

UNITED STATES OF AMERICA
U.S. COMMISSION ON CIVIL RIGHTS

+ + + + +

COMMISSION MEETING

+ + + + +

FRIDAY, AUGUST 7, 2009

+ + + + +

OPEN SESSION

+ + + + +

The meeting convened at 9:30 a.m., in Room 540 at 624 Ninth Street, N.W., Washington, D.C., Gerald A. Reynolds, Chairman, presiding.

PRESENT:

GERALD A. REYNOLDS, Chairman
ABIGAIL THERNSTROM, Vice Chairman
TODD F. GAZIANO, Commissioner
GAIL L. HERIOT, Commissioner
PETER N. KIRSANOW, Commissioner
ARLAN D. MELENDEZ, Commissioner
ASHLEY L. TAYLOR, JR., Commissioner
MICHAEL YAKI, Commissioner

MARTIN DANNENFELSER, Staff Director

STAFF PRESENT:

DAVID BLACKWOOD, General Counsel
MARGARET BUTLER, EEO Director
CHRISTOPHER BYRNES, Chief, Programs
 Coordination Unit
DEBRA CARR, Associate Director
DEMITRIA DEAS
LILLIAN DUNLAP
MAHA JWEIED
ROBERT LERNER, Assistant Deputy Staff Director,
 OCRE
EMMA MONROIG, Solicitor

STAFF PRESENT: (cont'd)

LENORE OSTROWSKY
EILEEN RUDERT (via telephone)
KIMBERLY TOLHURST
AUDREY WRIGHT

COMMISSIONER ASSISTANTS PRESENT:

ALEC DEULL
TIM FAY
DOMINIQUE LUDVIGSON
JOHN MARTIN
KIMBERLY SCHULD
ALISON SCHMAUCH

TABLE OF CONTENTS

	PAGE
I. Approval of Agenda	4
II. Approval of Minutes of July 10, 2009 Meeting	12
III. Announcements	17
IV. Management and Operations	18
V. Program Planning	49
VI. Adjourn	184

1 P-R-O-C-E-E-D-I-N-G-S

2 (9:34 a.m.)

3 CHAIRMAN REYNOLDS: Okay. We will get
4 started now. Commissioner Kirsanow will join us
5 shortly.

6 Folks, put your phones on vibrate.

7 Good morning, this is Chairman Reynolds.
8 The meeting will come to order.

9 This is a meeting of the U.S. Commission
10 on Civil Rights at 9:30 a.m. Eastern Standard Time on
11 August 7, 2009. The meeting is being held at
12 624 Ninth Street, N.W., in Room 4 -- 540, rather, in
13 Washington, D.C.

14 With the exception of Commissioner
15 Kirsanow, all Commissioners are present. Commissioner
16 Kirsanow will be joining us shortly.

17 I. APPROVAL OF AGENDA

18 CHAIRMAN REYNOLDS: The first item on the
19 agenda is the approval of the agenda. I move to
20 approve the agenda. Is there a second?

21 COMMISSIONER GAZIANO: I have some
22 amendments to it, but I -- can I second the motion,
23 and then propose an amendment?

24 CHAIRMAN REYNOLDS: Sure.

25 COMMISSIONER GAZIANO: Okay. I second,

1 and I would like to propose the following adjustments.

2 Because of some of the letters that are on the
3 agenda, their approval or disapproval might affect
4 some of the decisions we are making on related
5 proposals later in the agenda, I propose the following
6 -- that we first -- under Program Planning, we first
7 take up the letter on proposed health care
8 legislation, we next take up the followup letter to
9 the Department of Justice regarding the New Black
10 Panther Party suit, we next take up approval of
11 concept paper for 2010 statutory report topics, we
12 then take up the approval of the 2009 statutory
13 report, and then we conclude with three updates, the
14 update on the national conference, the update on the
15 status of document requests to government agencies
16 regarding their civil rights enforcement activities,
17 and an update -- finally, an update on the possible
18 Commission public service announcement.

19 And -- I'm sorry -- before the updates,
20 the last is a consideration of sending a letter
21 regarding the pending Native Hawaiian government bill.

22 CHAIRMAN REYNOLDS: Okay. Hold on. Let
23 me adjust this.

24 VICE CHAIR THERNSTROM: So number 1 would
25 be?

1 COMMISSIONER GAZIANO: The proposed health
2 care letter.

3 COMMISSIONER HERIOT: Yes. I think that
4 makes it four, three, two, one on that list, with the
5 Akaka bill put in, proposed Akaka bill letter, after
6 that, and then the updates as they are -- they are
7 listed last.

8 If it needs a second, I second
9 Commissioner Gaziano's motion to amend.

10 CHAIRMAN REYNOLDS: Okay. And
11 Commissioner Kirsanow has joined us.

12 Okay. This is going to get messy. But in
13 any event, let's vote.

14 COMMISSIONER YAKI: Wait. Are you asking
15 for any more input on the agenda?

16 CHAIRMAN REYNOLDS: Sure.

17 VICE CHAIR THERNSTROM: I'm sorry. I
18 didn't hear the question.

19 COMMISSIONER HERIOT: Shouldn't we vote on
20 Todd's motion, then have a further motion?

21 CHAIRMAN REYNOLDS: Well, we are going to
22 have discussion on Todd's motion.

23 COMMISSIONER HERIOT: Wait. But that
24 motion should be taken care of, then we can make a
25 further motion.

1 COMMISSIONER YAKI: Not unless we have
2 some discussion on it first.

3 COMMISSIONER HERIOT: Well, we can discuss
4 it, fine. But then, you know, some further motion to
5 amend the agenda.

6 COMMISSIONER YAKI: Unless, of course,
7 there is a substitute motion, which takes precedence
8 over that motion.

9 CHAIRMAN REYNOLDS: Okay. Folks, the way
10 it generally goes, it's my understanding that there is
11 a motion, it is seconded, there is discussion, there
12 is a vote. So let's have a discussion.

13 VICE CHAIR THERNSTROM: I'm sorry. I
14 missed Commissioner Yaki's question, so if it could be
15 just restated, so I understand.

16 COMMISSIONER YAKI: I would like to amend
17 the proposed amendment and move the discussion of the
18 national conference up to the top of Program Planning.
19 It shouldn't take that long.

20 CHAIRMAN REYNOLDS: Offered as a friendly
21 amendment.

22 COMMISSIONER GAZIANO: I would prefer to
23 have the updates at the end.

24 COMMISSIONER MELENDEZ: I would also like
25 to add to the agenda, if Todd would include it in his

1 motion, to have the Staff Director's report, as we
2 usually have. It is not on this agenda.

3 VICE CHAIR THERNSTROM: Yes. What
4 happened to that?

5 COMMISSIONER MELENDEZ: I think we should
6 have one every meeting.

7 VICE CHAIR THERNSTROM: Yes. I think that
8 is supposed to be the updates here, but any other --

9 CHAIRMAN REYNOLDS: Are we prepared to
10 provide --

11 STAFF DIRECTOR DANNENFELSER: We do have a
12 couple of updates that I will be providing.

13 COMMISSIONER GAZIANO: Where would you
14 propose to --

15 COMMISSIONER MELENDEZ: Where it usually
16 comes in. Was it after Announcements or -- I'm not
17 sure where it usually is scheduled on the agenda.

18 COMMISSIONER HERIOT: Since the updates
19 are in that nature, why don't we just add it there at
20 the end, anything that isn't included in those updates
21 that Marty has, just put it there with the updates.

22 CHAIRMAN REYNOLDS: So that would be after
23 the Akaka letter?

24 COMMISSIONER YAKI: I have a motion on the
25 floor to amend the -- a suggested amendment to put the

1 national conference report up first on Program
2 Planning.

3 COMMISSIONER GAZIANO: The reason I would
4 prefer --

5 COMMISSIONER HERIOT: There is no second
6 to that motion.

7 CHAIRMAN REYNOLDS: Right.

8 VICE CHAIR THERNSTROM: Oh, I'll second
9 it, I mean, so that we -- you know, because I want to
10 hear the -- Marty's -- I would like to do the regular
11 thing.

12 CHAIRMAN REYNOLDS: Hold on. The motion
13 that was on the table was Todd's motion. Commissioner
14 Yaki wanted to discuss -- have a discussion about the
15 proposed order that Todd put on the table. Are there
16 any other comments regarding --

17 COMMISSIONER GAZIANO: He has made --

18 CHAIRMAN REYNOLDS: -- Todd's motion?

19 COMMISSIONER GAZIANO: He has made a
20 substitute -- or amended my motion. I just wanted to
21 speak to that. The reason I would prefer to put that
22 off is we sometimes lose a quorum. I don't know what
23 people's travel time are. We don't need, as far as I
24 know, to vote on the conference.

25 As important as it is, we don't need a

1 quorum to discuss it, or get an update on it. We do
2 need a quorum for the other items, so I would prefer
3 to keep those first and make the discussion of the
4 national conference the very first item on updates,
5 and the Staff Director's Report that Commissioner
6 Melendez has requested to follow that.

7 CHAIRMAN REYNOLDS: Any other comments?

8 (No response.)

9 Okay. What are we voting on, the
10 substitute?

11 COMMISSIONER HERIOT: We are voting on
12 Yaki's motion.

13 CHAIRMAN REYNOLDS: Okay.

14 COMMISSIONER GAZIANO: To amend my motion.

15 CHAIRMAN REYNOLDS: All in favor please
16 say aye.

17 (Chorus of ayes.)

18 Abstentions?

19 (No response.)

20 All in opposition?

21 (Chorus of nays.)

22 Vice Chair Thernstrom?

23 VICE CHAIR THERNSTROM: No, I support it.
24 I want to hear from the Staff Director.

25 STAFF DIRECTOR DANNENFELSER: This is on

1 the national conference.

2 VICE CHAIR THERNSTROM: Yes, I know, but
3 it would be part of your -- I mean, we always have
4 your Staff Director Report early.

5 CHAIRMAN REYNOLDS: Okay.

6 STAFF DIRECTOR DANNENFELSER: That is not
7 his motion. His motion only relates to the national
8 conference.

9 COMMISSIONER GAZIANO: The order of the
10 discussion.

11 COMMISSIONER HERIOT: But the motion has
12 failed anyway, so we need to discuss Todd's motion and
13 go on.

14 CHAIRMAN REYNOLDS: Okay. Commissioner
15 Taylor, how did you vote?

16 COMMISSIONER TAYLOR: Nay.

17 CHAIRMAN REYNOLDS: Okay. All right.
18 Commissioner Melendez, how do you vote?

19 COMMISSIONER MELENDEZ: Can you restate
20 the motion?

21 CHAIRMAN REYNOLDS: It is Commissioner
22 Yaki's substitute motion where he asks that the
23 discussion of the conference be moved to the top.

24 COMMISSIONER MELENDEZ: I agree. I will
25 vote yes.

1 CHAIRMAN REYNOLDS: Okay. So three votes
2 in favor, Commissioners Yaki, Melendez, Vice Chair
3 Thernstrom. The remaining Commissioners voted against
4 it. The motion fails.

5 Do we need additional discussion on Todd's
6 motion?

7 (No response.)

8 COMMISSIONER HERIOT: Call the question.

9 CHAIRMAN REYNOLDS: Okay. All in favor
10 please say aye.

11 (Chorus of ayes.)

12 Objections?

13 (Chorus of nays.)

14 Vice Chair Thernstrom?

15 VICE CHAIR THERNSTROM: Aye.

16 CHAIRMAN REYNOLDS: Okay. We have two
17 votes against. The motion passes.

18 Next up?

19 II. APPROVAL OF MINUTES OF JULY 10,
20 2009 MEETING

21 CHAIRMAN REYNOLDS: Okay. The second item
22 is the approval of the minutes of the meeting held on
23 July 10, 2009. I move that we approve those minutes.

24 Is there a second?

25 COMMISSIONER KIRSANOW: Second.

1 CHAIRMAN REYNOLDS: Discussion?

2 VICE CHAIR THERNSTROM: I have a motion to
3 amend. Yes. I think everything prior on the draft
4 letter to the Ohio legislature on page 3, everything
5 prior to Commissioners Yaki and Melendez voted
6 against, the rest of the Commission voted in favor,
7 some words should be substituted for those prior
8 sentences.

9 And the substitution should read, "The
10 Commission voted to send a letter to the Ohio
11 legislature cautioning them about the use of racial
12 contracting set-asides as required by pending Ohio
13 Senate Bill 146."

14 The letter pointed to relevant court cases
15 in the Sixth Circuit and the District Court, which
16 have previously overturned or otherwise limited race-
17 based contracting set-aside programs in the state.
18 The Commission voted six-two to send the letter.

19 COMMISSIONER GAZIANO: I second that
20 amendment. I think it is -- glad someone clarified
21 the nature of the letter.

22 CHAIRMAN REYNOLDS: Discussion?

23 (No response.)

24 All in favor please say aye.

25 (Chorus of ayes.)

1 Objections?

2 COMMISSIONER YAKI: Abstain.

3 CHAIRMAN REYNOLDS: Commissioner Melendez?

4 COMMISSIONER MELENDEZ: Abstain also.

5 CHAIRMAN REYNOLDS: Commissioner Taylor?

6 COMMISSIONER YAKI: Aye.

7 CHAIRMAN REYNOLDS: Two abstentions. The
8 remaining Commissioners vote in favor of the motion.
9 It carries the day.

10 COMMISSIONER GAZIANO: I have a question.

11 I don't think it will require an amendment, but if I
12 could ask Commissioner Yaki. The minutes -- I just
13 want to understand what the vote was, to see whether
14 these minutes correctly reflect that. Just above the
15 Ohio legislature, the sentence reads, "The
16 Commissioners voted to amend the prior minutes of
17 June 12 to reflect that the vote on the motion to send
18 the letter to Department of Justice was four-zero-one,
19 with Commissioner Yaki abstaining."

20 I may have misremembered and -- were you
21 present at -- I thought it was Commissioner Melendez
22 who abstained. So were you saying that you abstained,
23 too, or that you were the abstainer?

24 COMMISSIONER YAKI: I was not present for
25 the vote.

1 COMMISSIONER GAZIANO: Yes. Well, that
2 doesn't mean you abstained. That means you weren't
3 present. So it seems like we do need to correct
4 the --

5 COMMISSIONER YAKI: Whatever. Whatever.

6 COMMISSIONER GAZIANO: Okay. I would like
7 the minutes corrected to reflect that Commissioner
8 Melendez abstained on June 12, and Commissioner Yaki
9 wanted it reflected at the last meeting that he was
10 not present at the time the vote was taken.

11 CHAIRMAN REYNOLDS: Okay. Does anyone
12 feel that that needs to be voted on, or can we just
13 make the change?

14 COMMISSIONER YAKI: Just make the change.

15 CHAIRMAN REYNOLDS: All right. Next up,
16 Announcements. Voting Rights Act of 1965.

17 COMMISSIONER GAZIANO: Should we approve
18 it as -- vote to approve it as amended?

19 CHAIRMAN REYNOLDS: I thought we had.

20 COMMISSIONER HERIOT: Didn't we just
21 approve the amendment?

22 VICE CHAIR THERNSTROM: Yes, and that
23 we --

24 COMMISSIONER HERIOT: We have to approve
25 the minutes now.

1 CHAIRMAN REYNOLDS: Okay. All those in
2 favor of the motion as amended please say aye.

3 (Chorus of ayes.)

4 Abstentions?

5 (No response.)

6 Objections?

7 (No response.)

8 COMMISSIONER YAKI: Is this for the -- I
9 thought we had already approved the minutes. Now this
10 is -- we are going back?

11 COMMISSIONER HERIOT: We approved the
12 amendment. We approved the amendment.

13 CHAIRMAN REYNOLDS: So now we are voting
14 on the motion as amended, the entire motion, including
15 the amendment.

16 COMMISSIONER YAKI: I abstain.

17 COMMISSIONER MELENDEZ: I abstain also.

18 COMMISSIONER TAYLOR: Aye.

19 CHAIRMAN REYNOLDS: Okay. Two
20 abstentions. Vice Chair Thernstrom, how did you vote?

21 VICE CHAIR THERNSTROM: Aye.

22 CHAIRMAN REYNOLDS: Two abstentions. The
23 remaining Commissioners voted in favor of the motion.
24 The motion passes.

25 III. ANNOUNCEMENTS

1 CHAIRMAN REYNOLDS: Next up is the
2 Announcements. The Voting Rights Act of 1965.
3 August 6th marks the anniversary of the signing of the
4 Voting Rights Act of 1965 into law by President Lyndon
5 Johnson. The Act was in part a result of hearings
6 conducted by this Commission, which chronicled massive
7 resistance by state officials to the enforcement of
8 the 15th Amendment, marked by measures to interfere
9 with blacks' right to vote, which existing federal
10 anti-discrimination laws had been insufficient to
11 overcome.

12 Section 2 of the Act applied a nationwide
13 prohibition on the denial or abridgement of the right
14 to vote, for example by suspending literacy,
15 knowledge, or character tests, which have been used to
16 disenfranchise blacks in the south. Under Section 5,
17 covered jurisdictions were required to seek approval
18 from the Attorney General or the U.S. District Court
19 for the District of Columbia for any changes affecting
20 voting.

21 The Act also authorized the appointment of
22 federal voting examiners and directed the Attorney
23 General to challenge the use of poll taxes, which the
24 Supreme Court ultimately ruled unconstitutional in
25 1966.

1 Also, August 18th marks the anniversary of
2 the ratification of the 19th Amendment to the
3 Constitution, which prohibits states and Federal
4 Government from denying citizens the right to vote
5 because of their sex. Okay.

6 VICE CHAIR THERNSTROM: Mr. Chairman?

7 CHAIRMAN REYNOLDS: Yes.

8 VICE CHAIR THERNSTROM: Section 2 is not
9 quite accurately described there. It doesn't really
10 matter, but it isn't quite accurate.

11 CHAIRMAN REYNOLDS: Please clarify the
12 record.

13 VICE CHAIR THERNSTROM: Well, Section 2 in
14 the original 1965 legislation was just a preamble
15 restating the 15th Amendment basically. And I think
16 -- I would have to look at the exact prose -- but I
17 think what you describe there is Section 4. But it --
18 I would have to look at your exact prose.

19 CHAIRMAN REYNOLDS: Okay. Well --

20 COMMISSIONER HERIOT: We can just note
21 that it's not correct.

22 CHAIRMAN REYNOLDS: One of the benefits of
23 having an expert on the Voting Rights Act.

24 IV. MANAGEMENT AND OPERATIONS

25 CHAIRMAN REYNOLDS: Okay. The regional

1 program staff anticipates submitting a large number of
2 State Advisory Committees for rechartering, many
3 before the end of the fiscal year. In order to
4 consider and recharter these State Advisory
5 Committees, and also ensure that the Commission can
6 conduct its other important business, it will be
7 necessary to schedule teleconference meetings of the
8 Commission between our normally-scheduled in-person
9 Commission meetings.

10 I recommend that we calendar
11 teleconference meetings two weeks following every
12 scheduled business meeting or briefing. So our next
13 teleconference, provided everyone -- provided that
14 there is a consensus, would be held on Friday,
15 August 21st. To accommodate our West Coast
16 participants, I propose that meetings be held no
17 earlier than 11:00 a.m. Eastern Standard Time.

18 Staff has distributed our current meeting
19 schedule, along with proposed teleconference dates
20 through the end of the calendar year. Please check
21 your calendars and advise as to whether you would be
22 available on the dates proposed for the
23 teleconferences.

24 The Staff Director informs me that we will
25 vote to schedule meetings for the calendar year 2010

1 in September or October, and will include
2 teleconferences as a part of that schedule.

3 The first question: how does everyone's
4 schedule look for August 21st?

5 VICE CHAIR THERNSTROM: Well, actually, I
6 have a first question, if you don't mind, Mr.
7 Chairman. I am just not -- from a number of angles,
8 including the fact that, like the last time you didn't
9 have a quorum, I am not wild about these
10 teleconferences. I wonder if they are absolutely
11 necessary.

12 CHAIRMAN REYNOLDS: I am not wild about
13 them either. It is not absolutely necessary, but I
14 also think that we need to -- I mean, staff has worked
15 hard to get these rechartering packages done, and I
16 think that at our current pace, looking at the
17 workload that we have, that this is a reasonable way
18 to get -- or to satisfy our obligation to recharter
19 State Advisory Committees.

20 VICE CHAIR THERNSTROM: So this is mainly
21 about rechartering?

22 CHAIRMAN REYNOLDS: Exclusively.

23 VICE CHAIR THERNSTROM: Exclusively.

24 COMMISSIONER HERIOT: No, I don't think
25 you want to say that. I think, you know, other issues

1 may come up.

2 CHAIRMAN REYNOLDS: Okay.

3 COMMISSIONER GAZIANO: Letters on
4 occasion.

5 CHAIRMAN REYNOLDS: You are right. You
6 are right. But when I -- when I had discussions about
7 these issues, the only thing I had in mind was
8 rechartering. But I -- there is no blanket
9 prohibition against introducing other issues.

10 VICE CHAIR THERNSTROM: They are just not
11 a substitute for us sitting in the same room.

12 CHAIRMAN REYNOLDS: And I don't think that
13 we should have substantive discussions about either
14 controversial matters or --

15 COMMISSIONER HERIOT: I don't think you
16 want to say that either.

17 CHAIRMAN REYNOLDS: Yes.

18 COMMISSIONER HERIOT: Sometimes --

19 CHAIRMAN REYNOLDS: Yes, yes, yes.
20 Agreeing on what's on the front page could be
21 controversial.

22 Okay. Commissioner Heriot?

23 COMMISSIONER HERIOT: The standard isn't
24 absolutely necessary in the sense that, you know, the
25 universe will not explode. But if we want to actually

1 comply with the law -- and I would think of that as
2 absolutely necessary -- yes, we have to do this. We
3 are hopelessly behind on chartering SACs. And the
4 notion that, you know, gee, this is inconvenient, you
5 know, when you take the job, you agree that you are
6 going to comply with the law.

7 So I think we definitely, definitely,
8 definitely, need to have these telephone conferences,
9 and the alternative would not be not to have telephone
10 conferences, but for us to have meetings twice a month
11 here in Washington, which I think probably won't fit
12 in with our budget, or have two-day meetings.

13 I think this is the best way to go. I
14 think it is absolutely necessary that we catch up on
15 our SAC approval. I think that it is a serious
16 problem that we have not been keeping up with our SAC
17 approval, and I would strongly, strongly urge that we
18 do this, and I don't think we should limit what we
19 cover in the telephone conferences.

20 Obviously, I would prefer to deal with the
21 less controversial issues on the telephone
22 conferences, but sometimes, you know, the universe
23 doesn't cooperate, and you have to deal with
24 controversial issues at an off meeting rather than an
25 on meeting. And by "off meeting" I mean a telephone

1 meeting rather than an in-person meeting.

2 So I would strongly urge that we do this
3 expeditiously. I would also say that now and then
4 there may be a month where we don't have anything for
5 the agenda, and in those situations we just cancel the
6 meeting.

7 VICE CHAIR THERNSTROM: You mean cancel
8 the telephone conference.

9 COMMISSIONER HERIOT: Cancel the telephone
10 conference. And that may happen often, if we start
11 getting really good at dealing with our in-person
12 meetings.

13 CHAIRMAN REYNOLDS: Okay. Commissioner
14 Gaziano is next, then Vice Chair Thernstrom.

15 COMMISSIONER GAZIANO: I would certainly
16 like to support the proposal that we have these.
17 Since the chair has in mind mostly dealing with SAC
18 rechartering, I think it would -- he is going to set
19 the agenda. That is mostly what is going to be on.
20 It should be open to amendments, particularly as I
21 think there may be congressional actions that we may
22 want to send a letter on, so there are some things
23 that we might want to add to them from time to time.

24 But there are these other -- if we have
25 these already scheduled and noticed, then we can -- we

1 do have the possibility of taking up an emergency
2 issue, voting on something that we postponed at one of
3 our in-person meetings. There was a question. That
4 has occurred before, too, rather than waiting an
5 entire month.

6 So I think there are several advantages in
7 doing this, and we may more likely keep a quorum for
8 each of these once these are on our schedule than
9 sometimes lose a quorum at one of our in-person
10 meetings.

11 COMMISSIONER HERIOT: Yes. When they are
12 scheduled way ahead of time, then people know not to
13 put something in that time slot. And staff should be
14 instructed to routinely notice these meetings. And
15 sometimes those meetings may be canceled, if we don't
16 have an agenda.

17 CHAIRMAN REYNOLDS: Okay. Vice Chair
18 Thernstrom?

19 VICE CHAIR THERNSTROM: Well, I mean, the
20 only thing that is bothering me here is that the SACs,
21 as an issue, shouldn't -- rechartering shouldn't take
22 that long at our regularly-scheduled meetings. And I
23 am a little puzzled why it would take --

24 COMMISSIONER HERIOT: But it does.

25 COMMISSIONER GAZIANO: We sometimes lose

1 -- even if it -- even if you are right, we sometimes
2 lose a quorum before we get to them.

3 VICE CHAIR THERNSTROM: I would like to
4 try to get them on the -- you know, on regular
5 meetings.

6 COMMISSIONER HERIOT: And when we can,
7 then we can cancel the telephone conference.

8 VICE CHAIR THERNSTROM: I mean, I would
9 like that to be the expectation, that we are going to
10 manage to have SAC votes at the regular meeting.

11 CHAIRMAN REYNOLDS: Okay. Well, that is a
12 goal, but I do believe that, judging by our past
13 history, this is -- this is a method to get caught up,
14 because the method that we have used in the past has
15 not allowed us to hit our goal.

16 Commissioner Yaki?

17 COMMISSIONER YAKI: Yes. As one of the
18 two Commissioners, along with Commissioner Melendez,
19 who have repeatedly raised the issue of SAC
20 rechartering, I just wanted to make two points. One,
21 I had said many -- like probably two months ago that I
22 was going to be pretty much out of pocket for the
23 latter part of August, starting on the 14th, and the
24 21st I can definitely tell you I will be in a place
25 where I will not get -- have access to cell reception.

1 So that will not work for me.

2 Number 2, I would just like to say that,
3 along with Commissioner Thernstrom, that I believe
4 that we can take care of this in the regular course of
5 events at a meeting. But, again, recognizing and
6 understanding the fact that Commissioner Melendez and
7 I have been the ones who have been pushing this for
8 quite some time, obviously there may be some need for
9 some of these teleconferences.

10 I think that we should make all our best
11 efforts to accommodate them during meetings, as much
12 as possible, rather than through teleconference. And,
13 again, August 21 is just off the book for me.

14 CHAIRMAN REYNOLDS: Do you have a date in
15 August that works for you?

16 COMMISSIONER YAKI: Well, unless you can
17 do something before the 14th, which you can't under
18 the federal notice.

19 CHAIRMAN REYNOLDS: Okay. Well --

20 COMMISSIONER HERIOT: How about very early
21 September? I mean, there is no reason we can't have a
22 telephone conference like two days before a meeting.
23 It is only an hour, a couple of hours.

24 CHAIRMAN REYNOLDS: Commissioner Yaki,
25 does that work for you?

1 COMMISSIONER YAKI: I have no objection.

2 CHAIRMAN REYNOLDS: Okay. Commissioner
3 Heriot, since this is your idea, you get to select the
4 -- or propose the date.

5 COMMISSIONER MELENDEZ: I have a question.

6 CHAIRMAN REYNOLDS: Yes.

7 COMMISSIONER MELENDEZ: I think that we
8 should always work from trying to get these face-to-
9 face meetings, and then, secondarily, maybe do the
10 teleconference. So, but we have kind of headed
11 towards -- when we talk about business meetings, I
12 know that we are starting to limit business meetings
13 to -- I'm not sure how many per year, you know, are
14 left in the rest of this year, as far as what we call
15 just a business meeting and not a briefing.

16 Is there a business meeting scheduled
17 between now and the end of the year, or --

18 CHAIRMAN REYNOLDS: Who knows the
19 schedule?

20 STAFF DIRECTOR DANNENFELSER: The next --
21 the remaining business meetings for the year are
22 September 11th, October 16th, November 6th, and
23 December 4th.

24 COMMISSIONER MELENDEZ: So there will be
25 no briefings.

1 COMMISSIONER HERIOT: So there are all --

2 STAFF DIRECTOR DANNENFELSER: Oh, I'm
3 sorry. Briefings?

4 COMMISSIONER GAZIANO: There might be a
5 briefing in addition to a business meeting.

6 CHAIRMAN REYNOLDS: Well, those are the
7 dates -- right.

8 STAFF DIRECTOR DANNENFELSER: That's the
9 dates of meetings. There could be briefings at that
10 time, but --

11 COMMISSIONER HERIOT: I think everybody
12 agrees that we would rather do the SACs in -- live
13 when we can, and that we are going to make every
14 effort to do so. These telephone conferences are
15 being scheduled for the overflow. You know, when we
16 aren't able to finish it in our live meeting, we will
17 do it on the telephone --

18 COMMISSIONER GAZIANO: When we lose the
19 quorum --

20 COMMISSIONER HERIOT: -- conversation.

21 COMMISSIONER GAZIANO: -- or something
22 like that.

23 COMMISSIONER HERIOT: Like on a couple of
24 occasions we have lost a quorum, because, you know,
25 some members leave early. We have had occasions where

1 members have walked out to defeat a quorum. So this
2 is simply our way to deal with the overflow, and these
3 meetings will be canceled if we dealt with them at the
4 business meeting, if we have already done the
5 business. And I hope that happens often.

6 But just in case it doesn't happen, rather
7 than trying to schedule a telephone conference on an
8 ad hoc basis, when it is much more difficult for
9 people to schedule under those circumstances, if you
10 know four months ahead of time that the -- you know,
11 the telephone conference in December is going to be
12 December 18th, you know, we all know not to schedule
13 things for that time period.

14 But I hope we are going to be able to
15 cancel a lot of these, because we will already have
16 dealt with the business in the live meeting. That is
17 -- you know, we are just trying to schedule
18 these things ahead of time in case there is overflow.

19 And if history is any guide, there is going to be
20 overflow.

21 COMMISSIONER MELENDEZ: Okay. Well, what
22 I want to see is that, for example, August 21st and
23 September 11th, we know that we are going to be here
24 face to face September 11th. I would rather have the
25 first face-to-face meeting, tell me how many of these

1 SACs are pending, because it really has to do with,
2 are you ready to -- are we ready to vote on these, or
3 are these still being worked on, that type of thing.
4 Otherwise, you would say on September 11th we've got
5 25 that are ready to go, then we try to take care of
6 many in the day's meeting, and then we hand the rest
7 to the second teleconference.

8 So I have no idea how many are ready to
9 go, as to what you would actually put on September
10 11th. If you said there were 10 ready to go, we'll
11 take care of how many we can do in the September 11th,
12 we will throw the other two to teleconference the
13 following teleconference meeting. So I just don't
14 have any idea what we are -- what the workflow and how
15 many would be pending, unless you are telling me that
16 there is 25 all set to go and that's the problem. Or
17 you're saying he is still working on some, and we
18 don't know that.

19 CHAIRMAN REYNOLDS: Well, Marty can tell
20 you where we are in terms of what is ready to be voted
21 on.

22 STAFF DIRECTOR DANNENFELSER: Well, we had
23 four scheduled last week when we were not able to get
24 a quorum on the teleconference, so those four are
25 ready to go.

1 COMMISSIONER MELENDEZ: Today.

2 STAFF DIRECTOR DANNENFELSER: Yes. So we
3 expect -- well, they are not on the agenda for today,
4 but they would be ready to go the next time the
5 Commission meets.

6 VICE CHAIR THERNSTROM: But why aren't
7 they on the agenda today?

8 COMMISSIONER GAZIANO: We have a very long
9 meeting, I suspect, already.

10 VICE CHAIR THERNSTROM: Yes. If we go
11 through those --

12 COMMISSIONER GAZIANO: And I don't know
13 when your flight is, Commissioner Melendez, but
14 that --

15 COMMISSIONER MELENDEZ: My flight is at
16 5:00-something. I was -- you know, could at least
17 have been here until 3:30.

18 COMMISSIONER HERIOT: Yes, there is no
19 chance of us getting through this agenda and doing the
20 SACs. That's the problem. We'll be lucky to get
21 through the agenda the way it is.

22 CHAIRMAN REYNOLDS: I think that there is
23 a consensus that we strive to get as much of that
24 work, the rechartering work, done during our face-to-
25 face meetings, and I think that there is a consensus

1 that to the extent that we are unable to do that we
2 will take care of it during teleconferences.

3 COMMISSIONER MELENDEZ: I guess what I'm
4 asking is you had four scheduled that we could have
5 put on today. Are you saying that there could have
6 been -- as much as five or six could have been put on
7 today? Or are you saying that there was only four
8 ready to go? That's what I'm trying to get at.

9 STAFF DIRECTOR DANNENFELSER: Well, there
10 are four that are ready to go now. The Acting Chief
11 of the Regional Programs Coordination Unit anticipates
12 that another 14 might be available by the end of
13 September, so a total of 18 between now and the end of
14 September could be available.

15 COMMISSIONER HERIOT: But we'll have had
16 by that point two telephone conferences and a face-to-
17 face meeting, so it's not like we are going to be
18 dealing with all of those at the same time.

19 CHAIRMAN REYNOLDS: Vice Chair Thernstrom?

20 VICE CHAIR THERNSTROM: Mr. Chairman, the
21 only thing that is continuing to bother me here -- I
22 understand your argument about rechartering the SACs.
23 But if Commissioner Gaziano's -- and I think to some
24 extent Commissioner Heriot's -- description is -- or
25 vision of these teleconferences is what we've got in

1 mind, you know, because there is -- I think
2 Commissioner Gaziano said if there is kind of a, you
3 know, business that is worth talking about between
4 these and things, then we have, it seems to me, quite
5 a -- then we've got a really kind of questionable
6 process of moving important stuff into the
7 teleconferences, and I just hope that that will not
8 happen.

9 The SACs I understand perfectly, but I
10 just don't want this to get -- you know, these
11 teleconferences to be in any way equivalent to face-
12 to-face meetings.

13 CHAIRMAN REYNOLDS: Okay. At this point,
14 let's talk about the dates. Commissioner Yaki, if I
15 understand you right, there is nothing -- no date in
16 August after the 14th where you are available.

17 COMMISSIONER YAKI: Right.

18 CHAIRMAN REYNOLDS: Okay. Are you
19 available on September 4th? That's a Friday.

20 VICE CHAIR THERNSTROM: That's the Friday
21 of Labor day, yes.

22 COMMISSIONER YAKI: That is Labor Day
23 Friday. No.

24 COMMISSIONER HERIOT: Labor Day is not
25 Friday.

1 COMMISSIONER YAKI: It's the Friday
2 before.

3 CHAIRMAN REYNOLDS: It's the following
4 Monday.

5 COMMISSIONER YAKI: Is that too difficult?

6 COMMISSIONER GAZIANO: How about the 3rd?

7 CHAIRMAN REYNOLDS: Okay. Someone threw
8 out the 3rd, the 2nd.

9 COMMISSIONER HERIOT: I object to the
10 notion that Friday is a holiday.

11 COMMISSIONER GAZIANO: What about the 3rd?
12 Let's just inquire about the 3rd.

13 VICE CHAIR THERNSTROM: Well, I am not in
14 town, but I will hope that I could -- where I am I can
15 call in, but it's possible I won't be able to.

16 CHAIRMAN REYNOLDS: Okay. Is the 3rd
17 problematic for anyone else?

18 COMMISSIONER YAKI: Oh, hey, hang on.
19 Hang on. I can do the 3rd.

20 CHAIRMAN REYNOLDS: Commissioner Melendez?

21 VICE CHAIR THERNSTROM: Wait a minute.
22 Labor Day is the 1st?

23 CHAIRMAN REYNOLDS: 7th.

24 VICE CHAIR THERNSTROM: It is the first
25 Monday.

1 COMMISSIONER GAZIANO: The 31st is a
2 Monday, of August.

3 CHAIRMAN REYNOLDS: It's the first Monday
4 --

5 VICE CHAIR THERNSTROM: Oh, I'm looking at
6 the --

7 CHAIRMAN REYNOLDS: -- following --

8 VICE CHAIR THERNSTROM: I'm sorry. I'm
9 not reading my calendar correctly. Sorry.

10 CHAIRMAN REYNOLDS: Okay. So the 3rd
11 works for the first teleconference. Okay.

12 COMMISSIONER GAZIANO: Should we set a
13 general time? Should we say 1:00 Eastern, 1:30
14 Eastern?

15 CHAIRMAN REYNOLDS: That's fine.

16 COMMISSIONER GAZIANO: Does that work for
17 West Coast people?

18 CHAIRMAN REYNOLDS: 1:00 is fine.

19 COMMISSIONER YAKI: No.

20 COMMISSIONER GAZIANO: What would be a
21 preferable general time?

22 COMMISSIONER YAKI: 8:30 is fine.

23 VICE CHAIR THERNSTROM: 8:30 Pacific?

24 COMMISSIONER GAZIANO: 8:30 Pacific Time?
25 So 11:30 Eastern?

1 COMMISSIONER YAKI: Yes.

2 CHAIRMAN REYNOLDS: That's fine.

3 VICE CHAIR THERNSTROM: Is that a general
4 -- is that a time we should just put down for all of
5 them?

6 COMMISSIONER HERIOT: Yes, I think we
7 should have a time that we regard as the basic time,
8 unless we vary it. We should assume it will always be
9 at 11:30 Eastern, because what we need is something
10 that the staff can just routinely notice. And if
11 turns out we cancel, then we cancel.

12 COMMISSIONER YAKI: We've gone through
13 this list. Keep on going.

14 CHAIRMAN REYNOLDS: Okay. On August 5th,
15 the Staff Director circulated a letter addressed to --

16 COMMISSIONER GAZIANO: I'm sorry. Are we
17 going to do other dates? Should we do October 16?
18 Does October 16 work?

19 CHAIRMAN REYNOLDS: You want to do all the
20 dates now for the rest of the year?

21 COMMISSIONER GAZIANO: Yes, let's --

22 CHAIRMAN REYNOLDS: Okay.

23 COMMISSIONER HERIOT: Can we just move to
24 adopt this?

25 COMMISSIONER GAZIANO: I'm sorry.

1 October 16 is the regular -- or September --

2 VICE CHAIR THERNSTROM: No, it's
3 September 25.

4 CHAIRMAN REYNOLDS: Right. September 25?

5 STAFF DIRECTOR DANNENFELSER: That would
6 be the next proposed teleconference, the 25th.

7 COMMISSIONER GAZIANO: At 11:30. Does
8 anyone have a conflict?

9 (No response.)

10 COMMISSIONER YAKI: Hold on. If I did,
11 would I tell you? Let's see.

12 COMMISSIONER GAZIANO: Should we try to go
13 to Thursdays as a --

14 COMMISSIONER HERIOT: Fridays are --

15 COMMISSIONER GAZIANO: Fridays? Okay,
16 Fridays. That's fine.

17 COMMISSIONER YAKI: Okay. The 25th works
18 for me.

19 VICE CHAIR THERNSTROM: Oh, yes. I don't
20 know if the 25th works for me.

21 COMMISSIONER MELENDEZ: Thursdays are
22 better for me.

23 CHAIRMAN REYNOLDS: Thursdays are better
24 for me, too.

25 COMMISSIONER MELENDEZ: Because I'm

1 burning some annual leave on Fridays at my job, other
2 job.

3 CHAIRMAN REYNOLDS: All right, folks. So
4 we are going to back it up a day.

5 VICE CHAIR THERNSTROM: 24th. And with
6 the understanding I may or may not be able to make it.

7 If there is a conference, I hope I am going to. I
8 hope I am going to be able to find the time to go.

9 CHAIRMAN REYNOLDS: 24th? Going once,
10 going twice. Okay.

11 COMMISSIONER YAKI: You just --

12 COMMISSIONER GAZIANO: Since we -- by the
13 way, we have yielded on time --

14 COMMISSIONER HERIOT: Fridays are much
15 better for me.

16 COMMISSIONER GAZIANO: -- if Commissioner
17 Heriot's teaching schedule, which she doesn't know
18 yet, conflicts, I would propose that we adjust the
19 times.

20 COMMISSIONER HERIOT: I think we should go
21 back to the Fridays that were originally proposed.

22 CHAIRMAN REYNOLDS: Okay. That
23 proposal --

24 COMMISSIONER YAKI: I am just going to say
25 this. I have a business that requires a lot of

1 travel, and the safest day that I know I will not be
2 in the air is a morning on -- is a morning on either a
3 Thursday or a Friday. Beyond that, I can't -- I am
4 not going to commit to any other time.

5 COMMISSIONER GAZIANO: Okay. Well, let's
6 go with Friday, then, since Commissioner -- most of
7 the time, since Commissioner Heriot, not on the day
8 before Labor Day, but since Commissioner Heriot thinks
9 that is less likely to conflict, students don't like
10 to go to class on Friday --

11 COMMISSIONER HERIOT: Actually, if we are
12 going to do it at 8:30, we are okay. I can do it any
13 day, any time.

14 CHAIRMAN REYNOLDS: Okay. So -- that's
15 good. So Thursdays it is.

16 VICE CHAIR THERNSTROM: No, wait a minute.
17 Is that the --

18 COMMISSIONER GAZIANO: The 24th of
19 September.

20 VICE CHAIR THERNSTROM: That's fine.

21 CHAIRMAN REYNOLDS: Okay. So for each
22 date that is listed, we are just going to back it up a
23 day and have the teleconferences -- have the
24 teleconferences scheduled for Thursday.

25 STAFF DIRECTOR DANNENFELSER: 11:30.

1 COMMISSIONER GAZIANO: I might have to
2 leave after half an hour on the 24th, but I am not
3 going to interpose that as an objection.

4 CHAIRMAN REYNOLDS: Okay.

5 COMMISSIONER GAZIANO: If it works for
6 everyone else.

7 CHAIRMAN REYNOLDS: October 15th, is that
8 fine?

9 STAFF DIRECTOR DANNENFELSER: No, no,
10 that's a regular business meeting.

11 VICE CHAIR THERNSTROM: That's a regular
12 meeting.

13 STAFF DIRECTOR DANNENFELSER: So you mean
14 October 29th.

15 CHAIRMAN REYNOLDS: Yes. Does that work
16 for everyone? October 29th?

17 COMMISSIONER GAZIANO: That -- I have a
18 monthly civil rights meeting I conduct, and it seems
19 like it is conflicting with every --

20 CHAIRMAN REYNOLDS: What time does it
21 start?

22 COMMISSIONER GAZIANO: It starts at noon,
23 and so the 11:30 would mean I sort of have to leave --

24 VICE CHAIR THERNSTROM: Wait a minute.
25 And I go to that, too, obviously.

1 COMMISSIONER GAZIANO: Can you try to --

2 VICE CHAIR THERNSTROM: Sometimes.

3 COMMISSIONER GAZIANO: When you can, yes.

4 VICE CHAIR THERNSTROM: Yes.

5 COMMISSIONER GAZIANO: So on that period
6 of the month, if we want to do a week earlier, then
7 that --

8 CHAIRMAN REYNOLDS: So then --

9 COMMISSIONER YAKI: I can do the 22nd.

10 CHAIRMAN REYNOLDS: Okay. Let's spread
11 the pain.

12 COMMISSIONER GAZIANO: But you said
13 Thursday or Friday. Let me just go back, because I
14 think Commissioner Heriot corrected -- you said
15 Thursday or Friday is about as good for you?

16 COMMISSIONER YAKI: Yes.

17 COMMISSIONER GAZIANO: Then, could we go
18 to Fridays sometimes?

19 CHAIRMAN REYNOLDS: Yes.

20 COMMISSIONER GAZIANO: At that time?

21 CHAIRMAN REYNOLDS: We made an
22 accommodation --

23 COMMISSIONER GAZIANO: At 8:30 Pacific,
24 Commissioner Heriot says she can do it.

25 CHAIRMAN REYNOLDS: We made an

1 accommodation for Commissioner Melendez on one date.
2 Now let's make an accommodation for someone else on
3 the 30th.

4 COMMISSIONER GAZIANO: Could we go the
5 30th?

6 CHAIRMAN REYNOLDS: Yes.

7 COMMISSIONER GAZIANO: Keep it on the
8 30th.

9 CHAIRMAN REYNOLDS: Okay. November 19th?

10 COMMISSIONER GAZIANO: I'm sorry. Which
11 day?

12 VICE CHAIR THERNSTROM: November 19th.

13 STAFF DIRECTOR DANNENFELSER: Thursday,
14 November 19th.

15 VICE CHAIR THERNSTROM: Oh. Does that
16 conflict again with your --

17 COMMISSIONER GAZIANO: Yes, that is the
18 same -- again, are Fridays okay with everyone? Could
19 we stick to the 20th?

20 CHAIRMAN REYNOLDS: Well, Commissioner
21 Melendez --

22 COMMISSIONER MELENDEZ: That's fine.

23 COMMISSIONER HERIOT: Okay. Friday, the
24 20th.

25 COMMISSIONER GAZIANO: 30th?

1 STAFF DIRECTOR DANNENFELSER: November
2 20th.

3 COMMISSIONER YAKI: We are still -- I am
4 still putting --

5 COMMISSIONER MELENDEZ: November 20th, is
6 that what you said?

7 CHAIRMAN REYNOLDS: Right.

8 COMMISSIONER GAZIANO: We did October 30
9 and November 20.

10 CHAIRMAN REYNOLDS: Okay. Moving on,
11 December 18th.

12 COMMISSIONER YAKI: Fine.

13 CHAIRMAN REYNOLDS: Good.

14 COMMISSIONER HERIOT: Are we doing
15 Thursday or Friday?

16 VICE CHAIR THERNSTROM: It should be a
17 Friday.

18 COMMISSIONER YAKI: I would prefer it be a
19 Thursday, the 17th. The 18th is a big travel day.

20 COMMISSIONER GAZIANO: If we are going to
21 do it on a -- that Thursday, could we do it at 1:30 on
22 that day?

23 VICE CHAIR THERNSTROM: Is there a -- 1:30
24 doesn't work either.

25 COMMISSIONER GAZIANO: Could we do it at

1 1:30 on the 17th?

2 COMMISSIONER YAKI: That's what, 10:30 my
3 time?

4 COMMISSIONER GAZIANO: Yes.

5 VICE CHAIR THERNSTROM: Or put it the
6 previous day, the 16th.

7 COMMISSIONER YAKI: The 16th would be
8 better.

9 COMMISSIONER GAZIANO: 16th is fine with
10 me.

11 CHAIRMAN REYNOLDS: Any objection to the
12 16th?

13 (No response.)

14 The 16th it is. Okay.

15 STAFF DIRECTOR DANNENFELSER: 11:30 that
16 day, right?

17 CHAIRMAN REYNOLDS: Yes.

18 COMMISSIONER HERIOT: Everything is 11:30.

19 CHAIRMAN REYNOLDS: Okay. Unless there is
20 additional discussion, we can move on.

21 On August 5th, the Staff Director
22 circulated a letter addressed to the President and to
23 members of Congress expressing the Commission's
24 concern over racial preferences contained in
25 H.R. 3200, the Health Care Bill, currently before the

1 House of Representatives.

2 Three House committees -- Ways and Means,
3 Education and Labor, and Energy and Commerce -- have
4 contributed to the current proposal. In the proposed
5 letter, questions are raised about the
6 constitutionality of some of the provisions creating
7 racial preferences. The letter also questions, in
8 light of our recent briefing on health care
9 disparities, whether these provisions are the best way
10 to medicate -- mitigate health care disparities along
11 different racial groups.

12 I move that the Commission approve sending
13 this letter to the President and members of Congress.

14 Is there a second?

15 COMMISSIONER KIRSANOW: Second.

16 CHAIRMAN REYNOLDS: Discussion?

17 COMMISSIONER HERIOT: Actually, can I move
18 to amend your motion?

19 CHAIRMAN REYNOLDS: Yes.

20 COMMISSIONER HERIOT: What was your motion
21 exactly?

22 CHAIRMAN REYNOLDS: To approve the letter.

23 COMMISSIONER HERIOT: Can I like give a
24 friendly amendment to that?

25 CHAIRMAN REYNOLDS: Yes.

1 COMMISSIONER HERIOT: And that is that we
2 adopt the letter, but that it be subject to a few
3 tinkering changes if we can get the unanimous consent
4 in the next few days of the people who vote in favor
5 of signing the letter, or the people who signed the
6 letter.

7 CHAIRMAN REYNOLDS: Yes, that's --

8 COMMISSIONER HERIOT: Because I would want
9 to be able to tinker with a couple of the footnotes
10 and maybe something in the text.

11 CHAIRMAN REYNOLDS: That's fine.
12 Discussion? Commissioner Yaki?

13 COMMISSIONER YAKI: Do we have copies of
14 the sections of the legislation that apparently offend
15 to some people on this Commission?

16 CHAIRMAN REYNOLDS: I'm sorry?

17 COMMISSIONER YAKI: Do we have copies of
18 the sections of the legislation that apparently offend
19 some members of this Commission? It's a very simple
20 question.

21 CHAIRMAN REYNOLDS: The question is not
22 complex, but I didn't hear you.

23 COMMISSIONER YAKI: About how long would
24 it take?

25 COMMISSIONER GAZIANO: Ten or 15 minutes,

1 it could probably be --

2 CHAIRMAN REYNOLDS: Okay. So let's
3 continue the discussion while we try to get --

4 VICE CHAIR THERNSTROM: Or let's postpone
5 it until --

6 COMMISSIONER YAKI: Let's table it. I am
7 not prepared to have a discussion until I see the damn
8 language. So let's move on to the next --

9 COMMISSIONER HERIOT: It's on the
10 internet. It would have been available to you.

11 COMMISSIONER YAKI: Well --

12 COMMISSIONER HERIOT: You easily could
13 have gotten it.

14 COMMISSIONER YAKI: Just like I could have
15 easily gotten all of that research that you did on the
16 Native Hawaiian Act, too, Commissioner Heriot. So
17 let's have it in front of us I believe would be
18 appropriate.

19 CHAIRMAN REYNOLDS: Let's see if there is
20 a consensus. I don't believe that -- well, I am not
21 -- I think it is important to get the letter out as
22 soon as possible. The fact that we don't have the
23 language in front of us right now, the fact that we
24 will have to wait 10 or 15 minutes, that is not a
25 problem. And let's move --

1 COMMISSIONER GAZIANO: I have seen the
2 legislation. I think the letter -- or the provisions.
3 I think the letter accurately reflects it.

4 CHAIRMAN REYNOLDS: Let's rearrange the
5 agenda, and we will deal with something else while we
6 seek copies of the language.

7 VICE CHAIR THERNSTROM: I wouldn't mind
8 seeing the language again.

9 COMMISSIONER GAZIANO: That's fine. I am
10 just saying that if anyone had a doubt about it, they
11 should have obtained it. But I don't think that we
12 should delay significantly the consideration of the
13 letter.

14 Is the Commissioner -- do you suspect that
15 there aren't racial preferences in the health care
16 bill, Commissioner Yaki?

17 COMMISSIONER YAKI: I'm not going to
18 answer that. I'm not going to answer that,
19 Commissioner Gaziano, until I have the language in
20 front of me.

21 COMMISSIONER KIRSANOW: Probably makes
22 sense to wait 15 minutes.

23 COMMISSIONER GAZIANO: Okay. Should we go
24 on to the next item and come back?

25

V. PROGRAM PLANNING

1
2 CHAIRMAN REYNOLDS: Next up, on June 16th,
3 Commissioners Kirsanow, Heriot, Gaziano, and myself
4 sent a letter to the Department of Justice regarding
5 dismissal of voter intimidation charges from an
6 incident in Philadelphia during the 2008 election.

7 On June 22nd, Vice Chair Thernstrom and
8 Commissioner Taylor sent their own letter lending
9 support to our letter. The Department of Justice sent
10 an undated letter that was largely unresponsive to our
11 request, which the Commission logged in on July 24th.

12 The draft of a followup letter to the
13 Department of Justice was sent to you on Wednesday,
14 August 5th. I move to approve the followup letter to
15 the Department of Justice. Is there a second?

16 COMMISSIONER KIRSANOW: Second.

17 CHAIRMAN REYNOLDS: Discussion?
18 Commissioner Gaziano?

19 COMMISSIONER GAZIANO: As Commissioners
20 know, I took the lead in trying to draft the followup.

21 And I would move to allow minor tinkering, if you all
22 see typos.

23 COMMISSIONER HERIOT: Friendly amendments.

24 COMMISSIONER GAZIANO: Yes, a friendly
25 amendment to the Chairman's. For example, I would

1 like to, with the explanation Commissioner Yaki gave
2 this morning, add to footnote 1 that Commissioner
3 Melendez abstained from the original vote, and
4 Commissioner Yaki was not present, since he seems to
5 want that to be noted. But I want to speak --

6 COMMISSIONER YAKI: I was just stating a
7 fact. What do you mean by "wanted it to be noted"?

8 COMMISSIONER GAZIANO: In the -- if you
9 don't want it to be noted, that's fine. I'm just
10 saying --

11 COMMISSIONER YAKI: I don't care if it is
12 noted or not, but don't characterize it as I didn't
13 want it to be noted.

14 CHAIRMAN REYNOLDS: Okay, folks.

15 COMMISSIONER YAKI: I was simply
16 correcting --

17 CHAIRMAN REYNOLDS: Folks? Folks?

18 COMMISSIONER YAKI: When you asked a
19 question, I corrected what the minutes were going to
20 say.

21 COMMISSIONER GAZIANO: Yes, at the last --

22 CHAIRMAN REYNOLDS: Commissioner Gaziano,
23 let's just move on.

24 COMMISSIONER GAZIANO: At the last
25 meeting, you wanted that noted.

1 Anyway, just by way of explaining to
2 fellow Commissioners and people in the audience, the
3 response we received from the Department of Justice to
4 our original letter was largely non-responsive. While
5 they stated they did not think that the facts of the
6 case merited continuing the suit, they did not provide
7 answers to our questions about what the facts were, so
8 that we could form our independent judgment, which is
9 our responsibility.

10 They also did not provide information on
11 similar cases, and what the standard -- the legal
12 standard was that they applied to this case. I think
13 that we are entitled to a complete and satisfactory
14 response in this matter, but, further, I certainly
15 believe, as do I think some others who have been
16 commenting on this case, that the replies from the
17 Department are more damaging and put the Department in
18 a worse light than no response at all.

19 There are factual errors, I believe, in
20 questionable legal claims, in the original letter, and
21 I believe that those responses undermine respect for
22 the rule of law. I think the rest of the letter
23 speaks for itself in explaining calmly and carefully
24 what kind of material we expect the Department of
25 Justice to provide to us, so that we can complete our

1 special responsibility to study and report on voting
2 rights issues for the nation.

3 CHAIRMAN REYNOLDS: Commissioner Kirsanow?

4 COMMISSIONER KIRSANOW: I am just curious
5 if the Staff Director has received any other responses
6 from the ALJ related to this matter since we last
7 addressed this in a public gathering?

8 STAFF DIRECTOR DANNENFELSER: No. Just
9 the letter that is noted in this letter.

10 COMMISSIONER KIRSANOW: Okay. Thank you.

11 CHAIRMAN REYNOLDS: Okay. Additional
12 comments, questions? Please note that Commissioner
13 Taylor has stepped out of the hearing room.

14 At this point, we will take a vote. All
15 those in favor please say aye.

16 (Chorus of ayes.)

17 All in opposition?

18 (No response.)

19 Abstentions?

20 COMMISSIONER YAKI: Abstain.

21 COMMISSIONER MELENDEZ: Abstain.

22 CHAIRMAN REYNOLDS: Vice Chair Thernstrom?

23 VICE CHAIR THERNSTROM: No, no. I'm
24 sorry. I was thinking about something. Aye.

25 CHAIRMAN REYNOLDS: Okay. Two

1 abstentions.

2 COMMISSIONER GAZIANO: Could we allow the
3 vote to stay open until Commissioner Taylor --

4 CHAIRMAN REYNOLDS: Sure. Okay.

5 VICE CHAIR THERNSTROM: I'm sorry, I'm not
6 thinking. I want to -- Mr. Chairman, I'm sorry, I'm
7 distracted here. Which letter are we voting on now,
8 the health care?

9 CHAIRMAN REYNOLDS: The DOJ letter.

10 VICE CHAIR THERNSTROM: The DOJ, right.
11 Okay. I'm sorry. I'm doing two things at once here.
12 Yes, I'm voting aye, as I said.

13 CHAIRMAN REYNOLDS: Okay. Okay. A memo
14 was sent to Commissioners on June 29, 2009, with
15 various suggestions for a 2010 statutory report topic
16 with followup -- with a followup e-mail July 2, 2009,
17 with suggestions by Commissioners Thernstrom and
18 Melendez.

19 At the June 12th meeting, we agreed that
20 project proposals would be developed on the concept
21 papers we favored. Some Commissioners have prepared
22 project concepts. Others have submitted broad ideas.

23 I will describe these project ideas briefly, and then
24 ask that each of their sponsors describe them more
25 fully.

1 On July 30th, a project proposal was
2 prepared by Vice Chair Thernstrom. It was sent to
3 Commissioners in the meeting binders. The Staff
4 Director circulated the proposal again by e-mail on
5 August 3rd. The proposal would examine enforcement of
6 Title VII, and police, fire, and municipal employment,
7 in light of the Supreme Court's June 29, 2009 decision
8 in the Ricci case.

9 Under this project, the Commission would
10 analyze how enforcement actions in other cities
11 differed from those that gave rise to the Ricci case.

12 It would also consider how the EEOC's uniform
13 guidelines on employee selection procedures are being
14 interpreted regarding disparate impact with regard to
15 employment tests.

16 Vice Chair Thernstrom, would you like to
17 elaborate on your contact?

18 VICE CHAIR THERNSTROM: Yes. I think
19 that's an absolutely -- it's a nice, succinct
20 description, and I don't think we need to linger
21 further on what I am proposing here.

22 CHAIRMAN REYNOLDS: Okay. Discussion?

23 COMMISSIONER HERIOT: Should we get
24 everything on the table?

25 VICE CHAIR THERNSTROM: I think we should

1 get everything on the table --

2 CHAIRMAN REYNOLDS: Okay.

3 VICE CHAIR THERNSTROM: -- Mr. Chairman.

4 CHAIRMAN REYNOLDS: All right. Yesterday
5 the Staff Director circulated a concept paper by
6 Commissioner Heriot regarding Title IX enforcement
7 that asked the Commission to investigate whether
8 certain public and private moderately-selective co-ed
9 liberate arts schools discriminate against women in
10 their admissions policy, in order to ensure a balanced
11 gender ratio, so as not to discourage women from
12 attending.

13 As a part of this project, the Commission
14 would investigate whether and to what extent, if any,
15 Department of Education enforcement policies
16 contribute to the problem.

17 Commissioner Heriot, would you care to
18 elaborate?

19 COMMISSIONER HERIOT: No. Again, that is,
20 you know, a useful summary. There is reason to
21 believe that some universities -- the University of
22 Richmond, in particular -- I have been told by many
23 academics that this is quite common now in moderately-
24 selective universities, to discriminate against women.

25 I should point out that for some of these

1 schools this is not a violation of Title IX, that the
2 way the statute is set up public schools can't
3 discriminate in admissions on the basis of sex.
4 Graduate schools cannot -- public or private.
5 Professional schools cannot -- public or private. But
6 that private schools, undergraduate schools, legally
7 can do this.

8 But I think it is, nevertheless, something
9 that --

10 PARTICIPANT: And continue to receive
11 federal funds?

12 COMMISSIONER HERIOT: Yes. Because,
13 remember, there are schools that are all women or all
14 men. And this also applies to co-ed schools
15 apparently, based on what I am told.

16 But legal or not, it is certainly worth
17 determining whether or not it is happening, and that
18 would include whether it is happening in public
19 schools, where it would be illegal. So I would
20 propose that we look at a variety of schools, a
21 private school, like the University of Richmond, a
22 public school -- I was thinking of schools that were
23 fairly close by, like George Mason, where it would
24 definitely be illegal, a Catholic school or a
25 sectarian school of some sort. I proposed Catholic

1 University because it is nearby. An HBCU -- I
2 proposed Howard. You know, we could propose other
3 schools. That is not crucial to the proposal, but to
4 find out whether or not this is happening and report
5 back.

6 My proposal would also involve having a
7 briefing where we ask schools of that sort to tell us
8 about their non-discriminatory methods for trying to
9 attract more male students if they think that is
10 important, but I think otherwise the proposal speaks
11 for itself.

12 CHAIRMAN REYNOLDS: Okay.

13 COMMISSIONER KIRSANOW: Chair, I note that
14 Commissioner Taylor has reentered the room, and
15 perhaps you would like to close off the vote on the
16 DOJ letter.

17 CHAIRMAN REYNOLDS: On the DOJ letter.

18 COMMISSIONER TAYLOR: Yes, I vote in
19 favor.

20 CHAIRMAN REYNOLDS: Okay. Please let the
21 record reflect that we had two abstentions,
22 Commissioners Melendez and Yaki. The remaining
23 Commissioners voted in favor of the motion to send a
24 followup letter to DOJ.

25 COMMISSIONER GAZIANO: And pursuant to the

1 I think friendly amendment that was accepted, that
2 that is open to correct typos or any other minor
3 changes. If Commissioners would communicate those to
4 me, I would work with the staff to get the letter out
5 as soon as possible.

6 CHAIRMAN REYNOLDS: Okay.

7 COMMISSIONER YAKI: Point of information.

8 CHAIRMAN REYNOLDS: Yes.

9 COMMISSIONER YAKI: It would be I think
10 useful and courteous if, on the day that such letters
11 were sent, that Commissioners Melendez and I receive
12 copies of that letter on the day that it was sent.
13 There seems to be a rather interesting time lag
14 between the time letters are actually sent and the day
15 that we actually receive it.

16 CHAIRMAN REYNOLDS: Okay.

17 COMMISSIONER GAZIANO: Which letter are we
18 talking about?

19 COMMISSIONER YAKI: All letters.

20 CHAIRMAN REYNOLDS: When you send the
21 letters, when you distribute letters, do you send them
22 to all Commissioners at the same time?

23 STAFF DIRECTOR DANNENFELSER: Yes. I know
24 with respect to the last letter that went to the
25 Department of Justice, I believe they might have gone

1 out late in the day and were distributed the next day,
2 but there was no lag time beyond one day that I am
3 aware of.

4 COMMISSIONER YAKI: Well, I think one day
5 is -- I'm sorry, I think one day is a lifetime. If it
6 goes out on Friday at 5:00, I want a copy Friday at
7 5:00. I don't want a copy of Friday -- on Tuesday or
8 Monday at 9:00, whenever the next business day is. I
9 think that's unacceptable. If it goes out, it goes
10 out to everyone, including us, at the time that it
11 goes to the agency.

12 STAFF DIRECTOR DANNENFELSER: We can
13 endeavor to do that. I will try to make -- we will
14 make sure --

15 COMMISSIONER YAKI: Why is it "endeavor"?
16 Why is it difficult? We are all members of the
17 Commission. We are entitled to documents that go out
18 bearing the Commission signature, Commission label.
19 So I do not understand why, on that particular letter,
20 it goes out one day and there is essentially a 12- to
21 14-hour cycle before it shows up in our in box. I
22 think it's inexcusable.

23 CHAIRMAN REYNOLDS: Well, to make sure I
24 understand, you are saying that certain Commissioners
25 -- it is sent to certain Commissioners --

1 COMMISSIONER YAKI: I don't know if it is
2 sent to certain Commissioners. I just think for all
3 Commissioners -- first of all, you have all seen the
4 letter. We don't see the -- Commissioner Melendez and
5 I don't see the draft, so we don't know what is in
6 that letter before. And you presumably have seen it
7 and done final signoff on it. I am, quite frankly,
8 less concerned about you than I am concerned about
9 Commissioner Melendez and myself.

10 So when the letter goes out on -- at 4:00
11 in the afternoon, but we don't get it until the next
12 day --

13 CHAIRMAN REYNOLDS: Sure, let's do it.

14 COMMISSIONER YAKI: -- I think that's
15 unacceptable.

16 CHAIRMAN REYNOLDS: So you just want him
17 to hit the "Send" button and everyone gets it at the
18 same time.

19 COMMISSIONER YAKI: Yes.

20 CHAIRMAN REYNOLDS: I agree.

21 COMMISSIONER GAZIANO: Yes, that's fine.
22 Or at least within an hour. You might be transmitting
23 to members of Congress or the Attorney General, and
24 some slight -- have to do it in some different way.

25 CHAIRMAN REYNOLDS: Normally, when we sent

1 out these letters, my assumption has been that when it
2 comes out of the Staff Director's office that it goes
3 to everyone at the same time. That was my assumption.

4 Apparently, that is not the case.

5 And I agree with Commissioner Yaki that
6 when it comes out of the Staff Director's office, hit
7 the "Send" button, and each Commissioner should
8 receive the document.

9 COMMISSIONER YAKI: Thank you.

10 CHAIRMAN REYNOLDS: Okay. Where am I? On
11 July 2, 2009, Commissioners received an e-mail from
12 the Staff Director circulating a statutory
13 report/recommendation by Commissioner Melendez. His
14 project would focus on funding, staffing, and workload
15 levels of federal agencies' civil rights enforcement
16 in 2010 to assess the executive branch's institutional
17 capacity and goals to address civil rights violations.

18 To the extent possible, staff analysis in
19 the report would describe trends in civil rights
20 enforcement, as well as evaluate the effectiveness of
21 the agencies based on their own goals.

22 The project would capture and analyze data
23 on annual changes since the Commission's 2005 report
24 on a similar subject, spanning both the Bush and Obama
25 administrations. The statutory report would provide

1 useful data on agencies' changes in capacity and
2 mission accomplishments over time.

3 Commissioner Melendez, would you care to
4 elaborate?

5 COMMISSIONER MELENDEZ: Well, one of the
6 reasons it would be relatively easy, because it is
7 something we have done before and we actually could
8 follow the 2005 I believe statutory report, I think I
9 funded federal civil rights enforcement, the
10 President's 2006 request.

11 So I am concerned about, you know, based
12 on the timeframes that we do something that would be
13 attainable. And I think that that is kind of our
14 mandate also, to see how these federal agencies -- I
15 know they evaluated HUD and the Justice Department as
16 to how much money they were receiving, whether or not
17 it was adequate in increases. And it kind of would
18 give us a good idea of even what the current
19 administration is doing as far as funding levels and
20 seeing if these agencies are capable of doing what
21 they are supposed to do.

22 So I just think that it would be a -- I
23 think our staff would be able to pick up and use some
24 of the data maybe that we have had before and be able
25 to probably be successful in a timely manner to get

1 this done, as we are always behind. So I think it is
2 a pretty good project, falls in line with what our
3 mandates are as far as our relationship with the other
4 federal agencies, and see if they are capable of doing
5 what we think they ought to be doing.

6 CHAIRMAN REYNOLDS: Okay. This past
7 Wednesday Commissioners received an e-mail from
8 Commissioner Gaziano regarding -- I'm sorry,
9 recommending that our investigation of the National
10 Black -- National -- actually, the New National Black
11 Panther Party case form the basis of the 2010
12 statutory report focusing on voter intimidation.

13 He sent a preliminary concept paper to
14 Commissioners via e-mail yesterday evening, a copy of
15 which you should have in front of you.

16 Commissioner Gaziano, do you want to --

17 COMMISSIONER GAZIANO: Sure, I'll make a
18 few points. I think that there -- I will list a few
19 reasons why I think that this could work as our --
20 designated as our statutory report, but at the same
21 time I want to emphasize that because of the type of
22 investigation we still could adopt another -- some of
23 these other -- or at least one of these other ideas
24 that wouldn't necessarily need to be our statutory
25 report, and I actually would recommend that we do so.

1 But with that said, the reasons why I
2 think this would be a good statutory report is we just
3 committed ourselves, in the letter that we approved,
4 to a thorough and careful investigation of the New
5 Black Panther Party decisionmaking. That
6 investigation that we are already committed to could
7 easily be adapted to satisfy our statutory report
8 duty.

9 The Office of General Counsel hopefully
10 shouldn't be distracted by too many other types of
11 investigations, if they are -- if we are going to take
12 the New Black Panther Party investigation seriously.
13 And I think, of course, as I said just a few minutes
14 ago when we were debating the letter, I think voting
15 rights studies and reports are a special
16 responsibility.

17 And the kinds of responses we have gotten
18 from DOJ thus far I think do have serious implications
19 for how the Department of Justice would enforce voter
20 intimidation statute in the future. So I think events
21 outside the Commission commend this as our statutory
22 report topic.

23 I think that, as I say in the pre-concept
24 paper, that a concept paper should be prepared if
25 Commissioners are interested in pursuing this. I have

1 laid out the kind of things that probably should be in
2 the concept paper. I want to make one minor
3 correction to what I sent you last night, so if you
4 could -- we are not, you know, actually voting on
5 this, so I don't think it matters.

6 But in question 5, research question 5, it
7 is with regard to each defendant in the New Black
8 Panther Party litigation. Do the facts as established
9 in (i) through (iii) in question 1 -- and this is the
10 addition -- and the actions taken by DOJ constitute a
11 continuance or departure from prior DOJ enforcement
12 policy?

13 I think that question is an important one
14 for us to answer, and, most importantly, the
15 concluding question, what are the implications of
16 DOJ's action with regard to the New Black Panther
17 Party suit, with regard to encouraging or diminishing
18 arguably intimidating conduct?

19 CHAIRMAN REYNOLDS: Okay. That is the
20 list. Commissioner Heriot?

21 COMMISSIONER HERIOT: I'm sorry. I'm
22 assuming that you are opening it up for sort of
23 general --

24 CHAIRMAN REYNOLDS: Yes.

25 COMMISSIONER HERIOT: -- discussion now?

1 Just generally on statutory report topics, I want to
2 point out that we have a -- we call it a statutory
3 report because our statute requires that we have at
4 least one report on an enforcement matter per year.
5 It doesn't require that it be our biggest report of
6 the year. It doesn't require anything other than we
7 have a report on an enforcement matter.

8 And I would strongly urge the Commission
9 to avoid our -- the paradigm we have been working from
10 for the last couple of years, and that is having a big
11 battleship report that we take all year long, and it
12 is, you know, the largest and most significant thing
13 that we produce that year. That is not required by
14 the statute. What is required is that it have some
15 bearing on enforcement.

16 And it seems to me that Todd's proposal
17 has the virtue of being, you know, very strongly
18 related to enforcement. It doesn't have to be a
19 battleship report. It can be something that, you
20 know, it may turn out to be quite small.

21 COMMISSIONER GAZIANO: If DOJ confesses
22 error, we still have some things to investigate, but
23 maybe we could get it done by January or February.

24 COMMISSIONER HERIOT: Yes, possibly.

25 COMMISSIONER GAZIANO: We could have a

1 hearing.

2 COMMISSIONER HERIOT: Yes.

3 COMMISSIONER GAZIANO: And otherwise we
4 still could possibly get it out in April, if this is
5 the topic we choose.

6 COMMISSIONER HERIOT: There are -- we
7 could in fact, at this -- you know, we are able to do
8 this as a small project, do -- have the Office of
9 Civil Rights Enforcement do the research, for example,
10 on my sex discrimination proposal, not as a statutory
11 report, but just as a project of OCRE, because I think
12 that is something that falls directly into their
13 jurisdiction.

14 It is the sort of thing that, you know,
15 Dr. Lerner is very familiar with, and that might be a
16 report that we don't call our statutory report. We
17 might call it something else, but that could -- that
18 research can be conducted.

19 And parallel to that, I also have another
20 proposal that I think that would fit very well into
21 what OCRE does, and that is a report on legacy
22 preferences, how much weight is given to the fact that
23 someone is the son or daughter of an alumnus or alumna
24 in admissions.

25 Frequently, when I debate affirmative

1 action policies, those who favor race-based admissions
2 argue that race-based admissions are necessary to
3 counter legacy preferences. And I am against legacy
4 preferences, the way I am against race-based
5 admissions.

6 I think it would be very useful for the
7 Commission to find out and nail down with some
8 certainty just how serious these legacy preferences
9 are, so that people know.

10 CHAIRMAN REYNOLDS: Okay. Vice Chair
11 Thernstrom, then Commissioner Yaki.

12 VICE CHAIR THERNSTROM: Well, two things.
13 One, the reason I got mine in very early is because I
14 really believe Commissioners need time, and I thought
15 we had a kind of general seven-day rule. But, you
16 know, we did have a deadline I think.

17 I just think Commissioners need time to
18 kind of contemplate this. I mean, I did not have the
19 time, Commissioner Heriot, to read yours.

20 COMMISSIONER HERIOT: Mine is the same
21 proposal I made last year.

22 VICE CHAIR THERNSTROM: Okay. But, in
23 general, I do think these discussions are extremely
24 difficult when the Commissioners have not had --
25 gotten the proposals in time to think about them

1 carefully. But I also have a question for the General
2 Counsel -- resources, scheduling, when we need to get
3 started. I mean, partly my reaction to these
4 proposals depends upon the answers to those questions.

5 CHAIRMAN REYNOLDS: Those are legitimate
6 criticisms, and today we are just going to have
7 discussions. There is not going to be a vote today.

8 VICE CHAIR THERNSTROM: Okay. Okay, good.

9 COMMISSIONER GAZIANO: Oh. We don't want
10 to --

11 CHAIRMAN REYNOLDS: No. I mean, I --

12 COMMISSIONER GAZIANO: I would just
13 slightly prefer, for example, if there would, you
14 know, be some -- if there is a majority to pursue the
15 New Black Panther Party, we have already begun that
16 investigation. We are already a little further.

17 But I would rather not -- I would be
18 happier drafting up the detailed concept paper,
19 helping staff with Commissioner input, do so, if that
20 is where the majority of the Commissioners really want
21 to go.

22 CHAIRMAN REYNOLDS: Well, due to the fact
23 that some of this was recently distributed, I can tell
24 you now I am -- I am in favor of the -- of your
25 concept paper, but I think that we should have an

1 official vote on it at the next business meeting. We
2 should continue our discussions, get a sense of where
3 people are with the recommendations that have been
4 placed on the table.

5 COMMISSIONER HERIOT: The letter commits
6 us to do something, but it doesn't require us to do it
7 -- make this a statutory report.

8 COMMISSIONER GAZIANO: That's correct.
9 That's correct. I just -- I --

10 CHAIRMAN REYNOLDS: And I'm thinking about
11 it separately. The letter is done.

12 COMMISSIONER GAZIANO: That's fine. Yes,
13 I understand that. And I can live with not voting
14 today. I just think that -- and I understand from
15 some of the staff -- the staff would feel comfortable
16 knowing, for example, if they are not going to accept
17 my proposal, which we have already begun some of the
18 investigation, then that might create concerns that we
19 are further behind a schedule.

20 COMMISSIONER HERIOT: But given the
21 letter, we have already committed to doing something,
22 so I think that makes -- you know, that authorizes
23 Commissioner Gaziano to prepare a more elaborate
24 proposal.

25 COMMISSIONER GAZIANO: Yes, I don't -- I

1 can propose a more elaborate proposal. I just wonder,
2 are other -- do other Commissioners -- there are
3 advantages and disadvantages to waiting for a final
4 vote. I do think there are some things we can flesh
5 out a little bit more, but I think this is as much as
6 we have had in some years before we have begun a
7 statutory report.

8 CHAIRMAN REYNOLDS: Well, Vice Chair
9 Thernstrom has expressed an interest in having
10 information in terms of, well, logistics. So I think
11 that before we vote at the next meeting we should be
12 prepared to answer those types of questions with
13 respect to each of the proposals that we will discuss
14 today.

15 I think that we should, to the extent
16 possible, discuss the recommendations that have been
17 read into the record, see what the issues are that
18 need to be addressed for the next meeting, and then at
19 the next meeting we vote.

20 COMMISSIONER GAZIANO: I am prepared to
21 address any logistics questions on my proposal. I am
22 certainly not familiar with the other proposals, but I
23 have certainly given some thought in preparing the
24 pre-concept paper to what I think would be the Vice
25 Chair's questions. So I hope that -- if I don't

1 satisfy you and you want to move it to the next month,
2 fine.

3 VICE CHAIR THERNSTROM: I do think we need
4 to hear from the staff rather than you on this.

5 COMMISSIONER GAZIANO: What question would
6 you like to hear from the staff on?

7 VICE CHAIR THERNSTROM: Well, I would
8 prefer to go on to what the Chairman is suggesting, a
9 general discussion here, and with the understanding we
10 are going to vote not this meeting but the next
11 meeting. I do think it is really important not to
12 rush this kind of thing.

13 COMMISSIONER GAZIANO: If we are going to
14 write a concept paper, we need to know what questions
15 you think are left open.

16 VICE CHAIR THERNSTROM: Well, I don't -- I
17 need to know -- I mean, that's why I addressed it to
18 the General Counsel. I need to know exactly -- I
19 mean, we are way down in staff on this Commission. I
20 need to know the relative ease with which these
21 various topics can be addressed by the staff as a
22 statutory report.

23 Now, one way of looking at it of course is
24 how Commissioner Heriot just said. We don't need to
25 make such a distinction between a statutory report and

1 a regular briefing report, but traditionally a
2 statutory report.

3 COMMISSIONER GAZIANO: I wouldn't mind if
4 the General Counsel answers this quick question, but
5 it certainly seems to me from the Commissioners'
6 standpoint that it would be a much heavier load on the
7 General Counsel's office to conduct the investigation
8 we are committed to conducting, and doing something
9 else that would take the full attention of his office,
10 or the near full attention of his office, than to just
11 concentrate on the New Black Panther Party
12 investigation.

13 So if that is your question -- and I am
14 happy for the General Counsel to correct me or agree
15 with that sentiment right here.

16 CHAIRMAN REYNOLDS: Is the General Counsel
17 ready to entertain these questions? Or do you need
18 more time?

19 MR. BLACKWOOD: I got the proposal this
20 morning. I am really not in a position to say what
21 would be required overall. I would point out to you
22 all that the statutory reports are generally assigned
23 or worked together -- the last couple of years has
24 been a joint project between OGC and OCRE, and also
25 takes into consideration existing briefing reports

1 that are scheduled, which we have none of right now.

2 So it is difficult for me, at this point
3 in time, to say. That said, I read it this morning,
4 could we do it? Sure we can do it, but it is in
5 conjunction with other work.

6 COMMISSIONER GAZIANO: Yes. But to my
7 specific question, is it easier for your office, do
8 you think, resource-wise, to make the New Black
9 Panther Party investigation that we are already doing,
10 and we are already committed to, the statutory report
11 than to do the investigation we are already committed
12 to and to do a major statutory report of the type we
13 have done in the past?

14 MR. BLACKWOOD: I am not going to walk
15 through that door.

16 CHAIRMAN REYNOLDS: Okay. It sounds like
17 that we will have --

18 (Laughter.)

19 -- we will continue the discussion at the
20 next meeting. Commissioner Yaki?

21 COMMISSIONER YAKI: Well, I am just going
22 to say this, which is that when I missed the deadline
23 I figured, okay, I had missed the deadline, and then
24 these other things began trolling in at the last
25 minute. I was originally going to be very supportive

1 of Commissioner Melendez's and still am, but I will
2 now, given the fact that the door has been opened by
3 late submission of papers, will be submitting a
4 concept paper on what could be termed a battleship
5 project, which I care deeply about, and that is the
6 rise of racism on college campuses.

7 So I am definitely not prepared to make a
8 decision today. I will give it to people in more than
9 adequate time before the next meeting, more than a
10 day, certainly more than two weeks hopefully --

11 CHAIRMAN REYNOLDS: Okay.

12 COMMISSIONER YAKI: -- for people to
13 review.

14 CHAIRMAN REYNOLDS: Kirsanow.

15 COMMISSIONER KIRSANOW: I just have a
16 question for Commissioner Gaziano with respect to his
17 concept paper. I am wondering -- we have not, in my
18 estimation, received an adequate response from DOJ
19 related to our inquiries in the New Black Panther
20 Party case. But we have just --

21 COMMISSIONER GAZIANO: Do you want to pick
22 up the mic? Are you picking that up? Oh, you've got
23 -- I'm sorry, you've got two. You've got another one
24 there. Okay.

25 COMMISSIONER KIRSANOW: This one should be

1 working.

2 COMMISSIONER GAZIANO: I didn't hear you,
3 your booming voice. Go ahead.

4 COMMISSIONER KIRSANOW: But we have just
5 approved another letter. And let's suppose that the
6 response we receive from DOJ in fact is satisfactory.
7 Do you think that somehow vitiates the purpose or the
8 impact of your concept?

9 COMMISSIONER GAZIANO: No, I think not for
10 two reasons. First of all, the letter, again, that we
11 approved I think speaks to the need for us to make our
12 own independent judgments. So nothing the Department
13 could give us in the next response could satisfy our
14 responsibility to then compare the prior cases that
15 they may turn over to us. This is assuming they give
16 an absolutely complete, you know, response to us in
17 the next two weeks or something like that.

18 It does not -- given the position they
19 have taken, I think the most significant contribution
20 the Commission needs to make is our own finding of the
21 facts, our own analysis of the law, and our own
22 statement of how we think the DOJ's current policy
23 implicates their enforcement, or will it lead to
24 increased intimidation, and so on.

25 So even if they change their position on

1 this case -- by the way, I think there is plenty for
2 us to investigate. Are you going to refile? If you
3 admit error, are you going to refile against some of
4 these defendants? Or if they give us all of the
5 documents we want, I think there is still a lot for us
6 to do. For example, I think we potentially should
7 call the fact witnesses on -- at the poll on Election
8 Day in Philadelphia.

9 We should call perhaps the political
10 appointees from DOJ who believe that the facts in the
11 complaint justified suit, and give our recommendations
12 to the Department and to Congress.

13 COMMISSIONER KIRSANOW: So I guess the
14 thrust of my question is two-fold. One is, could it
15 in fact make the concept moot? But, secondarily, even
16 if it does make it moot -- and I think you have maybe
17 answered this -- does it still go to the manner in
18 which DOJ pursued this particular case? And whether
19 or not this is emblematic of how we should be
20 proceeding on voter intimidation cases in the future.

21 COMMISSIONER GAZIANO: Absolutely.
22 Regardless of what the Department's next response is,
23 I think there is plenty for us to investigate,
24 analyze, come to some factual conclusions on, come to
25 some legal recommendations on.

1 CHAIRMAN REYNOLDS: Okay. Commissioner
2 Taylor, then Vice Chair Thernstrom.

3 COMMISSIONER TAYLOR: I wanted to share my
4 thoughts about this concept paper and to see if we
5 could try to focus really on question 7. I don't know
6 where that leads us, but I -- from my perspective,
7 question 7 -- that is the implication of the policy or
8 position taken by DOG -- DOJ, rather, is most
9 important.

10 You know, at this point I am less
11 concerned about making, you know, factual findings
12 ourselves. I am more concerned with looking at their
13 record, looking at the approach they took in this
14 case, and then looking forward and discussing the
15 implications on voting rights, both from a legal
16 perspective and the practical implications of what is
17 going to happen over the next few years in terms of
18 the boots on the ground on voting day.

19 And, I mean, to me that is the most
20 important part of this discussion. I mean, what --
21 and I think it is what is being -- it has gotten lost
22 in the media, because they have been so focused on the
23 New Black Panthers that they have sort of lost sight
24 of the importance of the policy and the approach, and
25 the argument it may or may not create in future cases

1 in terms of the precedent it sets.

2 And so I think question 7 to me is the
3 critical question for this body to consider, and it is
4 the reason I think we need to get more information.
5 But we should be looking forward, in my view, rather
6 than backwards.

7 CHAIRMAN REYNOLDS: Vice Chair Thernstrom,
8 then Commissioner Heriot.

9 VICE CHAIR THERNSTROM: I just -- this is
10 really a question and a recommendation I am hoping,
11 Mr. Chairman, you will agree with. The question -- we
12 have had a seven-day rule with respect to briefing
13 report topics, that they come in seven days ahead of
14 the discussion at the meeting.

15 I don't think -- we would need to go back
16 to the record here to check on this. I don't believe
17 we had that same rule, although we should have honored
18 it, has been stated explicitly with respect to
19 statutory reports. But if not --

20 COMMISSIONER GAZIANO: If I could correct
21 what our rules provide, because --

22 VICE CHAIR THERNSTROM: Well --

23 COMMISSIONER GAZIANO: -- my able new
24 assistant looked up the rule.

25 VICE CHAIR THERNSTROM: Okay.

1 COMMISSIONER GAZIANO: The rule is -- that
2 applies to the staff, the staff shall -- and I think
3 applying it strictly to Commissioners would impede our
4 work rather than -- that staff must make material
5 available seven days before, if it is available. So
6 it doesn't even apply to staff, and it is just part of
7 -- it is just part of the AIs.

8 We have a practice amongst ourselves,
9 which I think is a sound one, of trying to make
10 material available to each other at least that amount
11 of time, and it is a good one. But, for example, the
12 New Black Panther Party matter was unfolding as we
13 speak. But regardless of that, it is something that
14 Commissioners can always take into account in urging
15 other Commissioners to delay, as we have today, in
16 urging Commissioners not to vote against a particular
17 proposal.

18 If one of the Commissioners has not gotten
19 something to you 33 days before, and you want it to be
20 33 days before, specifically at the last meeting I
21 committed to trying to get something seven days
22 before, but on the particular topic I abandoned the
23 particular topic. So I don't think that there is --
24 there is not a rule that applies to Commissioners that
25 for something that is on the agenda, if we have a

1 motion that relates to something on the agenda, that
2 we have to get it to fellow Commissioners seven days.

3 I think that would be a bad -- that would
4 be a bad practice.

5 CHAIRMAN REYNOLDS: Okay. Commissioner
6 Gaziano, would you agree, though, that it is a better
7 practice that we provide adequate -- well, provide
8 Commissioners with adequate time to digest the
9 materials? And that probably a flexible approach
10 would be -- would be a better rule in that if it is a
11 complicated issue, if it involves a document
12 consisting of hundreds of pages, then, yes, more --

13 COMMISSIONER GAZIANO: Of course.

14 CHAIRMAN REYNOLDS: -- time is -- would be
15 needed.

16 COMMISSIONER HERIOT: Yes. We have
17 decided to put off the vote, so this is a moot issue.

18 VICE CHAIR THERNSTROM: No, it is not a
19 moot issue for the future. It really isn't.

20 CHAIRMAN REYNOLDS: She is bringing up a
21 -- this is a conversation that is related but separate
22 from the issue that we dealt with already.

23 VICE CHAIR THERNSTROM: Right.

24 COMMISSIONER GAZIANO: But if we have a
25 proposal on the agenda and someone proposes something,

1 if someone has got an amendment they want to send
2 three days before, and someone wants to send another
3 amendment a day before --

4 VICE CHAIR THERNSTROM: Commissioner
5 Gaziano, I do think, really, I had understood -- which
6 is the reason I got my proposal in as early as I did
7 -- that other Commissioners needed time and that we
8 did have -- I believe we had a vote at one point on
9 the seven-day rule with respect to briefing reports,
10 but -- and that did not cover the statutory reports.

11 I feel very strongly we should not be in
12 the position we are today of looking at the last
13 minute.

14 COMMISSIONER HERIOT: Well, we are not.
15 We have another meeting we are going to vote on this.

16 So we are actually getting the extra benefit of
17 having the opportunity to discuss it --

18 VICE CHAIR THERNSTROM: I know. But it is
19 often difficult for the staff when we postpone things.
20 I am sure the staff would have preferred a statutory
21 vote today. I am just saying as a general policy --
22 and I think the Chairman has just backed me up on this
23 -- it is really preferable.

24 COMMISSIONER GAZIANO: And you have made
25 it more difficult for the staff.

1 CHAIRMAN REYNOLDS: Here is -- I think
2 that we have to be flexible, we have to be reasonable,
3 we have to be rational. If someone throws a document
4 across the table that has 100 pages, and the
5 expectation is that the vote -- that a vote will take
6 place with little opportunity to review it, I think
7 that that is a simple -- it is not a complex
8 situation. I think the obvious --

9 COMMISSIONER HERIOT: Everybody agrees
10 with you.

11 CHAIRMAN REYNOLDS: Right. So at the end
12 of the day, it depends. It depends on what the issue
13 is, it depends on what -- the complexity, it depends
14 on whether the document is voluminous.

15 COMMISSIONER HERIOT: And that is why the
16 rule is written the way it is. The staff is supposed
17 to get us stuff --

18 VICE CHAIR THERNSTROM: You know what? I
19 often --

20 COMMISSIONER HERIOT: -- a week ahead of
21 time when it is available.

22 VICE CHAIR THERNSTROM: I often have not
23 thought out the complexity of an issue, which could be
24 just two pages. I can't think of --

25 COMMISSIONER GAZIANO: That is an argument

1 for you to persuade fellow Commissioners, as they see
2 fit, that they should vote against it or postpone it.

3 But we should not have inflexible rules.

4 CHAIRMAN REYNOLDS: Commissioner Yaki?

5 COMMISSIONER YAKI: Well, I have a serious
6 problem with this, because, as you know, Mr. Chair, I
7 have very strong feelings about the fact that the
8 Commission has been operating under a premise of
9 decision by ambush with regard to the Democratic
10 minority on this Commission.

11 The whole -- I would say that one of the
12 hallmarks of government is transparency, is the
13 ability for the public to understand what is going on,
14 why it is going on, and how decisions were being made.

15 When material is submitted only to
16 Commissioners, and, therefore, not available to anyone
17 else to review, because the agenda packet is not out
18 there, two, three days before, one day before, the
19 morning before, we are not really advancing the cause
20 of democracy.

21 It may be convenient for some. It may be
22 for some in the way that they see -- they see things
23 that it makes perfect sense from a logical or business
24 kind of perspective, but it certainly doesn't advance
25 principles of democracy and transparency in the way

1 that we conduct our business.

2 So, you know, I am with Commissioner
3 Thernstrom on this. I don't care if it is two pages.

4 I don't care if it is a hundred pages. I really do
5 believe that there is a -- there is a substantive
6 principle involved in being able to have information
7 out and available for digesting at -- for a reasonable
8 amount of time, and not just sort of whenever someone
9 decides, "Well, I am going to toss that topic, put in
10 this one. We've got a couple of days to do it, and
11 the staff can certainly figure out a way to make this
12 thing work." That is not how we should be doing our
13 business.

14 CHAIRMAN REYNOLDS: Okay. Where are we?

15 COMMISSIONER HERIOT: I think what would
16 be helpful is for people to talk about which of these
17 proposals they think -- they think they could possibly
18 support, so that we have a sense --

19 COMMISSIONER GAZIANO: We don't need to
20 take a vote.

21 COMMISSIONER HERIOT: Right, what is
22 likely to happen.

23 CHAIRMAN REYNOLDS: Where I stand right
24 now, I am likely to vote for the concept paper
25 submitted by Commissioner Gaziano. I like

1 Commissioner Heriot's topic also, and, if I understand
2 you right, you suggested that if it is not selected as
3 the statutory report it could be --

4 COMMISSIONER HERIOT: It could be handled
5 by OCRE anyway. You know, that would give -- you
6 know, that is a topic that they could deal with, since
7 I think Commissioner Gaziano's topic would not involve
8 that much input from OCRE.

9 VICE CHAIR THERNSTROM: And, Mr. Chairman,
10 I think that Title VII probably will not get support,
11 and I would -- I would hope that we might move it to a
12 meeting report or whatever, that we would --

13 COMMISSIONER HERIOT: I think that's
14 possible, yes.

15 VICE CHAIR THERNSTROM: Yes, that we would
16 take it up, but not as a statutory -- but I just don't
17 think there is going to be the support for it.

18 COMMISSIONER HERIOT: I would have to say
19 that my objection to your proposal is I thought it was
20 too complex.

21 VICE CHAIR THERNSTROM: Yes.

22 COMMISSIONER HERIOT: It can be narrowed
23 down in some way that would make a good briefing
24 report I think.

25 CHAIRMAN REYNOLDS: Commissioner Taylor?

1 COMMISSIONER TAYLOR: I wanted to ask
2 Commissioner Yaki to expand on his thought. I wanted
3 to hear where it was coming from, what he is saying
4 out there, if we are going to discuss these proposals.

5 COMMISSIONER YAKI: Well, about two years
6 ago we spent a fair amount of time and money, which as
7 of right now I still have no idea how much time and
8 money was spent, on the issue of anti-semitism on
9 campuses. And while that is important, and certainly
10 a worthy pursuit of our Commission, you continue to
11 read in the papers -- I continue to read in the papers
12 about racial incidents on campuses north and south in
13 this country, that the commentators have talked about
14 the fact that there is a degree of racial animosity
15 blossoming on our college campuses.

16 And it just -- you know, to go backwards
17 at a time when we should be going forward on racial
18 issues is, to me, quite disturbing. It is something
19 that I had thought about for quite some time. I have
20 talked about it I think at this Commission more than
21 once. I talked about it I know with the chair and
22 with certain other members of this body, but I am not
23 going to say that because of that, therefore, we
24 should be moving forward.

25 I will say that -- allow me the privilege

1 of putting together something more substantive. I
2 will get it to you in -- as quickly as I can, and
3 certainly with more than adequate time for you to
4 review.

5 Do I expect it to be adopted? Probably
6 not. But it has been important enough for me that I
7 at least wish to put it on the table for consideration
8 by members of the Commission.

9 But thank you for the question,
10 Commissioner Taylor.

11 CHAIRMAN REYNOLDS: Gaziano, Kirsanow.

12 COMMISSIONER GAZIANO: You can go first.

13 COMMISSIONER KIRSANOW: I just wanted to
14 follow up, to ask Commissioner Yaki, because I am not
15 familiar with burgeoning instances, but I am
16 wondering, is this something that you have seen -- or
17 this racism, is it something directed at specific
18 races or ethnicities? Or is this something that is
19 broad? How would you characterize it?

20 COMMISSIONER YAKI: Well, I would say that
21 I am always obscured by the fact that every Martin
22 Luther King, Jr. Day holiday there seems to be some
23 kind of activity, offensive activity taking place, on
24 one college campus or another, or that I have read
25 about, mocking the idea of what that holiday is about.

1 I do know that, from speaking with some
2 professors who I have worked with in the UC system,
3 they have talked about how animosity regarding Latino
4 or Asian students has been pumped up a bit. I mean,
5 it may -- like I said, let me take a crack at it. It
6 may be that when I come to it, the conclusion, it may
7 not rise to the level of a huge report, and I may
8 decide not to.

9 But at least given the fact that other
10 people submitted their stuff late, I at least wanted
11 to have the opportunity to take a try at this. If it
12 doesn't work, I will be the first one to admit that
13 there isn't enough to sustain a full report, but
14 perhaps there may be some locus of activity in certain
15 areas of the country, certain systems, that we should
16 be -- that we should take a look at.

17 CHAIRMAN REYNOLDS: Actually, I said you,
18 then -- okay.

19 COMMISSIONER GAZIANO: First of all, I
20 wanted to express my level of interest to some of the
21 other topics. I still I think will advocate for my
22 own to be the statutory report next month, but I
23 certainly have an interest, a long-standing interest
24 in the Title VII issue.

25 I tried to make a go of something similar

1 to Vice Chair Thernstrom's or -- so at the point in
2 which it is narrowed for a potential briefing, I would
3 probably be very interested in it if it is.

4 I think that Commissioner Heriot's sex
5 discrimination topic is already fairly narrow, and I
6 would support, unless I am convinced by one of the
7 others, that we can move forward with that one at the
8 same time, if we choose the statutory report that I am
9 proposing.

10 And I would be very interested in seeing
11 Commissioner Yaki's proposal, whether it is for a
12 statutory report or not. But I do appreciate
13 Commissioner Taylor's sort of confirmation that the
14 seventh question is the most important, and I hope you
15 see that that is reflected in the title of the
16 whole --

17 COMMISSIONER TAYLOR: Oh, yes.

18 COMMISSIONER GAZIANO: -- of the whole.
19 So I agree with you, and that kind of input is helpful
20 to me if I am going to try to refine the idea. So I
21 would appreciate hearing from anyone else who is
22 interested in that topic on the record today or soon,
23 very soon, hereafter, so that I can try to come up
24 with a description that satisfies most people in the
25 most ways.

1 CHAIRMAN REYNOLDS: Commissioner Heriot.

2 COMMISSIONER HERIOT: I wanted to say that
3 I hope Commissioner Yaki does write this proposal, and
4 there is a good chance that I would be supporting it
5 if he does. It is important that we remember that --
6 to emphasize there has to be an enforcement hook in
7 all of these proposals, but I think it sounds like a
8 good topic, and I might well support it.

9 CHAIRMAN REYNOLDS: Chairman Melendez.

10 COMMISSIONER MELENDEZ: The only other one
11 that, you know, I didn't submit, but it was floating
12 around before, was the issue on -- it was kind of
13 neutral. It was employment discrimination on the
14 basis of age in economic crisis. Older Americans, as
15 you know, with the loss of pensions and few jobs
16 available, make age discrimination more likely today.

17 And it is just something -- as we had
18 talked about some of the components that we thought,
19 even in our conference that we were looking at, we
20 thought to broaden out more from just race, that, you
21 know, one of those was age discrimination.

22 And so I have always felt we kind of
23 needed to kind of broaden out and kind of look at some
24 of those issues, because I think discrimination
25 against age with people trying to stay in the

1 workforce because of the economic downturn is going to
2 be a real issue that is going to come up.

3 So I just wanted to just -- I think that
4 is a real neutral topic, that if we could support
5 something like that I think -- you know, I just want
6 to see a little more unity, that we all come in to
7 supporting whatever topic is there rather than having
8 a five -- you know, kind of like a split vote on this
9 whole issue.

10 So I just wanted to throw it out there as
11 something that is kind of neutral and of interest to
12 maybe all of us.

13 CHAIRMAN REYNOLDS: Commissioner Kirsanow.

14 COMMISSIONER KIRSANOW: I appreciate what
15 Commissioner Melendez said. I do think that is an
16 important topic, and if it is not a statutory report,
17 and if we look at it in some other context. I know in
18 my own practice we are seeing more and more age
19 discrimination cases. And with the advent of the
20 babyboomer generation getting up there, I think we are
21 going to see more and more of those kinds of cases.

22 But I also want to make just an
23 observation with respect to Commissioner Melendez's
24 proposal. It dovetails, frankly, very nicely into one
25 of the things we are going to be talking about a

1 little bit later, and that is our document requests to
2 the various agencies as to civil rights enforcement
3 activities.

4 In the past -- and Commissioner Melendez
5 is correct -- the Commission has regularly, if not
6 every year, sought to assess the civil rights
7 enforcement activities of the various agencies. And
8 we have -- in 2005 we did one -- Commissioner
9 Thernstrom may remember -- I think we did something
10 similar in 2003, maybe 2004.

11 But we did it without any kind of -- it
12 was done in a vacuum. We just looked at funding, and
13 then made an assessment without looking at what the
14 activity really was. And here we would have at least
15 some marginal empirical data by which we could compare
16 funding versus how much activity is going on, and
17 maybe come to an assessment as to whether, first of
18 all, funding is necessarily the sine qua non for
19 effective enforcement, or whether we need more funding
20 or whether the funding is being used in an efficient
21 manner. Just an observation.

22 VICE CHAIR THERNSTROM: Well, I am all in
23 favor of anything having to do with age
24 discrimination.

25 (Laughter.)

1 CHAIRMAN REYNOLDS: Okay. Questions?
2 Other comments?

3 (No response.)

4 All right. Let's chew on this discussion,
5 and arrive at the next meeting ready to cast our
6 votes.

7 Next up is the approval of the 2009
8 statutory report entitled "An Examination of Civil
9 Rights Issues with Respect to the Mortgage Crisis." I
10 move that the Commission approve Part A of the report
11 for publication, which was produced by staff,
12 reflecting Commissioner and panelist input, and then
13 distribute it on August 23, 2009.

14 Under this motion, any concurring and
15 dissenting statements submitted by any Commissioner
16 would be due by August 23rd. Rebuttals to
17 concurrences and dissents would be due by
18 September 7th. Under this motion, if a majority of
19 votes -- if the majority of the Commission votes to
20 adopt Part A of the statutory report, the Commission
21 would then open the discussion on Part B. If Part A
22 fails to obtain a majority of votes, then Part B
23 becomes moot.

24 Is there a second?

25 VICE CHAIR THERNSTROM: Second.

1 CHAIRMAN REYNOLDS: Discussion?

2 COMMISSIONER MELENDEZ: Yes, I have a
3 question. Have we -- basically following the AI 1-6
4 -- adequately inquired from the SACs as far as their
5 input into this? That would be a question for the
6 Staff Director.

7 STAFF DIRECTOR DANNENFELSER: I'm sorry.
8 I was --

9 COMMISSIONER MELENDEZ: I asked based on
10 following AI -- Administrative Instruction 1-6, have
11 we adequately inquired and gained input from the SACs?

12 STAFF DIRECTOR DANNENFELSER: On this
13 particular --

14 COMMISSIONER MELENDEZ: On this report,
15 the statutory 2009.

16 STAFF DIRECTOR DANNENFELSER: We inquired
17 on the -- we did inquire of the SACs on the original
18 topic that was planned for the statutory report. When
19 the topic was changed, there was not as much
20 opportunity for the SACs to do hearings and the like
21 on that. There were some hearings that were done at
22 the state level through the SACs when they thought
23 that it was going to be the fair housing topic that
24 was earlier contemplated.

25 COMMISSIONER MELENDEZ: Okay.

1 COMMISSIONER GAZIANO: Could I --

2 CHAIRMAN REYNOLDS: Yes. Commissioner
3 Gaziano.

4 COMMISSIONER GAZIANO: -- ask -- I didn't
5 write down the time for comments, and I am -- I would
6 like to inquire whether there is any room in our
7 schedule for slightly longer comment and reply
8 periods, whether it is possible that we could send --
9 I know there is some extra time needed to get it in
10 the -- get it all, but perhaps if the comment periods
11 were a little bit later, we could send a, you know,
12 Word version on September -- at the end of September,
13 and then the prettied-up copy later. I just wondered
14 if there is any flexibility, then, for a slightly
15 longer comment and reply period.

16 CHAIRMAN REYNOLDS: I guess before I
17 respond, do you foresee a need for additional time? I
18 mean, do you have something specific in mind today?

19 COMMISSIONER GAZIANO: I began some
20 drafting of comments. I just think this is a huge
21 topic, and particularly the reply time is what I would
22 like. So would you repeat -- would you mind repeating
23 the --

24 CHAIRMAN REYNOLDS: Not at all.

25 COMMISSIONER GAZIANO: -- comment periods?

1 CHAIRMAN REYNOLDS: Okay. Bear with me.
2 Concurring and dissenting statements would -- should
3 be submitted by August 23rd. Rebuttals to
4 concurrences and dissents should be submitted by
5 September 7th.

6 COMMISSIONER HERIOT: Is that regardless
7 of whether we adopt findings and recommendations now
8 or later?

9 CHAIRMAN REYNOLDS: Yes.

10 COMMISSIONER HERIOT: I would think that
11 only works if we decide, you know, today or decide not
12 to have.

13 CHAIRMAN REYNOLDS: Well, let me rephrase
14 that. I assume that we are going to have an up and
15 down vote on Part A and Part B today.

16 COMMISSIONER HERIOT: Okay.

17 COMMISSIONER GAZIANO: Assuming that, that
18 is your time. Okay. Because we can -- if those fail,
19 then we have to adjust the other times. Even assuming
20 that the Staff Director -- and I hope he certainly is
21 able on the day that they are received to send us the
22 other comments -- that is, you know, roughly a two-
23 week period for replies. I would like a little longer
24 if that is possible.

25 CHAIRMAN REYNOLDS: Okay. How do you

1 define "a little"?

2 COMMISSIONER GAZIANO: I generally like
3 our 30-30 normal rule. That doesn't quite fit.

4 COMMISSIONER HERIOT: That is if we don't
5 -- if we don't adopt findings and recommendations
6 today, they are due in the future, is that what you
7 are saying?

8 COMMISSIONER GAZIANO: No, no, no. I'm
9 saying even if we adopt Part A and Part B today, I
10 would like as much time as possible for comments and
11 replies. And so what I'm wondering is, if we could
12 have the last replies closer to the end of September,
13 and then we would transmit the -- everything else
14 would be scrubbed at that point.

15 The staff could send on September -- is
16 September a month with 30 or 31 days?

17 CHAIRMAN REYNOLDS: Thirty.

18 COMMISSIONER GAZIANO: Thirty. On
19 September 10, the Word version --

20 CHAIRMAN REYNOLDS: Of everything?

21 COMMISSIONER GAZIANO: -- of everything.

22 CHAIRMAN REYNOLDS: Including the replies.

23 COMMISSIONER GAZIANO: Yes. With gussied-
24 up copy to follow. So we have met our September --

25 CHAIRMAN REYNOLDS: I understand what you

1 want. Comments? Ashley?

2 COMMISSIONER TAYLOR: I think that's fine.

3 CHAIRMAN REYNOLDS: Arlan?

4 COMMISSIONER HERIOT: I think that's good.

5 That's fine.

6 CHAIRMAN REYNOLDS: Any concerns from --

7 MR. BLACKWOOD: Yes. The deadline that --
8 moving that people are talking about don't fly, or
9 it's a tradeoff, because if we are to print and have
10 it distributed on September 30th --

11 CHAIRMAN REYNOLDS: Well, no, that's not
12 -- that's not what he is proposing.

13 MR. BLACKWOOD: Okay.

14 CHAIRMAN REYNOLDS: He is proposing that
15 the finished product be delivered in the next fiscal
16 year. That what goes out in I believe Word format --

17 COMMISSIONER HERIOT: Send it
18 electronically.

19 COMMISSIONER GAZIANO: Whatever electronic
20 transmission, we send the electronic version on the
21 30th with a very nice cover letter.

22 MR. BLACKWOOD: Even the electronic
23 version has to be subjected through the editing
24 process of the editor that we are going to hire to --

25 COMMISSIONER GAZIANO: Everything would be

1 edited according to your previous schedule, except
2 Commissioner replies, which should not be edited
3 anyway.

4 MR. BLACKWOOD: Edited, no. But it has to
5 be put in the format. The copy editors that we have
6 hired --

7 COMMISSIONER GAZIANO: Could you have --
8 could you do that in three days?

9 MR. BLACKWOOD: I can't commit to that.

10 COMMISSIONER GAZIANO: Well, I think we
11 should. I think we should commit to --

12 STAFF DIRECTOR DANNENFELSER: We can't
13 even commit to 10 days.

14 COMMISSIONER GAZIANO: No, I think we
15 should commit to making them do it in three days. I
16 think we should commit to them doing it in -- he can't
17 say one way or the other that this is --

18 STAFF DIRECTOR DANNENFELSER: We can't
19 send a bifurcated report to Congress.

20 COMMISSIONER GAZIANO: No, you don't need
21 to. You don't need to ask for -- I'm saying send them
22 -- send them -- attach the electrons that include the
23 Commissioner statements.

24 (Laughter.)

25 CHAIRMAN REYNOLDS: Hold on. Do we have

1 -- do you have additional --

2 MR. BLACKWOOD: Number one, Ms. Jweied
3 just pointed out to me, we don't send it
4 electronically to Congress. It would crash. All
5 right?

6 COMMISSIONER GAZIANO: No. We can figure
7 that out. Send it to them on a disk.

8 MR. BLACKWOOD: Well, you say that, but
9 that's --

10 COMMISSIONER GAZIANO: Send it to them on
11 a disk. I don't care.

12 MR. BLACKWOOD: We will not have it in the
13 form of a disk by the end of the fiscal year.

14 COMMISSIONER GAZIANO: We can if we get
15 you our comments three days before the end of the
16 fiscal year.

17 MR. BLACKWOOD: That's not accurate.

18 COMMISSIONER GAZIANO: I think the staff
19 should be made to do that. I think it is
20 unreasonable --

21 CHAIRMAN REYNOLDS: Well, hold on, hold
22 on. Whoa, whoa, whoa, whoa, whoa, whoa. Now, the
23 balancing act here is, I mean, I understand the need
24 for more time. However, we have a procedure in place.
25 I don't have a problem implementing the rules in a

1 flexible manner. But it shouldn't be arbitrary, and
2 we should take into account --

3 COMMISSIONER GAZIANO: Yes. September 7
4 is arbitrary and unreasonable.

5 CHAIRMAN REYNOLDS: But this is the scheme
6 we adopted. If staff has legitimate concerns in terms
7 of the logistics, we need to pay attention.

8 MR. BLACKWOOD: What I am saying is --

9 CHAIRMAN REYNOLDS: Legitimate concerns as
10 opposed to a reflexive no.

11 MR. BLACKWOOD: It is not a reflexive no.
12 We have looked at the issues, I mean, as far as the
13 deadlines. The tradeoff is, if we further delay, we
14 will not hit this fiscal year. Now, we did that last
15 year, but it is a tradeoff.

16 COMMISSIONER GAZIANO: No. You are not
17 addressing the precise issue. The precise issue is,
18 how long does it take to add electrons to an
19 electron --

20 STAFF DIRECTOR DANNENFELSER: We can't
21 submit the report electronically.

22 COMMISSIONER GAZIANO: That is false. I
23 have submitted huge copies to Congress all the time.
24 That is false. And there is no reason why you can't
25 deliver a disk.

1 MR. BLACKWOOD: Since there is no
2 argument, all I can say is that we will do our best.
3 But I do not believe we will hit this fiscal year.

4 CHAIRMAN REYNOLDS: What did we do last
5 year? Last year, did we send the document in
6 electronic form to GPO?

7 STAFF DIRECTOR DANNENFELSER: Last year,
8 we sent it on a compact disc, and then we made printed
9 copies available later on. But we did not -- we were
10 not able to distribute it by sending an e-mail to
11 Congress with an attachment, if that's what is --

12 COMMISSIONER GAZIANO: Let's send the
13 compact disc via messenger.

14 STAFF DIRECTOR DANNENFELSER: Well, you
15 have to get everything formatted, and then you have to
16 get the compact disc --

17 COMMISSIONER GAZIANO: Everything else
18 will be formatted but Commissioner replies.

19 CHAIRMAN REYNOLDS: The work we are
20 talking about --

21 STAFF DIRECTOR DANNENFELSER: Well, then,
22 it's not a complete report, if it doesn't have
23 Commissioner replies.

24 COMMISSIONER GAZIANO: Well, everything
25 will be formatted before the Commissioner replies.

1 Then, you tack them on.

2 CHAIRMAN REYNOLDS: Hold on. Todd, hold
3 on. Here is my concern. Right now, the Staff
4 Director and the General Counsel have on several
5 occasions misstated what Todd has proposed. Todd is
6 not suggesting that we send the document in piecemeal
7 fashion. What we are talking about, the work we are
8 talking about is the reply.

9 The assumption is that everything else
10 will be done, will be complete, and will be formatted,
11 and that the only piece of work that is hanging out
12 there left to be done is the reply. And my question
13 is -- and since it is unlikely that these replies will
14 be edited, the reformatting process, how long would it
15 take? And would we be able to deliver this via e-mail
16 or compact disc or by mule, would we be able to get it
17 there by the 30th?

18 MR. BLACKWOOD: I cannot guarantee it.

19 CHAIRMAN REYNOLDS: Okay. What are the
20 challenges?

21 STAFF DIRECTOR DANNENFELSER: It was
22 contemplated that it would take a day or two to format
23 the replies, that everything else would be formatted.

24 But then, once it is all formatted, then it has to go
25 to the printer, and then you have --

1 COMMISSIONER HERIOT: We are not asking
2 for it to be printed.

3 COMMISSIONER GAZIANO: I am proposing that
4 we submit the printed version after.

5 CHAIRMAN REYNOLDS: Could we put it on a
6 disk and hand-deliver the disk to GPO like we did last
7 year?

8 STAFF DIRECTOR DANNENFELSER: But the GPO
9 is not Congress. GPO is GPO.

10 COMMISSIONER GAZIANO: And can we give
11 another copy of that same disk to the members of
12 Congress that we normally distribute this to?

13 MR. BLACKWOOD: All I can say, since other
14 people also have their own sources of knowledge, is
15 that we work backward with GPO about what is -- here
16 is our deadline. How fast can you do this?

17 The short of it is we were told
18 September 9th.

19 COMMISSIONER HERIOT: That is for
20 printing, right?

21 COMMISSIONER GAZIANO: That is for printed
22 copy.

23 MR. BLACKWOOD: All I can is that is
24 inaccurate. It is not what -- you may be accurate
25 about they could do a better job, but that is not what

1 they told us.

2 COMMISSIONER GAZIANO: No, no. Well, I'm
3 not asking --

4 CHAIRMAN REYNOLDS: We have a problem
5 here. We need to check our tone.

6 COMMISSIONER GAZIANO: Let me communicate:
7 I am not asking for GPO to deliver this. Maybe that
8 is the disconnect. I am asking, whatever we deliver
9 to GPO, we deliver simultaneously to the members of
10 Congress with a pretty transmittal letter.

11 COMMISSIONER YAKI: Is this necessary to
12 hash out right now? Can we just take this offline and
13 move on?

14 COMMISSIONER GAZIANO: No.

15 COMMISSIONER HERIOT: We have got to
16 establish -- I would oppose anything that regards
17 Commissioner statements or replies as somehow, you
18 know, the caboose here. I think these are very
19 important, and we need to give Commissioners the usual
20 amount of time to do this, in terms of --

21 CHAIRMAN REYNOLDS: Well, Todd is asking
22 for more than the usual amount of time.

23 COMMISSIONER GAZIANO: Yes. The usual is
24 30 and 30.

25 COMMISSIONER HERIOT: Yes, he is asking

1 for less I think.

2 COMMISSIONER GAZIANO: Okay. I would say
3 Commissioners' statements are due August 30th, and
4 Commissioner replies are due September -- wait, let me
5 look at the days of the week. September 25.

6 CHAIRMAN REYNOLDS: Todd, that is too
7 much. I mean --

8 COMMISSIONER GAZIANO: September 24?

9 CHAIRMAN REYNOLDS: I mean, we have a
10 schedule here, and it is not --

11 COMMISSIONER HERIOT: Our usual is 30 and
12 30, is it not?

13 CHAIRMAN REYNOLDS: Okay. Question:
14 Marty, this particular --

15 COMMISSIONER GAZIANO: I assumed comments
16 were going to go beyond the schedule when we adopted
17 the schedule.

18 CHAIRMAN REYNOLDS: -- this particular
19 schedule, how -- is this in conformance with what we
20 usually do?

21 MR. BLACKWOOD: No.

22 CHAIRMAN REYNOLDS: No.

23 MR. BLACKWOOD: No, if I may walk you
24 through it. The 30 and 30 rule -- well, number one,
25 it was never adopted in -- for this report. The 30

1 and 30 rule for briefing reports was adopted after the
2 timeline was accepted and adopted by the Commission.
3 So this is a change.

4 STAFF DIRECTOR DANNENFELSER: We did say
5 at the time when there was discussion about adding the
6 additional rebuttal -- 30-day rebuttal period that
7 that was not in the timeline that was approved by
8 Commissioners.

9 COMMISSIONER GAZIANO: I assumed they were
10 going to extend it.

11 STAFF DIRECTOR DANNENFELSER: They would
12 have to be shortened in order to meet the deadline.

13 CHAIRMAN REYNOLDS: So, Todd, it is your
14 position that you will need this amount of time, or is
15 this -- would this be a theoretical --

16 COMMISSIONER GAZIANO: No, I tend to need
17 more than this amount of time. I think we all should
18 have this amount of time to review each other.

19 I agree with Commissioner Heriot that our
20 comments are perhaps the most important part of this
21 report and should not be sloughed off because we can't
22 deliver disks simultaneously to two different
23 government offices.

24 STAFF DIRECTOR DANNENFELSER: The idea
25 that what we submit to a printer is in a form to

1 submit to Congress is a questionable concept. The
2 reason you submit it to the printer is that you want
3 to get it into a form that is presentable to Congress,
4 not that it is in a lesser form.

5 COMMISSIONER GAZIANO: And our pretty
6 transmittal letter will tell them that the pretty copy
7 will come in due time.

8 CHAIRMAN REYNOLDS: Okay. Folks, let's
9 hear from other folks. We know Todd and Gail's
10 position, and the position of staff. Pete?

11 COMMISSIONER KIRSANOW: I have an
12 informational vacuum. I'm not sure how I reconcile
13 the two positions.

14 CHAIRMAN REYNOLDS: Okay. Any other
15 comments? Okay. Vice Chair Thernstrom?

16 VICE CHAIR THERNSTROM: Somehow the
17 response to the General Counsel saying, "Look, this is
18 not possible for us to do the response," "Do it
19 anyway," is to me -- it doesn't sit well with me. I
20 mean, this -- we do have a professional staff here.
21 They are trying to tell us what is possible.

22 I don't know. I am bothered by this
23 discussion.

24 CHAIRMAN REYNOLDS: Do you have any
25 opinions or comments on the substance of the dispute?

1 VICE CHAIR THERNSTROM: I don't. I have
2 got -- I'm in the same position as Commissioner
3 Kirsanow.

4 COMMISSIONER GAZIANO: I think we have
5 clarified maybe where the disconnect was. It was that
6 staff prefers not to deliver an unformatted electronic
7 version, and I think that can be a policy decision
8 that we Commissioners make to accommodate our -- I now
9 understand their position. I just think that there
10 are greater disadvantages in jamming us on what we
11 actually put in the report.

12 CHAIRMAN REYNOLDS: So on day 30, if I
13 were to walk a CD over with a complete document, with
14 a nice little cover letter explaining that the
15 prettied-up version would follow --

16 STAFF DIRECTOR DANNENFELSER: You wouldn't
17 get through the security at the House of
18 Representatives or the White House to deliver it.

19 CHAIRMAN REYNOLDS: You can't take CDs in
20 there?

21 STAFF DIRECTOR DANNENFELSER: You can't
22 walk in with documents and just walk into somebody's
23 office and start handing them out.

24 CHAIRMAN REYNOLDS: If I made an
25 appointment, would I be --

1 STAFF DIRECTOR DANNENFELSER: Well, you
2 would have to make 535 appointments for that day to
3 deliver it to everybody.

4 COMMISSIONER HERIOT: We are not required
5 to deliver it to everybody.

6 CHAIRMAN REYNOLDS: Who delivers the mail
7 in the House and in the Senate? GPO.

8 STAFF DIRECTOR DANNENFELSER: Well, GPO
9 sends -- GPO has got a higher level security clearance
10 than the average person who walks in off the street.

11 COMMISSIONER HERIOT: The idea I think
12 would be to deliver it to congressional leadership.

13 CHAIRMAN REYNOLDS: We've got information
14 coming.

15 COMMISSIONER GAZIANO: I deliver materials
16 to congressional offices, particularly leadership
17 offices, just about every week. I walk in those
18 buildings. I go through the metal detectors. I hand
19 them off. I don't understand why that can't be done.

20 CHAIRMAN REYNOLDS: Okay. How about this
21 -- why don't we -- Todd, how do you feel about this?
22 Let's leave the schedule as is. Let's continue a
23 discussion about the mechanics of how we can get this
24 done, what constitutes delivery of a statutory report
25 to Congress.

1 It is not clear to me that going through
2 the conventional process using GPO is the only way to
3 satisfy that requirement. I could be wrong. What do
4 you think?

5 COMMISSIONER GAZIANO: I'm sorry. You
6 want to keep -- did you want to keep the comment
7 periods the same?

8 CHAIRMAN REYNOLDS: Keep the comment
9 periods the same while we have further discussions on
10 what constitutes delivery to Congress. If their
11 argument is that the only -- that the only way to
12 satisfy our obligation under the statute is to use the
13 conventional approach where we would submit a
14 formatted document to GPO by a certain length of time,
15 if they can convince me of that, then I would back
16 staff's position.

17 MR. BLACKWOOD: I can answer your question
18 right now. That is not the only way. All right? It
19 is the way that we have reviewed, that the agency has
20 followed in the past. What I am saying is that I
21 cannot guarantee, in whatever way that the Commission
22 ends up adopting to deliver to Congress, that we are
23 going to do it by the end of the fiscal year if we
24 change what we have already researched in length, what
25 we have planned to do.

1 CHAIRMAN REYNOLDS: So there are
2 alternatives.

3 MR. BLACKWOOD: Not that we are aware of.
4 Only what I have heard today.

5 CHAIRMAN REYNOLDS: So you're saying,
6 then, that the --

7 MR. BLACKWOOD: The alternatives that we
8 looked through where going through GPO. We also
9 looked last year, for example, about running our own
10 disk, going down to Kinko's and doing it. The better
11 way, the way that was consistent, was to go to GPO,
12 have them deliver it to Congress and the White House.

13 CHAIRMAN REYNOLDS: What I'm trying to get
14 at --

15 MR. BLACKWOOD: Is that saying that is the
16 only way? No.

17 CHAIRMAN REYNOLDS: Yes. I'm trying to
18 get at the other options. They may not be optimal,
19 but I want to know what the other options are.

20 MR. BLACKWOOD: I can't tell you. We
21 would have to, as a result of this meeting, look at
22 every single possible option, what we were told --

23 CHAIRMAN REYNOLDS: No, we don't. We
24 don't have to look at every single option.

25 MR. BLACKWOOD: Jerry, all I can tell you

1 is I can't guarantee it is going to get there by
2 fiscal year --

3 CHAIRMAN REYNOLDS: I'm not asking --

4 MR. BLACKWOOD: -- the end of the fiscal
5 year, especially when something doesn't come until the
6 25th.

7 CHAIRMAN REYNOLDS: I am not asking you
8 that question. I am asking you what the alternatives
9 are. I am not asking for you to examine every
10 possibility under the sun. I mean, is there something
11 that is different from what we have done in the past,
12 but will still accomplish what we are trying to do? I
13 am looking for some flexibility. I am looking for
14 some creativity. That is what I am looking for.

15 MR. BLACKWOOD: I hear you. I can just
16 tell you, we looked at that at length last year
17 because of the -- going over the deadlines. This is
18 as truncated a process as we have gotten it to. The
19 whole idea -- and we spent a lot of time last year
20 with shrinking it. This is much later than we have
21 done it in the past.

22 COMMISSIONER GAZIANO: I thought we set a
23 precedent last year we didn't have to get it in.

24 MR. BLACKWOOD: That was not a great
25 precedent. That was doing the best we could.

1 COMMISSIONER HERIOT: It's not, and we
2 don't -- you know, that is all beside the point. The
3 question is whether or not we can make it by the
4 deadline that we would like to make, and that is the
5 end of the month. And, you know, is three days enough
6 to get that into a disk and deliver it to
7 congressional leadership? And I strongly suspect it
8 is enough time. And I am very much against what I
9 perceive to be a tendency of the staff to believe that
10 Commissioner statements and concurrences are somehow
11 not very important.

12 CHAIRMAN REYNOLDS: Well, no, I don't
13 think anyone said that.

14 COMMISSIONER HERIOT: Well, I think it is
15 treated that way. We have had a very long discussion
16 on this, and it seems to me something that we
17 shouldn't have had to have a long discussion on -- the
18 notion that somehow Commissioners can be expected to
19 turn their stuff out like that, where things don't
20 exactly get turned out quickly by the staff.

21 CHAIRMAN REYNOLDS: We are talking about
22 trying to meet our statutory deadline. I don't think
23 that there have been any comments regarding the
24 importance of Commissioner contribution, at least not
25 during this conversation.

1 In any event, I suggest that we have some
2 additional conversation --

3 COMMISSIONER GAZIANO: And that will
4 affect how I vote on Part A and Part B, unless we have
5 -- the timing is different, unless we agree as a
6 Commission to expand the times. I don't want to start
7 the clock on what may be a very short comment period.

8 CHAIRMAN REYNOLDS: Okay. Folks,
9 interesting. Okay. If that is the case, then the
10 suggestion that I made is that we essentially stick
11 with the dates, have some more conversation with staff
12 as to alternatives, with the hope of providing
13 Commissioners additional time for --

14 COMMISSIONER GAZIANO: When we are going
15 to be able to vote on this extended time? Someone may
16 object to longer times. If we don't decide that at
17 this meeting --

18 CHAIRMAN REYNOLDS: Okay.

19 COMMISSIONER GAZIANO: -- Mr. Chairman, I
20 am worried how we can do --

21 CHAIRMAN REYNOLDS: So you want to have a
22 vote, an up or down vote, on the dates.

23 COMMISSIONER GAZIANO: Well, I am just
24 talking about the alternative is I don't think we can
25 ever get to my dates. We can never do that if we

1 don't do it today. It is a decision not to do it.

2 COMMISSIONER HERIOT: Why don't we just
3 set the dates later.

4 VICE CHAIR THERNSTROM: Some of us are not
5 prepared to vote on that.

6 COMMISSIONER HERIOT: Yes. Why don't we
7 set the dates for later, subject to further input from
8 the staff.

9 VICE CHAIR THERNSTROM: Yes. We really
10 need further input from the staff. I cannot --

11 COMMISSIONER GAZIANO: I know. But why
12 don't we vote the dates later, and then say --

13 COMMISSIONER HERIOT: What would be the
14 later dates?

15 COMMISSIONER GAZIANO: -- say that we can
16 vote to make them shorter or something?

17 VICE CHAIR THERNSTROM: No. I --

18 COMMISSIONER GAZIANO: Or vote to --

19 COMMISSIONER HERIOT: Just make the
20 default rule that Todd states. And if the staff can
21 show us that this is impossible, then we can reset it
22 at the telephone conference.

23 VICE CHAIR THERNSTROM: I would prefer the
24 default date be exactly as the Chairman just said, let
25 us go with what has --

1 CHAIRMAN REYNOLDS: Okay. Folks, let's --

2 COMMISSIONER HERIOT: Well, then you are
3 going to get a negative vote from Todd, and that may
4 make --

5 VICE CHAIR THERNSTROM: Well, you know --

6 CHAIRMAN REYNOLDS: Let's just vote on it.
7 Todd, would you like to make a motion?

8 COMMISSIONER GAZIANO: I move that the
9 Commissioner initial comments, concurrences, dissents,
10 be August -- due August 30, and distributed to all
11 Commissioners on the day they are received by the
12 Staff Director, and that any replies to Commissioner
13 statements be due on September 24th, Pacific Time,
14 midnight.

15 CHAIRMAN REYNOLDS: Okay.

16 COMMISSIONER YAKI: What about the west
17 coast?

18 CHAIRMAN REYNOLDS: Midnight.

19 COMMISSIONER HERIOT: Pacific Time the
20 east coast and west coast or --

21 CHAIRMAN REYNOLDS: Okay. I second. We
22 have had discussion. Unless --

23 COMMISSIONER TAYLOR: Hold up. So I
24 understand, the result of this new timeframe would be
25 -- the result of this new timeframe would be, as I

1 understand it, we would be submitting an unformatted
2 rough draft to Congress that would be supplemented at
3 some later date by a submission that has been properly
4 formatted. Is that -- that's the net effect --

5 CHAIRMAN REYNOLDS: That is the risk.

6 COMMISSIONER TAYLOR: Right.

7 CHAIRMAN REYNOLDS: Well, actually, that
8 would be the goal.

9 COMMISSIONER TAYLOR: Right. That's -- so
10 we would, from our perspective, what we are voting on
11 is whether as a Commission we want our public face and
12 interaction with Congress to be framed that way for
13 our reports or not. Or do we want to go through the
14 more traditional agency process of GPO? I mean, that
15 is the real question, isn't it? What phase do we --

16 COMMISSIONER GAZIANO: My second-best
17 alternative is that we don't deliver anything until
18 some time in October.

19 COMMISSIONER TAYLOR: We just miss our
20 deadline?

21 CHAIRMAN REYNOLDS: You stated that was a
22 -- your second best?

23 COMMISSIONER GAZIANO: Yes. My third is
24 the timeframe that was --

25 COMMISSIONER TAYLORE: I mean, let me tell

1 you, my preference is -- my preference would not be to
2 adopt an approach that -- I want to choose my words
3 carefully here -- that gives the appearance that our
4 Commission is not run in an orderly, normal fashion,
5 as other agencies. I mean, I wouldn't want to
6 adopt --

7 CHAIRMAN REYNOLDS: Just clearing my
8 throat.

9 (Laughter.)

10 COMMISSIONER TAYLOR: I wouldn't want to
11 adopt a standing policy which gives, you know, someone
12 that wrong impression.

13 VICE CHAIR THERNSTROM: A misleading
14 impression.

15 COMMISSIONER TAYLOR: That's right. I
16 mean, I thought -- that is my concern.

17 COMMISSIONER GAZIANO: And of the three,
18 would you feel more comfortable with delivering a
19 polished report that actually includes thoughtful
20 Commissioner statements in October?

21 COMMISSIONER TAYLOR: That would be my
22 preference. But, frankly, this isn't a surprise for
23 any of us in terms of the timing. And I am -- I think
24 we have done a great job, certainly since I have been
25 on the Commission I think, of demonstrating that we

1 can run an organization, an agency, in an orderly
2 manner. I think we have done a pretty good job of
3 that, frankly, of improving our operations.

4 And I would hate to put a policy in place
5 which, again, could be misperceived by some as -- as
6 being less than orderly and thought through. And that
7 is my concern, because that is the message I fear some
8 could get.

9 COMMISSIONER HERIOT: I agree that we have
10 gone a long way to improving our procedures. But to
11 me one of the most important things that has been
12 improved is that we have been -- tried to be fair and
13 allow Commissioners the requisite amount of time to do
14 a good job in statements, and not run over the rights
15 of individual Commissioners in doing that. And I
16 would hate to see us regress on that.

17 COMMISSIONER TAYLOR: I agree with that,
18 and so we have a tension between that goal, to allow
19 as much time as possible, and our goal to present
20 Congress and the public with an impression of our
21 agency as one that is efficient and run in an orderly
22 manner. And, I mean, that is where we are. We've got
23 to make a choice. That is how I see this vote shaping
24 up.

25 COMMISSIONER HERIOT: Actually, I don't

1 think we are going to end up with a choice in the
2 sense that, you know, we can -- we can reamend this
3 later if it turns out that it is really, really,
4 really impossible to turn this around in three days.
5 But law firms do it all the time.

6 CHAIRMAN REYNOLDS: This is not -- this is
7 not Weil Gotshal.

8 COMMISSIONER HERIOT: I'm sorry?

9 CHAIRMAN REYNOLDS: Weil Gotshal. This is
10 not a law firm, and that standard --

11 COMMISSIONER HERIOT: So, fortunately, we
12 only have to do this once a year.

13 CHAIRMAN REYNOLDS: Yes. In any event --

14 COMMISSIONER HERIOT: I think we can do
15 it.

16 CHAIRMAN REYNOLDS: In any event, Todd,
17 would you have too much heartburn if we vote -- if the
18 vote -- if the motion on the table is that we vote to
19 confirm the original dates?

20 VICE CHAIR THERNSTROM: And then, if that
21 goes down, let us move to your motion.

22 COMMISSIONER GAZIANO: I just -- you know,
23 I am not sure I understand. I just -- if -- and I
24 think Commissioners have heard that if that passes,
25 that may affect how I vote on Part A and Part B. But

1 I don't know that I understand that there is much
2 difference in the order.

3 But, again, there is this third option,
4 and I -- if I could hear from other Commissioners,
5 maybe none has a majority. It sounded like I heard
6 Commissioner Taylor say that he might prefer to go
7 into October.

8 CHAIRMAN REYNOLDS: Did you say that?

9 COMMISSIONER GAZIANO: As opposed to --
10 (Laughter.)

11 -- as opposed to another option. As I
12 said, that is my second best. I am there.

13 VICE CHAIR THERNSTROM: We could take
14 these one at a time. If it goes down --

15 CHAIRMAN REYNOLDS: Well, folks, I have
16 this -- just curious. Commissioner Yaki has his hand
17 raised.

18 COMMISSIONER YAKI: I just want to second
19 the chair's motion and call the question.

20 CHAIRMAN REYNOLDS: Okay. All right.

21 COMMISSIONER GAZIANO: What is the motion
22 on the table?

23 CHAIRMAN REYNOLDS: Okay. Yours was the
24 motion on the table. Let's just vote.

25 VICE CHAIR THERNSTROM: No, it's the

1 chair's motion.

2 COMMISSIONER GAZIANO: The chair's motion.

3 CHAIRMAN REYNOLDS: Oh.

4 COMMISSIONER GAZIANO: Your motion to vote
5 on the schedule as it is.

6 CHAIRMAN REYNOLDS: Okay. Fine, fine.
7 You didn't have a problem with that. All in favor
8 please say aye.

9 COMMISSIONER HERIOT: Wait. What --

10 VICE CHAIR THERNSTROM: It is a motion to
11 vote on the schedule that was distributed.

12 CHAIRMAN REYNOLDS: The ones that --

13 COMMISSIONER HERIOT: And that differs
14 from Todd's suggestion only --

15 CHAIRMAN REYNOLDS: Yes.

16 COMMISSIONER HERIOT: -- in the reply or
17 on --

18 COMMISSIONER GAZIANO: And by the way, the
19 schedule, as distributed, I don't think it was
20 distributed. I heard it orally. It was never
21 distributed.

22 COMMISSIONER HERIOT: I have not seen it.

23 COMMISSIONER GAZIANO: And that is part of
24 my problem. I assume --

25 CHAIRMAN REYNOLDS: You want seven days'

1 notice.

2 COMMISSIONER GAZIANO: What? No, not
3 seven. Not seven.

4 (Laughter.)

5 I assumed all along, before I heard the
6 words out of your mouth --

7 VICE CHAIR THERNSTROM: This was e-mailed
8 to all of us.

9 COMMISSIONER GAZIANO: With Commissioner
10 comments?

11 VICE CHAIR THERNSTROM: No, this schedule
12 was e-mailed to all of us.

13 CHAIRMAN REYNOLDS: It was distributed via
14 e-mail.

15 COMMISSIONER GAZIANO: Okay. Maybe I
16 missed it, but I thought -- I never thought the
17 schedule that I saw -- maybe I didn't open the e-mail
18 -- included that. So I stand corrected if that was
19 the case.

20 CHAIRMAN REYNOLDS: Okay.

21 COMMISSIONER HERIOT: I've still got the
22 question. Is your -- your first date is the same as
23 Todd's, or it's different?

24 COMMISSIONER GAZIANO: No, no, it's -- he
25 wants to say August 23 and September 7th.

1 CHAIRMAN REYNOLDS: Right.

2 COMMISSIONER GAZIANO: Which I objected
3 to.

4 CHAIRMAN REYNOLDS: Right. So let's just
5 -- let's vote.

6 VICE CHAIR THERNSTROM: Commissioner Yaki
7 has called the question. Right. And that's all we
8 are voting on, just the schedule.

9 CHAIRMAN REYNOLDS: That's it.

10 VICE CHAIR THERNSTROM: The schedule.

11 CHAIRMAN REYNOLDS: All in favor please
12 say aye.

13 (Chorus of ayes.)

14 Objections?

15 COMMISSIONER GAZIANO: No.

16 COMMISSIONER HERIOT: No.

17 VICE CHAIR THERNSTROM: Commissioner
18 Taylor?

19 COMMISSIONER TAYLOR: I voted. Aye.

20 CHAIRMAN REYNOLDS: Okay. Commissioner
21 Kirsanow?

22 COMMISSIONER KIRSANOW: I voted aye.

23 CHAIRMAN REYNOLDS: Okay. All right. We
24 have two votes against. The remaining Commissioners
25 voted in favor. The motion passes.

1 Now, let's discuss the --

2 COMMISSIONER GAZIANO: Part A.

3 COMMISSIONER HERIOT: Don't we want to
4 have a backup? We haven't established that Todd's
5 schedule is not possible. We have only established
6 that it can't --

7 VICE CHAIR THERNSTROM: We have just taken
8 a vote. Let us move on.

9 COMMISSIONER TAYLOR: Can I ask a -- you
10 know, again, my concern is in the face we present to
11 Congress. I would like the staff to tell us --

12 CHAIRMAN REYNOLDS: To look at
13 alternatives to see if --

14 COMMISSIONER TAYLOR: Yes. Look at
15 alternatives.

16 CHAIRMAN REYNOLDS: -- we can get some
17 additional time for Commissioner comments.

18 COMMISSIONER TAYLOR: And if there is some
19 precedent that other agencies use. I mean, I just --
20 I would like to know that. It could be an outlier.

21 CHAIRMAN REYNOLDS: Flexibility,
22 creativity.

23 COMMISSIONER TAYLOR: Yes. I would like
24 to know that.

25 COMMISSIONER GAZIANO: I hope that

1 Commissioners never adopt a statutory report schedule
2 again that doesn't allow 30 minutes for comments and
3 30 minutes --

4 COMMISSIONER HERIOT: Thirty minutes?

5 (Laughter.)

6 COMMISSIONER GAZIANO: -- 30 days for
7 comments, 30 days for replies. It was never my
8 understanding when we adopted the schedule last time
9 that that would -- once we amended our general rule,
10 that that wouldn't be applied.

11 CHAIRMAN REYNOLDS: Okay. We should have
12 raised this, highlighted this. That schedule was
13 distributed. Maybe we should have --

14 COMMISSIONER GAZIANO: No. The schedule
15 we adopted didn't have a reply period. The e-mail --
16 I don't know when the e-mail was sent out.

17 STAFF DIRECTOR DANNENFELSER: There were
18 some e-mails out about a month ago where there was --
19 there was considerable dialogue about these dates, and
20 they were adjusted then -- yesterday what was sent out
21 was just repeating what was sent out earlier, only
22 taking it from the dates of assuming today that the
23 report is passed, what are the dates going forward.

24 But there was a larger schedule that was
25 distributed earlier, and this whole idea of the

1 response -- the Commissioners' comments and responses
2 was discussed, and there were e-mails back and forth
3 about that, and then it was amended and resent out to
4 Commissioners with those dates.

5 COMMISSIONER GAZIANO: Let's never do it
6 again.

7 CHAIRMAN REYNOLDS: Okay. All right. Let
8 us discuss Part A. Very good.

9 COMMISSIONER MELENDEZ: Yes, I have a
10 question, just briefly. It has to do with the
11 statistics. On page 192, when I looked through this,
12 it had the credit scores for different races, and it
13 had American Indians/Alaska Natives at the highest
14 credit score, so I had -- when I saw that I thought,
15 well, you know, it may have to do with the sample size
16 that they took in relation.

17 So I just am asking that we put a footnote
18 in that section that basically says that due to the
19 small sample size and method of determining ethnicity
20 from Social Security records, the fed study statistics
21 for Native Americans should be viewed with caution,
22 because I think it really -- I don't think that's the
23 truth that I know of as far as Native Americans having
24 the highest credit score. I just don't see that as an
25 accurate statistic.

1 MR. BLACKWOOD: This is David Blackwood.
2 I agree that would be an accurate statement. I think
3 we put a footnote in a different part about the
4 American Indian, just because -- because of the small
5 sample size some of the figures are skewed.

6 COMMISSIONER MELENDEZ: Okay.

7 MR. BLACKWOOD: But we can certainly put
8 the type of footnote you just mentioned.

9 COMMISSIONER MELENDEZ: Yes, that's all I
10 ask.

11 CHAIRMAN REYNOLDS: And do we know if -- I
12 mean, there is a difference in -- I suspect that you
13 would have a difference in outcome if you looked at
14 Indians who reside on a reservation, on the
15 reservation versus Indians who do not.

16 MR. BLACKWOOD: Commissioner Melendez's
17 special assistant brought some of these matters to our
18 attention, and we worked up a footnote that I believe
19 is somewhere else in the report.

20 CHAIRMAN REYNOLDS: Okay.

21 MR. BLACKWOOD: That points out about the
22 sample size and why some of the figures might be
23 different. But we can certainly repeat that
24 information, as you said.

25 CHAIRMAN REYNOLDS: Okay. Great. All in

1 favor please say aye.

2 (Chorus of ayes.)

3 COMMISSIONER GAZIANO: I'm sorry. What
4 are we -- the final vote, on the whole Part A?

5 CHAIRMAN REYNOLDS: Part A.

6 COMMISSIONER GAZIANO: We are not going to
7 have any other --

8 COMMISSIONER HERIOT: Wait. We didn't
9 have any more --

10 COMMISSIONER GAZIANO: -- discussion?

11 COMMISSIONER HERIOT: -- more comments or
12 questions?

13 COMMISSIONER GAZIANO: Yes, I think a few
14 of us have a few more --

15 CHAIRMAN REYNOLDS: Comments on Part A?

16 COMMISSIONER HERIOT: I have no comments
17 on Part A in particular. My comment is simply that I
18 am going to be abstaining on this report. I am
19 disappointed in it, but I did not have the time to do
20 the work that I thought would be necessary to work
21 this in. We have only been given 600 hours to work
22 per year, and I did not think this would be the best
23 use of my time. So I am going to abstain from this
24 vote.

25 CHAIRMAN REYNOLDS: Okay. Todd, how do

1 you vote?

2 COMMISSIONER GAZIANO: I am going to
3 abstain. Although I do appreciate staff's final
4 efforts to include some of the -- of my comments, I
5 did have concerns as to -- that it should have been
6 narrowed, but my -- my real concern right now is that
7 I don't think the timing is adequate for Commissioner
8 comments. So I don't think we should go forward with
9 Part A.

10 VICE CHAIR THERNSTROM: I call the
11 question.

12 CHAIRMAN REYNOLDS: Well, we voted.

13 STAFF DIRECTOR DANNENFELSER: Well, did
14 you get everybody else voting?

15 VICE CHAIR THERNSTROM: Did we vote on
16 Part A?

17 STAFF DIRECTOR DANNENFELSER: Oh, you
18 haven't voted.

19 COMMISSIONER HERIOT: We haven't voted.

20 VICE CHAIR THERNSTROM: We have not voted
21 on Part A.

22 CHAIRMAN REYNOLDS: Okay. Okay.

23 VICE CHAIR THERNSTROM: And I am calling
24 the question.

25 CHAIRMAN REYNOLDS: Okay. The question

1 has been called. All in favor please say aye.

2 (Chorus of ayes.)

3 Abstentions?

4 COMMISSIONER HERIOT: Heriot. Melendez.

5 COMMISSIONER GAZIANO: And Yaki?

6 CHAIRMAN REYNOLDS: He is not here.

7 COMMISSIONER HERIOT: Well, you want to
8 hold the vote open for him, I would think. I assume
9 he wants to vote on this.

10 CHAIRMAN REYNOLDS: Okay.

11 VICE CHAIR THERNSTROM: Well, we can add
12 his vote when he comes back.

13 COMMISSIONER HERIOT: Yes.

14 CHAIRMAN REYNOLDS: Okay. I'm not sure I
15 like this as a precedent.

16 COMMISSIONER HERIOT: When the person has
17 just walked out for a second, that doesn't affect --

18 CHAIRMAN REYNOLDS: Yes. But sometimes it
19 will in Jerry's interest to make use of the fact that
20 --

21 (Laughter.)

22 VICE CHAIR THERNSTROM: Well, you're the
23 chair. You get to decide what to do.

24 CHAIRMAN REYNOLDS: Anyway, I am just
25 thinking out loud. Okay. We will hold it open until

1 Commissioner Yaki -- until he returns. Okay.

2 VICE CHAIR THERNSTROM: That is a very
3 good point. People can strategically walk out of the
4 room, and we cannot keep holding votes open when --

5 COMMISSIONER TAYLOR: Let me say, that may
6 happen in other agencies, but that would never happen
7 here.

8 (Laughter.)

9 I want the record to reflect that.

10 COMMISSIONER HERIOT: I want the record to
11 reflect that people are laughing.

12 (Laughter.)

13 CHAIRMAN REYNOLDS: Okay. We are on to
14 Part B. I am going to read the -- start reading the
15 findings. I move that the Commission approve the
16 following finding -- finding number 1, the effort to
17 increase home ownership generally, and minority
18 ownership -- home ownership in particular has been
19 bipartisan in nature. Is there a second?

20 VICE CHAIR THERNSTROM: Second.

21 CHAIRMAN REYNOLDS: Discussion?

22 COMMISSIONER HERIOT: I'm sorry. That was
23 the first finding?

24 VICE CHAIR THERNSTROM: Yes.

25 COMMISSIONER HERIOT: I have a substitute

1 motion. I was not real pleased with the findings and
2 recommendations here. I have some findings and
3 recommendations that I might be willing to put forth
4 on this. But in general, I think that this -- we
5 would be better off just not having findings and
6 recommendations on this report.

7 So I move that we not have findings and
8 recommendations at all.

9 CHAIRMAN REYNOLDS: Okay. I second it.
10 Discussion?

11 (No response.)

12 I'm sure that this is an opportunity for
13 Commissioner Yaki to express a certain displeasure.

14 COMMISSIONER GAZIANO: No, he's not here.
15 Let's not invite displeasure.

16 VICE CHAIR THERNSTROM: He is not here.
17 We need to move on. It is almost noon.

18 COMMISSIONER HERIOT: We can let him vote
19 on it when he comes back, assuming that he just went
20 to the men's room.

21 CHAIRMAN REYNOLDS: Okay. All right. All
22 in favor please say aye.

23 (Chorus of ayes.)

24 Any objections?

25 COMMISSIONER MELENDEZ: Abstain. One.

1 CHAIRMAN REYNOLDS: Okay. We have one
2 abstention from Commissioner Melendez. Commissioner
3 Yaki did not participate in the vote. The remaining
4 Commissioners voted in favor of the motion.

5 Okay. All right. Next up --

6 COMMISSIONER HERIOT: Can we go back to
7 the health care letter now?

8 COMMISSIONER GAZIANO: Why don't we go
9 back to the health care letter.

10 CHAIRMAN REYNOLDS: It would be nice to
11 wait for Yaki, since he is the one who requested the
12 statute.

13 COMMISSIONER GAZIANO: Alec, would you
14 mind telling us where Mr. -- Commissioner Yaki is? Is
15 he coming back shortly? That is the only question we
16 need.

17 MR. DEULL: I think so.

18 CHAIRMAN REYNOLDS: Okay. This is what I
19 will do. I will start -- I will just provide an
20 update on the conference.

21 COMMISSIONER HERIOT: Aren't we doing the
22 health care letter now?

23 CHAIRMAN REYNOLDS: We are trying to wait
24 for Yaki. He is the one who requested the additional
25 information that we now have in front of us. He is

1 wandering the hallways of the Commission.

2 COMMISSIONER GAZIANO: Just give an update
3 on the conference. Go ahead.

4 CHAIRMAN REYNOLDS: Yes. I will just give
5 an update on the conference.

6 Okay. On July 10, 2009, at the -- I'm
7 sorry. At the July 10, 2009, meeting, we discussed a
8 proposal for the national civil rights conference
9 titled "A New Era: Defining Civil Rights in the 21st
10 Century," which had been circulated to Commissioners a
11 week and a half before the business meeting.

12 The concept paper consisted of an overview
13 of the conference, its relationship to the
14 Commission's statutory mission and strategic plan,
15 proposed subject matter of the panels, recommended
16 panelists and moderators, a discussion of two leading
17 venues for the conference, discussion of budget
18 options, a proposed conference schedule and suggested
19 conference attendees or invitees. It was designed to
20 be a jumping-off point for our discussions, and not
21 the end of the matter.

22 At that meeting, I told everyone that
23 everything was subject to revision. In any event, I
24 was authorized at that meeting to proceed under the
25 plan as modified by our conversations that day, and I

1 was also authorized to speak out -- authorized to
2 reach out to speakers to assess their availability for
3 the event for the recommended dates.

4 I also proposed that every two weeks or so
5 that we receive a progress report on where the
6 planning process stands. The first such report was
7 supposed to have occurred last Friday, but the
8 conference call had to be canceled. We did not have a
9 quorum. Nevertheless, we did have a conversation for
10 those Commissioners who participated in the call, and
11 an update was indeed provided.

12 In terms of content and structure of the
13 conference, on July 13th, at my urging the Staff
14 Director sent a followup e-mail giving Commissioners
15 another opportunity to suggest revisions to the
16 concept paper and to make panelist recommendations.

17 Now, he noted I was especially interested
18 in receiving comments from Commissioners Melendez and
19 Yaki, particularly regarding ways to broaden its scope
20 to include a discussion of issues related to other
21 protected classes.

22 Vice Chair Thernstrom, as well as
23 Commissioners Melendez and Yaki, submitted their
24 comments via e-mail, and the Staff Director
25 distributed them to Commissioners on July 23rd. Other

1 Commissioners have provided me with additional
2 comments and suggestions offline.

3 I appreciate the feedback from
4 Commissioners and have attempted to incorporate many
5 of the substantive concerns as to content and
6 structure into the -- well, into the planning.

7 For example, as Commissioners Thernstrom
8 and Gaziano, and also Commissioner Melendez, during
9 our last meeting expressed some concern at the length
10 of the panels vis-a-vis the proposed number of invited
11 speakers, based on those concerns, and to ensure an
12 opportunity for a full discussion of the important
13 issues proposed, and adequate moderator participation,
14 most panels have been limited to four speakers.

15 To increase the likelihood of a serious
16 engagement on each panel, we will provide confirmed
17 speakers with an outline and organize a pre-conference
18 call for them with the moderator for the panel to go
19 over the main points that they will cover. Included
20 in one of the recommendations was a suggestion that we
21 commission papers from our participants.

22 The original proposal contained a similar
23 recommendation and differs only as to the timing when
24 we will receive the papers. Under the original
25 proposal, speakers would provide their summary

1 comments at the conference, and then would be given
2 adequate time to develop these comments into a fully
3 fleshed out paper or article that would be published
4 with our conference proceedings if they choose to.

5 Their products would benefit from the back
6 and forth discussion and diverse perspectives offered
7 by their fellow panelists and others at the
8 conference. In their final submissions they could
9 respond to other participants' positions or additional
10 questions posed by the Commission, and engage in a
11 rich debate.

12 I have asked the Staff Director to look
13 into what the budget may allow in terms of a stipend
14 for the papers. Apparently, in the past we have
15 offered \$500.

16 Other recommendations were taken -- were
17 well taken, but have not been incorporated. For
18 example, Vice Chair Thernstrom expressed a desire to
19 limit invited panelists to academic scholars.

20 VICE CHAIR THERNSTROM: No, no, that is a
21 misunderstanding.

22 CHAIRMAN REYNOLDS: Okay.

23 VICE CHAIR THERNSTROM: No, I never said
24 that.

25 CHAIRMAN REYNOLDS: Okay. What did you

1 say?

2 VICE CHAIR THERNSTROM: Well, I'd have to
3 look at the -- my original thing, but I don't think
4 that, and I didn't say that.

5 CHAIRMAN REYNOLDS: Okay. Well --

6 VICE CHAIR THERNSTROM: That is a
7 misunderstanding.

8 CHAIRMAN REYNOLDS: Okay. All right.
9 Moving right along, we also have a suggestion from
10 Commissioners Yaki and Melendez that the conference be
11 extended to two days to cover every possible -- well,
12 to cover additional civil rights issues that we might
13 address. I think that that is a very good point.

14 Everything won't and can't be covered in a
15 single day, or even two days for that matter. That,
16 coupled with the budgetary impacts, cause me to not
17 embrace that suggestion.

18 In terms of a date and logistics for the
19 event, the -- as stated during the last unofficial
20 conversation, the 21st -- the 24th, as a date, turned
21 out to be problematic. The new date that we have on
22 the table is October 7th. I have reached out to a
23 number of speakers, and the 7th appears to be a good
24 date for most, at least most that I have actually been
25 able to discuss the conference with.

1 What else? Overall, the people who I have
2 contacted have been enthusiastic about the Commission.

3 Most of the people who I have contacted to date have
4 accepted, with one exception. I have communicated,
5 though not directly, with other folks, and I am
6 waiting to set up one-on-one conversations with these
7 folks. But to date, we have Paul Snyderman who would
8 be on Panel 1, Kay Heimawitz and Carol Swayne on
9 Panel 2, Bill Steffney and Roland Warren on Panel 3,
10 and Ken Marcus on Panel 4.

11 I hope to reach out and speak to other
12 folks who have received a brief description of the
13 conference early next week. I hope -- oh, also, the
14 deadline for handing over a check to the National
15 Press Club, that has been extended to the 12th,
16 Wednesday, whatever that date is.

17 So, basically, on Monday or Tuesday,
18 either at the close of business Tuesday or sometime
19 Wednesday, I will let folks know where we are in terms
20 of folks who have committed. At that point, I just
21 want to get input from everyone to see if -- what the
22 consensus is in terms of is -- you know, do we feel
23 that we have a sufficient number of people to move
24 forward?

25 Commissioner Yaki?

1 COMMISSIONER YAKI: Chair Reynolds, do we
2 have a revised paper or concept paper?

3 CHAIRMAN REYNOLDS: No, not yet.

4 COMMISSIONER YAKI: Chair Reynolds, I
5 appreciate certainly the enthusiasm with which you are
6 pursuing this, and certainly the energy with which you
7 have done so. I think it comes as no surprise that I
8 continue to have serious substantive problems with
9 both the procedural manner in which this conference
10 has been put together and with the overall tenor and
11 scope of this conference.

12 I believe that had we, at the beginning,
13 started in a much more bipartisan manner we would not
14 be at the point which I believe we are at today. But
15 because we did not do so, because this conference is
16 going forward in a manner where, again, we have no
17 paper to tell us exactly what is going on, how
18 anything has changed, who the people we have contacted
19 are -- have been, who is confirmed.

20 But most importantly -- and this is with
21 all due respect to you, Mr. Chair -- the fact that
22 this, as it was originally conceived as a national
23 conference on civil rights, the fact that I do not
24 believe it is reaching out, I do not believe that the
25 process embraces that, I am just going to say right

1 now and for the record that unless and until we
2 restart this process in a bipartisan way, form a
3 subcommittee or task force or whatever it is that you
4 do -- so choose, to pull together and create a
5 bipartisan consensus for how this should move forward,
6 I cannot/will not support or attend this conference.

7 To me, it is -- it is a sorely missed
8 opportunity for this Commission to work together. And
9 I believe that it is a sorely missed opportunity in
10 terms of the dialogue on civil rights that is
11 desperately needed in this country.

12 But the exclusion of the Democrats from
13 this from the beginning -- and I don't want to go into
14 how many times this was agendized and pulled off. I
15 don't want to go into how many conversations we have
16 had when and where. The facts simply are that, even
17 as of today, you know, like I said, kudos to you for
18 moving forward and with your enthusiasm, but you are
19 doing so without the participation or input of the
20 Democrats on this one. And I cannot/will not attend,
21 cannot/will not support it, and I wish you the best of
22 luck.

23 But as for me, this conference -- I take
24 no responsibility, no ownership, and no participation
25 in this conference as of this point.

1 CHAIRMAN REYNOLDS: Okay. Commissioner
2 Yaki, you have expressed these sentiments on at least
3 two occasions, and it is unfortunate, as I said in the
4 past, but it is what it is.

5 COMMISSIONER MELENDEZ: I have a comment.

6 Commissioner Melendez here. You know, this -- some
7 of the questions we had asked earlier I don't think
8 are still answered. And as you know, a lot has to do
9 with the budget. And many of our reporting
10 requirements -- as you know, we just ended or we are
11 getting close to ending 2009 at September 30th, and I
12 have always wanted these reports on surplus, wanted to
13 know exactly how much accumulation do we have to spend
14 for the end of the year, and I never received those.

15 So to me, it also -- if funding was
16 supposed to come out of surplus of 2009, never really
17 understood where we were or what the surplus was or
18 what priorities out of the surplus would be held off
19 as opposed to if we put more money out of 2009 surplus
20 into this. I never really understood that.

21 And then, the last I heard we were talking
22 about using 2010 money for this, because it sounded to
23 me like we were crossing the line into the next year,
24 and it then seemed that we needed a legal opinion from
25 our General Counsel as to what -- you know, can we do

1 that? Are there any problems with using 2010, you
2 know, money, kind of using money from 2009 and 2010
3 for this?

4 So we needed a legal opinion as to whether
5 or not we could actually do that. And so I never
6 heard whether or not that is -- any problems there.
7 But I think the whole thing -- because you said we
8 don't have enough money to do two days, well, it just
9 tells me if we don't have enough money to do two days
10 there may be a question of whether or not we have
11 enough money to do this whole thing adequately in the
12 first place, because if you say we can't do two days,
13 well, it just tells me we must be really on the border
14 edge of funding here.

15 So, again, with not budget in front of me,
16 and no -- it is just really not really adequately --
17 because if we would have operated from a committee, as
18 we first entailed, we could have been talking about
19 everything that has led up to now, including the
20 budget, where is the money going to come from?

21 And then, we would have reported back to
22 the full Commission as to, okay, it is going to -- our
23 plan is to take it from here and still -- we are kind
24 of still up in the air, so -- and then, Commissioner
25 Yaki was asking about going back to start over again.

1 The only way you could really accomplish
2 that in my opinion is to move the whole conference to
3 2010 and do it next year, because I know that to try
4 to satisfy what he is talking about, to try to do it
5 as we move forward now, I don't think he is going to
6 be satisfied of trying to say, "Okay. Michael, throw
7 in your two cents," now that the ship has left the
8 dock about three months ago, not stirred by him in any
9 manner but stirred by the Chairman.

10 So I am just saying, you know, I would
11 have to agree with Mr. Yaki's position that, you know,
12 the only way we could go back to start in a bipartisan
13 manner would be to push this off to next year. So I
14 am in concurrence that I don't see myself
15 participating also just based on -- just based on what
16 Mr. Yaki's concerns are and what mine are, and just
17 the unanswered questions that I have had on budget and
18 everything else.

19 So if we want to put this off until next
20 year, I would again be part of a committee to work on
21 this, and budget-wise and planning-wise, but I think
22 trying to do it in this hasty manner is going to give
23 us a halfway product that I think that is just a waste
24 of money in my opinion. So that is just my input into
25 this. I'll just leave it at that.

1 CHAIRMAN REYNOLDS: Other comments?

2 (No response.)

3 Okay.

4 COMMISSIONER HERIOT: We've got a few
5 things on our agenda that we need to go back to. I
6 think we said that --

7 CHAIRMAN REYNOLDS: What was the last vote
8 that we took?

9 COMMISSIONER HERIOT: Well, I think there
10 are a couple. Commissioner Yaki didn't get a chance
11 to vote on whether or not to not have findings and
12 recommendations on the statutory report.

13 CHAIRMAN REYNOLDS: Did you vote on
14 Part A?

15 STAFF DIRECTOR DANNENFELSER: He didn't
16 vote on Part A either.

17 CHAIRMAN REYNOLDS: Okay. What is your
18 vote on Part A?

19 COMMISSIONER YAKI: Can I ask the Court
20 Reporter to read me what the vote is right now?

21 COMMISSIONER HERIOT: I remember the vote.
22 It is -- there are a number of abstentions.

23 COMMISSIONER GAZIANO: There are two
24 abstentions.

25 COMMISSIONER HERIOT: Three. Three

1 abstentions and the rest are yes votes.

2 COMMISSIONER YAKI: I abstain.

3 CHAIRMAN REYNOLDS: What is the vote?

4 COMMISSIONER HERIOT: Four-zero-four.

5 CHAIRMAN REYNOLDS: And so it --

6 COMMISSIONER HERIOT: It passes.

7 COMMISSIONER GAZIANO: The majority of
8 those voting.

9 CHAIRMAN REYNOLDS: Okay. Next issue,
10 what else did we have --

11 COMMISSIONER HERIOT: Then we had whether
12 or not --

13 COMMISSIONER GAZIANO: No findings and
14 recs on Part B.

15 COMMISSIONER HERIOT: On Part B.

16 COMMISSIONER YAKI: I will abstain on that
17 also.

18 VICE CHAIR THERNSTROM: Mr. Chairman, I
19 was going to say, I want to change my vote on that to
20 an abstention.

21 CHAIRMAN REYNOLDS: Okay. What is the
22 tally?

23 COMMISSIONER HERIOT: It is still going to
24 be -- the final tally will still be just yes votes and
25 a bunch of abstentions.

1 VICE CHAIR THERNSTROM: Yes, that's right.

2 So it is not going to --

3 STAFF DIRECTOR DANNENFELSER: On the
4 findings or on the report itself?

5 VICE CHAIR THERNSTROM: No, no, just the
6 findings.

7 STAFF DIRECTOR DANNENFELSER: Oh, okay.

8 COMMISSIONER YAKI: I will vote no on the
9 findings.

10 COMMISSIONER HERIOT: It still passes.

11 VICE CHAIR THERNSTROM: It is just -- I am
12 changing my vote only on --

13 COMMISSIONER GAZIANO: The only vote was
14 not to have any, so that's the only thing you can vote
15 on.

16 CHAIRMAN REYNOLDS: What was your original
17 vote?

18 VICE CHAIR THERNSTROM: I believe I voted
19 to omit the findings and recommendations.

20 COMMISSIONER TAYLOR: Right. Then you
21 would vote yes.

22 CHAIRMAN REYNOLDS: Folks, going
23 forward --

24 COMMISSIONER HERIOT: I think we've got it
25 here. Commissioner Yaki votes yes. That is, to not

1 have findings and recommendations.

2 CHAIRMAN REYNOLDS: Okay.

3 COMMISSIONER HERIOT: Commissioner
4 Thernstrom has now abstained rather than voting yes.
5 Nobody has ever voted no, as far as I know.

6 VICE CHAIR THERNSTROM: That's correct.

7 COMMISSIONER HERIOT: Okay. It passed.

8 VICE CHAIR THERNSTROM: Yes. No, that's
9 correct. I just -- I just have a problem with these
10 reports without findings and recommendations, because
11 nobody ever reads anything else.

12 COMMISSIONER HERIOT: Okay. Health care
13 letter.

14 CHAIRMAN REYNOLDS: Okay. Yes. We have
15 the offending language as -- that is how it was
16 characterized -- in front of us. Commissioner Yaki?

17 COMMISSIONER YAKI: I have read the so-
18 called offending language, and I find that I am going
19 to be outvoted, but I am going to put it out there
20 anyway, which is that I think it is quite a stretch to
21 try and cast Adarand on programs that go toward
22 institutions.

23 This is not about set-asides for minority-
24 owned businesses. This is not about a certain number
25 of dollars being set-aside for minority-owned

1 businesses. This is about ensuring that full -- that
2 non-profit organizations, which could be of any nature
3 whatsoever -- they could be faith-based, they could be
4 completely majority-owned, they could be two people
5 working on a reservation in Oklahoma, that they would
6 be eligible for federal dollars, so long as the people
7 to whom they brought services to were members of
8 underrepresented or disadvantaged classes.

9 I, quite frankly, find it a great strain
10 to make Adarand reach one step beyond to the component
11 of the people who are being given government services,
12 rather than to the ownership or nature of the
13 ethnicity of ownership of the organization itself.

14 So go ahead, send this letter. I will be
15 sending my own counter letter, because I just find it
16 quite a stretch to push Adarand one step -- to a level
17 one step beyond that which the Supreme Court analyzed.

18 CHAIRMAN REYNOLDS: Commissioner Kirsanow?

19 COMMISSIONER KIRSANOW: My reading is a
20 little bit different than Commissioner Yaki's. I do
21 see Adarand implications, Croson -- potential Croson
22 implications, and possibly even Grutter implications
23 -- strike that, maybe Gratz implications, but with --

24 COMMISSIONER HERIOT: Grutter, too.

25 COMMISSIONER KIRSANOW: -- a Grutter

1 analysis. First of all, there would be grants given
2 to entities here. This would be something similar to
3 a set-aside, which implicates Adarand and possibly
4 downstream Croson.

5 I don't know if there has been -- at least
6 according to this legislation there hasn't been any
7 indication that -- as to an articulation of a
8 compelling governmental interest to engage in this,
9 and whether or not there has been effort -- an effort
10 to narrowly tailor this particular program or seek
11 racing to an alternative. It simply makes reference
12 to an undefined class of individuals called
13 "underrepresented minority groups."

14 So from that perspective I think clearly
15 it falls within Adarand and possibly Grutter, maybe
16 Gratz down the -- I'm sorry, Grutter and Gratz, and I
17 think that the letter for that reason is appropriate.

18 I presume there will be regs that will be promulgated
19 pursuant to this, but absent findings consistent with
20 a Croson finding, I am not sure how the Congress can
21 simply summarily make these kinds of dictates that
22 seem to me to fall directly in the face of Adarand.

23 CHAIRMAN REYNOLDS: Commissioner Taylor?

24 COMMISSIONER TAYLOR: I am going to
25 abstain, but I don't want my position to be viewed

1 inappropriately. I intend to write my own letter,
2 because my view of this is that -- and, again, I
3 recognize this is a personal concern I have -- is that
4 the issue of greatest concern to me, that we have real
5 empirical evidence demonstrating that the health
6 disparities are caused by limited access to high
7 quality physicians gets lost in this letter, and that
8 is something I want to focus on in a separate letter.

9 I mean, I --

10 COMMISSIONER HERIOT: I agree.

11 COMMISSIONER TAYLOR: And not because --
12 you know, not because I agree with Yaki's view of the
13 law or -- but I just -- this is a personal --

14 COMMISSIONER YAKI: Well, you should.

15 (Laughter.)

16 COMMISSIONER TAYLOR: I just -- so I am
17 going to abstain for that reason. I want to write a
18 separate letter on that issue, because I think this,
19 unfortunately, has -- is a reflection of, again, in my
20 view the health care issue being used more for
21 political advantage than to actually improve the
22 condition of citizens. And so I want to write a
23 separate letter because of that.

24 COMMISSIONER HERIOT: I just wanted to say
25 that --

1 COMMISSIONER KIRSANOW: If you could
2 circulate that letter, I would like --

3 COMMISSIONER TAYLOR: Okay.

4 VICE CHAIR THERNSTROM: Would you be
5 willing to circulate that letter?

6 COMMISSIONER TAYLOR: Oh, absolutely.
7 Yes, yes.

8 COMMISSIONER HERIOT: Commissioner Taylor,
9 I just wanted to say that one of the reasons I phrased
10 the motion I did, so that we can tinker with this,
11 with unanimous consent of those who decide to sign it,
12 is so we could beef up that just a little bit.

13 COMMISSIONER TAYLOR: Okay.

14 COMMISSIONER GAZIANO: And is there -- you
15 know, I may want to join your letter, too, if you
16 decide you need a second letter. But do you have a
17 concern with joining -- potentially joining this one
18 or thinking about this one more? And possibly
19 sending --

20 COMMISSIONER HERIOT: I would like you to
21 reserve the right to participate in this one, if in
22 the final product you want to -

23 COMMISSIONER TAYLOR: Yes, I will reserve
24 that. I just -- I don't want my voice to be diluted
25 in the sense that I want it to be understood what I

1 individually am most concerned with, and it is -- this
2 is -- again, there are -- I recognize the need to make
3 political points when you draft things like this.

4 But this is one of those areas where we
5 can -- again, we just had a panel on this. We now
6 have empirical evidence demonstrating you can make a
7 real difference if you just focus on certain things,
8 and for some reason --

9 COMMISSIONER GAZIANO: I'm not sure what
10 you mean by -- I don't think that the letter as is
11 necessarily makes political points. It does make --

12 COMMISSIONER TAYLOR: No, no, no, not the
13 letter. No.

14 COMMISSIONER GAZIANO: Okay.

15 COMMISSIONER TAYLOR: The legislation.

16 COMMISSIONER HERIOT: Congress.

17 COMMISSIONER TAYLOR: Congress has refused
18 to actually do what we did and hold a hearing and ask
19 people practical questions.

20 COMMISSIONER GAZIANO: I'm sorry. I
21 misunderstood. Thank you.

22 COMMISSIONER TAYLOR: And so I --

23 COMMISSIONER GAZIANO: Thank you.

24 COMMISSIONER TAYLOR: That's what I
25 want --

1 COMMISSIONER GAZIANO: But I hope that you
2 might find it possible to say, "I joined the other
3 letter, but my emphasis is" --

4 COMMISSIONER TAYLOR: I definitely want to
5 keep that option open, but I --

6 COMMISSIONER HERIOT: It's just like Vice
7 Chair Thernstrom did -- abstained on one of the
8 letters but ultimately signed.

9 COMMISSIONER TAYLOR: Right. Right.

10 COMMISSIONER HERIOT: Commissioner Taylor
11 can --

12 COMMISSIONER TAYLOR: I may do the same
13 thing. I --

14 COMMISSIONER HERIOT: It's fine.

15 COMMISSIONER TAYLOR: I just didn't want
16 my abstention to be misunderstood. That's all.

17 CHAIRMAN REYNOLDS: Commissioner Yaki.

18 COMMISSIONER YAKI: I would just say in
19 the -- it is dangerous for us to presume that, with
20 these particular programs, Congress has not held
21 hearings. I would just note that there are probably
22 hundreds of federal programs in -- throughout the
23 Federal Government, and at the Department of
24 Education, Labor, Health and Human Services, where
25 these types of grants are routine, that have continued

1 on for years, that have had numerous hearings, whether
2 you are talking about the Job Corps, whether you are
3 talking about any number of different types of
4 programs.

5 So I would not be so quick to presume that
6 there is no -- there are no statutory hearings and
7 findings that have been made about these programs in
8 the past. I think it would be a mistake to make that
9 assumption.

10 CHAIRMAN REYNOLDS: Commissioner Melendez?

11 COMMISSIONER MELENDEZ: Well, as you know,
12 this letter is -- you know, my concern is similar to
13 Ashley's, having to do with health care in general.
14 And, as you know, Native American health comes by way
15 of Indian Health Service, and many times they receive
16 a lot of grants through the Indian Health Service.

17 So it is kind of a complex issue, and so I
18 would probably not support being signed onto a letter
19 at this point, mainly because of the trust
20 responsibility of the Native American tribes, and
21 sometimes that is viewed as special interest, and
22 sometimes it is kind of put under a microscope and a
23 task overturned, giving the trust responsibility to
24 Native Americans and tribes in this country. So I
25 would rather just not head in that direction myself.

1 CHAIRMAN REYNOLDS: Okay.

2 COMMISSIONER HERIOT: Ready to vote?

3 CHAIRMAN REYNOLDS: Sure. All in favor of
4 sending the letter with the qualifications offered by
5 Commissioner Heriot please say aye.

6 (Chorus of ayes.)

7 Objections?

8 (Chorus of nays.)

9 Abstentions?

10 VICE CHAIR THERNSTROM: I am abstaining.

11 CHAIRMAN REYNOLDS: Okay. One, two,
12 three, four. Okay. We have two abstentions,
13 Commissioners Taylor and --

14 COMMISSIONER HERIOT: Two abstentions, two
15 nos, four yeses.

16 CHAIRMAN REYNOLDS: Commissioners Taylor
17 and Thernstrom. Two nos, Commissioners Yaki and
18 Melendez, the remaining Commissioners voted in favor
19 of the motion. The motion passes.

20 VICE CHAIR THERNSTROM: I am likely to
21 sign on to whatever Commissioner --

22 COMMISSIONER TAYLOR: I will circulate my
23 letter as soon as Kim writes it.

24 VICE CHAIR THERNSTROM: I am likely to
25 sign on to whatever Commissioner Taylor writes.

1 CHAIRMAN REYNOLDS: Okay. Next up, Mr.
2 Staff Director, please provide us with an update on
3 the document request to government agencies regarding
4 their civil rights enforcement activities.

5 STAFF DIRECTOR DANNENFELSER: Thank you,
6 Mr. Chairman. We have received a letter from Loretta
7 King at the Justice Department indicating that they
8 will provide us with electronic copies of items 1, 2,
9 3, 5, and 6, in our letter of request. They say that
10 they are unable to provide us with item 4, which is
11 "all letters of potential violations sent out during
12 that month," because the routine public release of
13 these letters could compromise their enforcement
14 efforts.

15 The contact person who will work with us
16 on the logistics of the document transmission is on
17 vacation until August 11th. We have left a message
18 for him and expect to speak with him next week. We
19 have also spoken with the Branch Chief for Policy
20 Development and Procedures at the Department of Labor
21 to discuss our request.

22 She indicates that the Federal Contract
23 Compliance Manual is undergoing a major review and is
24 concerned that there could be some confusion in
25 referring back to it. She is still in the midst of

1 new activities relating to the stimulus money, such as
2 hiring new staff, formulating procedures to oversee
3 contractors, and intends to contact us within a week
4 or two to start discussions about transmitting
5 documents responsive to the Commission requests.

6 The Department of Education initiated
7 treated our correspondence as a FOIA request, but
8 pursuant to a communication with a senior Office of
9 Civil Rights official at the Department, they are now
10 treating our correspondence as a request for
11 interagency cooperation pursuant to the Commission's
12 independent statutory authority.

13 We expect to receive the name of the
14 appropriate contact person by today or early next
15 week, and we are also expecting an update very soon on
16 the status of our request from the Department of
17 Education. The Acting Chairman of the Equal
18 Employment Opportunity Commission is reviewing a draft
19 response that the Commission staff has prepared to
20 this Commission's request, and which they expect to
21 send to USCCR within the next week. And that is my
22 update at the moment.

23 COMMISSIONER GAZIANO: Do you mind if -- I
24 have a question about, first, the DOJ one. How was
25 the concern about giving us the documents responsive

1 to number 4 communicated to us? Was that in a letter
2 or on the phone?

3 STAFF DIRECTOR DANNENFELSER: That was in
4 the letter that we received from Loretta King. That
5 was articulated in that letter.

6 COMMISSIONER GAZIANO: Would you circulate
7 that to all of us?

8 STAFF DIRECTOR DANNENFELSER: Sure. I
9 would be happy to do that.

10 COMMISSIONER GAZIANO: Do you remember if
11 there was much of a discussion, an explanation of
12 that? I might accept some of it, or I might ask for
13 an accommodation. There may be a way that she can
14 satisfy our request and satisfy her own concern, so I
15 want to make sure I understand her concerns. And I do
16 not want to automatically accede to her view on that.

17 So do you remember if it had much of an
18 explanation?

19 STAFF DIRECTOR DANNENFELSER: I don't
20 recall the degree of collaboration, but I will send a
21 copy of the letter to all Commissioners.

22 COMMISSIONER GAZIANO: If it doesn't --
23 I'm just telling you, if it doesn't have much of an
24 explanation, if it is just -- then I would like you to
25 follow up with a request for a more detailed

1 explanation of how this compromises, how we could
2 possibly accommodate her concerns and still get
3 relevant information that we need with possible
4 redactions. I mean, that is the next step on that.

5 Is that --

6 STAFF DIRECTOR DANNENFELSER: Well, I will
7 send that out to Commissioners, and I will communicate
8 -- after you and others have received it, I would like
9 to communicate with you as to how you believe that
10 followup communication should be articulated.

11 COMMISSIONER GAZIANO: Yes, but it sounds
12 -- my guess is from what it sounds like is that she
13 hasn't really given any -- any explanation or defense
14 of this concern, and so I would like to -- that at
15 least at a minimum is the next step. And what are
16 your thoughts about following up with these other
17 agencies that are still dragging their feet?

18 STAFF DIRECTOR DANNENFELSER: Well, we are
19 following up with them. Like I say, with the
20 Department of Labor we do expect to hear from them
21 about how they can transmit these. And hopefully in
22 less than two weeks, hopefully, you know, without
23 about a week from them, and we have not gotten the
24 name yet from the Department of Education, but we do
25 expect to hear that.

1 The EEOC has been a longer process in
2 terms of now we have just heard that they are in the
3 process of drafting a response, so that is the one
4 that is furthest behind if you will in providing a
5 response to us. But we will take a look at their
6 response and see what kind of followup is appropriate
7 there.

8 COMMISSIONER GAZIANO: And so at Education
9 they are going to give us a name of a person, and then
10 what is the next -- what have they said would follow
11 from that? Did they indicate that they are then going
12 to comply? Or did they say that, "Well, we are just
13 going to name the person who is going to fight with
14 you?"

15 STAFF DIRECTOR DANNENFELSER: No. I mean,
16 the initial -- the initial misunderstanding, if you
17 will, was that they treated it as a FOIA request.

18 COMMISSIONER GAZIANO: Right.

19 STAFF DIRECTOR DANNENFELSER: And we went
20 back to them and pointed out that we are another
21 federal agency and would view this as a cooperative --

22 COMMISSIONER GAZIANO: Right.

23 STAFF DIRECTOR DANNENFELSER: -- effort on
24 the part of two federal agencies. So they have since
25 acknowledged that point. And we have the name, we did

1 make contact with one person there, but apparently
2 there is another person. We have subsequently gotten
3 another name that we have been told will identify the
4 contact for us, so I can't --

5 COMMISSIONER GAZIANO: But did they say
6 anything more than they will -- okay. Obviously, it
7 seems like there is going to have to be some more --
8 you know, our position has to be, okay, you know, you
9 name the person who is going to do the work, but we
10 need to know when it is going to start coming.

11 STAFF DIRECTOR DANNENFELSER: Right. We
12 will follow up with them and try to get --

13 COMMISSIONER GAZIANO: Okay. Thank you.

14 STAFF DIRECTOR DANNENFELSER: -- that
15 moving.

16 CHAIRMAN REYNOLDS: Commissioner Heriot?
17 Did I miss --

18 COMMISSIONER HERIOT: No, it's just --
19 what month did we originally vote on this?

20 STAFF DIRECTOR DANNENFELSER: I don't
21 remember the exact --

22 COMMISSIONER HERIOT: Was it February or
23 March? I mean, it just seems like it was quite a
24 while ago. Why has this taken so long?

25 STAFF DIRECTOR DANNENFELSER: We have not

1 heard back. We have gotten responses, and,
2 unfortunately --

3 COMMISSIONER HERIOT: When did we send the
4 letters? I mean, I am -- are we dealing with lack of
5 cooperation here, or is it -- you know, what is going
6 on? How should I interpret the EEOC -- when did they
7 get their letter requesting this?

8 STAFF DIRECTOR DANNENFELSER: Well, they
9 got the letter at the same time as the other agencies.
10 They all went out together. I have to check the
11 dates. I don't remember the exact dates off hand, but
12 we --

13 COMMISSIONER HERIOT: Can the General
14 Counsel help out here?

15 MR. BLACKWOOD: I don't know the dates.
16 We can find out for you.

17 COMMISSIONER HERIOT: Can we find out? I
18 am concerned about whether we are dealing with lack of
19 cooperation or whether we just haven't pursued this
20 diligently.

21 CHAIRMAN REYNOLDS: So what you are
22 looking at is a timeline?

23 COMMISSIONER HERIOT: Yes, a timeline.
24 When did we vote on this? When was the letter sent
25 out? When did we first follow up with a phone call?

1 Because this is taking really a remarkably long period
2 of time.

3 CHAIRMAN REYNOLDS: Would it be acceptable
4 to you if he just distributed an e-mail containing
5 this type of information?

6 COMMISSIONER HERIOT: Sure, as long as we
7 do so promptly.

8 CHAIRMAN REYNOLDS: Okay. Okay. Next up,
9 at the June 12th meeting, Commissioners approved a
10 motion brought by Commissioner Melendez that the Staff
11 Director be directed to prepare possible topics and
12 cost estimates for a new public education project and
13 a new public service announcement that would be
14 presented to Commissioners within two months.

15 The Staff Director sent Commissioners a
16 document with possible public service announcement
17 ideas, along with cost estimates, on August 3rd.
18 Questions? Comments? Commissioner Melendez?

19 COMMISSIONER MELENDEZ: Okay. Could he go
20 over those, as to what he is recommending?

21 STAFF DIRECTOR DANNENFELSER: Well, the --
22 what was distributed to Commissioners was a memo I
23 received from the Associate Deputy Staff Director, who
24 had explored different options and looked into the
25 costs and logistics of how this would be done.

1 And there were some examples, really just
2 some examples of what -- the kind of things that we
3 might pursue, mentioning an agency publication about
4 knowing your rights, that we might develop a PSA that
5 would build upon that particular publication, or
6 looking into the complaint system that we have at the
7 Department, trying to help people know how they might
8 file a complaint if they have a civil rights
9 complaint.

10 I think largely this was an example of how
11 this whole process would develop, but we would want to
12 really receive Commissioner input on the particular
13 topic that we would like to pursue. Those were just a
14 couple of examples of topics, and, again, there were
15 some proposals put forward in terms of budget options
16 that are available, that potentially would be
17 available, but we did want to receive more important
18 from Commissioners on a particular topic, since this
19 would be something that we believe would be of
20 particular interest to the Commissioners.

21 COMMISSIONER MELENDEZ: Just a question.
22 How much money do we have available to do anything as
23 far as the 2009 budget?

24 STAFF DIRECTOR DANNENFELSER: We had
25 tentatively set aside \$40,000 from the surplus for

1 this particular project that could potentially be
2 devoted to that. So I think that we would be able to
3 -- now, these -- some of the options here -- both of
4 the options here are less than that amount, but we
5 just, for budgeting purposes with respect to the
6 surplus, we have identified \$40,000 that could
7 potentially be available.

8 CHAIRMAN REYNOLDS: Commissioner Gaziano?

9 COMMISSIONER GAZIANO: I appreciate the
10 research and advice of the Associate Deputy Staff
11 Director Carr. And if our budget were what it should
12 be, we probably should do all of this with the
13 assistance of, you know, multiple media experts.

14 I just want to suggest that while I think
15 some of the guidelines or her recommendations seem to
16 suggest we need to do it in a particular way, aren't
17 necessarily what we -- we could truncate and skip some
18 of these. I think, for example, we can identify the
19 purpose, concept, and message of the PSAs without
20 necessarily employing a professional.

21 So I am glad to get the budget estimate of
22 what it would cost. And by the way, I am -- maybe I
23 didn't read it clearly enough. What I am also a
24 little confused about is this per PSA message costs or
25 -- I was a little unclear on that. So, but I think

1 that this is sort of the upper range of what we might
2 need to spend, and I think some of it we could
3 economize on.

4 CHAIRMAN REYNOLDS: Commissioner Heriot?

5 COMMISSIONER HERIOT: I think that the
6 memo correctly identifies steps that we have to take.

7 You know, we have got to decide what the purpose,
8 concept, and the message is going to be, who is our
9 target audience, you know, all of this makes good
10 sense. And that at this point, you know, we just have
11 to start coming up with some ideas.

12 And I think that, you know, when we are
13 talking about the purpose of the message, and, you
14 know, who our target audience is, where we have to
15 start first is these are policy questions for us. A
16 media consultant can't tell us what our message is.
17 So if we need a media consultant, we need them, you
18 know, a little bit further down. And we have to start
19 coming up with the ideas here, you know, some nice
20 ideas for quick bullet points that can be made that
21 would be useful to a radio audience.

22 And I think we ought to ask all members of
23 the staff, all Commissioners, all special assistants,
24 to come up with what -- the basic ideas that they
25 think might be a good idea, and we will see what

1 floats. You know, we now have a document that will
2 help us go through the steps. Now we have to come up
3 with a good message, and that is a policy matter for
4 policymakers.

5 And I think we should accept input from
6 all staff members, all Commissioners, all special
7 assistants, and see if we come up with something. But
8 I don't think it is time to hire a media consultant.
9 I think that if we do that, it should be way down the
10 line. First we have to come up with an idea of what
11 our message is, and, you know, maybe it will have to
12 be honed by a media consultant, maybe it won't be.

13 As I have said, I have done an awful lot
14 of public service announcements, not on civil rights
15 issues, but on issues of constitutional law. And I
16 got pretty good at coming up with these. You know,
17 you can't load a lot of the 60 seconds, but you can,
18 you know, go for one little tiny message. And it's
19 fun to do, and I think we can come up with some
20 messages that we can get behind.

21 CHAIRMAN REYNOLDS: Okay.

22 COMMISSIONER MELENDEZ: Just a comment. I
23 think the last one we did was anti-semitism of public
24 relations.

25 STAFF DIRECTOR DANNENFELSER: I believe

1 that's correct.

2 COMMISSIONER MELENDEZ: But I would like
3 to see it narrow into what is happening today, you
4 know, the idea of aging, the issue that we talked
5 about, if there is something we could along those
6 lines as far as a public -- you know, formulating
7 something. I am kind of looking at some timeframes,
8 because if we pick a statutory report for 2010, and we
9 don't pick some of the other ones, then I would like
10 to see us be able to quickly try to throw in some
11 ideas to you.

12 But I would like to open within -- by the
13 next business meeting to kind of in some way start
14 throwing ideas to -- you know, from the Commissioners
15 to, you know, include the Staff Director, so that he
16 can kind of formulate, in some way pick those at some
17 point.

18 COMMISSIONER HERIOT: I just wanted to add
19 one little point, and that is college newspapers are
20 also a good spot for quick little statements. You
21 know, sometimes a public service announcement can be
22 trolling for input from college students on an issue
23 as well.

24 CHAIRMAN REYNOLDS: Well, I think we've
25 had a lot of good suggestions, but in terms of

1 organizing these ideas and putting them in a shape
2 that we can actually, you know, get ready to consider,
3 Marty, I guess this will fall on your shoulders to
4 take over the comments and recommendations and to
5 fashion them into something that we can consider.

6 COMMISSIONER MELENDEZ: So I guess it
7 depends on what you want to do. If you think you have
8 the time and the staff to do it, or otherwise you want
9 to hire some consultant at low cost or something like
10 this and come back to us.

11 COMMISSIONER HERIOT: I don't favor that.

12 COMMISSIONER MELENDEZ: Because somebody
13 has to --

14 COMMISSIONER HERIOT: Yes.

15 STAFF DIRECTOR DANNENFELSER: Well, I
16 think what --

17 COMMISSIONER HERIOT: This is policy at
18 this point. Before we hire a media consultant, we
19 need to be thinking about what our message is. A
20 media consultant can't tell you what your message is.

21 COMMISSIONER GAZIANO: Also, are we going
22 to do three? Are we going to do six different
23 messages? Are we going to concentrate on three this
24 year, three next year? Is Jerry going to be the
25 voice? Is Ashley? Are you? No, that we don't need

1 to do. But those sort of basic questions as far as
2 whether we really want to just focus on one issue,
3 whether we want to do every four months have a
4 different one, whatever.

5 STAFF DIRECTOR DANNENFELSER: Well, I
6 think we other thing, we need to find some topics
7 that, as Commissioner Heriot pointed out, I think the
8 key is to come to an agreement on what would be the
9 topic that the Commission would want to, you know, use
10 the announcement for.

11 And I think that is something where I
12 would like to send an e-mail out to the staff and to
13 the Commissioners and assistants and invite
14 suggestions on this.

15 COMMISSIONER MELENDEZ: Okay. Let's just
16 start working on that, then.

17 CHAIRMAN REYNOLDS: Okay.

18 STAFF DIRECTOR DANNENFELSER: And then,
19 try to get those before the next meeting, and perhaps
20 we can have some follow up --

21 CHAIRMAN REYNOLDS: Okay.

22 STAFF DIRECTOR DANNENFELSER: -- at the
23 next meeting.

24 CHAIRMAN REYNOLDS: Okay. Two issues
25 left. The Akaka letter, who owns that issue?

1 COMMISSIONER HERIOT: Oh, the Akaka
2 letter. I move --

3 CHAIRMAN REYNOLDS: Is there a draft?
4 (Laughter.)

5 COMMISSIONER HERIOT: Okay. Noted and
6 logged.

7 (Laughter.)

8 COMMISSIONER YAKI: I'm opposed.

9 COMMISSIONER HERIOT: Okay. The Native
10 Hawaiian Government Reorganization Act is receiving a
11 lot of attention now in both Houses of Congress. In
12 June, there was a hearing before the House Natural
13 Resource Committee, which both Commissioner Yaki and I
14 attended and testified for. There was a hearing
15 yesterday on the Senate side.

16 This may be fast-tracked, so I move that
17 we send a letter to Congress, to Congressional
18 leadership, in fact to all members of Congress, both
19 Houses, that states that the Commission is on the
20 record in opposition to this bill, and briefly states
21 the reasons for our opposition.

22 And I move that that letter be drafted as
23 soon as possible after this meeting. But if we adopt
24 in principle that letter now, that those members who
25 voted yes, or who would want to change their vote to

1 yes after this vote, be able to sign that letter and
2 get it out in the next few weeks.

3 COMMISSIONER GAZIANO: Can I rephrase just
4 part of that?

5 COMMISSIONER HERIOT: Sure.

6 COMMISSIONER GAZIANO: That we vote to
7 send an official Commission letter, if the letter you
8 draft receives a majority of the Commissioners signing
9 on.

10 COMMISSIONER HERIOT: Yes, that works. We
11 send it if we can get a majority of members to sign on
12 to it.

13 COMMISSIONER GAZIANO: So no one needs to
14 commit to --

15 COMMISSIONER HERIOT: Yes. You don't need
16 to commit to signing it.

17 COMMISSIONER GAZIANO: We are committing
18 to a process.

19 COMMISSIONER HERIOT: Yes. That makes
20 sense.

21 COMMISSIONER YAKI: I am committing to
22 opposing it, just, you know, so you know that.

23 COMMISSIONER HERIOT: That's okay.

24 COMMISSIONER TAYLOR: Second.

25 COMMISSIONER MELENDEZ: Second.

1 COMMISSIONER KIRSANOW: Question.

2 CHAIRMAN REYNOLDS: Yes.

3 COMMISSIONER KIRSANOW: Commissioner
4 Heriot, do you know if -- I am not sure exactly what
5 the current status is after the June hearing. What is
6 the status of the bill right now? Has there been any
7 further movement, any markups, any conferences with --

8 COMMISSIONER HERIOT: All I know is the
9 Senate has held a hearing and -- yesterday, and my
10 fear is we won't get our act together in time if we
11 wait for the September meeting. And so it is better
12 to send a letter now.

13 And, again, by voting yes you are not
14 committing to sign the letter. And if we don't get a
15 majority of members to sign the letter, there won't be
16 a letter.

17 CHAIRMAN REYNOLDS: Okay. So --

18 COMMISSIONER HERIOT: There won't be an
19 official Commission letter. Individual Commissioners
20 could still -- could still send a letter if they
21 wanted to.

22 CHAIRMAN REYNOLDS: Commissioner Yaki, do
23 you want to take the lead in drafting the letter?

24 COMMISSIONER YAKI: Sure.

25 (Laughter.)

1 COMMISSIONER GAZIANO: You can propose
2 one, and Commissioner Heriot will propose one.

3 COMMISSIONER HERIOT: Actually, under the
4 motion, I think you would be within your rights to
5 propose a letter, which if you then got a majority on,
6 that would be the official letter.

7 CHAIRMAN REYNOLDS: That is all
8 theoretically true and --

9 COMMISSIONER HERIOT: All of us see that.

10 COMMISSIONER YAKI: And particle physics
11 is readily understandable by all of us. Yes, sure.

12 CHAIRMAN REYNOLDS: The testimony -- I
13 assume that you folks have written remarks that you
14 presented at that hearing.

15 COMMISSIONER YAKI: Mine basically started
16 off with I don't like Jerry Reynolds, and I don't
17 trust anything that -- no.

18 CHAIRMAN REYNOLDS: Well, I think that we
19 need to -- how do you feel about putting your written
20 comments --

21 COMMISSIONER YAKI: I can submit them,
22 yes.

23 COMMISSIONER HERIOT: I think I did, but
24 maybe I didn't. I don't know.

25 VICE CHAIR THERNSTROM: No, I have not

1 seen yours. I would like to see them.

2 COMMISSIONER HERIOT: Okay. Then, let's
3 put them up. Hate crimes testimony, too.

4 CHAIRMAN REYNOLDS: Okay. Okay. We are
5 voting for --

6 COMMISSIONER YAKI: I didn't mean to say I
7 would put them up. I have written remarks that I can
8 give to you. That's all I meant to say.

9 VICE CHAIR THERNSTROM: Well, I would like
10 to see them.

11 COMMISSIONER YAKI: Sure.

12 STAFF DIRECTOR DANNENFELSER: Do we need a
13 vote to do that, or --

14 COMMISSIONER YAKI: I think, actually, we
15 do. Under the old AIs, if we put up -- to put on the
16 website, I think we should.

17 CHAIRMAN REYNOLDS: Okay.

18 COMMISSIONER TAYLOR: Let's vote on the
19 first motion first, though.

20 CHAIRMAN REYNOLDS: Okay. Yes.

21 COMMISSIONER HERIOT: Whether to send the
22 letter as the motion --

23 CHAIRMAN REYNOLDS: The Akaka letter,
24 the --

25 COMMISSIONER YAKI: Can I vote no first --

1 PARTICIPANT: I'm sure you will.

2 COMMISSIONER YAKI: -- just to get it out
3 of the way?

4 CHAIRMAN REYNOLDS: Okay. All in favor
5 please say aye.

6 (Chorus of ayes.)

7 COMMISSIONER HERIOT: Did you get a
8 second?

9 CHAIRMAN REYNOLDS: Don't we have a second
10 already?

11 COMMISSIONER GAZIANO: We do. I seconded
12 it with my rephrasing.

13 CHAIRMAN REYNOLDS: Okay. All in favor
14 please say aye.

15 (Chorus of ayes.)

16 Commissioner Melendez, how do you vote?

17 COMMISSIONER MELENDEZ: No.

18 COMMISSIONER TAYLOR: Aye.

19 COMMISSIONER YAKI: No.

20 (Laughter.)

21 CHAIRMAN REYNOLDS: Okay. We have three
22 nos. Commissioners Melendez and Yaki voted against
23 the motion. The remaining Commissioners voted for it.
24 The vote -- the motion, rather, passes.

25 Next up, I move that the testimony, the

1 written testimonies -- the written remarks provided by
2 Commissioners Heriot and Yaki be posted to the
3 website. Is there a second?

4 STAFF DIRECTOR DANNENFELSER: This is on
5 the Akaka.

6 CHAIRMAN REYNOLDS: Right.

7 COMMISSIONER KIRSANOW: Second.

8 STAFF DIRECTOR DANNENFELSER: Was there
9 also a hate crime --

10 COMMISSIONER HERIOT: And the hate crimes.
11 Why not hate crimes, too?

12 COMMISSIONER KIRSANOW: Let's do them all.

13 VICE CHAIR THERNSTROM: Sure. I second
14 that.

15 CHAIRMAN REYNOLDS: Okay.

16 COMMISSIONER KIRSANOW: A friendly
17 amendment that we also include Commissioner Heriot's
18 testimony with respect to hate crimes in that motion.

19 CHAIRMAN REYNOLDS: That's okay?

20 COMMISSIONER HERIOT: Yes, that's fine
21 with me.

22 CHAIRMAN REYNOLDS: Okay. Discussion?

23 (No response.)

24 All in favor please say aye.

25 (Chorus of ayes.)

1 Objections?

2 (No response.)

3 Abstentions?

4 (No response.)

5 The motion passes.

6 VI. ADJOURN

7 CHAIRMAN REYNOLDS: Last issue is a
8 personnel matter. We have to go into closed session.

9 Okay. Here is the magic language. The
10 item that we are about to discuss -- well, okay. I
11 move to amend the agenda to add a personnel matter.
12 Is there a second?

13 COMMISSIONER HERIOT: Second.

14 CHAIRMAN REYNOLDS: Discussion?

15 (No response.)

16 Thank you.

17 All in favor please say aye.

18 (Chorus of ayes.)

19 Any objections?

20 (No response.)

21 Any abstentions?

22 (No response.)

23 Very good.

24 The following item on the agenda is a
25 closed portion of the meeting pursuant to the

1 Commission's regulations implementing the Sunshine
2 Act. General Counsel and Solicitor, please certify
3 that the meeting can be closed pursuant to the --
4 pursuant to Commission regulations.

5 MR. BLACKWOOD: We both so certify.

6 MS. MONROIG: We certify, yes.

7 CHAIRMAN REYNOLDS: Okay. So I move that
8 the --

9 COMMISSIONER GAZIANO: Who can stay, and
10 who cannot?

11 CHAIRMAN REYNOLDS: I move to close the
12 meeting pursuant to exemptions 2, 6, and 10, of the
13 closed meeting procedures for Commission meetings,
14 and, furthermore, to authorize the Staff Director to
15 place any location accessible to the public within one
16 working day the public -- one business day, the public
17 vote to close the meeting, an explanation of the
18 decision to close the meeting, and a list of all
19 persons attending the meeting. Is there a second?

20 VICE CHAIR THERNSTROM: Second.

21 CHAIRMAN REYNOLDS: All in favor please
22 say aye.

23 (Chorus of ayes.)

24 Any abstentions?

25 (No response.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Any objections?

(No response.)

Okay.

(Whereupon, at 12:50 p.m., the open session portion of
the meeting was concluded.)

A				
abandoned 80:22	accessible 183:15	additional 12:5	advice 169:10	152:14
ABIGAIL 1:13	accommodate	44:20 52:11 96:17	advise 19:21	AI 95:3
ability 84:13	19:15 26:11 110:8	101:1 108:6 116:2	Advisory 19:2,4	air 39:2 146:24
able 28:16 29:14	163:2	116:13 127:17	20:19	AIs 80:7 179:15
30:23 34:15 38:6	accommodation	136:24 139:1	advocate 89:21	Akaka 6:5,5 8:23
38:8 46:9 62:23	41:22 42:1,2	140:9 141:12	affect 5:3 116:4	174:25 175:1
62:24 67:7 79:23	162:13	address 61:17	122:25 133:17	179:23 181:5
85:6 97:21 103:10	accomplish 114:12	71:21 141:13	affirmative 67:25	Alec 2:5 136:13
104:15,16 116:15	147:1	addressed 36:15	afternoon 60:11	ALISON 2:7
141:25 169:2	accomplishments	44:22 52:7 71:18	age 91:14,16,21,25	ALJ 52:6
172:10 176:1	62:2	72:17,21	92:18 93:23	allow 49:21 53:2
abridgement 17:13	account 80:14	addressing 102:17	agencies 5:15 61:15	87:25 121:13,18
absent 153:19	102:2	adequate 62:17	61:21 62:1,14,20	128:2 140:13
absolutely 20:10,13	accumulation	75:9,18 81:7,8	63:4 93:2,7 120:5	allowed 25:15
21:24 22:2,14	145:13	88:3 132:7 139:13	127:19 134:6	alternative 22:9
54:19 76:16 77:21	accurate 18:10	140:2	160:3 163:17	116:24 119:17
155:6	101:17 105:24	adequately 95:4,11	164:24 166:9	153:11
abstain 14:2,4	129:25 130:2	146:11,16	agency 59:11	alternatives 113:2
16:16,17 52:20,21	accurately 18:9	Adjourn 3:8 182:6	112:19 119:14	113:7 114:8
131:23 132:3	48:3	adjust 5:23 38:18	121:1,21 164:21	116:12 127:13,15
135:25 149:2,16	acknowledged	97:19	168:3	alumna 67:23
153:25 154:17	164:25	adjusted 128:20	agenda 3:3 4:17,19	alumnus 67:23
abstained 14:22,22	act 15:16 17:2,4,5	adjustments 5:1	4:19,20 5:3,5 6:15	ambush 84:9
15:2,8 50:3 151:4	17:12,21 18:23	administration	7:5,25 8:2,17 23:5	amend 6:9 7:5,16
157:7	47:16 101:23	62:19	23:19 24:16 31:3	8:25 10:14 13:3
abstainer 14:23	175:10 177:10	administrations	31:7,19,21 48:5	14:16 45:18
abstaining 14:19	183:2	61:25	80:25 81:1,25	182:11
131:18 159:10	Acting 32:10	Administrative	84:17 148:5	amended 9:20
abstention 136:2	161:17	95:10	182:11,24	15:18 16:2,14
149:20 157:16	action 65:16 68:1	admissions 55:10	agendized 144:14	128:9 129:3
abstentions 10:18	actions 23:21 54:10	56:3 67:24 68:1,2	aging 172:4	amendment 4:23
14:7 16:4,20,22	65:10	68:5	ago 25:21 64:14	7:17,21 8:25
52:19 53:1 57:21	activities 5:16 93:3	admit 77:3 89:12	87:6 128:18 147:8	13:20 14:11 15:21
133:3 148:22,24	93:7 160:4 161:1	adopt 36:24 46:2	165:24	16:12,12,15 17:8
149:1,25 159:9,12	activity 88:23,23	63:22 94:20 97:7	agree 11:24 22:5	18:2,15 45:24
159:14 182:3,21	89:14 93:14,16	98:5,9 120:2,6,11	60:20 61:5 73:14	49:25 58:1 82:1,3
183:24	ad 29:8	128:1 175:23	79:11 81:6 90:19	181:17
academic 140:19	adapted 64:7	adopted 88:5 102:6	108:19 116:5	amendments 4:22
academics 55:23	Adarand 151:21	107:16,25 108:1,2	121:9,17 130:2	23:20 49:23
accede 162:16	152:10,16,21	128:8,15	147:11 154:10,12	AMERICA 1:1
accept 70:16	153:3,15,22	adopting 112:22	agreed 53:19	American 129:13
162:12 171:5	add 7:25 8:19	advance 84:24	Agreeing 21:20	130:4 158:14,20
acceptable 167:3	23:23 50:2 102:18	advancing 84:19	agreement 174:8	Americans 91:14
accepted 58:1	133:11 172:18	advantage 154:21	agrees 28:12 83:9	129:21,23 158:24
108:2 142:4	182:11	advantages 24:6	ahead 24:12 29:10	amount 80:10 85:8
access 25:25 154:6	adding 108:5	71:3	29:18 76:3 79:13	87:6 106:20,22
	addition 28:5 65:10	advent 92:19	83:20 137:3	108:14,17,18

121:13 169:4 analysis 61:18 76:21 153:1 analyze 54:10 61:22 77:24 analyzed 152:17 angles 20:7 animosity 87:14 89:3 anniversary 17:3 18:1 announcement 5:18 167:13,16 172:21 174:10 announcements 3:5 8:16 15:16 16:25 17:2 171:14 annual 38:1 61:23 answer 48:18,18 65:14 71:12 112:17 answered 77:17 145:8 answers 51:7 69:4 73:4 anticipates 19:1 32:11 anti-discriminati... 17:10 anti-semitism 87:8 171:23 anyway 11:12 51:1 86:5 100:3 109:19 133:24 151:20 apparently 46:14 46:18 56:15 61:4 140:14 165:1 appearance 120:3 appears 141:23 applied 17:12 51:12 128:10 applies 56:14 80:2 80:24 apply 80:6 applying 80:3 appointees 77:10 appointment 17:21	110:25 appointments 111:2 appreciate 90:12 90:21 92:14 132:3 139:3 143:5 169:9 approach 78:13,24 81:9 112:13 120:2 appropriate 47:18 153:17 161:14 164:6 approval 3:3,4 4:17 4:19 5:3,10,12 12:19,22 17:17 22:15,17 94:7 approve 4:20 12:23 15:17,18,21,24 45:12,22 49:14 94:10 134:15 approved 16:9,11 16:12 64:3 76:5 76:11 108:7 167:9 April 67:4 arbitrary 102:1,4 areas 89:15 156:4 arguably 65:18 argue 68:2 argument 32:22 78:25 83:25 103:2 112:11 Arlan 1:15 99:3 arrive 94:5 article 140:3 articulated 162:5 163:10 articulation 153:7 arts 55:9 Ashley 1:16 99:1 173:25 Ashley's 158:13 Asian 89:4 aside 168:25 asked 50:18 55:7 95:9 140:12 145:7 asking 6:14 32:4 105:1 106:3,7,8 106:21,25 114:3,7	114:8,9 129:17 146:25 asks 11:22 assess 61:16 93:6 138:2 assessment 93:13 93:17 assigned 73:22 assistance 169:13 assistant 1:24 79:24 130:17 assistants 2:4 170:23 171:7 174:13 Associate 1:22 167:23 169:10 assume 36:8 97:14 124:24 133:8 178:13 assumed 107:15 108:9 125:5 assuming 65:22 76:15 97:17,19 128:22 135:19 assumption 61:1,3 104:9 158:9 attach 100:22 attachment 103:11 attainable 62:13 attempted 139:4 attend 144:6,20 attended 175:14 attendees 137:19 attending 55:12 183:19 attention 73:9,10 102:7 130:18 175:11 Attorney 17:18,22 60:23 attract 57:9 audience 51:2 170:9,14,21 AUDREY 2:2 August 1:6 4:11 17:3 18:1 19:15 20:4 25:23 26:13	26:15 29:22 33:16 35:2 36:14 44:21 49:14 54:5 94:13 94:16 97:3 107:3 118:10,10 125:25 160:17 167:17 authority 161:12 authorize 183:14 authorized 17:21 137:24 138:1,1 authorizes 70:22 automatically 162:16 availability 138:2 available 19:22 32:12,14 33:16,19 47:10 80:5,5,10 83:21 84:16 85:7 91:16 103:9 168:16,17,22 169:7 average 111:10 avoid 66:9 aware 59:3 113:3 awful 171:13 aye 10:16 12:10,15 13:24 14:6 16:2 16:18,21 52:15,24 53:12 124:8 126:12,19,22 131:1 133:1 135:22 159:5 180:5,14,18 181:24 182:17 183:22 eyes 10:17 12:11 13:25 16:3 52:16 126:13 131:2 133:2 135:23 159:6 180:6,15 181:25 182:18 183:23 a.m 1:10 4:2,10 19:17 A1 95:10	B 94:21,22 97:15 98:9 116:4 122:25 134:14 149:14,15 babyboomer 92:20 back 16:10 38:4,21 39:22 41:13 48:24 57:5 79:15 112:15 129:2 133:12 135:19 136:6,9,15 140:5 146:21,25 147:12 148:5 160:25 164:20 166:1 173:10 backed 82:22 backup 127:4 backward 105:15 backwards 79:6 87:16 bad 81:3,4 balanced 55:10 balancing 101:23 based 13:17 56:15 61:21 62:11 95:9 139:11 147:15,15 basic 36:7 170:24 174:1 basically 18:15 95:3 129:18 142:17 178:15 basis 29:8 56:3 63:11 91:14 battleship 66:11,19 75:4 Bear 97:1 bearing 59:18 66:15 beef 155:12 began 74:24 96:19 beginning 143:12 144:13 begun 69:15 70:17 71:6 believe 25:12 26:3 47:17,20 51:15,19 51:21 55:21 58:25 62:8 68:14 77:10 79:16 82:8 85:5
--	---	---	--	--

99:16 103:3 115:9 130:18 143:12,14 143:24,24 144:9 150:18 163:9 168:19 171:25 benefit 82:16 140:5 benefits 18:22 best 22:13 26:10 45:9 103:2 114:25 119:22 123:12 131:22 144:21 better 37:22,23 38:15 44:8 81:6 81:10 105:25 113:10 135:5 177:11 beyond 39:3 59:2 107:16 152:10,17 bifurcated 100:19 big 43:19 66:10 biggest 66:5 bill 5:21 6:5,5 13:13 44:25 48:16 142:9 175:20 177:6 binders 54:3 bipartisan 134:19 143:13 144:2,5 147:12 bit 71:5 89:4 93:1 96:11 152:20 155:12 170:18 Black 5:9 63:10,10 64:5,12 65:7,16 69:15 73:11 74:8 75:19 78:23 80:12 blacks 17:9,16 Blackwood 1:20 73:19 74:14 99:7 99:13,22 100:4,9 101:2,8,12,17 102:8,11 103:1 104:18 105:13,23 107:21,23 112:17 113:3,7,15,20,25 114:4,15,24 130:1 130:1,7,16,21	166:15 183:5 blanket 21:8 blossoming 87:15 body 79:3 87:22 book 26:13 booming 76:3 boots 78:18 border 146:13 bother 32:21 bothered 109:22 bothering 24:20 box 59:21 Branch 160:19 branch's 61:16 brief 142:12 briefing 19:12 27:15 28:5 45:8 57:7 73:1,25 79:12 82:9 86:23 90:2 108:1 briefings 27:25 28:3,9 briefly 53:23 129:10 175:20 bringing 81:20 broad 53:22 88:19 broaden 91:20,23 138:19 brought 130:17 152:7 167:10 budget 22:12 137:17 140:13 145:9 146:15,20 147:17 168:15,23 169:11,21 budgetary 141:16 budgeting 169:5 budget-wise 147:21 build 168:5 buildings 111:18 bullet 170:20 bunch 149:25 burgeoning 88:15 burning 38:1 Bush 61:24 business 19:6,12 27:11,12,15,16,21	28:5 29:4,5,16 33:3 38:25 40:10 59:8 70:1 84:23 85:1,13 137:11 142:18 172:13 183:16 businesses 151:24 152:1 BUTLER 1:20 button 60:17 61:7 BYRNES 1:21 <hr/> C <hr/> caboose 106:18 calendar 19:10,20 19:25 35:9 calendars 19:21 call 12:8 27:14 34:15 66:2 67:16 67:17 77:7,9 123:19 132:10 138:8,10 139:18 166:25 called 126:7 133:1 151:18 153:12 calling 132:23 calmly 51:23 campus 88:24 campuses 75:6 87:9,12,15 cancel 23:5,7,9 25:7 29:15 36:11 36:11 canceled 24:15 29:3 138:8 cannot/will 144:6 144:20,21 capable 62:20 63:4 capacity 61:17 62:1 capture 61:22 care 5:7 6:2,24 26:4 30:5,11 32:2 44:25 45:8,10 48:15 50:11 53:8 55:17 62:3 75:5 85:3,4 101:11 136:7,9,22 151:12	154:20 158:13 careful 64:4 carefully 51:23 69:1 120:3 Carol 142:8 Carr 1:22 169:11 carries 14:9 case 29:6,18 51:6 51:12,16 54:8,11 61:4 63:11 75:20 77:1,18 78:14 116:9 125:19 cases 13:14 51:11 76:14 77:20 78:25 92:19,21 cast 94:5 151:21 catch 22:14 Catholic 56:24,25 caught 25:13 cause 84:19 141:16 caused 154:6 caution 129:21 cautioning 13:11 CD 110:13 CDs 110:19 cell 25:25 cents 147:7 Century 137:10 certain 55:8 59:24 59:25 60:2 87:22 89:14,15 112:14 135:13 151:24 156:7 certainly 23:15 51:14 56:16 71:22 71:23 73:5 75:10 84:24 85:11 87:9 88:3 89:23 97:20 120:24 130:7,23 143:5,6 certainty 68:8 certify 183:2,5,6 chair 5:24 6:17 7:13 8:3,7 9:8 10:22,23 11:2 12:2,14,15 13:2 15:22 16:20,21	18:6,8,13 20:5,20 20:23 21:10 23:7 23:14,17 24:17,19 25:3,8 31:6,10 32:19,20 33:20 34:13,21,24 35:5 35:8,23 36:3 37:2 37:19 38:5 39:16 39:20 40:11,24 41:2,4 42:12,15 43:16,23 44:5 47:4 48:7 49:7 52:22,23 53:5,10 54:2,16,18,25 55:3 57:13 68:10 68:12,22 69:8 71:8 72:3,7,16 78:2 79:7,9,22,25 81:18,23 82:4,18 83:18,22 84:6 86:9,15,21 87:21 90:1 93:22 94:25 109:15,16 110:1 117:4,9,17,23 118:5 120:13 122:20 123:13,25 124:10 125:7,11 126:6,10,17 127:7 132:10,15,20,23 133:11,22,23 134:2,20,24 135:16 138:22 140:18,20,23 141:2,6 143:1,4 143:21 149:18 150:1,5,11,18 151:6,8 155:4 157:7 159:10,20 159:24 178:25 179:9 181:13 183:20 Chairman 1:11,13 1:13 4:3,7,18,24 5:22 6:10,16,21 7:9,20 8:9,22 9:7 9:12,18 10:7,13 10:15 11:5,14,17
--	--	---	---	--

11:21 12:1,9,16 12:21 13:1,22 14:3,5,7 15:11,15 15:19 16:1,13,19 16:22 17:1 18:6,7 18:11,19,22,25 20:7,12,22 21:2,5 21:12,17,19 23:13 24:17 25:11 26:14 26:19,24 27:2,6 27:18 28:6 30:19 31:22 32:19,20 33:13,18 34:3,7 34:16,20,23 35:3 35:7,10,15,18 36:2,14,19,22 37:4,23 38:3,9,22 39:14,21 40:4,7 40:15,20 41:8,10 41:19,21,25 42:6 42:9,20 43:7,10 43:13 44:11,17,19 45:16,19,22,25 46:7,11,16,21 47:2,19 48:4 49:2 49:17 50:14,17,22 52:3,11,22,25 53:4,6,9,13 54:22 55:2,3,4 57:12,17 57:20 58:6,8,16 58:20 59:23 60:13 60:16,20,25 61:10 63:6 65:19,24 68:10 69:5,11,22 70:10 71:8 72:8 73:16 74:16 75:11 75:14 78:1 79:7 79:11 81:5,14,20 82:22 83:1,11 84:4 85:14,23 86:9,25 88:11 89:17 91:1,9,9 92:13 94:1 95:1 96:2,16,24 97:1,9 97:13,25 98:17,20 98:22,25 99:3,6 99:11,14 100:25	101:21 102:5,9 103:4,19 104:2,19 105:5 106:4,21 107:6,9,13,18,22 108:13 109:8,14 109:24 110:12,19 110:24 111:6,13 111:20 112:8 113:1,5,13,17,23 114:3,7 115:12,21 116:8,18,19,21 117:24 118:1,6,15 118:18,21 119:5,7 119:21 120:7 122:6,9,13,16 123:8,15,20,23 124:3,6,12,15,25 125:13,20 126:1,4 126:9,11,20,23 127:12,16,21 128:11 129:7 130:11,20,25 131:5,15,25 132:12,22,25 133:6,10,14,18,24 134:13,21 135:9 135:21 136:1,10 136:18,23 137:4 140:22,25 141:5,8 143:3 145:1 147:9 148:1,7,13,17 149:3,5,9,18,21 150:16,22 151:2 151:14 152:18 153:23 157:17 158:10 159:1,3,11 159:16 160:1,6 161:17 165:16 166:21 167:3,8 169:8 170:4 171:21 172:24 174:17,21,24 175:3 177:2,17,22 178:7,12,18 179:4 179:17,20,23 180:4,9,13,21 181:6,15,19,22	182:7,14 183:7,11 183:21 Chairman's 49:25 chair's 71:25 123:19 124:1,2 challenge 17:23 challenges 104:20 chance 31:19 91:4 148:10 change 15:13,14 76:25 108:3 112:24 149:19 175:25 changed 95:19 143:18 changes 17:19 46:3 58:3 61:23 62:1 changing 150:12 character 17:15 characterize 50:12 88:19 characterized 151:16 charges 49:5 chartering 22:3 check 19:20 79:16 106:5 142:14 166:10 chew 94:4 Chief 1:21 32:10 160:19 choice 121:23 122:1 choose 67:5 90:8 120:2 140:4 144:4 Chorus 10:17,21 12:11,13 13:25 16:3 52:16 126:13 131:2 133:2 135:23 159:6,8 180:6,15 181:25 182:18 183:23 CHRISTOPHER 1:21 chronicled 17:6 Circuit 13:15 circulate 155:2,5	159:22 162:6 circulated 36:15 44:22 54:4 55:5 137:10 circulating 61:12 circumstances 29:9 cities 54:10 citizens 18:4 154:22 civil 1:2 4:10 5:16 40:18 61:15,17,19 62:9 67:9 93:2,6 94:8 137:8,9 141:12 143:23 144:10 160:4 161:9 168:8 171:14 claims 51:20 clarified 13:20 110:5 clarify 18:11 class 39:10 153:12 classes 138:21 152:8 clear 112:1 clearance 111:9 clearing 120:7 clearly 153:14 169:23 clock 116:7 close 56:23 57:15 142:18 145:11 183:11,17,18 closed 182:8,25 183:3,13 closer 98:12 Club 142:15 coast 19:15 35:17 118:17,20,20 collaboration 162:20 college 75:6 87:15 88:24 172:19,22 Columbia 17:19 come 4:8 21:1 48:24 77:24,24 79:13 89:6 90:23	92:2,6 93:17 109:7 114:5 145:16 146:20 170:24 171:2,7,10 171:19 173:10 174:8 comes 8:16 61:2,6 133:12 135:19 143:7 158:14 comfortable 70:15 120:18 coming 87:3 111:14 136:15 165:10 170:11,19 171:16 commend 64:21 comment 96:7,10 96:15,25 112:6,8 116:7 131:17 145:5 171:22 commentators 87:13 commenting 51:16 comments 9:16 10:7 52:12 94:2 96:5,20 97:22 98:10 99:1 101:15 107:15 108:20 109:15,25 115:23 118:9 125:10 127:17 128:2,7 129:1 131:11,15 131:16 132:4,8 138:18,24 139:2 140:1,2 148:1 167:18 173:4 178:20 Commerce 45:3 commission 1:2,4 4:9 5:18 13:6,10 13:18 17:6 19:5,8 19:9 31:5 45:12 46:15,19 49:11 54:9 55:7,13 59:17,18,18 64:21 66:8 68:7 72:19 76:20 84:8,10
--	---	---	---	---

87:10,20 88:8	40:1,5,17,22 41:1	93:8 94:12,15	136:21 137:2	Commissioners 4:15 12:2,3 13:5 14:8,16 16:23 25:18 49:3,19 51:2 53:14,17,21 54:3 57:22,23 58:3,11,22 59:24 59:25 60:2,3 61:11 63:7,14 64:25 68:14,17,24 69:20 71:2 73:5 80:3,14,15,16,18 80:24 81:2,8 82:7 84:1,16 106:19 107:3 108:8 110:8 115:18 116:13 118:11 121:13,15 122:24 123:4 126:24 128:1 129:1,4 136:4 137:10 138:10,14 138:18,23,25 139:1,4,7 141:10 159:13,16,17,18 162:21 163:7 167:9,14,15,22 168:18,20 170:23 171:6 172:14 174:13 176:8 177:19 180:22,23 181:2
93:5 94:10,19,20	41:3,5,9,12,14,16	95:2,9,14,25 96:1	139:8 142:25	
108:2 112:21	41:17,20,23,24	96:2,4,19,25 97:6	143:1,4 145:1,5,6	
116:6 119:11	42:1,4,7,10,17,20	97:10,16,17 98:2	146:24 148:4,9,10	
120:4,25 134:15	42:22,23,25 43:3	98:4,8,18,21,23	148:19,21,23,25	
137:1 139:21	43:5,8,12,14,18	99:2,4,17,19,25	149:2,4,6,7,11,13	
140:10 142:2	43:20,25 44:2,4,7	100:2,7,10,14,20	149:15,16,23	
144:8 146:22	44:9,18 45:15,17	100:23 101:6,10	150:8,10,13,20,24	
161:5,18,19 174:9	45:20,23 46:1,8	101:14,18 102:3	150:25 151:3,3,7	
175:19 176:7	46:12,13,17,23,25	102:16,22 103:12	151:12,16,17	
177:19 183:4,13	47:6,9,11,12,14	103:17,18,23,24	152:18,19,20,24	
Commissioner	47:16 48:1,9,14	103:25 105:1,3,10	152:25 153:23,24	
1:14,14,15,15,16	48:16,17,19,21,23	105:19,21 106:2,6	154:10,11,14,16	
1:16 2:4 4:4,14,15	49:8,16,18,19,23	106:11,14,15,17	154:24 155:1,3,6	
4:21,25 6:1,3,9,11	49:24 50:1,2,4,6,8	106:23,25 107:2,4	155:8,8,13,14,20	
6:14,19,23 7:1,3,6	50:11,15,18,21,22	107:8,11,15 108:9	155:23 156:9,12	
7:14,16,22,24 8:5	50:24 52:3,4,10	108:16,19 109:5	156:14,15,16,17	
8:13,15,18,24 9:3	52:12,20,21 53:2	109:11 110:2,4	156:20,22,23,24	
9:5,13,17,19 10:5	53:3 54:23 55:6	111:4,11,15 112:5	157:1,4,6,9,10,10	
10:11,14 11:9,11	55:17,19 56:12	114:22 115:1,10	157:12,14,15,17	
11:14,16,18,19,21	57:13,14,18,25	115:14,24 116:3	157:18 158:10,11	
11:24 12:8,25	58:7,9,17,19 59:4	116:14,19,23	159:2,5,14,21,22	
13:19 14:2,3,4,5,6	59:15 60:1,4,9,14	117:2,6,11,13,15	159:25 161:23	
14:10,12,19,21,24	60:19,21 61:5,7,9	117:18,19 118:2,8	162:6,10,22	
15:1,5,6,7,8,14,17	61:13 62:3,5 63:8	118:9,12,16,19,23	163:11 164:8,18	
15:20,24 16:8,11	63:16,17 65:20,21	119:6,9,16,19,23	164:22 165:5,13	
16:16,17,18 18:20	65:25 66:21,24,25	119:25 120:10,15	165:16,18,22	
20:24 21:3,15,18	67:2,3,6 68:11,19	120:17,20,21	166:3,13,17,23	
21:22,23 23:9,13	68:20 69:9,12,19	121:9,17,25 122:8	167:6,10,18,19	
23:15 24:11,24,25	70:5,8,12,20,23	122:11,14,22	168:12,21 169:8,9	
25:6,16,17,18	70:25 71:20 72:5	123:6,9,16,18,21	170:4,5 171:22	
26:3,6,16,20,24	72:13,24 73:3	124:2,4,9,13,16	172:2,18 173:6,11	
27:1,2,5,7,24 28:1	74:6,20,21 75:1	124:18,22,23	173:12,14,17,21	
28:4,11,18,20,21	75:12,15,16,21,25	125:2,9,9,15,21	174:7,15 175:1,5	
28:23 29:21 31:1	76:2,4,9 77:13,21	125:24 126:2,6,15	175:8,9,13 176:3	
31:8,12,13,15,18	78:1,3 79:8,20,23	126:16,17,19,20	176:5,6,10,13,15	
32:3,15,23,24	80:1 81:5,13,16	126:22 127:2,3,9	176:17,19,21,23	
33:2,14,17,22,24	81:24 82:4,14,24	127:14,17,18,23	176:24,25 177:1,3	
34:1,5,6,9,11,18	83:9,15,20,25	127:25 128:4,6,14	177:3,8,18,22,24	
34:20 35:1,12,16	84:4,5 85:2,15,19	129:5,9 130:6,9	178:1,2,3,9,10,15	
35:19,20,22,24	85:21,25 86:1,4,7	130:16 131:3,6,8	178:21,23 179:2,6	
36:1,6,12,16,21	86:13,18,22,25	131:10,11,13,16	179:11,14,18,21	
36:23,25 37:7,10	87:1,2,5 88:10,12	132:2,7,19 133:4	179:25 180:2,7,11	
37:12,14,15,17,21	88:13,14,20 89:19	133:5,7,13,16	180:16,17,18,19	
37:25 38:11,12,14	90:4,11,13,17,18	134:1,5,10,22,25	181:7,10,12,16,17	
38:16,16,20,24	91:1,2,3,10 92:13	135:13,14,18,25	181:20 182:13	
39:5,6,7,8,11,18	92:14,15,23 93:4	136:2,2,6,8,13,14	183:9	
			Commission's 44:23 61:23 137:14 161:11,20 183:1 commit 39:4 100:9 100:11,13,15,16 176:14,16 commits 70:5 committed 64:3,6 70:21 73:8 74:10 74:11 80:21 142:20 committee 146:17 147:20 175:13 committees 19:2,5 20:19 45:2	

committing 176:17 176:21 177:14	104:3 120:16 121:7 127:10	32:16 177:7	112:10	conversation 28:20
common 55:23	132:6 139:9 154:3	confesses 66:21	Constitution 18:3	81:21 115:25
communicate 58:3	154:4 155:17	confirm 122:19	constitutional	116:2,11 138:9
106:6 163:7,9	158:12 161:25	confirmation 90:13	171:15	141:20
communicated	162:14 163:14	confirmed 139:16	constitutionality	conversations
142:4 162:1	concerned 60:8,8	143:19	45:6	137:25 142:6
communication	62:11 78:11,12	conflict 37:8 39:9	consultant 170:16	144:15
161:8 163:10	156:1 160:24	42:16	170:17 171:8,12	convince 112:15
compact 103:8,13	166:18	conflicting 40:19	173:9,18,20	convinced 90:6
103:16 104:16	concerns 70:18	conflicts 38:18	contact 54:17	cooperate 22:23
compare 76:14	99:6 102:6,9	conformance	160:15 161:3,14	cooperation 161:11
93:15	132:5 139:5,11	107:19	165:1,4	166:5,19
compelling 153:8	147:16 162:15	confused 169:24	contacted 142:2,3	cooperative 164:21
complaint 77:11	163:2	confusion 160:24	143:18	Coordination 1:21
168:6,8,9	conclude 5:13	Congress 44:23	contained 44:24	32:11
complete 51:13,25	concluded 184:5	45:13 60:23 77:12	139:22	copies 46:13,17
76:16 103:22	concluding 65:15	100:19 101:4	containing 167:4	48:6 58:12 102:23
104:10 110:13	conclusion 89:6	102:23 103:11	contemplate 68:18	103:9 160:8
completely 152:4	conclusions 77:24	105:9,12 106:10	contemplated	copy 59:6,7 63:14
complex 46:22 83:7	concurrence	109:1,3 111:25	95:24 104:22	96:13 98:24 100:5
86:20 158:17	147:14	112:10,22 113:12	content 138:12	105:11,22 109:6
complexity 83:13	concurrences	119:2,12 121:20	139:5	162:21
83:23	94:17 97:4 115:10	127:11 153:20	CONTENTS 3:1	Corps 158:2
Compliance 160:23	118:9	156:16,17 157:20	context 92:17	correct 15:3 18:21
complicated 81:11	concurring 94:14	175:11,17,18	continuance 65:11	58:2 70:8,9 73:14
comply 22:1,6	97:2	congressional	continue 47:3	79:20 93:5 151:6
164:12	condition 154:22	23:21 111:12,16	56:10 70:2 74:19	151:9 172:1
component 152:10	conduct 19:6 40:18	115:7 175:17	87:10,11 111:22	corrected 15:7
components 91:18	65:18 73:7 85:1	conjunction 74:5	143:8	41:14 50:19
compromise	conducted 17:6	consensus 19:14	continued 157:25	125:18
160:13	67:18	31:23,25 47:20	continuing 32:21	correcting 50:16
compromises 163:1	conducting 73:8	142:22 144:5	51:6	correction 65:3
conceived 143:22	conference 5:14	consent 46:3	Contract 160:22	correctly 14:14
concentrate 73:11	7:18 9:1,24 10:4	155:11	contracting 13:12	35:9 170:6
173:23	11:1,8,23 23:8,10	consider 19:4	13:17	correspondence
concept 5:11 53:20	25:7 26:22 29:7	54:12 79:3 173:2	contractors 161:3	161:7,10
55:5 63:13 64:24	29:11 38:7 91:19	173:5	contribute 55:16	cost 167:12,17
65:2 69:18,25	117:22 136:20	considerable	contributed 45:4	169:22 173:9
72:14 75:4,17	137:3,5,8,13,17	128:19	contribution 76:19	costs 167:25 169:24
76:8 77:15 78:4	137:18,19 138:8	consideration 5:20	115:24	Counsel 1:20 64:9
85:24 109:1	138:13 140:1,4,8	48:12 73:25 88:7	controversial 21:14	69:2 72:18 73:4
137:12 138:16	141:10,25 142:13	consisted 137:12	21:21 22:21,24	73:14,16 104:4
143:2 169:19	143:9,11,15,23	consistent 113:11	cont'd 1:26	109:17 145:25
170:8	144:6,23,25 147:2	153:19	convened 1:10	166:14 183:2
concepts 53:22	conferences 22:8	consisting 81:12	convenient 84:21	Counsel's 73:7
concern 44:24	22:10,19,22 28:14	constitute 65:10	conventional 112:2	counter 68:3
		constitutes 111:24	112:13	152:15

country 87:13 89:15 144:11 158:24 couple 8:12 26:23 28:23 46:9 66:10 73:23 85:10 148:10 168:14 coupled 141:16 course 7:6 26:4 64:13 72:23 81:13 court 13:14,15 17:18,24 148:19 152:17 courteous 58:10 Court's 54:7 cover 22:19 82:10 99:21 110:14 139:19 141:11,12 covered 17:17 141:14 co-ed 55:8 56:14 crack 89:5 crash 101:4 create 70:18 78:25 144:4 creating 45:6 creativity 114:14 127:22 credit 129:12,14,24 crime 181:9 crimes 179:3 181:10,11,18 crisis 91:14 94:9 critical 79:3 criticisms 69:6 Crosos 152:21,21 153:4,20 crossing 145:23 crucial 57:3 curious 52:4 123:16 current 19:18 20:16 45:4 62:18 76:22 177:5 currently 44:25 cycle 59:21	D	day 14:9 33:21,22 33:24 34:22 38:4 39:1,7,8,13,23 42:11 43:19,22 44:6,16 58:10,12 58:14 59:1,1,2,4,5 59:8,20 60:12 75:10 77:8 78:18 82:3 83:12 84:18 88:22 97:21 104:22 110:12 111:2 118:11 137:25 141:15 183:16,16 days 26:22 46:4 79:13 80:5,19,20 80:21 81:2 82:2 84:18 85:10 98:16 100:8,13,15 101:15 107:5 115:5 122:4 124:25 128:6,7 141:11,15 146:8,9 146:12 day's 30:6 deadline 68:16 74:22,23 99:7 105:16 108:12 115:4,22 119:20 142:14 deadlines 102:13 114:17 deal 22:20,23 29:2 48:5 86:6 dealing 23:11,17 32:18 166:4,18 dealt 29:3,16 81:22 DEAS 1:22 debate 67:25 140:11 debating 64:14 DEBRA 1:22 December 27:23 29:11,12 43:11 decide 89:8 97:11 97:11 116:16 133:23 155:11,16	170:7 decided 81:17 decides 85:9 decision 54:7 75:8 84:9 110:7 117:1 183:18 decisionmaking 64:5 decisions 5:4 84:14 deeply 75:5 default 117:20,24 defeat 29:1 defendant 65:7 defendants 77:4 defense 163:13 define 98:1 Defining 137:9 definitely 22:7,7,8 25:24 56:24 75:7 157:4 degree 87:14 162:20 delay 48:12 80:15 102:13 deliver 102:25 104:15 106:7,8,9 108:22 110:6,18 111:3,5,12,15 112:22 113:12 115:6 119:17 delivered 99:15 delivering 120:18 delivers 111:6 delivery 111:24 112:10 DEMITRIA 1:22 democracy 84:20 84:25 Democratic 84:9 Democrats 144:12 144:20 demonstrating 120:25 154:5 156:6 denial 17:13 denying 18:4 Department 5:9	14:18 49:4,9,13 49:15 51:3,17,17 51:24 55:15 58:25 62:15 64:19 76:12 77:12 157:23 160:7,20 161:6,9 161:16 163:20,24 168:7 Department's 77:22 departure 65:11 depends 69:4 83:12 83:12,13,13 173:7 Deputy 1:24 167:23 169:10 describe 18:17 53:23,24 61:19 described 18:9 description 32:24 54:20 90:24 142:12 designated 63:20 designed 137:19 desire 140:18 desperately 144:11 detailed 69:18 162:25 detectors 111:18 determining 56:17 129:19 DEULL 2:5 136:17 develop 140:2 168:4,11 developed 53:20 Development 160:20 devoted 169:2 dialogue 128:19 144:10 dictates 153:21 differed 54:11 difference 123:2 130:12,13 156:7 different 45:11 60:24 108:22 114:11 116:5 125:23 129:12
--	----------	---	--	---

130:3,23 152:20 158:3 167:24 173:22 174:4 differs 124:13 139:23 difficult 29:8 34:5 59:16 68:24 74:2 82:19,25 digest 81:8 digesting 85:7 diligently 166:20 diluted 155:24 diminishing 65:17 directed 17:22 88:17 167:11 direction 158:25 directly 67:12 142:5 153:22 Director 1:17,20,22 1:24 8:11 10:24 10:25 11:4,6 19:24 27:20 28:2 28:8 30:22 31:2 32:9 36:15 37:5 39:25 40:9,13 42:13 43:1 44:15 44:21 52:5,8 54:4 55:5 58:23 59:12 61:12 95:6,7,12 95:16 97:20 100:12,18 102:20 103:7,14,21 104:4 104:21 105:8 108:4,11,24 110:16,21 111:1,8 118:12 128:17 132:13,17 138:14 138:24 140:12 148:15 150:3,7 160:2,5 162:3,8 162:19 163:6,18 164:15,19,23 165:11,14,20,25 166:8 167:11,15 167:21,23 168:24 169:11 171:25 172:15 173:15	174:5,18,22 179:12 181:4,8 183:14 Director's 8:1 10:5 61:2,6 disadvantaged 152:8 disadvantages 71:3 110:10 disappointed 131:19 disapproval 5:3 disc 103:8,13,16 104:16 disconnect 106:8 110:5 discourage 55:11 discriminate 55:9 55:24 56:3 discrimination 67:10 90:5 91:13 91:16,21,24 92:19 93:24 discuss 7:3 9:14 10:1 11:12 71:13 71:16 82:17 87:4 127:1 129:8 141:25 160:21 182:10 discussed 129:2 137:7 discussing 78:14 discussion 6:22 7:2 7:11,12,17 9:14 10:3 11:10,23 12:5 13:1,22 44:20 45:16 46:12 47:3,7 49:17 54:22 65:25 72:9 74:19 78:20 79:14 94:4,21 95:1 108:5 109:23 111:23 115:15,17 118:22 131:10 134:21 135:10 137:16,17 138:20 139:12 140:6	162:11 181:22 182:14 discussions 21:6,13 68:23 69:7 70:2 112:9 137:20 161:4 disenfranchise 17:16 disk 101:7,11,13 102:25 105:6,6,11 113:10 115:6 disks 108:22 dismissal 49:5 disparate 54:14 disparities 45:9,10 154:6 displeasure 135:13 135:15 dispute 109:25 dissenting 94:15 97:2 dissents 94:17 97:4 118:9 distinction 72:25 distracted 53:7 64:10 distribute 58:21 94:13 103:10 105:12 distributed 19:18 59:1 69:23 99:10 118:10 124:11,19 124:20,21 125:13 128:13,25 138:25 167:4,22 District 13:15 17:18,19 disturbing 87:18 diverse 140:6 dock 147:8 document 5:15 61:8 81:11 83:3 83:14 93:1 103:5 104:6 110:13 112:14 160:3,16 167:16 171:1 documents 59:17	77:5 110:22 161:5 161:25 DOG 78:8 doing 24:7 31:19 43:14 53:11 62:19 62:20 63:4,5 70:21 73:8 74:9 85:12 100:16 113:10 114:25 121:15 136:21 144:19 DOJ 53:9,10 57:16 57:17,24 64:18 65:10,11 66:21 75:18 76:6 77:10 77:18 78:8 161:24 DOJ's 65:16 76:22 dollars 151:25 152:6 DOMINIQUE 2:6 door 74:15 75:2 doubt 48:10 dovetails 92:24 downstream 153:4 downturn 92:1 Dr 67:15 draft 13:3 49:12,20 60:5 119:2 156:3 161:18 175:3 176:8 drafted 175:22 drafting 69:18 96:20 164:3 177:23 dragging 163:17 due 69:22 94:16,17 98:6 107:3,4 109:7 118:10,13 129:18 143:21 DUNLAP 1:23 duty 64:8 D.C 1:10 4:13	early 11:4 26:20 28:25 68:13 82:6 142:13 161:14 ease 72:20 easier 74:7 easily 47:12,15 64:7 east 118:20 Eastern 4:10 19:17 35:13,14,25 36:9 easy 62:6 economic 91:14 92:1 economize 170:3 edge 146:14 edited 100:1,2,4 104:14 editing 99:23 editor 99:24 editors 100:5 education 45:3 55:15 157:24 161:6,17 163:24 164:8 167:12 EEO 1:20 EEOC 164:1 166:6 EEOC's 54:12 effect 119:4 effective 93:19 effectiveness 61:20 efficient 93:20 121:21 effort 28:14 134:16 153:9,9 164:23 efforts 26:11 132:4 160:14 EILEEN 2:1 either 20:13 21:13 21:16 39:2 43:24 142:18 148:16 elaborate 54:17 55:18 62:4 70:23 71:1 election 49:6 77:7 electron 102:19 electronic 99:19,20 99:22 103:6 110:6
---	--	---	---	--

160:8	entities 153:2	80:11 113:9 139:7	61:11 63:7,14	168:23 172:6
electronically	entitled 51:13	140:18 168:10	103:10 104:15	174:1
99:18 101:4	59:17 94:8	169:18	125:14,17 128:15	fashion 104:7
102:21	Equal 161:17	examples 168:1,2	128:16 138:14,24	120:4 173:5
electrons 100:22	equivalent 33:11	168:14	167:4 174:12	fast 105:16
102:18	Era 137:9	exception 4:14	e-mailed 125:7,12	fast-tracked
eligible 152:6	error 66:22 77:3	142:4	e-mails 128:18	175:16
emblematic 77:19	errors 51:19	exclusion 144:12	129:2	favor 10:15 12:2,9
embrace 141:17	especially 114:5	Exclusively 20:22		13:6,24 14:8 16:2
embraces 143:25	138:17	20:23	F	16:23 46:4 52:15
emergency 24:1	essentially 59:20	executive 61:16	F 1:14	57:19,23 68:1
EMMA 1:25	116:10	exemptions 183:12	face 27:9 29:24,24	69:24 93:23 124:7
emphasis 157:3	establish 106:16	existing 17:9 73:25	31:25 32:17 33:11	126:11,25 131:1
emphasize 63:21	established 65:8	expand 87:2 116:6	119:11 127:10	133:1 135:22
91:6	127:4,5	expect 31:3 51:24	153:22	136:4 159:3,18
empirical 93:15	estimate 169:21	88:5 160:18	face-to 27:8 31:24	173:11 180:4,13
154:5 156:6	estimates 167:12	161:13,20 163:20	32:16	181:24 182:17
employee 54:13	167:17	163:25	face-to-face 29:25	183:21
employing 169:20	estimation 75:18	expectation 25:9	fact 20:8 26:6	favored 53:21
employment 54:6	ethnicities 88:18	83:5	47:22,23 50:7	FAY 2:5
54:15 91:13	ethnicity 129:19	expected 115:18	67:7,22 69:22	fear 121:7 177:10
161:18	152:13	expecting 161:15	75:2 76:6 77:7,15	February 66:23
encouraging 65:17	evaluate 61:20	expeditiously 23:3	84:7 87:14 88:21	165:22
endeavor 59:13,15	evaluated 62:15	expert 18:23	89:9 133:19	fed 129:20
ended 145:10	evening 63:14	experts 169:13	143:21,23 175:18	federal 17:9,22
ends 112:22	event 6:13 116:1	explaining 51:1,23	facts 51:5,7 65:8	18:3 26:18 56:11
energy 45:3 143:6	122:13,16 137:23	110:14	76:21 77:10	61:15 62:9,14
enforce 64:19	138:3 141:19	explanation 50:1	144:16	63:4 152:6 157:22
enforcement 5:16	events 26:5 64:20	162:11,18,24	factual 51:19 77:24	157:23 160:22
17:7 54:5,10 55:6	everybody 28:11	163:1,13 183:17	78:11	164:21,24
55:15 61:15,20	83:9 111:3,5	explicitly 79:18	fail 97:18	feedback 139:3
62:9 65:11 66:4,7	132:14	explode 21:25	failed 11:12	feel 15:12 70:15
66:15,18 67:9	everyone's 20:3	explored 167:24	fails 12:4 94:22	82:11 111:21
76:23 91:6 93:2,7	evidence 154:5	express 89:20	fair 87:6 95:23	120:18 142:22
93:19 160:4,13	156:6	135:13	121:12	178:19
engage 140:10	exact 18:16,18	expressed 71:9	fairly 56:23 90:5	feelings 84:7
153:8	165:21 166:11	139:9 140:18	faith-based 152:3	feet 163:17
engagement 139:16	exactly 45:21 72:18	145:2	fall 153:22 173:3	fellow 51:2 81:2
ensure 19:5 55:10	115:20 117:24	expressing 44:23	falls 63:2 67:12	84:1 140:7
139:11	143:17 145:13	extend 108:10	153:15	felt 91:22
ensuring 152:1	177:4	extended 116:15	false 102:22,24	fight 164:13
entailed 146:18	Examination 94:8	141:11 142:15	familiar 67:15	figure 85:11 101:6
entertain 73:17	examine 54:5 114:9	extent 32:1,24	71:22 88:15	figured 74:23
enthusiasm 143:5	examiners 17:22	55:14 61:18 71:15	far 9:23 27:14	figures 130:5,22
144:18	example 17:14	extra 82:16 96:9	62:19 63:3 64:18	file 168:8
enthusiastic 142:2	29:22 49:25 67:9	extremely 68:23	95:4 102:12	final 60:7 71:3
entire 16:14 24:5	69:13 70:16 77:6	e-mail 53:16 54:4	129:23 151:5	131:4 132:3 140:8

149:24 155:22	fleshed 140:3	formatted 103:15	152:1	63:16,17 66:21,25
finally 5:17	flexibility 96:14	103:18,25 104:10	fully 53:25 140:2	67:3 69:9,12 70:8
find 38:8 57:4 68:7	114:13 127:21	104:23,24 112:14	fun 171:19	70:12,23,25 71:20
151:18 152:9,15	flexible 81:9 83:2	119:4	funded 62:9	72:5,13 73:3 74:6
157:2 166:16,17	102:1	formulate 172:16	funding 61:14	75:16,21 76:2,9
174:6	flight 31:13,15	formulating 161:2	62:19 93:12,16,18	77:21 79:20,23
finding 76:20	floating 91:11	172:6	93:19,20 145:15	80:1 81:6,13,24
134:16,16,23	floats 171:1	forth 129:2 135:3	146:14	82:5,24 83:25
153:20	floor 8:25	140:6	funds 56:11	85:19,25 88:11,12
findings 78:11 97:7	fly 99:8	fortunately 122:11	further 6:20,25 7:4	89:19 90:18 96:1
98:5 134:15 135:1	focus 61:14 78:5	forward 78:14 79:5	51:14 54:21 69:16	96:3,4,19,25
135:2,5,7 148:11	154:8 156:7 174:2	87:17,24 90:7	70:19 102:13	97:17 98:2,8,18
149:13 150:4,6,9	focused 78:22	128:23 132:8	112:9 117:7,10	98:21,23 99:19,25
150:19 151:1,10	focusing 63:12	142:24 143:16	170:18 177:7	100:7,10,14,20
153:19 158:7	FOIA 161:7 164:17	144:5,18 147:5	furthermore	101:6,10,14,18
fine 7:4 35:15,18	folks 4:6 7:9 38:3	150:23 168:15	183:14	102:3,16,22
35:22 36:2 37:16	50:14,17,17 109:8	four 6:4 29:10	furthest 164:4	103:12,17,24
39:20 40:8 42:22	109:9 116:8 118:1	30:23,24 32:4,7	future 64:20 77:20	105:3,10,21 106:2
43:12 44:9 46:11	123:15 142:5,7,12	32:10 139:14	78:25 81:19 98:6	106:6,14,23 107:2
48:9 50:9 60:21	142:19,20 150:22	159:12,15 174:3		107:8,15 108:9,16
70:12 72:2 99:2,5	178:13	Four-zero-four	G	109:5 110:4
124:6,6 157:14	follow 10:6 62:8	149:4	GAIL 1:14	111:15 112:5
181:20	88:14 98:24	four-zero-one	Gail's 109:9	114:22 116:3,14
finish 28:16	110:15 162:25	14:18	gained 95:11	116:19,23 117:11
finished 99:15	164:10 165:12	framed 119:12	gathering 52:7	117:15,18 118:8
fire 54:6	166:25 174:20	frankly 60:7 92:24	Gaziano 1:14 4:21	119:16,23 120:17
firm 122:10	followed 112:20	120:22 121:3	4:25 6:1 7:22	122:22 123:9,21
firms 122:5	following 5:1,5	152:9	8:13 9:3,17,19	124:2,4,18,23
first 4:18 5:6,6 7:2	19:11 30:13 34:3	Frequently 67:25	10:14 11:9 13:19	125:2,9,15,24
9:1 10:3,4 20:3,6	35:7 95:3,10	Friday 1:6 19:14	14:10 15:1,6,17	126:2,15 127:2,25
29:25 34:24 35:3	134:16 163:16,19	33:19,20,23,25	21:3 23:14,15	128:6,14 129:5
35:11 60:3 76:10	182:24	34:1,10 39:3,6,10	24:25 28:4,18,21	131:3,6,10,13
88:12 89:12,19	followup 5:8 49:12	41:13,15 42:23	31:8,12 33:2 34:6	132:2 133:5
93:17 125:22	49:14,20 53:16,16	43:15,17 59:6,6,7	34:11 35:1,12,16	135:14 136:8,13
134:23 138:6	57:24 138:14	138:7	35:20,24 36:16,21	137:2 139:8
146:12,18 153:1	163:10 164:6	Fridays 37:14,15	36:25 37:7,12,15	148:23 149:7,13
161:24 166:25	footnote 50:2	37:16 38:1,14,21	38:12,16 39:5,18	150:13 155:14
170:15 171:10	129:17 130:3,8,18	41:18 42:18	40:1,5,17,22 41:1	156:9,14,20,23
179:19,19,25	footnotes 46:9	friendly 7:20 45:24	41:3,5,12,17,20	157:1 161:23
fiscal 19:3 99:15	force 144:3	49:23,24 58:1	41:23 42:4,7,10	162:6,10,22
101:13,16 102:14	foresee 96:17	181:16	42:17,25 43:8,20	163:11 164:8,18
103:3 112:23	form 51:8 63:11	front 21:20 47:17	43:25 44:4,9	164:22 165:5,13
114:2,4	101:13 103:6	47:23 48:20 63:15	46:25 48:1,9,19	169:8,9 173:21
fit 22:11 67:20 84:2	108:25 109:3,4	136:25 146:15	48:23 49:3,18,19	176:3,6,13,17
98:3	144:2	151:16	49:24 50:8,21,22	178:1 180:11
five 32:6 92:8	format 99:16 100:5	full 73:9,10 89:13	50:24 53:2 57:25	183:9
flesh 71:4	104:22	139:12 146:22	58:17 60:21 63:8	Gaziano's 6:9

32:23 86:7	113:11 117:25	173:23,24	173:3,6	109:9 114:15
gee 22:4	119:13 123:6	good 4:7 23:11	guide 29:19	123:4 163:20,25
gender 55:11	132:8 136:6,8	39:15 41:15 43:13	guidelines 54:13	heard 113:4 122:24
general 1:20 17:18	137:3 139:18	62:18 63:2 64:2	169:15	123:5 124:20
17:23 35:13,21	144:13,15 147:12	69:8 80:11 86:23	gussied 98:23	125:5 145:21
36:3 60:23 64:9	148:5 151:21	91:4,8 99:4 121:2		146:6 164:2 166:1
65:23 68:15,23	152:14 167:19	121:14 129:8	H	hearing 52:13 67:1
69:1 72:9,18 73:4	171:2,18 182:8	134:3 141:13,23	half 40:2 137:11	90:21 156:18
73:7,14,16 82:21	goal 25:12,15 119:8	170:9,25 171:3,16	halfway 147:23	175:12,14 177:5,9
104:4 109:17	121:18,19	172:20,25 182:23	hallmarks 84:12	178:14
128:9 135:4	goals 61:17,21	Gotshal 122:7,9	hallways 137:1	hearings 17:5
145:25 158:13	goes 7:10 59:6,9,9	gotten 47:13,15	hand 30:6 111:18	95:20,21 157:21
166:13 183:2	59:11,20 60:10	64:17 68:25 78:21	123:16 166:11	158:1,6
generally 7:10 66:1	61:2 99:16 122:21	80:18 114:18	handing 110:23	heartburn 122:17
73:22 98:2 134:17	123:14	163:23 165:2	142:14	heavier 73:6
generation 92:20	going 6:12,21 16:10	166:1	handled 86:4	Heimawitz 142:8
George 56:23	22:6 23:18,19	government 5:15	hand-deliver 105:6	held 4:11 12:22
Gerald 1:11,13	25:9,22 28:13	5:21 18:4 84:12	hang 34:18,19	19:14,16 145:18
getting 23:11 31:19	29:11,14,19,23	108:23 152:11	hanging 104:11	157:20 177:9
82:16 92:20	32:17 36:13,17	157:23 160:3	happen 23:10 29:6	help 166:14 168:7
145:11	38:4,7,8,9,10,24	175:10	33:8 78:17 85:22	171:2
give 45:23 62:18	39:4,12,22 40:3	governmental	134:6,6	helpful 85:16 90:19
75:8 76:13,15	43:20 48:17,18	153:8	happened 8:4	helping 69:19
77:4,11 86:5	50:19 64:11 69:6	GPO 103:6 105:6,8	happening 56:17	Heriot 1:14 6:3,19
105:10 106:19	69:7 70:16 72:10	105:9,9,15 106:7	56:18 57:4 172:3	6:23 7:3 8:18 9:5
137:2,4 147:22	72:13 74:14,21,25	106:9 111:7,8,9	happens 29:5	10:11 11:11 12:8
164:9 179:8	77:2,3 78:17	112:2,14 113:8,11	happier 69:18	15:20,24 16:11
given 67:22 70:20	82:15 84:13,14	119:14	happy 73:14 162:9	18:20 20:24 21:15
71:23 75:2 76:18	85:9 86:17 87:4	Graduate 56:4	hard 20:15	21:18,22,23 23:9
89:9 131:21 140:1	87:17,23 90:20	grants 153:1	hash 106:12	24:11,24 25:6
152:11 153:1	92:1,2,21,25	157:25 158:16	hasty 147:22	26:20 27:3 28:1
163:13	93:16 95:23 97:14	Gratz 152:23	hate 121:4,16 179:3	28:11,20,23 31:18
gives 120:3,11	99:24 107:16	153:16,16	181:9,10,11,18	32:15 33:24 34:9
giving 138:14	108:10 112:1,23	great 114:24	Hawaiian 5:21	36:6,23 37:14
158:23 161:25	113:8,10 114:1,17	120:24 130:25	47:16 175:10	38:14,20 39:7,8
glad 13:20 169:21	116:14 118:3	152:9	HBCU 57:1	39:11 41:14,24
go 11:13 22:13 30:5	122:1 128:23	greater 110:10	head 158:25	42:23 43:14 44:18
30:9,10,16,25	131:6,18,23 132:2	greatest 154:4	headed 27:10	45:17,20,23 46:1
31:4,10 32:8,10	134:14 143:16,17	ground 78:18	health 5:7 6:1	46:8 47:9,12,16
37:12 38:8,20	143:25 146:20,22	groups 45:11	44:25 45:8,10	49:3,23 54:23
39:6,10 40:25	146:25 147:5,22	153:13	48:15 53:8 136:7	55:6,17,19 56:12
41:13,17 42:4	149:19,23 150:2	Grutter 152:22,24	136:9,22 151:12	65:20,21,25 66:24
48:23 59:17 69:21	150:22 151:18,19	152:25 153:15,16	154:5,20 157:24	67:2,6 68:19,20
72:8 76:3 77:17	153:24 154:17	guarantee 104:18	158:13,14,15,16	70:5,20 72:24
79:15 87:16 88:12	164:9,11,13,13	112:21 114:1	hear 6:18 9:10	79:8 81:16 82:14
89:25 104:24	165:7,9,10 166:5	guess 32:3 77:13	10:24 46:22 72:4	83:9,15,20 85:15
107:16 111:18	170:8 173:21,22	96:16 163:12	72:6 76:2 87:3	85:21 86:4,13,18

86:22 91:1,2 97:6 97:10,16 98:4 99:4,17 105:1,19 106:15,25 107:11 108:19 111:4,11 115:1,14 117:2,6 117:13,19 118:2 118:19 121:9,25 122:8,11,14 124:9 124:13,16,22 125:21 126:16 127:3 128:4 131:8 131:11,16 132:19 133:4,4,7,13,16 134:10,22,25 135:18 136:6,21 148:4,9,21,25 149:4,6,11,15,23 150:10,24 151:3,7 151:12 152:24 154:10,24 155:8 155:20 156:16 157:6,10,14 159:2 159:5,14 165:16 165:18,22 166:3 166:13,17,23 167:6 170:4,5 172:18 173:11,14 173:17 174:7 175:1,5,9 176:5 176:10,15,19,23 177:4,8,18 178:2 178:3,9,23 179:2 179:21 180:7 181:2,10,20 182:13 Heriot's 32:24 38:17 86:1 90:4 181:17 hey 34:18 high 154:6 higher 111:9 highest 129:13,24 highlighted 128:12 hire 99:24 171:8 173:9,18 hired 100:6	hiring 161:2 history 25:13 29:19 hit 25:15 60:17 61:6 102:14 103:3 hoc 29:8 hold 5:22 9:12 37:10 100:25 101:21,21 104:2,2 118:23 133:8,25 156:18 holding 134:4 holiday 34:10 88:22,25 home 134:17,18 honed 171:12 honored 79:17 hook 91:6 hope 29:5,14 33:7 34:14 38:7,8 71:25 86:11 90:14 91:3 97:20 116:12 127:25 142:11,13 157:1 hopefully 64:9 75:10 163:21,22 hopelessly 22:3 hoping 79:10 hour 26:23 40:2 60:22 hours 26:23 131:21 House 45:1,2 110:17,18 111:7 113:12 175:12 Houses 175:11,19 housing 95:23 Howard 57:2 HUD 62:15 huge 89:7 96:20 102:23 Human 157:24 hundred 85:4 hundreds 81:12 157:22 H.R 44:25 <hr/> I <hr/> idea 27:3 30:8,14	62:18 87:7 88:25 90:20 108:24 111:11 114:19 128:25 170:25 171:10 172:4 ideas 53:22,23 63:23 167:17 170:11,19,20,24 172:11,14 173:1 identified 169:6 identifies 170:6 identify 165:3 169:18 II 3:4 12:19 iii 3:5 16:25 65:9 illegal 56:19,24 impact 54:14 76:8 impacts 141:16 impede 80:3 implementing 101:25 183:1 implicates 76:23 153:3 implication 78:7 implications 64:18 65:15 78:15,16 152:21,22,22,23 importance 78:24 115:24 important 9:25 19:6 33:6 47:21 57:10 65:13 72:11 78:9,20 87:9 88:6 90:14 91:5 92:16 106:19 108:20 115:11 121:11 139:12 168:17 importantly 65:14 143:20 impossible 117:21 122:4 impression 120:12 120:14 121:20 improve 154:21 improved 121:12 improving 121:3 121:10	inaccurate 105:24 inappropriately 154:1 incident 49:6 incidents 87:12 include 7:25 20:1 56:18 100:22 132:4 138:20 172:15 181:17 included 8:20 125:18 139:19 includes 120:19 including 16:14 20:8 59:10 98:22 146:19 inconvenient 22:4 incorporate 139:4 incorporated 140:17 increase 134:17 139:15 increased 76:24 increases 62:17 independent 51:8 76:12 161:12 Indian 130:4 158:15,16 Indians 130:14,15 Indians/Alaska 129:13 indicate 164:11 indicates 160:22 indicating 160:7 indication 153:7 individual 121:15 177:19 individually 156:1 individuals 153:12 inexcusable 59:22 inflexible 84:3 information 51:10 58:7 71:10 79:4 85:6 111:13 130:24 136:25 163:3 167:5 informational 109:12	informs 19:24 initial 118:9 164:16 164:16 initiated 161:6 input 6:15 69:19 86:8 90:19 94:12 95:5,11 117:7,10 142:21 144:19 147:24 168:12 171:5 172:22 inquire 34:12 95:17 96:6 inquired 95:4,11 95:16 inquiries 75:19 instances 88:15 institutional 61:16 institutions 151:22 instructed 24:14 Instruction 95:10 insufficient 17:10 intend 154:1 intends 161:3 interaction 119:12 interagency 161:11 interest 71:9 89:20 89:23,23 92:11 133:19 153:8 158:21 168:20 interested 64:25 90:3,10,22 138:17 interesting 58:13 116:9 interfere 17:8 internet 47:10 interpose 40:3 interpret 166:6 interpreted 54:14 intimidating 65:18 intimidation 49:5 63:12 64:20 76:24 77:20 introducing 21:9 investigate 55:7,14 66:22 77:2,23 investigation 63:9 63:22 64:4,6,12
--	--	---	---	---

69:16 70:18 73:7 73:12 74:9,11 investigations 64:11 invite 135:15 174:13 invited 139:10 140:19 invitees 137:19 involve 57:6 86:7 involved 85:6 involves 81:11 in-person 19:8 23:1 23:11 24:3,9 issue 24:2,21 25:19 81:11,17,19,22 83:12,23 87:8 89:24 91:12 92:2 92:9 102:17,17 149:9 154:4,18,20 158:17 172:4,22 174:2,25 182:7 issues 20:25 21:7,9 22:21,24 52:2 71:17 87:18 91:24 94:9 102:12 138:20 139:13 141:12 171:15,15 174:24 item 4:18 10:4 12:21 48:24 160:10 182:10,24 items 10:2 160:8 IV 3:6 18:24 IX 55:6 56:1	Johnson 17:5 join 4:4 155:15 joined 6:11 157:2 joining 4:16 155:17 155:17 joint 73:24 Jr 1:16 88:22 judging 25:12 judgment 51:8 judgments 76:12 July 3:4 12:19,23 49:11 53:16 54:1 61:11 137:6,7 138:13,25 jumping-off 137:20 June 14:17 15:8 49:2,7 53:14,19 54:7 167:9 175:12 177:5 jurisdiction 67:13 jurisdictions 17:17 Justice 5:9 14:18 49:4,9,13,15 51:3 51:25 58:25 62:15 64:19 160:7 justified 77:11 Jweied 1:23 101:2	168:2 172:7,13,16 kinds 64:17 92:21 153:21 King 88:22 160:7 162:4 Kinko's 113:10 Kirsanow 1:15 4:4 4:15,16 6:11 12:25 45:15 48:21 49:3,16 52:3,4,10 57:13 75:14,15,25 76:4 77:13 88:11 88:13 92:13,14 109:11 110:3 126:21,22 152:18 152:19,25 155:1 177:1,3 181:7,12 181:16 know 7:4 9:9,22,24 11:2 20:25 21:24 22:4,5,22 24:12 25:4 27:12,13 28:15,24 29:10,10 29:12,12,17,23 30:18 31:12,16 33:1,3,10 37:20 38:17 39:1 49:20 55:20 57:2 58:23 60:1,5 62:11,15 65:4 66:12,17,20 67:7,14 68:9,16 69:14 70:22 72:14 72:17,18,20 76:16 78:5,10,11 82:18 83:18 84:6 85:2 86:5,6 87:16,21 89:1 91:11,15,21 92:5,8,17 96:9,11 97:11,22 106:18 109:9,22 113:19 115:2,5 117:11 118:5 120:11 122:2,22 123:1 127:10,20,24 128:16 129:15,23 130:11 142:19,22 144:17 145:6,8,10	145:13,25 146:2 147:3,10,11 151:5 153:5 154:12 155:15 158:11,12 158:14 163:22 165:8,8,10 166:5 166:15 168:7 169:13 170:7,9,10 170:12,14,18,19 171:1,11,16,18 172:4,6,14,15,21 173:2 174:9 176:22,22 177:4,8 178:24 knowing 70:16 168:4 knowledge 17:15 105:14 knows 27:18 kudos 144:17	154:15 175:4,7 177:25 180:20 law 17:4 22:1,6 51:22 76:21 122:5 122:10 154:13 171:15 laws 17:10 lead 49:20 76:23 177:23 leadership 111:12 111:16 115:7 175:18 leading 137:16 leads 78:6 leave 28:25 38:1 40:2,23 111:22 147:25 led 146:19 left 27:14 72:15 104:12 147:7 160:17 174:25 legacy 67:21 68:3,3 68:8 legal 51:11,20 56:16 77:25 78:15 145:24 146:4 legally 56:6 legislation 5:8 18:14 46:14,18 48:2 153:6 156:15 legislature 13:4,11 14:15 legitimate 69:5 102:6,9 lending 49:8 length 112:14,24 114:16 139:9 LENORE 2:1 Lerner 1:24 67:15 lesser 109:4 letter 5:7,8,20 6:2,5 8:23 13:4,10,14 13:18,21 14:18 23:22 36:15 44:22 45:5,7,13,22 46:2 46:5,6 47:21 48:2 48:3,13 49:4,8,9
<hr/> J <hr/> jamming 110:10 January 66:23 Jerry 113:25 173:24 178:16 Jerry's 133:19 job 22:5 38:1,2 105:25 120:24 121:2,14 158:2 jobs 91:15 JOHN 2:6	<hr/> K <hr/> Kay 142:8 keep 10:3 24:7 36:13 42:7 112:6 112:6,8 134:4 157:5 keeping 22:16 Ken 142:10 key 174:8 Kim 159:23 KIMBERLY 2:2,7 kind 27:10 33:2,5 51:24 62:13,17 65:1 68:15,18 72:12 84:24 88:23 90:19 91:12,22,23 91:23 92:8,11 93:11 146:2,23 158:17,22 164:6	11:2 20:25 21:24 22:4,5,22 24:12 25:4 27:12,13 28:15,24 29:10,10 29:12,12,17,23 30:18 31:12,16 33:1,3,10 37:20 38:17 39:1 49:20 55:20 57:2 58:23 60:1,5 62:11,15 65:4 66:12,17,20 67:7,14 68:9,16 69:14 70:22 72:14 72:17,18,20 76:16 78:5,10,11 82:18 83:18 84:6 85:2 86:5,6 87:16,21 89:1 91:11,15,21 92:5,8,17 96:9,11 97:11,22 106:18 109:9,22 113:19 115:2,5 117:11 118:5 120:11 122:2,22 123:1 127:10,20,24 128:16 129:15,23 130:11 142:19,22 144:17 145:6,8,10	<hr/> L <hr/> L 1:14,16 label 59:18 Labor 33:21,22,24 34:22 39:8 45:3 157:24 160:20 163:20 lack 166:4,18 lag 58:13 59:2 laid 65:1 language 47:8,23 48:6,8,19 151:15 151:18 182:9 large 19:1 largely 49:10 51:4 168:10 larger 128:24 largest 66:12 late 59:1 75:3 89:10 Latino 89:3 laughing 134:11 Laughter 74:18 93:25 100:24 120:9 123:10 125:4 128:5 133:21 134:8,12	

49:10,12,14 51:4 51:20,22 52:9,9 53:7,9 57:16,17 57:24 58:4,12,17 58:24 59:19 60:4 60:6,10 64:3,14 70:5,11,21 76:5 76:10 99:21 106:10 109:6 110:14 136:7,9,22 151:13 152:14,15 153:17 154:1,7,8 154:18,23 155:2,5 155:15,16 156:10 156:13 157:3 158:12,18 159:4 159:23 160:6,9 162:1,4,5,21 166:7,9,24 174:25 175:2,17,22,24 176:1,7,7 177:12 177:14,15,16,19 177:20,23 178:5,6 179:22,23	likelihood 139:15 LILLIAN 1:23 limit 22:18 27:12 140:19 limited 13:16 139:14 154:6 line 63:2 145:23 171:10 lines 172:6 linger 54:20 list 6:4 36:13 63:18 65:20 183:18 listed 6:7 39:22 literacy 17:14 litigation 65:8 little 24:23 69:16 71:5 83:6 92:6 93:1 96:11 97:23 98:1 110:14 152:20 155:12 169:24,25 170:18 171:18 172:19,20 live 28:12,16 29:16 70:13 load 73:6 171:17 location 183:15 locus 89:14 logged 49:11 175:6 logical 84:23 logistics 71:10,21 102:7 141:18 160:16 167:25 long 7:19 24:22 31:8 46:23 66:11 102:18 104:14 115:15,17 121:10 152:6 165:24 167:1,6 longer 96:7,15 97:23 116:16 164:1 long-standing 89:23 look 18:16,18 20:4 56:20 89:16 91:23 92:17 107:5 109:17 113:21,24	127:12,14 140:12 141:3 164:5 looked 79:24 93:12 102:12 113:8,9 114:16 129:11 130:13 167:24 looking 20:16 35:5 72:23 78:12,13,14 79:5 82:12 91:19 93:13 114:13,13 114:14 166:22 168:6 172:7 Loretta 160:6 162:4 lose 9:22 24:9,25 25:2 28:18 loss 91:15 lost 28:24 78:21,23 154:7 lot 29:15 38:25 77:5 114:19 145:8 158:16 171:13,17 172:25 175:11 loud 133:25 low 173:9 luck 144:22 lucky 31:20 LUDVIGSON 2:6 Luther 88:22 Lyndon 17:4	manage 25:10 Management 3:6 18:24 mandate 62:14 mandates 63:3 manner 62:25 77:17 93:21 102:1 121:2,22 143:9,13 143:16 147:9,13 147:22 Manual 160:23 March 165:23 Marcus 142:10 MARGARET 1:20 marginal 93:15 marked 17:8 marks 17:3 18:1 markups 177:7 Martin 1:17 2:6 88:21 Marty 8:21 30:19 107:14 173:3 Marty's 9:10 Mason 56:23 massive 17:6 material 51:24 80:4,10 84:15 materials 81:9 111:15 matter 18:10 51:14 52:6 66:4,7 80:12 137:15,21 141:15 171:3 182:8,11 matters 21:14 65:5 130:17 mean 9:9 11:3 15:2 20:14 22:25 23:7 24:19 25:8 26:21 40:13,23 50:7 68:18 69:3,11 72:17,19 78:19,20 89:4 96:18 101:23 102:12 107:7,9 109:20 114:10 119:14,25 120:5 120:16 121:22 127:19 130:12	154:9 156:10 163:4 164:15 165:23 166:4 179:6 means 15:2 45:2 meant 179:8 measures 17:8 mechanics 111:23 media 78:22 169:13 170:16,17 171:8,12 173:18 173:20 medicate 45:10 meet 108:12 115:22 meeting 1:4,10 3:4 4:8,9,11 8:6 12:20 12:22 15:9 19:12 19:18 22:24,25,25 23:1,1,6 25:10 26:5,22 27:15,16 28:5,16 29:4,16 29:25 30:6,13 31:9 32:17 40:10 40:12,18 50:25 53:19 54:3 70:1 71:11,18,19 72:10 72:11 74:20 75:9 79:14 80:20 82:15 86:12 94:5 113:21 116:17 137:7,11 137:22,24 139:9 167:9 172:13 174:19,23 175:23 177:11 182:25 183:3,12,13,17,18 183:19 184:5 meetings 19:7,9,11 19:16,25 22:10,12 23:12 24:3,10,14 24:15,22 25:5 26:11 27:9,11,12 27:21 28:9 29:3 31:25 33:12 183:13 meets 31:5 Melendez 1:15 7:24 8:5,15 10:6 11:18
--	--	---	--	---

11:19,24 12:2 13:5 14:3,4,21 15:8 16:17 25:18 26:6 27:5,7,24 29:21 31:1,13,15 32:3 34:20 37:21 37:25 42:1,21,22 43:5 50:3 52:21 53:18 57:22 58:11 60:4,9 61:13 62:3 62:5 91:9,10 92:15 93:4 95:2,9 95:14,25 129:9 130:6,9 133:4 135:25 136:2 138:18,23 139:8 141:10 145:5,6 158:10,11 159:18 167:10,18,19 168:21 171:22 172:2 173:6,12 174:15 176:25 180:16,17,22 Melendez's 75:1 92:23 130:16 members 28:25 29:1 44:23 45:13 46:19 59:16 60:23 87:22 88:8 105:11 106:9 152:7 170:22 171:6 175:18,24 176:11 177:15 memo 53:13 167:22 170:6 men 56:14 mentioned 130:8 mentioning 168:3 men's 135:20 merited 51:6 message 121:7 160:17 169:19,24 170:8,13,16 171:3 171:11,18 173:19 173:20 messages 171:20 173:23	messenger 103:13 messy 6:12 met 98:24 metal 111:18 method 25:13,14 129:19 methods 57:8 mic 75:22 Michael 1:16 147:6 microscope 158:22 midnight 118:14 118:18 midst 160:25 mind 20:6 21:7 23:17 33:1 48:7 73:3 96:18,22 136:14 161:23 mine 68:13,20 147:16 178:15 minimum 163:15 minor 49:21 58:2 65:2 minority 84:10 134:17 151:23 153:13 minority-owned 151:25 minute 34:21 39:16 40:24 74:25 82:13 minutes 3:4 12:19 12:22,23 14:12,14 14:16 15:7,25 16:9 46:25 47:24 48:22 50:19 64:13 128:2,3,4 misleading 120:13 misperceived 121:5 misremembered 14:20 missed 7:14 74:22 74:23 125:16 144:7,9 mission 62:2 137:14 misstated 104:5 mistake 158:8 misunderstanding	140:21 141:7 164:16 misunderstood 156:21 157:16 mitigate 45:10 mocking 88:25 moderately 55:23 moderately-selec... 55:8 moderator 139:13 139:18 moderators 137:16 modified 137:25 moment 161:22 Monday 34:4,25 35:2,3 59:8 142:17 money 62:16 87:6,8 145:19,22 146:2,2 146:8,9,11,20 147:24 161:1 168:22 MONROIG 1:25 183:6 month 22:10 23:4 24:5 41:6 72:1 89:22 98:16 115:5 128:18 160:12 165:19 monthly 40:18 months 25:21 29:10 147:8 167:14 174:3 moot 77:15,16 81:17,19 94:23 morning 4:7 39:2,2 50:2 73:20 74:3 84:19 Mortgage 94:9 motion 4:22 6:9,20 6:20,22,24,25 7:4 7:7,8,11 8:1,24 9:6,12,13,18,20 10:12,14 11:7,7 11:11,12,20,22 12:4,6,17 13:2 14:8,17 16:2,14	16:14,23,24 45:18 45:20 57:23 81:1 94:14,18 118:7 122:18,21 123:19 123:21,24 124:1,2 124:4,10 126:25 135:1 136:4 155:10 159:19,19 167:10 178:4 179:19,22 180:23 180:24 181:18 182:5 mouth 125:6 move 4:19 7:17 12:23 36:23 44:20 45:12,17 47:8,25 49:14,21 50:23 72:1 86:11 90:7 94:10 106:13 118:8 122:21 127:8 134:15 135:7,17 142:23 144:5 147:2,5 175:2,16,22 180:25 182:11 183:7,11 moved 11:23 movement 177:7 moving 33:6 43:10 87:24 99:8 141:9 144:18 165:15 mule 104:16 multiple 169:13 municipal 54:6 <hr/> N N 1:15 nail 68:7 name 161:13 163:24 164:9,13 164:25 165:3,9 narrow 90:5 172:3 narrowed 86:22 90:2 132:6 narrowly 153:10 nation 52:2 national 5:14 7:18	9:1 10:4 11:1,7 63:9,10,10 137:8 142:14 143:22 nationwide 17:12 Native 5:21 47:16 129:21,23 158:14 158:20,24 175:9 Natives 129:13 Natural 175:12 nature 8:19 13:21 134:19 152:2,12 Nay 11:16 nays 10:21 12:13 159:8 near 73:10 nearby 57:1 necessarily 63:24 93:18 156:11 169:17,20 necessary 19:7 20:11,13 21:24 22:2,14 68:2 106:11 131:20 need 9:23,25 10:2 11:12 12:5 15:3 20:14 22:8 26:8 36:9 54:20 63:24 68:14,17 69:2 71:18 72:3,14,17 72:18,20,24 73:17 76:11 79:4,15 85:19 93:19 96:17 100:20,21 101:23 102:7 106:5,19 108:14,16 117:10 135:17 136:16 148:5 155:16 156:2 163:3 165:10 169:16 170:2,17,17 173:19,25 174:6 176:15 178:19 179:12 needed 81:15 82:7 91:23 96:9 144:11 145:24 146:4 needs 6:8 15:12
---	---	---	--	--

76:20 176:13	notice 24:14 26:18 36:10 125:1	36:17,18 37:1 40:7,14,16 43:8	53:11,13,13 54:22 55:2 57:12,20	128:9
negative 118:3	noticed 23:25	119:18 120:20	58:6,16 61:10	ones 26:7 124:12 172:9
net 119:4	notion 22:4 34:10 115:18	123:7 141:22	63:6 65:19 68:10	one-on-one 142:6
neutral 91:13 92:4 92:11	November 27:22 42:9,12,14 43:1,5 43:9	offend 46:14,18	68:22 69:8,8	open 1:8 23:20 53:3 58:2 72:15 94:21 125:17 133:8,25 134:4 157:5 172:12 184:4
never 107:25 116:25 124:20 125:16 128:1,7 129:5 134:6 140:23 145:14,16 145:20 146:5	number 5:24 19:1 20:7 26:2 101:2 107:24 134:16 139:10 141:23 142:23 148:22 151:24 158:3 162:1	offending 151:15 151:18	74:16,23 75:11,24 78:1 79:25 81:5 85:14 89:18 94:1 95:25 97:1,16,18 97:25 99:13 104:19 107:2,13 109:8,14,15 111:20 116:8,9,18 118:1,15,21 123:20,23 124:6 125:15,20 126:20 126:23 128:11 129:7 130:6,20,25 131:25 132:22,22 132:25 133:10,14 133:25 134:1,13 135:9,21 136:1,5 136:18 137:6 140:22,25 141:5,8 145:1 146:22 147:6 148:3,17 149:9,21 150:7 151:2,7,12,14 155:3,13 156:14 159:1,11,12 160:1 165:6,8,13 167:8 167:8,19 171:21 174:15,17,21,24 175:5,9 176:23 177:17 179:2,4,4 179:17,20 180:4 180:13,21 181:15 181:19,22 182:9 182:10 183:7 184:3	opened 75:2 opening 65:22 operated 146:17 operating 84:8 operations 3:6 18:24 121:3 opinion 145:24 146:4 147:2,24 opinions 109:25 opportunity 82:17 83:6 89:11 95:20 135:12 138:15 139:12 144:8,9 161:18 oppose 106:16 opposed 102:10 123:9,11 145:19 175:8 opposing 176:22 opposition 10:20 52:17 175:20,21 optimal 113:18 option 113:22,24 123:3,11 157:5 options 113:18,19 137:18 167:24 168:15 169:3,4 orally 124:20 order 4:8 9:15 11:9 19:3 55:10 108:12 123:2 orderly 120:4 121:1,6,21 organization 121:1 152:13 organizations 152:2 organize 139:17
nevertheless 56:8 138:9	numerous 158:1	offensive 88:23	95:25 97:1,16,18 97:25 99:13 104:19 107:2,13 109:8,14,15 111:20 116:8,9,18 118:1,15,21 123:20,23 124:6 125:15,20 126:20 126:23 128:11 129:7 130:6,20,25 131:25 132:22,22 132:25 133:10,14 133:25 134:1,13 135:9,21 136:1,5 136:18 137:6 140:22,25 141:5,8 145:1 146:22 147:6 148:3,17 149:9,21 150:7 151:2,7,12,14 155:3,13 156:14 159:1,11,12 160:1 165:6,8,13 167:8 167:8,19 171:21 174:15,17,21,24 175:5,9 176:23 177:17 179:2,4,4 179:17,20 180:4 180:13,21 181:15 181:19,22 182:9 182:10 183:7 184:3	
new 5:9 63:10 64:4 64:12 65:7,16 69:15 73:11 74:8 75:19 78:23 79:23 80:12 118:24,25 137:9 141:21 161:1,2 167:12,13	N.W 1:10 4:12	offered 7:20 140:6 140:15 159:4	125:15,20 126:20 126:23 128:11 129:7 130:6,20,25 131:25 132:22,22 132:25 133:10,14 133:25 134:1,13 135:9,21 136:1,5 136:18 137:6 140:22,25 141:5,8 145:1 146:22 147:6 148:3,17 149:9,21 150:7 151:2,7,12,14 155:3,13 156:14 159:1,11,12 160:1 165:6,8,13 167:8 167:8,19 171:21 174:15,17,21,24 175:5,9 176:23 177:17 179:2,4,4 179:17,20 180:4 180:13,21 181:15 181:19,22 182:9 182:10 183:7 184:3	
newspapers 172:19	<hr/> O <hr/>	office 61:2,6 64:9 67:8 73:7,9,10 74:7 110:23 161:8	181:19,22 182:9 182:10 183:7 184:3	
nice 54:19 99:21 110:14 136:10 170:19	Obama 61:24	offices 108:23 111:16,17	181:19,22 182:9 182:10 183:7 184:3	
nicely 92:24	object 34:9 116:16	official 70:1 161:9 176:7 177:19 178:6	181:19,22 182:9 182:10 183:7 184:3	
night 65:3	objected 126:2	officials 17:7	181:19,22 182:9 182:10 183:7 184:3	
Ninth 1:10 4:12	objection 27:1 40:3 44:11 86:19	offline 106:12 139:2	181:19,22 182:9 182:10 183:7 184:3	
non 93:18	objections 12:12 14:1 16:6 126:14 135:24 159:7 182:1,19 184:1	OGC 73:24	181:19,22 182:9 182:10 183:7 184:3	
non-discriminato... 57:8	obligation 20:18 112:12	oh 9:8 28:2 34:18 35:5 37:19 42:15 69:9 75:22 90:17 124:3 132:17 142:13 150:7 155:6 175:1	181:19,22 182:9 182:10 183:7 184:3	
non-profit 152:2	observed 88:21	Ohio 13:4,10,12 14:15	181:19,22 182:9 182:10 183:7 184:3	
non-responsive 51:4	observation 92:23 93:21	okay 4:3,25 5:22 6:10,12 7:9 10:9 10:13 11:5,14,17 12:1,9,16,21 15:6 15:11 16:1,19 18:5,19,25 21:2 21:22 23:13 24:17 25:11 26:19 27:2 29:21 33:13,18 34:7,16 35:10,11 36:14,22 37:15,17 38:10,22 39:5,12 39:14,21 40:4 41:10 42:9,18,23 43:10 44:14,19 47:2 48:23 50:14 52:10,11,25 53:4	181:19,22 182:9 182:10 183:7 184:3	
noon 40:22 135:17	obtain 94:22		181:19,22 182:9 182:10 183:7 184:3	
normal 98:3 120:4	obtained 48:11		181:19,22 182:9 182:10 183:7 184:3	
normally 60:25 105:12	obvious 83:8		181:19,22 182:9 182:10 183:7 184:3	
normally-schedu... 19:8	obviously 22:20 26:8 40:25 165:6		181:19,22 182:9 182:10 183:7 184:3	
north 87:12	occasion 21:4		181:19,22 182:9 182:10 183:7 184:3	
nos 159:15,17 180:22	occasions 28:24,25 104:5 145:3		181:19,22 182:9 182:10 183:7 184:3	
note 18:20 52:12 57:13 157:21	occurred 24:4 138:7		181:19,22 182:9 182:10 183:7 184:3	
noted 50:5,7,9,12 50:13,25 52:9 138:17 175:5	OCRE 1:24 67:11 67:21 73:24 86:5 86:8		181:19,22 182:9 182:10 183:7 184:3	
	October 20:1 27:22		181:19,22 182:9 182:10 183:7 184:3	

organizing 173:1	140:7,19	particular 55:22	person 111:10	133:1 135:22
original 18:14 50:3	panels 137:15	59:19 77:18 80:16	133:16 160:15	159:5 160:2 180:5
51:4,20 95:17	139:10,14	80:22,23 95:13	161:14 164:9,13	180:14 181:24
122:19 139:22,24	Panther 5:10 63:11	107:14,18 131:17	165:1,2,9	182:17 183:2,21
141:3 150:16	64:5,12 65:8,16	134:18 153:10	personal 154:3,13	pleased 135:1
originally 38:21	69:15 73:11 74:9	157:20 168:5,12	personnel 182:8,11	plenty 77:1,23
74:25 143:22	75:19 80:12	168:18,20 169:1	persons 183:19	pocket 25:22
165:19	Panthers 78:23	169:16	perspective 78:6,16	point 32:16 33:13
OSTROWSKY 2:1	paper 5:11 55:5	particularly 23:20	84:24 119:10	52:14 55:25 58:7
ought 63:5 170:22	63:13 64:24,24	96:21 111:16	153:14	66:2 73:21 74:2
outcome 130:13	65:2 69:18,25	138:19	perspectives 140:6	78:10 82:8 90:1
outlier 127:20	71:24 72:14 75:4	partly 69:3	persuade 84:1	98:14 115:2 134:3
outline 139:17	75:17 78:4 85:24	Party 5:10 63:11	Pete 109:10	137:20 141:13
outside 64:21	137:12 138:16	64:5,12 65:8,17	PETER 1:15	142:20 143:14
outvoted 151:19	140:3 143:2,2,17	69:15 73:11 74:9	phase 119:15	144:25 158:19
overall 73:21 142:1	papers 53:21 75:3	75:20 80:12	Philadelphia 49:6	164:25 170:10
143:10	87:11,11 139:21	passed 128:23	77:8	172:17,19 173:18
overcome 17:11	139:24 140:14	151:7	phone 162:2	pointed 13:14
overflow 28:15	paradigm 66:9	passes 12:17 16:24	166:25	101:3 164:20
29:2,18,20	parallel 67:19	122:24 126:25	phones 4:6	174:7
oversee 161:2	part 11:3 17:5 20:2	149:6 150:10	phrased 155:9	points 25:20 63:18
overturned 13:16	25:23 55:13 78:20	159:19 180:24	physicians 154:7	130:21 139:19
158:23	80:6,7 94:10,20	182:5	physics 178:10	156:3,11 170:20
overview 137:12	94:21,21,22 97:15	Paul 142:7	pick 62:23 75:21	police 54:6
owned 151:24	97:15 98:9,9	pay 102:7	172:8,9,16	policies 55:15 68:1
ownership 134:17	108:20 116:4,4	pending 5:21 13:12	picking 75:22	policy 55:10 65:12
134:18,18 144:24	122:25,25 124:23	30:1,15	piece 104:11	76:22 78:7,24
152:12,13	127:2 129:8 130:3	pensions 91:15	piecemeal 104:6	82:21 110:7
owns 174:25	131:4,5,15,17	people 24:12 29:9	place 25:24 83:6	120:11 121:4
	132:9,16,21	35:17 46:4,5,15	88:23 101:24	160:19 170:15
P	134:14 147:20	51:2 68:9 70:3	121:4 146:12	171:3 173:17
pace 20:16	148:14,16,18	75:8,12 85:16	183:15	policymakers
Pacific 35:23,24	149:14,15 164:24	89:10 90:24 91:25	placed 70:4	171:4
41:23 118:13,19	176:4	99:8 105:14 134:3	plan 137:14,25	polished 120:19
packages 20:15	PARTICIPANT	134:11 142:1,3,23	146:23	political 77:9
packet 84:17	56:10 180:1	143:18 152:4,6,11	planned 95:18	154:21 156:3,11
page 3:2 13:4 21:20	participants 19:16	156:19 168:7	112:25	poll 17:23 77:7
129:11	139:21 140:9	people's 9:23	planning 3:7 5:6	portion 182:25
pages 81:12 83:4	participate 136:3	perceive 115:9	7:18 9:2 49:1	184:4
83:24 85:3,4	155:21	perfect 84:23	138:6 139:6	posed 140:10
pain 41:11	participated	perfectly 33:9	planning-wise	position 73:20
panel 139:16,18	138:10	period 29:13 41:5	147:21	76:18,25 78:8
142:8,9,9,10	participating	96:15 97:23 108:6	please 10:15 12:10	82:12 108:14
156:5	147:15	116:7 128:15	13:24 16:2 18:11	109:10,10 110:2,9
panelist 94:12	participation	167:1	19:20 52:12,15	112:16 147:11
138:16	139:13 144:19,24	periods 96:8,10,25	57:20 124:8	153:25 165:8
panelists 137:16	particle 178:10	112:7,9	126:11 131:1	positions 109:13

140:9	prefers 110:6	14:16 65:11 76:14	151:21 157:20,22	79:21 81:7,7
possibility 24:1	preliminary 63:13	priorities 145:18	158:4,7	136:19 139:16,25
114:10	premise 84:8	private 55:8 56:4,5	progress 138:5	160:2,8,10
possible 5:17 26:12	prepare 70:23	56:6,21	prohibition 17:13	provided 19:13,13
34:15 47:22 58:5	167:11	privilege 87:25	21:9	138:11 139:1
61:18 71:16 86:14	prepared 8:9 47:7	probably 22:11	prohibits 18:3	181:1
96:8 97:24 98:10	53:21 54:2 64:24	25:21 47:1 48:21	project 53:20,22,23	providing 8:12
109:18,21 113:22	71:12,20 75:7	62:25 65:1 81:9	54:1,9 55:13	116:12 164:4
121:19 127:5	117:5 161:19	86:10 88:5 90:3	61:14,22 63:2	provisions 45:6,9
141:11 157:2	preparing 71:23	157:21 158:18	67:8,11 73:24	48:2
163:3 167:11,16	present 1:12,19,26	169:12	75:5 167:12 169:1	PSA 168:4 169:24
175:23	2:4 4:15 14:21,24	problem 22:16	promptly 167:7	PSAs 169:19
possibly 66:24 67:4	15:3,10 50:4	30:16 31:20 47:25	promulgated	public 5:18 52:7
85:17 152:22	121:19 127:10	55:16 84:6 101:25	153:18	55:8 56:2,4,5,18
153:3,15 155:18	presentable 109:3	106:4 124:7,24	properly 119:3	56:22 84:13
163:2	presented 167:14	151:9	proposal 23:16	119:11 121:20
posted 181:2	178:14	problematic 34:17	38:23 45:4 54:1,4	160:12 167:12,13
postpone 47:4	President 17:4	141:21	54:5 57:3,6,10	167:16 171:14,23
82:19 84:2	44:22 45:13	problems 143:8	66:16 67:10,20	172:6,21 183:15
postponed 24:2	President's 62:10	146:1,6	68:21 70:17,24	183:16,16
potential 90:2	presiding 1:11	procedural 143:9	71:1,21 73:19	publication 94:11
152:21 160:11	Press 142:15	procedure 101:24	80:17 81:25 82:6	168:3,5
potentially 77:6	presumably 60:6	procedures 54:13	86:19 90:11 91:3	published 140:3
155:17 168:16	presume 153:18	121:10 160:20	92:24 137:8	pull 144:4
169:1,7	157:19 158:5	161:2 183:13	139:22,25	pulled 144:14
practical 78:16	prettied-up 96:13	proceed 137:24	proposals 5:5	pumped 89:4
156:19	110:15	proceeding 77:20	53:20 68:25 69:4	purpose 76:7
practice 80:8 81:4	pretty 25:22 63:2	proceedings 140:4	71:13,22 85:17	169:19 170:7,13
81:7 92:18	106:10 109:5,6	process 33:6 99:24	87:4 91:7 168:15	purposes 169:5
preamble 18:14	121:2 171:16	104:14 112:2	propose 4:23 5:1,5	pursuant 57:25
precedence 7:7	previous 44:6	114:18 119:14	8:14 19:16 27:4	153:19 161:8,11
precedent 79:1	100:1	138:6 143:25	38:18 56:20 57:2	182:25 183:3,4,12
114:23,25 127:19	previously 13:16	144:2 164:1,3	71:1 178:1,2,5	pursue 69:14 168:3
133:15	pre-concept 64:23	168:11 176:18	proposed 5:7 6:1,5	168:13
precise 102:17,17	71:24	produce 66:13	7:17 9:15 19:19	pursued 77:18
prefer 7:22 9:4,21	pre-conference	produced 94:11	19:22 37:6 38:21	166:19
10:2 22:20 43:18	139:17	product 99:15	45:4 56:25 57:2	pursuing 64:25
69:13 72:8 117:23	principle 85:6	147:23 155:22	104:5 137:15,18	143:6
123:6	175:24	products 140:5	138:4 139:10,13	pursuit 87:10
preferable 35:21	principles 84:25	professional 56:5	proposes 81:25	push 147:13 152:16
82:23	print 99:9	109:20 169:20	proposing 54:21	pushing 26:7
preference 120:1,1	printed 103:8	professors 89:2	90:9 99:12,14	put 4:6 6:5 8:21,25
120:22	105:2,4,21	program 3:7 5:6	105:3	9:15,21 24:13
preferences 44:24	printer 104:25	7:18 9:1 19:1	prose 18:16,18	30:9 32:5,6 36:4
45:7 48:15 67:22	108:25 109:2	49:1 153:10	protected 138:21	44:5 51:17 81:17
68:3,4,8	printing 105:20	programs 1:21	provide 8:10 51:6	85:9 88:7 100:5
preferred 82:20	prior 13:3,5,7	13:17 32:11	51:10,25 61:25	105:5 110:11

121:4 129:17 130:3,7 135:3 143:10 145:19 147:19 151:19 158:22 168:15 179:3,7,15,15 putting 43:4 88:1 173:1 178:19 puzzled 24:23 P-R-O-C-E-E-D-... 4:1 p.m 184:4	170:20 172:20 quickly 88:2 115:20 172:10 quite 18:9,10 26:8 33:4 55:23 60:7 66:20 87:18,19 98:3 151:20 152:9 152:16 165:23 quorum 9:22 10:1 10:2 20:9 24:7,9 25:2 28:19,24 29:1 30:24 138:9	real 92:2,4 119:15 132:6 135:1 154:4 156:7 really 18:9 23:11 30:1 33:5 68:14 69:20 72:11 73:20 78:5 79:10 81:19 82:5,23 84:19 85:4 93:14 117:9 122:3,3,4 129:22 145:16,20 146:13 146:16,16 147:1 163:13 167:1 168:1,12 174:2 reamend 122:2 rearrange 48:4 reason 9:3,21 26:21 55:20 68:13 79:4 82:6 102:24 109:2 153:17 154:17 156:8 reasonable 20:17 83:2 85:7 reasons 62:6 63:19 64:1 76:10 155:9 175:21 rebuttal 108:6,6 Rebuttals 94:16 97:3 recall 162:20 receive 56:10 58:11 58:15 61:8 76:6 138:5 139:24 158:15 161:13 168:12,17 received 51:3 52:5 61:11 63:7 75:18 97:21 118:11 142:12 145:14 160:6 162:4 163:8 167:23 receives 176:8 receiving 62:16 138:18 175:10 reception 25:25 recharter 19:4 20:18	rechartering 19:2 20:15,21 21:8 23:18 24:21 25:20 31:24 32:22 recognize 154:3 156:2 recognizing 26:5 recommend 19:10 63:25 recommendation 79:10 139:23 recommendations 70:3 71:16 77:11 77:25 97:7 98:5 135:2,3,6,8 138:16 139:20 140:16 148:12 150:19 151:1,10 169:15 173:4 recommended 137:15 138:3 recommending 63:9 167:20 reconcile 109:12 record 18:12 57:21 71:17 78:13 79:16 90:22 134:9,10 144:1 175:20 records 129:20 recs 149:14 redactions 163:4 reentered 57:14 reference 153:11 referring 160:25 refile 77:2,3 refine 90:20 reflect 14:14,17 15:7 57:21 134:9 134:11 reflected 15:9 90:15 reflecting 94:12 reflection 154:19 reflects 48:3 reflexive 102:10,11 reformatting 104:14	refused 156:17 regard 36:7 54:14 65:7,16,17 84:9 regarding 5:9,16 5:21 9:16 49:4 54:14 55:6 63:8 89:3 115:23 138:19 160:3 regardless 77:22 80:13 97:6 regards 106:16 regional 18:25 32:11 regress 121:16 regs 153:18 regular 9:10 25:4 25:10 26:4 37:1 40:10,11 73:1 regularly 93:5 regularly-schedu... 24:22 regulations 183:1,4 related 5:4 52:6 66:18 75:19 81:21 138:20 relates 11:7 81:1 relating 161:1 relation 129:16 relations 171:24 relationship 63:3 137:13 relative 72:20 relatively 62:6 release 160:12 relevant 13:14 163:3 remaining 12:3 14:8 16:23 27:21 57:22 126:24 136:3 159:18 180:23 remarkably 167:1 remarks 178:13 179:7 181:1 remember 56:13 91:5 93:9 148:21 162:10,17 165:21
Q	R			
qua 93:18 qualifications 159:4 quality 154:7 question 6:18 7:14 12:8 14:10 20:3,6 24:3 27:5 46:20 46:21 50:19 65:6 65:6,9,13,15 69:1 72:5 73:4,13 74:7 75:16 77:14 78:5 78:7 79:2,3,10,11 88:9 90:14 95:3,5 104:12 107:13 112:17 114:8 115:3 119:15 123:19 125:22 126:7 129:10 132:11,24,25 136:15 146:10 161:24 168:21 177:1 questionable 33:5 51:20 109:1 questions 45:5,7 51:7 52:12 69:4 71:12,21,25 72:14 73:17 94:1 131:12 140:10 145:7 147:17 156:19 167:18 170:15 174:1 quick 73:4 158:5	race 13:16 91:20 races 88:18 129:12 race-based 68:1,2,4 racial 13:11 44:24 45:7,11 48:15 87:12,14,17 racing 153:11 racism 75:6 88:17 radio 170:21 raised 25:19 45:5 123:17 128:12 range 170:1 ratification 18:2 ratio 55:11 rational 83:3 reach 138:2 142:11 152:10 reached 141:22 reaching 143:24 reaction 69:3 read 13:9 68:19 71:17 74:3 87:11 87:11 88:24 134:14 148:20 151:17 169:23 readily 178:11 reading 35:9 134:14 152:19 reads 14:15 151:11 ready 30:2,2,5,8,10 30:20,25 31:4 32:8,10 73:17 94:5 159:2 173:2			

166:11	82:9,10 108:1	response 10:8,19	16:13,19,22 17:1	109:24 110:12,19
Reorganization	119:13 145:12	12:7 13:23 16:5,7	18:7,11,19,22,25	110:24 111:6,13
175:10	151:10	37:9 44:13 51:3	20:12,22 21:2,5	111:20 112:8
repeat 96:22	report/recommen...	51:14,18 52:18	21:12,17,19 23:13	113:1,5,13,17,23
130:23	61:13	75:18 76:6,13,16	24:17 25:11 26:14	114:3,7 115:12,21
repeatedly 25:19	Representatives	77:22 94:3 109:17	26:19,24 27:2,6	116:8,18,21 118:1
repeating 96:22	45:1 110:18	109:18 129:1	27:18 28:6 30:19	118:6,15,18,21
128:21	request 49:11	135:11 148:2	31:22 32:19 33:13	119:5,7,21 120:7
rephrase 97:13	62:10 160:3,9,21	161:19 164:3,5,6	33:18 34:3,7,16	122:6,9,13,16
176:3	161:7,10,16,20	181:23 182:2,4,15	34:20,23 35:3,7	123:8,15,20,23
rephrasing 180:12	162:14,25 164:17	182:20,22 183:25	35:10,15,18 36:2	124:3,6,12,15,25
replies 51:16 97:23	requested 10:6	184:2	36:14,19,22 37:4	125:13,20 126:1,4
98:11,12,22 100:2	136:11,24	responses 51:21	37:23 38:3,9,22	126:9,11,20,23
103:18,23,25	requesting 166:7	52:5 64:17 129:1	39:14,21 40:4,7	127:12,16,21
104:13,23 106:17	requests 5:15 93:1	166:1	40:15,20 41:8,10	128:11 129:7
107:4 118:12	161:5	responsibility 51:9	41:19,21,25 42:6	130:11,20,25
128:7	require 14:11 66:5	52:1 64:16 76:14	42:9,20 43:7,10	131:5,15,25
reply 96:7,15,21	66:6 70:6	144:24 158:20,23	43:13 44:11,17,19	132:12,22,25
104:8,12 124:16	required 13:12	responsive 161:5	45:16,19,22,25	133:6,10,14,18,24
128:15	17:17 66:13,14	161:25	46:7,11,16,21	134:13,21 135:9
report 5:11,13 8:1	73:21 111:4	rest 13:6 27:14	47:2,19 48:4 49:2	135:21 136:1,10
9:1 10:5 11:4	requirement 112:3	30:6 36:20 51:22	49:17 50:14,17,22	136:18,23 137:4
52:1 53:15 57:4	requirements	149:1	52:3,11,22,25	140:22,25 141:5,8
61:19,23,25 62:8	145:10	restart 144:2	53:4,9,13 54:22	143:1,3,4 145:1
63:12,20,25 64:2	requires 38:25 66:3	restate 11:19	55:2,4 57:12,17	148:1,7,13,17
64:7,22 66:1,3,4,5	requisite 121:13	restated 7:15	57:20 58:6,8,16	149:3,5,9,21
66:7,11,19 67:11	research 47:15	restating 18:15	58:20 59:23 60:13	150:16,22 151:2
67:16,16,21 70:7	65:6 67:9,18	result 17:5 113:21	60:16,20,25 61:10	151:14 152:18
71:7 72:22,25	169:10	118:24,25	63:6 65:19,24	153:23 157:17
73:1,2 74:10,12	researched 112:24	returns 134:1	68:10 69:5,11,22	158:10 159:1,3,11
79:13 86:3,12,24	resent 129:3	review 75:13 83:6	70:10 71:8 73:16	159:16 160:1
89:7,13,22 90:8	reservation 130:14	84:17 88:4 108:18	74:16 75:11,14	165:16 166:21
90:12 92:16 94:8	130:15 152:5	160:23	78:1 79:7 81:5,14	167:3,8 169:8
94:10,20 95:14,18	reserve 155:21,23	reviewed 112:19	81:20 83:1,11	170:4 171:21
100:19 102:21	reset 117:21	reviewing 161:18	84:4 85:14,23	172:24 174:17,21
103:22 107:25	reside 130:14	revised 143:2	86:25 88:11 89:17	174:24 175:3
108:21 110:11	resistance 17:7	revision 137:23	91:1,9 92:13 94:1	177:2,17,22 178:7
111:24 120:19	Resource 175:13	revisions 138:15	95:1 96:2,16,24	178:12,16,18
128:1,23 130:19	resources 69:2	Reynolds 1:11,13	97:1,9,13,25	179:4,17,20,23
131:18 135:6	resource-wise 74:8	4:3,7,18,24 5:22	98:17,20,22,25	180:4,9,13,21
138:5,6 148:12	respect 51:21 58:24	6:10,16,21 7:9,20	99:3,6,11,14	181:6,15,19,22
150:4 172:8	71:13 75:16 79:12	8:9,22 9:7,12,18	100:25 101:21	182:7,14 183:7,11
reported 146:21	79:18 82:9 92:23	10:7,13,15 11:5	102:5,9 103:4,19	183:21
Reporter 148:20	94:9 143:21 169:5	11:14,17,21 12:1	104:2,19 105:5	Ricci 54:8,11
reporting 145:9	181:18	12:9,16,21 13:1	106:4,21 107:6,9	rich 140:11
reports 64:15	respond 96:17	13:22 14:3,5,7	107:13,18,22	Richmond 55:22
73:22,25 79:19	140:9	15:11,15,19 16:1	108:13 109:8,14	56:21

right 9:7 11:17 15:15 17:9,13 18:4 21:5,6 25:1 28:7 33:15,17 37:4 38:3 43:7 44:16 47:23 53:10 55:4 73:15 74:1 81:23 83:11 85:21 85:23 86:2 87:7 94:4 101:5 104:3 105:20 106:12 112:18,18 119:6,9 120:15 123:20 126:1,4,7,23 129:7 132:6 135:21 136:5 141:8,9 143:25 148:20 150:1,20 155:21 157:9,9 164:18,22 165:11 177:6 181:6	79:12,17,24 80:1 80:24 81:10 82:9 83:16 98:3 107:24 108:1 117:20 128:9 ruled 17:24 rules 79:21 84:3 101:25 run 120:4 121:1,14 121:21 running 113:9 rush 72:12	124:19 125:11,17 126:8,10 127:5 128:1,8,12,14,24 137:18 scheduled 8:17 19:12 23:25 24:12 27:16 28:15 30:23 32:4 39:24 74:1 scheduling 69:2 scheme 102:5 SCHMAUCH 2:7 scholars 140:19 school 56:21,22,24 56:25 schools 55:9 56:1,2 56:4,5,6,6,13,14 56:19,20,22 57:3 57:7 SCHULD 2:7 scope 138:19 143:11 score 129:14,24 scores 129:12 scrubbed 98:14 second 4:20,22,25 6:8,8 9:5,8 12:21 12:24,25 13:19 30:7 45:14,15 49:15,16 94:24,25 118:21 119:22 123:12,18 133:17 134:19,20 135:9 155:16 176:24,25 180:8,9 181:3,7 181:13 182:12,13 183:19,20 secondarily 27:9 77:15 seconded 7:11 180:11 seconds 171:17 second-best 119:16 sectarian 56:25 section 17:12,16 18:8,13,17 129:18 sections 46:14,18 security 110:17	111:9 129:20 see 14:13 29:22 37:11 47:7,19 49:22 60:4,5 62:14 63:4 71:17 78:4 84:1,22,22 90:15 92:6,21 121:16,23 127:13 129:24 142:21 147:14 152:21 164:6 170:25 171:7 172:3,10 178:9 179:1,10 seeing 48:8 62:20 90:10 92:18 seek 17:17 48:6 153:10 seen 48:1 60:3,6 88:16 124:22 179:1 select 27:3 selected 86:2 selection 54:13 selective 55:24 Senate 13:13 111:7 175:15 177:9 send 13:10,18 14:17 23:22 57:23 58:20,21 60:17 61:7 82:1,2 96:8 96:11 97:21 98:15 99:17,20 100:19 100:21,22 101:3,7 101:10 103:5,12 104:6 152:14 161:21 162:20 163:7 166:3 174:12 175:17 176:7,11 177:12 177:20 179:21 sending 5:20 45:12 103:10 152:15 155:19 159:4 sends 111:9 senior 161:8 sense 21:24 48:22 70:2 84:23 85:18	122:2 155:25 170:10 176:20 sent 49:4,8,9,13 53:14 54:2 58:11 58:12,14 59:25 60:2,25 63:13 65:3 103:8 128:16 128:20,21 138:14 160:11 166:24 167:15 sentence 14:15 sentences 13:8 sentiment 73:15 sentiments 145:2 separate 81:21 154:8,18,23 separately 70:11 September 20:1 26:21 27:22 29:23 29:24 30:4,9,11 32:13,14 33:19 37:1,3,4 39:19 94:18 96:12,12 97:5 98:12,15,16 98:19,24 99:10 102:3 105:18 107:4,5,8 118:13 125:25 145:11 177:11 serious 22:15 64:18 68:8 84:5 139:15 143:8 seriously 64:12 service 5:18 158:15 158:16 167:13,16 171:14 172:21 services 152:7,11 157:24 session 1:8 182:8 184:4 set 23:18 30:16 35:12 56:2 114:22 117:3,7 142:6 168:25 sets 79:1 set-aside 13:17 151:25 153:3
	S			
rights 1:2 4:10 5:16 15:16 17:2,4 18:23 40:18 52:2 61:15,17,19 62:9 64:15 67:9 78:15 93:2,6 94:9 121:14 137:8,9 141:12 143:23 144:10 160:4 161:9 168:4,8 171:14 178:4	sample 129:15,19 130:5,22 satisfactory 51:13 76:6 satisfied 147:6 satisfies 90:24 satisfy 20:18 64:7 72:1 76:13 112:3 112:12 147:4 162:14,14 saw 125:17 129:14 saying 14:22 30:17 32:5,7 48:10 50:10 59:24 82:21 87:3 98:7,9 100:21 102:8 109:17 112:20 113:5,15 147:10 says 41:24 129:18 schedule 19:7,19 19:25 20:2,4 24:8 27:19 29:7,9,12 29:17 38:17 70:19 96:7 100:1 107:10 107:16,17,19 111:22 124:5,11	124:19 125:11,17 126:8,10 127:5 128:1,8,12,14,24 137:18 scheduled 8:17 19:12 23:25 24:12 27:16 28:15 30:23 32:4 39:24 74:1 scheduling 69:2 scheme 102:5 SCHMAUCH 2:7 scholars 140:19 school 56:21,22,24 56:25 schools 55:9 56:1,2 56:4,5,6,6,13,14 56:19,20,22 57:3 57:7 SCHULD 2:7 scope 138:19 143:11 score 129:14,24 scores 129:12 scrubbed 98:14 second 4:20,22,25 6:8,8 9:5,8 12:21 12:24,25 13:19 30:7 45:14,15 49:15,16 94:24,25 118:21 119:22 123:12,18 133:17 134:19,20 135:9 155:16 176:24,25 180:8,9 181:3,7 181:13 182:12,13 183:19,20 secondarily 27:9 77:15 seconded 7:11 180:11 seconds 171:17 second-best 119:16 sectarian 56:25 section 17:12,16 18:8,13,17 129:18 sections 46:14,18 security 110:17	111:9 129:20 see 14:13 29:22 37:11 47:7,19 49:22 60:4,5 62:14 63:4 71:17 78:4 84:1,22,22 90:15 92:6,21 121:16,23 127:13 129:24 142:21 147:14 152:21 164:6 170:25 171:7 172:3,10 178:9 179:1,10 seeing 48:8 62:20 90:10 92:18 seek 17:17 48:6 153:10 seen 48:1 60:3,6 88:16 124:22 179:1 select 27:3 selected 86:2 selection 54:13 selective 55:24 Senate 13:13 111:7 175:15 177:9 send 13:10,18 14:17 23:22 57:23 58:20,21 60:17 61:7 82:1,2 96:8 96:11 97:21 98:15 99:17,20 100:19 100:21,22 101:3,7 101:10 103:5,12 104:6 152:14 161:21 162:20 163:7 166:3 174:12 175:17 176:7,11 177:12 177:20 179:21 sending 5:20 45:12 103:10 152:15 155:19 159:4 sends 111:9 senior 161:8 sense 21:24 48:22 70:2 84:23 85:18	122:2 155:25 170:10 176:20 sent 49:4,8,9,13 53:14 54:2 58:11 58:12,14 59:25 60:2,25 63:13 65:3 103:8 128:16 128:20,21 138:14 160:11 166:24 167:15 sentence 14:15 sentences 13:8 sentiment 73:15 sentiments 145:2 separate 81:21 154:8,18,23 separately 70:11 September 20:1 26:21 27:22 29:23 29:24 30:4,9,11 32:13,14 33:19 37:1,3,4 39:19 94:18 96:12,12 97:5 98:12,15,16 98:19,24 99:10 102:3 105:18 107:4,5,8 118:13 125:25 145:11 177:11 serious 22:15 64:18 68:8 84:5 139:15 143:8 seriously 64:12 service 5:18 158:15 158:16 167:13,16 171:14 172:21 services 152:7,11 157:24 session 1:8 182:8 184:4 set 23:18 30:16 35:12 56:2 114:22 117:3,7 142:6 168:25 sets 79:1 set-aside 13:17 151:25 153:3

set-asides 13:12 151:23	sine 93:18	sounded 123:5 145:22	100:12,18 101:18 102:6,20 103:7,14	95:22
seven 79:13 80:5,21 81:2 124:25 125:3 125:3	single 113:22,24 141:15	sounds 74:16 91:7 163:11,12	103:21 104:3,21 105:8 108:4,11,24	stated 51:5 79:18 119:21 141:19
seventh 90:14	sit 109:19	sources 105:14	109:10,20 110:6 110:16,21 111:1,8	statement 76:22 130:2
seven-day 68:15 79:12 82:9	sitting 21:11	south 17:16 87:12	115:9,20 116:11 117:8,10,20	statements 94:15 97:2 100:23
sex 18:5 56:3 67:10 90:4	situation 83:8	spanning 61:24	118:12 127:11 128:17 132:13,17	106:17 107:3 115:10 118:13
shape 173:1	situations 23:5	speak 9:21 50:5 80:13 138:1	138:13,24 140:12 148:15 150:3,7	120:20 121:14 172:20
shaping 121:23	six 32:6 173:22	speakers 138:2 139:11,14,17,25	160:2,5 161:2,19 162:3,8,19 163:6	states 1:1 18:3 117:20 175:19,20
share 78:3	Sixth 13:15	141:23	163:18 164:15,19 164:23 165:11,14	stating 50:6
ship 147:7	six-two 13:18	speaking 89:1	165:20,25 166:8 167:10,15,21,23	statistic 129:25
short 105:17 116:7	size 129:15,19 130:5,22	speaks 51:23 57:10 76:11	168:24 169:10 170:23 171:6,25	statistics 129:11,20
shortened 108:12	skewed 130:5	special 52:1 64:15 130:17 158:21	172:15 173:8,15 174:5,12,18,22	status 5:15 161:16 177:5,6
shorter 117:16	skip 169:17	170:23 171:6	179:12 181:4,8 183:14	statute 56:2 64:20 66:3,14 112:12 136:12
shortly 4:5,16 136:15	slight 60:24	specific 74:7 88:17 96:18		statutory 5:11,12 53:15 61:12,25
shoulders 173:3	slightly 69:13 96:7 96:14	specifically 80:20	staffing 61:14	62:8 63:12,20,24 64:2,7,21 66:1,2
show 117:21	slot 24:13	spend 145:13 170:2	staff's 112:16 132:3	67:10,16 70:7 71:7 72:22,25
shows 59:21	sloughed 108:21	spent 87:6,8 114:19	stand 85:23 125:18	73:2,22 74:10,12 79:19 82:10,20
shrinking 114:20	small 66:20 67:8 129:19 130:4	split 92:8	standard 4:10 19:17 21:23 51:11	86:3,16 89:22 90:8,12 92:16
side 175:15	Snyderman 142:7	spoken 160:19	51:12 122:10	94:8,20 95:15,18 111:24 115:22
sight 78:23	Social 129:20	sponsors 53:24	standing 120:11	128:1 137:14 148:12 158:6
sign 155:11 159:21 159:25 176:1,11 177:14,15	Solicitor 1:25 183:2	spot 172:20	standpoint 73:6	161:12 172:8
signature 59:18	soon 47:22 58:5 90:22,23 159:23	spread 41:10	stands 138:6	stay 53:3 91:25 183:9
signed 46:5 157:8 158:18	161:15 175:23	staff 1:17,19,24,26 8:1,11 10:5,24,25	start 23:10 40:21 110:23 116:6	Steffney 142:9
significant 66:12 76:19	sorely 144:7,9	11:4,6 19:1,18,24 20:14 24:13 27:20	134:14 136:19 146:25 147:12	step 152:10,16,17 163:4,15
significantly 48:12	sorry 5:19 6:17 7:13 28:3 35:8,9	28:2,8 30:22 31:2 32:9 36:10,15	161:4 165:10 170:11,15,18	stepped 52:13
signing 17:3 46:5 176:8,16	36:16,25 42:10 46:16 52:24 53:5	37:5 39:25 40:9 40:13 42:13 43:1	172:13 174:16	steps 170:6 171:2
signoff 60:7	53:6,11 59:5 63:8 65:21 75:23 95:7	44:15,21 52:5,8 54:3 55:5 58:4,23	started 4:4 69:3 143:13 178:15	stick 42:19 116:10
similar 51:11 61:24 89:25 93:10 139:22 153:2 158:12	112:5 122:8 131:3 134:22 137:7 153:16 156:20	59:12 61:2,6,12 61:18 62:23 69:19	starting 25:23 27:12	stimulus 161:1
simple 46:19 83:7	sort 40:23 56:25 57:7 65:22 67:14	70:15,15 72:4,6 72:19,21 80:2,2,4	starts 40:22	stipend 140:13
simply 29:2 50:15 131:17 144:16 153:11,21	78:23 85:8 90:13 170:1 174:1	80:6 82:19,20,25 83:16 85:11 94:11	state 13:17 17:7 19:2,4 20:19	stirred 147:8,9
simultaneously 106:9 108:22	sought 93:6	95:6,7,12,16 97:20 98:15		
	sound 80:9			

strain 152:9	134:25	156:9 159:3 162:8	89:3 91:18 172:4	30:19 37:11 57:7
strategic 137:14	substituted 13:7	162:15 167:6	talking 33:3 58:18	69:23 109:6,21
strategically 134:3	substitution 13:9	176:5 177:4,24	92:25 99:8 103:20	113:20,25 114:16
street 1:10 4:12	successful 62:25	178:11 179:11	104:7,8 115:21	119:25 127:11
111:10	succinct 54:19	180:1 181:13	116:24 145:21	143:17 170:16
stretch 151:20	sufficient 142:23	surplus 145:12,16	146:18 147:4	173:20
152:16	suggest 116:1	145:17,18,19	158:2,3 170:13	telling 30:15
strictly 80:3	138:15 169:14,16	168:25 169:6	tally 149:22,24	136:14 162:23
strike 152:23	suggested 8:25	surprise 120:22	target 170:9,14	tells 146:9,13
strive 31:23	86:2 137:18	143:7	task 144:3 158:23	Ten 46:25
strong 84:7	suggesting 72:8	suspect 31:9 48:14	taxes 17:23	tend 108:16
strongly 22:17,17	104:6	115:7 130:12	Taylor 1:16 11:15	tendency 115:9
23:2 66:8,17	suggestion 116:10	suspending 17:14	11:16 14:5 16:18	tenor 143:10
82:11 115:7	124:14 139:20	sustain 89:13	49:8 52:13 53:3	tension 121:18
structure 138:12	141:9,17	Swayne 142:8	57:14,18 78:2,3	tentatively 168:25
139:6	suggestions 53:15	system 89:2 168:6	86:25 87:1 88:10	termed 75:4
students 39:9 57:9	53:17 139:2	systems 89:15	90:17 99:2 118:23	terms 30:20 71:10
89:4 172:22	172:25 174:14		119:6,9,19 120:10	78:17 79:1 102:6
studies 64:15	suit 5:10 51:6 65:17	T	120:15,21 121:17	106:20 120:23
study 52:1 129:20	77:11	table 3:1 9:13,15	123:6 126:18,19	138:12 140:13
stuff 33:6 83:17	summarily 153:21	47:6 54:24 55:1	127:9,14,18,23	141:18 142:19,22
89:10 115:19	summary 55:20	70:4 83:4 88:7	134:5 150:20	144:10 164:2
subcommittee	139:25	122:18 123:22,24	153:23,24 154:11	168:15 172:25
144:3	sun 114:10	141:22	154:16 155:3,6,8	testified 175:14
subject 46:2 61:24	Sunshine 183:1	tack 104:1	155:13,23 156:12	testimonies 181:1
117:7 137:15,23	supplemented	tailor 153:10	156:15,17,22,24	testimony 178:12
subjected 99:23	119:2	take 5:7,8,10,12	157:4,9,10,12,15	179:3 180:25
submission 75:3	support 10:23	7:19 22:5 24:21	159:13,16,22,25	181:18
119:3	23:16 49:9 85:18	24:23 26:4 30:5	176:24 179:18	tests 17:15 54:15
submissions 140:8	86:10,17 90:6	30:11 32:2 46:24	180:18	text 46:10
submit 91:11	91:8 92:4 144:6	52:14 64:11 66:11	TAYLORE 119:25	thank 52:10 61:9
102:21 105:4	144:21 158:18	73:9 80:14 83:5	Taylor's 90:13	88:9 156:21,23
108:25 109:1,2	supporting 91:4	85:20 86:16 89:5	teaching 38:17	160:5 165:13
112:13 178:21	92:7	89:11,16 102:2,18	teleconference 19:7	182:16
submitted 53:22	supportive 74:25	104:15,22 106:12	19:11,13,19 26:12	theoretical 108:15
84:15 85:25 89:10	suppose 76:5	110:19 123:13	27:10 30:7,12,13	theoretically 178:8
94:15 97:3,4	supposed 8:8 62:21	144:23 146:23	30:24 35:11 37:6	Thernstrom 1:13
102:23 138:23	83:16 138:7	164:5 170:6 173:4	teleconferences	5:24 6:17 7:13
submitting 19:1	145:16	177:23	19:23 20:2,10	8:3,7 9:8 10:22,23
75:3 119:1	Supreme 17:24	taken 6:24 15:10	26:9 32:2,25 33:7	11:2 12:3,14,15
subsequently 165:2	54:7 152:17	65:10 76:19 78:8	33:11 39:23,24	13:2 15:22 16:20
substance 109:25	sure 4:24 6:16 8:17	127:7 140:16,17	telephone 2:1 22:8	16:21 18:6,8,13
substantive 21:13	27:13 53:4 59:14	165:24	22:9,19,21,25	20:5,20,23 21:10
85:5 88:1 139:5	59:23 60:13 63:17	takes 7:7 73:25	23:8,9 25:7 26:22	23:7,14 24:18,19
143:8	74:4 82:20 109:12	talk 27:11 33:14	28:14,17 29:7,11	25:3,8 26:3 31:6
substitute 7:7 9:20	122:23 133:14	85:16	32:16 117:22	31:10 32:19,20
10:10 11:22 21:11	135:12 153:20	talked 87:13,20,21	tell 25:24 29:25	33:20 34:13,21,24

35:5,8,23 36:3 37:2,19 38:5 39:16,20 40:11,24 41:2,4 42:12,15 43:16,23 44:5 47:4 48:7 49:7 52:22,23 53:5,10 53:17 54:2,16,18 54:25 55:3 68:11 68:12,22 69:8 71:9 72:3,7,16 78:2 79:7,9,22,25 81:18,23 82:4,18 83:18,22 85:3 86:9,15,21 93:9 93:22 94:25 109:15,16 110:1 117:4,9,17,23 118:5 120:13 122:20 123:13,25 124:10 125:7,11 126:6,10,17 127:7 132:10,15,20,23 133:11,22 134:2 134:20,24 135:16 138:22 139:7 140:18,20,23 141:2,6 149:18 150:1,5,11,18 151:4,6,8 155:4 157:7 159:10,17 159:20,24 178:25 179:9 181:13 183:20 Thernstrom's 90:1 thing 9:11 21:7 24:20 30:3 32:21 66:12 67:14 72:12 85:12 141:3 146:7 146:11 150:14 157:13 174:6 things 23:22 29:13 29:18 33:4 53:11 65:1 66:22 68:12 71:4 74:24 82:19 84:22 92:25 115:19 121:11	148:5 156:3,7 168:2 think 6:3 8:5,7 13:3 13:20 14:11 18:15 18:17 20:14,16,24 20:25 21:12,15 22:1,7,11,13,14 22:15,18 23:18,21 24:6 26:10 27:7 28:11 31:22,25 32:23 33:1 36:6 38:20 41:14 47:21 48:2,3,11 51:5,12 51:15,22 54:18,20 54:25 56:8 57:9 57:10 58:1,9 59:4 59:5,9,22 60:2,14 62:8,13,22,23 63:1,5,18,19 64:2 64:13,14,18,20,23 65:5,13 67:11,20 68:6,16,17,23,25 69:25 70:14,22 71:4,5,10,15,24 72:3,11,15 74:8 76:7,9,11,19,22 77:1,5,6,16,23 78:21 79:2,4,15 80:2,9,23 81:3 82:5,22 83:1,6,8 83:24 85:15,17,17 86:7,10,13,17,24 87:20 89:21 90:4 91:7,24 92:3,5,15 92:20 93:9 96:20 97:10 99:2,4 100:10,11,14,16 101:18,19 106:18 107:1 108:17 110:4,7,9 111:11 112:4 115:13,14 115:22 116:24 120:23,25 121:2 122:1,14,24 124:19 129:22,22 130:2 131:13,22 132:7,8 133:8	135:4 136:17 141:3,13 143:7 145:7 146:7 147:5 147:21,23 148:6,9 150:24 151:20 153:14,17 154:18 156:10 158:8 168:10 169:2,14 169:18,25 170:2,5 170:12,22,25 171:5,8,9,19,23 172:24 173:7,16 174:6,7,11 178:4 178:18,23 179:14 179:16 thinking 52:24 53:6 56:22 70:10 133:25 155:18 173:19 thinks 39:8 third 119:23 123:3 Thirty 98:17,18 128:4 thorough 64:4 thought 14:21 15:19 16:9 68:14 71:23 83:23 86:19 87:2,19 91:18,20 95:22 114:22 120:16 121:6 125:16,16 129:14 131:20 thoughtful 120:19 thoughts 78:4 163:16 three 5:13 6:4 12:1 45:2 82:2 84:18 100:8,15 101:15 115:5 120:17 122:4 147:8 148:25,25 159:12 173:22,23,24 180:21 threw 34:7 throat 120:8 throw 30:12 92:10 147:6 172:10	throwing 172:14 throws 83:3 thrust 77:14 Thursday 39:3,24 41:13,15 42:13 43:15,19,21 Thursdays 37:13 37:21,23 39:15 TIM 2:5 time 4:10 9:23 15:10 19:17 20:8 23:23,23 24:12,13 26:8 28:10 29:10 29:13,18 31:4 32:18 35:13,21,24 36:4,7,7 38:8,13 39:4,7,13 40:20 41:20 44:3 58:13 58:14,22 59:2,10 60:18 61:3 62:2 63:21 68:14,17,19 68:25 73:18 74:3 75:9 80:11 81:8 81:14 82:7 83:21 85:8 87:6,7,17,19 88:3 90:8 96:5,9 96:17,21 97:18 98:10 101:24 102:23 106:20,22 108:5,14,17,18 109:7 112:14 114:19 115:8 116:13,15 118:13 118:19 119:18 121:13,19 122:5 123:14 127:17 128:8 131:19,23 140:2 166:9 167:2 171:8 173:8 177:10 timeframe 118:24 118:25 119:24 timeframes 62:12 172:7 timeline 108:2,7 166:22,23 timely 62:25	times 38:19 97:19 116:6,16 144:14 158:15 timing 116:5 120:23 132:7 139:23 tinker 46:9 155:10 tinkering 46:3 49:21 tiny 171:18 title 54:6 55:6 56:1 86:10 89:24 90:15 titled 137:9 today 31:1,3,7 32:5 32:7 69:6,7 70:14 71:14 75:8 80:15 82:12,21 90:22 91:16 96:18 97:11 97:15 98:6,9 113:4 117:1 128:22 143:14 144:17 161:14 172:3 Todd 1:14 7:25 9:15 104:2,5,5 106:21 107:6 108:13 109:9 111:21 117:20 118:3,7 122:16 131:25 Todd's 6:20,22 9:13,18 11:12 12:5 66:16 124:14 125:23 127:4 told 55:22 56:15 105:17 106:1 113:22 137:22 165:3 TOLHURST 2:2 tone 106:5 top 7:18 11:23 topic 53:15 64:22 67:5 80:22,23 85:9 86:1,6,7 90:5 90:22 91:8 92:4,7 92:16 95:18,19,23 96:21 168:13,18
---	---	---	---	---

174:9	80:9,21 91:25	155:11	unreasonable	10:22,23 11:2
topics 5:11 66:1	109:21 113:13,17	unanswered	101:20 102:4	12:2,14,15 13:2
72:21 79:13 89:21	114:12 115:22	147:17	unresponsive 49:10	15:22 16:20,21
167:11 168:14	136:23 147:6,22	unclear 169:25	update 5:14,14,17	18:6,8,13 20:5,20
174:6	168:7	unconstitutional	5:17 10:1 136:20	20:23 21:10 23:7
toss 85:9	Tuesday 59:7	17:24	137:2,5 138:11	23:14 24:17,19
total 32:13	142:17,18	undated 49:10	160:2 161:15,22	25:3,8 31:6,10
town 34:14	turn 66:20 76:15	undefined 153:12	updates 5:13,19 6:6	32:19,20 33:20
to-face 33:12	115:19 122:4	undergoing 160:23	7:23 8:8,12,18,20	34:13,21,24 35:5
tradeoff 99:9	turned 115:20	undergraduate	8:21 10:4	35:8,23 36:3 37:2
102:13,15	141:20	56:6	upper 170:1	37:19 38:5 39:16
traditional 119:14	turns 36:11 122:3	undermine 51:21	urge 22:17 23:2	39:20 40:11,24
traditionally 73:1	twice 22:10 38:10	underrepresented	66:8	41:2,4 42:12,15
transmission 99:20	two 6:4 12:16 14:7	152:8 153:13	urging 80:14,16	43:16,23 44:5
160:16	16:19,22 19:11	understand 7:15	138:13	47:4 48:7 49:7
transmit 98:13	25:18,20,21 26:22	14:13 32:22 33:9	USCCR 161:21	52:22,23 53:5,10
163:21	30:12 32:16 52:25	33:15 59:19,24	use 13:11 17:23	54:2,16,18,25
transmittal 106:10	53:11 57:21 68:12	70:13,14 84:13	62:23 112:12	55:3 68:10,12,22
109:6	75:10,23 76:10,17	86:1 98:25 101:23	127:19 131:23	69:8 71:8,24 72:3
transmitting 60:22	83:24 84:18 85:3	110:9 111:19	133:19 174:9	72:7,16 78:2 79:7
161:4	87:5 97:22 104:22	118:24 119:1	useful 55:20 58:10	79:9,22,25 81:18
transparency	108:22 109:13	122:23 123:1	62:1 68:6 170:21	81:23 82:4,18
84:12,25	126:24 137:16	162:15	usual 106:19,22,23	83:18,22 86:9,15
travel 9:23 39:1	138:4 141:11,15	understandable	107:11	86:21 90:1 93:22
43:19	145:3 146:8,9,12	178:11	usually 8:2,15,17	94:25 109:15,16
treated 115:15	147:7 148:23	understanding	107:20	110:1 117:4,9,17
161:7 164:17	152:4 159:11,12	7:10 26:6 38:6	U.S 1:2 4:9 17:18	117:23 118:5
treating 161:10	159:14,14,17	72:9 128:8		120:13 122:20
trends 61:19	161:4 163:22	understood 82:5	V	123:13,25 124:10
tribes 158:20,24	164:24 167:14	145:17,20 155:25	V 3:7 49:1	125:7,11 126:6,10
tried 89:25 121:12	174:24	unfolding 80:12	vacation 160:17	126:17 127:7
trolling 74:24	two-day 22:12	unformatted 110:6	vacuum 93:12	132:10,15,20,23
172:22	two-fold 77:14	119:1	109:12	133:11,22 134:2
true 178:8	type 30:3 63:21	unfortunate 145:3	variety 56:20	134:20,24 135:16
truncate 169:17	74:12 130:8 167:5	unfortunately	various 53:15	138:22 140:18,20
truncated 114:18	types 64:10 71:12	154:19 166:2	72:21 93:2,7	140:23 141:2,6
trust 158:19,23	157:25 158:3	uniform 54:12	vary 36:8	149:18 150:1,5,11
178:17	typos 49:22 58:2	Unit 1:21 32:11	venues 137:17	150:18 151:6,8
truth 129:23	U	UNITED 1:1	version 96:12	155:4 157:6
try 25:4 30:5 37:12	UC 89:2	unity 92:6	98:19 99:20,23	159:10,20,24
41:1 47:3 59:13	ultimately 17:24	universe 21:25	105:4 110:7,15	178:25 179:9
78:5 89:11 90:20	157:8	22:22	versus 93:16	181:13 183:20
90:23 147:3,4	unable 32:1 160:10	universities 55:21	130:15	view 79:5 154:2,12
151:21 165:12	unacceptable 59:9	55:24	VI 3:8 182:6	154:20 162:16
172:10 174:19	60:15	University 55:21	vibrate 4:6	164:21
trying 27:8 29:7,17	unanimous 46:3	56:21 57:1	Vice 1:13 5:24 6:17	viewed 129:21
32:8 49:20 57:8		unofficial 141:19	7:13 8:3,7 9:8	153:25 158:21

VII 54:6 86:10 89:24 violation 56:1 violations 61:17 160:11 virtue 66:17 vision 32:25 vis-a-vis 139:10 vitiates 76:7 voice 76:3 155:24 173:25 voluminous 83:14 vote 6:13,19 7:12 9:24 11:15,18,25 14:8,13,17,25 15:10,18 16:20 17:9,14 18:4 19:25 30:2 46:4 50:3 52:14 53:3 57:15,18 69:7 70:1 71:4,11,19 72:10 80:16 81:17 82:8,15,21 83:5,5 84:2 85:20,24 92:8 97:15 116:4 116:15,22,22 117:5,12,16,18 118:3,6 121:23 122:17,18,18,25 123:24 124:4,11 126:5 127:8 131:4 131:24 132:1,15 133:8,9,12 135:18 136:3 148:7,11,13 148:16,18,20,21 149:3,19 150:8,12 150:13,14,17,21 159:2 165:19 166:24 175:25 176:1,6 179:13,18 179:25 180:16,24 183:17 voted 12:3 13:5,6 13:10,18 14:16 15:12 16:23 30:20 57:23 126:19,22 126:25 132:12,18	132:19,20 136:4 150:18 151:5 159:18 175:25 180:22,23 voter 49:5 63:12 64:19 77:20 votes 12:1,17 25:10 94:6,19,19,22 126:24 134:4 149:1,24 150:25 voting 10:9,11 15:16 16:13 17:2 17:4,20,22 18:23 24:2 52:1 53:7,12 64:14 65:4 70:13 78:15,18 119:10 126:8 132:14 149:8 151:4 177:13 179:5 <hr/> W wait 6:14,23 34:21 39:16 40:24 47:24 48:22 107:4 124:9 131:8 136:11,23 177:11 waiting 24:4 71:3 142:6 walk 74:14 107:23 110:13,22,22 111:17 134:3 walked 29:1 133:17 walks 111:10 wandering 137:1 want 9:9 10:24 14:13 20:25 21:16 21:25 23:22,23 29:22 33:10 36:19 41:6 46:8 50:5,5,9 50:13 53:6 59:6,7 60:16 63:16,21 65:2 66:1 69:9,20 72:1 75:21 77:5 80:19 82:1 92:5 92:22 99:1 109:2 112:6,6 113:19 116:6,21 119:11	119:13 120:2,5,10 123:18 124:25 127:3 133:7 134:9 134:10 142:21 144:13,15 147:19 149:19 153:25 154:8,17,22 155:15,22,24,25 156:25 157:4,15 162:15,16 168:11 168:17 169:14 173:7,8 174:2,3,9 175:25 177:23 wanted 9:14,20 15:9 25:20 50:7 50:25 78:3 87:1,2 88:13 89:10,20 91:2 92:3,10 145:12,12 154:24 155:9 172:18 177:21 wants 82:2 125:25 133:9 Warren 142:9 Washington 1:10 4:13 22:11 waste 147:23 way 7:9 20:17 22:13 24:12 29:2 31:21 33:11 38:13 45:9 51:1 56:2 60:24 68:4 72:19 72:23 77:1 83:16 84:22,25 85:11 86:23 100:17 112:2,11,18,19,21 113:11,11,16 115:15 119:12 121:10 124:18 144:2 147:1,12 158:14 162:13 169:16,22 171:9 172:13,16 180:3 ways 45:2 90:25 138:19 website 179:16 181:3	Wednesday 49:13 63:7 142:16,19 week 30:23 41:6 83:20 97:23 107:5 111:17 137:11 142:13 160:18 161:3,15,21 163:23 weeks 19:11 75:10 76:17 138:4 163:22 176:2 weight 67:22 Weil 122:7,9 went 58:24 135:19 164:19 166:10 weren't 15:2 west 19:15 35:17 118:16,20 we'll 30:10 31:20 32:15 we've 30:4 32:25 33:5 36:12 85:10 111:13 121:22 148:4 150:24 172:24 whatsoever 152:3 White 110:18 113:12 whoa 101:22,22,22 101:22,22,22 wild 20:9,12 willing 135:3 155:5 wish 88:7 144:21 witnesses 77:7 women 55:9,11,24 56:13 wonder 20:10 71:1 wondered 96:13 wondering 75:17 88:16 98:11 Word 96:12 98:19 99:16 words 13:7 120:2 125:6 work 26:1,25 27:8 31:24,24 35:16 36:18 40:15 43:24	58:4 63:19 74:5 80:4 85:12 89:12 103:19 104:7,11 105:15 131:20,20 131:21 144:8 147:20 160:15 165:9 worked 20:14 30:3 73:23 89:2 130:18 workflow 30:14 workforce 92:1 working 30:17 66:9 76:1 152:5 174:16 183:16 workload 20:17 61:14 works 26:15 35:11 37:17,20 40:5 97:11 176:10 worried 116:20 worse 51:18 worth 33:3 56:16 worthy 87:10 wouldn't 48:7 63:24 73:3 110:16 120:5,10 128:10 WRIGHT 2:2 write 72:14 91:3 96:5 154:1,17,22 writes 159:23,25 written 83:16 178:13,19 179:7 181:1,1 wrong 112:3 120:12 <hr/> Y Yaki 1:16 6:14 7:1 7:6,16 8:24 9:14 12:2 13:5 14:2,6 14:12,19,24 15:5 15:8,14 16:8,16 25:16,17 26:16,24 27:1 33:14,17,22 34:1,5,18 35:19 35:22 36:1,12 37:10,17 38:11,24
---	--	--	--	--

41:9,16 43:3,12 43:18 44:2,7 46:12,13,17,23 47:6,11,14 48:16 48:17 50:1,4,6,11 50:15,18 52:20 57:22 58:7,9,19 59:4,15 60:1,14 60:19 61:5,9 68:11 74:20,21 75:12 84:4,5 87:2 87:5 88:14,20 91:3 106:11 118:16 123:16,18 126:6 133:5 134:1 135:13 136:3,11 136:14,24 138:19 138:23 141:10 142:25 143:1,4 145:2 146:25 148:10,19 149:2 149:16 150:8,25 151:16,17 154:14 157:17,18 159:17 175:8,13 176:21 177:22,24 178:10 178:15,21 179:6 179:11,14,25 180:2,19,22 181:2 Yaki's 7:14 10:12 11:22 90:11 147:11,16 152:20 154:12 year 19:3,20,25 27:13,14,17,21 36:20 66:4,6,11 66:13 68:21 93:6 99:16 101:13,16 102:14,15 103:3,5 103:5,7 105:7 112:23 113:9 114:2,5,16,19,23 122:12 131:22 145:14,23 147:3 147:13,20 173:24 173:24 years 66:10 71:6	73:23 78:17 87:5 158:1 yeses 159:15 yesterday 55:4 63:14 128:20 175:15 177:9 yielded 38:13 <hr/> \$ \$40,000 168:25 169:6 \$500 140:15 <hr/> 1 1 5:24 50:2 65:9 134:16 142:8 160:8 1st 34:22 1-6 95:3,10 1:00 35:13,18 1:30 35:13 43:21,23 44:1 10 3:4 12:19,23 30:10 47:24 98:19 100:13 137:6,7 183:12 10:30 44:2 100 83:4 11th 27:22 29:23 29:24 30:4,10,11 160:17 11:00 19:17 11:30 35:25 36:9 37:7 39:25 40:23 44:15,18 12 3:4 14:17 15:8 59:20 12th 53:19 142:15 167:9 12:50 184:4 13th 138:13 14 32:12 14th 25:23 26:17 33:16 14-hour 59:21 146 13:13 15 46:25 47:24 48:22	15th 17:8 18:15 40:7 16 36:17,18 37:1 16th 27:22 44:6,7,9 44:12,14 49:2 17 3:5 17th 43:19 44:1 18 3:6 32:13 18th 18:1 29:12 43:11,19 184 3:8 19th 18:2 42:9,12 42:14 192 129:11 1965 15:16 17:2,4 18:14 1966 17:25 <hr/> 2 2 17:12 18:8,13 26:2 53:16 61:11 142:9 160:8 183:12 2nd 34:8 20 43:9 20th 42:19,24 43:2 43:5 2003 93:10 2004 93:10 2005 61:23 62:8 93:8 2006 62:10 2008 49:6 2009 1:6 3:4 4:11 5:12 12:20,23 53:14,16 54:7 61:11 94:7,13 95:15 137:6,7 145:11,16,19 146:2 168:23 2010 5:11 19:25 53:15 61:16 63:11 145:22 146:1,2 147:3 172:8 21 26:13 21st 19:15 20:4 25:24 29:22 137:9	141:20 22nd 41:9 49:7 23 94:13 125:25 23rd 94:16 97:3 138:25 24 107:8 24th 38:5,9 39:18 40:2 49:11 118:13 141:20 25 30:5,16 37:3,4 107:5 25th 37:6,17,20 114:6 29 53:14 54:7 29th 40:14,16 <hr/> 3 3 13:4 142:9 160:9 3rd 34:6,8,11,12,16 34:19 35:10 54:5 167:17 3:30 31:17 30 43:8 98:16 106:24,24 107:11 107:12,24,24,25 108:1 110:12 118:10 128:2,3,6 128:7 30th 42:3,5,8,25 54:1 99:10,21 104:17 107:3 145:11 30-day 108:6 30-30 98:3 31 98:16 31st 35:1 3200 44:25 33 80:19,20 <hr/> 4 4 3:3 4:12 18:17 142:10 160:10 162:1 4th 27:23 33:19 4:00 60:10 49 3:7 <hr/> 5	5 17:16 65:6,6 160:9 5th 36:14 44:21 49:14 5:00 59:6,7 5:00-something 31:16 535 111:2 540 1:10 4:12 <hr/> 6 6 160:9 183:12 6th 17:3 27:22 60 171:17 600 131:21 624 1:10 4:12 <hr/> 7 7 1:6 4:11 78:5,7 79:2 102:3 7th 34:23 94:18 97:5 125:25 141:22,23 <hr/> 8 8:30 35:22,23,24 39:12 41:23 <hr/> 9 9th 105:18 9:00 59:8 9:30 1:10 4:10 9:34 4:2
---	--	--	--	---