
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
ROKEY SMITH, General Counsel
MICHELE YORKMAN, Director, IT
JOE WHEELER

COMMISSIONER ASSISTANTS PRESENT:
ALEC DEULL
KENESIA GRANT
CAISSA MULDER
JUANA SILVERIO
ALISON SOMIN
KIMBERLY TOLHURST
A G E N D A

I. APPROVAL OF AGENDA.............................4

II. PROGRAM PLANNING AND UPDATE
    PART A - BRIEFING REPORT
    Sex Trafficking, a Gender Based Civil Rights Violation.................................6
    Engagement with Arab and Muslim American Communities Post 9/11...............................15
    Proclamation for July 50th Anniversary of Civil Rights Act of 1964...............................25
    Press Release on Anniversary of Brown v. Board of Education....................................29

III. MANAGEMENT AND OPERATIONS.........................38

IV. STATE ADVISORY COMMITTEE APPOINTMENTS..............58

V. ADJOURN MEETING ...............................75
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
commemorating the 60th Anniversary of Brown v. Board of Education. It actually takes place tomorrow. So it will actually be a timely release.

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

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

(Chorus of Ayes)

CHAIRMAN CASTRO: Any opposed?

(No response)

CHAIRMAN CASTRO: Any abstentions?

(No response)

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

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

And I think at least some of the topics we=d like to be able to cover in the not too distant future,
and some that we've covered in the not to distant past, show that the school house doors still remain closed in some schools. And our communities still remain segregated, if not by de jure, certainly de facto.

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

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

II. PROGRAM PLANNING AND UPDATE

PART A - BRIEFING REPORT

SEX TRAFFICKING, A GENDER BASED CIVIL RIGHTS VIOLATION

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

Part A includes both the substantive
contents of background, summary of proceedings, panelists statements, written statements, biographies and presentations. This does not obviously include Part B, which we’ll talk about later in terms of timing for submitting Commissioners’ statements, et cetera.

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

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

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

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

COMMISSIONER HERIOT: I’m sorry, what was the last part there?

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

COMMISSIONER HERIOT: I don’t have a copy of that.

COMMISSIONER YAKI: Can we make sure that
Commissioner Heriot’s microphone is on, because I can’t hear her.

CHAIRMAN CASTRO: There it goes. Your’s set.

COMMISSIONER HERIOT: I just don’t have a copy of the report here. 17 and 32?

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

COMMISSIONER HERIOT: On 17?

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

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

CHAIRMAN CASTRO: Yes, why don’t you go and do that.

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

MS. SALLO: So page 17, it’s the first full paragraph.

COMMISSIONER HERIOT: Which begins
Commissioner Gaziano on this.

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

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

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

CHAIRMAN CASTRO: Are there page numbers there?

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

MS. SALLO: Oh, it=s --

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

MS. SALLO: Thank you.

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

MS. SALLO: Thank you. On the computer it shows up differently. So it=s on page 18, last
COMMISSIONER HERIOT: And the 25 days a month was the sentence that was added?

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

COMMISSIONER HERIOT: Okay.

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

So it would -- then we added something here.

You want me to --

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

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

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

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

CHAIRMAN CASTRO: Okay, got it. Now I understand what you’re saying, got it.

MS. SALLO: Okay. So if you --

COMMISSIONER HERIOT: And that’s all for that paragraph?

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

COMMISSIONER HERIOT: Uh-huh.

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

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

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

COMMISSIONER HERIOT: Okay. Then what’s on the other page?

MS. SALLO: So now we go on to page 32,
where the -- well, let=s see on the computer where that
will file to. But where Professor Parrenas= noted --

CHAIRMAN CASTRO: Is it Commissioner
Kladney asked Professor Parrenas?

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

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

CHAIRMAN CASTRO: Yes, bottom of 33.

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

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

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

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

CHAIRMAN CASTRO: They both say the same
thing.

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

COMMISSIONER HERIOT: If she thought --
what=s the next word?
CHAIRMAN CASTRO: Those people of Patpong?

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

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

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

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

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

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

COMMISSIONER ACHTENBERG: No, I=m not
saying about taking the vote. I'm saying go in and just make the whatever changes.

CHAIRMAN CASTRO: Approve Page A, yes.

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

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

COMMISSIONER HERIOT: Second.

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

COMMISSIONER Kladney: Yes.

CHAIRMAN CASTRO: Commissioner Yaki how do you vote?

COMMISSIONER YAKI: Aye.

CHAIRMAN CASTRO: And I vote yes. So we
unanimously approve Part A.

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

ENGAGEMENT WITH ARAB AND MUSLIM AMERICAN COMMUNITIES POST 9/11

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

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

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

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

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

COMMISSIONER ACHTENBERG: So you’re moving that that be deleted?

CHAIRMAN CASTRO: No, I’m just taking out yes.

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

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

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

CHAIRMAN CASTRO: Well it’s nothing to do with his wonderful point, or my significant point. It’s just I just -- it throws it off from the point I’m really trying to make here, which was his exchange back and forth. And mine on the issue of the trampling of the flag and God and Allah, I kind of threw that War on Christmas thing in there as a follow up.
But I just don’t think it’s germane to the issue. And it’s in the transcript, so it’s not like we’re you know, hiding it. I just don’t like that it’s --

COMMISSIONER ACHTENBERG: In the report?
CHAIRMAN CASTRO: In the report. It just doesn’t make sense to me. So since it’s me talking, I’d rather not have that in there.

Any other?

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

CHAIRMAN CASTRO: Okay.

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

CHAIRMAN CASTRO: Okay. Any other?

COMMISSIONER HERIOT: Yes.

CHAIRMAN CASTRO: You have something?

COMMISSIONER HERIOT: The executive summary seems like it’s from a different report. I goes off on issues that really aren’t covered by the report. And it really -- it doesn’t fit.

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

CHAIRMAN CASTRO: So it’s not executive summary?
MS. SALLO: It should -- yes.

CHAIRMAN CASTRO: So you move to call it background?

MS. SALLO: Yes.

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

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

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

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

MS. SALLO: No, the executive summary will be drafted after we=ve received -- we=ve voted on Part B with the findings and recommendations. And after we receive the statements, because the executive summary
will then be a synopsis of the report itself.

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

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

CHAIRMAN CASTRO: In Part B.

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

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

COMMISSIONER HERIOT: So some subsequent meeting?

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

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

CHAIRMAN CASTRO: Vote on Part B.

COMMISSIONER ACHTENBERG: I mean there's sometimes subsequent to voting on Part B, isn't that?
correct?

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

COMMISSIONER HERIOT: It doesn’t issue.

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

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

CHAIRMAN CASTRO: Yes, we will.

COMMISSIONER HERIOT: And that there will be one.

CHAIRMAN CASTRO: We always -- we do that, yes. Don’t we?

COMMISSIONER HERIOT: Wait, mine has an executive summary.

CHAIRMAN CASTRO: Really, mine doesn’t -- mine does not.

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

COMMISSIONER HERIOT: Mine says executive summary.

MS. SALLO: You have the most recent?
COMMISSIONER HERIOT: It says 5/14.

CHAIRMAN CASTRO: Mine doesn’t. This is the one that was circulated by the Staff Director. Let’s see.

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

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

See. The language of — under executive summary, is the same as the language under background. It’s exactly what we just did here. She forgot to take out executive summary.

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

MS. SALLO: That’s the most recent.

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

COMMISSIONER HERIOT: When did the version before that come out? How old is this version?
CHAIRMAN CASTRO: Whenever we were to make initial comments I think. So I think it=s just a matter of the heading not having been changed.

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

COMMISSIONER ACHTENBERG: So moved.

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

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

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

And we have a motion. Do we have a second?

Is there a second?

COMMISSIONER HERIOT: I can=t second it.

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

CHAIRMAN CASTRO: Do we? No, we vote on it. Maybe I do -- no. I could do it as one motion.
MS. SALLO: Well you did a motion for two.

CHAIRMAN CASTRO: Did we do two separate motions?

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

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

Commissioner Heriot how do you vote?

COMMISSIONER HERIOT: Abstain.

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

COMMISSIONER ACHTENBERG: I'll vote yes.

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

COMMISSIONER KLADNEY: Yes.

CHAIRMAN CASTRO: Commissioner Yaki how do you vote?

COMMISSIONER YAKI: Aye.

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

Now as amended, we have a motion to approve
the report. Is there a second on that?

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: No, you moved, so --

COMMISSIONER ACHTENBERG: I moved, um-hum.

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

COMMISSIONER Kladney: Second.

CHAIRMAN CASTRO: Okay. Any additional discussion? None. I'll call for a vote.

Commissioner Heriot how do you vote?

COMMISSIONER HERIOT: I pass.

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

COMMISSIONER ACHTENBERG: I vote aye.

CHAIRMAN CASTRO: Commissioner Kladney how do you vote?

COMMISSIONER Kladney: Yes.

CHAIRMAN CASTRO: Commissioner Yaki how do you vote?

COMMISSIONER YAKI: Aye.

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

COMMISSIONER HERIOT: Then I abstain.
CHAIRMAN CASTRO: All right, I know you’re still hot about the last meeting, okay. Close enough though, at least it=s not a no. So that Motion passes.

Next we have up for consideration, a proposed Proclamation for the July 50^{th} Anniversary of the Civil Rights Act of 1964.

PROCLAMATION FOR JULY 50^{TH}

ANNIVERSARY OF CIVIL RIGHTS ACT OF 1964

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

So that=s in your materials. And is there any discussion on this?

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

CHAIRMAN CASTRO: All right, let=s hear them.

COMMISSIONER HERIOT: I=m trying to find it here.

CHAIRMAN CASTRO: Here.

COMMISSIONER HERIOT: Sorry, my iPad=s acting up.
CHAIRMAN CASTRO: That=s all right.

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

CHAIRMAN CASTRO: Yes, right.

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

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

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

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

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

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

CHAIRMAN CASTRO: Yes, take a chance to read it.
COMMISSIONER ACHTENBERG: Can I ask Commissioner Heriot if she would just give us a sense what -- I mean because I would like this to be from the Commission, but I mean, what kinds of things would need to be changed in order to meet your concurrence?

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

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

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

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

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

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

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

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

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

COMMISSIONER HERIOT: Unanimous.

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

COMMISSIONER ACHTENBERG: Consider it by majority then.

CHAIRMAN CASTRO: Okay?

COMMISSIONER HERIOT: Okay.

CHAIRMAN CASTRO: So we=re going to table
this for the moment and we'll take it up at our next meeting. And you and I'll do an initial discussion on that.

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

PRESS RELEASE ON ANNIVERSARY OF BROWN V. BOARD OF EDUCATION

COMMISSIONER ACHTENBERG: So moved.

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

MS. SALLO: Hello?

COMMISSIONER YAKI: Second.

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

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

Okay. One thing we need is that it needs to be clarified in the second paragraph, although there have been sporadic legal challenges to segregate schools for over 100 years leading up to the 1954
decision, and some States have in fact outlawed school segregation. No legal challenge has succeeded on a national basis until Brown.

The college cases had them, so I would put, no legal challenge to segregation at the K through 12 level. Because Sweatt, Sipuel, McLaurin, you know that line of cases had come up correctly. And this makes it sound like we don’t know that.

CHAIRMAN CASTRO: Okay. Any other issue?

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

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

COMMISSIONER ACHTENBERG: Public school. How about public school.

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

COMMISSIONER ACHTENBERG: They are, but they typically referred to as public universities. Public schools I think is generally understood to mean elementary school, don’t you think.

COMMISSIONER HERIOT: Elementary and secondary, does that work?

COMMISSIONER ACHTENBERG: And secondary,
yes, you can say elementary and secondary school segregation.

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

COMMISSIONER HERIOT: Okay.

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

COMMISSIONER HERIOT: What a challenge to elementary and secondary.

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

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

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

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

COMMISSIONER HERIOT: Okay, sorry. The Brown plaintiffs faced -- this is what it says now. The Brown plaintiffs faced large legal, as well as social obstacles including the substantially equal nature of
school facilities and resources that had previously served as a bar to establishing inequality before the law.

COMMISSIONER ACHTENBERG: You’ve got a lot of equal and inequality there.

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

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

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

COMMISSIONER ACHTENBERG: How about arguably or theoretically?

COMMISSIONER HERIOT: But they really didn=t -- it=s just a litigation strategy. They didn=t want to make the claim individually, that they weren=t getting enough resources. But everybody with any sense
knew that they were not getting equal resources.

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

COMMISSIONER HERIOT: We don’t. We’re just trying to come up with an easy fix here. We could delete the whole sentence.

COMMISSIONER YAKI: That’s what I mean.

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

CHAIRMAN CASTRO: Okay.

COMMISSIONER HERIOT: That’s not eloquent.

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

CHAIRMAN CASTRO: Right.

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

CHAIRMAN CASTRO: Yes, that makes sense.

COMMISSIONER KLADNEY: Did the court overcome precedents or over rule precedents?
COMMISSIONER HERIOT: Overruled. Well --
yes it overruled precedents.

CHAIRMAN CASTRO: Yes, so it said
overruled.

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

MS. SALLO: Overturned Plessy v. Ferguson.

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

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

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

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

COMMISSIONER HERIOT: It wasn=t overruled
at all is my point.
CHAIRMAN CASTRO: So why don’t we say in that paragraph --

COMMISSIONER HERIOT: Where’s the Plessy part?

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

So why don’t we say with the help of the NAACP, to overturn the doctrine of separate but equal?

COMMISSIONER HERIOT: Yes. That’s sufficiently vague.

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

COMMISSIONER HERIOT: Yes.

CHAIRMAN CASTRO: So take off segregation and railcars.

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

CHAIRMAN CASTRO: All right.

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

COMMISSIONER YAKI: That sounds right.

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Defense fund.

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

CHAIRMAN CASTRO: Okay. LDEF I’ll put in there for not.

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

CHAIRMAN CASTRO: LDF? Okay, LDF.

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

CHAIRMAN CASTRO: Yes, okay.

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

CHAIRMAN CASTRO: Does it say segregation in American schools?

COMMISSIONER HERIOT: In American schools, that’s better. And it doesn’t have the same implication.

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

COMMISSIONER HERIOT: That’s it.
CHAIRMAN CASTRO: That=s it? Okay, with those changes do we have -- did we have a motion on? Yes, we already had a motion, right? So, we=ll take these -- will we take these amendments as a friendly amendment?

COMMISSIONER ACHTENBERG: Yes, Of course.

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

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

COMMISSIONER HERIOT: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg how do you vote?

COMMISSIONER ACHTENBERG: Yes.

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

COMMISSIONER KLADE: Yes.

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

COMMISSIONER YAKI: Aye.

CHAIRMAN CASTRO: And I vote yes, so we have unanimous passage of that press release. Thank you.
We now move on to Management and Operations.

III. MANAGEMENT AND OPERATIONS

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

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

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

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

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

CHAIRMAN CASTRO: Okay, I lost it.

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

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

But the goal is if we remain on this schedule, to be able to move forward and release all the pending reports by the end of this fiscal year. My concern is that if we're going to be voting between June and July
on topics for fiscal year 2015, that we don’t have anything pending or anything within the pipeline.

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

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

CHAIRMAN CASTRO: I can’t find my email on that.

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

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

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

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

And then we have our next Commission
meeting on Friday, June 20. And so the goal would be
to be able to vote on both Parts A and B on that day for
the NBRA report, as well as the patient dumping report.
And to also vote on Part B on that day, June 20 for sex
trafficking and the Arab/Muslim report.

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

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

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

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

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

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

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

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

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

MS. SALLO: I mean between now and Friday.

COMMISSIONER KLASTNEY: I disagree Mr. Chairman.

CHAIRMAN CASTRO: I understand that Commissioner. Unfortunately we won’t agree on everything, but you know. Most things yes.
MS. SALLO: And I’ll just indicated that between now and June 20, any drafts of reports that need to be voted on, have already been disseminated to the Commissioners, and all I’m awaiting are the recommendations on edits so that I can incorporate them and then distribute the final draft.

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

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

CHAIRMAN CASTRO: No, I think you’re right I would agree with that.

COMMISSIONER HERIOT: I’ve got a speaking engagement on that date.

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

COMMISSIONER HERIOT: That will be completely satisfactory wouldn’t it?

CHAIRMAN CASTRO: Then Commissioner Kirsanow will definitely have to participate. But well
you know, let’s do our best. Maybe we’ll start earlier. I think we ought to just give it the old college try and see what we need to do to make adjustments if things don’t pan out the way we’d like them to.

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

CHAIRMAN CASTRO: That gives us plenty of time.

COMMISSIONER HERIOT: Yes, 30 days is our rule.

MS. SALLO: I was trying to push that out to give folks the opportunity to submit the findings and recs. Because in the past, I’ve been told that Commissioners don’t want to submit statements until after they’ve voted on findings and recommendations.

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

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

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

COMMISSIONER HERIOT: It’s 30 days from
when the report is finished.

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

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

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

COMMISSIONER HERIOT: It=s already the rule.

CHAIRMAN CASTRO: It=s already the rule?

COMMISSIONER HERIOT: Yes, 30 days.

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

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

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

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

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

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

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

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

Because I need it electronically ready to go by September 16. Which means everything has to have been submitted by then in order for me to be able to get it electronically set up. And then I have to disseminate it electronically to every member of
Congress, the President and the Vice President.

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

CHAIRMAN CASTRO: Yes, that’s one deadline we can’t miss. So --

MS. SALLO: So I will --

COMMISSIONER ACHTENBERG: Why don’t we make a motion to empower the Staff Director to impose deadlines sufficient for us to make the statutory report requirement as described. I mean I -- if that deviates from our 30 day rule, then so be it. It’s more important to be timely to the Congress.

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

So this is our fundamental requirement here.

COMMISSIONER ACHTENBERG: Well then you and the Chairman can vote no. And the rest of us can vote yes to meet the statutory deadline. I mean I --
COMMISSIONER HERIOT: Well then we will get the report back out and approved in time to make those rules. The statements are not just a decoration that are added on to the end. It is an important part of the report.

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

It’s outrageous I think that that’s the thing that would have been economized on.

MS. SALLO: If I may.

CHAIRMAN CASTRO: Please.

MS. SALLO: Because I take offense to saying that staff -- I’m not comfortable with that. I’m not comfortable with that.

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

COMMISSIONER HERIOT: Guess what, it’s not my fault either.

MS. SALLO: Well now I have to work through a truncated schedule. Which means that I am asking for
some flexibility in order to meet our statutory
deadline. It is just on this particular report. I
will give in to anything else.

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

COMMISSIONER HERIOT: Me too.

CHAIRMAN CASTRO: Okay, so we have a
motion. Is there a second to Commissioner Achtenberg=s
motion? Is there a second?

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

COMMISSIONER ACHTENBERG: You=re going to
defeat a quorum on this?

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

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

COMMISSIONER KLASDEY: If I may.

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

COMMISSIONER KLASDEY: I think in the past
that we have certain time limits statutory according to
the Agenda. But -- pardon me Mr. Chairman?
CHAIRMAN CASTRO: No, I’m trying to keep Commissioner Heriot from leaving. I apologize for interrupting you. Just a second.

COMMISSIONER Kladney: I believe that in the past it useful --

COMMISSIONER Achtenberg: Do you want to call a recess?

CHAIRMAN CASTRO: Go ahead Commissioner Kladney.

COMMISSIONER Kladney: Well when I should talk, just let me know.

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

COMMISSIONER Heriot: But I’ll just -- I’m going to be out here.


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

I do believe as I’ve expressed earlier,
that we should extend time on the other reports even though the Director would like to get them all done by the end of the fiscal year. And I understand that purpose.

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

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

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

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

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

CHAIRMAN CASTRO: Okay. So we’re ready? Okay, we’re back on the record now. So do we --
Commissioner Heriot do you just want to --

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

CHAIRMAN CASTRO: Why don't you yes, put it on the record Staff Director.

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

COMMISSIONER HERIOT: 30 days all totaled.

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

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

CHAIRMAN CASTRO: Telephonically.

MS. SALLO: Telephonically, okay.

COMMISSIONER HERIOT: Not a suggestion,
that=s an agreement.

MS. SALLO: Okay.

CHAIRMAN CASTRO: Telephonically.

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

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

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

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

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

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

Don=t bank it all in two days. I would give your -- I would schedule it for -- and calendar each of those four or five days until it gets done. If we can
cancel those other ones, we cancel them.

CHAIRMAN CASTRO: Right, okay.

MS. SALLO: Thank you.

CHAIRMAN CASTRO: Great. Okay then, I don’t know that we need to vote on this right, since we’re complying with the rules. So okay.

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

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

CHAIRMAN CASTRO: And usually we’re the wind beneath your wings.

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

CHAIRMAN CASTRO: Okay.

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

As to Goal B, which really covers the Stand Your Ground report, we have identified a hotel in the Orlando area for our October Stand Your Ground briefing. So now that we’ve identified the location, we will be sending out information to Commissioners and special assistants on what is to be expected.
ASCD will be doing that. That will not be coming out of the office of the Staff Director. But I just wanted to place you on notice.

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

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

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

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

If you go on our web page now, you will see that we now have a SAC member page on our main website. It will be
a tab that will say SAC member.

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

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

So that --

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

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

But they also on here do what you just indicated Commissioner Yaki, which is one of the goals that I also have. Is to also provide access to that.
And also to list it in the Federal Register.

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

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

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

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

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

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

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

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

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

And that would be my report.

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

IV. STATE ADVISORY COMMITTEE APPOINTMENTS

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


Pursuant to this motion, the Commission appoints Alex Knopp as Chair of the Connecticut 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 ACHTENBERG: Second.

CHAIRMAN CASTRO: Okay. Any discussion?

Commissioner Heriot?

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

MS. SALLO: We shouldn’t put that on the
record please.

COMMISSIONER HERIOT: These are public remarks, they’re in Time Magazine.

MR. SMITH: If I may?

CHAIRMAN CASTRO: General Counsel?

MR. SMITH: If I may? If we could limit the discussion about -- actually we shouldn’t have a discussion about any particular potential candidate. What we should say is we have an issue regarding diversity of viewpoint, or geographic location, or something of that sort.

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

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

MR. SMITH: Well someone else wrote that. So we don’t really know if that’s accurate. And we might be impugning someone’s reputation.

COMMISSIONER KLASNEY: So how do we proceed?

COMMISSIONER HERIOT: Well, executive session I suppose. I think it’s unnecessary.

CHAIRMAN CASTRO: How would you suggest we proceed Mr. General Counsel?
MR. SMITH: Besides you know the generic way you just suggested, we --

COMMISSIONER KLADNEY: I can=t hear.

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

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

COMMISSIONER HERIOT: I=m happy to do that.

MR. SMITH: That would be fine.

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

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

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

CHAIRMAN CASTRO: Can we go into executive session and deal with this issue now?
COMMISSIONER YAKI: Well the problem is I don’t know how you clear the phone line that David and I are on.

CHAIRMAN CASTRO: I don’t know.

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

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

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

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

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

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

COMMISSIONER HERIOT: That’s the equivalent of an executive sessions.

MR. SMITH: Yes it is.

COMMISSIONER HERIOT: And that’s not --
CHAIRMAN CASTRO: So what were you going to say Mr. General Counsel?

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

COMMISSIONER YAKI: Well we -- I'll tell you when we tried that in the past, it becomes a nightmare, because the output, I don't know what it is you know, but it's just something about the operators had a tendency to make sure that the Commissioners would have a non-active line.

CHAIRMAN CASTRO: Why can't we go into a conference room in executive session and just call these two Commissioners on a separate phone line?

COMMISSIONER HERIOT: Because it's got to be done as an executive session.

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

CHAIRMAN CASTRO: Right.

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

CHAIRMAN CASTRO: Okay so --

MR. SMITH: Yes.

CHAIRMAN CASTRO: Why don't -- okay. Could we use somebody's iPhone maybe?

COMMISSIONER HERIOT: Yes.
MR. SMITH: Repeat that again.

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

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

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

MR. SMITH: That=s fine.

COMMISSIONER HERIOT: Sure.

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

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

CHAIRMAN CASTRO: Yes, are you at your mobiles?

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

CHAIRMAN CASTRO: And then come back to this one?

COMMISSIONER KLASZTSYNY: Adjourn and then.

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

COMMISSIONER KLASZTSYNY: Okay, and we=ll
both in executive session. Let’s just worry about the other two.

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

COMMISSIONER HERIOT: No.

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

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


Pursuant to this motion, the Commission appoints Elizabeth Kronk Warner as Chair of the Kansas 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?
COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Okay. Any discussion?

Commission Heriot how do you vote?

COMMISSIONER HERIOT: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Kladney how do you vote?

COMMISSIONER KLANDERY: Yes.

CHAIRMAN CASTRO: Commissioner Yaki how do you vote?

COMMISSIONER YAKI: Aye.

CHAIRMAN CASTRO: Okay, and I vote yes.

So that passes unanimously.

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

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

Pursuant to this motion, the Commission appoints Joanne R. Milner as Chair of the Utah 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 appointments.

Is there a second?

COMMISSIONER YAKI: Second.

CHAIRMAN CASTRO: Okay. Any discussion?

Commissioner Heriot how do you vote?

COMMISSIONER HERIOT: Yes.

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: Yes.

CHAIRMAN CASTRO: And I vote yes. Okay. So now I move that we go into executive session to discuss the Vermont and Connecticut slates. Is there a second?
COMMISSIONER HERIOT: I think it=s got to be certified.

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

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

CHAIRMAN CASTRO: Okay, do I need a second?

MR. SMITH: Yes.

CHAIRMAN CASTRO: Is there a second?

COMMISSIONER ACHTENBERG: Second.

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

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

CHAIRMAN CASTRO: So I --

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

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

COMMISSIONER YAKI: Okay.

CHAIRMAN CASTRO: Okay. And --

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

CHAIRMAN CASTRO: Right, and then you=ll
call back in later when we go on regular, back on the
record.

COMMISSIONER Kladney: No, you'll call us.
CHAIRMAN CASTRO: Okay. No, we're going
to call you right now, yes.

COMMISSIONER Kladney: Okay bye.
CHAIRMAN CASTRO: Okay bye.

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

MS. Sallo: She's getting ready to do so.
CHAIRMAN CASTRO: She's going to do that,
yes. All right, you have their numbers?

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

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

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

COMMISSIONER Achtenberg: Second.
CHAIRMAN CASTRO: Okay. Can I just do all in favor, or do I have to do an individual vote Mr. General Counsel?

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

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

(Chorus of Ayes)

CHAIRMAN CASTRO: Any opposed?

(No response)

CHAIRMAN CASTRO: Any abstentions?

(No response)

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

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

Alex Knopp, Jay Bergman, Christine Corgel, John W. Herrington, David W. Reynolds, Melanie S. Rausch, John M. Tanski, Charles Venator-Santiago, Kashif Abdul-Karim, Alok Bhatt, Lilia N. Krekul,
Meghann La Fountain, David J. McGuire, Yanil Teron, Stephanie A. Wainwright, and Olivia S. White.

Pursuant to this motion, the Commission appoints Alex Knopp as Chair of the Connecticut 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?

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Okay, are there any other motions?

COMMISSIONER HERIOT: Mr. Chairman?

CHAIRMAN CASTRO: Yes.

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

CHAIRMAN CASTRO: Is there a second on that motion?

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Okay. We will vote on the motion to sever first. I'll do a roll call on that.

Commissioner Heriot how do you vote?

COMMISSIONER HERIOT: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg how do you vote?
COMMISSIONER ACHTENBERG: Yes.
CHAIRMAN CASTRO: Commissioner Kladney how do you vote?
COMMISSIONER KLADEY: Yes.
CHAIRMAN CASTRO: Commissioner Yaki how do you vote?
COMMISSIONER YAKI: Yes.
CHAIRMAN CASTRO: And I will vote yes, so we will sever that candidate. Now we go on to the full motion with the exception of the severed candidate. I will take a vote on that.
Commissioner Heriot how do you vote?
COMMISSIONER HERIOT: Yes.
CHAIRMAN CASTRO: Commissioner Achtenberg how do you vote?
COMMISSIONER ACHTENBERG: Yes.
CHAIRMAN CASTRO: Commissioner Kladney how do you vote?
COMMISSIONER KLADEY: Yes, yes.
CHAIRMAN CASTRO: Commissioner Yaki how do you vote?
COMMISSIONER YAKI: Aye.
CHAIRMAN CASTRO: Commissioner -- well I vote yes, so that=s passed unanimously.
Next we move on to the Connecticut -- I=m
sorry, the Vermont State Advisory Committee. I make a motion that the Commission appoint the following individuals to the Vermont Committee based upon the recommendation of our Staff Director.

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

Pursuant to this Motion, the Commission appoints Diane Snelling as Chair of the Vermont 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 appointments.

Is there a second?

COMMISSIONER YAKI: Second.

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

COMMISSIONER HERIOT: Mr. Chairman?

CHAIRMAN CASTRO: Yes.

COMMISSIONER HERIOT: I move to sever Curiss Reed.

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

COMMISSIONER HERIOT: Then I vote 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: Aye.

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

MS. SALLO: Yes sir.

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

V. ADJOURN THE MEETING

COMMISSIONER ACHTENBERG: So moved.

CHAIRMAN CASTRO: Is there a second?

COMMISSIONER YAKI: Second.
CHAIRMAN CASTRO: Second, all in favor say aye.

(Chorus of Ayes)

CHAIRMAN CASTRO: All right, think you everybody.

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