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The Commission convened in Suite 1150 at 1331 Pennsylvania Avenue, Northwest, Washington, D.C., at 10:01 a.m., Martin R. Castro, Chairman, presiding.

PRESENT:

MARTIN R. CASTRO, Chairman
PATRICIA TIMMONS-GOODSON, Vice Chair*
ROBERTA ACHTENBERG, Commissioner*
GAIL HERIOT, Commissioner
PETER N. KIRSANOW, Commissioner*
DAVID KLADNEY, Commissioner*
KAREN NARASAKI, Commissioner
MICHAEL YAKI, Commissioner*

MAURO MORALES, Staff Director

* Present via telephone
STAFF PRESENT:

ANGELA FRENCH-BELL, Director, OCRE

IVY L. DAVIS, Director, ERO

PAMELA DUNSTON, Chief, ASCD

DARREN FERNANDEZ

SEAN GOLIDAY

ALFREDA GREENE

JENNIFER CRON HELPER, Parliamentarian

TINALOUISE MARTIN, OM

DAVID MUSSATT, Chief, RPCU

LENORE OSTROWSKY, PAU

JESMOND RIGGINS

ASHLEY TIMBERS

MICHELLE YORKMAN, Director, IT
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(10:01 a.m.)

CHAIRMAN CASTRO: This is a meeting of the U.S. Commission on Civil Rights. It is currently 10:01 a.m. Eastern Time on June 29, 2015. We're meeting here at the offices of the U.S. Commission on Civil Rights Headquarters located at 1331 Pennsylvania Avenue, NW in Washington, D.C.

I'm Chairman Marty Castro. Commissioners who are present at this meeting are Commissioners Heriot, and Narasaki, and myself. Participating by phone are our Vice Chair Commissioner Timmons-Goodson, Commissioner Achtenberg, also Commissioners Yaki, Kladney, and Kirsanow.

Quorum of the Commission is present. Is the court reporter present? Yes, he waved his hand. And is the Staff Director present?

DIRECTOR MORALES: Yes, I am, Mr. Chair.

CHAIRMAN CASTRO: Great. Let me confirm that. We do have a quorum, but is Commissioner Yaki on the phone? Commissioner Kladney?

COMMISSIONER KLADENEY: Yes.

CHAIRMAN CASTRO: Okay, Commissioner Kirsanow? Is there someone I'm missing? I heard more than one bing.
COMMISSIONER KLADNEY: Present.

CHAIRMAN CASTRO: Well, that's Kladney. Well, if you will listen for bings, we'll try to let them -

COMMISSIONER KLADNEY: Can you hear me -

CHAIRMAN CASTRO: Yes, we can.

COMMISSIONER KLADNEY: - all right Mr. Chairman?

CHAIRMAN CASTRO: Yes, we can. Okay, so we're going to proceed then. The first item is the approval of the agenda.

I. APPROVAL OF AGENDA

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

COMMISSIONER NARASAKI: Second.

CHAIRMAN CASTRO: Are there any amendments? I know that there's a couple of items here that we need to add to the agenda, one, I believe, Commissioner Heriot wanted to talk about changing the October meeting date.

COMMISSIONER HERIOT: Yeah, I'm not certain that that's as necessary as I thought it was.

CHAIRMAN CASTRO: Okay, so then we'll leave that off.

COMMISSIONER HERIOT: Yes, let's leave it
CHAIRMAN CASTRO: And the other item we wanted to put on there was the addition of the - a vote on the Commission statements regarding the two Supreme Court decisions that came down last week with civil rights implications. So if anyone would like to make a motion to amend?

COMMISSIONER ACHTENBERG: So moved.

CHAIRMAN CASTRO: And the second?

COMMISSIONER NARASAKI: I second.

CHAIRMAN CASTRO: Okay, we have a - there are no further amendments, okay. So let's vote to approve the agenda as amended. All those in favor, say "aye."

(Chorus of ayes.)

CHAIRMAN CASTRO: Any opposed? Any abstentions? Okay, the motion passes. Before we get into the program planning, I just want to acknowledge that we have with us some guests.

We will have in and out, I think, some of our Civil Rights Commission interns who have been working with us this summer, and the Staff Director and I met with them a couple of weeks ago, I think, and we've got a great crew that's helping us out tremendously, and we appreciate that.

We also have some visitors from the NAACP,
some fellows from the program which I'll have the
pleasure of meeting with a little bit after this, so
you'll get to see a little bit of how the Commission
functions.

So also, I just want to mention that, you
know, a lot's been happening in the last
two-and-a-half, three weeks in the area of civil rights
from the horrific massacre in South Carolina, and on
the opposite end of that spectrum, the tremendous
rulings on Friday on marriage equality and on the Fair
Housing Act.

And it just goes to show how important the
work that we do today remains from the comparison to
the work that we did at the inception of this
Commission.

And as we progress today and in the next few
weeks to consider what we're going to be doing, we
should reflect on what's just happened over the last
few weeks and see how we can really contribute –
continue to contribute to the movement on some of these
issues.

So, I mean, it's an historic time for civil
rights in our country right now, and I think we're
privileged to be sitting at this dais and participating
as Commissioners.
II: PROGRAM PLANNING

So with that, I'd just like to move on and do two things that are extremely important. Whenever we conduct votes outside of the Commission process, we have a process called notational voting, which is voting via email, and we have a couple of important notational votes which we need to confirm.

AGENDA SUB-ITEM: HOUSEKEEPING

READ INTO THE RECORD - NOTATIONAL VOTES UNDERTAKEN BY COMMISSION a. VOTE TO CONFIRM PRESIDENT'S NOMINATION OF USCCR STAFF DIRECTOR, MAURO A. MORALES

So the first notational vote that I would like to read into the record occurred on April 17, 2015, and addressed the following: Pursuant to Administrative Instruction A1 1-7, the Office of the General Counsel, in the absence of a Staff Director, submitted a notational voting package via email to the commissioners on April 16, 2015.

The purpose of the notional vote was to vote on the affirming of President Obama's nomination of a new Staff Director to the Commission, Mr. Mauro A. Morales.

The Commissioners were advised that given the urgency of the matter, the notice requirement was waived and that the deadline for notational voting was
April 17, 2015, by close of the business day. The notational vote passed unanimously.

B. VOTE TO EXTEND THE POLICE BRIEFING COMMENT PERIOD FOR AN ADDITIONAL 30 DAYS

The second notational vote occurred on May 15, 2015, and addressed the following: Pursuant to Administrative Instruction A1 1-7, the Office of the Staff Director submitted a notational voting package via email to Commissioners on May 14.

The purpose of that notational vote was to vote on extending the public comment period for the Commission's police practices and use of force briefing. The Commissioners were advised that the deadline for notational voting was May 15 by 5:00 p.m.

The notational vote passed with a majority vote of seven Commissioners voting and one not submitting a ballot by the 5:00 p.m. deadline. So my reading these into the record now completes the process for confirming that action.

With that, I would actually like to welcome officially our Staff Director, Mauro Morales, to his first official business meeting. We're really glad to have you on board. I know you've been working hard already in the last few weeks that you've been out here, but we want to officially congratulate you and give you
a chance to say a few words.

DIRECTOR MORALES: Well, thank you, Mr. Chairman, and I want to thank the Commissioners all as well, very much. I have to tell you that this is an honor to have been selected by the President to be the Staff Director, and to be voted unanimously by the Commissioners, and I really appreciate that.

And in the time I've been here, I guess approximately six weeks I've been here, I've worked with the staff. I've been very impressed with the professionalism and the hard work that the staff has put forward in working with me, and I want to make sure that I recognize that.

And furthermore, I just want to finally just state that I'm looking forward to working with all of the Commissioners and all of you as we move forward to carry out the mission of the Commission, and I really appreciate your support, so thank you very much.

CHAIRMAN CASTRO: Thank you, and welcome.

DISCUSSION AND VOTE ON UPDATED 2015 STATUTORY ENFORCEMENT REPORT DEADLINE

CHAIRMAN CASTRO: The first item we have in terms of the actual business is the Statutory Enforcement Report timeline for 2015. In the absence of a Staff Director - I read that in. That's not a vote.
It was the - read into the record, those two items, so, yeah.

So, in the absence of a Staff Director, we did not put forward the actual timeline for a vote prior to today, but the staff has continued to work on the Statutory Enforcement Report in order to meet our deadline to submit it to the President and Congress by September 30.

So in order to make sure that we are actually have a timeline that's in place, the Staff Director circulated a proposed timeline that had some truncated periods in them, and I believe there was an adjustment made to give Commissioners a little bit more time to submit their statements?

DIRECTOR MORALES: That is correct, and the latest was provided to the Commissioners on Thursday.

CHAIRMAN CASTRO: So Commissioners should have, either before them or in their email, the current draft of the statutory enforcement timeline. So what we'd like to do is get a motion on that. Do we have a motion?

COMMISSIONER NARASAKI: So moved.

CHAIRMAN CASTRO: Is there a second? Was that you Commissioner Achtenberg?

COMMISSIONER ACHTENBERG: Yes.
CHAIRMAN CASTRO: Okay, she seconded. And for those on the phone, if you could mute your phone when you're not talking, that would help. There was a little bit of background noise earlier.

Okay, we have a motion that's been seconded. Any discussion? Any discussion? Hearing none, we'll call the question. Commissioner Kirsanow, are you on the phone?

COMMISSIONER KIRSANOW: Yes, I am.

CHAIRMAN CASTRO: How do you vote?

COMMISSIONER KIRSANOW: No.

CHAIRMAN CASTRO: Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: I understand we have to have some flexibility in the schedule, but I think this is - we have now, for several years in a row, had delays like this that always gets taken out of the Commissioner time. So although, you know, this is obviously going to pass, I'm going to cast a protest vote of no.

CHAIRMAN CASTRO: Okay, Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote? You can take it off mute now.
Commissioner Kladney?

COMMISSIONER KLANDNEY: Yes.

CHAIRMAN CASTRO: Okay, thank you.

Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, are you on? Okay, he's not on. Madam Vice Chair, how do you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes, so we have one, two, three, four, five yeses, two nos, and one Commissioner not voting, so the motion passes.

Next, we have a series of statements, and press releases, and letters that we have circulated over the last week or so for Commissioners to review, and I know that there are a number of comments and revisions that have been made, and I believe there's probably some that will be made again today.

So what I'm going to do is take each one of these individually so we can discuss and either approve or modify as necessary for a final vote.

DISCUSSION AND VOTE ON COMMISSION STATEMENT

COMMENORATING THE ANNIVERSARY OF THE ADA

CHAIRMAN CASTRO: The first item is a statement from the Commission to commemorate the
anniversary, 25th anniversary, of the Americans with Disabilities Act. Is there a motion, or a motion, or does anyone have any proposed revisions so that we can vote on an item that everyone's in agreement with?

COMMISSIONER KLADEY: I'll move for approval.

CHAIRMAN CASTRO: Is there a second?

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Okay, any discussion?

COMMISSIONER NARASAKI: Mr. Chair?

CHAIRMAN CASTRO: Yes, Commissioner Narasaki?

COMMISSIONER NARASAKI: Is it the intention to have it immediate release or for release on July 26?

CHAIRMAN CASTRO: It will be released on the anniversary, so the draft says June 29, but that was just, I think, put there for today's draft, so it will be released when the anniversary - the appropriate date for that, so. Any other questions or comments?

COMMISSIONER KIRSANOW: Yes, Mr. Chair?

CHAIRMAN CASTRO: Yes?

COMMISSIONER KIRSANOW: Commissioner Kirsanow.

CHAIRMAN CASTRO: Yes, sir?

COMMISSIONER KIRSANOW: Thanks, Mr. Chair.
I think there's already been some back and forth on this, but I would reiterate that I could support this --I support the ADA -- if the last sentence were removed. Without that removal, I'd be compelled to vote against this particular statement.

CHAIRMAN CASTRO: I understand that, Commissioner Kirsanow, and I appreciate your statement to that effect. I know I - and I'll leave it to the others to decide how they want to do this, but I think that's an important statement for this Commission to make, particularly at this anniversary. So I want it to remain in there, but I appreciate your statements of support of the topic in general.

COMMISSIONER KIRSANOW: Mr. Chair, to be clearer as to why I oppose it, in looking through the United Nations Convention, it indicates that a disability, or definition of a disability is one that continues to evolve, and I think I'm going to wait until it stops evolving so I know what I'm voting on.

CHAIRMAN CASTRO: Okay, thank you. Commissioner Narasaki?

COMMISSIONER NARASAKI: I agree, Mr. Chair, with your belief that we should keep the sentence in. This treaty actually has had bipartisan leadership with former Senator Dole being one of the original sponsors.
I think that the United States has up to now been a leader on this issue, and I think it's important for the United States to continue to be a leader in the world on this issue.

CHAIRMAN CASTRO: Okay, any additional comments or discussion? Hearing none, we'll call for a vote. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: No.

CHAIRMAN CASTRO: Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: I'm with Commissioner Kirsanow on this one, I'm a no.

CHAIRMAN CASTRO: Okay, Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER Kladney: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki? He's not on, okay. Madam Vice Chair, how do you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes, so we have
two nos, one, two, three, four, five yeses.
Commissioner Yaki, is that you?

COMMISSIONER YAKI: Yes.

CHAIRMAN CASTRO: We're just now voting on the ADA statement, the version that was circulated. No changes were approved. Did you want to vote on that?

COMMISSIONER YAKI: Sure, I vote yes.

CHAIRMAN CASTRO: Okay, so it's two nos, one, two, three, four, five, six yeses. The motion passes.

DISCUSSION AND VOTE ON COMMISSION STATEMENT

COMMEMORATING THE ANNIVERSARY OF THE VOTING RIGHTS ACT

CHAIRMAN CASTRO: Next, we are moving onto discussion and vote on a statement commemorating the anniversary of the Voting Rights Act. Again, you should have received a copy of that. I believe there were some revisions made to that, so you should have in front of you the most recent version. Do I have a motion on this?

SPEAKER: So moved, Mr. Chair.

CHAIRMAN CASTRO: Is there a second?

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Okay, any discussion on this?

COMMISSIONER Kladney: The most recent
version, does that leave anything out of it?

CHAIRMAN CASTRO: I don't think so. This is what was circulated Thursday.

COMMISSIONER KLASTADNE: So there's been no changes?

CHAIRMAN CASTRO: You sent something out Sunday night?

COMMISSIONER KLASTADNE: Sunday morning.

CHAIRMAN CASTRO: Sunday morning.

COMMISSIONER KLASTADNE: I think the questions that were asked are too general. I think the ones that I posed are much more specific and to the point.

CHAIRMAN CASTRO: Oh, this is the VI statement, Commissioner, the Voting Rights Act statement.

COMMISSIONER KLASTADNE: Oh, I'm sorry.

CHAIRMAN CASTRO: Yeah, I think you had a change from restoral to restoration.

COMMISSIONER KLASTADNE: I'm sorry.

CHAIRMAN CASTRO: From restoral to restoration, yeah. Has that change been made?

COMMISSIONER KLASTADNE: Okay.

SPEAKER: No, we sent it out on Sunday.
CHAIRMAN CASTRO: Okay, well, I thought I saw it earlier though.

COMMISSIONER KLANDNEY: Hello?

CHAIRMAN CASTRO: Right, it's the change of restoral to restoration, correct?

COMMISSIONER KLANDNEY: Oh, right, that one, yeah.

CHAIRMAN CASTRO: So with that change, which actually should have - yeah. Okay, any other changes?

COMMISSIONER KIRSANOW: Mr. Chair, I'm not sure if I've weighed in on this one. I've lost track what I've weighed in on. Again, this is another one where I think we've had some discussion, and I think I registered my concern relating to a number of statements here, and I just wanted to reiterate, I understand this is going to get enough votes to pass.

I would support this if it did not include the line toward the end of the second to the last paragraph about the restoration and protections. I think Shelby v. Holder was correctly decided.

If the Commission wants to, you know, put it off and say that, or agree that the Texas Department of Housing case which was to be decided by the Supreme Court was incorrect, maybe I'll go along with this one.

But also the last provision in the last
paragraph dealing with the limiting of the franchise, I'm not aware of any states trying to limit the franchise in any respect, so I will be voting against this without those changes.

CHAIRMAN CASTRO: Understood. Any other questions, comments, changes? So with the change of restoral to restoration, we'll vote on that document. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: No.

CHAIRMAN CASTRO: Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: I guess I just wanted to clarify here that I agreed with Commissioner Kirsanow on several of his points. I agree that Shelby v. Holder was correctly decided. That doesn't necessarily mean that the Voting Rights Advancement Act of 2015 is good or bad. I mean, those are separate issues.

But especially because of the statement about states attempting to limit the franchise, I'm going to have to vote no on this one.

CHAIRMAN CASTRO: Okay, Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: I am going to have to recuse myself because this is an issue on which I
currently work in my other capacities.

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

COMMISSIONER KLADNEY: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

CHAIRMAN CASTRO: Madam Vice Chair, how do you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes. We have two nos, one recusal, and four yeses, so the motion passes. Thank you.

VOTE TO APPROVE COMMISSION LETTER TO EOIR RE: LACK OF NOTICE TO RELEASED DETAINEES ON COURT DATE THEREFORE EXPEDITING DEPORTATIONS

CHAIRMAN CASTRO: Next, we move onto a Commission letter to EOIR regarding a lack of notice to released immigration detainees on court dates. This involves an important issue of due process, and particularly as it affects those individuals who we are actually looking at right now
in the context of our Statutory Enforcement Report. So we have drafted a letter and have circulated it.

I believe there have been some changes made to that, but I also understand, I believe, Commissioner Kladney, you had some additional changes to that as well, right, that you wanted to propose?

COMMISSIONER KLADNEY: Yes.

COMMISSIONER ACHTENBERG: Which letter is this?

CHAIRMAN CASTRO: This is to the immigration - Office of - Director of the Executive Office for Immigration Review, Juan P. Osuna. Commissioner Kladney, you wanted - before we make a motion, why don't you tell us about your proposed changes so we could -

COMMISSIONER KLADNEY: I believe my - I sent my letter out Sunday morning, as well as you should all have a copy in front of you now, those who are present.

I made these changes because I think we're writing the administrative judge, the chief of the administrative judges, law judges, for the immigration law judges, and it seemed to me that what we needed was a lot more specific answers of what exactly what they do.

And I tried to frame the questions, reframe some of the questions to more specifically get direct
answers as well as asking for training materials that we could evaluate regarding notice, which seems to be the crux of the letter.

And I'd note that we can't conflate - the first letter that we sent was to the administrator on the administrative side of immigration, ICE, to the judicial side.

And for instance, when we were in Texas, I was told when the detainees leave, they are assigned an ICE agent in the area where they are. Now, does that ICE agent keep a record of contacts with this person? Is that part of the legal file that is given to the judge when he makes his determination? And those types of things are what I asked. So I believe the questions are a little more specific and directed toward what we're seeking.

CHAIRMAN CASTRO: Got it. And let me just clarify, Commissioners, you all should have both the original version and a version already revised to include Commissioner Kladney's changes before you. Commissioner Heriot?

COMMISSIONER HERIOT: I just wanted to add -

COMMISSIONER ACHTENBERG: When did that - when does that - when did that come?

CHAIRMAN CASTRO: I don't know. I have it
in my file.

DIRECTOR MORALES: It was sent Sunday morning.

CHAIRMAN CASTRO: Sunday morning? No, no, no, when were the changes made to Commissioner Kladney's -

DIRECTOR MORALES: He sent that, I believe, Sunday morning.

CHAIRMAN CASTRO: No, no -

COMMISSIONER KLADNEY: Sunday morning it went out.

CHAIRMAN CASTRO: When did the revised letter go out?

DIRECTOR MORALES: His.

CHAIRMAN CASTRO: So we had my original -

DIRECTOR MORALES: Yes.

CHAIRMAN CASTRO: - and then now I have before me my original and then another one that has Commissioner Kladney's changes in it already. When was that latter one circulated to the Commissioners?

DIRECTOR MORALES: It was not circulated to the Commissioners.

CHAIRMAN CASTRO: Oh, okay.

DIRECTOR MORALES: It was circulated to you because you received it -
CHAIRMAN CASTRO: Oh, but you have it too.

SPEAKER: I have it.

DIRECTOR MORALES: Oh, you have it?

SPEAKER: He sent it out on Sunday.

DIRECTOR MORALES: You did send it out?

CHAIRMAN CASTRO: Oh, so you revised it, Commissioner, okay, got it. Sorry about the confusion.

COMMISSIONER HERIOT: Mr. Chairman?

CHAIRMAN CASTRO: Yes, Commissioner Heriot?

COMMISSIONER HERIOT: I'm sorry I didn't think about this earlier, but looking at the letter now, I think something we should routinely do whenever we send out a letter that requests information is to quote to the recipient the part of our statute that requires federal agencies to cooperate with us.

CHAIRMAN CASTRO: Okay.

COMMISSIONER HERIOT: You know, I'm sure everybody in the Executive Branch has lots to do, and they get a letter like this and they think, "Man, you know, this is my last priority." We got to remind them that the law actually requires them to cooperate.

CHAIRMAN CASTRO: That makes sense.

COMMISSIONER HERIOT: Can I make a motion that we add that sentence?
CHAIRMAN CASTRO: We haven't made a motion yet, but what we're going to do is if we're going to - if we're - I think generally there's an agreement that Commissioner Kladney's version is going to be what we're working from, so let's use that document as the document you're going to make a motion on.

COMMISSIONER HERIOT: Okay.

CHAIRMAN CASTRO: Okay?

COMMISSIONER HERIOT: Just tell me when I should make a motion.

CHAIRMAN CASTRO: So you can make a motion that we approve Commissioner Kladney's version.

COMMISSIONER HERIOT: Is that what I have in my file here?

COMMISSIONER ACHTENBERG: I don't have Commissioner Kladney's version in front of me.

CHAIRMAN CASTRO: Okay, Alex, do you want to make sure your Commissioner has that, please? Okay.

COMMISSIONER HERIOT: Can I make a motion that we adopt Commissioner Kladney's version and that we add a sentence to it that quotes that federal agencies are required to cooperate with us?

CHAIRMAN CASTRO: Yes.

COMMISSIONER HERIOT: I'm not exactly certain of the language of that.
CHAIRMAN CASTRO:  Yeah, we'll have to do that.

COMMISSIONER HERIOT:  But the staff, I'm sure, can come up with that.

CHAIRMAN CASTRO:  Is there a second?

COMMISSIONER YAKI:  Second.

CHAIRMAN CASTRO:  Okay, now in terms of discussion, Commissioner Achtenberg, if you'd like, I can read you the - what we've -

COMMISSIONER ACHTENBERG:  Oh, I just -

CHAIRMAN CASTRO:  Oh, you have it?

COMMISSIONER ACHTENBERG:  It just came, yes, thank you, Mr. Chairman.

CHAIRMAN CASTRO:  Okay.

COMMISSIONER ACHTENBERG:  I'm going to read it quickly.

COMMISSIONER KLABNEY:  Do you want to give Commissioner Achtenberg a moment to read it, Mr. Chairman?

COMMISSIONER ACHTENBERG:  Very much, I'd appreciate it.

CHAIRMAN CASTRO:  Commissioners on the phone, I've just been advised that we have a new court reporter. So our old court reporter recognized your distinctive voices, our current court reporter
doesn't.

So when you're going to speak, if you could identify your name so that we can have an accurate record, that would be appreciated. Thank you.

So have you all had a chance to look at this now?

COMMISSIONER ACHTENBERG: I'm almost done.

CHAIRMAN CASTRO: Oh, okay, sure.

COMMISSIONER ACHTENBERG: All right, thank you, Mr. Chairman.

CHAIRMAN CASTRO: Okay. Okay, Commissioner Kladney - who is asking for that? Well, if the Commissioners don't - Commissioners, do you have any questions? If not, then I'll move to take the roll call on this.

COMMISSIONER ACHTENBERG: This is augmented by Commissioner Heriot's recommendation?

CHAIRMAN CASTRO: Yes.

COMMISSIONER ACHTENBERG: All right, thank you.

CHAIRMAN CASTRO: Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: Yes.

CHAIRMAN CASTRO: Commissioner Heriot, how do you vote?
COMMISSIONER HERIOT: Yes.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER Kladney: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

CHAIRMAN CASTRO: Madam Vice Chair, how do you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes. It's unanimous. The motion passes.

DISCUSSION AND VOTE ON COMMISSION LETTER TO TEXAS DEPARTMENT OF HEALTH SERVICES RE: DENIAL OF BIRTH CERTIFICATES TO U.S. BORN CHILDREN OF IMMIGRANT PARENTS.

CHAIRMAN CASTRO: We next move onto consider a letter and subsequent press release by the Commission to the Texas Department of Health Services regarding
a denial of birth certificates to U.S. born children of undocumented immigrants.

The letter intends to address the recent news reports that children who are being – who are in Texas, who are U.S. citizens by birth, are not being given birth certificates by the Texas local government.

So I've prepared - and I know - I think some Commissioners have provided some commentary already - a draft letter and a press release to accompany the issuance of that letter. Do we have a motion?

COMMISSIONER NARASAKI: So moved.

CHAIRMAN CASTRO: Is there a second?

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Okay, and for those of you looking at the letter, it's to Mr. Kirk Cole, Interim Commissioner of the Department of State Health Services in Austin, Texas. Any comments or questions?

COMMISSIONER KLADNEY: Yes, Mr. Chairman.

CHAIRMAN CASTRO: Commissioner Kladney?

COMMISSIONER KLADNEY: Kladney here.

CHAIRMAN CASTRO: Yes.

COMMISSIONER KLADNEY: I have some questions and concerns. One, I think we are writing this letter on a singular news story about a civil complaint being filed alleging these matters, and I'm
concerned about the agency, our agency, involving ourselves in a civil law suit in light of the fact that we are not an enforcement agency.

What I thought would be more appropriate and probably more effective, would be a letter to Attorney General Lynch asking – telling – saying that these allegations have been made, a civil lawsuit has been filed, and that we believe that the Attorney General's office should do an investigation to see if this is a federal civil rights violation and that – if they find probably cause that that kind of violation exists, that they should move forward with prosecution and enforcement.

I'm afraid that if we just write a letter, and since this is a civil lawsuit, and ask them to cease and desist, and we don't have any authority.

Unless we try to enter the lawsuit, I'm not sure we're going to have that much effect, where I think a letter to the Attorney General requesting them to investigate could be much more effective and result in a positive outcome for this, because I think if this is in fact true, it's an awful situation.

CHAIRMAN CASTRO: Thank you, Commissioner Kladney. Let me respond to that. I don't think it's – I don't share your concern that this may involve a
singular issue because I think it involves a number of these individuals who have been denied their birth certificates.

Certainly, as you indicate, there is a civil lawsuit that has been filed, but I don't think that should preclude us either. If that were the case, I think we'd have problems with our Statutory Enforcement Report where there is now civil litigation involved on Karnes which is one of the facilities that we visited. So I don't want to set a precedent that if there happens to be civil litigation occurring that we don't engage the issue.

I think it's important for this Commission, particularly with our focus on immigration issues this year, that we make a statement, a clear statement that this is something that concerns us, a violation, potentially a violation of the 14th amendment and equal protection.

I do like your idea of a letter to the Attorney General, which I think we can do in addition to this, but not, in my view, not in the absence of this action.

I would be completely fine with us drafting a letter in addition to this press release and letter, including this letter, and sending it to the Attorney
General asking for them to take action.

COMMISSIONER KLADNEY: Well, Mr. Chairman, Kladney again, I would say that our enforcement report is a report for the President and Congress, and here we're sending a letter to a party of the litigation, and I'm just concerned about involving the Commission in civil litigation.

CHAIRMAN CASTRO: Well, I don't think we're getting involved in civil litigation, but I can understand your concerns. I appreciate you putting them on the record. I don't know if anyone else has additional thoughts or comments?

COMMISSIONER NARASAKI: I have a question, Mr. Chair.

CHAIRMAN CASTRO: Yes?

COMMISSIONER NARASAKI: Has the State Advisory Committee taken a position on this issue?

CHAIRMAN CASTRO: I don't know. I don't believe they have. I haven't seen anything from Texas on this.

COMMISSIONER ACHTENBERG: I have a question as well, Mr. Chairman.

CHAIRMAN CASTRO: Sure, go ahead, Commissioner Achtenberg.

COMMISSIONER ACHTENBERG: I mean, I'm happy
to – I think adding a letter to the Attorney General is a welcome addition, so I would support that, and I support this as well. But my question is whether or not in the past, based upon a news report, we have issued such a letter?

I mean, the fact – neither the fact that a news report suggests that something took place, nor the filing of a civil lawsuit, is dispositive, obviously, of whether or not such a thing took place. I'm just wondering is there precedent for us responding to the report in the newspaper?

CHAIRMAN CASTRO: The letter we just approved to EOIR resulted from a newspaper report, so – but I do – I can't specifically recall individual letters that we've approved in the past, but I have a recollection that we have done that.

I know that individual Commissioners have done it using Commission letterhead frequently on both sides of the aisle. So from that perspective, it's not out of the ordinary. And I know that we have also discussed among ourselves a desire to have the Commission more aggressively and fully engage in –

COMMISSIONER ACHTENBERG: Sure.

CHAIRMAN CASTRO: – ongoing issues across the country, outside of the fact that – or outside of
the process of just doing our statutory enforcement and
our other reports, so it's with that in mind as well.

COMMISSIONER KLADNEY: Mr. Chairman,
Kladney here.

CHAIRMAN CASTRO: Yes?

COMMISSIONER KLADNEY: I would draw a
distinction between the letter we just approved and
this letter. The letter we just approved was seeking
information, and my concern is that we have sought no
independent investigation or inquiry into this matter
to develop our own opinion.

And I concur, I believe, with what
Commissioner Achtenberg was talking about, is relying
merely on a news report and a complaint filed in court.
I just feel uncomfortable about that.

CHAIRMAN CASTRO: We also sent a letter to
the Department of Homeland Security based on a
complaint that has been filed by the ACLU and the
National Immigrant Justice Center involving abuses of
immigrant refuge children last summer.

COMMISSIONER ACHTENBERG: You're
absolutely right, Mr. Chair. We did, indeed, do that.
I appreciate the citation.

CHAIRMAN CASTRO: Any other questions or
concerns?
VICE CHAIR TIMMONS-GOODSON: This is Pat Timmons-Goodson.

CHAIRMAN CASTRO: Yes, Ms. Vice Chair?

VICE CHAIR TIMMONS-GOODSON: In exploring further Commissioner Kladney's concern, is there a state entity that supervises or is in charge of the agency that is alleged to have taken this action that we might be able to send a letter to so as to not be addressing it directly to a party of the pending litigation?

CHAIRMAN CASTRO: Perhaps the Governor or the Attorney General of the State.

VICE CHAIR TIMMONS-GOODSON: Yes, if the Attorney General's not a party.

COMMISSIONER YAKI: This is Commissioner Yaki. I'm sure the Attorney General is a party. Are they charged with defending -

(Simultaneous speaking.)

COMMISSIONER YAKI: This is Commissioner Yaki. I don't have as much of a problem with this letter as Commissioner Kladney does except for one thing and that is the last paragraph is very conclusory. We started by asking a question and then we immediately jump to a conclusion rather than saying, "If this is true, we request that you blah, blah, blah,
blah," rather than simply, "We request," because we're assuming the fact after we're asking whether there is a fact.

CHAIRMAN CASTRO: Right, no, that's a good point. We did, in the first paragraph, indicate that if these allegations were -

COMMISSIONER YAKI: "If these allegations are true, we request that you," and I would say, "immediately cease and desist." I would simply just go straight to the conclusion because we're making a point that we're asking about allegations or asking like this -

CHAIRMAN CASTRO: Got it.

COMMISSIONER YAKI: - and then I think we should be consistent with that in our letter to say, "If these allegations are true, we request that you immediately blah, blah, blah, blah, blah." That would be my suggestion.

CHAIRMAN CASTRO: I would be willing to accept that suggestion. Commissioner Narasaki, what did you just say?

COMMISSIONER NARASAKI: I agree with that suggestion by Commissioner Yaki, and I think we would need to change the final sentence to conform with that.

CHAIRMAN CASTRO: How do you mean?
COMMISSIONER NARASAKI: Because it assumes. It says, "should you continue this practice."

CHAIRMAN CASTRO: Okay, so you're saying, "If this is true, and should..."

COMMISSIONER NARASAKI: "If the allegations and true, and the practice continues."

CHAIRMAN CASTRO: Okay.

COMMISSIONER YAKI: I would say, "In addition, if these allegations are true."

CHAIRMAN CASTRO: Okay.

COMMISSIONER ACHTENBERG: Can I ask a question about - this is Achtenberg here.

CHAIRMAN CASTRO: Yes, Commissioner?

COMMISSIONER ACHTENBERG: In the version that I have in front of me dated June 29, it says, "A denial of a birth certificate to the most vulnerable of our citizens, infants, would, in fact, be a denial of life, liberty, and the pursuit of happiness as Americans."

CHAIRMAN CASTRO: Yes, that was deleted. You might have an older version.

COMMISSIONER ACHTENBERG: Okay, all right, very good.

COMMISSIONER KLABNEY: So how does that read now?
CHAIRMAN CASTRO: The first paragraph?

COMMISSIONER Kladney: The part that Commissioner Achtenberg just read. What was deleted, pursuit of happiness, or life and liberty, or has that whole sentence been deleted?

CHAIRMAN CASTRO: Commissioner Achtenberg, that was in the first paragraph, right?

COMMISSIONER ACHTENBERG: No, it was in the -

COMMISSIONER HERIOT: My copy still says, "life, liberty, and property." Is that -

CHAIRMAN CASTRO: Okay, it was changed, sorry. "A denial of a birth certificate to the most vulnerable of our citizens, infants, solely on the basis of their parental immigration status, would violate this protection."

COMMISSIONER HERIOT: But what's the sentence before?

CHAIRMAN CASTRO: Okay, "Additionally, the 14th amendment guarantees equal protection under the law, meaning these families are entitled to due process in the event they are being denied," oh, you're right, "the right to life, liberty, and property." I thought we took that out. Is that the sentence you were referring to, Commissioner Achtenberg?
(Simultaneous speaking.)

COMMISSIONER ACHTENBERG: So I found an updated version. I mean, we need to discuss this at another time, but the way the materials came to us is hard to maneuver. So it's the last paragraph that you changed pursuant to Commissioner Yaki's statement.

CHAIRMAN CASTRO: Yeah.

COMMISSIONER ACHTENBERG: And then the paragraph above that, "In addition, the 14th amendment guarantees equal protection under the law," meaning -

CHAIRMAN CASTRO: Yeah, so the way that should read - let me read the way it should read.

COMMISSIONER ACHTENBERG: Okay.

CHAIRMAN CASTRO: "Additionally, the 14th amendment guarantees equal protection under the law." I would delete, "meaning these families are entitled to due process in the event of being denied their right to life, liberty, and property."

So it would read, "Additionally, the 14th amendment guarantees equal protection under the law, and a denial of a birth certificate to the most vulnerable of our citizens solely on the basis of their parental immigration status would violate this protection."

COMMISSIONER ACHTENBERG: Okay, I'm good
with that.

COMMISSIONER KLADNEY: This is Kladney here. Are we still asking cease and desist or are we asking them just to issue these birth certificates as they should under the law?

CHAIRMAN CASTRO: Well, it's the same thing. We're asking them to stop not issuing - we're asking them to cease and desist their failure to issue, and therefore to issue them.

COMMISSIONER KLADNEY: Okay, I'm concerned about that term, but let me let it settle with me, and I think I'll be okay with it. I'm not sure.

CHAIRMAN CASTRO: Okay, anything else? Hearing none, then we will vote on this version as we've revised it. Did we actually have a motion on this already?

The revisions were Commissioner Yaki's revisions, the additional revisions from Commissioner Narasaki based on Commissioner Yaki's, and then my removal of that interim sentence between the second - the second to the last and the last sentence in the second paragraph.

Remind me, did we have a motion on this and second, or do we need to do the motion?

SPEAKER: We had a motion and a second.
CHAIRMAN CASTRO: Okay, so it would be as revised. I'm going to take a roll call on this. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: Abstain.

CHAIRMAN CASTRO: Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: I'm going to vote no. From my understanding of the news reports, this was not a denial based on their parental immigration status, but rather on the status of their identification, a particular kind of identification issued by consulates there in Texas from Mexico.

The allegations were very vague in the article. It wasn't clear to me whether the birth certificates were being withheld or just withholding copies from the mother pending a better identification, so I'm not sure what's going on here. I'm going to have to vote no.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: I vote yes. There's been legislation pending on the issue of people trying to challenge the right of children born in the United States to be automatic citizens, which I believe is clear under our Constitution and under cases that
have already been decided by the Supreme Court, one of which was challenging the citizenship of an Asian-American. So I definitely vote yes.

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

COMMISSIONER KLANDNEY: I pass for now.

CHAIRMAN CASTRO: Okay, I'll come back.

Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

CHAIRMAN CASTRO: Madam Vice Chair, how do you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: I vote yes. Commissioner Kladney?

COMMISSIONER KLANDNEY: I still have concerns, however I do believe that a person born in the United States deserves to obtain a birth certificate. And since we have changed the letter to ask if it is correct, I will vote yes.

CHAIRMAN CASTRO: Okay, thank you. So we have one abstention, one no, and one, two, three, four, five, six yesses, so the motion passes.
DISCUSSION AND VOTE ON PRESS RELEASE RE: BIRTH CERTIFICATE DENIALS IN TEXAS

CHAIRMAN CASTRO: We also had a draft press release accompanying that, and do folks have that with them in your materials? It, in essence, you know, attaches the letter we just approved. Any questions? Commissioner Narasaki?

COMMISSIONER NARASAKI: I think you - we would need to revise the second paragraph to reflect the changes that were made in the letter.

CHAIRMAN CASTRO: Okay.

COMMISSIONER NARASAKI: Because this, again, assumes that it's true.

CHAIRMAN CASTRO: Right, okay, understood. Any other questions? So with that revision, do we have a motion on this release?

COMMISSIONER NARASAKI: So moved.

CHAIRMAN CASTRO: Is there a second? May I suggest that we might also want to add on here that we've issued the EOIR letter?

COMMISSIONER KLANDNEY: I can't hear you, Mr. Chairman.

CHAIRMAN CASTRO: I'm sorry, my mic went off. Would we also want to add to this that we issued the EOIR letter, to this press release?
COMMISSIONER HERIOT: To the same release?
I would think you'd want to have separate -

CHAIRMAN CASTRO: Separate?

COMMISSIONER HERIOT: Yeah.

CHAIRMAN CASTRO: Okay, so then we won't change this letter, or this release. Any questions on this? Now let me call the question for a vote.

Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: Mr. Chair, I didn't hear what you had said just prior to that. Are we voting on the letter to Mr. Osuna?

CHAIRMAN CASTRO: No, we did that already. We've voting now on the letter - the press release that will accompany the letter that we just approved on the birth certificate issue.

COMMISSIONER KIRSANOW: Oh, okay, yes, I'll abstain.

CHAIRMAN CASTRO: Okay, Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: I vote no.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?
COMMISSIONER KLADNEY: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

CHAIRMAN CASTRO: Madam Vice Chair, how do you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes, so we have one abstention, one no, and one, two, three, four, five, six yeses, so the press release passes.

VOTE ON PRESS RELEASE RE: THE EOIR LETTER

CHAIRMAN CASTRO: Let me suggest, if I could, entertain a motion that we also have our staff issue a press release involving the EOIR letter to be drafted by the staff and reviewed by the Chair.

COMMISSIONER KLADNEY: I'll move for that.

CHAIRMAN CASTRO: Okay, is there a second?

COMMISSIONER KLADNEY: Kladney here.

CHAIRMAN CASTRO: Thank you, Commissioner Kladney.

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Okay, any discussion on
that? No, then I will do a roll call on that.

Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: Abstain.

CHAIRMAN CASTRO: Okay, Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: This is the EOIR letter -

CHAIRMAN CASTRO: Yes.

COMMISSIONER HERIOT: - where we're just asking for information?

CHAIRMAN CASTRO: Yes.

COMMISSIONER HERIOT: Do you really want to have a press release when all we're doing is asking for information?

CHAIRMAN CASTRO: I do.

COMMISSIONER HERIOT: I don't. I vote no.

CHAIRMAN CASTRO: Okay, thank you.

Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney?

COMMISSIONER Kladney: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki?

COMMISSIONER YAKI: Aye.
CHAIRMAN CASTRO: Madam Vice Chair?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes, so we have an abstention, a no, and six yeses, so that motion passes. Next we have a letter -

COMMISSIONER KLADNEY: Mr. Chairman?

CHAIRMAN CASTRO: Yes, Commissioner Kladney?

DISCUSSION AND VOTE RE: DRAFTING A LETTER TO THE ATTORNEY GENERAL REQUESTING AN INVESTIGATION RE: BIRTH CERTIFICATE DENIALS

COMMISSIONER KLADNEY: I believe we - I don't think the motion regarding the letter to the Texas Vital Statistics Office also including a motion to draft a letter to Attorney General Lynch asking for an investigation of the allegations contained in the newspaper article and the complaint.

CHAIRMAN CASTRO: Good point.

COMMISSIONER KLADNEY: And I would move at this time that we request the staff to draft a letter along the same lines as the letter to the Vital Statistics folks, but ask for an investigation based on these allegations.

CHAIRMAN CASTRO: If you could add to that motion that we then also have that reflected in the
press release that we're going to request that DOJ look at that, so that it's -

COMMISSIONER KLADNEY: It depends on when they get the letter out. If their letter's not prepared before the press release goes out, we can't attach it.

CHAIRMAN CASTRO: Well, we'll -

COMMISSIONER KLADNEY: Do you know what I'm saying? There's a timing issue there.

CHAIRMAN CASTRO: All right, got you.

COMMISSIONER ACHTENBERG: Well, then -

CHAIRMAN CASTRO: Commissioner Achtenberg?

COMMISSIONER ACHTENBERG: Let's instruct the staff to draft first the letter to the Attorney General and then issue a press release consistent with that action.

CHAIRMAN CASTRO: Okay, so will that be the motion then?

COMMISSIONER KLADNEY: That's my motion.

CHAIRMAN CASTRO: Okay, is there a second to that motion?

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Okay, that's Commissioner Achtenberg seconding Commissioner Kladney's motion.

Any additional discussion on that?
COMMISSIONER HERIOT: And just to clarify, this is a double motion to both issue such a letter and to have a press release based on it?

CHAIRMAN CASTRO: Correct, it's one motion with two items in it, yes, related items. No, it's a separate press release. And someone's playing roulette in the background as well. Would you mute your phones, please?

COMMISSIONER KLASTENBERG: Oh, that's my umbrella getting wound up.

CHAIRMAN CASTRO: Oh, okay. Hearing no further -

COMMISSIONER KLASTENBERG: I thought you were already wound up, Commissioner Kladney.

(Laughter.)

COMMISSIONER KLASTENBERG: Very tight.

CHAIRMAN CASTRO: All right, so we're going to take a vote on this motion. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: Abstain.

CHAIRMAN CASTRO: Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: I guess I'm going to vote no. There's no problem I have with writing to the Attorney General and asking for an investigation, but
I don't think we should be grandstanding on it.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLADENY: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

CHAIRMAN CASTRO: Madam Vice Chair, how do you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes, so we have one abstention, one no, and six yeses. The motion passes. Thank you.

DISCUSSION AND VOTE ON LETTER BY COMMISSION RESPONDING TO CONGRESSIONAL REQUEST TO UPDATE NATIVE AMERICAN REPORT

CHAIRMAN CASTRO: We now move onto a letter that we are sending responding to a Congressional request that we update the Native American report Quiet...
Crisis. The letter proposed to you acknowledges the receipt of the request from members of Congress, and concurs with the updating of that report.

You should all have received a copy of that draft addressed to the Honorable Members of Congress. Is there a motion? Oh, wait a minute, I'm looking at the wrong one.

COMMISSIONER HERIOT: I've got something addressed to Representative Kilmer. Is that what we're on?

CHAIRMAN CASTRO: Yes, I believe. Hold on.

COMMISSIONER HERIOT: Yes.

CHAIRMAN CASTRO: Yes, that's the one, sorry.

COMMISSIONER NARASAKI: So moved, Mr. Chair.

CHAIRMAN CASTRO: Okay, is there a second? Is there a second?

VICE CHAIR TIMMONS-GOODSON: Second.

CHAIRMAN CASTRO: That's Commissioner Achtenberg?

VICE CHAIR TIMMONS-GOODSON: Timmons-Goodson.

CHAIRMAN CASTRO: Oh, Madam Vice Chair. Okay, any discussion?
COMMISSIONER HERIOT: Mr. Chairman?

CHAIRMAN CASTRO: Yes, Commissioner Heriot?

COMMISSIONER HERIOT: I just want to clarify what we're committing to do here.

CHAIRMAN CASTRO: Okay.

COMMISSIONER HERIOT: Are we committing to like hold a briefing, issue a report complete with Commissioners' statements? Is that what's going on here?

CHAIRMAN CASTRO: We're not making that commitment in this letter. We're actually later in this meeting going to receive a report from our staff as to what they suggest we do.

At the end of the day, it will be our decision based on what they suggest to us or what we decide to do, so the letter references that. It doesn't say that we will either conduct a full-blown hearing or update it some other way.

COMMISSIONER KLANDNEY: Well, perhaps we should wait until we hear what the staff has to say, Klandney here, and we then come back to the letter.

COMMISSIONER NARASAKI: Mr. Chair, I also think it's a little awkward to take it up because the fourth paragraph says we're scheduled to hear the proposal for updating this and other reports at its June
business meeting which is this meeting.

CHAIRMAN CASTRO: So why don't we hold this
over until after we get the report from our staff?

COMMISSIONER NARASAKI: Exactly.

CHAIRMAN CASTRO: Okay.

COMMISSIONER KLANDNEY: Okay.

CHAIRMAN CASTRO: All right, we'll pull that
over, just we'll come back to it.

COMMISSIONER HERIOT: Come back to it in
this meeting?

CHAIRMAN CASTRO: Yes, in this meeting.

COMMISSIONER HERIOT: Okay.

DISCUSSION AND VOTE ON LETTER BY COMMISSION RESPONDING
TO CONGRESSIONAL DELEGATION LETTER RE: WORKPLACE
DISCRIMINATION BRIEFING

CHAIRMAN CASTRO: Next, we have the response
to a letter from members of Congress again regarding,
well, acknowledging our work on our recent briefing on
workplace discrimination against the LGBT community,
and this letter acknowledges their receipt - a receipt
of their letter, so that's the one that's addressed to
the Honorable Members of Congress.

COMMISSIONER ACHTENBERG: The Honorable
Members of Congress.

COMMISSIONER HERIOT: Who are they?
CHAIRMAN CASTRO: You all should have received a copy of the letter itself.

COMMISSIONER HERIOT: I don't mean to suggest that not all members are honorable.

CHAIRMAN CASTRO: They are all honorable.

COMMISSIONER HERIOT: They are, absolutely, at least I hope so.

CHAIRMAN CASTRO: Somewhere in your inboxes there are copies of that letter that were circulated by the Staff Director when he initially - and you received them before that as well. But for this meeting, in the initial email where the Staff Director circulated the original drafts of these various letters, the letters from the members of Congress and both of these issues were also included in that in PDF format.

COMMISSIONER HERIOT: Got it.

CHAIRMAN CASTRO: I'm waiting for a motion. Folks are reading it so they can find out who the honorable members were. Is there a motion on this?

COMMISSIONER NARASAKI: So moved.

CHAIRMAN CASTRO: Is there a second?

Second?

COMMISSIONER KLABNEY: Was this Commissioner Achtenberg's motion?
CHAIRMAN CASTRO: No, it's Commissioner Narasaki's motion. Are you still willing to second?

VICE CHAIR TIMMONS-GOODSON: Mr. Chair, I'll second it.

CHAIRMAN CASTRO: Okay, thank you, Madam Vice Chair. Any discussion?

COMMISSIONER KIRSANOW: I know I'm going to sound stupid, but which letter is this?

COMMISSIONER ACHTENBERG: Yeah, I agree.

CHAIRMAN CASTRO: It starts, "To the Honorable Members of Congress, thank you for acknowledging the U.S. Commission on Civil Rights', hereafter Commission, recent briefing on workplace discrimination against lesbian, gay, bisexual, and transgender Americans," and then it goes on. That's the letter we're talking about.

COMMISSIONER KIRSANOW: I'm looking for it.

CHAIRMAN CASTRO: Okay.

COMMISSIONER HERIOT: Mr. Chairman?

CHAIRMAN CASTRO: Yes, Commissioner Heriot?

COMMISSIONER HERIOT: I have a hard time with this letter because I object to the slogan in it. I think we should be more careful with our language -

CHAIRMAN CASTRO: What slogan is that?

COMMISSIONER HERIOT: - than to use slogans.
The notion of, "without fear of discrimination because of who they are and who," that should be whom, "they choose to love." You know, if an applicant for employment came to me and told me, "I love Adolf Hitler," I'm not hiring him. And, "because of who they are," is just entirely too broad a term, so I can't support language like that.

CHAIRMAN CASTRO: Okay, any other questions or comments?

COMMISSIONER HERIOT: You really should change it to "whom" though, even if you don't -

CHAIRMAN CASTRO: Okay, well, I'll agree to that. I want to be grammatically correct. Anything else? If not, I'm going to call this for a vote. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: I haven't had an opportunity to review the letter, and because of what was also said by Commissioner Heriot, I'll abstain.

CHAIRMAN CASTRO: Okay, Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: Well, if Commissioner Kirsanow calls it an abstention, I guess I will too.

CHAIRMAN CASTRO: Okay, Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.
CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLADNEY: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

CHAIRMAN CASTRO: Madam Vice Chair, how do you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes. We have two abstentions and six yeses. The motion passes.

DISCUSSION AND VOTE ON COMMISSION PROCLAMATION TO REMEMBER LOUIS NUNEZ, FORMER USCCR STAFF DIRECTOR

CHAIRMAN CASTRO: The next item on the agenda is a resolution in recognition and remembrance of - yeah, that's my fault. There's a typo in the states. Changing the typo will fix that. It says, "A resolution of the United States Commission on Civil Rights mourning the loss of our former Staff Director, Louis Nunez."

While this occurred some months ago, since this is our first business meeting in a while, I wanted
to have this resolution set forward so that we can do
two things, one, post it on our website for the public,
but also to have this sent, if we can identify the
location of his family, to his family.

Mr. Nunez served this Commission many years
ago, both as a staff member, as an Assistant Staff
Director, as well as ultimately the Staff Director. He
was the first Puerto-Rican American to hold that title.

He was actually one of the first Puerto
Rican's to be in any major civil rights federal
position. He was appointed early in his career by
President Nixon, subsequently by President Carter.
And his history of involvement here at the Commission
is something that I think merits our recognition upon
his passing.

You all should have seen a draft of this, and
I would entertain a motion on this.

COMMISSIONER HERIOT: So moved.

CHAIRMAN CASTRO: Is there a second?

COMMISSIONER KIRSANOW: Kirsanow, second.

CHAIRMAN CASTRO: Thank you, Commissioner.

Any discussion?

VICE CHAIR TIMMONS-GOODSON: This is Pat
Timmons-Goodson. Instead of - and this is minor, of
course.
CHAIRMAN CASTRO: Sure.

VICE CHAIR TIMMONS-GOODSON: Looking at the first full sentence in the second paragraph where we say, "island and here," perhaps instead of "here," let's say mainland or something like that.

CHAIRMAN CASTRO: Okay, that makes sense. Anything else? And I will correct the type in "states" at the top. Hearing nothing else, then we'll take a vote on this. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: Yes.

CHAIRMAN CASTRO: Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: With those friendly amendments -

CHAIRMAN CASTRO: Yes.

COMMISSIONER HERIOT: Yes.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLADNEY: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.
CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

CHAIRMAN CASTRO: Madam Vice Chair, how do you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes.

II. PROGRAM PLANNING

DISCUSSION ON HOW TO RECOMMIT THE COMMISSION TO PLANNING THE COMMEMORATION OF THE 13TH AND 14TH AMENDMENTS

CHAIRMAN CASTRO: The next item on the agenda, thankfully, is not a letter or document to be revised, but it is us revisiting a vote that we took last year on honoring and commemorating the anniversaries of the --- the 150th anniversaries of the 13th and 14th Amendments passage.

We have done some things. As you recall, we sent letters to all the governors of those states that ratified the 13th Amendment encouraging them to recognize that anniversary in their various states. We did receive some responses from some governors indicating that they were going to do some things, and --- I'm sorry?

COMMISSIONER HERIOT: Which states?
CHAIRMAN CASTRO: I don't recall off the top of my head. I know we got a letter from Governor Cuomo in New York. We did get one from former Governor Patrick as he was outgoing from Massachusetts, and he said he was going to give that to the new governor. We have not heard from the new governor. There was a third one, and I'm sorry ---

COMMISSIONER HERIOT: I hope it's Illinois, since Illinois was the first state and is the Chairman's home state, and is my former home state.

CHAIRMAN CASTRO: Yes. And in the interim, my governor, the governor who I served as Chairman of the Human Rights Commission was voted out of office, and I have not heard from the new governor yet.

COMMISSIONER HERIOT: Well, let's like nudge him again.

CHAIRMAN CASTRO: Yes.

COMMISSIONER HERIOT: I want Illinois in there.

CHAIRMAN CASTRO: Yes, we'll have to do that. But that's one of the things I want to discuss today; what do we want to do to sort of recommit to --- I'm not asking that we reopen the vote, but we voted to do some acknowledgments and some commemorations, but we really haven't taken --- other than sending those
letters to those relevant governors, have not done anything further on that. And I wanted to bring that back up so that we cannot let that fall between the cracks. I don't know if folks have some ideas. I know the Vice Chair had suggested something to me off --- or some of us offline. Madam Vice Chair?

VICE CHAIR TIMMONS-GOODSON: Yes, Mr. Chair. I have done a little more digging and my original proposal was that we partner with the American Bar Association, who I understood was going to be involved in some commemorative effort regarding the 13th Amendment. I've done a little digging, and it's my understanding that they are not as far along as I had hoped they would be, so that it may present a bit of a challenge for us to get something in writing from them about the specifics of any partnership. But I would like to continue pursuing it. I'll bring it back and we'll take a look at it, but understanding that it would involve no money, and ---

CHAIRMAN CASTRO: And I know Commissioner Heriot and I had initially been doing some brainstorming on this and, hence, those letters that came out the last time. So, you know, I obviously want to invite other Commissioners to help us brainstorm here a bit. Maybe what we do is put together a
Subcommittee of some Commissioners.

COMMISSIONER HERIOT: We're running out of time.

CHAIRMAN CASTRO: I know.

COMMISSIONER HERIOT: This is the year.

CHAIRMAN CASTRO: We want to decide today what we need to do.

COMMISSIONER HERIOT: Because like it's ---- you know, it was 1865.

CHAIRMAN CASTRO: Yes.

COMMISSIONER HERIOT: And so the final state got in by December, so most of these ratification dates, or a lot of them are already past now.

CHAIRMAN CASTRO: Yes, certainly for '15 --- for Fiscal '16 is for the 14th Amendment.

COMMISSIONER HERIOT: Yes. So, if we want to do something ---

CHAIRMAN CASTRO: The 13th is ---

COMMISSIONER HERIOT: -- you know, on a particular date, it should be the date in December that this was declared to be fully ratified.

CHAIRMAN CASTRO: Okay, that's a good idea. What would we do? Would we do a press conference, would we do some kind of a commemorative ceremony?

COMMISSIONER KLANDNEY: Mr. Chairman?
CHAIRMAN CASTRO: Yes, Commissioner Kladney?

COMMISSIONER KLANDNEY: What if we had our Regional Directors contact the governors' offices for each of the 50 states and ask them to declare that day a commemorative day, and have whatever members of their staffs partake in the signing of the commemoration certificate by the governor. And then at the same time we can have a --- if you'd like we could do a press event in D.C. commemorating the fact that this is being done in some of the states throughout the country on this event.

CHAIRMAN CASTRO: Thank you, Commissioner Kladney. Commissioner Heriot?

COMMISSIONER HERIOT: How about just so that we have some event that is I think properly, you know, taking this very seriously. This is a big deal in the history of our country.

We could hold our December meeting at the Lincoln Cottage instead of holding it here, and maybe invite someone to --- a historian to give some words about this, maybe two historians. And like maybe this is more than we want to do, but this is deep in my heart here, have a church choir come in and sing the Battle Hymn of the Republic for our opening before we have our meeting.
VICE CHAIR TIMMONS-GOODSON: I like that idea, Commissioner Heriot, and I would be glad to work with you on it. There are some noted historians in North Carolina, both at UNC Chapel Hill and in Duke, and I'll be glad to help come up with one or two folks, or a two folks to do that.

Another possibility might be to find out what the State of Georgia is doing, because I believe they were the last state, they were the vote that we needed, and see what they're doing. And if they're holding some kind of commemorative program that we send a representative there to be present on the 6th.

CHAIRMAN CASTRO: Commissioner Narasaki.

COMMISSIONER NARASAKI: Have we sent letters to the President and to Congress raising what they will be doing?

CHAIRMAN CASTRO: I don't recall. I don't think we did. I know I mentioned it to the President, but not specifically about what they'll be doing, but suggesting that if there's going to be something, we should be included, but that was a brief conversation. We didn't send anything, did we? No, so we should probably do that, as well.

And, Commissioner Kladney, to your suggestion maybe what we do --- you know, I think it's
a good point. I don't think we need to reach out to all 50 states. I think it's relevant for those states that ratified. And maybe what we could do is reach out to our Regional Directors and ask them to determine what their SACs might be interested in doing, if anything. At the same time here through the Office of the Chairman we should and will follow-up with all the governors that we wrote to originally to determine where they stand on programs, so that we kind of ---

COMMISSIONER KLANDNEY: For the record, Mr. Chairman, I actually like Commissioner Heriot's idea.

CHAIRMAN CASTRO: No, I agree. We can do both, is what I'm suggesting.

COMMISSIONER KLANDNEY: Absolutely.

CHAIRMAN CASTRO: Yes. I like Commissioner Heriot's idea, as well, and I was just suggesting a slight modification to yours because we do need to double back with those other governors. And we should engage our SACs in this, as well, so ---

COMMISSIONER KLANDNEY: Thank you, Mr. Chairman.

CHAIRMAN CASTRO: You're welcome, thank you.

COMMISSIONER ACHTENBERG: Mr. Chairman?

CHAIRMAN CASTRO: Yes, Commissioner Achtenberg.
COMMISSIONER ACHTENBERG: Achtenberg here, yes. A friendly addition to Commissioner Heriot's suggestion would be to make sure that we're building on the report we created in collaboration with the Lincoln Cottage on the Emancipation Proclamation.

CHAIRMAN CASTRO: Absolutely.

COMMISSIONER ACHTENBERG: We did a lot of work on that, and it would be an important bookend, shall we say.

CHAIRMAN CASTRO: I agree.

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Any other suggestions? So, then let me just restate the consensus. I don't know if we need to vote on this, but if we do, then I'll entertain a motion on it. But we will follow-up with the governors of the ratifying states, following up on our original letters to them inquiring of what actions or commemorative actions are going to be involved in, and encouraging them to do that. Two, we will also send a letter to the President and Congressional leadership inquiring as to what they will be doing in commemoration. Three, we will reach out to the Regional Directors and have them determine from the SACs that are relevant to the states that ratified whether they will be involved in any activities and, hopefully, we
can engage the SACs in that. And, fourth, the suggestion that Commissioner Heriot had, that we seek to work with --- we would hold our December meeting at the Lincoln Cottage, and that we engage a couple of scholars to make a presentation there and identify if we might have some choir sing for us the Battle Hymn of the Republic.

COMMISSIONER HERIOT: You could get like a video of the choir and then post it in our website.

CHAIRMAN CASTRO: Yes.

COMMISSIONER HERIOT: You know, I'm afraid I --- the Battle Hymn of the Republic is just plain my song. It's my favorite.

CHAIRMAN CASTRO: Yes, okay. So, Commissioner Narasaki?

COMMISSIONER NARASAKI: I'd like to add one more suggestion, and that is perhaps we send a notice to the major network and cable news stations reminding them of the anniversary, and suggesting that they do something to cover it.

CHAIRMAN CASTRO: Okay. So, those five items. Do we need a motion? Is there ---

COMMISSIONER HERIOT: Probably make sense to have one.

CHAIRMAN CASTRO: Yes. So, is there a --- I'll entertain a motion on those items.
COMMISSIONER Kladney: Kladney here. So move
to adopt your recitation ---

CHAIRMAN CASTRO: Okay.

COMMISSIONER KLADNEY: --- regarding all
those things that should be done.

CHAIRMAN CASTRO: Okay. Commissioner Heriot
seconded.

COMMISSIONER HERIOT: Second.

CHAIRMAN CASTRO: Did you get it, Mr. Court
Reporter? The court reporter has it.

Okay. They're going to test my memory here.

One, that we are going to follow-up with those governors
in the ratifying states to whom we've already
corresponded to determine what, if anything, they will
be doing to commemorate, and encouraging them to
commemorate that date. Secondly, we will ---

COMMISSIONER HERIOT: Some of these states
are past, already.

CHAIRMAN CASTRO: Yes, correct. But if they
haven't, you know, at least before the end of the year
to take some action of commemoration.

COMMISSIONER HERIOT: Yes, they can just move
their celebration. If they forgot, they can move it to
December.

CHAIRMAN CASTRO: Exactly as we are doing. In
fact, we could suggest to them we're going to be doing something in December, and encourage them to do likewise. Two, we will send a letter to the President and Congressional leadership inquiring as to what commemorative activities they will be undertaking, encouraging them to do so if they haven't, and asking them to include us in that. Three, we will reach out through our staff to the Regional Directors asking them to focus on the SACs in the states that ratified to determine whether those SACs will be engaging in any commemorative activities. And, if so, to engage the SACs in that so that we're having them involved. Four, we will conduct our December meeting at the Lincoln Cottage.

COMMISSIONER HERIOT: We will look into that.

CHAIRMAN CASTRO: We will look into it, yes. Look into doing that at the Lincoln Cottage, and look into engaging a couple of scholars to make a presentation to us. And also to find a choir that will sing the Battle Hymn of the Republic for us at that meeting. And the fifth item ---

COMMISSIONER HERIOT: Sing it with us?

CHAIRMAN CASTRO: With us, or for us, maybe with us. If the President could sing, we can sing.

COMMISSIONER KLADNEY: Not with me.
COMMISSIONER KIRSANOW: Me either.

CHAIRMAN CASTRO: I'll give it a shot. And the fifth item was --- don't tell me. Tell me, I forgot.

COMMISSIONER NARASAKI: To send out letters to the major news networks and cable networks advising them of the anniversary and suggesting they do something to cover.

CHAIRMAN CASTRO: What she said, yes. So, that's the motion.

VICE CHAIR TIMMONS-GOODSON: Mr. Chair?

CHAIRMAN CASTRO: Yes?

VICE CHAIR TIMMONS-GOODSON: May I add number six, that I be permitted to continue ferreting out what the ABA is doing.

CHAIRMAN CASTRO: Yes.

VICE CHAIR TIMMONS-GOODSON: Okay.

CHAIRMAN CASTRO: That would be the sixth item. So, do we have a motion --- we had a motion on that?

COMMISSIONER HERIOT: We had a motion.

CHAIRMAN CASTRO: And that motion could include item six, as well?

COMMISSIONER HERIOT: That's friendly, yes.

CHAIRMAN CASTRO: Okay, friendly amendment.

COMMISSIONER Kladney: That's fine.
CHAIRMAN CASTRO: So, any additional discussion? Hearing none, I will take a vote. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: Yes.

CHAIRMAN CASTRO: Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: Yes.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLADNEY: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Can I sing it?

CHAIRMAN CASTRO: Yes.

COMMISSIONER HERIOT: Yes.

COMMISSIONER YAKI: Okay. No, just aye.

CHAIRMAN CASTRO: Okay. Madam Vice Chair, how do you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.
CHAIRMAN CASTRO: I vote yes, so the motion passes unanimously.

II. PROGRAM PLANNING

DISCUSSION AND VOTE ON COMMISSION INVOLVEMENT

IN NATIONAL CIVIL RIGHTS CONFERENCE ORGANIZED

BY EPA AND USDA

Okay, next we move on to a request that you have a letter --- you should have gotten a letter that I received from the U.S. EPA. I was, along with the Staff Director, invited to participate in a --- although he was on his honeymoon, I went to a meeting of the various representatives of the Civil Rights sections of other federal agencies. Commissioner Heriot has to leave. Thank you. And they've invited us, as well as other agencies, federal agencies to participate in a conference that's intended to be attended by other federal agencies' Civil Rights divisions in the fall. And this conference will be paid for by the U.S. EPA from their budget. There's no requirement that we, as an agency, put in any money; although, obviously, to the extent we participate in this, would be like our Special Assistant's time that would be involved, and the Staff Director.

The letter that I received from them is included in your materials, and what I would like to
do is approve our involvement as a Commission in this conference, and in the activities leading up to planning for it. So, I would entertain a motion to that effect.

COMMISSIONER YAKI: So moved, Mr. Chair.

CHAIRMAN CASTRO: Is there a second?

COMMISSIONER KLADNEY: Kladney, second.

CHAIRMAN CASTRO: Okay. Any discussion?

VICE CHAIR TIMMONS-GOODSON: My question is what took us so long to get to an activity like this? I think it's wonderful.

CHAIRMAN CASTRO: Well, you know, it's funny, our contact at the USDA where our Staff Director was detailed just prior to joining us was one of the folks that was involved in putting this meeting together. And it actually was, from what folks in that room said, the first time in at least the current Administration that they know of that all these folks came together. So, it --- this took a long time for folks to decide to do this, so I'm glad we're doing it now.

COMMISSIONER KLADNEY: Mr. Chairman, Kladney here.

CHAIRMAN CASTRO: Yes, Commissioner?

COMMISSIONER KLADNEY: So, our participation would be from what I took from your discussion, our
Special Assistants would attend, as well as the Director?

CHAIRMAN CASTRO: Yes. No, no, the attendance --- I'm talking about any assistance that's needed to help plan or to be involved in the conference. I would --- I don't know who all the invitees are going to be, but it is going to be limited to federal agency staff, not --- right now it's not beyond the federal agencies, so I don't know how many invites we're going to get. But as far as I know it would not exclude the Commissioners from attending.

COMMISSIONER KLASDEL: Thank you.

COMMISSIONER KIRSANOW: Mr. Chair, Kirsanow here.

CHAIRMAN CASTRO: Yes?

COMMISSIONER KIRSANOW: What's the ostensible purpose of the conference?

CHAIRMAN CASTRO: Essentially, it's to do a couple of things. Part of it is being planned out now, so there's planning meetings that have been occurring over the last few weeks; although, I don't --- we haven't attended those yet because I wanted to --- although I attended the first meeting, I don't think any of us attended the follow-up meetings, so I wanted to make sure we got this approved. But it's to
look at various Civil Rights issues, bring the
different agencies together, look at how we can
collaborate on issues of common concern, but a formal
agenda has not yet been put together. That's what's
going on right now in the planning meetings, which we
would like to participate in so that we could kind of
help shape that agenda, as well. Sharing best practices
and training, as well.

Any other questions? Hearing none, I will
call the motion for a vote.

Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: No.

CHAIRMAN CASTRO: Commissioner Heriot has
left. Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how
do you vote?

COMMISSIONER KLADNEY: Yes.

CHAIRMAN CASTRO: Madam Vice Chair, how do
you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do
you vote?

COMMISSIONER YAKI: Aye.

CHAIRMAN CASTRO: Commissioner Achtenberg,
how do you vote?

COMMISSIONER ACHTENBERG: Aye.

CHAIRMAN CASTRO: And I vote yes, so we have six yeses and one no. The motion passes.

COMMISSIONER NARASAKI: Mr. Chair?

CHAIRMAN CASTRO: Yes, Commissioner Narasaki?

COMMISSIONER NARASAKI: I just want to let you know that I and my Special Assistant would be happy to help in the planning if the staff needs assistance.

CHAIRMAN CASTRO: Great. Super, thank you, appreciate that.

II. PROGRAM PLANNING

DISCUSSION AND VOTE ON PRESS RELEASE CONCERNING THE RECENT SUPREME COURT RULINGS ON MARRIAGE EQUALITY AND THE FAIR HOUSING ACT

There is one more document that we should have reviewed that we added to the agenda, and that's the review of the press release that was circulated last week to Commissioners in draft form on the Supreme Court's ruling on Marriage Equality and the Fair Housing Act. Do we have a motion on this?

COMMISSIONER NARASAKI: I move.

CHAIRMAN CASTRO: Is there a second?

COMMISSIONER ACHTENBERG: Second.
CHAIRMAN CASTRO: Any discussion?

COMMISSIONER KIRSANOW: Kirsanow here.

CHAIRMAN CASTRO: Yes?

COMMISSIONER KIRSANOW: Mr. Chairman, I'm voting against it for two reasons. First, the --- with respect to the Texas Department of Housing, I think Section 3631 of the Fair Housing Act makes it very clear, applies to intentional discrimination. From a legal perspective, I think it was wrongly decided. But also from a policy perspective this is --- once again we're going to have perverse consequences. We already have tens of thousands of minorities who are waiting lists for affordable housing, and affordable housing not being built because --- in part, because of the fear or lawsuits. And we've got a circumstance where if landlords in good faith try to make changes to substandard housing, but the costs which are passed along, which costs are going to have a disparate impact on minorities, they could be subject to lawsuits. I think from both a legal perspective and a policy perspective, it's going to have real downsides.

As far as the Obergefell decision is concerned, the Supreme Court has ruled. There remain, however, tens of millions of Americans who in good faith maintain that their respect for the dignity of every
human being isn't compatible or is irreconcilable with their religious beliefs that marriage is between a man and a woman. Going forward, the question now is whether out 1st Amendment free exercise rights and the dignity of those tens of millions of Americans will be respected by the states. So, I would urge that the report that's been pending now for almost two and a half years on Peaceful Coexistence be issued by the Commission, but I will be voting no on this particular press release.

CHAIRMAN CASTRO: Thank you, Commissioner. Anybody else?

COMMISSIONER KLASDNY: Mr. Chairman, Kladny here.

CHAIRMAN CASTRO: Go ahead, Commissioner.

COMMISSIONER KLASDNY: I believe I expressed my feelings in my email of Sunday morning that this press release should be broken into two, one for the Fair Housing Act, and one for the marriage issue.

I believe, first of all, it's a fairly short press release for two very, very important issues affecting our country, and I think they should be rewritten separately and in more detail, as well as I believe the quote we should adopt in the marriage press release should be that of Justice Kennedy's, which I
just find phenomenal prose. So, therefore, I would not be voting on this issue once the press release as drafted is put forth for passage.

VICE CHAIR TIMMONS-GOODSON: Mr. Chair?

CHAIRMAN CASTRO: Madam Vice Chair?

VICE CHAIR TIMMONS-GOODSON: Timmons-Goodson here. I had forgotten that Commissioner Kladney had sent out additional language to be included, and his desire to break out --- to produce two separate press releases. Can we talk a bit about that ---

CHAIRMAN CASTRO: Go ahead.

VICE CHAIR TIMMONS-GOODSON: --- before we vote. I think that there is some merit in that it would not take a whole lot of trouble. I do like the language from, I guess it was Justice Kennedy, having that included in it.

CHAIRMAN CASTRO: Okay, so let me just clarify a couple of things. We did it Friday in an effort to try to get the press release out, and so it was one press release in the interest of time. I would still like to get this out today so that it's somewhat timely, so what I would like to do is, I don't want to go into an elaborate dense rewriting of these, but I do think we can, if we can agree here to split these into two,
I would like to at least come up with some understanding of what we're going to have in here now so that it can be issued by the end of business today.

I would suggest, however, I don't want to have my quote removed from the LGBT Marriage Equality, but I am happy to add the quote from the Justice in there, acknowledging that statement by him, but not as an alternative to my comment.

VICE CHAIR TIMMONS-GOODSON: And I was not suggesting that.

CHAIRMAN CASTRO: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes. I think it makes sense to separate it, if only because I know that there are word limits on the press releases that go. And I would like to add on the LGBT one the fact that we had a hearing on ENDA, because your quote does talk about the need to continue to work on advancing rights of LGBTQ people.

CHAIRMAN CASTRO: Okay.

COMMISSIONER NARASAKI: And I think we should note that we had a hearing and that a report will be coming out.

CHAIRMAN CASTRO: Okay.

COMMISSIONER YAKI: This is Commissioner Yaki.
CHAIRMAN CASTRO: Commissioner Yaki?

COMMISSIONER YAKI: I just wanted to express my support for inclusion of Justice Kennedy's final paragraph for inclusion in our release. I just found it to be truly moving and powerful from the moment I read it, and I think that it bears repeating. So, I also support Commissioner Narasaki's comments earlier about our ENDA hearing, and I would like to note that this was also briefly --- we also --- the Commission also briefly touched upon this issue with regard to adoptions in a previous report. Something that, again, Special Assistant Alec and I worked on in the dissent that we wrote that talked about the law, the overly restrictive and discriminatory laws regarding parental adoption standards in states that did not allow either --- that did not allow same sex parents to adopt children.

Anyway, I just --- and I don't know if Alex wants to put anything in there, but I wanted to just give kudos to Alec for bringing that issue up years ago, and the continuing fight. And I think this is wonderful. This is amazing in terms of marriage. Now there's simply marriage. There's no same sex marriages, no interracial marriages. It's just marriage. But the fight is not over.
CHAIRMAN CASTRO: Right. So, you're not suggesting we add that. You're just acknowledging the good work of ---

COMMISSIONER YAKI: Yes.

CHAIRMAN CASTRO: --- our Special Assistant Alec Duell. Thank you.

COMMISSIONER YAKI: Yes.

CHAIRMAN CASTRO: Anything else on the ---

COMMISSIONER KLANDNEY: Mr. Chairman?

CHAIRMAN CASTRO: Yes, Commissioner?

COMMISSIONER KLANDNEY: I would propose that in the housing case press release ---

CHAIRMAN CASTRO: Yes.

COMMISSIONER KLANDNEY: --- that we mention some of the history, a short description of the history of the Fair Housing Act, as well as the continued movement that is going on in municipalities around the country requiring a certain portion of new apartment projects to be allocated for Section 8 housing, and encourage a continuation of that.

CHAIRMAN CASTRO: Okay. Everyone okay with that?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Okay. Any other changes? So then we need a friendly amendment, I guess, on this
COMMISSIONER NARASAKI: I offer a friendly amendment that the Commission issue two press releases on the two Supreme Court decisions covered in this initial draft with the additions suggested by Commissioners.

CHAIRMAN CASTRO: Is there a second?

COMMISSIONER NARASAKI: To be worked on by staff and approved by the Chair.

CHAIRMAN CASTRO: Okay. Is there a second?

COMMISSIONER KLANDNEY: I'll second that motion.

CHAIRMAN CASTRO: Okay. Any other discussion?

COMMISSIONER KLANDNEY: That's those release comport with what discussed by the various Commissioners just now after the motion was made.

CHAIRMAN CASTRO: Yes, that was included in the motion.

COMMISSIONER NARASAKI: That was my amending motion.

CHAIRMAN CASTRO: Yes, that was the amending motion, so that will be included. Anything else? If not, I will call for a vote.

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

CHAIRMAN CASTRO: Commissioner Heriot is no longer here. Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER Kladney: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

CHAIRMAN CASTRO: Madam Vice Chair, how do you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: I vote yes. That's six yeses, one no, and the motion passes.

II. PROGRAM PLANNING

DISCUSSION ON THE PROCESS BY WHICH THE COMMISSION WILL PROCEED ON FY 2016 PROJECTS

CHAIRMAN CASTRO: Next we're moving on to a discussion on how we want to proceed with Fiscal Year '16 projects.

Initially, I had suggested that we would
discuss specific concept papers today, but in the interim, I had received some valid concerns from some Commissioners about all the projects that we currently have in the pipeline, and concerns about unduly burdening our staff with additional hearings and reports. For the moment, there was a request for a moratorium; however, I don't personally agree with that, but I do think we need to think about the staging of what we're going to be doing in Fiscal '16 vis a vis what we've got in the pipeline.

It was also suggested offline by --- I thought a good idea by our Staff Director that maybe we might want to also be creative about some ideas, maybe we look at in Fiscal '16 instead of just doing all reports, maybe we do some Town Halls on some issues that result in less than a full-blown hearing and report.

I don't know, but what I want to do is open this up for some discussion from our Commissioners as to what kind of process we want to have; with the understanding, however, that the one project we do need to decide on and move on will be our Statutory Enforcement Report for 2016 because it has a very specific due date to the President and Congress of September 30th of every year. So, what I would encourage
us to do is at our July meeting that we would select a Statutory Enforcement topic for '16 at that time, but for the moment I wanted to talk about the grander scheme of what suggestions Commissioners have in terms of Fiscal 2016 ideas, in terms of a process. So, anyone is free to chime in.

VICE CHAIR TIMMONS-GOODSON: Mr. Chair, Pat Timmons-Goodson here. First, I want --- I know that Gail --- Commissioner Heriot is not present.

CHAIRMAN CASTRO: Right.

VICE CHAIR TIMMONS-GOODSON: But I do want to thank her for this suggestion, this moratorium, or more, I guess, precisely thank her for pointing out, reminding us that it is a mighty heavy load on our staff. And her suggestion is what, in part, has caused us to pause, and to evaluate the situation that we find ourselves in. But I do not support a complete moratorium, and am open to, and have heard a number of suggestions that I think would provide the kind of relief that is needed here.

CHAIRMAN CASTRO: Thank you, Madam Vice Chair. Anybody else have any thoughts? Commissioner Narasaki?

COMMISSIONER KLADNEY: Mr. Chairman, Dave Kladney here.
CHAIRMAN CASTRO: Oh, Commissioner Kladney, go ahead.

COMMISSIONER KLADNEY: You know, I've looked --- we were without a Director for I believe three months, and I believe we've been without a General Counsel now for three months, and I don't know if we have any other salary savings. And without knowing the exact figures, which I'm sure we'll get a report on later, or somebody telling us how much we have to work with, I seem to think that we have at least $100,000. And it seems to me the listing of reports that I see that are backlogged, most you'd be able to contract out the backlog prior to OCRE staff coming on board and working certain projects, and have the reports written by the contractors, and then reviewed by our staff and us. And continue on having our briefings. I think that's our main job. I think we owe that to the public. We have the money to get these reports out and to get caught up, and I don't see any reason why we shouldn't.

CHAIRMAN CASTRO: Let me suggest something here. Since the first item on the Staff Director's Report on Management and Operations is a discussion or a status report to us on the pending reports and the reports to be voted on and revised, maybe we should have him and staff report on that, and then determine how
we handle '16. Does that sound fair? Mr. Staff Director?

COMMISSIONER KLADELNY: That's good.

CHAIRMAN CASTRO: Okay.

DIRECTOR MORALES: Thank you, Mr. Chair. Yes, we --- in anticipation in your request looking at the status of the reports, I've asked the Director of the Office of Civil Rights Evaluation to prepare a snapshot of what the reports are, what's pending, where we are with them. And I received this morning a --- it looks like a snapshot of the briefing reports. I don't believe she's had an opportunity to give these out yet because I think she was working on it over the weekend, and this morning, so I apologize to the Chairman, the Commissioners also that are on the phone. We'll try to get these to you, as well.

And it looks like she's stated out the ---- and I'll let her have the conversation. Go ahead.

CHAIRMAN CASTRO: Our Director of OCRE, Angela French-Bell is going to take the mic in just a second.

DIRECTOR MORALES: Angela, is there any way your staff could send these to the Commissioners that are on the phone?

CHAIRMAN CASTRO: Yes, why don't we do this. We're going to get the reports --- I know that our
--- we have two SAC Chairs that are on the phone, have
been on the phone and patient. Maybe we'll do this
--- have them give their reports, and then we'll come
back to this issue. Okay?

DIRECTOR MORALES: Thank you.

CHAIRMAN CASTRO: All right. So,
Commissioners, look in your in boxes shortly. You'll
be receiving from OCRE the report update list, and then
we'll revisit that.

III. MANAGEMENT AND OPERATIONS

REPORT BY SAC CHAIRS FOR MISSOURI

AND NEW YORK

CHAIRMAN CASTRO: So, one of the thing we want
to do periodically, and we started to do is have our
--- some of our SAC Chairs report to us periodically
on what's going on in their states, and issues that
they're working on so that we're fully apprised of an
engaged in their work. So, we've got two SAC Chairs
telephonically today. The one I'll ask to go first is
our SAC Chair from the New York State Advisory
Committee, Alexandra Korry, and she's going to talk to
us about a recent SAC report issued on juvenile solitary
confinement. She's coming in now. Okay, so we'll then
start off with Missouri.

As you know, there's a lot that's been going
on recently in Missouri. And, in fact --- oh, is that Ms. Korry?

COMMISSIONER YAKI: No, that's Commissioner Yaki dropped on and off.

CHAIRMAN CASTRO: So, the SAC Chair from our Missouri State Advisory Committee, S. David Mitchell, will be reporting on the progress of their briefing and memo on community policing issues in Missouri. I was pleased to attend their initial briefing on this. It was a tremendously important and powerful briefing, and I was pleased that they were able to actually summarize that briefing for us and in time for our New York hearing on the issue of police use of force, which is very helpful to the Commissioners as we prepare for that. So, Chairman Mitchell?

MR. MITCHELL: Yes, I am here.

CHAIRMAN CASTRO: You have the floor.

MR. MITCHELL: Thank you very much. Good morning, Commissioners. I appreciate the opportunity to speak to you.

As you all know, when our Committee was selected, put together in July that, of course, a month later the events in Ferguson happened, and we had to sort of act very quickly. Once we did, we made a conscious decision not to wade into the fray at the
initial part of the investigation because the local, state, and other federal agencies had taken up that lead, so we sat back and we waited to hear what was going to happen.

So, we had our hearing purposely in February after some time had passed, and we tried to present as balanced, or receive as balanced amount of testimony from across the spectrum of stakeholders in St. Louis County, academics, from law enforcement, from organizations, and from the public. There were two open periods for the public to comment.

I think what we found that was most instructive were a couple of things. First, was that the issue was not solely related to race. I think immediately coming out of Ferguson the issue was cast in a particular binary of white versus black, and particularly dealing with the African American community. And what I think was readily apparent was that we need to expand and look to issues dealing with ethnicity, particularly with our Latino and Latina brothers and sisters in the jurisdiction, so that became an incredibly important thing.

The second thing, which was also important for us that came out was one of the issues about the psychologist's report about training for law
enforcement and the misperception of age identification for young African Americans and other young men of color that often the benefit of the doubt does not get to --- does not go to them because they are perceived to be older, and perceived to actually know better. So, some of that testimony was incredibly important.

Third, another issue that I think was also important was in the aftermath of Ferguson, we were talking about the diversity of law enforcement and how do we sort of achieve that. And I think the comments certainly by the State Police Officer who was there discussing the fact that when individuals go into the academy, they are given a very short period of time from which to sort of choose their jurisdictions, and they can get placed around the state when they have a need, and often they don't just sort of get placed where they want to go. And uprooting your family at the last minute may be very difficult to some to sort of --- to ones who have signed on to that, as well as a disparity in pay in terms of St. Louis County, versus St. Louis City, as well as the State Troopers, and so there are a number of those issues.

The Committee felt very sort of adamant about having more than one particular hearing. We had the
first hearing in St. Louis because of the events in St. Louis, but we recognize the fact that we are a statewide body, and we wanted to have it someplace else. We choose Kansas City, which I would imagine that some of the Committee members didn't agree with choosing another urban center, but we chose the two urban nodes both reflecting the east and west sort of divisions of the state, if you will, but also recognizing that many of our rural citizens would be left out of the conversation. So, we specifically or explicitly wanted to reach out and sort of get folks talking about those areas, to submit materials to us as we sort of go forward.

I think what we're going to have with the Kansas City conversation is some of the same of what happened in the St. Louis conversation, but hopefully a perspective from that side of the state that hasn't recently been embroiled, if you will, in the events that sort of arose out of Ferguson.

And we've also decided just one thing, I guess just one last thing. In an effort to get more public participation, we recognize that the constraint of the schedule from sort of 9 a.m., if you will, to 5 p.m. might not allow some folks to be able to participate, and so we're actually going to be starting
the next hearing later in the day and going later into
the evening to allow folks who may be getting off of
work to be able to come out after they've left work,
be able to attend the hearing and actually offer
testimony.

So, I'm happy to take any questions or answer
anything more specifically.

CHAIRMAN CASTRO: Chairman Mitchell, this is
Chairman Castro. Thanks again for your leadership on
this. It was an impressive briefing that you put
together there.

And one of the issues that came up at your
briefing, I don't think you mentioned it, but I thought
was very interesting was given the multiplicity of
municipalities, there's over 90 local municipalities
in St. Louis County that there was an issue of fines,
that many of these municipalities were using fines as
a way to fill budget holes, and that that was
disproportionately impacting communities of color.
Could you speak a little bit to that issue?

MR. MITCHELL: Sure I can. So, one of the
things, that certainly came up not only from testimony
from individuals who were present, but also I think was,
if you will, supported by the Department of Justice
investigation and report, was that the municipal court
system and local law enforcement, that there was this collaboration, if you will, or what has been termed, I guess, economic policing. And that there was a fine structure, and there were delays in fines and court warrants that were being given to people for minor infractions, minor traffic infractions that ended up being thousands of dollars, and actually having some very dire consequences. And because of the way St. Louis County was created. Right? The white flight from St. Louis City is sort of burgeoning, if you will, suburban development area and the creation of these municipalities to create separate entities that weren't part of St. Louis City. You've got a number of municipalities that are back to back, so you can drive a stretch down a particular road and go through 10 to 15 different jurisdictions in the course of a couple of miles. So, that was some of the major issues, was that individuals were being stopped in one municipality, and the next municipality, and so forth, and so you have sort of two problems.

The first problem was individuals getting hit with multiple fines across municipalities for maybe the same issue. And the second, of course, was the perception that law enforcement at large was creating these problems, and yet they were enacting, in effect,
what was sort of local governmental official policy. And in doing so, they all got lumped together. Right? No one was distinguishing the different uniforms, the different badges, the different jurisdictions, but they were all being placed together.

As a result, because it was a high traffic corridor, you've got these numbers. And, unfortunately, the Missouri Attorney General's most recent report on racial profiling just came out, shows actually an increase in African American racial profiling in 2014, and so that's something that we're going to sort of explore in our next hearing. But that has become one of the major issues.

In response, the Missouri Supreme Court has appointed a local committee to address the municipal court issues, so hopefully that will be some sort of instate resolution at least from a state body.

CHAIRMAN CASTRO: Good. Any status or information you could share to us on current conditions in Ferguson? Have things calmed down there? What's your sense, if you know, of the--

MR. MITCHELL: Well, I mean, I don't know if I want to speak to current conditions, but things have calmed down. I mean, I think we're in a --- I think folks are in a wait and see pattern, to be honest. I think
folks are waiting to see what is going to come of all the investigations. There's an individual who was at a hearing in St. Louis who called me and said you know we've been discussing these issues for quite some time now, and yet there doesn't seem to be any kind of remedy, or any kind of recourse. What's going to happen? And I think that's the major concern, is what happens when our report is done, what is going to happen, what is the Commission and/or others going to do once we come back with recommendations, and how that's going to be put into effect?

And so I think right now groups are sort of putting together reports, they're getting their materials out. One organization that has recently, I think, been at least created or at least morphed or changed is Empower Missouri, addressing issues of racial profiling at large across the state.

CHAIRMAN CASTRO: Thank you. Commissioner Narasaki, you had a question?

COMMISSIONER NARASAKI: Yes. I also want to commend the State Advisory Committee for really excellent work. It was very helpful in preparation for our hearing.

I do have a question, one of the findings in the summary, number 6, about the COPS program at DOJ
may in some communities be having the inadvertent effect of increasing concerns regarding racial profiling. We actually got a lot of written testimony particularly from law enforcement saying that they felt that the COPS program was in some ways more effective in terms of them being able to work with them than the Civil Rights Division Enforcement Section, so I'm just wondering what the concern is?

MR. MITCHELL: Yes, that is certainly something that we're going to be exploring. At least from --- what I got from the concern was that there was the practical or theoretical perspective versus what was on the ground. And a lot of it may have been just simply misperception as to what folks were trying to do. And I think, to be honest, there was a good deal of lack of understanding, and also I think a lack of --- conflating what was viewed as intelligent data driven policing with COPS policing.

Moreover, I think when you sort of raise the phrase community policing, it has now been both ill-defined, and has been broadened, and folks sort of view it in two different ways. I think the folks in the community view community policing or the COPS program as being this sort of --- the sort of occupying sort of Army kind of policing. And I'm not sure that's what
the Justice --- that's what the COPS program intended, but I think that's how it comes across.

CHAIRMAN CASTRO: Thank you. Any other questions from Commissioners for Chairman Mitchell?

COMMISSIONER Kladney: Yes, Mr. Chairman. Kladney here.

CHAIRMAN CASTRO: Go ahead.

COMMISSIONER Kladney: Chairman Mitchell, you mentioned a bunch of groups are preparing reports, and I believe you mentioned the name of a group. My question is, with all these groups, are they getting together? I mean, I'm concerned about implementation of change.

MR. MITCHELL: Right.

COMMISSIONER Kladney: And are they --- When I say banding together to find commonality and change, but do you think that's going to happen within your state, because Missouri is a pretty big state and diverse, that they're all going to go about it on their own, and if there's anything the SAC can do to encourage some sort of way to get implementation of change?

MR. MITCHELL: Yes, that's a good question, and it's a difficult one. I think if I were to identify sort of four broad categories, categorizations of groups that may not be at odds but are having sort of
difficulties, or not having difficulties but sort of
troubles working together, I would say you've got this
younger band of individuals, right, who are finding
disfavor with the older group of sort of Civil Rights
advocates in the particular jurisdictions. You've got
African American dominated groups, and you've got
Latino dominated groups, and then you've got urban
center and sort of rural areas. Because Missouri is a
very odd state in that way, right, and that there are
a number of --- or it is consistent --- an overwhelming
significant size of lower populations, I think some of
those issues aren't being seen the same with respect
to the St. Louis, Columbia, Kansas City, Springfield.

So, part of it is going to be --- to raise
commonality of issues that address those
citizen-police interactions in those major urban nodes
and the rural centers, while not, if you will,
diminishing the uniqueness of those particular areas
and those groups. So, I think that's the first thing
that's going to have to be, is to make sure that we
identify commonalities, and then stress the fact that
we are not ignoring what is unique about those
particular areas.

I think those groups banded together more
easily in St. Louis because of Ferguson, and because
of what happened. I'm not sure the same can be said for other parts of the state.

COMMISSIONER KLADNEY: Have you ever thought of having the SAC get these groups together in a conference of some sort?

MR. MITCHELL: I have not, but that's a very good idea.

COMMISSIONER KLADNEY: That's all I have, Mr. Chairman.

CHAIRMAN CASTRO: Thank you, Commissioner Kladney. Anybody else?

Hearing no questions additionally, I want to thank you, Chairman Mitchell, for participating today and for your work that you've done and what you're going to continue to do on this topic. Thank you.

MR. MITCHELL: Thank you very much. I appreciate the opportunity. Have a good day.

CHAIRMAN CASTRO: You, too. Thank you.

Next, we will ask Chair Alexandra Korry from the New York State Advisory Committee to make her presentation.

MS. KORRY: Thank you very much. Good morning, Commissioners.

CHAIRMAN CASTRO: Good morning.

MS. KORRY: Appreciate the time you've
allotted to this recounting of what we have done.

As you know, the New York SAC released its report in December of last year calling for the elimination of solitary confinement of youth, which we broadly defined as under 25 in New York jails and prisons; that means New York State, New York City, and New York County jails and prisons.

The report was the product of over six months of investigation. We had a hearing in July of 2004. We had a preparatory consultation with experts in various states concerning the implementation of PREA, which is the Prison Rape Elimination Act, and we visited Rikers Island on June 25, 2014, which is the New York City primary detention facility, most of the residents of which are awaiting trial.

The New York SAC concluded, among other things, that New York's use of solitary confinement against youth, particularly Black and Latino youth, constitutes a violation of their civil rights both under the Constitution and under federal statutes including CRIPA, the Civil Rights and Institutionalized Persons Act, Section 1441, 14.141 sorry, of the Violent Crime Control and Law Enforcement Act of 1994. We concluded that the Commission should recommend that the DOJ use its enforcement powers to
force its elimination.

As you may know, in January of this year, New York City implemented various measures, and they decided to eliminate punitive segregation which is solitary confinement for all inmates 21 and under. They did so after a number of hearings, including a hearing at the New York Board of Corrections, at which I testified, and while they had originally thought of eliminating solitary confinement only for 16 and 17-year olds, after our testimony, they decided to increase that age to 21.

At the same time, in New York State there's activity on this front in so far as there was litigation that had been going on for some time, Peoples v. Fischer, in which there was a settlement entered into between the Attorney General's Office, the Department of Corrections, the New York Department of Corrections, and the court in which they had agreed to limit solitary confinement of under 18-year olds to 19 hours a day.

Just a few statistics for background purposes, and then I would like to just go into some of the things that we found. As you know, and it's been well reported, the United States has 5 percent of the world's population and almost 25 percent of its prisoners. We are likened to North Korea on that basis.
As of 2012, more than 60 percent of the prison population were people of color, black men in particular are six times more likely than white men, and two and a half times more likely than Hispanic men to be incarcerated. Consistent with the high rates of incarceration, the Bureau of Justice Statistics estimates that the U.S. currently holds about 80,000 people in segregation units at any given time.

Black and Hispanic youths represent about 70 percent of the 16 and 17-year olds arrested in New York State, and 80 to 90 percent of youths sentenced to incarceration in New York State, while at the same time blacks between the ages of 10 to 19 only represent 13 percent of the New York State population, and Hispanics are a slightly greater number.

In New York City, youths of color represent 88 percent of those arrested, and 94 percent of the arrests resulting in incarceration; whereas, youths of color represent about 60 percent of the city's population.

Unfortunately, there's very little in the way of data with respect to solitary confinement of children in New York state, city, or county jails, and there's even less that's publicly reported. But based on the statistics that were reported, there were about
400 inmates in January of 2012 in extreme isolation in New York City who are under the age of 20. And in New York City, at any one time 18 percent of 16- to 18-year-olds are in punitive segregation at any time.

In the summer of 2013, according to the New York City authorities, between 25 percent and 28 percent of adolescent boys reportedly spent some time in solitary confinement.

The New York SAC determined that youths, which we defined as under 25 based on mental health professional testimony about frontal lobe development, youths in solitary confinement in New York, primarily Blacks and Latinos, are subject to dehumanizing conditions which include being confined in an isolated small cell for 22 to 24 hours a day for weeks, and months at times. And I can tell you having visited Rikers that when I went down the solitary hallways, I looked at the number of days left in the sentences of most of these kids, and they were all over 100 days.

These children are --- these youths have little or no human interaction other than the slots being opened to give them their food, and the early morning call as to whether they wish to go out to exercise. And, of course, if they do decide to go out to exercise, they are shackled. They are transported
to the outdoor exercise pen which is about the same size as their cell, and I guess allowed to walk around in that pen.

They do not receive adequate education. The education consists of work sheets that are given to them through their slots, and there's no follow-up with teachers or any of that sort. And they have, in our view, inadequate mental health treatment.

Another SAC found that these solitary conditions have devastating effects on youths, including causing or exacerbating existing mental health problems, increasing the risk of self-harm, causing serious deterioration of physical health, and stunting social, emotional, and physical development.

The American Academy of Child and Adolescent Psychiatry has concluded that adolescents are in particular danger of adverse reactions to prolonged isolation, and has recommended a ban on the practice.

According to authorities, the pre-frontal cortex of adolescent's brain does not develop fully until the early 20s, and it's for this reason that multiple presenters recommended that when considering the ban on placing youth in solitary confinement, the term "youth" should be defined as young adults up to the age of 25.
The DOJ's Office of Juvenile Justice and Delinquency Prevention has stated that isolation of children is dangerous and inconsistent with best practices, and that excessive isolation can constitute cruel and unusual punishment. According to the ACLU and Human Rights Watch, a recent report that they issued, more than 48 percent of adolescents at Rikers have been diagnosed with mental health problems, and at many state institutions similar numbers are reported.

The New York SAC found that it was too easy for youth to end up in solitary confinement in New York State and City and they say the punishment seemed disproportionate to the crime. Inmates are often placed in isolation for non-violent misbehavior. In fact, from 2007 to 2011, only 16 percent of share sentences, the share is the equivalent of a solitary box, were for infractions related to --- only 16 percent were related to violent behavior, misbehavior infractions. Disobeying staff orders is one of the top infractions that leads to solitary confinement, and fighting is another one.

In the New York State system, if you break one of 100 or so rules and you're then sentenced to go into solitary, you are afforded a hearing, but you're not afforded counsel, you're not afforded the right to
cross-examine, and there's no sworn evidence that's presented against anyone.

From 2007 to 2011, of the over 105,000 hearings involving what are called Tier 3 infractions, so that's, you know, a more serious type of infraction. Nearly 95 percent resulted in the conviction, and approximately 68 percent of convictions result in a sentence to the Shoe. And it should be noted that under the stipulation that I mentioned earlier, the New York Department of Corrections is working on drafting new guidelines to circumscribe the amount of discretion that's currently in use in terms of a sentence to solitary confinement.

In New York City, inmates are automatically assigned an attorney if they appeal the determination. The hearings, however, are presided over by a captain who's usually a New York Department of Corrections employee and typically is a former corrections officer. The New York SAC concluded that the detrimental effects of solitary confinement are so severe and New York's prisons so indifferent to its effects as to unquestionably inconsistent with the standards of decency of a mature society, and as a result we came to the conclusion that the practice constitutes cruel and unusual punishment under the 18th
Amendment jurisprudence of our courts.

It should be noted that the Supreme Court has yet to consider the constitutionality of placing youths in solitary confinement. However, the Court has ruled that the Constitution's protections apply differently to children in the criminal justice context because of the legal and developmental differences between children and adults. In cases implicating juvenile death penalty, life without parole, and certain other cases, the Court has held that it's unconstitutional to punish children without acknowledging their age and developmental differences, or individual characteristics.

And just last week, Justice Kennedy suggested in an unrelated opinion that it might actually be time for the courts to consider the constitutionality of solitary confinement, noting the need to consider alternatives to isolation, as he has said many times drives men mad. I don't know if any of you caught his testimony before Congress with respect to the 2016 budget for the Supreme Court, but he made a very powerful statement about --- and he said, among other things he said, and this idea of total incarceration just isn't working and it's not humane. The federal government built what they call supermax
prisons of isolation cells. The prisoner we had come before our court a few weeks ago had been in isolation according to the attorney for 25 years. Solitary confinement literally drives men mad. And a number of District Courts have found certain practices to be clearly unconstitutional.

The isolation of youths in solitary confinement implicates three provisions of the U.S. Constitution, the 5th and 14th Amendments provide youth with procedural and substantive due process protections, and the 8th Amendment prohibits cruel and unusual punishment. The 14th Amendment's due process right is violated when the government's conduct shocks the conscience, and for many advocates solitary confinement does just that.

The argument that solitary confinement constitutes cruel and unusual punishment are even more powerful. Implicate the 8th Amendment, solitary confinement must be grossly disproportionate or involve the unnecessary and wanton infliction of pain, and the punishment must not be consistent --- I'm sorry, inconsistent with the evolving standards of decency that mark the progress of a maturing society.

Because the practice is so severe and because its wanton use by prison officials manifests deliberate
indifference to the harm caused, the New York SAC concluded that the practice met the constitutional test for cruel and unusual punishment. Moreover, since the overwhelming evidence is that the portion of the brain responsible for impulse control does not fully develop until a person's early 20s, imposing solitary confinement as a response to that lack of judgment seems particularly cruel.

In New York City, because so many of these kids who are in solitary confinement have ended up --- even though they have yet to be adjudged to have committed a crime, they're awaiting sentence, it seems particularly disproportionate.

The New York SAC found that Black and Latino youth are disproportionately the victims of solitary confinement discipline, and they're disproportionately represented in New York State and City prisons. As discussed earlier, a greater proportion of youth are subject to solitary confinement than would otherwise be in New York State because 16- and 17-year olds are subjected to adult criminal responsibility in our judicial system. And as I said before, Latinos and Blacks make a disproportionate percentage of those who are in jail.

So, our view, the New York SAC determined
that the practice of solitary confinement also constitutes impermissible discrimination. Given these findings and the U.S. Department of Justice mandate to insure fair and impartial administration of justice for all, the New York SAC has recommended to the Commission that it ask the DOJ to use its statutory authority to commence civil actions to effect changes to the confinement of youth in New York as quickly as possible.

Most importantly, the New York SAC has recommended that DOJ use its enforcement powers to require New York state, city, and county jails and prisons to eliminate the confinement of inmates under 25. New York also should undertake a review of all cases of those under age 25 currently being held in solitary confinement and develop a transition plan for each individual to facilitate expeditious transfer for the general population.

We have also recommended, and like we put forward in our report that there should be no in cell segregation of youth that exceeds 24 hours. Each housing unit should maintain a committee comprised of at least a correction officer, a counsel, a mental health professional, an educational professional and the warden or his or her designee to design programming
for youth inmates so they have at least one hour of true
recreation and at least six hours of out of school
programming per day.

During their in cell confinement, New York
should mandate that those under 25 years of age continue
to receive adequate nutrition, education, exercise,
visitation privileges, commissary buys, and mental
health care and counseling. In addition, we recommend
that all New York correction facilities regularly
publish data on the use of in cell confinement and train
its correction officers with regular, effective and
comprehensive training on working with youths in
prisons.

Finally, the New York SAC has recommended DOJ
use its enforcement powers to require New York jails
and prisons to implement the directives of PREA. In
particular, New York should stop its practice of
incarcerating youth offenders under the age of 18 with
adult inmates, and should implement policies to prevent
the abuse of youth inmates by adult inmates or
correction officers.

For example, New York should insure that the
assignment of youth inmates to housing facilities are
performed by counselors with training in mental health
using tools validated for youths, that youth inmates
can submit genuinely anonymous complaints, and that all allegations of sexual abuse are investigated by staff and a specialized independent investigative unit trained to interrogate youths appropriately.

As you are well aware, the Commission is charged with, among other things, studying and collecting information relating to discrimination or denial of equal protection of the law under the Constitution because of race, color, or age, or in the administration of justice, and with appraising federal laws and policies with respect to the same. We would urge you to take the steps you're empowered with to end the unconstitutional practice of solitary confinement of youth.

In considering your approach, you should be aware that while no state prohibits the solitary confinement of children in adult jails and prisons by statute based on state juvenile agencies have implemented policy changes regarding isolation practices, with the majority limiting isolation to a maximum of five days, and six days prohibiting solitary confinement in these facilities by statute.

On the federal level, no statute or regulation prohibits solitary confinement of children in youth facilities, jails or prisons; however, the
JJDPA, the Juvenile Justice and Delinquency Prevention Act creates national incentives for the separation of youths out of adult facilities, and others --- and the Prison Rape Elimination Act, among other things, mandates that prison officials use their best efforts to avoid placing youths or inmates in isolation, and also requires that youths receive daily large muscle exercise, and legally requires special education services.

And as I said before, CRIPA, which is the main statute that the DOJ has been relying on to go after the way that life has been conducted at Rikers Island over the last 10 years, CRIPA, that gives the U.S. Attorney General the power to institute a civil action against state and local officials to the extent that, you know, people who reside or confined in institutions are subjected to flagrant conditions which deprive them of the rights, privileges, immunities secured by the Constitution and laws of the United States.

And as I said previously, Section 14.141 of the Violent Crime Law Enforcement Act of 1994 also makes it unlawful for government authorities that are responsible for the administration of juvenile justice to engage in a practice of conduct that deprives persons of rights, privilege, or immunities secured by the
Constitution and the laws of the United States.

As you know, on the international front, both the United Nations Commission on the Rights of a Child, and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty state that disciplinary measures for youths, such as solitary confinement, must be strictly forbidden.

I would finally note that there's one act currently introduced in Congress, the REDEEM Act introduced by Senators Booker and Paul, the Record Expungement Designed to Enhance Employment Act, REDEEM, which among other things proposes the ban of solitary confinement for "discipline, punishment, retaliation, staffing shortages, administrative convenience, or any reason other than in a temporary response to behavior imposes a serious and immediate risk of physical harm to the juvenile or others at the facility." And temporary is defined as no longer than three hours in solitary.

With that, I would pause, and if you would like to ask any questions, please feel free. Thank you.

CHAIRMAN CASTRO: Thank you, Chair Korry. Just to let you know, Commissioner Narasaki and I did a little side bar here as you were presenting, and she will be presenting to us at the next meeting in July
recommendations on following up with letters, as you've suggested in your report.

    MS. KORRY: Oh, great.

    CHAIRMAN CASTRO: So, that she will take the lead on putting that together for us. Thank you, Commissioner Narasaki.

    MS. KORRY: Excellent.

    CHAIRMAN CASTRO: Are there any questions for Chair Korry before we move on?

    COMMISSIONER Kladney: Mr. Chairman, Kladney here.

    CHAIRMAN CASTRO: Go ahead.

    COMMISSIONER Kladney: I would just like to thank Chair Korry. I thought this is one of the most phenomenal SAC reports that I've seen produced, so I think it's great. My office has drafted a concept paper for the Commission's consideration on solitary confinement, and hopefully we can follow-up on that for adults, as well. And I want to thank her for her efforts and the efforts of the staff. I thought it's a great report. Thank you very much.

    MS. KORRY: Oh, thank you very much, really appreciate it. Thank you very much.

    CHAIRMAN CASTRO: Any other questions or comments, Commissioners? Hearing none, Chair Korry,
thank you again for your work and for participating
today, and for the excellent recitation of your work.
So, we will follow-up with you. Thank you.

MS. KORRY: Thank you very much. Appreciate it. Thank you very much.

III. MANAGEMENT AND OPERATIONS

REPORT ON STATUS OF PENDING REPORTS AND
REPORTS VOTED TO BE REVISED

CHAIRMAN CASTRO: We will now return to the
discussion on Management and Operations about the
status of pending reports in the pipeline, as well as
recommendations on those reports that we want to
revise. So, Director French-Bell is at the microphone
now.

MS. FRENCH-BELL: Good afternoon, Chairman Castro, Commissioners, Special Assistants, Staff
Director Morrow and staff. First of all, we wanted to
thank you for this opportunity to speak before you today
to provide the status update on our reports. I also
wanted to congratulate the hard work that the OCRE staff
has done. They have been extremely dedicated and their
efforts are definitely appreciated.

In addition to welcoming Staff Director
Morales, I also wanted to welcome our new Civil Rights
Analyst, Jesmond Riggins, who joined our team very
recently.

So, you have before you our OCRE reports update. I just wanted to state that this is --- these are tentative dates. They may be subject to change, especially due to externalities outside of our control. This is also a collaborative process. If anything we have in here is too onerous for either the Commissioners or for the Special Assistants, we are open to suggestions.

So, starting off the State of Civil Rights at the Immigration Detention Facilities, we will be submitting that to you today. There's also already a timeline, thanks to Juana and to Chairman Castro for their assistance on that, that we will be following.

The next report that we're discussing --- and, first of all, I just wanted to say this is a bifurcated update. The first part will be the briefing reports that were conducted during Fiscal Year '15. The second part will be reports that we're updating either that were given to us this year to update, or that are in the pipeline still.

The next report is Workplace Discrimination Against LGBT Americans. We will be submitting that to the Staff Director late June, well, early July, and so because of our process, it has to go through the OSD,
it has to go through editorial review, it has to go through legal sufficiency review. And we're trying to be cognizant of the burden on OGC with their limited resources, so we have outlaid a timeline for that draft to be submitted to the Commissioners of October 2nd, 2015.

The next report is Higher Education. That will be submitted to OSD by September 2015, and the Commissioners will receive that on December 16th, 2015.

Stand Your Ground is a bit of a special case for us. Our Social Scientist, Dr. Sean Goliday, did an excellent job of providing a report that was a statistical analysis of the issue. In sharing some of the initial findings with Staff Director Morales and also with Commissioner Yaki and his Special Assistant, Kimberly Tolhurst, we found that additional information would be needed to supplement the report, including anecdotal evidence, and also it will require a trip to Florida to do additional investigatory work. For that reason, we're not able to provide an update at this time, and we also want to note that it may also impact our ability to complete the Police Use of Force report in a timely manner. It will just depend on what we find in Florida, how much time it takes, how many resources it takes. But we will update you with that
information as soon as we know it.

The final report is Police Practices and Prosecution of Police Deadly Force. Fingers crossed we will have that written by September 2015, which means a draft will be submitted to the Commissioners by January 12th, 2016.

In creating this report, we tried to have 30 days between the draft being submitted and comments being due. Then we tried to have the vote follow closely after that, and then another 30 days to submit the statements, and then another 30 days for rebuttals. So, we tried to provide adequate time for the Commissioners and their Assistants to be able to provide the appropriate responses to us.

The second part of this report deals with those backlog reports, and also the updated reports. The first one is Protecting the Civil Rights of Our Veterans and Service Members. We have submitted that report to OSD, and we anticipate it getting through the review process and getting to you by September 28th, 2015.

The next report, Civil Rights Implications of State Immigration Law, we turned that into OSD and then forwarded it to the Commissioners. We got some great constructive feedback on that report. We
definitely appreciate that. We're incorporating it not into only the report in updating it, but also the rest of our future reports. So, for that reason we're going to rewrite that report, and our goal is to have that to you mid-July.

But if you notice on Civil Rights Implications of State Immigration Law and the National Voter Registration report, we also anticipate that one possibly being completed in late July, so we are hoping that State Immigration will be completed a little bit earlier and will be done by mid-July, but we just wanted to leave ourselves a little wiggle room because we have a lot of things going on.

So, it's our hope that this won't be exactly at the same time that you receive State Immigration and the National Voter Registration report, but we're a little less concerned about because you will have at least seen State Immigration before, so it wouldn't be your first time looking at that, if you had another report to look at, as well.

COMMISSIONER NARASAKI: We've also seen the National Voter Registration report.

MS. FRENCH-BELL: Exactly. So, we want ---

COMMISSIONER NARASAKI: A couple of times, I think.
MS. FRENCH-BELL: Yes. So, this one will be right. Okay. So, those dates are October 23rd, 2015.

A Quiet Crisis; now, on this part of the report you asked us to review these reports and to determine whether or not we would need a briefing to update these reports. We determined that we do not need a briefing to update these reports; however, a couple of well-placed interviews would be helpful in enhancing the report. And we're going to work with Staff Director Morales to work through you to determine the best way moving forward to conduct those interviews so that you're fully apprised and/or able to participate as he determines.

But A Quiet Crisis, we have been having the interns help us to research that, as well, and they've done an excellent job. We will be able to give you --- well, to OSD a written version of the report by the end of August, which means that it will be delivered to the Commissioners on November 6, 2015.

The Anti-Semitism report, same principle but basically end of August time frame. But that one we're just spreading it out a little bit more so you won't have two reports, one in November around Thanksgiving, and one in December around Christmas, so we're not going to deliver that one until December 10th, 2015.
Voter Fraud and Intimidation, that one will be completed in September. You will receive that January 19th, 2016. The 2008 update of the paper on the Effect of Undocumented Immigrants on Black Workers will be done around September, as well, and you will receive that on February 2nd, 2016. So, it is our goal to have these reports written and to OSD by September 30th, 2015. We understand the review process takes a while, and you won't receive some of them until next fiscal year, but we do want to have them written and to you.

And we'd also like to note we had had a couple of questions about the transcripts. Under the direction of Theresa Brooks and the interns, we will have --- we have four out of the five transcripts completed, and we'll be working with Staff Director Morales to review those and to get those up on the website. Are there any questions?

CHAIRMAN CASTRO: So, you feel comfortable that for the four older reports that we've asked to be updated, you're comfortable with your recommendation that you don't need full-blown briefings?

MS. FRENCH-BELL: Absolutely, very comfortable.

CHAIRMAN CASTRO: But you will have some interviews with key folks ---
MS. FRENCH-BELL: Absolutely.

CHAIRMAN CASTRO: --- and work with OSD on that.

MS. FRENCH-BELL: Exactly.

CHAIRMAN CASTRO: Any other questions, Commissioners?

COMMISSIONER KLADNEY: Yes, Mr. Chairman. Kladney here.

CHAIRMAN CASTRO: Commissioner Kladney ---

COMMISSIONER KLADNEY: Have you ---

CHAIRMAN CASTRO: Go ahead, Commissioner Kladney.

COMMISSIONER KLADNEY: Have you started work on the Quiet Crisis, Anti-Semitism, Voter Fraud or the Effect on Undocumented Immigrants yet?

MS. FRENCH-BELL: We've started work on Quiet Crisis and the Anti-Semitism report. Voter Fraud and the Effect on Undocumented Workers, those reports will be started to be researched in July. We're almost done with researching a Quiet Crisis, and we're probably 75 percent done researching the Anti-Semitism report.

COMMISSIONER KLADNEY: So, there's been suggestion about a moratorium because of this heavy load here, and I don't believe that the Commission has approved all these for update right away. We were asking
for a schedule. Would it help to hire some --- contract social scientists to help you with this work?

MS. FRENCH-BELL: We ---

CHAIRMAN CASTRO: Commissioner Kladney, let me correct you. We went back and looked at the record. We did approve these for revision. The only open question was, we had asked our OCRE --- pardon me?

(Off microphone comment.)

CHAIRMAN CASTRO: Right, which based on OCRE to tell us whether we needed to have hearings, or could they do this by research. So, that's the only open issue.

COMMISSIONER KLADNEY: Well, actually, no, I'm asking to see if it would help if we hired contractors, Mr. Chairman.

CHAIRMAN CASTRO: I understand, but I just wanted to correct that.

COMMISSIONER NARASAKI: Well, actually, the resolution also talked about timing, so ---

CHAIRMAN CASTRO: Yes, but it wasn't whether we would do them or not, it was ---

COMMISSIONER NARASAKI: Right, so we do have discretion on delaying some of the updates.

CHAIRMAN CASTRO: So, the question to you is, would outside contractors be of assistance? Is that
right, Commissioner Kladney?

COMMISSIONER Kladney: That's my first question, yes.

MS. FRENCH-BELL: Can I review that question with my team and get back to you?

COMMISSIONER Kladney: Well, sure, but it --- I think --- how long would that take, because unless ---

MS. FRENCH-BELL: Two ---

COMMISSIONER Kladney: --- we're going to put this --- can we put this decision off until next month then, because they're making decisions, I guess. Any suggestions?

CHAIRMAN CASTRO: Commissioner Yaki? I'm sorry. Commission Narasaki, then Commissioner Yaki.

COMMISSIONER Yaki: Thank you.

COMMISSIONER NARASAKI: So, the reason this is important is because many of the Commissioners, including me, would not want to wait on determining hearings for next year. And Commissioner Heriot has raised the question of whether given the backlog that unfortunately your team inherited, so I want to make it clear that your team is new, you started when I did, so we inherited the backlog because there was lack of staffing in prior years. So, the question is how do we
move the backlog along. And Commissioner Heriot raised the concern that, you know, can you be preparing for new hearings for Fiscal 2016 while we have the backlog, plus the four new reports that we agreed on. And so Commissioner Kladney has proposed that we could help avoid that situation by offering help.

Now, of course, it’s important that it would actually be helpful, and not actually slow you down, so I appreciate the fact that you might need time to talk to your staff.

The other thing for me is on the issue of can you staff prepare for new hearings while trying to also clear the backlog, is I --- my personal belief is that if we set the hearings for next year, but we don’t do it on the same breakneck pace that we did this year, which was to have a hearing every month with no break for people to be able to observe and prepare for a hearing, that would also help, right, to spread it out?

MS. FRENCH-BELL: Absolutely. I completely concur with what you're saying, especially the part about it being spread out more, maybe every other month. I would also recommend that we not start any --- to the extent possible, we not start any briefings until maybe the February-March time frame at the earliest.

COMMISSIONER NARASAKI: Well, I think the
challenge of not having any new hearings because the
Statutory Report has to get done, and it has --- you
just covered a very long timeline, so we may need to
do that hearing.

MS. FRENCH-BELL: Understood.

COMMISSIONER NARASAKI: So, I think that's a
challenge. But the other thing is, I would hope that
in laying out the reports and having clarity about at
least, you know, if we'll do maybe four or something
that we'll decide, that it would also give our staff
plenty of time to work with your staff to actually start
preparing them, as opposed to, you know, waiting until
December, and then all of a sudden you have, you know,
four things that have you to run and prepare for, which
is what also happened this past year. Right?

MS. FRENCH-BELL: Yes.

COMMISSIONER NARASAKI: Right. So, I just
want to lay out, I think there's some practical things
that the Commission can do in terms of both spreading
out the hearings, as well as --- in fact, I think it
would help to identify all the -- at least some of the
hearings. I'm thinking four in July, so that you would
have plenty of time, and our Special Assistants would
have plenty of time to work to help prepare those
hearings in advance.
MS. FRENCH-BELL: Definitely the time would be appreciated. Thank you.

CHAIRMAN CASTRO: Commissioner Yaki?

COMMISSIONER YAKI: Yes. I keep on hearing this word "moratorium," and I just need to say this based on my tenure at the Commission. I don't think there's any relationship whatsoever between anything that we're doing now in terms of updating these reports, cessation or other things, and the moratorium, because for the first five years of my Commission life, we were doing briefings ---

(Simultaneous speaking.)

CHAIRMAN CASTRO: Could you repeat that? You were doing what?

COMMISSIONER YAKI: During the first five months of --- first five years of my Commission tenure we were doing briefings effectively every other month, and falling behind almost immediately. At no point during that time did the then majority --- who the heck is on the phone and doesn't have it on mute? Please put yourself on mute because that's extremely disrespectful to everyone who's on right now.

You know, the issue is, you know, we have a job to do, to look at issues, to deal with issues as they come along. Some things become more urgent than
others, the events in Ferguson and others, in New York City prompted work that we had to do. We play catchup as best as we can, but never during that time, and I don't think during this time either should we ever think about a moratorium because all it does is simply stops us from doing the work that we should be doing going forward responding to civil rights crises, responding to urgent issues that come up. And like I said, whether it was in a Conservative controlled Commission, or a Liberal controlled Commission, that issue never stopped the Commission from moving forward, so I just think the moratorium is irrelevant and not at all germane, and indeed harmful to the work this Commission has done and continues to do. That's all.

CHAIRMAN CASTRO: Thank you, Commissioner Yaki. Any other comments?

VICE CHAIR TIMMONS-GOODSON: I wanted to ask whether or what role the interns are playing and their ability to get this monumental load out?

MS. FRENCH-BELL: Thank you for the question. They have been absolutely wonderful in helping us with researching our backlog report, as well as helping us to research our current reports. They're a big part of the reason that we're able to be able to accomplish our goals by September 30th, as well as the help of the
Office of Management and ASCD.

VICE CHAIR TIMMONS-GOODSON: So, but for that supplemental help there's no way that you'd be able to do this.

MS. FRENCH-BELL: Not in that time frame, no.

VICE CHAIR TIMMONS-GOODSON: Okay, thank you.

MS. FRENCH-BELL: Thank you.

CHAIRMAN CASTRO: Okay. So, any other comments?

COMMISSIONER KIRSANOW: Kirsanow, Mr. Chairman.

COMMISSIONER Kladney: I have a question.

CHAIRMAN CASTRO: Commissioner Kirsanow, go ahead.

COMMISSIONER Kladney: Go ahead, Mr. Kirsanow.

COMMISSIONER KIRSANOW: Thanks, Commissioner Kladney. Two questions. First, what precisely are the interns doing? And number two, does anyone have any updates on the status of any other reports, such as the one I mentioned previously, the Peaceful Coexistence report?

CHAIRMAN CASTRO: Is that in OGC?

MS. FRENCH-BELL: I believe that's with
Lenore.

CHAIRMAN CASTRO: Oh, with Lenore?

MS. FRENCH-BELL: Yes.

CHAIRMAN CASTRO: No, I'm sorry, Commissioner Kirsanow, we don't have that. We will get it for you for the next meeting. I don't see Lenore here. Is she here? No.

(Off-microphone comment.)

CHAIRMAN CASTRO: So, there's a draft out there but there's no timeline associated with the revisions, et cetera. Is that what you're saying?

(Off-microphone comment.)

CHAIRMAN CASTRO: Okay. I guess we'll have to take a look at that, then.

COMMISSIONER NARASAKI: Are you saying it's circulated to the Commissioners, so you're waiting for the Commissioners or somebody else?

(Off-microphone comment.)

COMMISSIONER KIRSANOW: We can't hear.

COMMISSIONER NARASAKI: We didn't complain because we're okay with it.

CHAIRMAN CASTRO: Yes, I guess we need to revisit that. Yes, I don't remember --- so we don't have an answer for you, Commissioner Kirsanow, but we'll look into that. Sorry.
COMMISSIONER NARASAKI: I'm just trying to clarify if the Commissioners are the bottleneck, it may be that Commissioners haven't responded because like me, they are okay with the draft.

CHAIRMAN CASTRO: Or it's not on their mind because no one has followed up with them, which is also a possibility, which is what happens with me. I don't even remember what my opinion was on that, so we'll have to revisit that issue.

So, Commissioner Kladney, you had something you wanted to ask?

COMMISSIONER KIRSANOW: Oh, Mr. Chair, I'm sorry, but I had one other question that hadn't been answered. I didn't hear what specifically the interns are doing to help OCRE.

MS. FRENCH-BELL: The interns have assisted us with research. They have been looking at legislation, they have been looking at case law, they have been looking at more recent updates in terms of looking at news articles, and also looking at Law Review articles, so they have been very busy, and they have been essential.

CHAIRMAN CASTRO: Okay. Commissioner Kladney, you had a question. Then I want to figure out what we're going to do here.
COMMISSIONER Kladney: Along the lines of what Commissioner Yaki was talking about, absent a moratorium, how many briefings can we schedule for next year?

MS. French-Bell: My recommendation would be no more than three. I think the Statutory Enforcement one would have to come earlier, probably around October-November time frame, and then hopefully maybe one in March, and one maybe about May time frame. And I think that would really help us to catch up, enable the Staff Assistants and the --- sorry, Special Assistants and the Commissioners to be able to submit timely statements, and rebuttals, and surrebuttals so that we can get all 11 reports that are behind caught up, because there's still a process even after we submit them on September 30th.

COMMISSIONER Kladney: So, your recommendation is in light of no outside assistance. Is that correct?

MS. French-Bell: I haven't determined yet what the impact of outside assistance would be, so I'm just basing that right now on what our current situation is. So, I can't really say that this determination would take into account outside assistance.

COMMISSIONER Kladney: I was questioning,
because I really didn't think that we approved going forward with these updates yet on a timeline.

CHAIRMAN CASTRO: We did.

COMMISSIONER KLADNEY: So, absent you using outside help for the backlog, could you utilize outside help to set up additional hearings more than the three, and our usual five that we usually set every year? In other words, could we hire outside help --- absent hiring outside help to help you with the backlog, could we hire contractors to set up the two additional hearings that you say your staff would be a hardship on?

MS. FRENCH-BELL: That is an interesting proposal. I definitely appreciate that, and we will definitely confer and get back to you within two days on that. Thank you for that suggestion.

COMMISSIONER YAKI: This is Commissioner Yaki, and on that note, as much as I realize it might be difficult to have someone come in cold and deal with a report that has history and whole different sets of layers to it. I do know that there are a ton of people out there who are very good at setting up briefings from the standpoint of logistics to participants. I mean, it's practically an industry in our world, so I would second exploring Commissioner Kladney's remarks on
that, because I do think that three is very small in terms of potential briefings. And I think that we may have even tried to limit it when we first started off last year, and then events intervened, and part of what we do is respond to the events that intervene. So, I don't want us to unintentionally prevent us from responding to another Staten Island, or to another Ferguson, if things go wrong.

MS. FRENCH-BELL: Thank you.

COMMISSIONER ACHTENBERG: Mr. Chairman?

CHAIRMAN CASTRO: Commissioner Achtenberg, is that you?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Yes, go ahead.

COMMISSIONER ACHTENBERG: Might we conceive of it slightly differently, and ask OCRE to think about and make a recommendation to us about what forms of outside help, if any, might be right allow us to undertake more --- you know, to address more topics, and some sense of what that kind of outside help might --- you know, what kinds of entities it might involve, and how much it might cost. Because I think they need to be ------ you know, I would be loath to suggest to OCRE, you know, who and what. They know best, it seems to me, what kind of outside help, I say, and if any might
be --- you know, might help us cover more ground.

And I agree with Commissioner Yaki. I don't think moratorium is in order in any event, and as we're approaching --- you know, on a personal level, let me just say as we're approaching my sixth year on this Commission, I'm very eager to make sure that the Commission has the maximum capacity to address key issues of civil rights significance. So, that was my proposal.

VICE CHAIR TIMMONS-GOODSON: Mr. Chair?

CHAIRMAN CASTRO: Yes, Ms. Vice Chair?

VICE CHAIR TIMMONS-GOODSON: I do not favor a moratorium as I continue to think about this. I also would not favor delegating to an outside source the planning and implementation of any issues that the Commission would be entertaining. I think that that is best left up to OCRE.

Now, where outside help I think would be the most benefit in my mind would be in helping to clear up the backlog. Those are issues and matters that the existing staff did not work on, and I think could more easily be handled by outside resources.

CHAIRMAN CASTRO: Commissioner Narasaki?

COMMISSIONER NARASAKI: I'm in agreement with Commissioner Achtenberg that it makes sense to ask
ORE to figure out what would be most helpful to them.
I am sympathetic to what the Vice Chair said, only
because the budget savings that we have are for this
fiscal year. Right? It doesn't roll into next fiscal
year, so that may dictate that we need to focus on the
backlog, as opposed to new hearings that start in the
next fiscal year, as I understand how the federal budget
works. So, that's the only caveat, but I do agree that,
you know, we're trying to be helpful in coming up with
ideas that we could be supportive of. If you have --- if
ORE has other ideas, if the Staff Director has other
ideas, I think it's kind of clear that a majority of
the Commissioners who have spoken want to be able to
move forward and set the full complement of hearings
for next year. So, the question is how do we do that
while addressing the backlog?

One option we also have is in the timing of
the reports, the updates, right, that we could decide
to push a couple of those off to later in the year, and
I would be supportive of that. Of course, we could
always vote to amend the whole thing and go back and
say no, we're not going to do four now that we understand
what the capacity issues are. And, quite frankly, one
of the reasons it happened was because we had no Staff
Director to rein us in and defend staff when we said
we wanted to do all this work. So, now that we have a Staff Director I want to be deferential also to him about how best to run it, but I just want to lay that option on the table. I would be happy as a Commissioner to make a motion, or discuss with other Commissioners that the two reports that you have not started on yet be pushed back in time so that we could make sure that we are able to set up the hearings and complete the backlog.

CHAIRMAN CASTRO: Let me just add something. I would not object to the 2008 Immigration paper update being pushed off. I would object to it not taking place, and so I would like, if we do end up going in that direction. This is just for the record now since I know we're not voting on this, that that occur, that it be revised before I term off this Commission in December of 2016. That's an issue that's important to me that I would not want to see sidelined.

COMMISSIONER KLADNEY: Mr. Chairman?

CHAIRMAN CASTRO: Yes, Mr. Kladney?

COMMISSIONER KLANDNEY: I concur with Commissioner Narasaki. I concur with you. The NDRA report has been pending for over three years.

CHAIRMAN CASTRO: I agree.

COMMISSIONER KLANDNEY: And my question is,
perhaps if they could ask OCRE to take all these ideas into consideration and come back with a proposal that works for them with the understanding that we are not pushing to get all this done at once. And that we are willing to spend some of our budget on outside help, and they should not feel that we feel that they can't do the work. It's just that we know that they have been overburdened with the past reports, and that if we can hire folks to help them do that, they should try and accommodate that, because then we can continue doing our full complement of reports next year, which I think is a vital thing. And I concur with all the other Commissioners saying that we should not have a moratorium, and we should do our full complement of hearings in the next year.

COMMISSIONER KIRSANOW: Mr. Chair?

CHAIRMAN CASTRO: Yes, Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Obviously, I'm going to be the one dissenting voice here; although, I don't necessarily think there should be a moratorium, I do think that it's important for us to limit the number of hearings we have next year. Commissioner Yaki is correct, we've never had a moratorium in the past, but I would submit that we've never had more than a dozen
pending reports in the pipeline in the past. And when I first began on the Commission, we had twice as many personnel on the Commission to help discharge or issue those reports. In addition, I would point out that we're talking about potentially cannibalizing our ability to conduct future reports by going out and getting outside help, which is going to cost more, and it's going to impair or could impair our ability to do work in a timely fashion on a go-forward basis. So, while I may not go along with a moratorium, although I don't think that's a bad idea at all, I do think we have to be very circumspect about the number of hearings we schedule for next year.

CHAIRMAN CASTRO: Thank you, Commissioner Kirsanow. So, let me try to encapsulate what I think is the consensus of the Commissioners, that we have asked, or we're asking OCRE to go back and factor into account what its needs are, what it feels it should be able to do on its own, what it may need from outside resources; essentially, have them direct us what needs they would have to address the items that are currently before it, and present us with a recommendation on that, that we would then, I presume, just take up at our July meeting and make a decision on that, as well as what I would also suggest, though, is that --- and correct
me if I'm wrong. Do we need to decide on a topic for the Statutory Enforcement report like in July? Would that --- yes, because there's some timing. So, what I would also suggest, that in the interim Commissioners circulate to one another proposed concept papers just for the Statutory Enforcement report that we could also discuss and decide on in July in conjunction with whatever recommendation OCRE brings to us on the other reports. Does that work?

COMMISSIONER NARASAKI: Mr. Chair, can we decide on at least a couple of reports more than the Statutory Report, particularly for ---

CHAIRMAN CASTRO: Well, I'm hearing ---

COMMISSIONER NARASAKI: --- the two newest Commissioners who have yet to be able to sponsor a hearing.

CHAIRMAN CASTRO: No, I understand that. What is the sense of the other Commissioners on July looking at other reports, other concept papers beyond the Statutory Enforcement report, or do we want to wait and see what we hear from OCRE?

COMMISSIONER KLANDNEY: Mr. Chairman?

COMMISSIONER ACHTENBERG: I think ---

CHAIRMAN CASTRO: Commissioner Kladney, then Commissioner Achtenberg, and then I really want to wrap
COMMISSIONER KLADEMY: Why don't we situate all our concept papers and denote which ones we have, and I know I have none for the Statutory Report.

CHAIRMAN CASTRO: Okay.

COMMISSIONER KLADEMY: And discuss them at the next hearing. We will have the report from OCRE by then. We will have circulated our suggestions by then, and perhaps next month we can decide several of these issues which may culminate in an ability to do however many papers or hearings, briefings next year.

CHAIRMAN CASTRO: Commissioner Achtenberg?

COMMISSIONER ACHTENBERG: I think Dave's suggestion is right. I know what I have in mind is not something that's completely appropriate for the Statutory report, but I did want to see it come to fruition, so I think if we consider more than one topic we're probably best off.

CHAIRMAN CASTRO: So, our next meeting is July 17th. What I would suggest then is if we have concept papers, they should be circulated or sent to the Staff Director by July 10th, and then he will circulate them so that we all at least have a week to look at them before the meeting. Does that sound fair enough?
COMMISSIONER NARASAKI: Yes.

COMMISSIONER ACHTENBERG: Fair enough.

CHAIRMAN CASTRO: All right. Okay. Then I think we have a game plan. Thank you, everybody.

MS. FRENCH-BELL: Thank you.

CHAIRMAN CASTRO: Now we will return to regularly scheduled programming, which is the report from the Staff Director.

COMMISSIONER NARASAKI: Can we take up this letter?

CHAIRMAN CASTRO: Oh, the letter?

COMMISSIONER NARASAKI: Finish.

CHAIRMAN CASTRO: Yes, we have the letter to Representative Kilmer, so we would state that the --- the question was the last paragraph. Right? "The Commission is scheduled to hear staff's proposal," so what we would do this now? We said the June meeting, you say.

COMMISSIONER NARASAKI: Yes. So, my suggestion is --- the sentence was, "The Commission is scheduled to hear staff's proposal for updating this and other Commissioner's report at its June business meeting." And I would simply change it to saying, "The Commission is discussing staff's proposal for updating this and other Commission reports," period.
CHAIRMAN CASTRO: Okay. That works for me. We already had a motion on that so that would be a friendly amendment. Why don't you just make a motion?

COMMISSIONER NARASAKI: I move that we adopt this letter to Congressman Kilmer and the U.S. House of Representatives, as I amended.

CHAIRMAN CASTRO: Okay, is there a second?

COMMISSIONER YAKI: Second.

CHAIRMAN CASTRO: Okay. I'm going to take a roll call vote on that.

Commissioner Kirsanow, how do you vote? Oh, did he leave already? Okay, sorry.

Commissioner Kladney, how do you vote?

COMMISSIONER KLADNEY: Excuse me, Mr. Chairman, I missed that motion. What are we dealing with?

CHAIRMAN CASTRO: It's the letter to members of Congress who asked us to update the Quiet Crisis report, and we just changed the last paragraph which had previously said our staff was going to report to us on this in June. And Commissioner Narasaki gave an edit which --- do you want to repeat it?

COMMISSIONER KLADNEY: In July?

CHAIRMAN CASTRO: Yes. No ---

COMMISSIONER NARASAKI: No, my suggestion
was just to say, "The Commission is discussing staff's proposal for updating this and other Commission reports," period.

COMMISSIONER KLADNEY: Okay. I vote yes, Mr. Chairman. I'm sorry, I apologize to the Commission.

CHAIRMAN CASTRO: It's okay, no problem. So, Commissioner Kladney votes yes.

Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Yes.

CHAIRMAN CASTRO: Vice Chair, how do you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: I vote yes, so it's unanimous; one, two, three, four, five votes in favor of that.

Now, we move back to the Staff Director --- wait, the Commissioner --- I'm sorry, Commissioner Narasaki?

COMMISSIONER NARASAKI: I vote yes.

CHAIRMAN CASTRO: I thought I asked you, sorry. So, that is five votes. Six votes.

COMMISSIONER KLADNEY: Mr. Chairman?
CHAIRMAN CASTRO: Yes, Commissioner Kladney?

COMMISSIONER Kladney: Kladney here. I have a question on the New York report, solitary confinement. Did we vote to send that anywhere?

CHAIRMAN CASTRO: No. What we are --- well, it was sent to some officials, I believe. Was it sent to the New York Governor? I had a recollection that it was sent. I'll need to look into that, but what Commissioner Narasaki and I discussed was what the Commission should be doing as a follow-up. So, she's going to come back to us with recommendations on what we should do.

COMMISSIONER Kladney: I would also recommend that it is sent to the governor, the legislature, and the mayor of New York.

CHAIRMAN CASTRO: Yes.

COMMISSIONER Kladney: I think you should consider all that. I just didn't think we finished that discussion, so I apologize.

CHAIRMAN CASTRO: I think that --- I have a recollection that something like that was done because I know that there was some back and forth with our former Staff Director and the former General Counsel's office about that. But we'll confirm who it actually went to, and if it didn't go to any of those folks, that it goes
to them.

COMMISSIONER KLADNEY: Thank you, Mr. Chair.

CHAIRMAN CASTRO: You're welcome. Okay, Mr.

Staff Director. No, wait, did we --- yes, we voted on
that, so we're good.

III. MANAGEMENT AND PLANNING

STAFF DIRECTOR REPORT

DIRECTOR MORALES: Thank you, Mr. Chairman.

CHAIRMAN CASTRO: Too many moving parts
today.

DIRECTOR MORALES: Yes. And I don't know if
you want me to go through the entire Staff Report. I
think the only things that are relevant, the two things
I just want to call to the attention of Commissioners
are, you have a snapshot of the budget. Unfortunately,
Chief of Budget, John Ratcliffe has been out ill, and
he may be out ill for another week, so I don't have a
definitive answer for you of what that flexibility
currently is in the budget. But by the next business
meeting, we will.

Second, I wanted to let you know that I'm
currently looking through the vacancy announcement and
revising it in preparation to put out the vacancy
announcement hopefully within about two weeks so that
we can start the process to bring in a General Counsel,
and open that up. So, I just wanted to let you know that.
And that's it, Mr. Chair.

CHAIRMAN CASTRO: Okay. Any questions for the Staff Director? If not, I'd like to move on to the State Advisory Committee appointments.

IV. STATE ADVISORY COMMITTEE

(SAC) APPOINTMENTS

CHAIRMAN CASTRO: We've got two up for today. The first one is for, let's see, Kentucky. So, I am now going to make a motion that the Commission appoint the following individuals to the Kentucky State Advisory Committee based upon the recommendation of our Staff Director; Betty S. Griffin, Rosa Alvarado, Christia Brown, Gary Brown, John Chowning, Richard Clay, Christopher Hunt, Lee Look, Samuel Marcosson, Stephen Meredith, Patricia Murrell, Eugenia Toma, and Alice Wardell. Pursuant to this motion, the Commission appoints Ms. Betty S. Griffin as Chair of the Kentucky 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 KLANDNEY: Second.
CHAIRMAN CASTRO: Okay, any discussion?

Hearing none ---

COMMISSIONER NARASAKI: Oh, wait, wait. I just --- sorry.

CHAIRMAN CASTRO: Okay.

COMMISSIONER NARASAKI: So, I want to commend staff for their hard work. I know how difficult it is to put together these slates so that they are representative, and have the kind of expertise they need.

I just want to reiterate an issue that I've raised before, and that is the hope --- and I think Commissioners need to help staff do this, to find more people who are under the age of 35, because I continue to believe that these issues are seen differently from this younger generation and want to do more to make sure that we are trying to get those voices on the State Advisory Committees.

And the second thing is we have a lot of --- staff came up with a lot of people with great expertise on LGBT and disability issues, but it's not clear to me that we are getting people who actually are people with disabilities, as opposed to just having expertise on that, as well as LGBTQ, so I just want to work with staff to figure out how we can make sure that
we're really reaching and recruiting the best from those communities to participate.

CHAIRMAN CASTRO: The Staff Director has some comment.

DIRECTOR MORALES: Commissioner Narasaki, I couldn't agree with you more, and I will continue to work with staff as they develop these slates, and look to make sure that they're diverse and they meet the requirements of the Commission on the State Advisory Committees, so thank you.

CHAIRMAN CASTRO: Okay. With that, I'm going to take a vote on this.

Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLADNEY: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

CHAIRMAN CASTRO: Commissioner --- I'm sorry. Madam Vice Chair, how do you vote?
VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes, six votes, unanimous. Thank you.

I'm now going to make a motion that the Commission appoint the following individuals to the Virginia State Advisory Committee based upon the recommendation of our Staff Director; Angela C. Ciccolo, Edmund D. Cooke, Jr., Toa Q. Do, Jeanene E. Simmons, Ryung Suh, Robert Bracknell, Bruce Cameron, Sarah Combs, Vellie Dietrick-Hall, Clair G. Gastanaga, Leni Gonzalez, Terrie Griffin, Patrick A. O'Reilly, Koushik Pal, and Lorraine Waddill. Pursuant to this motion, the Commission appoints Mr. Koushik Pal as Chair of the Virginia 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 NARASAKI: I second.

CHAIRMAN CASTRO: Okay, any discussion? Hearing none, Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: I vote yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?
COMMISSIONER KLASTEN: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

CHAIRMAN CASTRO: Madam Vice Chair, how do you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes. It's six votes, unanimous, so the motion passes.

V. ADJOURN MEETING

CHAIRMAN CASTRO: Have we got everything done? Yes, we actually got everything done. This was a very productive meeting, and I want to thank everybody for all your help on this today. The meeting is now adjourned until July. Thank you.

(Whereupon, the above-entitled matter went off the record at 1:00 p.m.)