state a question.

CHAIR LHAMON: Please go ahead. Commissioner Yaki, please go ahead. Commissioner Yaki, I'm inviting you to go ahead, I'm not sure if you can hear me.

COMMISSIONER YAKI: I just heard that. Well, Mr. Chair I just wanted to--actually, it was not really a question; I think my colleagues covered a lot of the issues, but what I wanted to bring up is that I've been on this Commission for a long time, and during a large part of that time, the SACs were seen but not heard. And I just wanted to commend you and want you to take back to your members the appreciation of certainly me, and I think I speak on behalf of my commissioners, of your activity, your devotion to this duty, the thoroughness with which you have approached this, the comprehensive nature that you have used in your approaches, and the fact that you have a varied interest in different items. And most importantly, what's impressive for us is--and for me I should say, is the activity that goes outside of the SAC and into direct advocacy advice and becoming a part of the process itself, the mechanics, the machinery for making changes at the state level on and behalf of civil rights. So I just wanted to say to you how much I appreciate that. Thank you for your leadership and please keep up the good work.

MR. MCGUIRE: Thank you very much for

that. I have to say that Barbara Delaviez, who is our point person with the main office, has been really helpful and supportive of my push to get us out there more, and I do believe we're at a place now where the SAC is really looked to on certain issues here in Connecticut, and I believe that it's going to benefit the state, and unlike I think a previous speaker said, potentially other places as we can move forward on some thorny topics and maybe pave the way for other jurisdictions and other SACs as well. So I appreciate the support.

COMMISSIONER YAKI: Well, exactly, and if we were going to do a best practices model of how a SAC would operate, you would be at the top with a bullet. So I think that is well spoken, but again, to me the impressive part is how you have managed to become part of the machinery of government by being an advisory, not just to us, but to what we hoped would be how SACs would work, to the state governments as well on our behalf. We can't do everything, we are limited in what we can do, and your ability to take the message and honor the commitment to civil rights to your state, to your state legislature, to the

prosecutorial and justice system is really something to be admired. So thank you very much.

MR. MCGUIRE: Thank you again.

CHAIR LHAMON: So with that, thank you very much Chair McGuire for your service and for your leadership on the Connecticut State Advisory Committee and for taking the time to speak with us today. For all, we're going to take a five minute break in the business meeting, and I hope all on the phone will hang up and call back in, and we will hope that we will have a more productive connection moving forward. So we'll pause.

(Whereupon, the above-entitled matter went off the record at 12:01 p.m. and resumed at 12:09 p.m.)

CHAIR LHAMON: I am going to turn us back to the commission meeting. The business meeting will reconvene.

B. RHODE ISLAND ADVISORY COMMITTEE

ADVISORY MEMORANDUM ON VOTING RIGHTS

CHAIR LHAMON: It is now 12:09 p.m. and we will turn to the chair of our also quite productive Rhode Island Advisory Committee, Jennifer Steinfeld, on the Committee's Advisory Memorandum on Voting Rights. Ms. Steinfeld?

MS. STEINFELD: Great, well thank you Chair Lhamon, and to members of the Commission for inviting me today to talk about the Rhode Island SAC's voting rights findings. It was really our privilege to be able to host a hearing on this topic in support of the Commission's work. The Rhode Island SAC had a video briefing in support of the Commission's Statutory Enforcement Report on May 29th, 2018 -- which I was a little surprised when I looked back at the dates to see it has been a year already. But this topic remains highly relevant for Rhode Island. Just this week our Secretary of State, Nellie Gorbea, released a newsletter announcing that, according to a survey conducted this week, Rhode Islanders' top concerns were voting rights and secure elections. So this briefing and the topics that we cover are especially timely now.

As you will have seen in the memo, Rhode Island passed voter I.D. legislation in 2011. This is largely driven by an unfounded fear of new Latino immigrants committing voter fraud. And interestingly, as opposed to many other states where voting rights legislation was pushed through, it was largely supported by communities

of color, especially the African American community, and by Democratic legislators here in Rhode Island. The impact of this legislation on voters is yet to be seen, but the uneven enforcement of these requirements has a disproportionate impact on voters of color and urban voters. And the Secretary of State does offer a no-cost voter ID and does significant outreach about its availability when the new law went into effect in 2014. Yet there is reason to believe that the penetration has not been sufficient to address the breadth of the problem of eligible voters without legal ID.

Now Rhode Island, also, is an early leader in deploying paper ballets with digital ballet scan technology, and an early leader on motor voter policies. But at the same time, we also have some outdated policies with regard to early voting in particular. We don't have any official early voting, although some municipalities do use an emergency absentee ballot as a de facto early voting process, allowing people to come in and fill out an absentee ballot. But in the -- usually the Board of Canvassers and Municipality during the week leading up to an

election.

Finally, Rhode Island has the latest state-wide primary in the nation and the longest period between voter registration and eligibility in the nation. So it's just six weeks between the primary election and the general election. And a 30-day window between voter registration and actual eligibility to vote. And potentially dampening of voter engagement, especially for out of state and overseas voters, is a real concern. And finally, the Committee found significant concerns about the quality of poll worker trainings that led to uneven enforcement of voter ID laws, and also about the successful and equitable deployment of provisional ballots for those whose identification or registration was in question, or those who appeared at the wrong polling place. And I don't want to go -- I'm -- the memo, I am sure that you've read, goes into more detail about that. I am happy to answer any questions about that. But I can say, having been an observer in polling places, I have seen very, very uneven enforcement and engagement around that.

At this time the SAC is not planning

any further action on voting rights, although we will continue to monitor ongoing work and we may take up the issue at a future date. But we are very pleased to be able to provide you this update on the status of voting rights in Rhode Island, to be incorporated into your statutory enforcement report. And I am happy to take any questions from the Commissioners.

CHAIR LHAMON: Thank you very much, Chair Steinfeld. I will open for questions. Commissioner Adegbile?

COMMISSIONER ADEGBILE: Thank you for your report and thank you for taking a look at this issue. It has been not quite a decade, but some period of time since Rhode Island put its voter ID law in place. And I am just wondering what your sense is in terms of what the feeling is on the ground in the State about whether or not taking a run at some more -- some efforts that are designed to expand access to the franchise are percolating in Rhode Island. I think there are some states that are focused on doing this, and I am wondering in light of this discussion and other considerations, what your sense of things is.

MS. STEINFELD: Yes, I mean, there

have been a few things -- this -- unrelated to my SAC work, I am very, very involved in civic engagement. So this is something I care about a lot and happen to know a fair amount about. There have been a number of efforts to expand voting rights -- although, not to specifically repeal the -- the voter ID legislation. I think it -- it has -- not so much since the passage, but in the last couple of years, allowed us to -- it's been brought into some national, I would say unfounded concerns about commission of voting fraud, and so I don't think repealing that would be an effort that would have any traction at this time. However, in terms of working to make sure the poll workers are engaged and enforced -- that the training that they're getting is broad enough to include issues around voter ID. For instance, they're just supposed to ask everybody for voter identification -- for approved identification -- and we have a lot of people that have been working in a polling place in their community for a long time, and they will say oh, but I know that person. And that's not allowable. They should be asking every single voter who comes in. And so, of course, that ends up with having longstanding

neighborhood residents not having to provide ID and newer residents being asked to provide ID, which has a mood of making people feel less welcome in communities, especially those that are changing with regard to racial demographics.

There has also been an expansion for -- we now can have -- with the motor voter law, when young people are 16 they can pre-register to vote, although they are not able to vote until they are 18. So that's a really wonderful way to get young people registered. Obviously doesn't necessarily turn into actual voting behavior, but it's one way that we are working on expansion. We also have fairly liberal rules around college students, and we do have a large college student population. Being eligible to vote in Rhode Island, the process for establishing residency is fairly lenient. We have online voter registration, which I think is a wonderful add to be able to do that. That's only open to people with a Rhode Island driver's license, but it's been -- the Secretary of State's office and the Department of Motor Vehicles are able to communicate directly, which is a really wonderful tool as well.

So I think that there are some places where we are doing some expansion. I think we could do better in just letting people know -- letting voters know that the voter ID is available. I work for the mayor of Providence, and we have a municipal ID that is also an acceptable ID for voting. And we're working really hard within the city, which is the capital city, and the -- about 20 percent of the city -- the statewide population -- to let people know that we have a -- an affordable, $25 fee. And working with the Secretary of State to make sure that they -- when the law first passed, they did a big mobile outreach process. And we want them to continue to do that around voting.

We have also been working with the Secretary of State on making decisions -- we had a, kind of funky last election. Primary day fell on a Jewish holiday, and so our primary was on a Wednesday rather than on a Tuesday. And that notification was not effectively communicated to voters. And in addition, they -- a lot of polling places actually changed. So it was a different day and a different location for a lot of voters. And so there has been a lot of concern about the

way that voters are notified about where and when they are supposed to vote through official channels, and not leaving that up to campaigns, which obviously have a vested interest in letting some people know and not letting other people know where and when to get out and vote.

So it's certainly an issue that -- you know, it was of interest to the community. When we put out the call we had no trouble getting people to come in and speak about the issue. And there are other groups that are very engaged in expanding voter access.

COMMISSIONER ADEGBILE: Thank you.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Thank you. I have two questions. One is, so one of the challenges with issuing voter ID cards, right, is what are the feeder documents? So even though that may be free, if you need a birth certificate or something that might cost money. So has there been research to understand what are the barriers to being able to get the voter ID?

MS. STEINFELD: I don't know any specific research to look at the barriers to voter ID. I do know that when it rolled out for the

first two election cycles, people could use a variety of alternative documentations, including things like utility bills and lease documents. And that was not rolled up into the -- the voter ID. I actually don't know what the Secretary of State's requirements are. I know that for our municipal ID, yes you do need to demonstrate -- you do need to bring in other legal documents that may cost money to provide.

COMMISSIONER NARASAKI: So, I think that might be one area to look at. And then the second is, so you note that there is clearly inadequate training in terms of what is happening. So what -- what training exists? And are you making specific recommendations about what kind of training they should be having?

MS. STEINFELD: So the SAC did not make recommendations specifically. We just did a fact finding call for the purposes of -- of contributing into your report. The Rhode Island ACLU has been working with the Secretary of State's Office and with the local Boards of Canvassers around both training -- the content of the training, and then ensuring that all poll workers do actually participate in the training,

both of which have been a challenge in the past. I don't know -- I have basically been in Rhode Island as long as I have been a voter, so I don't know what other polling places require. But for Rhode Island it is a 14-hour day and it is a pretty low compensation rate. So we have a large number of retirees who participate -- some of whom have been doing it for a very long time and are quite elderly. And they're -- they've often been exempted from retraining. And so that's one of the pieces is to make sure that everyone is going back through and participating in the retraining.

COMMISSIONER NARASAKI: Thank you.

CHAIR LHAMON: Commissioner Yaki, or Commissioner Heriot on the phone, do you have a question?

COMMISSIONER YAKI: Yes, I have a question. Thank you very much, Madam Chair. For the -- what kind of studies have been done regarding voter registration and voting rates? You said it was enacted because of a reaction against perceived, or a potential or a real Latino immigration into the state. What is -- what -- as a result of this, what has been the impact on Latino voting -- Latino voting registration in

Connecticut? And what -- and then there's, you know, another community that suffers a lot from a lack of documentation, and that's seniors. And has anyone really done a -- done an in depth at -- survey of, you know, nursing homes and other places -- senior centers -- in determining what the effect of this may be on seniors as well?

MS. STEINFELD: Well, first let me say, I can't speak to Connecticut. I am the SAC chair from Rhode Island, so -

COMMISSIONER YAKI: Oh, sorry. Sorry.

MS. STEINFELD: But I -- that's fine. I just wanted to clarify. So I am not familiar with any specific large-scale studies that looked at voter registration and voter rates. What I can tell you is that -- I just want to clarify one point. The concern was not about specifically Latino voters, but about voter fraud. And the kind of community-based conversation was that in some traditionally African American communities where there were a large number of Latino immigrants, that people were being bussed to polling stations that people were double voting or voting for other people. That is unfounded. There was research done by the Secretary of State

to look at that. So there was not a notable increase in fraudulent voting. I mean, there's essentially zero fraudulent voting, I think as is the case -

(Simultaneous speaking.)

COMMISSIONER YAKI: Well, I -- I would assume that. I am wondering, though, after this went into effect, what was the impact on -

(Simultaneous speaking.)

MS. STEINFELD: Yes, what was the impact on Latino voters? So the first -- the first year after the voter ID, we had a very large number of people who were turned away. And Rhode Island allows for something called a provisional ballot. So if you don't have ID, or if you are at the wrong polling place you can cast a provisional ballot. And then to -- review of that is that -- to look at the signature on the ballot and the signature on the voting registration card back at the Secretary's -- no, I am sorry, at the Board of Elections Office. And -- so there's a subjectivity to comparing them. I don't know about you, but I think I signed my voter registration card when I was 19 and my signature is somewhat different than it was at that time.

That said, a lot of poll workers did not know about the provisional ballots and about that. They were not given to people. They were given to people and misfiled or mishandled. And so we had a pretty significant -- I want to say it was, like, a double-digit -- like 11-percent or 12-percent drop in voter participation in the first primary -- which already has pretty low turnout.

So it was significant when it first rolled out. The Secretary of State has said that the impact has been reduced, but I'm actually not familiar with that data. I can -- I can pull that and get that for you after the fact.

COMMISSIONER YAKI: Okay, that would be great.

MS. STEINFELD: Now with regard to seniors, there has been a lot of work with seniors -- especially those living in senior residences -- where the -- the building managers have been working with the Secretary of State to bring out the van that produces the voting -- the voter ID. For those who are living in communities, I couldn't say specifically. But I don't -- there has not been a meaningful decrease in senior

voting participation. So -- we tend to have a pretty high rate of senior voting. We have a lot of polling places that are located in senior high rises and nursing homes and other facilities. And -- it is for the ease of getting seniors -- you know, so that they don't have to move. The other people are moving to them. And so, working with those facilities to make sure that folks have the proper ID, I think has been pretty effective.

COMMISSIONER YAKI: Yes, thank you.

CHAIR LHAMON: Thank you. And if there are no further questions then we will move to our next item on the agenda. First, thank you to Chair Steinfeld for your service and for your leadership for the Rhode Island State Advisory Committee, and for taking the time to speak to us today. The advisory memo is very helpful to us as we were preparing our voting rights report, and I am very grateful for the information that the State Advisory Committee prepared for us.

MS. STEINFELD: Thank you so much.

C.PROPOSED TIMELINE FOR TITLE IX PROJECT AND CAMPUS FREE SPEECH

CHAIR LHAMON: Next we have a proposed timeline for the Commission's project on Title IX

and Campus Free Speech. To begin discussion I will move to approve the timeline as circulated to all commissioners in advance of this meeting. Do I have a second?

COMMISSIONER NARASAKI: I second.

CHAIR LHAMON: Thank you. Do I have any discussion of this motion?

(No audible response.)

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

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: Yes.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLADNEY: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

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

D. STATEMENT DEADLINES FOR STAND YOUR GROUND LAWS

CHAIR LHAMON: Our next item is the extension of Stand Your Ground statement deadlines. To begin discussion, is there a motion?

COMMISSIONER YAKI: So moved.

CHAIR LHAMON: Is there a second?

COMMISSIONER NARASAKI: I second.

CHAIR LHAMON: I think perhaps we should be clear, that the motion -- Commissioner Yaki, might, please correct me if I am wrong, but the motion is to extend the statement deadline so that statements are due on June 14th, 2019; rebuttals are due on July 15, 2019 and surrebuttal notice, if any, would be due on July 22nd. And any surrebuttal text would be due on July 29th, 2019. Commissioner Yaki, is that correct?

COMMISSIONER YAKI: Yes.

CHAIR LHAMON: Thank you.

COMMISSIONER KLADNEY: Madam Chair, do we anticipate any more continuances on this matter?

(No audible response.)

COMMISSIONER KLADNEY: Does anybody --

I guess that's what I am asking.

CHAIR LHAMON: I do not. And having heard from no one else.

COMMISSIONER KLADNEY: Okay, thank you.

CHAIR LHAMON: You can't predict the future. Okay, is there -- unless there is further discussion, I will call the question and take a roll call vote. Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Abstain.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: I will vote yes, but I am not inclined to vote yes on any further extensions.

CHAIR LHAMON: Okay. Commissioner Kladney?

COMMISSIONER KLADNEY: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes, I am with Gail on that.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: And I vote yes. There's one abstention and all other votes were in favor. So the motion passes. We will turn next to a discussion and vote on the proposed slate for our Virginia Advisory Committee.

E. DISCUSSION AND VOTE ON STATE ADVISORY COMMITTEE SLATES

1. VIRGINIA ADVISORY COMMITTEE

CHAIR LHAMON: Before we begin the discussion, I remind my fellow commissioners that objections to this nomination have already been shared with all the commissioners. To the extent that we would like to discuss continuing objections, I remind my fellow commissioners that the commission has a policy to not defame, degrade or intimidate any person. Each of these individuals has agreed to volunteer time and energy in the pursuit of protection of civil rights. With that said, I move that the Commission appoint the following individuals to the Virginia Advisory Committee based on the recommendation of the staff director. K. Shiek Pal, Brenda Abdelall, Maria Almond, Jason Brennan, Angela Ciccolo, Edgardo Cortes, Ann Haney, William

Hyde, Lisalin Jacobs, Binh Nguyen, Arthur Rizer, Ilya Shapiro, Raul Daniel Vargas, and Andrew Wright. With this motion, the Commission will also appoint K. Shiek Pal as the Chair of the Virginia Advisory Committee. All of these members will serve as uncompensated government employees. If the motion passes, the Commission will authorize the staff director to execute the appropriate paperwork for the appointments. Do I have a second for this motion?

COMMISSIONER KLADNEY: Commissioner Kladney, second.

CHAIR LHAMON: Thank you. Any discussion on this slate?

COMMISSIONER NARASAKI: Madam Chair?

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: I just want to compliment the staff for the recruitment of members who are diverse on many, many different levels. So thank you very much for that effort.

CHAIR LHAMON: Thank you. Any other discussion of the slate?

(No audible response.)

CHAIR LHAMON: Hearing none, I will call the question, take a roll call vote.

Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Abstain.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: I vote no. I think there are still serious viewpoint balance problems here. And I believe that the staff has not been taking us seriously on that. So, no.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLADNEY: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye, and I welcome Ann to the -- to the SAC.

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

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: And I vote yes. The motion passes. One commissioner abstained, one commissioner opposed, and all others were in favor. We will now move to the Kentucky Advisory Committee.

2. KENTUCKY ADVISORY COMMITTEE

CHAIR LHAMON: I move that the Commission appoint the following individuals to

the Kentucky Advisory Committee based on the recommendation of the staff director. Richard Clay, M. Cristina Alcalde, Rosa Alvarado, Wesley Butler, John Chowing, Elizabeth Deener, Betty Sue Griffin, Yevette Haskins, Jennifer Hunt, Lee Look, Luke Mulligan, Mitchell Payne, Enid Trucios-Haynes, Alice Waddell, Rhynia Weaver and Russel Weaever. With this motion the Commission will also appoint Richard Clay as the Chair of the Kentucky Advisory Committee. All of these members will serve as uncompensated government employees. If the motion passes, the Commission will authorize the staff director to execute the appropriate paperwork for the appointments. Do I have a second?

VICE CHAIR TIMMONS-GOODSON: Second.

CHAIR LHAMON: Thank you. Any discussion on this appointment?

(No audible response.)

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

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: I am going to

vote no on this one as well as that -- my special assistant made some recommendations that would have made this one better on viewpoint balance. The Commission staff declined to take that. No reason given.

CHAIR LHAMON: Okay.

COMMISSIONER HERIOT: That's a no.

CHAIR LHAMON: I will invite you to offer the discussion during the discussion period, if you will. Commissioner Kladney?

COMMISSIONER KLADNEY: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: And I vote yes. The motion passes. One commissioner opposed. All others were in favor. We will now move to the Oregon Advisory Committee.

3. OREGON ADVISORY COMMITTEE

CHAIR LHAMON: I move that the Commission appoint the following individuals to

the Oregon Advisory Committee based on the recommendation of the staff director. Shoshanah Oppenheim; Alison Brody; William Curtis; Carl Green, Jr.; Mark David Hall; Hannah Holloway; Albert Lee; James Possey; Alejandro Queral; Andre Wang; Aaron Withe; Julia Yoshimoto, and Laura Eckstein. With this motion the Commission will also appoint Shoshanah Oppenheim as the Chair of the Oregon Advisory Committee. All of these members will serve as uncompensated government employees. If the motion passes the Commission will authorize the staff director to execute the appropriate paperwork for the appointments. Do I have a second?

COMMISSIONER NARASAKI: I second.

CHAIR LHAMON: Thank you. Any discussion on this appointment?

COMMISSION NARASAKI: Yes, Madam Chair?

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: I again want to commend staff for the diversity on so many different levels. And particularly, being able to find people under the age of 35 to serve. So thank you.

CHAIR LHAMON: Thank you. Any other discussion?

(No audible response.)

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

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: I am going to vote yes on this one. I think, probably this is the best that could be done.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLADNEY: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

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

4. SOUTH CAROLINA ADIVISORY COMMITTEE

CHAIR LHAMON: We will now move to the South Carolina Advisory Committee. I move that

the Commission appoint the following individuals to the South Carolina Advisory Committee based on the recommendation of the staff director. Theodore Mauro, Sue Berkowitz, Walter Caudle, Miles Coleman, Daniella Ann Cook, Mathieu Deflem, John Glover, Ebony Green, Silverben Mabalot, Mark Smith, and Dori Tempio. With this motion the Commission will also appoint Theodore Mauro as the Chair of the South Carolina Advisory Committee. All of these members will serve as uncompensated government employees. If the motion passes the Commission will authorize the staff director to execute the appropriate paperwork for the appointments. Do I have a second?

VICE CHAIR TIMMONS-GOODSON: Second.

CHAIR LHAMON: Thank you. Any discussion on this appointment?

COMMISSIONER NARASAKI: Yes, Madam Chair, I would like to commend the staff for their efforts in including people with disabilities to be reflected on this panel. Thank you very much.

CHAIR LHAMON: Thank you. Any other discussion?

(No audible response.)

CHAIR LHAMON: I will call the

question and take a roll call vote. Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: I am going to vote no on this one for the same reason I voted no earlier. Recommendations were made that would have balanced this -- this SAC, but they were not taken.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLADNEY: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: And I vote yes. The motion passes. One commissioner opposed, all others were in favor.

F. DISCUSSION AND VOTE ON U.S. COMMISSIONER ON CIVIL RIGHTS SUPPORTS SECURING EQUAL RIGHTS FOR LGBT COMMUNITY

The next item on our amended agenda is

a discussion and vote on a proposed statement titled U.S. Commissioner on Civil Rights Supports Securing Equal Rights for LGBT Community, introduced by Commissioner Narasaki. Commissioner Narasaki, could you please read the statement proposed for consideration?

COMMISSIONER NARASAKI: Yes, thank you Madam Chair. And by custom I will not be reading the footnotes to this.

CHAIR LHAMON: Thank you.

COMMISSIONER NARASAKI: The title is U.S. Commission on Civil Rights Supports Securing Equal Rights for LGBT Community. The U.S. Commission on Civil Rights applauds the passage of the Equality Act by the House of Representatives as an important first federal step in securing the equal rights of the LGBT community. The bill amends the Civil Rights Act of 1964 and other civil rights laws to explicitly ban discrimination against LGBT people in public accommodations, education, federally funded programs, employment, housing, credit opportunities and jury service. In a November 2017 report entitled Working for Inclusion, Time for Congress to Enact Federal Legislation to Address Workplace Discrimination

against Lesbian, Gay, Bisexual and Transgender Americans -- the Commission recognized that federal law, properly interpreted, already protects LGBT persons from discrimination in the workplace. Given the inconsistent federal court decisions and patchwork of state laws, we found that the current law does not provide sufficient protection for LGBT people and called for federal legislation to specifically affirm protection for LGBT employees from discrimination in the workplace based on sexual orientation and gender identity. We further noted that without uniform protections it is possible in some states for a lesbian couple to be married on Saturday and fired on Monday for putting a wedding picture on their desk.

The Commission supports the Equality Acts confirmation that discrimination against LGBT people violates our nation's commitment to liberty and equality rights -- equal rights for all. Historians, researchers and courts have extensively documented the longstanding, pervasive societal and institutional discrimination that harms not only LGBT Americans, but also negatively impacts the quality of life of their children,

families and communities. Members of the LGBT community continue to face discrimination performing even the most basic activities, such as using the restroom, obtaining healthcare or seeking out housing. All people, regardless of their sexual orientation or gender identity, deserve equal civil and human rights. And the Commission urges the Senate to also secure the equal rights of LGBT Americans.

Chair Catherine E. Lhamon stated explicit federal statutory protections for LGBT Americans' civil rights are long overdue. The Commission encourages Congress to complete the job and ensure that all Americans, regardless of sexual orientation and gender identity, can live free from discrimination. And that's the end.

CHAIR LHAMON: Thank you, Commissioner Narasaki. I will say before we move to approve the statement that I have had some time to reconsider the quote. And so, if you don't mind, I would like to offer for an amendment to the quote that I would replace complete the job with take this important next step.

COMMISSIONER NARASAKI: Since it is your quote, I of course accept the friendly

amendment.

CHAIR LHAMON: Appreciate the graciousness, thank you. Do we have a motion to approve the statement to open the floor for discussion?

COMMISSIONER ADEGBILE: So moved.

CHAIR LHAMON: Thank you. Is there a second?

COMMISSIONER KLADNEY: Second.

CHAIR LHAMON: Thank you. Any discussion of the statement? I will begin with you, Commissioner Narasaki, as the sponsor of the statement.

COMMISSIONER NARASAKI: I think it is particularly appropriate, since this is the beginning of Pride Month, that we make this statement. It is as -- the quote of the Chair -- very long overdue, and I am proud to offer the statement.

CHAIR LHAMON: Thank you. Any further discussion?

(No audible response.)

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

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Heriot?

(Pause.)

COMMISSIONER HERIOT: Did you call me?

CHAIR LHAMON: I did.

COMMISSIONER HERIOT: Okay, yes. I agree that the current law probably doesn't cover everything that I believe should be covered, and I respect that something could be worked out on different legislation, but I am going to have to vote no on this one.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLADNEY: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Yes. Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

COMMISSIONER YAKI: A-Okay.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: And I vote yes. The motion passes. One commissioner opposed, all

others were in favor. Next on our amended agenda is discussion and vote on the public comment deadline for our project on sexual harassment in federal workplaces. To begin, is there a motion?

G. PUBLIC COMMENT DEADLINE FOR SEXUAL HARASSMENT IN FEDERAL WORKPLACE PROJECT

COMMISSIONER ADEGBILE: I would like to make a motion to extend that deadline.

COMMISSIONER NARASAKI: I second.

CHAIR LHAMON: want to give us the dates you are extending to, Commissioner Adegbile?

COMMISSIONER ADEGBILE: Yes, I was just pausing for a dramatic pause.

(Laughter.)

CHAIR LHAMON: It was eagerly seconded.

COMMISSIONER ADEGBILE: But I appreciate Commissioner Narasaki's support. I move to extend the deadline of the sexual harassment public comment period from 30 days to 45 days, which would be from June 10th to June 25th to allow a full opportunity for the public to participate.

CHAIR LHAMON: Thank you. Commissioner Narasaki, do you still second?

COMMISSIONER NARASAKI: I even more vigorously second.

(Laughter.)

CHAIR LHAMON: Thank you. Any discussion on this amendment -- or, this motion?

(No audible response.)

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

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Commissioner Heriot?

COMMISSIONER HERIOT: Aye.

CHAIR LHAMON: Commissioner Kladney?

COMMISSIONER KLADNEY: Yes.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Yaki?

COMMISSIONER YAKI: Aye.

CHAIR LHAMON: Vice Chair Timmons-Goodson?

VICE CHAIR TIMMONS-GOODSON: Yes.

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

H. MANAGEMENT AND OPERATIONS-STAFF DIRECTOR'S REPORT

Next we will hear from the staff director, Mauro Morales, for the monthly staff director's report. Mr. Staff Director?

STAFF DIRECTOR MORALES: Thank you, Madam Chair. In the interest of time I have nothing more to add than what is already contained in the Staff Director's Report. And as always, I am available for any commissioner if they have a specific question about something contained in the report. With that, I will yield back the balance of my time.

CHAIR LHAMON: Okay, thank you. So with that I think we will take a pause. We have scheduled our speaker series, which I am very excited about, and we scheduled it for 1:30 p.m. So we will take a pause in this meeting and recess until 1:30 p.m. to begin our speaker series. Thank you.

(Whereupon, the above-entitled matter went off the record at 12:43 p.m. and resumed at 1:30 p.m.)

I. SPEAKER SERIES: PRESENTATION BY HISTORIAN DAVID CARTER: STONEWALL AT 50: THE MOVEMENT FOR LGBT CIVIL RIGHTS

CHAIR LHAMON: So we'll now turn to

our next iteration of the Commission's Speaker Series. This one is titled Stonewall at 50: The Movement for LGBT Civil Rights.

I thank Commissioner Kladney for suggesting this month's speaker topic. June, as we know, has become -- has become to be known as Pride Month.

And the reason for that stretches back now 50 years. On June 28, 1969, street demonstrations for lesbian and gay civil rights began at the Stonewall Inn in Greenwich Village in New York City.

Many view these demonstrations as a critical moment in the movement for LGBT civil rights. In June 2016, in recognition of that history, President Barack Obama proclaimed a site near the former Stonewall Inn a national monument.

Today we will hear more about the momentous events at Stonewall. And how they served as a catalyst for the LGBT civil rights movement.

As evidence by this statement, the Commission majority passed earlier today in support of the Equality Act, in the various reports and statements that the Commission has

issued in recent years, discrimination on the basis of sexual orientation and gender identity is, unfortunately, still prevalent in this country.

I just read news yesterday that the New York Police Commissioner apologized for the actions of the New York Police Department during the Stonewall uprising. Declaring that quote, the actions and the laws were discriminatory and oppressive.

Interactions between police officers and the LGBT community has prompted contemporary concern from the Commission as documented in our report released last year on civil rights implications of police use of force.

Several surveys the report cites, found disproportionately high rates of contact between law enforcement and LGBT individuals. With high rates of police misconduct, including harassment and abuse.

The Commission took in substantial evidence of discrimination persisting in these interactions. As much as we regret and call for the end of ongoing discrimination and inequity, I am grateful for this opportunity to mark the

progresses that were have made since 1969.

To that end, we now welcome historian David Carter, who served as an advisor on the campaign to make the Stonewall site a national monument. Mr. Carter has been working on the history of the LGBT civil rights movement for a quarter of a century.

His last book, titled Stonewall, the Riots that Sparked the Gay Revolution, was published by St. Martin's Press in 2004. Cart was the consultant for the American Experience film, Stonewall Uprising, which won a George Foster Peabody Award in 2012.

Mr. Carter, we look forward to hearing from you.

MR. CARTER: Thank you very much.

CHAIR LHAMON: Your microphone is not on. If you don't mind pushing the talk button, we'll be able to hear you better.

MR. CARTER: Okay.

CHAIR LHAMON: Thank you.

MR. CARTER: Sure. Thank you. Well, good afternoon everyone. I want to thank the Chairwoman for and other members of the Commission for according me the honor of appearing before

you.

I've been asked to speak about my work on the history of the Stonewall uprising, which is, of course, the best-known single event in the history of this movement, a six-day rebellion that began as a result of a police raid on June 28, 1969 on the Stonewall Inn, a popular gay club in Greenwich Village.

The facts of the Stonewall uprising are well established as is general information about the Stonewall club and how it operated. However, to understand the meaning of the event, requires information that goes beyond these sets of facts, including information that has not become integrated into media accounts, documentaries, and museum exhibitions.

Because one needs to be aware of a much greater context of the history beyond the events of the arising to interpret the uprising's meaning and its historical implications accurately, I will not spend much time today on the uprising itself, but on this larger context.

Homosexual acts have been illegal since the nation's founding. But an increase in the intolerance of homosexuality seems to have

taken root in this country around the time of the Great Depression.

After World War II, with the advent of the Cold War and the Red Scare, exemplified by virulent anti-communism, and the demand for total conformity that characterized the 1950s, laws aimed at homosexuals became so harsh that at times they were draconian.

The Defense Department hardened its policies of excluding homosexual servicemen and women, tripling the World War II discharge rate. And they reversed prior practice by generally giving the less than honorable blue discharges.

These punitive discharges stripped thousands of veterans of the benefits that had been promised them in the G.I. Bill of Rights.

After Lieutenant Roy Blick of the Washington, D.C. Vice Squad testified before the Senate in 1950, that five thousand homosexuals worked for the government, a figure he had fabricated, the Senate authorized an investigation into the matter by a subcommittee chaired by North Carolina Senator Clyde Hoey.

The Hoey subcommittee's report stated, those who engage in overt acts of perversion, lack

the emotional stability of normal persons. Having concluded that quote, one homosexual can pollute an entire office, close quote, the subcommittee urged that the military's recent purge of homosexuals be the model for civilian agencies.

The Civil Service Commission and the FBI complied by initiating an intense campaign to ferret out homosexuals by correlating morals arrests across the United States, not even the people who had been convicted, just arrested with a list of government employees and checking fingerprints of job applicants against the FBI's fingerprint files.

After Dwight Eisenhower became President, he signed Executive Order 10450 in April 1953 which added sexual perversion as a ground for government investigation and dismissal. The government shared police and military records with private employers, resulting in the dismissal of hundreds.

While McCarthyism encouraged a certificating of laws towards homosexuals, because they were believed to be security risks, America's Puritan tradition was producing a furor over child molestation. Homosexuals were believed to be the

main culprits.

As the right-wing demonization proceeded apace, the negative qualities attributed to homosexuals overlapped until it became a common consumption, I'm sorry, assumption, a common assumption that any man or woman who was homosexual was so beyond the pale that she or he must also partake of the most forbidden ideological fruit of all, communism.

As homosexuals became handy scapegoats for both of these postwar preoccupation, preoccupations, anti-homosexual laws were made more severe. Twenty-nine states enacted new sexual psychopath laws and/or revised existing ones.

And homosexuals were commonly the law's primary targets. In almost all states, professional licenses could be revoked or denied because of homosexuality so that professionals could lose their livelihoods.

In 1971, 20 states had sex psychopath laws permitting them to detain homosexuals. In Pennsylvania and California, sex offenders could be locked in a mental institution for life. And in seven states they could be castrated.

At California's Atascadero State Hospital, men convicted of consensual sodomy were given electrical and pharmacological shock therapy, castrated, and had lobotomies performed on them, as authorized the 1941 law.

It has been pointed out that no specific statute outlawed being homosexual. And that only homosexual acts were illegal.

While this is technically true, the effect of the entire body of laws and policies that the state employed to police the conduct of homosexual men and women, was to make being gay a crime de facto.

The harshness of these laws made judges generally unwilling to sentence homosexual men, lesbians, and transvestites to such inhumane sentences. And instead, they tended to hand out light fines, or to place those convicted on probation.

But the random or selective use of far harsher penalties, and the potential threat of their use combined with other sanctions and harassments, major and minor, official and unofficial, were more than sufficient to keep the vast majority of homosexual men and women well

within the lines that society had drawn for them.

Having created all manner of sanctions to make it difficult for homosexuals to meet their own kind, the police aggressively patrolled the few places where homosexuals could mingle, bars, bathhouses, and outdoor cruising places, such as streets, parks, and beaches.

Some jurisdictions planted microphones in park benches. And used peep holes and two-way mirrors to spy on homosexuals in public restrooms.

While the law classified homosexuals as criminals, and the scientific established used psychology to medicalize homosexuality into an illness, gay men and lesbians found almost universal moral condemnation from religions, whether mainstream or obscure.

With rights condemned as criminals, as mentally ill, and as sinners, homosexuals faced a social reality in post-World War II America that was bleak, if not grim.

To shift from a national perspective to that of a single state, namely New York, one place that gay people saw as a refuge was Greenwich Village.

The Village's bohemian reputation

first attracted gay people to the area around the turn of the 20th Century, as they sensed it a place known for wide tolerance that might accept even sexual nonconformists.

As word increasingly got out nationwide, there were large numbers of gay people in Greenwich Village, more and more gay men and lesbians were drawn there.

Eventually New York had the largest gay population in the United States. And the Village increasingly served as the center for the growing homosexual subculture.

But New York was also the city that most aggressively and systematically targeted gay men as criminals. Police vice squads, which New York City was the first to create, attempted to control homosexuals by observing locales where people congregated, using decoys to entice them, and raiding gay bars and baths.

When prohibition ended, New York created the State Liquor Authority, or SLA, and gave it practically total leeway in administering and enforcing these laws.

The SLA interpreted the laws so that even the presence of homosexuals categorized as

people who were lewd and dissolute, in a bar, made that place disorderly and subject to closure. The result was that New York City was the most vigorous investigator of homosexuals before World War II.

Responding to right wing pressure after the war, New York City modernized its stakeout, decoy, and police raid operations. And continued to haul in thousands of homosexuals, sometimes just for socializing at a private party.

More commonly, the police arrested them at bars and in cruising area. By 1966, over 100 men were arrested in a week for homosexual solicitation in New York City as a result of police entrapment.

Making it impossible for bars to legally serve homosexuals created a situation that could only lead to criminals stepping in. The Mafia entered into the vacuum to run gay bars, which in turn set up a scenario for police corruption and the exploitation of the bar's customers.

These clients were not likely to complain, because they had nowhere else to go. And because they feared the mob.

The corruption spread as the police and SLA agents were paid off by the Mafia. The lawyers charged homosexual clients caught between the Mafia, the police, and the SLA's exorbitant fees, part of which was then used to bribe judges.

Such repression resulted in resistance. The first organization to begin organized ongoing political resistance to the oppression of gay people was the Mattachine Society founded in 1951.

However, because of the intense right-ward shift the nation experienced in the 1950s, the early radical spirit of that organization was lost. The approach then changed to relying on psychiatrists to say that homosexuals were not criminals, but mentally ill persons who needed therapy.

The Mattachine or Homophile Movement also hoped to educate the public to be more tolerant. These approaches constituted a strategy that became known as the education and research approach of the Homophile Movement.

Frank Kameny was one of those citizens caught up in the federal dragnet. A Harvard educated astronomer, Kameny had been hired by the

Army Map Service, but was summarily fired when the government discovered that he was homosexual.

After failing to get his job back in spite of doing all he could as an individual, he turned to an organizational approach. His last gambit had been a petition he sent to the U.S. Supreme Court to hear his case.

Inspired by basic principles of American Democracy, the Black Civil Rights Movement, and sociologist Edward Sagarin's assertion that homosexuals are a valid minority, Kameny argued that the government should not only not persecute homosexuals, but should work to end discrimination against them.

Kameny used the analysis from his Supreme Court petition when he started an organization in Washington, D.C., the Mattachine Society of Washington, to argue that the Homophile Movement is a civil rights movement that must settle for nothing less than full legal, and social equality.

And no one had ever enunciated that approach before. It was beyond radical in that time.

Kameny's was first a lonely voice.

But he soon won a few activists over to his side. And with each passing year, won more support.

In 1964 Kameny was invited to give a speech to the Mattachine Society of New York. There he articulated publically the arguments he had crafted in his Supreme Court petition.

He also urged the New York City activities work to accomplish two goals. To end police entrapment, and to legalize gay bars.

The speech so electrified the Mattachine New York membership that the next year they threw out the officers who supported the old education and research approach, and elected a slate of militants to pursue a civil rights strategy.

Dick Leitsch became President of Mattachine New York, and following Kameny's advice, succeeded in ending the New York Police Department entrapment of gay men. And gradually made significant progress towards legalizing gay bars.

The Stonewall Inn club opened during this period of progress toward the legalization of gay bars. It became popular because it was the only gay club in New York City where dancing was

allowed regularly, but more particularly where slow dancing was allowed.

It was also the city's largest gay club. And was located just a block and a half from the very heart of the gay male social area, the intersection of Christopher Street and Greenwich Avenue.

The club was broadly tolerant about who was admitted. And thus became popular with a wide cross section of the community.

At the same time, it was a Mafia bar that was run only to exploit a community ripe for exploitation. So it charged exorbitant prices for drinks.

It was also dirty. And sold questionable Mafia alcohol. But while most customers were willing to put up with these features to have a place to dance and socialize, some customers fared worse.

One of the managers of the Stonewall was a career criminal named Ed Murphy, a gay man who was arrested in the mid '60s for running an extensive national operation blackmailing homosexuals Murphy found via a prostitution ring.

He used an office above the Stonewall

in the late 1960s to run a prostitution ring. The Stonewall's waiters were also used to collect information on their customers, especially those with more lucrative careers.

When the New York Police Department received a query from Interpol about bonds surfacing on European streets, they investigated. And determined that they were stolen by a Wall Street employee who had been blackmailed because of his homosexuality.

Further investigation pointed to the area around the Stonewall as the likely origin of the blackmailing operation. At a time of extensive investigation into police corruption in New York City, Seymour Pine, a police officer with a reputation for being honest, had been transferred against his wishes to head the First Division of the Public Morals Squad.

Soon thereafter he was summoned to a meeting with his captain, and ordered to put the Stonewall out of business because of its connections with the Mafia blackmail operation.

After some more routine raids on the Stonewall, Pine organized a large raid early in the morning of June 28, 1969. But the real reason

for the raid was not made public.

By this time, Pine had gathered from previous raids he had conducted on the Stonewall that the local Sixth Precinct was informing the club when a raid was planned. So for this larger raid, Pine did not inform the Sixth Precinct, which was supposed to assist in the raid after it was underway.

When the raid began, almost everything went wrong from the beginning from the police perspective. Pine, who was used to raiding early when there were few occupants in the club, this time ran into an unusual degree of resistance from patrons.

Also, the Sixth Precinct did not respond to Pine's signals for help later when the crowd began to get out of control.

The crowd that had gathered in the street outside the Stonewall was made up of the clubs customers and passersby. Initially the reaction of the crowd to the police conduct went back and forth between expressions of anger and humor.

As the crowd witnessed the police be rough with some of the club's patrons, they became

more angry. The culmination came when a lesbian being carried out of the club was treated brutally by the police.

After she escaped twice from a patrol car, she was thrown inside the vehicle. The lesbian's harsh treatment was a tipping point that caused the crowd to become furious.

Pine, sensing the danger to his officers after the patrol wagon left with the initial group of prisoners, thought it too dangerous to remain on the sidewalk. He retreated into the club where the remaining prisoners were being held for the next patrol wagon.

One reason for the great anger was the belief that the gay persons held inside the club were being beaten by the police. A loose parking meter was uprooted and used as a battering ram on the club. Cobblestones and bricks were thrown. And lighter fluid was used to try to set the club on fire.

Pine finally managed to get an undercover policewoman out through a back window. She went to a fire station and put in a call for help from the tactical patrol -- I'm sorry, from the tactical police force or riot police.

Soon fire trucks arrived as well as the riot police and a patrol wagon from the sixth precinct. The police inside the Stonewall were rescued and the prisoners taken away.

The police wrecked the bar and the riot police were brutal in clearing the streets of protestors. But the crowd was not cowed by the large numbers of helmeted police brandishing batons.

When the police formed a phalanx and cleared Christopher Street, the street the Stonewall club was on, the crowd merely used the highly irregular Village Street layout to come back around behind the police. This was a scenario that was repeated many times.

On the next day, the crowds were much larger and the violence was even greater. On Sunday, the third day, the police were less confrontational, the crowd smaller, and there are no reports of violence.

There were only sporadic skirmishes between the police and small numbers of civilians on Monday and Tuesday. The following day however, the Village Voice appeared, featuring on the cover, the uprising, but using derogatory terms

such as faggot and dyke to describe members of the crowd.

The Voice coverage brought the uprising to the attention of a much larger group of people, and angered the gay population. The result was that the sixth and last night of the Stonewall uprising was much like the first two nights, a large crowd and much violence.

When the uprising was over, those who witnessed it sensed that nothing would ever be the same for the movement. There was much discussion about what should be done.

A handful of people realized that it was urgent that something be made of this event before the unleashed energy dissipated.

After a series of meetings a decision was made to form a new organization, the Gay Liberation Front, or GLF. The GLF was modeled in large part on new left groups of the 1960s.

However, those that became the leaders of the GLF were generally those with extreme views. Some were avowed Marxists, and the organization wanted to take on all issues of oppression simultaneously.

Meetings tended to break down at long

theoretical discussion, ad hominem attacks, and there was a lack of democratic process. Soon many of the founders and early members quit.

Some of these founded a new organization, the Gay Activist Alliance, or GAA. GAA decided -- I'm sorry. GAA decided to work only on the issue of rights for gay people, to adhere to democratic principals at meetings, and to eschew the use of violence.

GAA also used tactics that it called zaps, creative demonstrations that combined gorilla theater and camp humor to undermine its opponents.

To give one example, when Harper's Magazine published a vicious essay attacking gay people, and refused to publish a rebuttal written by homosexuals, GAA occupied their offices, but brought along coffee and donuts, approaching members of the staff saying, I'm a homosexual. Would you like a donut?

With zaps and other subversive and creative tactics, GAA was soon in the national media, growing rapidly and starting new chapters nationwide.

Because of GAA, GA -- I'm sorry.

Because of GAA, GLF and other new gay liberation organizations that sprang up, such as Radical Lesbians, there was soon a mass movement for the civil rights of lesbians and gay men.

Having a mass movement made possible the passage of new legislation to decriminalize same sex behavior and changes -- and changes by non-governmental organizations to end discriminatory practices.

So why is the Stonewall uprising historic? And what are the lessons from the uprising?

The Stonewall uprising is historic for one reason. It inspired the creation of a new phase of the movement for the rights of gay men and lesbians, and later for bisexuals and the transgender.

And this new phase, the Gay Liberation Movement created a mass movement. Making most of the rights -- most of the gains over the past five decades possible.

Stonewall and the Gay Liberation Movement also inspired similar new organizations around the world. So that globally LGBT people have more civil rights then they did 50 years ago.

This is why I often say that to study the uprising, without learning about the Gay Liberation phase of the LGBT Civil Rights Movement, is like studying the fall of the Bastille while knowing nothing about the French Revolution.

Second, I would like to underscore that while there are many factors that came together to create the Stonewall uprising, the most important of all these causes is the progress made during the homophile phase of the movement. Particularly locally in New York City.

This was a conclusion reached by none other than Craig Rodwell, a man whose perspective is of primary importance. For he was the chief -- I mean primary importance for understanding the historical record or any historical commentary.

Because he was the chief critic of the Stonewall club before the uprising. He was the main propagandist of the Stonewall uprising. And it was he who had the idea to celebrate the event annually with a march commemorating the revolt.

In other words, had it not been for the work done by Dick Leitsch on entrapment and legalized gay bars, following up on Kameny's

earlier suggestions, the explosion at Stonewall would in all likelihood not have occurred.

I say this because of a series of reflections I had after I finished the first draft of my history of Stonewall. Because the narrative did not make sense to me.

Why did the explosion occur after all the progress made under the Lindsay administration? In other words, it was under the John Lindsay administration that they ended police entrapment, and made progress on legalizing gay bars.

The answer is that as historians have noted, revolutions tend to occur after periods of liberalization.

Or to put it another way, while it took many factors coming together to create Stonewall, the longer I have lived with this history, the more I have come to feel that the most important cause and the long list of causes that created the matrix that created the uprising, the most fundamental was that work begun as a result of Kameny's civil rights approach, the local movement's success in ending entrapment, and the progress it made toward legalizing gay bars.

In other words, what I'm saying is, yes, most people out there on the night who were participating in the uprising, they hadn't read Frank Kameny. They may not have known the word Mattachine.

But the people who stormed the Bastille, I don't think most of those people had probably read Voltaire or Diderot. But it doesn't mean they were not influenced by them.

Emmanuel Kant famously wrote about the French Revolution and the contest of faculties that quote, the occurrence in question does not involve any of those momentous deeds or misdeeds of men which make small in their eyes what was formerly great, or made great what was formerly small.

No, it has nothing to do with all this. We are here concerned only with the attitude of the onlookers as it reveals itself in public while the drama of great political change is taking place.

In other words, the French Revolution had the impact it did not because of its effects on those who participated in it, but rather upon those who witnessed it.

It was the same phenomenon with Stonewall. The event derived its power from the emotional shock it created in those who heard about it.

All of the above goes far to explain the powerful symbolism of Stonewall. But why does that power endure?

I believe that the answer lies in the meaning of historic or national symbolism itself. All nations and important movements have moments that have a power that exceeds what can be expressed by mere rational analysis of their historic effect.

This is because these moments are symbolic. Because they express the deepest truths experienced by the human heart.

They become emblematic of the best in us. They symbolize our hopes and dreams, our feelings and yearnings, and all that we sense is our potential.

The vision of a world as it should be, or could be, or as it needs to be. Thus, when we learn about American history, certain stories, events, people, and moments are emphasized.

For example, all school children learn

the story of how Francis Scott Key watched through the night to see if Fort McHenry would fall under the intense British bombardment to which it was being subjected.

When he saw the flag still flying in the morning, he knew that an important battle had not been lost. And expressed this moment of hope and the triumph of faith in words that became our national anthem.

The stories or images of the Reverend Martin Luther King, Jr. giving his I Have a Dream speech or of the American Flag being raised over Iwo Jima, or of Rosa Parks refusing to move to a seat at the back of the bus, are all moments and images that help define who we are. Moments that exemplify our best and highest values, and thus are potent symbols.

The narrative of the Stonewall uprising is a very powerful story for a number of reasons. It seemed to come out of nowhere and was totally unexpected.

It was a spontaneous event. Totally unplanned and un-direct. And it happened in a seedy club run by the Mafia. And the groups that first turned against the police were primarily

effeminate boys who lived on the streets, sissies rejected by their families and by society, prostitutes, a butch lesbian, and transpeople.

That such a group could only -- could not only lead an effective revolt against the police, but also terrify them, seemed too good to be true.

Yet, this is what happened. And the police were astonished and terrified at the anger that they witnessed.

Pine, who led the raid, had written the manual for hand to hand combat in World War II, and been seriously injured in the Battle of the Bulge. Yet he said he was never more afraid then when he was inside that bar surrounded by hundreds of homosexuals.

Though Stonewall symbolizes both gay people standing up for themselves en masse for the first time spontaneously, and winning. And this is the kind of stuff of which legends have always been made.

All who witnessed the Stonewall uprising were transfixed by it. That is the reason that less than half a year after the uprising a homophile conference voted to celebrate

the annual -- I'm sorry, voted to celebrate the event, voted to celebrate the event annually.

And the moment spawned by Stonewall -- I'm sorry, and the movement spawned by Stonewall continues to surge around the nation and the world.

There was little international movement for LGBT civil rights before Stonewall. But the liberation movement inspired by the Stonewall uprising and the Gay Liberation Movement has known no boundaries, and has continued to overturn discriminatory and unjust policies in Europe, Asia, Africa, and every other part of the world.

Thus the Stonewall uprising is the most celebrated and symbolic event, both nationally and internationally in the history of the LGBT Movement for Civil Rights and Equality, from its earliest beginnings in Germany in the 19th Century down through the present day.

Given the preeminence of Stonewall and the history of the LGBT Civil Rights Movement, the event has been widely commemorated and celebrated within the movement. But until very recently, the history of this movement has generally been

ignored or given very limited recognition outside of the movement.

This has begun to change, especially since the ruling establishing the right to marriage for same sex couple was made by the Supreme Court. Which seemed to say to many people that this is a legitimate moral movement.

The two major speeches in which President Barack Obama linked the LGBT Movement with those of the Black Civil Rights Movement and the Movement for Women's Rights, helped the public to recognize the movement as legitimate American and Civil Rights history.

And as for official recognition of the Stonewall uprising by the United States government, this began with the uprising site being listed on the National Register of Historic Places in 1999, being declared a National Historic Landmark in 2000, and more recently being made a National Monument.

I thank the Commission for its time. And I'll be happy to respond to any questions that you may have.

CHAIR LHAMON: Thank you very much Mr. Carter. We'll open for questions from my

colleagues.

While people are ruminating, I'll start with mine.

(Laughter)

CHAIR LHAMON: I was struck by your saying that Stonewall derived its power from the emotional response to its images that people who witnessed it saw.

I have a ninth grade daughter who is studying the Civil Rights Movement in her history class. And she was writing an essay last night about what it meant for the Civil Rights Movement for people to see how black people were treated in a way that had not been as visible before the Civil Rights Movement.

And I'm wondering now that that is our history, if you think that we are beyond shock today?

Or if there are still moments when for movements of this type, for LGBT people, for other civil rights issues, we still are susceptible of shock that will prompt that kind of change?

Or if we now need a different tool for ensuring the kinds of equality gains that you described?

MR. CARTER: Well, I mean, I think there are positive shocks and negative shocks for example. So for example, I think that the Supreme Court ruling establishing a right to marriage was a positive shock.

CHAIR LHAMON: Um-hum.

MR. CARTER: Which helped to wake people up. And I feel that, you know, the normal process of trying to bring about social pos -- positive social change should be nonviolent and should be through, you know, normal channels. Lobbying and so forth, these kinds of meetings for example.

But, you know, at times I do think that, you know, direct action is called for. If direct act -- it took direct action to effectively counter Anita Bryant, you know. And she almost set the movement back.

You know, gay people began, and our supporters began to stop drinking orange juice for example. There were the protests against the movie Cruising, and boycotts of that.

Certainly it was important the thing -- the things that were done to ACT UP [AIDS Coalition To Unleash Power] - to finally bring the

federal government to respond to the AIDS crisis, which had, you know, which response had been as well all know, sorely lacking.

So yes, I mean, there's a ways to go yet. And I suspect there will be more moments like -- that will be, create a shock. Probably, you know, the positive and the negative.

But, I think, you know, we're getting close to the end, you know, as far as the major accomp -- the major goals.

One of the great landmarks was -- well, actually one of the greatest landmarks brought about by Frank Kameny, which ended discrimination pretty much by the Civil Service Commission happened July 1, 1969.

That was the greatest accomplishment of the movement to date. But it got totally lost in the news because it happened in the middle of Stonewall.

But then the greatest moment, the most significant movement after that was definitely the declassification of homosexuality as a mental illness, which took place in 1973.

Then the big landmark after that was the striking down all the sodomy laws by the

United States. I think that was 2003. And then the establishment of marriage equality via Supreme Court ruling.

But, what surprises me is that, you know, most people I talk to, whether they're LGBT or not, opposed or supportive, most people believe there is federal law today which protects LGBT people against discrimination.

And when I tell them, there's no such law, they're shocked. So, I think, you know, certainly this is a most important goal.

And I guess one could argue that either the most -- the greatest achievement was the marriage equality ruling. Or when this law will pass, because you could argue the marriage ruling would be the most important, because after all, this is a movement about sexuality.

And the greatest recognition our society gives to sex and to romance, is marriage. So, that's been achieved.

But on the other hand, you know, like heterosexual people, all LGBT people don't get married. And you don't have to be married. As much as one might desire to be married.

But one does need a job. One does

need access to housing. So, one could also argue that whenever this bill finally gets passed, that would be the greatest achievement of the movement.

Certainly, you know, those two, that goal that has been reached, the goal that has not yet been reached, those are both, I think, you know, extraordinarily important landmarks.

Does that kind of answer your question?

CHAIR LHAMON: It does. Thank you.

MR. CARTER: Uh-huh.

CHAIR LHAMON: Commissioner Narasaki?

COMMISSIONER NARASAKI: Hi. Thank you very much for your presentation. I'm curious how the movement was -- how it interweaved with the Civil Rights Movement? With the Women's Movement? And the Rights for Racial Equality?

I know I worked on trying to add LGBTQ status to the hate crime law.

MR. CARTER: Um-hum.

COMMISSIONER NARASAKI: And it took us, I think, 13 or more years to do that. Because we were broadening coverage from race and religion to add both gender and LGBTQ status.

And I was shocked that it took us that

long because I thought that at least basically we could all agree that people should not be beaten up because of who they love.

So, I'm just wondering how you see those movements intertwined. Do they help each other? Do they not help each other?

MR. CARTER: Well, I think one of the most important lessons I've learned through my research since Stonewall, because I've been working since that time almost, on a biography of Frank Kameny, it's become more and more apparent to me that really this movement modeled itself so closely on the Black Civil Rights Movement. That was its real model.

And I think the -- this is not my observation. It was the observation made by a professor at Harvard that I don't know.

But he said, the reason that the LGBT Movement was able to -- has been able to move so rapidly is because of the success of the Black Civil Rights Movement before it.

In other words, you know, that paved the way. And I think what happened is once you have those key Civil Rights Acts of '64 and '65, I think, you know, pretty much everyone realized

okay, it applies for this group.

You taught us when you did this, it's got to apply for all other groups. So, you know, women, religion, or whatever, nobody should be discriminated against, right? For any rational reason.

Which is what discrimination is. So, kind of tautological there. So, I think the main connection historically is that we modeled our movement on that movement.

It was difficult to bring other people who were of different races into the movement. And I think the reason for that is that -- because I'm going on my own experience and I was an activist in Wisconsin for ten years.

We had very few members who were Black or Latino. And we talked about this. And the best analysis we could come up with was because these people who were gay and Black or gay and Latino, they felt torn between the two groups.

Because they felt if they came out of their own communities they'd be rejected by their, you know, if they came out as gay or bisexual in their community, they'd be rejected by their community.

So they felt they had to choose. And for most of those groups apparently, that racial and ethnic identity was more primary, let's say, then the sexual orientation identity.

There's another issue too, which is the idea of just focusing on one thing. You know, that was essentially the approach that Frank Kameny took.

And that was also the -- what the Gay Activist Alliance took after. That we know we have to really focus just on this issue, because this is what we're about.

Just like the NAACP focuses on, you know, the rights for Black Americans. Because, you know, the more you try to bring in, the more you like get maybe a division, because it becomes more complicated and you're trying to pile, you know, one cause on top of another.

But I think what has happened is the -- my own perception is as the LGBT Movement has gained more power and been more successful, I think it feels it can risk more.

And then you take a -- you know, when you take care of some of these major goals, like you can't be fired for being gay for example.

Then you feel like you can work on maybe other issues like, you know, racism within your own group. Or trying to help, you know, ethnic minority members in your group. That's my perception.

So, I think -- so I also think that then as time has gone on, there's been a feeling that it's more possible to have, how can I say, working together with different, in coalition with different other, you know, civil rights groups to achieve common goals.

Does that answer your question?

CHAIR LHAMON: Madam Vice Chair?

VICE CHAIR TIMMONS-GOODSON: Thank you very much Madam Chair. And I add my thanks, Mr. Carter, to the others' words expressed, thanking you for coming.

I was struck by your statement that revolution comes after liberalization. And so I was wondering if you would say a few words further in explanation of that?

I think that was somewhere along your discussion of the lessons of Stonewall.

MR. CARTER: Um-hum.

VICE CHAIR TIMMONS-GOODSON: My mind

went to for example, the changes that allowed black slaves, or newly freed black slaves to serve as soldiers, --

MR. CARTER: Um-hum, um-hum.

VICE CHAIR TIMMONS-GOODSON: In the Civil War. And my mind went back to the fact that during World War II, having black soldiers serving abroad, and as a result, whites and there was some liberalization of our society.

But, I just wanted you to explain further, please, what you meant by revolution comes after liberalization?

MR. CARTER: Well, that was of course, not my observation. But, when I think of that, there have been many examples. For example, the American Revolution.

There was a period of liberalization before the American Revolution. And I think that the colonists got used to having certain rights.

So then when all of a sudden, you know, the king was imposing extra taxes, and these were unreasonable taxes. And they were taxing everything, and we weren't represented.

So, I think what that kind of liberalization does is it lets people -- it gives

people more self-confidence. And it lets them feel their humanity more.

And so I think that's what's happening in the case like where black people were allowed to serve as soldiers and trained as soldiers. It gave them more self-confidence. And you know, they could see themselves as fuller human beings.

Certainly the Russian Revolution came after a time of increased liberalization by the Czar. This happened also with the French Revolution.

They were excited by what they -- in part also because they were excited about what they heard happening in the United States with our revolution. Ideas of equality and freedom, and democracy and representative government.

So, that's --

VICE CHAIR TIMMONS-GOODSON: So, relate that back to Stonewall for me then?

MR. CARTER: Well --

VICE CHAIR TIMMONS-GOODSON: And the Gay Movement?

MR. CARTER: That before where you had 100 people being arrested a week in New York City in 1966. This ended all of a sudden, you know,

like that.

It took one order from John Lindsay and it stopped. And then bars, some of the pressure was taken off of bars.

So at Stonewall people, you know, it was -- you know, the Stonewall was a different kind of club. And it formed in part in relation to that relaxation, slight relaxation of, you know, severe clamp down on gay bars.

So, I think they felt really because -- you know, I don't know. So, it's speculation. But say all of a sudden your -- bars just aren't being raided as often, so we got to offer more.

So we're going to have dancing. We're going to put extra security up front. Make it hard to get in. You can feel secure when you get in.

We're going to give you a big dance floor. The best jukebox in town. And people began to feel more human, because they can express their romantic feelings.

The only surviving -- I feel that the most important group in the Stonewall, and the crowd that made it happen were these street youth. They never get any recognition in, you know, the

media or anything.

And the only -- there's only one surviving member of the street youth. And he's been the most articulate person ever I've heard talk about Stonewall.

And what he said, what he explained to me was that, say you're a teenager and you're gay. And you're living out, you know, in the middle of the United States and you hear a love song on the radio. So you fantasize that in homosexual terms.

You know, it's written in heterosexual terms, but you imagine, you know, the same feelings, you know, a man falls, you know, a teenager boy falls in love with another teenage boy. And they like to dance some, like to hold him, hold hands, et cetera, but feels he can't do that, you see, in the mid-1960s.

And then most bars in New York City you couldn't do it. They weren't -- they wouldn't allow what was called touch dancing or slow dancing.

But the Stonewall you not only could do it, you could do it all the time. So, you know, you begin to feel more human.

You begin to feel more validated. And

you know, of course many other things that factor into it. The fact that you know, this was a time of, you know, sexual revolution.

Demands for freedom in general, so forth and so on. That's also, I think, part of what was happening.

It was like, you know, like, you know, it was called the time of the sexual revolution. The impact of the pill and all that, you know.

That certainly heterosexuals in the late '60s were letting it all hang out. So I think gay people watching that may have also felt like hey, you know, what about us?

Can we have a little freedom? And so they got a taste of freedom at the Stonewall. They got a little taste of freedom when they could walk down the streets and not be, you know, entrapped by the police.

Go to a gay bar not being entrapped by the police. So, I think that that had a profound effect on the psyche.

And they felt, you know, when they thought they were being subject -- subjected to a clamp down, they felt like, well we don't -- we were doing it. We can express our resentment.

That's what I'm trying to say.

VICE CHAIR TIMMONS-GOODSON: Thank you.

MR. CARTER: Um-hum.

CHAIR LHAMON: Commissioner Adegbile?

COMMISSIONER ADEGBILE: Yes. Thank you for your presentation. I've been thinking about this notion about when change happens quickly, and when it happens more slowly.

And I'm wondering after hearing your presentation if the narrative that we hear very often about how quickly change is coming in the gay rights movement is actually true?

You sort of spoke about some markers, and --

MR. CARTER: Um-hum.

COMMISSIONER ADEGBILE: Different types of entrenched discrimination, an organization that has a very long history in this country and perhaps around the world.

And while it's true that there are lots of things happening now, I take it that there are other markers of the distance that remains to be traveled.

And in particular, as a Commissioner

from New York, I'm thinking about the extent to which youth homelessness has a correspondence with gay youth very often being rejected by their families and having to become homeless and like the street kids in essence that you describe generations ago?

MR. CARTER: Yes.

COMMISSIONER ADEGBILE: And so I'm wondering if there is a dominant narrative about some structural changes happening that are very important and send important signals.

But, if under the surface there are still certain tensions that the nation and individuals are working through that lead to very real impacts on people's lives?

MR. CARTER: Well, I think that when we talk about change in a social and a political setting, it's -- it's always a very complex phenomenon, right?

Because what's reality in one block of a city might be very different a block away. What's happening in the country, I mean in a rural area, it might be very different 20 miles away in the medium sized town. And it could be different from family to family, you know, based on

attitudes and beliefs and so many things.

And of course with homosexuality, I think it's extremely complex because the triple condemnation I mentioned earlier, I think, still exists for a lot of people.

In other words some people may have religious objections. Some people may think that it's unnatural. There could be all kinds of, you know, even philosophical objections or issues that some people have.

So, it's a very complex phenomenon, and very nuanced. And so yes, I think there's a -- it can be very paradoxical where you feel like you've made all this progress and then you hear something, you know, of areas where there's not progress.

Or you hear of examples, like the Pulse Night Club. You know, that massacre that happened all of a sudden.

But I think that's the way it always is with social movements. You know, I mean, I refer to the major accomplishments of the Civil Rights Acts of 1964 and 1965.

But, you know, still there's a lot of racism. Racism is still a virulent force in this

society. And certainly there's a great problem with the lack of economic justice for Black people and other minorities, not to mention Native Americans.

So yes, there's a lot of work to be done. But, I mean, considering where we were, where in 1965, homosexuality was outlawed in every state.

You didn't have any, you know, no LGBT people were represented, you know, positively in the media anywhere. If there was ever a gay character in a film, they had to be killed off or kill themselves.

Considering who we were 50, 55 years ago, where we have come today is really phenomenal. But again, I think that's because we could use the arguments and the examples of the great achievements of the African American Movement for Civil Rights.

That's why so much has been done. But, as it's, you know, said, the price of freedom is eternal vigilance. I think it's one could also say the price of equality is eternal vigilance too.

And certainly there's -- and yes, it

is -- it's very sad that the gay youth still have to, you know, sometimes choose between their families and integrity. You know, being true to themselves and pay a price for it.

COMMISSIONER ADEGBILE: Thank you.

CHAIR LHAMON: So, I think the admonition to be eternally vigilant is a good note to end on. And I'll thank you for that and plan to stand in solidarity with you on that vigilance.

So, thank you very much Mr. Carter for joining us today.

III. ADJOURN MEETING

And with that I will hereby adjourn our meeting at 2:26 p.m.

(Whereupon, the above-entitled matter went off the record at 2:26 p.m.)