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U.S. COMMISSION ON CIVIL RIGHTS

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MEETING

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FRIDAY, MAY 16, 2014

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The Commission convened in Suite 1150 at
1331 Pennsylvania Avenue, Northwest, Washington, D.C.
at 9:33 a.m., Martin R. Castro, Chairman, presiding.

PRESENT:

MARTIN R. CASTRO, Chairman

ROBERTA ACHTENBERG, Commissioner

GAIL HERIOT, Commissioner

DAVID KLADNEY, Commissioner*

MICHAEL YAKI, Commissioner*

MARLENE SALLO, Staff Director

* *Present via telephone*

STAFF PRESENT:

MARGARET BUTLER, Acting Chief, OCRE

BARBARA de LA VIEZ, Deputy Director

LATRICE FOSHEE

DORIS GILLIAM

ALFREDA GREENE

JENNIFER HEPLER, Parliamentarian

JOHN RATCLIFFE, Chief, BFD

ROREY SMITH, General Counsel

MICHELE YORKMAN, Director, IT

JOE WHEELER

COMMISSIONER ASSISTANTS PRESENT:

ALEC DEULL

KENESHIA GRANT

CARISSA MULDER

JUANA SILVERIO

ALISON SOMIN

KIMBERLY TOLHURST

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P R O C E E D I N G S

9:33 a.m.

CHAIRMAN CASTRO: Okay, the meeting will come to order. This is a meeting of the U.S. Commission on Civil Rights.

It is currently 9:33 a.m. Eastern time. This meeting is taking place at the Commission's headquarters located at 1331 Pennsylvania Avenue.

I'm Chairman Marty Castro. The Commissioners who are present at this meeting are myself, Commissioner Heriot and Commissioner Achtenberg. Commissioner Kladney and Commissioner Yaki are participating by phone.

A quorum of the Commissioners are present. Is the Court Reporter present? He's nodding yes. And is the Staff Director present?

MS. SALLO: Present.

CHAIRMAN CASTRO: Okay. The meeting will now come to order. The first item on the Agenda is the approval of the Agenda.

I. APPROVAL OF AGENDA

CHAIRMAN CASTRO: I move that we approve the Agenda. Is there a second? Okay, any amendments?

I actually have a Motion to Amend the Agenda to add a discussion and vote on a press release

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1 commemorating the 60th Anniversary of Brown v. Board of
2 Education. It actually takes place tomorrow. So it
3 will actually be a timely release.

4 So I would move that we amend the Agenda to
5 discuss that. Is there a second? Okay. Any further
6 amendment.

7 Hearing none, let=s vote to approve the
8 Agenda. All in favor say aye.

9 (Chorus of Ayes)

10 CHAIRMAN CASTRO: Any opposed?

11 (No response)

12 CHAIRMAN CASTRO: Any abstentions?

13 (No response)

14 CHAIRMAN CASTRO: Okay. So you know as I
15 mentioned, this is the -- tomorrow=s the anniversary of
16 Brown v. Board Ed. And I think that=s a pretty
17 significant happening, particularly for this
18 Commission.

19 And once we get to the discussion of the
20 proposed press release, we can go into greater detail.
21 But I think these opportunities present themselves for
22 the Commission to really be able to take a public stand
23 on issues that effect not only the past, but the present.

24 And I think at least some of the topics we=d
25 like to be able to cover in the not too distant future,

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1 and some that we've covered in the not to distant past,
2 show that the school house doors still remain closed in
3 some schools. And our communities still remain
4 segregated, if not by de jure, certainly de facto.

5 And so as we look at the 60th anniversary,
6 I hope we moving forward begin to reflect on what we can
7 do to insure that seminal cases like Brown v. Board, and
8 legislation like the Civil Rights Act of 1964, which
9 we're going to address a little later, how we can
10 continue to make sure that those are -- those gains are
11 not lost over the next few years.

12 So the first item on our Program Planning
13 and Update is the consideration for vote on Part A of
14 the Briefing Report, Sex Trafficking, a Gender Based
15 Civil Rights Violation.

16 **II. PROGRAM PLANNING AND UPDATE**

17 **PART A - BRIEFING REPORT**

18 **SEX TRAFFICKING, A GENDER BASED**

19 **CIVIL RIGHTS VIOLATION**

20 CHAIRMAN CASTRO: I know everyone's had an
21 opportunity to review a draft of it and provided some
22 comments. In addition I know that we've had the final
23 version of it circulated to us. And hopefully
24 everyone's had an opportunity to take a look at it.

25 Part A includes both the substantive

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1 contents of background, summary of proceedings,
2 panelists statements, written statements, biographies
3 and presentations. This does not obviously include
4 Part B, which we=ll talk about later in terms of timing
5 for submitting Commissioners= statements, et cetera.

6 So do any Commissioners wish to offer any
7 amendments to Part A of the report before we vote to
8 accept or reject it? Commissioner Heriot?

9 COMMISSIONER HERIOT: I do want to know if
10 those have been incorporated?

11 MS. SALLO: Yes. For the record, I did
12 receive edits from most of the Commissioners. And they
13 were just minor edits, grammatical edits. And all of
14 those have been incorporated.

15 In addition, Commissioner Kladney did
16 submit a couple of edits on page 17 and page 32. Just
17 to clarify a sentence in both pages. And so those two
18 changes have also been incorporated.

19 COMMISSIONER HERIOT: I=m sorry, what was
20 the last part there?

21 CHAIRMAN CASTRO: 17 and 32, there were
22 come clarification edits by Commissioner Kladney.

23 COMMISSIONER HERIOT: I don=t have a copy
24 of that.

25 COMMISSIONER YAKI: Can we make sure that

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1 Commissioner Heriot=s microphone is on, because I can=t
2 hear her.

3 CHAIRMAN CASTRO: There it goes. Your=s
4 set.

5 COMMISSIONER HERIOT: I just don=t have a
6 copy of the report here. 17 and 32?

7 MS. SALLO: Um-hum. And it refers to --

8 COMMISSIONER HERIOT: On 17?

9 MS. SALLO: Yes, on 17, that=s where he=s
10 discussing why he was asking the question as to pimps
11 still being involved in legalized prostitution. And so
12 we just went back to the transcript on page 94, where
13 Commissioner Kladney indicates that he had practiced
14 law there for a long time.

15 So that actually provides a basis for why
16 he brought that up. And so the change is as follows.
17 You want me to read it into the record?

18 CHAIRMAN CASTRO: Yes, why don=t you go and
19 do that.

20 COMMISSIONER HERIOT: Yes, could you do
21 that because I=m not finding what you=re talking about
22 here.

23 MS. SALLO: So page 17, it=s the first full
24 paragraph.

25 COMMISSIONER HERIOT: Which begins

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1 Commissioner Gaziano on this.

2 MS. SALLO: Correct. So the change is
3 following up on Commissioner Gaziano=s question about
4 legalized prostitution. Commissioner Kladney
5 clarified that Nevada had legalized prostitution in 15
6 of 17 counties.

7 And then we inserted in the course of his
8 legal work, Commissioner Kladney added many of these
9 women go to work for 25 days a month. So it was to
10 clarify his position and give a basis for why he had
11 brought that topic up.

12 Then if you go further down where it says
13 he asked the panelists to -- okay, so it=s moving

14 CHAIRMAN CASTRO: Are there page numbers
15 there?

16 CHAIRMAN CASTRO: Okay, could you show me
17 on this.

18 MS. SALLO: Oh, it=s --

19 COMMISSIONER HERIOT: It=s actually on
20 page 18 of the transcripts that we have.

21 MS. SALLO: Thank you.

22 COMMISSIONER HERIOT: And it=s the bottom
23 paragraph. It says Commissioner Kladney said that.

24 MS. SALLO: Thank you. On the computer it
25 shows up differently. So it=s on page 18, last

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1 paragraph.

2 COMMISSIONER HERIOT: And the 25 days a
3 month was the sentence that was added?

4 MS. SALLO: No, that remains. So it=s --
5 where it says Commissioner Kladney said, so we put
6 before it, following up on Commissioner Gaziano=s
7 question about legalized prostitution. Just to give a
8 basis for it. So we inserted something before there.

9 COMMISSIONER HERIOT: Okay.

10 MS. SALLO: Commissioner Kladney
11 clarified that Nevada has legalized prostitution in 15
12 of 17 counties. In the course of his legal work,
13 Commissioner Kladney -- and then we inserted, added many
14 of these women go to work for 25 days a month.

15 So it would -- then we added something here.
16 You want me to --

17 CHAIRMAN CASTRO: So we don=t have the --
18 what you added?

19 MS. SALLO: No, because that was done after
20 I circulated the final draft.

21 CHAIRMAN CASTRO: No wonder. Okay, so
22 that=s what=s so confusing, because we=re looking here
23 and it=s --

24 MS. SALLO: I=m sorry, I must not have been
25 clear when I said that. I had received edits after Gail

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1 said she had sent edits.

2 CHAIRMAN CASTRO: Okay, got it. Now I
3 understand what you=re saying, got it.

4 MS. SALLO: Okay. So if you --

5 COMMISSIONER HERIOT: And that=s all for
6 that paragraph?

7 MS. SALLO: And then if you go down to --
8 one, two, three -- the fourth line where it starts with
9 Mr. Cicero.

10 COMMISSIONER HERIOT: Uh-huh.

11 MS. SALLO: So what we indicated was --
12 well let=s go up one, where it says their pimps. So it
13 will now say often, their pimps are waiting at home for
14 the money and violence still exists.

15 Right, and then it says period, he asked the
16 panelist, and this is where we insert it -- to discuss
17 whether legalized prostitution improves conditions for
18 trafficked individuals, period. Mr. Cicero replied
19 that in some countries, Mexico for example -- and then
20 the rest remains the same.

21 So it was only to flesh out the paragraph
22 to make -- to give it more of a clarification.

23 COMMISSIONER HERIOT: Okay. Then what=s
24 on the other page?

25 MS. SALLO: So now we go on to page 32,

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1 where the -- well, let=s see on the computer where that
2 will file to. But where Professor Parrenas= noted --

3 CHAIRMAN CASTRO: Is it Commissioner
4 Kladney asked Professor Parrenas?

5 MS. SALLO: Pulling It up now. Yes. So
6 you --

7 COMMISSIONER HERIOT: It=s page 33, at the
8 bottom of the page.

9 CHAIRMAN CASTRO: Yes, bottom of 33.

10 MS. SALLO: Oh, and on my print out it says
11 32. So apparently the computer=s --

12 CHAIRMAN CASTRO: Is it the middle
13 paragraph or the bottom one?

14 MS. SALLO: Commissioner Kladney asked
15 Professor Parrenas if she thought. So it takes you to
16 the middle of 33.

17 COMMISSIONER HERIOT: The middle
18 paragraph. Yes, there are two paragraphs that begin
19 exactly that way.

20 CHAIRMAN CASTRO: They both say the same
21 thing.

22 MS. SALLO: So the middle of 33.
23 Commissioner Kladney asked Professor Parrenas --

24 COMMISSIONER HERIOT: If she thought --
25 what=s the next word?

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1 CHAIRMAN CASTRO: Those people of Patpong?

2 MS. SALLO: Yes, of Patpong in Thailand are
3 taught -- sorry. So we will go to a -- okay, so we added
4 something to that paragraph, but it actually, the
5 addition will show up on page -- the following page, 34
6 on your printed page.

7 And it will be the second line down, where
8 it starts with Professor Parrenas noted again that the
9 women who end up in Japan are not prostitutes. And
10 Commissioner Kladney, and then the insertion occurs --
11 indicted that he understood the Professor=s position --
12 and that=s it.

13 CHAIRMAN CASTRO: All right. So now that
14 we=ve clarified that.

15 COMMISSIONER ACHTENBERG: Can you double
16 check all of that and because it looks like it might need
17 some -- and I=d be willing to endorse the report with
18 you making whatever kind of minor edits.

19 MS. SALLO: I can accept those changes for
20 those particular pages and then circulate them before
21 the next meeting.

22 CHAIRMAN CASTRO: So we=ll vote on it now
23 with the understanding that that=s -- those are the
24 changes. I don=t want to put this off.

25 COMMISSIONER ACHTENBERG: No, I=m not

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1 saying about taking the vote. I=m saying go in and just
2 make the whatever changes.

3 CHAIRMAN CASTRO: Approve Page A, yes.

4 COMMISSIONER ACHTENBERG: Yes, approve
5 it, and then let her see if there needs to be a --

6 CHAIRMAN CASTRO: So we=ll consider that
7 to be a Motion. Is there a Second? She=s moving to
8 approve Part A to -- including the changes that were just
9 read into the record by the Staff Director to the
10 Commissioners. So is there a second?

11 COMMISSIONER HERIOT: Second.

12 CHAIRMAN CASTRO: Okay. Any additional
13 discussions? Hearing none, I would take a vote.
14 Commissioner Heriot how do you vote?

15 COMMISSIONER HERIOT: I vote yes.

16 CHAIRMAN CASTRO: Commissioner Achtenberg
17 how do you vote?

18 COMMISSIONER ACHTENBERG: Yes.

19 CHAIRMAN CASTRO: Commissioner Kladney
20 how do you vote?

21 COMMISSIONER KLADNEY: Yes.

22 CHAIRMAN CASTRO: Commissioner Yaki how do
23 you vote?

24 COMMISSIONER YAKI: Aye.

25 CHAIRMAN CASTRO: And I vote yes. So we

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1 unanimously approve Part A.

2 Okay, we'll talk about Part B later in this
3 Agenda. So we're going to move now onto Part A of the
4 Briefing Report, Engagement with Arab and Muslim
5 American Communities Post 9/11.

6 ENGAGEMENT WITH ARAB AND
7 MUSLIM AMERICAN COMMUNITIES POST 9/11

8 CHAIRMAN CASTRO: Again, everyone has in
9 the past had an opportunity to submit proposed changes
10 to the Staff Director. And this has been circulated to
11 us before the meeting.

12 Do any Commissioners wish to -- well let
13 just clarify, Part A includes the substantive contents
14 of executive summary, a summary of proceedings,
15 panelists written statements, fact presentations as
16 well as an appendix of public comments.

17 Do any Commissioners wish to offer any
18 amendments to Part A? And actually I do. Because I had
19 asked that one portion of a paragraph which on my draft
20 is on page -- let's see, 26 under the heading Application
21 of the First Amendment.

22 Right after Footnote 64, there is a back and
23 forth between me and Professor Volokh where I'm asking
24 him about the War on Christmas. I'd like to delete that
25 because I don't think it really was germane to the topic

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1 that I was talking about in the first part of that
2 paragraph.

3 So it kind of out of -- out of sequence for
4 my mind. So I wanted to take that out, and leaving
5 everything else. So I think from Footnote 64 to
6 Footnote 66.

7 COMMISSIONER ACHTENBERG: So you're
8 moving that that be deleted?

9 CHAIRMAN CASTRO: No, I'm just taking out
10 yes.

11 COMMISSIONER HERIOT: Why, I think it
12 actually is germane. And it in fact happened. So why
13 shouldn't it remain.

14 CHAIRMAN CASTRO: Well it did happen, but
15 I, you know, of all the things that I said, that=s to
16 me one that=s not as relevant to the topic at hand.

17 COMMISSIONER HERIOT: But I think
18 Professor Volokh makes a significant point here.

19 CHAIRMAN CASTRO: Well it=s nothing to do
20 with his wonderful point, or my significant point.
21 It=s just I just -- it throws it off from the point I=m
22 really trying to make here, which was his exchange back
23 and forth. And mine on the issue of the trampling of
24 the flag and God and Allah, I kind of threw that War on
25 Christmas thing in there as a follow up.

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1 But I just don=t think it=s germane to the
2 issue. And it=s in the transcript, so it=s not like
3 we=re you know, hiding it. I just don=t like that it=s
4 --

5 COMMISSIONER ACHTENBERG: In the report?

6 CHAIRMAN CASTRO: In the report. It just
7 doesn=t make sense to me. So since it=s me talking, I=d
8 rather not have that in there.

9 Any other?

10 MS. SALLO: If I may put on the record that
11 I did receive after I sent out the final draft.

12 CHAIRMAN CASTRO: Okay.

13 MS. SALLO: I did receive edits, but they
14 were just edits based on grammar or punctuation.

15 CHAIRMAN CASTRO: Okay. Any other?

16 COMMISSIONER HERIOT: Yes.

17 CHAIRMAN CASTRO: You have something?

18 COMMISSIONER HERIOT: The executive
19 summary seems like it=s from a different report. I goes
20 off on issues that really aren=t covered by the report.
21 And it really -- it doesn=t fit.

22 MS. SALLO: And that is a mistake. It
23 should really be background.

24 CHAIRMAN CASTRO: So it=s not executive
25 summary?

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1 MS. SALLO: It should -- yes.

2 CHAIRMAN CASTRO: So you move to call it
3 background?

4 MS. SALLO: Yes.

5 COMMISSIONER HERIOT: I would move to
6 delete it. I mean you need an actual executive summary.
7 You know executive summaries are what=s going to be read
8 by most people that read -- look at the report. And this
9 one has precious little to do with what we=re going to
10 do.

11 MS. SALLO: Yes. And the heading is a
12 mistake. I had changed it on the Sex Trafficking. And
13 in reviewing this, I failed to change this heading as
14 well, because I wanted it to be more of an introduction
15 or a background information.

16 But this information was provided in the
17 original draft that was sent to the Commissioners. And
18 as a matter of fact, we even expanded on some of the
19 information contained based on previous feedback.

20 COMMISSIONER HERIOT: Well does that mean
21 we=re not going to have an executive summary?

22 MS. SALLO: No, the executive summary will
23 be drafted after we=ve received -- we=ve voted on Part
24 B with the findings and recommendations. And after we
25 receive the statements, because the executive summary

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1 will then be a synopsis of the report itself.

2 So if someone just picked up the report and
3 they read the executive summary, they would be able to
4 get a general idea of the outcomes of the briefing, as
5 well as whether there were any findings and
6 recommendations.

7 COMMISSIONER HERIOT: So when do we vote on
8 the executive summary?

9 CHAIRMAN CASTRO: In Part B.

10 COMMISSIONER HERIOT: When do we vote on
11 the executive summary?

12 CHAIRMAN CASTRO: Part B. We=re going to
13 go through an Agenda, a proposed Agenda for Part B and
14 findings and recs and all that after we=re done voting
15 on Part A.

16 COMMISSIONER HERIOT: So some subsequent
17 meeting?

18 CHAIRMAN CASTRO: No, this meeting -- yes,
19 at subsequent meeting we=ll vote on it.

20 COMMISSIONER ACHTENBERG: We vote on an
21 executive summary in a subsequent meeting at the same
22 time that we --

23 CHAIRMAN CASTRO: Vote on Part B.

24 COMMISSIONER ACHTENBERG: I mean there=s
25 sometimes subsequent to voting on Part B, isn=t that

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1 correct?

2 CHAIRMAN CASTRO: Also, if you notice
3 Commissioner Heriot, the sex trafficking report doesn't
4 have an executive summary either.

5 COMMISSIONER HERIOT: It doesn't issue.

6 CHAIRMAN CASTRO: Yes. So and we just
7 voted on that. So it starts with background and then
8 it goes to summary of proceedings. So it's exactly as
9 the Staff Director's saying.

10 COMMISSIONER HERIOT: Okay as long as
11 we're going to vote on the executive summary.

12 CHAIRMAN CASTRO: Yes, we will.

13 COMMISSIONER HERIOT: And that there will
14 be one.

15 CHAIRMAN CASTRO: We always -- we do that,
16 yes. Don't we?

17 COMMISSIONER HERIOT: Wait, mine has an
18 executive summary.

19 CHAIRMAN CASTRO: Really, mine doesn't --
20 mine does not.

21 MS. SALLO: It has the heading for
22 executive summary, but all this has is background.

23 COMMISSIONER HERIOT: Mine says executive
24 summary.

25 MS. SALLO: You have the most recent?

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1 COMMISSIONER HERIOT: It says 5/14.

2 CHAIRMAN CASTRO: Mine doesn=t. This is
3 the one that was circulated by the Staff Director.
4 Let=s see.

5 MS. SALLO: The executive summary pages
6 are blank in the sex trafficking.

7 CHAIRMAN CASTRO: You know what it may be,
8 it=s the background section. Except this is the
9 version where she said she changed it to background
10 instead of executive summary. You must be using the
11 version before she circulated this for the meeting.

12 See. The language of -- under executive
13 summary, is the same as the language under background.
14 It=s exactly what we just did here. She forgot to take
15 out executive summary.

16 COMMISSIONER HERIOT: Yes, but there are
17 other differences as well.

18 MS. SALLO: That=s the most recent.

19 CHAIRMAN CASTRO: Yes, this is the most
20 recent one. This is the one that was circulated in
21 advance of the meeting. So you must have gotten your
22 essay letter just printed out the version right before
23 that.

24 COMMISSIONER HERIOT: When did the version
25 before that come out? How old is this version?

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1 CHAIRMAN CASTRO: Whenever we were to make
2 initial comments I think. So I think it=s just a matter
3 of the heading not having been changed.

4 So we understand that the executive summary
5 will be part of Part B. With that understanding, do we
6 have a motion on the engagement with Arab and Muslim
7 American Communities Post 9/11 as amended? Is there a
8 motion?

9 COMMISSIONER ACHTENBERG: So moved.

10 CHAIRMAN CASTRO: Is there a second? Do
11 we have a second?

12 COMMISSIONER HERIOT: What=s the motion
13 again, I=m sorry?

14 CHAIRMAN CASTRO: The Motion to approve
15 Part A of Arab and Muslim American Communities Post 9/11
16 as amended with you know, the change, which is to change
17 executive summary to background. And to also take out
18 my war on Christmas dialog with Professor Volokh.

19 And we have a motion. Do we have a second?
20 Is there a second?

21 COMMISSIONER HERIOT: I can=t second it.

22 COMMISSIONER ACHTENBERG: Don=t you have
23 to vote on those separately?

24 CHAIRMAN CASTRO: Do we? No, we vote on
25 it. Maybe I do -- no. I could do it as one motion.

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1 MS. SALLO: Well you did a motion for two.

2 CHAIRMAN CASTRO: Did we do two separate
3 motions?

4 MS. SALLO: You did a motion to amend to
5 extract that paragraph. So maybe you should vote on
6 that first.

7 CHAIRMAN CASTRO: Okay. So we'll -- all
8 right, so we'll do a motion to -- we're voting on my
9 motion to extract the -- my reference to that paragraph
10 on the war on Christmas, so all in -- I guess I'll take
11 a voice -- roll call vote on that.

12 Commissioner Heriot how do you vote?

13 COMMISSIONER HERIOT: Abstain.

14 CHAIRMAN CASTRO: I thought you were going
15 to vote no. Commissioner Achtenberg how do you vote?

16 COMMISSIONER ACHTENBERG: I'll vote yes.

17 CHAIRMAN CASTRO: Okay. Commissioner
18 Kladney how do you vote?

19 COMMISSIONER KLADNEY: Yes.

20 CHAIRMAN CASTRO: Commissioner Yaki how do
21 you vote?

22 COMMISSIONER YAKI: Aye.

23 CHAIRMAN CASTRO: And I vote yes. So it
24 passes.

25 Now as amended, we have a motion to approve

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1 the report. Is there a second on that?

2 COMMISSIONER ACHTENBERG: Second.

3 CHAIRMAN CASTRO: No, you moved, so --

4 COMMISSIONER ACHTENBERG: I moved,
5 um-hum.

6 CHAIRMAN CASTRO: So we need a second from
7 someone else.

8 COMMISSIONER KLADNEY: Second.

9 CHAIRMAN CASTRO: Okay. Any additional
10 discussion? None. I=ll call for a vote.
11 Commissioner Heriot how do you vote?

12 COMMISSIONER HERIOT: I pass.

13 CHAIRMAN CASTRO: Okay, we=ll come back to
14 you then. Commissioner Achtenberg how do you vote?

15 COMMISSIONER ACHTENBERG: I vote aye.

16 CHAIRMAN CASTRO: Commissioner Kladney
17 how do you vote?

18 COMMISSIONER KLADNEY: Yes.

19 CHAIRMAN CASTRO: Commissioner Yaki how do
20 you vote?

21 COMMISSIONER YAKI: Aye.

22 CHAIRMAN CASTRO: I vote yes. And
23 Commissioner Heriot if you vote yes, we have two
24 unanimous Part As, which would be great.

25 COMMISSIONER HERIOT: Then I abstain.

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1 CHAIRMAN CASTRO: All right, I know you're
2 still hot about the last meeting, okay. Close enough
3 though, at least it's not a no. So that Motion passes.

4 Next we have up for consideration, a
5 proposed Proclamation for the July 50th Anniversary of
6 the Civil Rights Act of 1964.

7 PROCLAMATION FOR JULY 50TH

8 ANNIVERSARY OF CIVIL RIGHTS ACT OF 1964

9 CHAIRMAN CASTRO: Obviously a lot's
10 already happened because there was a big to do at the
11 LBJ Library. But as we all know, the actual golden
12 anniversary is coming up in the summer. So I thought
13 in advance of that, we might want to issue, or at least
14 prepare for issuance a proclamation.

15 So that's in your materials. And is there
16 any discussion on this?

17 COMMISSIONER HERIOT: Yes, I've got some
18 problems with it I think we can fix.

19 CHAIRMAN CASTRO: All right, let's hear
20 them.

21 COMMISSIONER HERIOT: I'm trying to find
22 it here.

23 CHAIRMAN CASTRO: Here.

24 COMMISSIONER HERIOT: Sorry, my iPad's
25 acting up.

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1 CHAIRMAN CASTRO: That=s all right.

2 COMMISSIONER HERIOT: Oh, this is the
3 proclamation, not the Brown thing.

4 CHAIRMAN CASTRO: Yes, right.

5 COMMISSIONER HERIOT: The proclamation,
6 here=s the thing on this one. I would be happier if this
7 were a proclamation by the Chairman. Because then I
8 wouldn=t feel like I need to agree with every line of
9 it.

10 You know, you could have it exactly the way
11 you want to if it says, you know the Chairman hereby
12 issues this proclamation.

13 CHAIRMAN CASTRO: Well I mean there is
14 something to say the Commission, at least a majority of
15 the Commission says this so.

16 COMMISSIONER HERIOT: Yes, there is
17 something to it, but then I have to vote no on some of
18 these unless you want to spend a lot of time wordsmithing
19 them.

20 CHAIRMAN CASTRO: I don=t want to do that,
21 so -- but let=s hear what others have to say.

22 COMMISSIONER ACHTENBERG: Well can you
23 just give us a --

24 CHAIRMAN CASTRO: Yes, take a chance to
25 read it.

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1 COMMISSIONER ACHTENBERG: Can I ask
2 Commissioner Heriot if she would just give us a sense
3 what -- I mean because I would like this to be from the
4 Commission, but I mean, what kinds of things would need
5 to be changed in order to meet your concurrence?

6 COMMISSIONER HERIOT: This litany towards
7 the end to me is just overstated. You know it say when
8 a woman=s not paid the same as a man for the same work,
9 more work remains for us to do.

10 It=s true that some women are not paid as
11 much as men in the same job. It=s also true the other
12 way around I=m sure there are cases. But at this point
13 in time, the rhetoric is such that the people are going
14 to see that as an endorsement of the 77 cents on the
15 dollar stuff, which I think is highly misleading.

16 CHAIRMAN CASTRO: I don=t think it=s
17 endorsement of any specific dollar amounts, or minimum
18 wages, or anything. It=s a statement of principal.
19 It=s just like discrimination, not everyone --

20 COMMISSIONER HERIOT: But then it should
21 when a woman is not paid as much as man, or a man is not
22 paid as much as a woman, more work needs to be done.

23 CHAIRMAN CASTRO: Do we have instances
24 like that? I don=t know that it=s the other way around.
25 I certainly haven=t heard of them. But what else? Is

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1 that whole thing?

2 COMMISSIONER HERIOT: Yes, it would be
3 wordsmithing on this, and you do a lot of work on it after
4 the meeting, that would be fine.

5 COMMISSIONER ACHTENBERG: So it would be
6 -- you are saying that you have particular objections
7 to each one of these? Is that the case? Because I=m
8 still trying to figure out what I=m --

9 COMMISSIONER HERIOT: To several of them,
10 I don=t think all of them.

11 CHAIRMAN CASTRO: Why don=t we do this.
12 We still have some time between now and July. So if --
13 I=m willing to put this over to the next meeting. And
14 to give you and I and anyone else who wants to discuss
15 this, an opportunity to see what we can find that would
16 be --

17 COMMISSIONER HERIOT: Unanimous.

18 CHAIRMAN CASTRO: Unanimous. And then if
19 not, then we=ll proceed to figure out how else we could
20 do it.

21 COMMISSIONER ACHTENBERG: Consider it by
22 majority then.

23 CHAIRMAN CASTRO: Okay?

24 COMMISSIONER HERIOT: Okay.

25 CHAIRMAN CASTRO: So we=re going to table

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1 this for the moment and we'll take it up at our next
2 meeting. And you and I'll do an initial discussion on
3 that.

4 Okay, the next item on our Agenda is the
5 proposed press release on Brown v. Board of Education,
6 which you also have received a copy of.

7 PRESS RELEASE ON ANNIVERSARY

8 OF BROWN V. BOARD OF EDUCATION

9 COMMISSIONER ACHTENBERG: So moved.

10 CHAIRMAN CASTRO: Okay. Do we need any
11 discussion? Is there a second? Is there a second on
12 the phone? Hello?

13 MS. SALLO: Hello?

14 COMMISSIONER YAKI: Second.

15 CHAIRMAN CASTRO: Okay, second from
16 Commissioner Yaki. Any discussion? Commissioner
17 Heriot?

18 COMMISSIONER HERIOT: I've got a couple of
19 problems with this. I think we can deal with them here.
20 But unfortunately I still can't get it up on my iPad,
21 so I'll need to look at yours.

22 Okay. One thing we need is that it needs
23 to be clarified in the second paragraph, although there
24 have been sporadic legal challenges to segregate
25 schools for over 100 years leading up to the 1954

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1 decision, and some States have in fact outlawed school
2 segregation. No legal challenge has succeeded on a
3 national basis until Brown.

4 The college cases had them, so I would put,
5 no legal challenge to segregation at the K through 12
6 level. Because Sweatt, Sipuel, McLaurin, you know that
7 line of cases had come up correctly. And this makes it
8 sound like we don=t know that.

9 CHAIRMAN CASTRO: Okay. Any other issue?

10 COMMISSIONER ACHTENBERG: Would you want
11 to say elementary school? Or, that=s sounds --

12 CHAIRMAN CASTRO: I think K through 12
13 sounds very --

14 COMMISSIONER ACHTENBERG: Public school.
15 How about public school.

16 COMMISSIONER HERIOT: Yes, but the
17 University of Texas, the University of Oklahoma, those
18 are public schools.

19 COMMISSIONER ACHTENBERG: They are, but
20 they typically referred to as public universities.
21 Public schools I think is generally understood to mean
22 elementary school, don=t you think.

23 COMMISSIONER HERIOT: Elementary and
24 secondary, does that work?

25 COMMISSIONER ACHTENBERG: And secondary,

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1 yes, you can say elementary and secondary school
2 segregation.

3 CHAIRMAN CASTRO: Yes, that would be fine
4 with me.

5 COMMISSIONER HERIOT: Okay.

6 CHAIRMAN CASTRO: Okay, we'll do that.
7 We'll put that in there.

8 COMMISSIONER HERIOT: What a challenge to
9 elementary and secondary.

10 CHAIRMAN CASTRO: Okay. Let's go with
11 this.

12 COMMISSIONER HERIOT: Okay. The
13 paragraph that begins The Brown plaintiffs. The Brown
14 plaintiffs faced large legal as well as social
15 obstacles, including the substantially equal nature of
16 school facilities and resources.

17 They weren't at all equal. It's simply
18 that they didn't challenge it on the basis of there not
19 being equal resources, because they --

20 COMMISSIONER KLADNEY: Could you repeat
21 that please. We can't hear on the phone.

22 COMMISSIONER HERIOT: Okay, sorry. The
23 Brown plaintiffs faced -- this is what it says now. The
24 Brown plaintiffs faced large legal, as well as social
25 obstacles including the substantially equal nature of

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1 school facilities and resources that had previously
2 served as a bar to establishing inequality before the
3 law.

4 COMMISSIONER ACHTENBERG: You=ve got a lot
5 of equal and inequality there.

6 COMMISSIONER HERIOT: Well, it=s the -- it
7 makes it sound like we=re saying the schools actually
8 were equal. That=s not the case. The case is simply
9 that they didn=t want to challenge it on that basis
10 because if they did challenge it on that basis, they=d
11 be challenging every rotten little school district all
12 over the segregated south.

13 They wanted to simply hit it and say it=s
14 inherently unequal. But it wasn=t that they really
15 were giving equal resources. It=s just a litigation
16 strategy and a perfectly correct litigation strategy.

17 CHAIRMAN CASTRO: Well you make a good
18 point, how would you change that? Do you have a thought
19 in mind as to?

20 COMMISSIONER ACHTENBERG: How about
21 arguably or theoretically?

22 COMMISSIONER HERIOT: But they really
23 didn=t -- it=s just a litigation strategy. They didn=t
24 want to make the claim individually, that they weren=t
25 getting enough resources. But everybody with any sense

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1 knew that they were not getting equal resources.

2 COMMISSIONER YAKI: Why do we even need to
3 get into that?

4 COMMISSIONER HERIOT: We don=t. We=re
5 just trying to come up with an easy fix here. We could
6 delete the whole sentence.

7 COMMISSIONER YAKI: That=s what I mean.

8 COMMISSIONER HERIOT: Yes, I=m with you on
9 this one. The Court overcame many contrary precedents.

10 CHAIRMAN CASTRO: Okay.

11 COMMISSIONER HERIOT: That=s not
12 eloquent.

13 COMMISSIONER ACHTENBERG: The Court
14 overcame many contrary precedents and found that
15 segregated schools were inherently unique regardless of
16 education resources, et cetera. Is that what you=re
17 proposing? We just get rid of this other little
18 sentence entirely?

19 CHAIRMAN CASTRO: Right.

20 COMMISSIONER HERIOT: Yeah. And it=s not
21 very elegant, but at least it has the terms of being
22 correct.

23 CHAIRMAN CASTRO: Yes, that makes sense.

24 COMMISSIONER KLADNEY: Did the court
25 overcome precedents or over rule precedents?

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1 COMMISSIONER HERIOT: Overruled. Well --
2 yes it overruled precedents.

3 CHAIRMAN CASTRO: Yes, so it said
4 overruled.

5 COMMISSIONER HERIOT: But the problem is
6 that we also say in here that it overruled Plessy
7 somewhere. Where does it say, do you know?

8 MS. SALLO: Overturned Plessy v. Ferguson.

9 COMMISSIONER HERIOT: It did not overturn
10 Plessy is the problem. You know if you read Brown, it
11 very carefully concentrates on education.

12 So at the time of Brown, it was not clear
13 that Plessy was overruled. It wasn't until Browder v.
14 Gayle that it was clear Plessy no longer had any
15 viability. Because Browder v. Gayle was a bus case.
16 And bus and trains close enough to where I would say
17 that=s overruled.

18 But they were so clear in talking about the
19 doll experiments in Brown, that this was something that
20 was based on education and the sort.

21 COMMISSIONER ACHTENBERG: Okay, so what do
22 we call it when it=s not explicitly overruled, but it
23 is --

24 COMMISSIONER HERIOT: It wasn't overruled
25 at all is my point.

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1 CHAIRMAN CASTRO: So why don=t we say in
2 that paragraph --

3 COMMISSIONER HERIOT: Where=s the Plessy
4 part?

5 CHAIRMAN CASTRO: Right here. It=s in the
6 paragraph above that. So in the mounting -- in mounting
7 the landmark challenge, parents of Topeka, Kansas
8 school children who had been denied enrollment in
9 neighborhood public schools persuaded the court with
10 the help of the NAACP to overturn Plessy.

11 So why don=t we say with the help of the
12 NAACP, to overturn the doctrine of separate but equal?

13 COMMISSIONER HERIOT: Yes. That=s
14 sufficiently vague.

15 CHAIRMAN CASTRO: Um-hum. And then just
16 end it there.

17 COMMISSIONER HERIOT: Yes.

18 CHAIRMAN CASTRO: So take off segregation
19 and railcars.

20 COMMISSIONER HERIOT: One more problem
21 here, at least one more problem.

22 CHAIRMAN CASTRO: All right.

23 COMMISSIONER HERIOT: We talk about the
24 NAACP, but I believe it was the NAACP Legal Defense Fund.

25 COMMISSIONER YAKI: That sounds right.

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1 Defense fund.

2 COMMISSIONER HERIOT: At the time it would
3 have been called the NAACP Legal Defense and Education
4 Fund.

5 CHAIRMAN CASTRO: Okay. LDEF I=ll put in
6 there for not.

7 COMMISSIONER HERIOT: Okay, they always
8 call it LDF though.

9 CHAIRMAN CASTRO: LDF? Okay, LDF.

10 COMMISSIONER HERIOT: At any rate, we want
11 to get it right.

12 CHAIRMAN CASTRO: Yes, okay.

13 COMMISSIONER HERIOT: Oh my, unless then
14 you know, we make it clear in the next paragraph. Hold
15 on, what did I do with that? Yes, can we get rid of all
16 of the first paragraph. It makes it sound like schools
17 all over the country had such segregation.

18 CHAIRMAN CASTRO: Does it say segregation
19 in American schools?

20 COMMISSIONER HERIOT: In American
21 schools, that=s better. And it doesn=t have the same
22 implication.

23 CHAIRMAN CASTRO: Fine with me. Okay,
24 anything else?

25 COMMISSIONER HERIOT: That=s it.

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1 CHAIRMAN CASTRO: That=s it? Okay, with
2 those changes do we have -- did we have a motion on?
3 Yes, we already had a motion, right? So, we=ll take
4 these -- will we take these amendments as a friendly
5 amendment?

6 COMMISSIONER ACHTENBERG: Yes, Of course.

7 CHAIRMAN CASTRO: Okay. So any other
8 changes? I=m going to give this to you Madam Staff
9 Director so you can decipher that.

10 Okay, hearing no additional changes, I am
11 going to take a vote on this. With those changes,
12 Commissioner Heriot how do you vote?

13 COMMISSIONER HERIOT: Yes.

14 CHAIRMAN CASTRO: Commissioner Achtenberg
15 how do you vote?

16 COMMISSIONER ACHTENBERG: Yes.

17 CHAIRMAN CASTRO: Commissioner Kladney
18 how do you vote? Commissioner Kladney?

19 COMMISSIONER KLADNEY: Yes.

20 CHAIRMAN CASTRO: Okay. Commissioner
21 Yaki how do you vote?

22 COMMISSIONER YAKI: Aye.

23 CHAIRMAN CASTRO: And I vote yes, so we
24 have unanimous passage of that press release. Thank
25 you.

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1 We now move on to Management and
2 Operations.

3 **III. MANAGEMENT AND OPERATIONS**

4 And so I'll turn this over to our Staff
5 Director. Madam Staff Director.

6 MS. SALLO: I did circulate yesterday a
7 calendar of dates I would like for us to follow in order
8 to move forward on the release of the multiple reports
9 that we currently have in the pipeline.

10 And I just want to make sure that everyone
11 had received it. I sent it via an attachment yesterday.

12 CHAIRMAN CASTRO: Do you have a copy to
13 circulate to people here?

14 MS. SALLO: No, I sent it via an email. It
15 was embedded in an email.

16 CHAIRMAN CASTRO: Okay, I lost it.

17 COMMISSIONER HERIOT: I can't get anything
18 off of my emails, I swear.

19 MS. SALLO: So I haven't actually done an
20 actual calendar, but I will be putting it into calendar
21 format. And I will disseminate it to everyone.

22 But the goal is if we remain on this schedule, to
23 be able to move forward and release all the pending
24 reports by the end of this fiscal year. My concern is
25 that if we're going to be voting between June and July

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1 on topics for fiscal year 2015, that we don=t have
2 anything pending or anything within the pipeline.

3 So it would probably be beneficial for all
4 of to move forward on getting everything out by then.
5 By the end of the fiscal year.

6 So the dates that are being proposed, I can
7 read them into the record.

8 CHAIRMAN CASTRO: I can=t find my email on
9 that.

10 MS. SALLO: Okay. Friday, May 16, which
11 is today. I was hoping to get all the edits on the NBRA
12 first draft.

13 And then on Monday, May 26, the proposal is
14 to receive the edits on statutory enforcement reports.
15 So I previously did send out that deadline when I emailed
16 the first draft of the patient dumping report.

17 Friday, May 30 I would like to receive
18 proposed findings and recommendations for the two
19 reports that we approved today.

20 Then on Friday, June 13, the proposal would
21 be to receive Part B, which would be the findings and
22 recommendations for NBRA and the statutory enforcement
23 report. Once I receive them, I=ll automatically turn
24 around and circulate them obviously.

25 And then we have our next Commission

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1 meeting on Friday, June 20. And so the goal would be
2 to be able to vote on both Parts A and B on that day for
3 the NBRA report, as well as the patient dumping report.
4 And to also vote on Part B on that day, June 20 for sex
5 trafficking and the Arab/Muslim report.

6 COMMISSIONER ACHTENBERG: Well that=s a
7 lot of Part Bs for one meeting. I mean that=s were our
8 -- typically where we have our most vigorous debate.

9 COMMISSIONER KLADNEY: I think the
10 calendar is too condensed. I think we need to stretch
11 it out a little so that we can make sure that the work
12 quality is there.

13 MS. SALLO: I=m just trying to get as many
14 reports out as possible since we=re at -- you know one
15 of the questions that GAO has asked is how many reports
16 did you all issue last year.

17 And I was hoping because they had been in
18 the pipeline for a while, at least some of the
19 Commissioners had already drafted proposed findings and
20 recommendations that we could not circulate.

21 COMMISSIONER KLADNEY: Well I think that
22 quality is paramount for our Commission. And I think
23 that we should get a look to that rather than asking the
24 appropriate question to copy.

25 MS. SALLO: Well --

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1 COMMISSIONER ACHTENBERG: Well I don=t
2 think there=s any threat to quality. It=s just that you
3 have to be prepared for a long meeting, which is -- I=m
4 not saying you know, we need to plan for it though. I
5 mean this is not going to go easily or quickly I wouldn=t
6 think.

7 So maybe it=s going to be an all day meeting
8 or something like that. Which is fine with me. All I=m
9 saying is --

10 CHAIRMAN CASTRO: Yes, I think we should
11 make every effort to try to get as much of this done as
12 soon as possible before the end of the fiscal year. You
13 know maybe as we proceed and we start trying to hit these
14 deadlines, if it looks like we are going to have some
15 issues that may relate to quality or some other things,
16 we might be able to make adjustments.

17 But I think we should set this schedule and
18 do our best to meet it. And if we need to make
19 adjustments, then we=ll come back and talk about that.

20 MS. SALLO: I mean between now and Friday.

21 COMMISSIONER KLADNEY: I disagree Mr.
22 Chairman.

23 CHAIRMAN CASTRO: I understand that
24 Commissioner. Unfortunately we won=t agree on
25 everything, but you know. Most things yes.

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1 MS. SALLO: And I'll just indicated that
2 between now and June 20, any drafts of reports that need
3 to be voted on, have already been disseminated to the
4 Commissioners, and all I'm awaiting are the
5 recommendations on edits so that I can incorporate them
6 and then distribute the final draft.

7 The only other thing that the Commissioners
8 would need to draft between now and June 13 are the
9 findings and recommendations. But --

10 COMMISSIONER ACHTENBERG: And all I'm
11 saying is then let's plan for an all, you know
12 essentially a long meeting on the 20th because that's
13 a lot of debate that's going to need to take place, I'm
14 certain.

15 CHAIRMAN CASTRO: No, I think you're right
16 I would agree with that.

17 COMMISSIONER HERIOT: I've got a speaking
18 engagement on that date.

19 CHAIRMAN CASTRO: Okay then as long as you
20 establish quorum for us before you leave, then we can
21 just vote on everything in your absence.

22 COMMISSIONER HERIOT: That will be
23 completely satisfactory wouldn't it?

24 CHAIRMAN CASTRO: Then Commissioner
25 Kirsanow will definitely have to participate. But well

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1 you know, let=s do our best. Maybe we=ll start earlier.
2 I think we ought to just give it the old college try and
3 see what we need to do to make adjustments if things
4 don=t pan out the way we=d like them to.

5 MS. SALLO: As of right now, I=m proposing
6 July 11 as the due date for statements for the two
7 reports that we approved today.

8 CHAIRMAN CASTRO: That gives us plenty of
9 time.

10 COMMISSIONER HERIOT: Yes, 30 days is our
11 rule.

12 MS. SALLO: I was trying to push that out
13 to give folks the opportunity to submit the findings and
14 recs. Because in the past, I=ve been told that
15 Commissioners don=t want to submit statements until
16 after they=ve voted on findings and recommendations.

17 And so there in lies the quandary with
18 keeping within the 30 day rule and being able to
19 accommodate everyone.

20 COMMISSIONER HERIOT: Uh-huh. 30 days is
21 our rule.

22 MS. SALLO: But if we submit the statements
23 30 days from today, then I -- then that may put us in
24 a position where no one will --

25 COMMISSIONER HERIOT: It=s 30 days from

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1 when the report is finished.

2 MS. SALLO: I understand, but then based on
3 my prior experience, then it puts us in a position where
4 we may not get findings and recommendations. So that=s
5 the only -- I=m just trying to be comprehensive.

6 COMMISSIONER KLADNEY: I just think you=re
7 trying to push too much down the Commissioner=s -- it
8 just you know, this all in a thoughtful and a good manner
9 in a timely fashion. I think that we should stretch
10 this out a little again. Make the same comment.

11 CHAIRMAN CASTRO: Is this something we
12 need to vote on, or is this something that you as Staff
13 Director are informing us of?

14 COMMISSIONER HERIOT: It=s already the
15 rule.

16 CHAIRMAN CASTRO: It=s already the rule?

17 COMMISSIONER HERIOT: Yes, 30 days.

18 CHAIRMAN CASTRO: Well obviously this is
19 not -- this deviates from the rules, that=s according
20 to you, so I was trying to.

21 COMMISSIONER HERIOT: That=s why we can=t
22 do it, it=s in the rule.

23 MS. SALLO: Well I can push up the
24 statements within the 30 day rule and if that means that
25 you=re going to vote on the findings and recs after your

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1 statements.

2 COMMISSIONER HERIOT: Well, you know, it=s
3 30 days from the date the report=s complete. And it=s
4 not complete until the findings and recs.

5 CHAIRMAN CASTRO: Oh, so you=re saying not
6 30 days from today. You=re saying 30 days from the
7 findings and recs. So that=s even farther out than July
8 11, right? That=s what she=s saying.

9 MS. SALLO: July 30, or therein. And we
10 may not get the reports out.

11 CHAIRMAN CASTRO: Well let=s just do our
12 best to. So, all the other dates on there comply with
13 the rules?

14 MS. SALLO: Then it all has -- everything
15 will have to get pushed out. But the one thing that=s
16 not going to be able to comply if we want to get the
17 statutory enforcement report out by September 30, is
18 we=re going to have to be a little flexible with the 30
19 day rule if we want to get the statutory enforcement
20 report out.

21 Because I need it electronically ready to
22 go by September 16. Which means everything has to have
23 been submitted by then in order for me to be able to get
24 it electronically set up. And then I have to
25 disseminate it electronically to every member of

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1 Congress, the President and the Vice President.

2 And that is a lot of manpower and it=s a lot
3 of time. Because we physically have to input each and
4 every email and send it out as an attachment. And it
5 has to be out by September 30.

6 CHAIRMAN CASTRO: Yes, that=s one deadline
7 we can=t miss. So --

8 MS. SALLO: So I will --

9 COMMISSIONER ACHTENBERG: Why don=t we
10 make a motion to empower the Staff Director to impose
11 deadlines sufficient for us to make the statutory report
12 requirement as described. I mean I -- if that deviates
13 from our 30 day rule, then so be it. It=s more important
14 to be timely to the Congress.

15 COMMISSIONER HERIOT: On the other hand
16 our Chair would not be Chair because he would have not
17 gotten the votes having not been guaranteed this was the
18 one thing we were not going to be flexible on. We were
19 going to get the right to issue statements and rebuttals
20 and we were going to get the amount of time.

21 So this is our fundamental requirement
22 here.

23 COMMISSIONER ACHTENBERG: Well then you
24 and the Chairman can vote no. And the rest of us can
25 vote yes to meet the statutory deadline. I mean I --

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1 COMMISSIONER HERIOT: Well then we will
2 get the report back out and approved in time to make
3 those rules. The statements are not just a decoration
4 that are added on to the end. It is an important part
5 of the report.

6 I think generally more important than the
7 rest of the report. But we get only 30 days to do the
8 initial statement and then 30 days for rebuttal.
9 Whereas the staff that works full time here takes
10 frequently years to summarize something.

11 It=s outrageous I think that that=s the
12 thing that would have been economized on.

13 MS. SALLO: If I may.

14 CHAIRMAN CASTRO: Please.

15 MS. SALLO: Because I take offense to
16 saying that staff -- I=m not comfortable with that. I=m
17 not comfortable with that.

18 But on top of that, the statutory
19 enforcement report hearing did not occur until March of
20 this year. It is not my fault that we had to do it.
21 March of this year.

22 COMMISSIONER HERIOT: Guess what, it=s not
23 my fault either.

24 MS. SALLO: Well now I have to work through
25 a truncated schedule. Which means that I am asking for

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1 some flexibility in order to meet our statutory
2 deadline. It is just on this particular report. I
3 will give in to anything else.

4 But I have a mandate that I have to meet.
5 And a very short window to do so.

6 COMMISSIONER HERIOT: Me too.

7 CHAIRMAN CASTRO: Okay, so we have a
8 motion. Is there a second to Commissioner Achtenberg's
9 motion? Is there a second?

10 COMMISSIONER HERIOT: As I said, there's
11 only one thing that we will defeat a quorum on. And this
12 is it. So --

13 COMMISSIONER ACHTENBERG: You're going to
14 defeat a quorum on this?

15 COMMISSIONER HERIOT: Yes. I mean this is
16 the deal that we had at the beginning.

17 CHAIRMAN CASTRO: I think that this is an
18 exceptional circumstance. We're still going to have
19 the opportunity to submit our --

20 COMMISSIONER KLADNEY: If I may.

21 CHAIRMAN CASTRO: Written statements and
22 rebuttals. Go ahead Commissioner Kladney.

23 COMMISSIONER KLADNEY: I think in the past
24 that we have certain time limits statutory according to
25 the Agenda. But -- pardon me Mr. Chairman?

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1 CHAIRMAN CASTRO: No, I=m trying to keep
2 Commissioner Heriot from leaving. I apologize for
3 interrupting you. Just a second.

4 COMMISSIONER KLADNEY: I believe that in
5 the past it useful --

6 COMMISSIONER ACHTENBERG: Do you want to
7 call a recess?

8 CHAIRMAN CASTRO: Go ahead Commissioner
9 Kladney.

10 COMMISSIONER KLADNEY: Well when I should
11 talk, just let me know.

12 CHAIRMAN CASTRO: We=re going to -- wait,
13 let Commissioner Kladney say something and then I=ll
14 talk you. Okay, hold on.

15 COMMISSIONER HERIOT: But I=ll just -- I=m
16 going to be out here.

17 CHAIRMAN CASTRO: But you=ll defeat
18 quorum. Just a second. Go ahead Commissioner
19 Kladney.

20 COMMISSIONER KLADNEY: I would just like
21 to say that I think in the past, we have shorten time
22 of the statement, it was actually last year. And on the
23 statutory report, because we all worked together to get
24 that done.

25 I do believe as I=ve expressed earlier,

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1 that we should extend time on the other reports even
2 though the Director would like to get them all done by
3 the end of the fiscal year. And I understand that
4 purpose.

5 However, I think that we have a lot of work
6 to do in looking at those reports, editing those
7 reports, writing our statements. Proposing findings
8 and recs. and all that on those other reports.

9 However, I would ask Commissioner Heriot
10 and the rest of the Commissioners, in regard to the
11 statutory statement report, that we work together to get
12 this accomplished. We've done it in the past and I
13 think that we can do it here without hurting the quality
14 of the report.

15 And as far as the other reports go, I think
16 we should take more time after the one. Thank you.

17 CHAIRMAN CASTRO: Okay. All right, I'm
18 going to take a five minute recess and I'm going to go
19 talk to Commissioner Heriot who stepped out into the
20 hall and see if we can't resolve this. I will return.

21 (Whereupon, the foregoing matter went off
22 the record at 10:22 a.m. and went back on
23 the record at 10:35 a.m.)

24 CHAIRMAN CASTRO: Okay. So we're ready?
25 Okay, we're back on the record now. So do we --

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1 Commissioner Heriot do you just want to --

2 MS. SALLO: Do you want me to just put it
3 on the record?

4 CHAIRMAN CASTRO: Why don=t you yes, put it
5 on the record Staff Director.

6 MS. SALLO: Okay. So we will schedule the
7 vote for the statutory enforcement report, Parts A and
8 B on Friday, June 20th, which is our next scheduled
9 business meeting. Four weeks after that, which will be
10 July 18, the statements --

11 COMMISSIONER HERIOT: 30 days all totaled.

12 MS. SALLO: Well, 30 days after that, July
13 20 -- now I have to count. Well 30 days after that and
14 then I=ll circulate the date. The statements will be
15 due. And then 30 days after that the rebuttals will be
16 due. And that will still give us an opportunity to
17 incorporate everything, format it and get it out in
18 electronic fashion within an appropriate time line.

19 However, please note that if we do not vote
20 -- if we are unable to vote on June 20, the suggestion
21 is that we hold an additional meeting on Saturday, June
22 21 to complete the process.

23 CHAIRMAN CASTRO: Telephonically.

24 MS. SALLO: Telephonically, okay.

25 COMMISSIONER HERIOT: Not a suggestion,

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1 that=s an agreement.

2 MS. SALLO: Okay.

3 CHAIRMAN CASTRO: Telephonically.

4 MS. SALLO: Well, it was going to get done.

5 COMMISSIONER HERIOT: Let me -- it=s not a
6 suggestion, but an agreement.

7 MS. SALLO: It will get done. To complete
8 the process for the vote for Parts A and B of the
9 statutory enforcement report.

10 However from my own view point, if we=re
11 still unable to come to a decision between the 20th and
12 21st, and we have to move the vote to July 25, which is
13 the next business meeting, I -- then that will make it
14 extremely difficult to honor the 30 days and 30 days as
15 has been the norm in the past.

16 CHAIRMAN CASTRO: Okay, we=ll work to try
17 to get that.

18 COMMISSIONER YAKI: I would suggest that
19 we let you -- in order to comply with the Federal
20 Register notice procedures, that you advance notice the
21 continuation meeting of the 20th to the 21st and the 22nd
22 to the 23rd and the 24th of June, until it gets done.

23 Don=t bank it all in two days. I would give
24 your -- I would schedule it for -- and calendar each of
25 those four or five days until it gets done. If we can

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1 cancel those other ones, we cancel them.

2 CHAIRMAN CASTRO: Right, okay.

3 MS. SALLO: Thank you.

4 CHAIRMAN CASTRO: Great. Okay then, I
5 don=t know that we need to vote on this right, since
6 we=re complying with the rules. So okay.

7 Anything else Madam Staff Director on your
8 Management and Operations Report?

9 MS. SALLO: That took the wind out of our
10 sails.

11 CHAIRMAN CASTRO: And usually we=re the
12 wind beneath your wings.

13 MS. SALLO: No. I wanted to provide some
14 updates on the -- our IT systems.

15 CHAIRMAN CASTRO: Okay.

16 MS. SALLO: So at this point in time -- hold
17 on, let me just. So technically we just dealt with Goal
18 A of the Strategic Action Plan, which is the ongoing
19 reports.

20 As to Goal B, which really covers the Stand
21 Your Ground report, we have identified a hotel in the
22 Orlando area for our October Stand Your Ground briefing.
23 So now that we=ve identified the location, we will be
24 sending out information to Commissioners and special
25 assistants on what is to be expected.

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1 ASCD will be doing that. That will not be
2 coming out of the office of the Staff Director. But I
3 just wanted to place you on notice.

4 As to Goal C which is talking about
5 apprizing individuals of civil rights and policies
6 where we=re working with our computer system and our
7 clearinghouse and our referral system. There=s
8 nothing really additional to add to that. Everything
9 remains the same.

10 We had to do additional revisions to the
11 Uncle Sam Report in Spanish. And so hopefully I can get
12 that finished next week.

13 We=ve already done the purchase order to
14 print the newest version of Uncle Sam in both English
15 and Spanish. So as soon as the final edits are done to
16 the Spanish version, that will go to print.

17 Now as it applies to our IT which falls
18 under Strategic Goal D. I wanted to let everyone know
19 that we now have the Section 508 computer that=s
20 installed in the library. And as you know that computer
21 system is there to assist folks with disabilities and
22 need to access the internet.

23 If you go on our web page now, you will see
24 that we now have a SAC member page on our main website.
25 It will be in the upper right hand corner. It will be

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1 a tab that will say SAC member.

2 And we will be -- it=s a template that=s
3 gone live. We haven=t shored it up yet. But it will have
4 a general explanation about the SACs and it will list
5 all the reports issued by SACs in the upcoming meetings
6 or press releases.

7 And there will also be a section where the
8 SACs can actually log in, the SAC members and share
9 information with one another. And through that link,
10 they=ll also be able to access their mandatory ethics
11 training and also to garner information about the
12 mandatory financial disclosure requirements.

13 So that --

14 COMMISSIONER YAKI: You know, we should
15 also use -- we should also use that link as a posting
16 for when SACs are open for new membership, that we do
17 postings there and include a PDF download for an
18 application. Just a thought.

19 MS. SALLO: Yes. No, it=s a good thought.
20 And if you go on the Sentencing Commission website,
21 that=s the one that I=m kind of using to determine how
22 I want to set it up.

23 But they also on here do what you just
24 indicated Commissioner Yaki, which is one of the goals
25 that I also have. Is to also provide access to that.

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1 And also to list it in the Federal Register.

2 We have been doing that, so when a SAC is
3 up for reappointment, we have been listing it in the
4 Federal Register. And asking folks to also contact us
5 for applications. So most definitely we will be
6 incorporating that.

7 So the log in section is on target to be
8 completed by June 15, for the SAC members. And then
9 we'll have a distribution list that I'm setting up. So
10 that way I can send out information to our SAC members
11 in a more smooth fashion. And that's set to be
12 completed on July 15th.

13 And we are currently also still working
14 with our system that's been put in place so that we can
15 continue to work towards the ends of this year to do the
16 live streaming. So we continue to do that as well.

17 As it applies to Goal E in our Strategic
18 Plan, which has to do with our financial and operational
19 controls as was indicated, within the monthly report,
20 we have now -- we're preparing our selves for the
21 financial audit and the FISMA audit

22 And so we've requested folks to apply to
23 become the auditor of choice for the Commission. And
24 we're undergoing that process at the present time. So
25 we hope to have someone chosen in the very near future

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1 so we can start that.

2 In-house, our Office of Management is
3 working on setting up a training session for staff. And
4 so once we've planned out what the one day training will
5 be, we'll be inviting staff to come and participate.

6 We completed the alignment of all the
7 staff's performance plans with the Strategic Action
8 Plan. We've also reviewed as required, the Human
9 Capital Plan and everything is now fully aligned. And
10 we will continue using that system as we move forward.

11 And finally, on Goal F, which is to increase
12 participation of the SACs, you know today we will be
13 addressing the appointment of some SACs. At the
14 present time going into today's meeting, as of April 29,
15 we had 31 active SACs, so that leaves us with 20 pending
16 SACs.

17 Hopefully if we can get the four slates up
18 today, that will bring us down to 16 and we can start
19 moving forward. And the goal for me, if everything
20 works out, is to have all the SACs up and running by the
21 end of the fiscal year.

22 And that would be my report.

23 CHAIRMAN CASTRO: Okay. Any questions
24 for the Staff Director on any of what she reported?
25 Hearing none, then we'll move on to the next item on the

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1 Agenda which are the SACs.

2 **IV. STATE ADVISORY COMMITTEE APPOINTMENTS**

3 CHAIRMAN CASTRO: I want to hereby make a
4 motion that the Commission appoint the following
5 individuals to the Connecticut State Advisory Committee
6 based upon the recommendation of our Staff Director.

7 Alex Knopp, Jay Bergman, Christine Corgel,
8 John W. Herrington, David W. Reynolds, Melanie Rausch,
9 John N. Tanski, Charles Venator-Santiago, Kashif
10 Abdual-Karim, Alok Bhatt, Lilia N. Krekul, Meghann La
11 Foutain, David J. McGuire, Yanil Teron, Stephanie A.
12 Wainwright and Olivia S. White.

13 Pursuant to this motion, the Commission
14 appoints Alex Knopp as Chair of the Connecticut State
15 Advisory Committee. These members will serve as
16 uncompensated government employees. Under this motion
17 the Commission authorizes the Staff Director to execute
18 the appropriate paperwork for the appointments.

19 Do I have a second?

20 COMMISSIONER ACHTENBERG: Second.

21 CHAIRMAN CASTRO: Okay. Any discussion?
22 Commissioner Heriot?

23 COMMISSIONER HERIOT: I have a concern
24 over Mr. Venator-Santiago. He has made remarks --

25 MS. SALLO: We shouldn=t put that on the

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1 record please.

2 COMMISSIONER HERIOT: These are public
3 remarks, they=re in Time Magazine.

4 MR. SMITH: If I may?

5 CHAIRMAN CASTRO: General Counsel?

6 MR. SMITH: If I may? If we could limit
7 the discussion about -- actually we shouldn=t have a
8 discussion about any particular potential candidate.
9 What we should say is we have an issue regarding
10 diversity of view point, or geographic location, or
11 something of that sort.

12 It puts the Agency at risk if we have
13 individual discussions and we mention something that
14 may or may not be accurate.

15 COMMISSIONER HERIOT: Again, these are
16 public remarks in Time Magazine.

17 MR. SMITH: Well someone else wrote that.
18 So we don=t really know if that=s accurate. And we
19 might be impugning someone=s reputation.

20 COMMISSIONER KLADNEY: So how do we
21 proceed?

22 COMMISSIONER HERIOT: Well, executive
23 session I suppose. I think it=s unnecessary.

24 CHAIRMAN CASTRO: How would you suggest we
25 proceed Mr. General Counsel?

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1 MR. SMITH: Besides you know the generic
2 way you just suggested, we --

3 COMMISSIONER KLADNEY: I can=t hear.

4 CHAIRMAN CASTRO: We=re asking the General
5 Counsel, he=s going to --

6 COMMISSIONER YAKI: Why can=t we just
7 sever that one individual as we did in the past. Send
8 him back to the Staff Director to discuss the concern
9 with the individual commission and then report back at
10 the next meeting?

11 COMMISSIONER HERIOT: I=m happy to do
12 that.

13 MR. SMITH: That would be fine.

14 MS. SALLO: Could we -- I just -- in the
15 future, if here are any concerns before we come to the
16 meeting, please share them with me. And I will be more
17 than happy to discuss things. And make whatever
18 necessary changes we deem.

19 CHAIRMAN CASTRO: Why don=t we just go into
20 executive session and deal with this now. Can we do
21 that?

22 MR. SMITH: I=m sorry? Would you repeat
23 that.

24 CHAIRMAN CASTRO: Can we go into executive
25 session and deal with this issue now?

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1 COMMISSIONER YAKI: Well the problem is I
2 don=t know how you clear the phone line that David and
3 I are on.

4 CHAIRMAN CASTRO: I don=t know.

5 MS. SALLO: Yes, there may be people
6 listening.

7 COMMISSIONER YAKI: And that=s the
8 problem. So I would suggest that we just approve the
9 remainder of the committee. Send this individual back
10 for a discussion with the Staff Director. And if it
11 needs to come back to the full Board for executive
12 session or whatever, then we can do that, find a better
13 way to do it then in the middle of a meeting.

14 But I=m not too sure if there are non-public
15 members on the line that David and I are on.

16 MR. SMITH: Is there a way to bring in
17 Commissioner Yaki and --

18 CHAIRMAN CASTRO: Wait, how about if we
19 take a recess and --

20 MS. SALLO: And we can just call from
21 inside.

22 COMMISSIONER HERIOT: That=s the
23 equivalent of an executive sessions.

24 MR. SMITH: Yes it is.

25 COMMISSIONER HERIOT: And that=s not --

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1 CHAIRMAN CASTRO: So what were you going to
2 say Mr. General Counsel?

3 MR. SMITH: Yes, I was wondering if there=s
4 a way to clear the line?

5 COMMISSIONER YAKI: Well we -- I=ll tell
6 you when we tried that in the past, it becomes a
7 nightmare, because the output, I don=t know what it is
8 you know, but it=s just something about the operators
9 had a tendency to make sure that the Commissioners would
10 have a non-active line.

11 CHAIRMAN CASTRO: Why can=t we go into a
12 conference room in executive session and just call these
13 two Commissioners on a separate phone line?

14 COMMISSIONER HERIOT: Because it=s got to
15 be done as an executive session.

16 MR. SMITH: It has to be done as an
17 executive session, yes that can be done.

18 CHAIRMAN CASTRO: Right.

19 COMMISSIONER YAKI: And that means you
20 need a court reporter.

21 CHAIRMAN CASTRO: Okay so --

22 MR. SMITH: Yes.

23 CHAIRMAN CASTRO: Why don=t -- okay.
24 Could we use somebody=s iPhone maybe?

25 COMMISSIONER HERIOT: Yes.

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1 MR. SMITH: Repeat that again.

2 CHAIRMAN CASTRO: Could we use someone=s
3 iPhone in this room?

4 MS. SALLO: With the Court Reporter
5 present but we shut down the public line.

6 CHAIRMAN CASTRO: We just call Yaki and
7 Kladney on -- patch them in on the Staff Director=s
8 iPhone or my iPhone?

9 MR. SMITH: That=s fine.

10 COMMISSIONER HERIOT: Sure.

11 CHAIRMAN CASTRO: All right, why don=t we
12 do that then. So --

13 COMMISSIONER YAKI: Don=t you need our
14 phone numbers?

15 CHAIRMAN CASTRO: Yes, are you at your
16 mobiles?

17 COMMISSIONER KLADNEY: Why don=t we -- why
18 don=t we go through the rest of the SACs if there is not
19 objection to that and finish that.

20 CHAIRMAN CASTRO: And then come back to
21 this one?

22 COMMISSIONER KLADNEY: Adjourn and then.

23 COMMISSIONER HERIOT: I got a problem with
24 Vermont as well.

25 COMMISSIONER KLADNEY: Okay, and we=ll

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1 both in executive session. Let=s just worry about the
2 other two.

3 CHAIRMAN CASTRO: Okay. Yes. Hold on a
4 second folks. Do you have a problem with the other two
5 as well?

6 COMMISSIONER HERIOT: No.

7 CHAIRMAN CASTRO: Let=s do the other two
8 and then we=ll come back to Vermont and Connecticut,
9 okay. That way at least we get that done.

10 So Kansas. I make a motion that the
11 Commission appoint the following individuals the Kansas
12 Committee based upon the recommendation of our Staff
13 Director.

14 Elizabeth Kronk Warner, Michael Abrams,
15 Janelle Avila, Mildred Edwards, Marsha Frey, Steven
16 Gieber, Laurie Johnson, Jennifer Kassenbaum, Robert
17 Mandel, Phyllis Nolan, Kirk Perucca, Charles Scott, Jr.
18 and Ewa Unoke.

19 Pursuant to this motion, the Commission
20 appoints Elizabeth Kronk Warner as Chair of the Kansas
21 State Advisory Committee. These members will serve as
22 uncompensated government employees. Under this motion
23 the Commission authorizes the Staff Director to execute
24 the appropriate paperwork for the appointments.

25 Is there a second?

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1 COMMISSIONER ACHTENBERG: Second.

2 CHAIRMAN CASTRO: Okay. Any discussion?

3 Commission Heriot how do you vote?

4 COMMISSIONER HERIOT: Yes.

5 CHAIRMAN CASTRO: Commissioner Achtenberg

6 how do you vote?

7 COMMISSIONER ACHTENBERG: Yes.

8 CHAIRMAN CASTRO: Commissioner Kladney

9 how do you vote?

10 COMMISSIONER KLADNEY: Yes.

11 CHAIRMAN CASTRO: Commissioner Yaki how do

12 you vote?

13 COMMISSIONER YAKI: Aye.

14 CHAIRMAN CASTRO: Okay, and I vote yes.

15 So that passes unanimously.

16 Next I move that the Commission appoint the
17 following individuals to the Utah State Advisory
18 Committee based upon the recommendation of our Staff
19 Director.

20 Joanne R. Milner, Chyleen A. Arbon, Glenn
21 L. Bailey, William H. Coleman, Verinius AJenks@Dabney,
22 Michael W. Homer, Robyn R. Kaelin, Edward L. Lewis, Jr.,
23 Rosa M. Martinez, Betty O. Sawyer, Felia H. Ulipi,
24 Yolanda K. Francisco-Nez, Anthony A. Peacock, Clifford
25 J. Rosky, Richard K. Sherlock, Scott A. Trujillo and

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1 Gloria T. Wilkinson.

2 Pursuant to this motion, the Commission
3 appoints Joanne R. Milner as Chair of the Utah State
4 Advisory Committee. These members will serve as
5 uncompensated government employees. Under this motion
6 the Commission authorizes the Staff Director to execute
7 the appropriate paperwork for appointments.

8 Is there a second?

9 COMMISSIONER YAKI: Second.

10 CHAIRMAN CASTRO: Okay. Any discussion?
11 Commissioner Heriot how do you vote?

12 COMMISSIONER HERIOT: Yes.

13 CHAIRMAN CASTRO: Commissioner Achtenberg
14 how do you vote?

15 COMMISSIONER ACHTENBERG: Yes.

16 CHAIRMAN CASTRO: Commissioner Kladney
17 how do you vote?

18 COMMISSIONER KLADNEY: Yes.

19 CHAIRMAN CASTRO: Commissioner Yaki how do
20 you vote?

21 COMMISSIONER YAKI: Yes.

22 CHAIRMAN CASTRO: And I vote yes. Okay.

23 So now I move that we go into executive session to
24 discuss the Vermont and Connecticut slates. Is there
25 a second?

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1 COMMISSIONER HERIOT: I think it=s got to
2 be certified.

3 CHAIRMAN CASTRO: Okay, how do I -- what do
4 we need to do?

5 MR. SMITH: So I=ll have to certify it once
6 in the record -- it will be open for me to certify the
7 fact that we went to an executive session and why.

8 CHAIRMAN CASTRO: Okay, do I need a second?

9 MR. SMITH: Yes.

10 CHAIRMAN CASTRO: Is there a second?

11 COMMISSIONER ACHTENBERG: Second.

12 CHAIRMAN CASTRO: Okay. Do we need to
13 vote on it? Or just go into?

14 MR. SMITH: No, we can go off the record
15 with services.

16 CHAIRMAN CASTRO: So I --

17 COMMISSIONER YAKI: Excuse me, you=re
18 going to call David and me?

19 CHAIRMAN CASTRO: On your mobile phones,
20 yes. You have --

21 COMMISSIONER YAKI: Okay.

22 CHAIRMAN CASTRO: Okay. And --

23 COMMISSIONER YAKI: I=m hanging up from
24 using this and you=ll call me back then.

25 CHAIRMAN CASTRO: Right, and then you=ll

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1 call back in later when we go on regular, back on the
2 record.

3 COMMISSIONER KLADNEY: No, you'll call us.

4 CHAIRMAN CASTRO: Okay. No, we're going
5 to call you right now, yes.

6 COMMISSIONER KLADNEY: Okay bye.

7 CHAIRMAN CASTRO: Okay bye.

8 COMMISSIONER HERIOT: We need to the
9 operator tell the people on the line to hang up. Don't
10 we have to terminate that line?

11 MS. SALLO: She's getting ready to do so.

12 CHAIRMAN CASTRO: She's going to do that,
13 yes. All right, you have their numbers?

14 (Whereupon, the foregoing matter went off
15 the record at 10:56 a.m. and went back on
16 the record at 11:20 a.m.)

17 CHAIRMAN CASTRO: So now we are back in
18 open session. I need to make a clarification. Before
19 we went into closed session and we voted, we voted on
20 going into executive session. We need to make sure that
21 the title of what we did is clear.

22 So what I need to do is make a motion that
23 we have gone into closed session. And is there a second
24 on the closed?

25 COMMISSIONER ACHTENBERG: Second.

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1 CHAIRMAN CASTRO: Okay. Can I just do all
2 in favor, or do I have to do an individual vote Mr.
3 General Counsel?

4 MR. SMITH: You can do all in favor, that=s
5 fine.

6 CHAIRMAN CASTRO: Okay. All in favor of
7 us having gone into closed session, signify by saying
8 aye.

9 (Chorus of Ayes)

10 CHAIRMAN CASTRO: Any opposed?

11 (No response)

12 CHAIRMAN CASTRO: Any abstentions?

13 (No response)

14 CHAIRMAN CASTRO: Okay. So now I=m going
15 to go back and reread the motion on Connecticut. And
16 if there are any motions to be made, that will be made,
17 okay.

18 So I am going to make a motion that the
19 Commission appoint the following individuals to the
20 Connecticut Committee, based upon the recommendation of
21 our Staff Director.

22 Alex Knopp, Jay Bergman, Christine Corgel,
23 John W. Herrington, David W. Reynolds, Melanie S.
24 Rausch, John M. Tanski, Charles Venator-Santiago,
25 Kashif Abdul-Karim, Alok Bhatt, Lilia N. Krekul,

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1 Meghann La Fountain, David J. McGuire, Yanil Teron,
2 Stephanie A. Wainwright, and Olivia S. White.

3 Pursuant to this motion, the Commission
4 appoints Alex Knopp as Chair of the Connecticut State
5 Advisory Committee. These members will serve as
6 uncompensated government employees under this motion.
7 The Commission authorizes the Staff Director to execute
8 the appropriate paperwork for the appointments.

9 Is there a second?

10 COMMISSIONER ACHTENBERG: Second.

11 CHAIRMAN CASTRO: Okay, are there any
12 other motions?

13 COMMISSIONER HERIOT: Mr. Chairman?

14 CHAIRMAN CASTRO: Yes.

15 COMMISSIONER HERIOT: I move to sever Mr.
16 Venator-Santiago.

17 CHAIRMAN CASTRO: Is there a second on that
18 motion?

19 COMMISSIONER ACHTENBERG: Second.

20 CHAIRMAN CASTRO: Okay. We will vote on
21 the motion to sever first. I'll do a roll call on that.
22 Commissioner Heriot how do you vote?

23 COMMISSIONER HERIOT: Yes.

24 CHAIRMAN CASTRO: Commissioner Achtenberg
25 how do you vote?

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1 COMMISSIONER ACHTENBERG: Yes.

2 CHAIRMAN CASTRO: Commissioner Kladney
3 how do you vote?

4 COMMISSIONER KLADNEY: Yes.

5 CHAIRMAN CASTRO: Commissioner Yaki how do
6 you vote?

7 COMMISSIONER YAKI: Yes.

8 CHAIRMAN CASTRO: And I will vote yes, so
9 we will sever that candidate. Now we go on to the full
10 motion with the exception of the severed candidate. I
11 will take a vote on that.

12 Commissioner Heriot how do you vote?

13 COMMISSIONER HERIOT: Yes.

14 CHAIRMAN CASTRO: Commissioner Achtenberg
15 how do you vote?

16 COMMISSIONER ACHTENBERG: Yes.

17 CHAIRMAN CASTRO: Commissioner Kladney
18 how do you vote?

19 COMMISSIONER KLADNEY: Yes, yes.

20 CHAIRMAN CASTRO: Commissioner Yaki how do
21 you vote?

22 COMMISSIONER YAKI: Aye.

23 CHAIRMAN CASTRO: Commissioner -- well I
24 vote yes, so that=s passed unanimously.

25 Next we move on to the Connecticut -- I=m

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1 sorry, the Vermont State Advisory Committee. I make a
2 motion that the Commission appoint the following
3 individuals to the Vermont Committee based upon the
4 recommendation of our Staff Director.

5 Diane Snelling, John H. Bloomer, Luther M.
6 Brown, Ellen Mercer Fallon, Leslie Holman, Terrance D.
7 Martin, Marion C. Milne, Curiss Reed, Jr., Eric D.
8 Sakai, Nathasha V. Chang, Wanda R. Heading-Grant,
9 Cassandra LaRae-Perez, Thomas A. Little, Phayvahn
10 Luekhamhan, Tuipate Mubiay, Rubi O Simon, and Rosario
11 M. de Swanson.

12 Pursuant to this Motion, the Commission
13 appoints Diane Snelling as Chair of the Vermont State
14 Advisory Committee. These members will serve as
15 uncompensated government employees. Under this motion
16 the Commission authorizes the Staff Director to execute
17 the appropriate paperwork for appointments.

18 Is there a second?

19 COMMISSIONER YAKI: Second.

20 CHAIRMAN CASTRO: Okay. Are there any
21 other motions as it relates to this slate?

22 COMMISSIONER HERIOT: Mr. Chairman?

23 CHAIRMAN CASTRO: Yes.

24 COMMISSIONER HERIOT: I move to sever
25 Curiss Reed.

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1 CHAIRMAN CASTRO: Is there a second? Is
2 there a second? Is there a second? Hearing none, the
3 motion dies for lack of a second.

4 We will vote on the Vermont Committee as
5 read. Commissioner Heriot how do you vote?

6 COMMISSIONER HERIOT: Then I vote no.

7 CHAIRMAN CASTRO: Commissioner Achtenberg
8 how do you vote?

9 COMMISSIONER ACHTENBERG: Yes.

10 CHAIRMAN CASTRO: Commissioner Kladney
11 how do you vote?

12 COMMISSIONER KLADNEY: Yes.

13 CHAIRMAN CASTRO: Commissioner Yaki how do
14 you vote?

15 COMMISSIONER YAKI: Aye.

16 CHAIRMAN CASTRO: And I vote yes. It
17 passes. Okay, so and we've already voted on Kansas and
18 Utah.

19 MS. SALLO: Yes sir.

20 CHAIRMAN CASTRO: So we now have a motion
21 to adjourn the meeting.

22 **V. ADJOURN THE MEETING**

23 COMMISSIONER ACHTENBERG: So moved.

24 CHAIRMAN CASTRO: Is there a second?

25 COMMISSIONER YAKI: Second.

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1 CHAIRMAN CASTRO: Second, all in favor say
2 aye.

3 (Chorus of Ayes)

4 CHAIRMAN CASTRO: All right, think you
5 everybody.

6 (Whereupon, the above-entitled proceeding
7 was concluded at 11:25 a.m.)

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