The meeting convened in Room 540 at 624 Ninth Street, N.W., Washington, D.C. at 2:00 p.m., Abigail Thernstrom, Vice Chairman, presiding.

PRESENT:

ABIGAIL THERNSTROM, Vice Chairman
TODD GAZIANO, Commissioner
GAIL L. HERIOT, Commissioner
ARLEN D. MELENDEZ, Commissioner
MICHAEL YAKI, Commissioner

MARTIN DANNENFELSER, Staff Director

STAFF PRESENT:

DAVID BLACKWOOD, General Counsel
CHRISTOPHER BYRNES, Chief, Programs Coordination Unit
DEBRA CARR, Esq., Associate Deputy Staff Director, OSD
DEMITRIA DEAS
PAMELA A. DUNSTON, Chief, Admin. Services and Clearinghouse Division
SAMUEL ENNIS (Intern)
DANIELLE GALLEN (Intern)
ROBERT LERNER, Assistant Staff Director for OCRE
TINALOUISE MARTIN, Director of Management
EMMA MONROIG, Solicitor/Parliamentarian
CANDYCE PHOENA (Intern)
ANDREW SCHWARTZ (Intern)
KIMBERLY TOLHURST
VANESSA WILLIAMSON
AUDREY WRIGHT
MICHELE YORKMAN
COMMISSIONER ASSISTANTS PRESENT:

TIM FAY
DOMINIQUE LUDVIGSON
RICHARD SCHMECHEL
KIMBERLY SCHULD
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>AGENDA ITEM</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Approval of Agenda</td>
<td>4</td>
</tr>
<tr>
<td>II. Approval of Minutes</td>
<td>15</td>
</tr>
<tr>
<td>IV. Staff Director's Report</td>
<td>16</td>
</tr>
<tr>
<td>VII. State Advisory Committee Issues</td>
<td>51</td>
</tr>
<tr>
<td>Florida SAC</td>
<td>51</td>
</tr>
<tr>
<td>Kentucky SAC</td>
<td>54</td>
</tr>
<tr>
<td>Wyoming SAC</td>
<td>57</td>
</tr>
<tr>
<td>IX. Adjourn</td>
<td>65</td>
</tr>
</tbody>
</table>
VICE CHAIR THERNSTROM: The meeting will come to order. Good morning. This is a meeting of the U.S. Commission on Civil Rights on June 6th, 2008. The meeting is being held at 624 9th Street, Room 540, Washington, DC. Commissioners Heriot, Gaziano, Yaki, Melendez and Thernstrom, Vice Chair are here. Commissioner Kirsanow I don't think is participating by phone. Is he -- no, we have no participation by phone at this point.

I. APPROVAL OF THE AGENDA

The first item on the agenda is the approval of the agenda. Is there a motion to approve the agenda?

COMMISSIONER YAKI: So moved.

COMMISSIONER GAZIANO: I move to amend the agenda, Madam Chair.

VICE CHAIR THERNSTROM: Yeah.

COMMISSIONER GAZIANO: I move to amend the agenda after Item IV, Staff Director's Report to add an item, Consideration of FY 2009 Program Planning Process, including Reconsideration of the Statutory topic of the statutory, either to confirm the Home
Sweet Home Topic or to change it.

VICE CHAIR THERNSTROM: I'm sorry. I was looking for my agenda. Say that again.

COMMISSIONER GAZIANO: I just want to add an item on the agenda so that we -- after the Staff Director's Report we can discuss the procedure, what our process should be for program planning in 2009 including the process for either confirming or reconsidering the statutory report topic.

VICE CHAIR THERNSTROM: We just lost a quorum.

COMMISSIONER GAZIANO: How do we know we lost a quorum?

VICE CHAIR THERNSTROM: He just walked out.

COMMISSIONER GAZIANO: You have to note four.

COMMISSIONER HERIOT: Right.

COMMISSIONER GAZIANO: I suppose you've noted it, but we could have proceeded if you didn't note the absence of a quorum. Well, maybe he's just gone to the restroom. How do you know that -- he stepped in and out, he stepped in and out.

VICE CHAIR THERNSTROM: It doesn't really
matter, we don't have a quorum.

COMMISSIONER GAZIANO: We can wait. Is Mr. Yaki going to return?

RICHARD SCHMECHEL: I cannot speak for him.

VICE CHAIR THERNSTROM: Well, his coat his here, so why don't we move on from the agenda, go back to that and go to the approval of the minutes?

COMMISSIONER HERIOT: You can't do that.

VICE CHAIR THERNSTROM: Oh, you can't do anything, of course.

COMMISSIONER HERIOT: You can discuss it. It doesn't matter with him or not.

COMMISSIONER GAZIANO: I'll wait.

COMMISSIONER HERIOT: We can discuss it.

VICE CHAIR THERNSTROM: No, because we'll have to discuss it all over again when Commissioner Yaki comes. Marty, we could have you give the Staff Director's Report.

COMMISSIONER GAZIANO: He can repeat it.

VICE CHAIR THERNSTROM: No, thank you. Can somebody go into the men's room.

COMMISSIONER HERIOT: For future reference, it is not necessary to stop a meeting when
a quorum is --

VICE CHAIR THERNSTROM: There he is. A quorum depends on you.

COMMISSIONER GAZIANO: I think he knows that, doesn't he. If you intend to deprive us of the quorum, would you let us -- if you intend to get a drink of water or whatever.

COMMISSIONER YAKI: As I walked out, I said, they're going to lose a quorum. I was saying that.

COMMISSIONER GAZIANO: Okay, I move and I think it's been seconded, that we add after the Staff Director's Report an item consideration of FY 2009 program planning process and that would include either confirmation or reconsideration of the statutory report topic which as it stands is the very narrow examination of the Home Sweet Home paired matching program that might not be continued by the next Administration.

VICE CHAIR THERNSTROM: Well, I do not want to reconsider the statutory report, I do want to have program planning, so I can't support that.

COMMISSIONER GAZIANO: You can't support adding that discussion to the agenda.
VICE CHAIR THERNSTROM: I won't support as one component of it, a reconsideration of the statutory report. I may be alone, however.

COMMISSIONER HERIOT: Well, this doesn't require us to do that. It just a discussion of the process.

VICE CHAIR THERNSTROM: All right, I call a vote, call the question. All in favor?

(Aye)

VICE CHAIR THERNSTROM: All opposed?

(No)

VICE CHAIR THERNSTROM: Three to two. All right, we'll move on. Oh, we have to approve the agenda.

COMMISSIONER GAZIANO: I move that we strike Item Number V, Management and Operations, Consideration of the FY 2009 Budget Submission.

COMMISSIONER HERIOT: Second.

VICE CHAIR THERNSTROM: I once again cannot support that. We need to get the budget out the door.

COMMISSIONER GAZIANO: Well, unless we have the discussion that I wanted, I think it's a kind of futile to discuss the budget.
VICE CHAIR THERNSTROM: There was a second from Commissioner Heriot on that. I'm going to call the question on it. I'm opposing it. I'm opposing Commissioner Gaziano. I want to leave it on the agenda as is and to get the budget out of the door, which is really, I think, important at this point. All if favor of Commissioner Gaziano's motion.

(Aye)

VICE CHAIR THERNSTROM: Opposed?

(No response)

VICE CHAIR THERNSTROM: Well, I'm opposed. Commissioner Yaki -- Commissioners Yaki and Melendez?

COMMISSIONER YAKI: I'm abstaining.

VICE CHAIR THERNSTROM: Abstaining. They need a majority and they don't have it. It is still on the --

COMMISSIONER GAZIANO: We need a majority of the quorum?

COMMISSIONER HERIOT: It's the majority of those who are voting.

COMMISSIONER GAZIANO: So we have a majority.

COMMISSIONER HERIOT: They're not voting.

They're abstaining.
VICE CHAIR THERNSTROM: If you're not voting, then discussing the budget is off the agenda and the Commission will not be able to --

COMMISSIONER HERIOT: Well, you could move to reconsider the first motion, change your vote.

VICE CHAIR THERNSTROM: No, I'm not going to. So we won't have a budget submission which we very badly need. Whatever. Okay, then a motion to approve the minutes.

COMMISSIONER YAKI: I think we can do that.

COMMISSIONER HERIOT: We still have to approve the agenda.

VICE CHAIR THERNSTROM: Okay, so we need a motion now to approve the agenda, but it is now minus Number V, as I understand it.

COMMISSIONER YAKI: Second, to approve the agenda as amended.

VICE CHAIR THERNSTROM: Okay.

COMMISSIONER GAZIANO: Can we have discussion on that motion?

VICE CHAIR THERNSTROM: Of course we can.

COMMISSIONER GAZIANO: Who moved to approve the agenda?
COMMISSIONER YAKI: I did.

COMMISSIONER GAZIANO: You did? Was there a second?

COMMISSIONER MELENDEZ: I'll second that.

COMMISSIONER GAZIANO: I don't think I can approve the agenda unless we discuss these issues. I don't think we'll ever get to a budget submission, so I don't think I can vote for the amended agenda either.

VICE CHAIR THERNSTROM: Well, it's an agenda you amended.

COMMISSIONER GAZIANO: In one respect.

VICE CHAIR THERNSTROM: You amended it to take out the budget.

COMMISSIONER GAZIANO: Yes, but I'd like to get to the budget.

VICE CHAIR THERNSTROM: I understand that, but that's the way you amended it and now you're saying because it's been taken out, which was your initiative, you can't approve the agenda.

COMMISSIONER GAZIANO: Well, I don't think we'll get to it till July unless we have a discussion of some of these issues in June. I don't think we'll get to that in July.
VICE CHAIR THERNSTROM: You cannot have it both ways.

COMMISSIONER GAZIANO: I don't want it both ways.

VICE CHAIR THERNSTROM: You do.

COMMISSIONER GAZIANO: I'm being honest.

VICE CHAIR THERNSTROM: You have asked to get out of this agenda, the budget submission and now you're telling me you cannot support the agenda because the budget submission item is out of it.

COMMISSIONER HERIOT: I think what he means is both pieces that he wanted in there are out of it.

VICE CHAIR THERNSTROM: He can't -- I mean, it does seem to me if we have a vote on something and you lose it, that --

COMMISSIONER GAZIANO: I'll be outvoted then. I'll be outvoted. If it's so ridiculous, I'll be outvoted.

COMMISSIONER YAKI: If this is a discussion we're going to be having --

VICE CHAIR THERNSTROM: Goodbye.

COMMISSIONER YAKI: No, I'm just getting myself ready. When this goes up, then --
COMMISSIONER GAZIANO: Okay, I move to amend the agenda to strike everything but the approval of the State Advisory Committees.

VICE CHAIR THERNSTROM: Well, we're not going to approve the minutes. We are not going to have enough, since we're not going to have a Staff Director's Report, we're not going to -- I mean, I'm happy to have a discussion of program planning. I was not happy to have in that discussion the question of the statutory report. So, you know, you can make a motion to --

COMMISSIONER GAZIANO: I think I've been outvoted to approve the agenda as it's been amended. So let's vote on the approval of the agenda as amended.

COMMISSIONER YAKI: Restate how it's been amended, please.

COMMISSIONER GAZIANO: Strike Item Number V.

VICE CHAIR THERNSTROM: Okay, we can vote on that. Why not --

COMMISSIONER GAZIANO: For the record, I just am concerned we're not going to get to where we need to be in July either if we don't discuss these
things, but fine.

VICE CHAIR THERNSTROM: We can have our discussion of program planning. I do not want to include the statutory reports. That's all.

COMMISSIONER YAKI: Point of information.

VICE CHAIR THERNSTROM: What?

COMMISSIONER YAKI: What the hell are we talking about now?

COMMISSIONER GAZIANO: I move the agenda as amended.

VICE CHAIR THERNSTROM: As amended.

COMMISSIONER YAKI: I knew that like 20 minutes ago and then it was seconded by Commissioner Melendez.

COMMISSIONER GAZIANO: I wanted to speak on it. I've spoken. Now I retract what I --

COMMISSIONER YAKI: Okay.

VICE CHAIR THERNSTROM: The question, all in favor of following the agenda with the -- we've now taken out --

COMMISSIONER YAKI: Item V.

VICE CHAIR THERNSTROM: -- Item V so that this Commission will once again, not have a budget submission even though it is possible to have a budget
submission which allows us to make --

COMMISSIONER YAKI: This is talking about

a topic we've already debated?

VICE CHAIR THERNSTROM: All right, calling

the question. All in favor?

(Aye)

COMMISSIONER GAZIANO: Abstain.

VICE CHAIR THERNSTROM: Aye.

COMMISSIONER YAKI: Okay. So that's one

abstention for us. I think we go on now to approval

of the minutes, let's see if we can have a confusing

argument over that.

II. APPROVAL OF MINUTES

COMMISSIONER YAKI: I move to approve with

one amendment.

VICE CHAIR THERNSTROM: Yes.

COMMISSIONER YAKI: Page 2 of the minutes

states that the vote was 6-1-1 but it also says that

the Chairman wasn't on the phone at the time, so it

probably should be 5-1-1.

VICE CHAIR THERNSTROM: Okay.

COMMISSIONER YAKI: Because that's seven.

VICE CHAIR THERNSTROM: Okay, that's a

good amendment.
COMMISSIONER GAZIANO: Which paragraph is that?

COMMISSIONER YAKI: Page 2 of the minutes, at the top, it states that the vote on the concept was 6-1-1, but it also states that the Chairman wasn't on the phone.

VICE CHAIR THERNSTROM: Right, you're right about that.

COMMISSIONER HERIOT: That's voter fraud.

COMMISSIONER YAKI: Other than voter fraud, I'm calling the press.

VICE CHAIR THERNSTROM: All right, with that amendment, all in favor of approving the minutes say "Aye".

(Aye)

VICE CHAIR THERNSTROM: Anybody opposed? Anybody abstaining? Unanimous vote to approve the minutes. Okay, on to the Staff Director's Report, presumably there will be nothing contentious about the staff director.

III. STAFF DIRECTOR'S REPORT

COMMISSIONER YAKI: Yeah, there will be.

VICE CHAIR THERNSTROM: There will be?

COMMISSIONER YAKI: There will be.
VICE CHAIR THERNSTROM: Just hearing from him?

COMMISSIONER YAKI: No, but the discussion of the Staff Director's Report.

VICE CHAIR THERNSTROM: Oh, that's fine. I just meant whether we wanted --

STAFF DIRECTOR DANNENFELSER: I'd like to update you on a few of the projects staff has been working on since --

COMMISSIONER YAKI: Wait, wait, wait, wait, first, I'd like to make a motion to say welcome and because the first time we said welcome, you weren't really official yet. Now, you are officially welcome.

STAFF DIRECTOR DANNENFELSER: That's right, thank you.

VICE CHAIR THERNSTROM: Did you just say that was a motion?

COMMISSIONER YAKI: A point of personal privilege.

VICE CHAIR THERNSTROM: Okay.

STAFF DIRECTOR DANNENFELSER: Okay, thank you, Commissioner Yaki. I would like to update you all on some projects we've been working on at the
Staff.

In the area of employment law, Staff continued to respond to an EEO appeal and drafted an Agency response to Appellant's EEO complaint. In the area of Procurement Specialist, Staff announced the award of the Procurement Specialist contract to the winning bidder. However, a protest to GAO was received, so no work has begun on the contract.

COMMISSIONER YAKI: What was the amount of the bid? What was -- how much was the bid for?

STAFF DIRECTOR DANNENFELSER: I believe it was about 90,000.

MR. BLACKWOOD: 75,000.

COMMISSIONER YAKI: And who was the potential awardee? Microphone.

STAFF DIRECTOR DANNENFELSER: Okay, the award was $74,253 to a company called Right Solutions.

COMMISSIONER YAKI: And who was the protest by? I want to say it in case any of us get called on to bid by somebody we would know what -- who that person may be and therefore, not take the phone call. Trust me, in procurement disputes, it happens all the time.

MR. BLACKWOOD: His name is Jeff Cornell,
COMMISSIONER YAKI: Cornell and Associates, okay, thank you.

STAFF DIRECTOR DANNENFELSER: Okay, in the area of complaints processing between April 21st and May 16th, the Office of Civil Rights Evaluation received and processed 258 complaints. Regarding the Statutory Report, Staff has received responses to four of the five U.S. Department of Justice interrogatories and expects to receive the final one from the Bureau of Prisons today. We also expect the Department of Justice to provide us with responses from nine federal prisons today.

Seven of nine state prisons have responded to the interrogatories. Staff also received responses from all the advocacy groups, faith-based organizations and county jails that were contacted. Pending conclusion of the various reviews that are required, a discussion and vote on the report is tentatively planned for the July 11th meeting.

Staff is coordinating a kickoff meeting in late June with the auditors for the FY 2008 annual financial audit and the library staff has received 131 telephone inquiries. In addition, staff received 201
written requests and 170 e-mail requests for
Commission publications, resulting in a distribution
of 730 -- 763 publications.

Finally, I wanted to introduce the
Agency's summer interns. The Office of General
Counsel had three interns begin work this week, Samuel
Ennis, who has just completed his first year at UCLA
School of Law, Candyce Phoenix completed her first
year at Harvard Law School, Danielle Gallen will be
entering his third year at University of California,
Hastings College of Law and also --

VICE CHAIR THERNSTROM: Can you stand up?
COMMISSIONER YAKI: So who is at where?
MS. PHOENIX: I'm Candyce. I just
finished my first year at Harvard.
COMMISSIONER YAKI: Oh, too bad, okay.
MS. GALLEN: I'm --
COMMISSIONER YAKI: You're from Hastings?
MS. GALLEN: Yes.
COMMISSIONER YAKI: Just down the street
from me, that's good. I'm sorry, I'm just jerking
your chain.

STAFF DIRECTOR DANNENFELSER: And sitting
right next to them also is Andrew Schwartz who can
stand. He's beginning an internship in the Office of the Staff Director. He began this week and he's just finished his first year at Vermont Law School.

And next week the Office of Civil Rights Evaluation will welcome two more interns and they are Christina Catapang, a junior at Georgetown University and Jamal Sotobaeva, a senior at American University.

COMMISSIONER YAKI: So we'll see them next month?

STAFF DIRECTOR DANNENFELSER: Hopefully, we will, yes. So we're very pleased to have the interns on board and appreciate the valuable help they're going to be providing us this summer. And that concludes my report.

COMMISSIONER MELENDEZ: When do we expect a final draft to be distributed to the Commissioners on the Statutory Report?

STAFF DIRECTOR DANNENFELSER: In about probably a week and a half, that's our hope.

VICE CHAIR THERNSTROM: Yes, Commissioner Melendez -- Yaki, I'm sorry.

STAFF DIRECTOR DANNENFELSER: Well, let me just -- that will be the second draft. That would not necessarily be the final.
COMMISSIONER YAKI: I just want a quick status report on the 2008 fiscal situation. As you know, before you came on board and actually before Robert came on -- interim on board, there was a recession on our budget and I keep on wanting more help, so how are we doing?

STAFF DIRECTOR DANNENFELSER: Well, we are looking at a possible surplus at the moment. We had five hires that we didn't make when the budget was cut, you know, from our original 8.8 to 8.46. So we did not hire five people that were in our proposal that we had originally submitted, and that benefits -- salary and benefits for those five people added up actually to about $506,000.00.

We had a savings of about $66,000.00 with the four-month period in which the Staff Director was not onboard. And we've had a number of other things in the area of travel and a few other areas that have been lower than anticipated. So we're -- right now, I think we're looking at in the neighborhood of three to 400,000.

COMMISSIONER YAKI: For the purposes of -- and I won't speak for him. I'll just reference him because I can never speak for him but for the purposes
of an issue raised by myself and I believe separately by Commissioner Gaziano, which has to do with the availability of special assistance, given the fact that we have this availability of money toward the end of the year, I'm just wondering if at some point we can -- we should discuss whether it's appropriate at that time to use some of the funds to look at additional special assistance for those on the Commission who have requested one. Just -- I just -- nothing to vote on, just as a discussion item for perhaps, the next meeting.

VICE CHAIR THERNSTROM: In your answer to that, maybe you could tell us what the five slots were that were not filled and so that we have some sense of priorities here.

STAFF DIRECTOR DANNENFELSER: The five slots that were not filled were a Social Scientist in OCRE, a Staff Assistant in the Office of General Counsel, the Regional Director for the Western Regional Office, a Congressional Affairs and Public Affairs Specialist that would handle both of those functions and a Human Resources Director. Those are the five positions that were not filled and again, the Office of Management reports that the combined full
year salary and benefits for those five would have
come out to a little over $506,000.00.

COMMISSIONER YAKI: Okay.

STAFF DIRECTOR DANNENFELSER: We also had
some savings. We switched to Westlaw and we realized
some savings by switching to Westlaw as well this
year. The problem we have going forward is we have
some new expenses in -- with ID systems that we have
to put in place and some other COOP and FISMA related
expenses that we're going to absorb. We have --

VICE CHAIR THERNSTROM: Some what?

STAFF DIRECTOR DANNENFELSER: COOP,
Continuity of Operations Procedures.

VICE CHAIR THERNSTROM: And what's the
other one?

COMMISSIONER YAKI: We have to do that,
crap?

STAFF DIRECTOR DANNENFELSER: We have to
do it all, yes. It's mandated. So anyhow, we're
looking at new things that we are obligated to doing.
We'd incur more than $500,000.00 in new expenses going
into next year. We are cutting back on some areas
such as travel that were higher in the FY 2008 budget.
We are projecting lower amounts in 2009.
But one of our concerns, of course, we're budgeting right now based on 8.8 million but we may very well be looking at another continuation of a continuing resolution that's going to leave us more in the neighborhood of $8.4 million. So at least until we get to the point of a resolution by Congress of whether we're going to have the continuing resolution or even an 8.8 budget, we're probably going to have to hold off on hiring when we get one person in the budget for OCRE, another civil rights evaluation person. But even that, we may have to hold off on pending resolutions.

VICE CHAIR THERNSTROM: In term -- I mean, it would seem to me, but please correct me if it's not true, that not having a congressional affairs person combined with obviously, public affairs congressional liaison, an HR Director, a -- I don't know what Dr. Lerner would have to say on the need for another social scientist at OCRE but, I mean, I'm concerned about doing without people in those positions.

STAFF DIRECTOR DANNENFELSER: Well, those were the positions that the commission prioritized. We actually had -- we did have in our original projected budget that was sent to OMB, which was a
more ambitious budget in the $11 million range, there was allowance made for four new special assistants in that budget and then when we had a cut from that budget down to 8.8, we prioritized the five positions. And even then, when we got cut from 8.8 to 8.46, decided to hold off on hiring those five positions.

VICE CHAIR THERNSTROM: I mean, if there are special assistants going to be added, then everybody who doesn't have a special assistant needs to have one, and that includes me.

COMMISSIONER GAZIANO: Before I forget, someone pass onto the interns my own thanks for their effort. As I understand these are not paid internships.

COMMISSIONER MELENDEZ: That's correct.

COMMISSIONER GAZIANO: Well, thank them for me and I'll try to do so as well for their voluntary service. But on the point that Commissioner Yaki raises, I certainly just want to second the idea that if there is this money that seems to be left over, thank you for finding it. But I think we should vote on how to spend it and I am very interested in your last comment on whatever the priorities were.
made. If manna came down from heaven, certainly we could revisit that and I certainly understand your point that maybe you don't want to hire people that can't be continued but maybe you'd rather have temporary people who understand that than permanent people but I hope all that is fair game in July when you go -- how firm is that as far as the budget or do you need to continue to track down some --

STAFF DIRECTOR DANNENFELSER: I think it's pretty firm. We've been really going over the numbers pretty carefully over the last couple of weeks, and I think we've gotten a pretty good handle on what's there. I mean, again, the big question is there is certainly money now but we're only less than four months until the end of the fiscal year and -- if we were to bring people on, unless we brought people on in a temporary capacity, we would not probably have the capacity to keep them on starting October 1st.

COMMISSIONER GAZIANO: I'm not sure which way that cuts, though, as to how we should spend that money. It might suggest special assistants make more sense. It might suggest a congressional affairs person might make more sense. Actually we could get questions from this wonderful members that appointed
the four of us.

VICE CHAIR THERNSTROM: And especially when the partisan balance in Congress is likely to change and dramatically.

COMMISSIONER GAZIANO: I'm just suggesting, I think that Commissioner Yaki has suggested that again I try to familiarize myself with what priorities were set by the Commission before I was here but I want to encourage for a future agenda item a discussion of that.

STAFF DIRECTOR DANNENFELSER: Well, we are currently encouraging the staff heads of the different divisions to submit proposals in terms of high priority projects that they would like to see funded between now and the end of the year. I certainly would encourage any of the Commissioners to submit ideas as well. There are, you know, things like software that we might consider that might, in the absence of some of the staff that we're able to hire at least on the administrative side, if we can come up with some software that helps us be more efficient, and perhaps help us save some money that way, that would be the type of thing but it's an open-ended area for people to make suggestions on how we
should proceed.

COMMISSIONER GAZIANO: Am I unreasonable to suggest, though, that if there's that amount of money, that maybe we shouldn't be committed before we have a discussion. I mean, maybe it is unreasonable. Tell me if it is. And you don't have to necessarily tell me today but if we have to really tighten our belt to make the decision, and we find extra money, it may be valuable money, or should be valuable money.

STAFF DIRECTOR DANNENFELSER: Yeah, we would have to make a decision soon enough so that we could do something about it before the end of the fiscal year if we wanted to.

COMMISSIONER YAKI: What was the number of the House budget that passed yesterday, do you know?

STAFF DIRECTOR DANNENFELSER: For the Commission, I didn't see that number.

VICE CHAIR THERNSTROM: I would like to hear actually from Dr. Lerner as to you know, in terms of us getting reports out the door, we're horribly behind, obviously, and I do not in any way blame him for this but in terms of getting reports out the door expeditiously, how much would it help to have somebody, another social scientist?
COMMISSIONER YAKI: I would like to have this discussion next month which is when I said we would do it.

VICE CHAIR THERNSTROM: Okay, that's fine.

STAFF DIRECTOR DANNENFELSER: Well, then just briefly on that question you just raised, that was a consideration in proposing to add another person in OCRE to help us with that very area.

VICE CHAIR THERNSTROM: Right, right.

STAFF DIRECTOR DANNENFELSER: Because we have --

COMMISSIONER YAKI: The Commissioners have concerns, too.

VICE CHAIR THERNSTROM: Anything else?

Yes, Commissioner Melendez.

COMMISSIONER MELENDEZ: Yes, as you know, you know, I had a real concern and the reason I voted against -- I would have voted against even discussing it but since the fact that I got the information that I was seeking for months just Wednesday, which didn't give me a lot of time to really go through it adequately, but again, if we're talking about a small amount of money, then I don't think the Commission is that concerned, but it's either shortfalls and the
appropriation like what I had said cutting down from 8.8 to 8.4 then that was a substantial amount that we really needed to talk about that and to really know where the money would have been allocated.

You know, in the light of knowing that there was going to be a shortfall, then all of a sudden we hear we've got surplus, you know, so we're kind of going, well, what was the reason for that? Was it because we didn't hire positions and was the reason we didn't hire positions because we were trying to anticipate that we would have the 400 short fall. So I'm not sure what the reason was for not really receiving that information.

So and then again, we're at the middle of the year again where we may have dropped the ball in 2007. We're facing the same thing again right now of whether or not there's a surplus and how much are we actually talking about and how should we allocate it out. I mean, it's a bigger picture when you really look because I know that the former Staff Director had detailed Derek Horne to a southern area, region and I'd asked the question, well, what was that about, because in light of the whole issue, what I want to see is that all of the regions, whether it's the one...
out in western that doesn't even have, you know, anybody in the office. And I was trying to get a fair -- if everybody is going to operate on outside of the Western Region, will they expect all of the regions throughout the United States to be basically given the same allocation of either using an analyst as opposed to what the top person that we used in that report. So I'm not sure what that detail was before and what the person was actually doing there and how does that weigh in for this whole issue on the budget because that's a person that's out in southern that's being paid for the same as -- and here we are short of an HR Director here.

Here we have to contract -- instead of a procurement person, we're actually contracting them out now. So the only point I'm making is all of those positions should be brought into the discussion so we can either validate the reasons why they're out there and why they're paying for those positions out of this office and being fair to all the other regions where I have a real concern of Western Region, operating with a secretary as the head of the Western Region. So that's my concern and hopefully at the next budget we can get down to fairness and how his allocation of
funding is distributed even to the SACs and even to the regions. So I think it's important we have that frank discussion.

VICE CHAIR THERNSTROM: Yeah, Commissioner Yaki.

COMMISSIONER YAKI: Thank you, Madam Chair. And also for the discussion next month about this, just to emphasize something that Commissioner Gaziano said, it may be that in terms of looking at this, there may be some positions we can fill with an understanding that they may just be short term, in terms with their total length, but in terms of their incremental help to us, you know, it could be a lot more. And as a footnote to that, I just want to say that it has not gone unnoticed by the appropriators and the authorizers that the previous two years, this is again before you, we returned our budget with half million and some odd surpluses before. And I think it would not be a wise move having been cut, to return a budget with a surplus. I just don't think -- I just don't think that the impression would be one that we'd want to convey, but thank you very much for allowing that discussion on the Staff Director's report, Madam Chair.
VICE CHAIR THERNSTROM: The next topic for the agenda is Program Planning for FY 2010.

COMMISSIONER MELENDEZ: Just one more question.

VICE CHAIR THERNSTROM: Yeah.

COMMISSIONER MELENDEZ: Is there a list of SACs in the future that we'll be considering after the ones that were on the agenda. Is there another batch that's coming up?

STAFF DIRECTOR DANNENFELSER: There are a few that are working their way through, SACs coming up in the future. Can you project any SACs to be ready for next meeting? Two.

COMMISSIONER MELENDEZ: Do you know what states?

MR. BYRNES: At this point, it might be Arkansas and Wisconsin.

COMMISSIONER MELENDEZ: Okay, thank you.

STAFF DIRECTOR DANNENFELSER: You're welcome.

IV. PROGRAM PLANNING - 2010 PROGRAM PLANNING

VICE CHAIR THERNSTROM: So at this point, according to Administrative Instructions 1.6. As it now stands, that process is key to the annual budget.
Annually in October the Staff Director collects budget recommendations, concepts from Commissioners, Staff, Regional Offices, SAC members, external groups for the following fiscal year. The Commission has typically ranked the preferred topics as the field of the topics from which they will ultimately choose between January and March. The Commission typically holds a program planning meeting to approve topics for the briefing clearing house reports and the statutory report. These choices become the basis for the Commission's budget which is typically voted on by the Commissioners in July, sent to OMB in September and submitted to Congress once the Commissioners vote on how to reconcile it with the Administration's budget request.

So we are approving project concepts, in particular briefing topics anywhere from a year and 10 months to almost three years in advance of the time the actual briefing is held. A number of Commissioners have previously expressed the concern that deciding on briefing topics so far in advance inhibits the topicality and counterness (phonetic) of the Commission's work to be more relevant to policy makers both in the White House and Congress and to be
able to better respond to emerging civil rights
issues, some Commissioners have argued that we must
have more flexibility.

Commissioners have also questioned whether
or not the budget process and OMB requires
Commissioners to actually select briefing topics
rather than simply specify the number of briefings it
wishes to conduct in a given fiscal year. The Chair
posed this inquiry to the Deputy Associate Staff
Director in advance of this meeting and she informed
him that OMB will allow the Commission to forego
approving specific report topics for FY 2010 budget
purposes as long as we include language that conveys
that specific topics will be determined following
consultation with the new Administration and the new
Congress.

OMB understands that this consultation is
not binding on the Commission. That is the Commission
is not agreeing to adopt any of the suggestions made
by Congress or the White House. These consultations
would be informational only and would actually help us
toward the goal of engaging more with policymakers.
In such communications we would obviously, have to be
very mindful of not over-reaching or promising --
COMMISSIONER YAKI: I'm just wondering, what are you reading from?

VICE CHAIR THERNSTROM: The script handed to me.

COMMISSIONER YAKI: So you have a copy? Okay.

COMMISSIONER GAZIANO: I'm listening intently.

VICE CHAIR THERNSTROM: You're supposed to listen intently, Commissioner Yaki. Or promising that we'll hold briefings on the recommended topics. Suggestions will, of course, have to be voted on by the full Commission. One way to respond to these concerns would be for the Commission to decide the total number of briefings it will have in a given fiscal year as it does currently, revise it's policies to allow Commissioners to select briefing topics on a quarterly basis.

So, for example, toward the end of the third quarter of FY `09 the Staff Director would solicit input for project recommendations for briefings to be held in the first quarter of FY 2010.

COMMISSIONER YAKI: Keep on reading, I'll be back.
VICE CHAIR THERNSTROM: From policymakers on Capitol Hill and in the White House as well as Commission staffed regional office, SACs and others who are currently consulted. The Staff Director would circulate those recommendations for Commissioners to rank as he currently does.

The Commission would then hold a planning meeting at the beginning of the fourth quarter of FY `09 to select its briefing for the first quarter of FY 2010. The process would repeat itself quarterly according to that model. Staff would have anywhere from three to five months to plan the briefing and Commissioner's concerns as to relevance and timeliness would be alleviated.

This more flexible system would also increase the likelihood of becoming more of an asset to policymakers. The FY 2010 cycle actually provides us with a good opportunity to test out a new system along these lines. Because the next President will be responsible for submitting the FY 2010 budget to Congress, OMB issued guidance M-08-17 in April 2008 notifying all federal agencies and departments that FY 2010 formal agency budget request that were due in September are not required due to the change in
Administration.

The Commission is still required to submit FY 2010 performance plan per the Government Performance and Results Act which should include performance measures with targets, time frames and costs that lead to our specific goals and objectives. This simply means that we have to explain what we propose to do in FY 2010, the relationship between those proposals and our strategic plan, what we expect to achieve, how we will measure our success and what it will cost.

We need not specify the exact topics we'll be taking up but might instead cite an illustrative list. So can I have a motion to approve the quarterly briefing topic selection process for FY 2010 and any revisions to AI 1-6. (Inaudible)

If anybody finds a stray cell phone, I seem to have lost mine since I arrived here this morning.

COMMISSIONER YAKI: Just dial it and see if it's in the room somewhere.

VICE CHAIR THERNSTROM: It's on the damn not in mode, so it won't ring.

COMMISSIONER GAZIANO: I submit it with an
amendment.

VICE CHAIR THERNSTROM: What is your amendment?

COMMISSIONER GAZIANO: My amendment is that sounds like a really peachy process but we should apply it to 2009 and let me just use as an example of why we should apply it to 2009, this most uninteresting -- not uninteresting but mellow topic that is slated for the statutory report for 2009, it seems that no current Commissioner is really enthusiastic about it as far as I've heard. It seems like that topic will be changed.

It seems like we ought to be -- but we made some commitment to that years ago and now we've got to change it and we ought to -- that is a reason to adopt this process for all future statutory reports and -- well, the statutory reports would have to be redone slightly but then --

VICE CHAIR THERNSTROM: I was going to say the statutory reports --

COMMISSIONER GAZIANO: With a slightly different time frame. The other advantage, of course, of this program is we won't connect the Commission to you know, deciding things always three years out that...
aren't really relevant. So I would like to apply
that to all future briefing reports beginning today.

COMMISSIONER HERIOT: Make sure I --
you're saying you want to move that we adopt a
quarterly approach to all future briefings beginning -
- is that right?

COMMISSIONER GAZIANO: At -- for briefing
reports that we adopt the proposal that was read for
all briefing reports and that for statutory reports,
we do not commit ourselves to topics more than I don't
know, six months in advance.

COMMISSIONER HERIOT: I'm not sure what
that means for statutory reports. Six months in
advance of what?

COMMISSIONER GAZIANO: Of the fiscal year.

COMMISSIONER HERIOT: Okay, second.

STAFF DIRECTOR DANNENFELSER: Six months
in advance of the beginning of the fiscal year?

COMMISSIONER GAZIANO: Yes.

STAFF DIRECTOR DANNENFELSER: That would
be due at the end of the fiscal year, that way you
would be allowing, in effect, a year and a half lead
time on the statutory report.

COMMISSIONER GAZIANO: Correct.
VICE CHAIR THERNSTROM: I'm terribly sorry about being preoccupied with the fact that if I lose my cell phone, it's like losing my head. So you're suggesting -- I mean, we've got a bunch of briefing reports -- this doesn't apply to this statutory report.

COMMISSIONER GAZIANO: My amendment -- my motion is to adopt the proposal as described starting today for any future -- for any future briefing. I thought in part that was the intent of our vote in March, to suspend all of the topics. Maybe I wasn't clear enough in the motion I made back in March, but I thought that was our stand for the future, so I'm happy that we would formalize it.

But I also want to add as an amendment to the proposal, not only that it begin now, but that we don't commit to a statutory report more than six months prior to the beginning of the fiscal year in which the statutory report is begun.

COMMISSIONER HERIOT: Point of clarification; this would not affect the September briefing; is that correct, your motion?

COMMISSIONER GAZIANO: Correct because that's already in this quarter.
STAFF DIRECTOR DANNENFELSER: It would effect the beginning of the --

COMMISSIONER GAZIANO: So it would begin with the first quarter of --

STAFF DIRECTOR DANNENFELSER: Well, the new quarter would begin in July.


VICE CHAIR THERNSTROM: What does that do to the -- I mean, we had voted on briefings already. I can't think past September. What have we done?

COMMISSIONER GAZIANO: I don't think we have any scheduled. I don't --

COMMISSIONER MELENDEZ: Madam Chair.

VICE CHAIR THERNSTROM: Yeah.

COMMISSIONER MELENDEZ: I think, you know, part of the issue on trying to vote on this now, is I would have a hard time even if you sent that to me, whatever you just read and I had time to study it, because I think it's a vast departure from the way we've been operating thus far and we don't even have the rest of the Commissioners here. And then we've already scheduled a bunch of these for 2008 and 2009. So if we're going back to the drawing board, I think
the --

VICE CHAIR THERNSTROM: Yeah, well, I would like to know, that's what I was just asking, what have we already scheduled?

COMMISSIONER MELENDEZ: See, and I think it's a bigger discussion to make a hasty -- I haven't even had time to even think this out and I don't even have your paper and then --

COMMISSIONER GAZIANO: Well, perhaps we could have a discussion before we --

VICE CHAIR THERNSTROM: Yeah.

COMMISSIONER GAZIANO: Why -- what is your thought on this process?

COMMISSIONER MELENDEZ: I'd rather see us put it on the next business meeting which is next -- when we come back in July because we've got the budget at that time also. And this could be tied to the budget, because we're talking about how many --

COMMISSIONER HERIOT: We'll have a report, too, don't we?

COMMISSIONER MELENDEZ: And because even the issue on the conference and everything has a cost associated with it. So I think that you know, the bigger picture is a full discussion of this and, you
know, it has to do with how many times we're going
to be coming out here and I think it's just --

VICE CHAIR THERNSTROM: How many times
we're going to be coming out --

COMMISSIONER MELENDEZ: I mean, if we're
going to be changing the whole schedule that we've
already set in place, you know, otherwise how would
you apply it to 2008 or 2009? We've already set those
-- I thought we already had four topics already.

VICE CHAIR THERNSTROM: Well, that's what
I was just asking. I can't quite remember what we --

COMMISSIONER MELENDEZ: So I'm just saying
it's --

VICE CHAIR THERNSTROM: Does somebody have
--

COMMISSIONER MELENDEZ: What are they?
It's school choice as a civil rights, racial
disparities and healthcare access and outcomes, misuse
of disparate impact theory, disparate treatment of
Native American victims in criminal investigations and
prosecution, application of state and local marriage
and family law to gay and lesbian America.

VICE CHAIR THERNSTROM: Wait a minute, are
these topic --
COMMISSIONER MELENDEZ: These were topics to be considered.

VICE CHAIR THERNSTROM: Yeah, those are simply topics to be considered. Those aren't topics we voted on for specific briefing slides. Gail, did you have something to say?

COMMISSIONER HERIOT: No, I agree with you that those are not things that we've scheduled.

VICE CHAIR THERNSTROM: Yeah, we have not scheduled those. Is there any reason why we cannot agree to what Commissioner Melendez has suggested and simply -- you know, this is --

COMMISSIONER GAZIANO: The reason would be, the only reason as I see it is July would be a good time to start setting our first quarter 2009 briefing schedule. I think we're also going to have to revote on the statutory report at that point. We're either going to confirm this Home Sweet Home topic or we're going to pick something else. So it would be nice to know that the process -- the beginning of the process would be that we have to draft an AI, it seems and that will take some time, too.

VICE CHAIR THERNSTROM: I have a feeling
we are losing a Commissioner.

COMMISSIONER YAKI: No.

VICE CHAIR THERNSTROM: Oh, okay.

COMMISSIONER MELENDEZ: So we set a statutory report now, we're going to change to another topic, is that what we're saying here?

COMMISSIONER GAZIANO: Well, it seems to me, my guess is, my surmise is, we're not going to do the Home Sweet Home investigation. We might if that's what -- but that seems --

COMMISSIONER MELENDEZ: I mean, haven't we started work on that already?

VICE CHAIR THERNSTROM: Yes, we have and the SACs have already done a great deal of work on it as well.

COMMISSIONER GAZIANO: As I understand it, they've done other fair housing issues. They haven't particularly narrowed in on the Home Sweet Home.

VICE CHAIR THERNSTROM: Well, they have been told to work on fair housing. The question is whether it's relevant to our report.

COMMISSIONER YAKI: Can I call the question?

VICE CHAIR THERNSTROM: Yeah, call the
question. Wait a minute, what's the motion, I'm sorry. What is the motion on the floor?

COMMISSIONER GAZIANO: To adopt this policy for 2009 briefings and those we would rewrite the AI so that we would not set a statutory report -- pick a statutory report topic more than six months before the fiscal year --

VICE CHAIR THERNSTROM: I don't think people are ready to vote on this for the 2009 and I think out of courtesy to Commissioner Melendez, who would like to stare at, you know, exactly what we're doing and have time to digest it, I would -- I mean, I would ask you to withdraw your motion and simply move that we discuss this in the next meeting.

COMMISSIONER GAZIANO: I'd like to discuss withdrawing it then. When would we -- we're not going to have an August business meeting, I take it.

COMMISSIONER MELENDEZ: Is it July, July 11th.

COMMISSIONER GAZIANO: We're not going to have an August one.

COMMISSIONER MELENDEZ: Right.

COMMISSIONER GAZIANO: So when would we have the opportunity to set -- I'm trying to be
respectful of staff. They should have at least three months to pick topics for a hearing we might want to do in October and if we're not going to meet in August, then voting on what our topics will be in September --

VICE CHAIR THERNSTROM: Well, wait a minute, we do have a September briefing topic.

COMMISSIONER GAZIANO: Yes, but waiting till September, it's a hearing. I don't know that you want to have another long business meeting after that but even if you have another long business meeting after that in September, that wouldn't give you enough time if you wanted to have a briefing in October or even November, so July seems to be the time to set our first quarter schedule. Delaying it until July prejudices the substance of the motion.

VICE CHAIR THERNSTROM: Are people ready to vote on this? I'll simply call the question. There's a motion on the table that was made by Commissioner Gaziano. It involves both `09 and 2010 -- FY `09 and FY 2010, the schedule for both those fiscal years and the question is whether to adopt this kind of incremental, as it were, planning for both of those fiscal years. Am I misstating in any way?
COMMISSIONER GAZIANO: It's to adopt the proposal you read but apply it to fiscal year 2009 so that in July we can begin to consider the topics for -- we probably before July should even circulate amongst ourselves what some topics are.

VICE CHAIR THERNSTROM: And did we have a second on that motion?

COMMISSIONER HERIOT: Yeah.

VICE CHAIR THERNSTROM: Yeah. Okay, all in favor?

(Aye)

VICE CHAIR THERNSTROM: All opposed.

COMMISSIONER YAKI: No.

VICE CHAIR THERNSTROM: Well, I'm going to oppose it as well.

COMMISSIONER YAKI: Can we move the original motion?

VICE CHAIR THERNSTROM: So can we go back to the original motion? Yes, or would you like, Commissioner Melendez, to have that original motion postponed also? We're talking about 2010.

COMMISSIONER MELENDEZ: I would propose that. We're talking about basically the same thing.

VICE CHAIR THERNSTROM: Right.
COMMISSIONER GAZIANO: I don't see a need to vote for 2010 process right now. If we're not going to apply it to 2009, we might as well wait till July or September or January.

COMMISSIONER YAKI: I'll withdraw that motion.

VICE CHAIR THERNSTROM: You're withdrawing the motion.

COMMISSIONER YAKI: Yes.

VICE CHAIR THERNSTROM: Okay.

COMMISSIONER YAKI: Move to table it for the next meeting.

VICE CHAIR THERNSTROM: Move to table it to the next meeting.

COMMISSIONER GAZIANO: Second.

VICE CHAIR THERNSTROM: Second it, all in favor?

(Aye)

VICE CHAIR THERNSTROM: Okay, it is on the agenda for the next meeting. State Advisory Committee Issues.

V. STATE ADVISORY COMMITTEE ISSUES

FLORIDA SAC

VICE CHAIR THERNSTROM: Motion to approve
the resetting of the Florida State Advisory Committee and I have a motion that the Commission recharter the Florida State Advisory Committee. Under this motion, this Commission appoints the following individuals to that committee based on the recommendation of the Staff Director and I apologize beforehand but I'm about to mispronounce some names. Judith Albertelli, Juanita Alvarez-Mainster, please correct me if I'm pronouncing these wrong, Frances Bohnsack, Bohnsack, Clint Cline, Gilbert Colon, Elena Flom, Charles Hearns, Walter Hill, J. Robert McClure, Elizabeth Rodriguez, Frank Shaw, III, Alan Williams, and Sofian Zakkout.

COMMISSIONER HERIOT: I think you need to state for the record that Elian Flom would be chair.

VICE CHAIR THERNSTROM: I'm about to.

COMMISSIONER HERIOT: Okay.

VICE CHAIR THERNSTROM: I also move that the Commission reappoint Elena Flom as Chair of this rechartered Florida State Advisory Committee. These members will serve as uncompensated government employees and the Commissioners appreciate the hard work they will do. They will no doubt contribute to this State Advisory Committee. Under this motion, the
Commission authorizes the Staff Director to execute the appropriate paperwork for the appointment.

We've got a motion.

COMMISSIONER HERIOT: So moved.

COMMISSIONER GAZIANO: Second.

VICE CHAIR THERNSTROM: Okay, any changes, discussion, questions?

COMMISSIONER MELENDEZ: Just a discussion, I just wanted to have an update as to activities of the Florida SAC over the last two years by the Staff Director.

STAFF DIRECTOR DANNENFELSER: I'm told that they've issued a report on desegregation and there was not a report for voting rights for ex-felons.

COMMISSIONER MELENDEZ: Okay, and just a comment. I know that I've always brought up that the ratio of men to women my understanding is this is 62 percent men to 38 percent women, so I'm only saying that we should strive to balance that out because that was one of the disparities that we had a few years ago and I know we're improving on that, but it still seems like we're still lacking women. Maybe we can't find any. I'm not sure what the issue is sometimes. So
just a comment, other than that, that's all.

COMMISSIONER YAKI: I second that comment for all three of the SACs we're approving today.

VICE CHAIR THERNSTROM: Are we ready to vote? I'll call the question. All in favor of approving the rechartering of the Florida SAC.

(Aye)

VICE CHAIR THERNSTROM: Any nays, any abstentions?

COMMISSIONER YAKI: Abstain.

VICE CHAIR THERNSTROM: Let the record show that Commissioner Yaki has abstained.

KENTUCKY SAC

VICE CHAIR THERNSTROM: Okay, motion to approve the rechartering of the Kentucky State Advisory Committee. Can I have a motion to that effect?

COMMISSIONER HERIOT: You're not going to read the roll --

VICE CHAIR THERNSTROM: Can I have a motion that the Commission -- oh, yes, I have to read it --

COMMISSIONER YAKI: Can I make a motion to waive the reading of the names?
VICE CHAIR THERNSTROM: I would love that, thank you. Do we actually need to vote on that and are we allowed to do it?

COMMISSIONER HERIOT: I think you have to read them, to make sure you're appointing them.

COMMISSIONER YAKI: But they're in the agenda, so they're --

VICE CHAIR THERNSTROM: They're in the agenda.

COMMISSIONER MELENDEZ: The names aren't in the agenda.

COMMISSIONER YAKI: They're not what? Oh, they're not in the published agenda. I'm sorry.

COMMISSIONER HERIOT: Why don't you just make that an exhibit to the --

COMMISSIONER YAKI: No, you get to mispronounce names yet again.

VICE CHAIR THERNSTROM: Okay, the I make a motion the Commission recharter the Kentucky State Advisory Committee. Under this motion, the Commission appoints the following individuals to that committee based on recommendations of the Staff Director; Richard Clay, I got that pronunciation right, Regina Gomez, Betty Griffin, James T. Harman, J. Blaine
Hudson, Vicki Maley, Linda McCray, the next one is, Osi Onyekwuluje, William Summers, V, Phil Tom, Jim Waters. I also move that the Commission reappoint J. Blaine Hudson as Chair of the rechartered Connecticut (sic) State Advisory Committee. These members will serve as uncompensated government employees and the Commission appreciates the hard work they will no doubt contribute to this SAC.

Under the motion, the Commission authorizes the Staff Director to execute the appropriate paperwork for the appointment. So moved, anybody?

COMMISSIONER HERIOT: So moved.

VICE CHAIR THERNSTROM: Second?

COMMISSIONER GAZIANO: Second.

VICE CHAIR THERNSTROM: Any discussion, changes, questions? If none, all in favor, please say aye.

(Aye)

VICE CHAIR THERNSTROM: Any opposed, any abstentions?

COMMISSIONER YAKI: Abstain.

VICE CHAIR THERNSTROM: Two abstentions.

Let the record show Commissioners Melendez and Yaki
abstained.

WYOMING SAC

VICE CHAIR THERNSTROM: Okay, the last one, I hope, the rechartering of the Wyoming State Advisory Committee, could I have a motion that the Commission recharter the Wyoming State Advisory Committee? Under this motion, the Commission appoints the following individuals to that Committee based on the recommendations of the Staff Director; Thomas L. Sansonetti, Vicki Law Burger, Jacquelyn L. Bridgeman, Kathleen B. Dixon, Robert C. Byrd, Sleeter C. Dover, Shelby G. Carlson, Melvin R. Hamilton, Kerry D. Moon, Richard S. Machalek, Magdaleno J. Olenas, Anetra D.E. Parks, Gail J. Ridgey, Francisco A. Rio, George Santini.

I also move that the Commission appoint Thomas Sansonetti as Chair of the rechartered Wyoming State Advisory Committee. These members will serve as uncompensated government employees and the Commission appreciates the hard work they will no doubt contribute to the State Advisory Committee. Under this motion, the Commission authorizes the Staff Director to execute the appropriate paperwork for the appointment.
COMMISSIONER GAZIANO: So moved with the notation that Robert C. Byrd is not a U.S. Senator but he is a retired dentist and forensic dentist who grew up as a Black American in Wyoming during the Civil Rights Struggle.

VICE CHAIR THERNSTROM: I appreciate that clarification. I was a little worried.

COMMISSIONER GAZIANO: Robert C. Byrd, with the other interesting history of -- West Virginia.

VICE CHAIR THERNSTROM: Have we got a second?

COMMISSIONER YAKI: I'd like to move to sever Thomas Sansonetti for a separate vote.

VICE CHAIR THERNSTROM: I don't have any problem with a separate vote on that since Commissioner based on one of the Commissioner's wants that -- is anybody going to second amending this motion? Commissioner Yaki, we need a second to amend this motion. Now, you made the motion to amend this.

COMMISSIONER GAZIANO: Second.

VICE CHAIR THERNSTROM: Okay.

COMMISSIONER YAKI: The motion to sever doesn't need a second.
COMMISSIONER GAZIANO: But we seconded it first, now you mentioned a sever. We're -- if we agree to the motion to sever by unanimous consent --

VICE CHAIR THERNSTROM: All right, so is there -- calling the question. All in favor of appointing those individuals with the exception of George Santini -- oh, I'm sorry, it is the end of a long day, Thomas Sansonetti, please say aye.

(Aye)

VICE CHAIR THERNSTROM: All opposed?

COMMISSIONER HERIOT: Aye, we're voting for everybody except Sansonetti? Aye.

VICE CHAIR THERNSTROM: Okay, that is a unanimous vote as I understand it. Yes. Okay, now we turn to Thomas Sansonetti. We need a motion and then we --

COMMISSIONER GAZIANO: I move to approve Thomas Sansonetti and make him as chairman of --

VICE CHAIR THERNSTROM: And we need a second on that.

COMMISSIONER HERIOT: Second.

VICE CHAIR THERNSTROM: And let's have a discussion on that.

COMMISSIONER MELENDEZ: What is his
history on civil rights work? Does anybody know?
That's one of the questions we always ask.

VICE CHAIR THERNSTROM: I'm sorry to say I did not look up his history.

MR. BYRNES: I think he served as Assistant Attorney General for the Environment and Natural Resource Division in the first term of the Bush Administration.

VICE CHAIR THERNSTROM: So he sought to improve the plight of Indian tribes. He has represented us on land and trust and economic welfare issues.

COMMISSIONER MELENDEZ: If he worked for the Interior Department, he's probably an employee. Then that's what they're charged with doing.

MR. BYRNES: He wasn't in Interior.

COMMISSIONER MELENDEZ: He wasn't?

MR. BYRNES: He was at Holland and Hart. He represented Indian tribes in private practice at Holland and Hart as well.

COMMISSIONER YAKI: Did he work at Abramoff? I want to know, did he work at Abramoff?

VICE CHAIR THERNSTROM: He says -- his own statement says, "My interest" -- can I read this? "My
interest in serving" -- this is his own statement. "My interest in serving on the Commission stems from my long-standing efforts on behalf of Indian Tribes as both solicitor at the U.S. Department of the Interior, 1990 to 1993, and as Assistant Attorney General at the U.S. Department of Justice's Environmental and Natural Resources Division, 2001 to 2005.

I have worked hard to improve the plight of tribal members. In my government post, I've represented a myriad of tribal members on housing, water, environmental justice and sovereignty protection issues. In my private practice, I have represented tribes in New York, California and Oregon on land into trust and economic welfare issues. I could continue that work as part of the Wyoming Advisory Commission."

Any further discussion on this or I'm going to just call the question? All in favor?

(Aye)

COMMISSIONER YAKI: Opposed.

COMMISSIONER MELENDEZ: Opposed.

VICE CHAIR THERNSTROM: Two opposed.

Commissioners Yaki and Melendez are opposed and otherwise, and three in support. Okay, I think we
are done.

STAFF DIRECTOR DANNENFELSER: Madam Chair?

VICE CHAIR THERNSTROM: Yeah.

STAFF DIRECTOR DANNENFELSER: A few days ago I saw in the e-mail there was some interest in submitting comments on the voter fraud and voter intimidation report and I was just wondering, I think Commissioner Gaziano had mentioned a date and I know Mr. Yaki, I believe, was working on some comments on that. I was just wondering if we can get a consensus on when members feel they can submit their comments on that report.

COMMISSIONER GAZIANO: I would ask a personal favor. I'm taking a family vacation in which I may actually be able to work on this and so --

COMMISSIONER YAKI: Excuse me, you're taking a family vacation on which you'll be working on this?

COMMISSIONER GAZIANO: Yeah, I can't do it during my day job.

COMMISSIONER YAKI: I'm saying, why would you do it during your family vacation?

COMMISSIONER GAZIANO: Because I don't know when else to get it done.
VICE CHAIR THERNSTROM: Because he's crazy.

COMMISSIONER GAZIANO: Anyway --

COMMISSIONER YAKI: Have our record sent to his family by courier tomorrow. What date are we looking at?

COMMISSIONER GAZIANO: June 25.

COMMISSIONER HERIOT: Oh, one more issue.

VICE CHAIR THERNSTROM: I don't care, that's fine with me.

COMMISSIONER HERIOT: On the September briefing, do we have a date?

COMMISSIONER YAKI: I'm going to try.

VICE CHAIR THERNSTROM: What was the issue?

COMMISSIONER YAKI: You're supposed to give us a date.

VICE CHAIR THERNSTROM: I'm sorry, I'm lost. What's the issue?

COMMISSIONER MELENDEZ: Or to confirm the one we already had.

COMMISSIONER YAKI: What was the one we had?

STAFF DIRECTOR DANNENFELSER: Friday, the
12\textsuperscript{th} which I'm --

COMMISSIONER MELENDEZ: How about the 5\textsuperscript{th}?  

STAFF DIRECTOR DANNENFELSER: No, that's part of the -- that's like -- the week after is fine.

VICE CHAIR THERNSTROM: I can't do it the week after. I'm out of town.

STAFF DIRECTOR DANNENFELSER: The 12\textsuperscript{th}?  

VICE CHAIR THERNSTROM: I'm leaving town for a week on the 15\textsuperscript{th}.

STAFF DIRECTOR DANNENFELSER: So the 12\textsuperscript{th} still works.

VICE CHAIR THERNSTROM: September 15\textsuperscript{th}, yes.

COMMISSIONER YAKI: Just go without me.

VICE CHAIR THERNSTROM: The 12\textsuperscript{th} will work for me.

STAFF DIRECTOR DANNENFELSER: Does September 12\textsuperscript{th} work for everybody or not?

COMMISSIONER HERIOT: It does for me.

COMMISSIONER YAKI: Well, that's our original date is the 12\textsuperscript{th}.

VICE CHAIR THERNSTROM: Yeah, and you can't make it.

COMMISSIONER YAKI: I think I'm going to
be in trial but I mean, it's just me, so work around it.

COMMISSIONER GAZIANO: Is there another day here then that would be good for you?

COMMISSIONER YAKI: No, because the week after she can't make it and then we're just coming right under that one.

VICE CHAIR THERNSTROM: Yeah, I'm out of town the next week. Well, I'll give you a proxy vote.

COMMISSIONER YAKI: So she can make sure she got that for the record. No.

VICE CHAIR THERNSTROM: Move to adjourn, please.

COMMISSIONER YAKI: Move to adjourn

COMMISSION GAZIANO: Second. Without objection, so ordered.

(Whereupon, at 3:32 p.m. the above-entitled matter concluded.)