The Commission convened in Suite 1150 at 1331 Pennsylvania Avenue, Northwest, Washington, D.C. at 9:30 a.m., Martin R. Castro, Chairman, presiding.

PRESENT:

MARTIN R. CASTRO, Chairman
ROBERTA ACHTENBERG, Commissioner*
GAIL HERIOT, Commissioner
PETER N. KIRSANOW, Commissioner*
DAVID KLABENY, Commissioner*
MICHAEL YAKI, Commissioner*

MARLENE SALLO, Staff Director

* Present via telephone
STAFF PRESENT:
MARGARET BUTLER, OCRE
PAMELA DUNSTON, Chief, ASCD
YASMIN ELHADY
LATRICE FOSHEE
DORIS GILLIAM
ALFREDA GREENE
JENNIFER HEPLER, Parliamentarian
MELANIE REINGARDT, ERO
MICHELE YORKMAN, Director, IT

COMMISSIONER ASSISTANTS PRESENT:
ALEC DEULL
KENESHA GRANT
CARISSA MULDER
JUANA SILVERIO
ALISON SOMIN

INTERN PRESENT:
MELISA BROWER
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CHAIRMAN CASTRO: This meeting is coming to order. This is a meeting of the U.S. Commission on Civil Rights. It is currently 9:48 a.m. Eastern Time on June 20, 2014. This meeting is taking place at the Commission's offices at 1331 Pennsylvania Avenue, N.W.

The Commissioners who are present here at the meeting are myself and Commissioner Heriot on the phone. We have Commissioner Achtenberg. Commissioner Achtenberg, are you on the phone?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, Commissioner Yaki, and Commissioner Kirsanow. So a quorum of the Commission is present.

Is the court reporter present? He gave me a thumb up so I'll take that as a yes.

Is the Staff Director present?

STAFF DIRECTOR SALLO: Present.

CHAIRMAN CASTRO: Okay. The meeting will now come to order. The first item is to approve the agenda.
I. APPROVAL OF AGENDA

CHAIRMAN CASTRO: I move that we approve the agenda. Is there a second?

COMMISSIONER KIRSANOW: Second, Kirsanow.

CHAIRMAN CASTRO: Okay. Are there any amendments? I know we have to move to amend the agenda to remove the discussion and vote on Part A and Part B of the Briefing Report, increasing compliance with Section 7 of the NVRA -- I'm sorry, NVRA. Is there a second to that?

COMMISSIONER HERIOT: Second.

CHAIRMAN CASTRO: Okay. Are there any further amendments? If none, let us vote to approve the agenda. All in favor say aye.

COMMISSIONERS: Aye.


Before we proceed to the next item -- actually, we'll just go on to the next item. Actually, we do have something that needs to be clarified. I'll give the microphone to Commissioner Heriot.

COMMISSIONER HERIOT: I just wanted to put on the record Commissioner Achtenberg and I had
a discussion just a little bit ago and I wanted to
state my understanding of what we agreed to.

My understanding is that Commissioner
Achtenberg fully supports the right of all
Commissioners, each Commissioner, to file a
statement with every report that the Commission
puts out and that each Commissioner will have 30
days to submit that statement and then 30 days for
rebuttal.

In extraordinary cases where three Commissioners
agree, there may be time -- there will be time for
surrebuttal but only in those situations where
three Commissioners agree.

And furthermore, there may be times
when Commissioners unanimously agree to do
something a little bit more quickly but that would
require unanimous consent of all Commissioners who
are involved.

Is that also your understanding,
Commissioner Achtenberg, that you would always vote
in favor of that and against any efforts to change
that?

COMMISSIONER ACHTENBERG: I agree
with that.

CHAIRMAN CASTRO: Thank you.
So we have a number of items on the program planning.

COMMISSIONER YAKI: This is Commissioner Yaki.

CHAIRMAN CASTRO: Go ahead.

COMMISSIONER YAKI: I just want to say that I don't agree with that. I don't agree with the requirement and the changes to that policy. I don't think we have anything that would require that we add this change to any policy. It's determined by majority vote and we always have. I'm not a party to that understanding. I will not support that change.

CHAIRMAN CASTRO: Thank you, Commissioner Yaki.

We now move on to program planning updates.

II. PROGRAM PLANNING UPDATES

CHAIRMAN CASTRO: We have six agenda items today under the program planning. The first is a discussion and vote on Part A and Part B of the Statutory Enforcement Report: Patient Dumping.

As to Part A it includes the substantive comments of introduction, roles of government agencies, current regulations, and
MTOLA enforcement mechanisms and an appendix of resources. Part B are the findings and recommendations put forth by Commission staff and Commissioners.

Up for consideration is joint findings and recommendations as well of the Democratic members of the Commission. Do we have any discussion or motions at this point?

Shall we take Part A first?

COMMISSIONER Kladney: I move to approve Parts A and B.

CHAIRMAN CASTRO: Okay. We have a motion to approve Parts A and B. Is there a second?

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Okay. Any discussion?

COMMISSIONER HERIOT: B is what?

CHAIRMAN CASTRO: B is findings and regs.

Any discussion? Hearing none, then I will move to take a vote.

Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: No.

CHAIRMAN CASTRO: Commissioner
Heriot, how do you vote?

COMMISSIONER HERIOT: No.

CHAIRMAN CASTRO: Commissioner

Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner

Kladney, how do you vote?

COMMISSIONER Kladney: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote? Commissioner Yaki?

COMMISSIONER YAKI: Yes.

CHAIRMAN CASTRO: Yes?

COMMISSIONER YAKI: Yes.

CHAIRMAN CASTRO: And I vote yes so the motion passes with four yeses and two nos, two opposed.

Next we move on to a vote on Part B of the briefing report: Sex Trafficking: A Gender-Based Civil Rights Violation. So this includes the combined findings and recommendations recommended by the Democratic members of the Commission which were circulated previously.

Any motion on that?

COMMISSIONER Kladney: I move we approve Part B. Is that correct?
COMMISSIONER ACHTENBERG: I second it.

CHAIRMAN CASTRO: Okay. Any discussion?

Commissioner Heriot.

COMMISSIONER HERIOT: I just want to say that I think in general we should be discussing these things. We should take more time than just sort of making a motion for the entire Part B but I'm willing to go with it this time.

CHAIRMAN CASTRO: Okay. Thank you.

Any other comments or questions? Hearing none, we're going to vote on Part B, of the Sex Trafficking Report.

Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: I vote no. Although there are parts of this with which I could agree, there are other parts that I think are over broad and I can't agree with.

CHAIRMAN CASTRO: Thank you.

Commissioner Heriot.

COMMISSIONER HERIOT: I agree with Commissioner Kirsanow on that. There are things that I could agree with but we are voting on it as
a package so I'm voting no.

CHAIRMAN CASTRO: Commissioner Achtenberg.

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Kladney.

COMMISSIONER KLDANEY: Yes.

CHAIRMAN CASTRO: Commissioner Yaki.

COMMISSIONER YAKI: Yes.

CHAIRMAN CASTRO: Okay and I vote yes so the motion passes four yes and two opposed.

We are next moving onto a discussion and vote on Part B of the briefing report: Engagement with Arab and Muslim American Communities Post 9/11.

And do we have a motion on approval of Part B which are the findings and recommendations?

COMMISSIONER KLDANEY: I would move that we approve them.

CHAIRMAN CASTRO: Okay. Is there a second?

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Okay. Any discussion?

COMMISSIONER YAKI: This is
Commissioner Yaki.

CHAIRMAN CASTRO: Yes.

COMMISSIONER YAKI: First of all, I'm trying to find what is the final version of this because I don't know what it is. I submitted -- I vote yes on Part B of the previous report. I've always made it a point and I continue to make that point. I make it to anybody who bother to ask. No matter how important an issue is that we select for briefing, no matter how much I may be personally vested in it -- which I am on this one.

This is something I requested pretty much the day after I joined the Commission in 2005. And it took many, many years for it to occur. It has always been my position that briefings reports are mere snapshots of an issue. They don't receive the kind of in-depth discussion background and analysis from staff.

As our statutory reports do, they are functionally limited in time and the number of witnesses that we call and the amount of evidence and facts and information that we gather or are given from the outside.

It has always been my preference that no matter how important the issue may be that we have
these briefings to raise attention to these issues and to put together team issues and set the stage for further inquiry and further testimony going forward.

To me this is no different. And I submitted and distributed to my fellow Commissioners my version for this report which divided the issue up into key issues and what I call key questions going forward.

Key issues are very similar to what are raised by the findings and recommendations but they are also different. The key questions going forward are much different because instead part of these questions for Congress and for others to look at to develop this issue further.

I might say in particular with this issue where we have -- continue to have enormous problems from groups about discrimination, hostility, prejudice, and also an undeniable inadvertently burdensome surveillance system has been targeted at Arab and Muslim American communities.

Many stories and acknowledgement of this kind of activity by authorities, especially in New York, but elsewhere as well there have been
communications that haven't fully developed using our own record about a post-9/11 round up of Muslim Americans and for someone whose father was among those rounded up, euphemistically speaking, after the Japanese attack on World War II.

This has especially chilling and problematic aspects for me and one where I wish that someone needs to look at this issue much more in detail with the same kind of subpoena power that we have in terms of some of our hearings and sessions for enforcement report and so forth.

So my preference in, at least for this report for reasons I put forward, I don't think -- in all honesty I don't think that deviating from planning and recreation is much different going forward, especially as far as the intellectual and factual background is concerned and I would prefer to use my key issues and questions going forward as a template for a briefing report. I understand I'm in the minority on this but –

(Background noise.)

That is very disturbing whatever is going on on the line right now.

CHAIRMAN CASTRO: Members, put your mute on if you're not talking right now so
Commissioner Yaki can conclude his remarks.

COMMISSIONER YAKI: Sounds like a five-year-old sucking through a straw.

This is something -- this particular issue is very near and dear to me. It's very important. At the same time, I'm not going to say that what we did in that briefing is so definitive as to render this a be all and end all, I think, in fact it requires an answer to inquiries from Congress and from other fact finders because of the disturbing issues raised in the testimony.

And I can easily accommodate the points raised in the findings and recommendations that were not raised in mine. I think it is pretty much 90 percent overlap with maybe two or three points made in the findings that I did not make or some that I made that were not even in the findings. Nevertheless, I think we can put all this together.

As I said, I distributed this to all the Commissioners and that would be my preference. And I do not throw this open for an amendment at this time. I open it for discussion and thought and see where the Commission goes.

CHAIRMAN CASTRO: Well, Commissioner Yaki, this is the Chairman. Let me just first of
all, commend you for bringing this to the Commission as a whole. You've been very passionate about the issue even prior to my service as Chairman. And I know we all work together to make sure that we have a majority vote to conduct this hearing. And many of us are personally invested in it.

COMMISSIONER Yaki: It was a briefing.

CHAIRMAN CASTRO: Did I say hearing? I'm sorry. I meant briefing. I have many dear friends that are Muslim Americans. I have spent a lot of time over the last couple of years meeting individuals and organizations from the communities that we focused on. And so I very much feel as passionate as you do about this issue.

What I would like to suggest to you is that we amend my motion to include your key questions -- I'm sorry, key issues and questions going forward as either before the findings and recs or after, however you would like to put them in there, so that we would include both. I do feel that it is important for us to make some strong findings and recommendations to the extent we can based on the record.

I agree with you as well this was merely scratching the surface of the issues that the
American Muslim and American Arab communities and similarly situated communities are facing, but it's an important first step for this Commission to do this. And I would hate to have that step taken without some sort of findings and recs.

But I do agree with everything that is in your key issues and questions so I would be very amenable to including both of them and then we can discuss going forward how, if at all, we might in the future modify a briefing report findings and recommendation type of documentation. Would that be acceptable to you?

COMMISSIONER KLASTAD: Mr. Chairman.
CHAIRMAN CASTRO: Mr. Kladney.
COMMISSIONER KLADNE: This is Kladney.
CHAIRMAN CASTRO: Yes.
COMMISSIONER KLADN: I believe it was my motion.
And I --
CHAIRMAN CASTRO: I'm sorry. Would you like us to do that?
COMMISSIONER KLADN: I'm getting there.
CHAIRMAN CASTRO: Okay.
COMMISSIONER Kladney: I understand Commissioner Yaki's concerns and I would move to amend my motion to accept both documents since they are not in conflict, the findings and recommendations and the other document you spoke about.

Commissioner Achtenberg: Second.

Chairman Castro: Okay. We now have an amended motion that would include both Commissioner Yaki's statement of key issues, and questions going forward, and then any proposed findings and recommendations.

Any additional discussion? Hearing none, then what we will do is we'll take a vote on that.

Commissioner Kirsanow.

Commissioner Yaki: I'm sorry, Mr. Chairman. Commission Yaki speaking.

Chairman Castro: Okay. Go ahead.

Commissioner Yaki: Let me just say that the beginning of 2005 I started having meetings with the Muslim and Arab American community on this topic and continually told them that we would be working toward this issue.

What I do is in no way meant to -- at
least I don't think it diminishes the importance of this issue. I understand what you mean by saying you want findings and recommendations. I don't necessarily agree that is required as much as -- let me just say this.

I think we have been trapped over the years by this constant game of "issue gotcha" when it comes to briefings where Commissioners wish to have an issue that they care about come up and it becomes then a proxy battleground for larger fights that are out there where everyone becomes invested and "I want my findings and I want more conditions," etc.

And again, there are too many examples that I can quote you during my first six years on the Commission where I felt that briefings were, for lack of a better word, rigged. The voting panels were skewed.

Not to diminish the truth or the importance or the passion of any witnesses who may agree or not agree with any of those things, but I did feel, and I still continue to feel, that so long as we have briefings in the current form like that, it becomes a proxy battleground on issues that we have not devoted enough time and effort and research
But then becomes churned by others outside the Commission into something more. It becomes as if we have created the moral pronouncement, an immoral pronouncement as a civil rights watch dog of the United States on issues that perhaps we should not be doing precisely because we have not had the skill, the expertise, or the depth of research into an issue that a particular issue or engagement really, really required.

And I strongly urge the Commission to revisit its policy because that means as long as we can continue it, every change to an administration and every change of staff director or chairman or what have you, then this simply becomes a see-saw pendulum battle.

And whoever was in the majority before will be in the minority the next time trying to make the arguments I have made several as the minority and majority that briefings are snapshots.

They are not the definitive word on issues that we cannot, I think in good conscience, as the watch dog of the United States say that we have made findings on the subject unless we have given it the kind of total scrutiny that our staff...
and discovery process enables us to do as we have
done successfully with naming reports in the past,
and which I hope we'll be doing with the Stand Your
Ground report when it finally becomes done.

This is something where just from a
practical standpoint of our credibility in going
forward I can see you have concerns. I appreciate
the fact you want to incorporate what I've done into
the document but it is doing so while still
perpetuating the type of document that I continue
to believe serves us for the future and is often
misused no matter how good our intentions or benign
our intentions may be on a particular issue.

So I am going to be agnostic on this
particular usage of it and I will make up my mind
probably in the next minute or so about how I'm going
to vote on it.

CHAIRMAN CASTRO: Thanks, Commissioner
Yaki. This is the Chairman. I hope that
agnosticism includes a vote in favor of the motion
because while I agree with everything you've said,
I don't think these are odds with one another.

I think that, obviously this is the
first time hearing of your concerns about the
findings and recs. I take them seriously and as
Chairman I promise you that we will address them going forward. I would hope that you would at least consider this report a transitional document where we would engage both these issues and put both the findings and recs in your key questions and issues in there.

And then going forward you would have my word that we would look at how we would better modify those. And as my colleagues on the right know, I painfully sometimes keep my word and I would do so with you.

So I would ask that as you consider in the next minute your vote that you would consider supporting your Chairman on this and we'll work together going forward to address the concerns you've raised today. Okay?

COMMISSIONER ACHTENBERG: Mr. Chairman.

CHAIRMAN CASTRO: Yes, Commissioner Achtenberg?

COMMISSIONER ACHTENBERG: I just want to indicate that I think that the record amply substantiates the proposed findings that are before us and I intend to vote yes on the merge document. I thought the issues that Commissioner Yaki was
attempting to underscore, I think those concerns are well taken. I'm particularly impressed with the questions going forward.

I thought that was quite well expressed, although I myself have not decided on whether or not we should seek to have that become the template for how we conduct ourselves going forward. I haven't really thought of that issue to the extent that I want to think about it before revising the way we conduct our business.

But as for now, I just want to state on the record that I think the proposed findings and recommendations are amply supported by the record that the Commission developed.

CHAIRMAN CASTRO: Thank you, Commissioner Achtenberg.

Any other comments from any other Commissioners before we move forward on a vote?

COMMISSIONER KIRSANOW: Mr. Chair, Kirsanow here.

CHAIRMAN CASTRO: Yes, Commissioner.

COMMISSIONER KIRSANOW: I just want to thank Commissioner Yaki for his very thoughtful comments many of which I've harbored also for quite some time. And although I'm not agnostic, I think
it's something we want to discuss at great length perhaps in a future Commission meeting so that we can best discharge the functions of the Commission.

I also want to say to Commissioner Yaki that I liked his key question going forward. Not that I necessarily agree with all of them but I think the approach is one that we need to examine a little bit more closely.

CHAIRMAN CASTRO: Thank you, Commissioner Kirsanow.

Any other comments or questions? If not, I'll move forward with a vote.

Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: Because I don't agree with all the findings and recommendations which I think are somewhat over broad, I'm going to abstain.

CHAIRMAN CASTRO: Okay.

Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: I think for the same reasons I think I will abstain as well. There's a substantial amount in this report that I do agree with but we're voting on it as a package.

CHAIRMAN CASTRO: Okay.
Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote? On your motion, Commissioner Kladney, I think you might have muted yourself.

COMMISSIONER KLDNEY: Yes I did mute myself. Imagine that. Yes.

CHAIRMAN CASTRO: Okay.

Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: I would like to underscore a point that Commissioner Achtenberg just made. I believe that the finding and recommendations are underscored by evidence that we put forward but, in many ways, that is the point that I'm making which is it's limited by the evidence that we decide to put into the record and do it now. Do I believe that with a broader inquiry they would still be sustained? Absolutely.

In fact, I think there would probably be even more recommendations and more findings and more damning information about what our government has been doing with regard to its surveillance of Muslims and Arab Americans. And I think that the
record is even slight on the evidence of discrimination against them.

That being said, that is precisely why the other contents where the briefing record would quote, unquote, “substantiate the record,” I always thought there was a problem because it all depends on what in that brief period we decide.

That being said, I'll vote yes.

CHAIRMAN CASTRO: Thank you, Commissioner.

And I vote yes. The motion passes with four yeses and two abstentions.

We are now moving onto consideration and vote on Commission’s resolution commemorating the Anniversary of the Civil Rights Act of 1964.

As you recall, last month we presented a draft to the Commission. There were some questions and revisions that Commissioner Heriot wanted to make. We subsequently worked together to do that. We had the Office of General Counsel review that.

They gave us some additional comments. We made some tweaks and I believe that we circulated that to everybody, Juana? Okay. So we now have the proclamation as revised before everyone. Is there
a motion? Do we have a motion to approve the proclamation on the Civil Rights Act of 1964?

Somebody?

COMMISSIONER HERIOT: I will make that motion.

CHAIRMAN CASTRO: Okay. Thank you.

COMMISSIONER HERIOT: I want to state on the record that I like what you and I worked out between us better than what has come out here but I am willing to vote for it.

CHAIRMAN CASTRO: Okay. Thank you.

Do we have a second?

COMMISSIONER KIRSANOW: Second.

CHAIRMAN CASTRO: Okay. Any additional discussion on that?

COMMISSIONER Kladney: Kladney here.

CHAIRMAN CASTRO: Yes.

COMMISSIONER Kladney: I would just like to say I understand it's a little late to edit the amendments but just for the record, in the third paragraph from the end where it says Martinez and other people were targets, I think that we just voted on the Arab American findings and recs and Commissioner Yaki's questions going forward. I think we should add Arab American there.
And also in the next sentence I believe we should have been talking about one person incarcerated for the past 30 years which is a declaration and we don't know if that still exists. That's just a comment. I understand from what I heard it's too late to change it so I am in favor of this motion.

CHAIRMAN CASTRO: Thank you.

Any other comments or questions? If not, we'll take a vote.

Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: By its nature it's acting like this is going to be imperfect. Nonetheless, I agree with the essence of it and I vote yes.

CHAIRMAN CASTRO: Commission Heriot, how do you vote?

COMMISSIONER HERIOT: I vote yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, you've indicated you're going to vote yes?

COMMISSIONER KLADENEY: Yes.
CHAIRMAN CASTRO: Commissioner Yaki?

COMMISSIONER YAKI: I vote and do so in the memorandum of civil rights leaders who have died in the past month including Yuri Kochiyama who was one of the sparks of the Redress Movement. And, of course, the great Maya Angelou. I vote yes.

CHAIRMAN CASTRO: Thank you. And I vote yes so we have unanimous approval of the proclamation. Thank you.

Next we're moving onto a procedural discussion on how we will vote on briefing topics for Fiscal Year 15. I understand we've got something like 20 plus topics so I will now hand this over to our Staff Director to facilitate that discussion.

III. MANAGEMENT AND OPERATIONS

STAFF DIRECTOR SALLO: We currently have 22 topics that have been submitted for review to the Office of the General Counsel. Comments were --

CHAIRMAN CASTRO: Could you move your mic closer?

STAFF DIRECTOR SALLO: The 22 topics that were submitted have been reviewed by the Office of the General Counsel. Comments have been
submitted to the Commissioners on their topics. We have received some revised concept papers.

At the present time the General Counsel will accept the rest of the revised concept papers up until June 30th which will provide them with an opportunity to do a quick turnaround and set us up for a vote at the July 25th meeting.

Before we even move forward on discussing any procedure, at the present time we have a briefing scheduled for Friday, July 25th. We currently have 11 panelists that have confirmed and I can provide that information.

We are still awaiting a response from two other panelists which means that we will have a total of three panels in order to allow everyone to present their information.

So my first question is -- my comment is that we would need to hold a business meeting. I had originally sent out an email asking whether Thursday, half-day Thursday business meeting, might be amenable to everyone but there are conflicts with travel.

And so now I would ask the Commissioners to advise if they are amenable to staying after the briefing so that we can finish our
business that afternoon.

And we could definitely start the briefing at 9:00 in the morning rather than 9:30 to give us up until 2:30 to allow ample time for the panelists' discussions and questions and then commence our business meeting at about 2:30 that afternoon.

At the present time I believe that I will have at least three SACs going up for review that day and the gist of the business meeting would be to address the concept papers before us.

CHAIRMAN CASTRO: I think we should if folk's schedules are amenable extend the day and get as much done on Friday to address those issues. We must have a lunch break worked in.

STAFF DIRECTOR SALLO: Yes.

CHAIRMAN CASTRO: How long do we have for that?

STAFF DIRECTOR SALLO: I can give anywhere from 45 minutes to an hour.

CHAIRMAN CASTRO: I would say like 30 minutes probably is more than enough.

STAFF DIRECTOR SALLO: Thirty? Okay.

CHAIRMAN CASTRO: We can save some time there.
STAFF DIRECTOR SALLO: Okay.

CHAIRMAN CASTRO: That will save a little extra time. I would be amenable to just extending the day. I don't know what other Commissioners think.

Commissioner Heriot?

COMMISSIONER HERIOT: I'm completely flexible. I can do Thursday, Friday, Saturday, midnight, whatever you want.

STAFF DIRECTOR SALLO: I can't have Saturday. Staff is here Saturday. So that --

COMMISSIONER ACHTENBERG: What was the problem with Thursday and Friday?

CHAIRMAN CASTRO: This is Chairman Castro. I am not going to be able to get here on Thursday until late in the evening so I wouldn't be able to participate if we had an afternoon meeting on Thursday.

COMMISSIONER ACHTENBERG: Okay.

STAFF DIRECTOR SALLO: So then the next issue obviously is the fact that we have 22 concept papers which would require a lot of review and ranking prior to a vote. So my suggestion would be would folks be willing to take the top 10, maybe five from each caucus, and put those forward for
consideration just to allow us to move the process through?

And before we even get into that discussion, I just wanted to advise everyone we have yet to receive our budget for Fiscal Year 2015. As per my emails, we do have the House offering $9 million to the Commission and the Senate has announced $9.4.

Obviously now as they work through the appropriations bill they will come out with a number for us. However, what I would like for everyone to keep in mind is that I will be hiring employees before the end of this fiscal year which then diminishes any money that we may have to work with until someone comes on board.

I plan on having an OCRE director on board by the end of July. I want to announce that we are losing Yasmin. She is leaving for graduate school and next week on Friday is her last day and it is a great loss for the Commission.

COMMISSIONER YAKI: Who gave her permission for that?

(Laughter)

COMMISSIONER YAKI: I heard she had a seven year no-trade, no-cut contract with us.
STAFF DIRECTOR SALLO: Unfortunately she did not but Princeton is very lucky to have her.

COMMISSIONER HERIOT: What is she studying?

STAFF DIRECTOR SALLO: Yasmin, what will be your major?

MS. ELHADY: Masters in Public Policy at Princeton University.

COMMISSIONER HERIOT: Wonderful.

COMMISSIONER YAKI: Congratulations to you, Yasmin.

COMMISSIONER ACHTENBERG: Fantastic.

STAFF DIRECTOR SALLO: I am bringing on board an additional civil rights analyst before the end of the summer. I am also filling the RPCU chief position permanently. We are also filling a regional director position in the Southern Regional Office.

That being said, our budget right now, irrespective of the number whether it's $9 million or $9.4 only allows for five briefings or events. We have only budgeted for five briefings or events in Fiscal Year 2015.

At the present time we have Stand Your Ground that is going forward in October. We are
also planning a commemorative event for the 13th and 14th Amendment.

And we have our statutory enforcement report, so based on our budget that leaves us with two briefings that we can choose for Fiscal Year 2015 as it stands right now with the budget the way it is. So that will play a role in how we move forward on voting for papers as well.

CHAIRMAN CASTRO: So you're suggesting that we as our respective caucuses come back to you with five papers on each side or some lesser universe of what we submitted?

STAFF DIRECTOR SALLO: Right. I just feel that if we bring all 22 papers forward on that day, it would be extremely overwhelming to rank 22 papers as we've done in the past, and then to vote on them that day.

So if it was possible to reduce the amount of papers for consideration, then I think it would be a bit more efficient to get the votes through. So it's open for discussion.

CHAIRMAN CASTRO: Anybody? Silence is acceptance.

COMMISSIONER KLADNEY: My question is Stand Your Ground has been on the calendar for a
while so the money from that would be from the next
fiscal year and not this one?

   STAFF DIRECTOR SALLO: Well, from this
fiscal year we can use our budget to pay for -- to
prepay for the actual location, but the travel of
all the -- of staff travel and panelist travel must
come from Fiscal Year 2015.

   COMMISSIONER KLADNEY: So basically
what you're saying is there is no money from this
year that can be used on briefings next year?

   STAFF DIRECTOR SALLO: No. You
cannot carryover. And budget-wise that's what is
always budgeted is five briefings or briefings and
events.

   CHAIRMAN CASTRO: Folks, does that
sound reasonable?

   STAFF DIRECTOR SALLO: So I'm just
placing the information so that everyone is aware
as we move forward what the parameters are when we
pick our topics.

   CHAIRMAN CASTRO: All right.

   COMMISSIONER KLADNEY: So when we take
-- I've got a question. When we take our budget
we've added up separate from the regional office's
budget, how much does it cost for each event, each
briefing? Do you think it's like a million dollars?

STAFF DIRECTOR SALLO: No. I will be more than happy to speak with you about those numbers and get the information from Budget. I don't have that in front of me but it's not a million dollars.

CHAIRMAN CASTRO: That would vary depending on travel of the panelists here and all sorts of variables.

COMMISSIONER KLADNEY: I'm just saying on average. I mean, if our budget is $9 million a year and we take out the regional offices and then divide up the events and stuff into the rest of it, I'm not sure per event.

STAFF DIRECTOR SALLO: It's not that simple because we have internal cost that we also have to --

CHAIRMAN CASTRO: Salaries and benefits.

COMMISSIONER KLADNEY: Yes, but those all support the briefing. I mean, they all support that process.

STAFF DIRECTOR SALLO: That's a separate line item.
CHAIRMAN CASTRO: Maybe the --

COMMISSIONER YAKI: This is Commissioner Yaki.

CHAIRMAN CASTRO: Yeah, go ahead.

COMMISSIONER YAKI: I had a reaction to something that the Staff Director just said with regards to the budget which is she said she was in the process of hiring a director for the Southern Regional Office. It seems to me, at least from my discussions with GAO, there was some focus on utility of our regional offices in our new format.

I'm just wondering are we -- how that -- I'm not saying what we should or should not do but it seems that was brought up by others because it came up in mine and I did not suggest it.

I'm just wondering if we at the Commission need to have a discussion of that in anticipation of what GAO may come back with and in so doing maybe not be so hasty as to hire positions for something that may be up for discussion and review by the Commission as a whole depending on what the GAO report comes back with.

STAFF DIRECTOR SALLO: I will take that under consideration. I'm more than happy to discuss it with you Michael or any of the other
Commissioners off the record.

CHAIRMAN CASTRO: Thank you.

Any other comments? If not, then we will move onto the next topic on the agenda which is an update on the briefing for the Department of Ed's Office of Civil Rights and the Department of Justice Office of Civil Rights and Enforcement of Sexual Harassment Policy at Educational Institutions.

Madam Staff Director.

STAFF DIRECTOR SALLO: I've kind of glossed over this topic as well as what I planned on discussing over the Staff Director's Report. But, as I previously indicated, we do have 11 speakers at this time. We have confirmation from the Department of Education Office of Civil Rights and Department of Justice Civil Rights Division.

The Violence Against Women DOJ Office, Mr. Ken Marcus, who was a former Department of Ed OCR head, will be speaking. Greg Lukianoff from the Fire will be speaking; Eugene Volokh from UCLA Law School; Ada Meloy from American Council on Education; Catherine Hill from American Association of University Women; Anita Levy, American Association of University Professors;
Fatima Goss Graves from the National Women's Law Center; and Chris Chapman from the National Center for Education and Statistics.

I know that Commissioner Kladney submitted the name of someone. We have reached out to them and we are waiting a response. And we are still trying to identify someone that works within the K through 12 arenas who would be willing to speak as to issues that affect K through 12.

We will be -- we've asked for statements to be submitted by the speakers by the beginning of July and we will be circulating any background information for the Commissioner's consideration right after the 4th of July holiday in preparation for the July 25th briefing.

CHAIRMAN CASTRO: Any questions for the Staff Director on that? None?

III. MANAGEMENT AND OPERATIONS

CHAIRMAN CASTRO: Then we'll move onto the management and operations where I think there is one matter up to address today. Is that right?

STAFF DIRECTOR SALLO: No, I've already addressed it.

CHAIRMAN CASTRO: Okay. Then there's no other items there so we'll move onto the SACs.
IV. STATE ADVISORY COMMITTEE (SAC) APPOINTMENTS

CHAIRMAN CASTRO: We've got three State Advisory Committees up. I am going to start with a motion that the Commission appoint the following individuals to the California State Advisory Committee based upon the recommendation of our Staff Director.


Pursuant to this motion the Commission appointed Percy Duran as Chair of the California State Advisory Committee. These members will serve as uncompensated government employees. Under this motion the Commission authorizes the Staff Director to execute the appropriate paperwork for the appointments.

Is there a second to my motion?

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Okay. Any discussion? Hearing none, we'll take a vote.

Commissioner Kirsanow, how do you vote?
COMMISSIONER KIRSANOW: No.

CHAIRMAN CASTRO: Commissioner Heriot has stepped out. She is no longer here.

Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLADNEY: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Yes.

CHAIRMAN CASTRO: And I vote yes so the slate passes with four yeses and one opposed.

I am now going to make a motion that the Commission appoint the following individuals to the Hawaii Committee based upon recommendations of our Staff Director.


Pursuant to this motion the Commission appoints Michele Nalani Fujimori Kaina as Chair of
the Hawaii State Advisory Committee. These
members will serve as uncompensated government
employees. Under this motion the Commission
authorizes the Staff Director to execute the
appropriate paperwork for the appointments.

Do I have a second?

COMMISSIONER KLADNEY: Second.

CHAIRMAN CASTRO: Any discussion?

Hearing none, we'll move onto the vote.

Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: No.

CHAIRMAN CASTRO: Commissioner Heriot, how do you vote? Oh, sorry. I miss her already.

Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER Kladney: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Yes.

CHAIRMAN CASTRO: And I vote yes so the
slate passes with four yeses and one no.

I am now making a motion that the Commission appoint the following individuals to the Nebraska State Advisory Committee based upon the recommendation of our Staff Director.

James Benjamin-Alvarado, Renaisa Anthony, Michabelle Baumert, Beth Burkstrand-Reid, Ted Hamann, William Harding, Jason Hayes, Nikitah Imani, Peter Longo, Athena Ramos, Chad Richter, Jose Soto, and Kimberly Taylor-Riley.

Pursuant to this motion the Commission appointed James Benjamin-Alvarado as Chair of the Nebraska State Advisory Committee. These members will serve as uncompensated government employees. Under this motion the Commission authorizes the Staff Director to execute the appropriate paperwork for the appointments.

Do we have a second?

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Okay.

COMMISSIONER KLASDNEY: We need a motion.

CHAIRMAN CASTRO: I did make a motion, yeah.

COMMISSIONER KLASDNEY: Oh, okay.
CHAIRMAN CASTRO: What I just said was the motion, yes. The motion has been made and seconded. Any discussion? Hearing none, we'll take a vote.

Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: No.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLASTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Yes.

CHAIRMAN CASTRO: And I vote yes so the slate passes with four yeses and one no.

Madam Staff Director, do you have a comment you want to make?

STAFF DIRECTOR SALLO: Yes. I would like to say thank you to the commissioners for getting through the three slates. I want to put on the record at this point in time 75 percent of our SACs are up and running. I hope to have everything
up and running by the end of this fiscal year.

CHAIRMAN CASTRO: Great. That's significant. We haven't been there in a long time so great work. Thank you.

STAFF DIRECTOR SALLO: Thank you.

V. ADJOURN MEETING

CHAIRMAN CASTRO: If there is nothing further, then I am going to make a motion to adjourn the meeting. Is there a second?

COMMISSIONER KLADNEY: Second.

CHAIRMAN CASTRO: All right. All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN CASTRO: I'm assuming no opposition or abstentions so the meeting is now adjourned at the hour of 10:39 a.m. Eastern Daylight Time. Thank you.

(Whereupon, the above-entitled matter went off the record at 10:39 a.m.)