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U.S. COMMISSION ON CIVIL RIGHTS

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BUSINESS MEETING

UNEDITED

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MONDAY, JUNE 29, 2015

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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*

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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

A G E N D A

I. APPROVAL OF AGENDA.....5

II. PROGRAM PLANNING8

DISCUSSION ON HOW TO RECOMMIT THE COMMISSION
TO PLANNING THE COMMEMORATION OF THE
13TH AND 14TH AMENDMENTS.....61

DISCUSSION AND VOTE ON COMMISSION INVOLVEMENT
IN NATIONAL CIVIL RIGHTS CONFERENCE ORGANIZED
BY EPA AND USDA.....74

DISCUSSION AND VOTE ON PRESS RELEASE CONCERNING THE
RECENT SUPREME COURT RULINGS ON MARRIAGE
EQUALITY AND THE FAIR HOUSING ACT.....79

DISCUSSION ON THE PROCESS BY WHICH THE
COMMISSION WILL PROCEED ON FY 2016 PROJECTS.....87

III. MANAGEMENT AND OPERATIONS

REPORT BY SAC CHAIRS FOR MISSOURI
AND NEW YORK.....92

REPORT ON STATUS OF PENDING REPORTS AND
REPORTS VOTED TO BE REVISED.....121

STAFF DIRECTOR'S REPORT.....152

IV. STATE ADVISORY COMMITTEE APPOINTMENTS.....153

V. ADJOURN MEETING.....158

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

(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 KLADNEY: Yes.

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

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1 COMMISSIONER KLADNEY: Present.

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

5 COMMISSIONER KLADNEY: Can you hear me -

6 CHAIRMAN CASTRO: Yes, we can.

7 COMMISSIONER KLADNEY: - all right Mr.
8 Chairman?

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

12 **I. APPROVAL OF AGENDA**

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

15 COMMISSIONER NARASAKI: Second.

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

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

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

25 COMMISSIONER HERIOT: Yes, let's leave it

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1 off.

2 CHAIRMAN CASTRO: And the other item we
3 wanted to put on there was the addition of the - a vote
4 on the Commission statements regarding the two Supreme
5 Court decisions that came down last week with civil
6 rights implications. So if anyone would like to make
7 a motion to amend?

8 COMMISSIONER ACHTENBERG: So moved.

9 CHAIRMAN CASTRO: And the second?

10 COMMISSIONER NARASAKI: I second.

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

14 (Chorus of ayes.)

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

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

25 We also have some visitors from the NAACP,

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1 some fellows from the program which I'll have the
2 pleasure of meeting with a little bit after this, so
3 you'll get to see a little bit of how the Commission
4 functions.

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

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

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

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

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II: PROGRAM PLANNING

1
2 So with that, I'd just like to move on and
3 do two things that are extremely important. Whenever
4 we conduct votes outside of the Commission process, we
5 have a process called notational voting, which is
6 voting via email, and we have a couple of important
7 notational votes which we need to confirm.

AGENDA SUB-ITEM: HOUSEKEEPING

8
9 READ INTO THE RECORD - NOTATIONAL VOTES UNDERTAKEN BY
10 COMMISSION a. VOTE TO CONFIRM PRESIDENT'S NOMINATION
11 OF USCCR STAFF DIRECTOR, MAURO A. MORALES

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

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

23 The Commissioners were advised that given
24 the urgency of the matter, the notice requirement was
25 waived and that the deadline for notational voting was

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1 April 17, 2015, by close of the business day. The
2 notational vote passed unanimously.

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

5 The second notational vote occurred on May
6 15, 2015, and addressed the following: Pursuant to
7 Administrative Instruction A1 1-7, the Office of the
8 Staff Director submitted a notational voting package
9 via email to Commissioners on May 14.

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

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

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

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1 a chance to say a few words.

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

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

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

19 CHAIRMAN CASTRO: Thank you, and welcome.

20 DISCUSSION AND VOTE ON UPDATED 2015 STATUTORY
21 ENFORCEMENT REPORT DEADLINE

22 CHAIRMAN CASTRO: The first item we have in
23 terms of the actual business is the Statutory
24 Enforcement Report timeline for 2015. In the absence
25 of a Staff Director - I read that in. That's not a vote.

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1 It was the - read into the record, those two items, so,
2 yeah.

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

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

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

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

22 COMMISSIONER NARASAKI: So moved.

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

25 COMMISSIONER ACHTENBERG: Yes.

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

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

9 COMMISSIONER KIRSANOW: Yes, I am.

10 CHAIRMAN CASTRO: How do you vote?

11 COMMISSIONER KIRSANOW: No.

12 CHAIRMAN CASTRO: Commissioner Heriot, how
13 do you vote?

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

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

23 COMMISSIONER NARASAKI: Yes.

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

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1 Commissioner Kladney?

2 COMMISSIONER KLADNEY: Yes.

3 CHAIRMAN CASTRO: Okay, thank you.

4 Commissioner Achtenberg, how do you vote?

5 COMMISSIONER ACHTENBERG: Yes.

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

9 VICE CHAIR TIMMONS-GOODSON: Yes.

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

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

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

22 DISCUSSION AND VOTE ON COMMISSION STATEMENT

23 COMMEMORATING THE ANNIVERSARY OF THE ADA

24 CHAIRMAN CASTRO: The first item is a
25 statement from the Commission to commemorate the

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1 anniversary, 25th anniversary, of the Americans with
2 Disabilities Act. Is there a motion, or a motion, or
3 does anyone have any proposed revisions so that we can
4 vote on an item that everyone's in agreement with?

5 COMMISSIONER KLADNEY: I'll move for
6 approval.

7 CHAIRMAN CASTRO: Is there a second?

8 COMMISSIONER ACHTENBERG: Second.

9 CHAIRMAN CASTRO: Okay, any discussion?

10 COMMISSIONER NARASAKI: Mr. Chair?

11 CHAIRMAN CASTRO: Yes, Commissioner
12 Narasaki?

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

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

20 COMMISSIONER KIRSANOW: Yes, Mr. Chair?

21 CHAIRMAN CASTRO: Yes?

22 COMMISSIONER KIRSANOW: Commissioner
23 Kirsanow.

24 CHAIRMAN CASTRO: Yes, sir?

25 COMMISSIONER KIRSANOW: Thanks, Mr. Chair.

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1 I think there's already been some back and forth on
2 this, but I would reiterate that I could support this
3 --I support the ADA -- if the last sentence were
4 removed. Without that removal, I'd be compelled to
5 vote against this particular statement.

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

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

20 CHAIRMAN CASTRO: Okay, thank you.
21 Commissioner Narasaki?

22 COMMISSIONER NARASAKI: I agree, Mr. Chair,
23 with your belief that we should keep the sentence in.
24 This treaty actually has had bipartisan leadership with
25 former Senator Dole being one of the original sponsors.

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1 I think that the United States has up to now
2 been a leader on this issue, and I think it's important
3 for the United States to continue to be a leader in the
4 world on this issue.

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

8 COMMISSIONER KIRSANOW: No.

9 CHAIRMAN CASTRO: Commissioner Heriot, how
10 do you vote?

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

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

15 COMMISSIONER NARASAKI: Yes.

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

18 COMMISSIONER KLADNEY: Yes.

19 CHAIRMAN CASTRO: Commissioner Achtenberg,
20 how do you vote?

21 COMMISSIONER ACHTENBERG: Yes.

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

24 VICE CHAIR TIMMONS-GOODSON: Yes.

25 CHAIRMAN CASTRO: And I vote yes, so we have

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1 two nos, one, two, three, four, five yeses.
2 Commissioner Yaki, is that you?

3 COMMISSIONER YAKI: Yes.

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

7 COMMISSIONER YAKI: Sure, I vote yes.

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

11 DISCUSSION AND VOTE ON COMMISSION STATEMENT
12 COMMEMORATING THE ANNIVERSARY OF THE VOTING RIGHTS ACT

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

20 SPEAKER: So moved, Mr. Chair.

21 CHAIRMAN CASTRO: Is there a second?

22 COMMISSIONER ACHTENBERG: Second.

23 CHAIRMAN CASTRO: Okay, any discussion on
24 this?

25 COMMISSIONER KLADNEY: The most recent

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1 version, does that leave anything out of it?

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

4 COMMISSIONER KLADNEY: So there's been no
5 changes?

6 CHAIRMAN CASTRO: You sent something out
7 Sunday night?

8 COMMISSIONER KLADNEY: Sunday morning,
9 Sunday morning.

10 CHAIRMAN CASTRO: Sunday morning.

11 COMMISSIONER KLADNEY: I think the
12 questions that were asked are too general. I think the
13 ones that I posed are much more specific and to the
14 point.

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

18 COMMISSIONER KLADNEY: Oh, I'm sorry.

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

21 COMMISSIONER KLADNEY: I'm sorry.

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

24 COMMISSIONER KLADNEY: Okay.

25 SPEAKER: No, we sent it out on Sunday.

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1 CHAIRMAN CASTRO: Okay, well, I thought I
2 saw it earlier though.

3 COMMISSIONER KLADNEY: Hello?

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

6 COMMISSIONER KLADNEY: Oh, right, that one,
7 yeah.

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

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

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

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

25 But also the last provision in the last

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1 paragraph dealing with the limiting of the franchise,
2 I'm not aware of any states trying to limit the
3 franchise in any respect, so I will be voting against
4 this without those changes.

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

9 COMMISSIONER KIRSANOW: No.

10 CHAIRMAN CASTRO: Commissioner Heriot, how
11 do you vote?

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

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

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

24 COMMISSIONER NARASAKI: I am going to have
25 to recuse myself because this is an issue on which I

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1 currently work in my other capacities.

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

4 COMMISSIONER KLADNEY: Yes.

5 CHAIRMAN CASTRO: Commissioner Achtenberg,
6 how do you vote?

7 COMMISSIONER ACHTENBERG: Yes.

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

10 COMMISSIONER YAKI: Aye.

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

13 VICE CHAIR TIMMONS-GOODSON: Yes.

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

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

20 CHAIRMAN CASTRO: Next, we move onto a
21 Commission letter to EOIR regarding a lack of notice
22 to released immigration detainees on court dates.

23 This involves an important issue of due
24 process, and particularly as it affects those
25 individuals who we are actually looking at right now

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1 in the context of our Statutory Enforcement Report. So
2 we have drafted a letter and have circulated it.

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

7 COMMISSIONER KLADNEY: Yes.

8 COMMISSIONER ACHTENBERG: Which letter is
9 this?

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

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

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

24 And I tried to frame the questions, reframe
25 some of the questions to more specifically get direct

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1 answers as well as asking for training materials that
2 we could evaluate regarding notice, which seems to be
3 the crux of the letter.

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

8 And for instance, when we were in Texas, I
9 was told when the detainees leave, they are assigned
10 an ICE agent in the area where they are. Now, does that
11 ICE agent keep a record of contacts with this person?

12 Is that part of the legal file that is given
13 to the judge when he makes his determination? And
14 those types of things are what I asked. So I believe
15 the questions are a little more specific and directed
16 toward what we're seeking.

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

22 COMMISSIONER HERIOT: I just wanted to add
23 - COMMISSIONER ACHTENBERG: When did that -
24 when does that - when did that come?

25 CHAIRMAN CASTRO: I don't know. I have it

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1 in my file.

2 DIRECTOR MORALES: It was sent Sunday
3 morning.

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

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

9 CHAIRMAN CASTRO: No, no -

10 COMMISSIONER KLADNEY: Sunday morning it
11 went out.

12 CHAIRMAN CASTRO: When did the revised
13 letter go out?

14 DIRECTOR MORALES: His.

15 CHAIRMAN CASTRO: So we had my original -

16 DIRECTOR MORALES: Yes.

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

21 DIRECTOR MORALES: It was not circulated to
22 the Commissioners.

23 CHAIRMAN CASTRO: Oh, okay.

24 DIRECTOR MORALES: It was circulated to you
25 because you received it -

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1 CHAIRMAN CASTRO: Oh, but you have it too.

2 SPEAKER: I have it.

3 DIRECTOR MORALES: Oh, you have it?

4 SPEAKER: He sent it out on Sunday.

5 DIRECTOR MORALES: You did send it out?

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

9 COMMISSIONER HERIOT: Mr. Chairman?

10 CHAIRMAN CASTRO: Yes, Commissioner Heriot?

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

17 CHAIRMAN CASTRO: Okay.

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

23 CHAIRMAN CASTRO: That makes sense.

24 COMMISSIONER HERIOT: Can I make a motion
25 that we add that sentence?

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1 CHAIRMAN CASTRO: We haven't made a motion
2 yet, but what we're going to do is if we're going to
3 - if we're - I think generally there's an agreement that
4 Commissioner Kladney's version is going to be what
5 we're working from, so let's use that document as the
6 document you're going to make a motion on.

7 COMMISSIONER HERIOT: Okay.

8 CHAIRMAN CASTRO: Okay?

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

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

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

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

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

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

23 CHAIRMAN CASTRO: Yes.

24 COMMISSIONER HERIOT: I'm not exactly
25 certain of the language of that.

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1 CHAIRMAN CASTRO: Yeah, we'll have to do
2 that.

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

5 CHAIRMAN CASTRO: Is there a second?

6 COMMISSIONER YAKI: Second.

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

10 COMMISSIONER ACHTENBERG: Oh, I just -

11 CHAIRMAN CASTRO: Oh, you have it?

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

14 CHAIRMAN CASTRO: Okay.

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

17 COMMISSIONER KLADNEY: Do you want to give
18 Commissioner Achtenberg a moment to read it, Mr.
19 Chairman?

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

22 CHAIRMAN CASTRO: Commissioners on the
23 phone, I've just been advised that we have a new court
24 reporter. So our old court reporter recognized your
25 distinctive voices, our current court reporter

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1 doesn't.

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

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

7 COMMISSIONER ACHTENBERG: I'm almost done.

8 CHAIRMAN CASTRO: Oh, okay, sure.

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

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

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

18 CHAIRMAN CASTRO: Yes.

19 COMMISSIONER ACHTENBERG: All right, thank
20 you.

21 CHAIRMAN CASTRO: Commissioner Kirsanow,
22 how do you vote?

23 COMMISSIONER KIRSANOW: Yes.

24 CHAIRMAN CASTRO: Commissioner Heriot, how
25 do you vote?

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1 COMMISSIONER HERIOT: Yes.

2 CHAIRMAN CASTRO: Commissioner Narasaki,
3 how do you vote?

4 COMMISSIONER NARASAKI: Yes.

5 CHAIRMAN CASTRO: Commissioner Kladney, how
6 do you vote?

7 COMMISSIONER KLADNEY: Yes.

8 CHAIRMAN CASTRO: Commissioner Achtenberg,
9 how do you vote?

10 COMMISSIONER ACHTENBERG: Yes.

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

13 COMMISSIONER YAKI: Aye.

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

16 VICE CHAIR TIMMONS-GOODSON: Yes.

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

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

23 CHAIRMAN CASTRO: We next move onto consider
24 a letter and subsequent press release by the Commission
25 to the Texas Department of Health Services regarding

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1 a denial of birth certificates to U.S. born children
2 of undocumented immigrants.

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

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

11 COMMISSIONER NARASAKI: So moved.

12 CHAIRMAN CASTRO: Is there a second?

13 COMMISSIONER ACHTENBERG: Second.

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

18 COMMISSIONER KLADNEY: Yes, Mr. Chairman.

19 CHAIRMAN CASTRO: Commissioner Kladney?

20 COMMISSIONER KLADNEY: Kladney here.

21 CHAIRMAN CASTRO: Yes.

22 COMMISSIONER KLADNEY: I have some
23 questions and concerns. One, I think we are writing
24 this letter on a singular news story about a civil
25 complaint being filed alleging these matters, and I'm

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1 concerned about the agency, our agency, involving
2 ourselves in a civil law suit in light of the fact that
3 we are not an enforcement agency.

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

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

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

23 CHAIRMAN CASTRO: Thank you, Commissioner
24 Kladney. Let me respond to that. I don't think it's
25 - I don't share your concern that this may involve a

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1 singular issue because I think it involves a number of
2 these individuals who have been denied their birth
3 certificates.

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

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

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

23 I would be completely fine with us drafting
24 a letter in addition to this press release and letter,
25 including this letter, and sending it to the Attorney

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1 General asking for them to take action.

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

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

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

15 CHAIRMAN CASTRO: Yes?

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

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

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

23 CHAIRMAN CASTRO: Sure, go ahead,
24 Commissioner Achtenberg.

25 COMMISSIONER ACHTENBERG: I mean, I'm happy

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1 to - I think adding a letter to the Attorney General
2 is a welcome addition, so I would support that, and I
3 support this as well. But my question is whether or
4 not in the past, based upon a news report, we have issued
5 such a letter?

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

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

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

23 COMMISSIONER ACHTENBERG: Sure.

24 CHAIRMAN CASTRO: - ongoing issues across
25 the country, outside of the fact that - or outside of

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1 the process of just doing our statutory enforcement and
2 our other reports, so it's with that in mind as well.

3 COMMISSIONER KLADNEY: Mr. Chairman,
4 Kladney here.

5 CHAIRMAN CASTRO: Yes?

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

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

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

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

24 CHAIRMAN CASTRO: Any other questions or
25 concerns?

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1 VICE CHAIR TIMMONS-GOODSON: This is Pat
2 Timmons-Goodson.

3 CHAIRMAN CASTRO: Yes, Ms. Vice Chair?

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

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

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

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

18 (Simultaneous speaking.)

19 COMMISSIONER YAKI: This is Commissioner
20 Yaki. I don't have as much of a problem with this
21 letter as Commissioner Kladney does except for one
22 thing and that is the last paragraph is very conclusory.

23 We started by asking a question and then we
24 immediately jump to a conclusion rather than saying,
25 "If this is true, we request that you blah, blah, blah,

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1 blah," rather than simply, "We request," because we're
2 assuming the fact after we're asking whether there is
3 a fact.

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

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

13 CHAIRMAN CASTRO: Got it.

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

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

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

25 CHAIRMAN CASTRO: How do you mean?

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1 COMMISSIONER NARASAKI: Because it assumes.
2 It says, "should you continue this practice."

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

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

7 CHAIRMAN CASTRO: Okay.

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

10 CHAIRMAN CASTRO: Okay.

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

13 CHAIRMAN CASTRO: Yes, Commissioner?

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

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

22 COMMISSIONER ACHTENBERG: Okay, all right,
23 very good.

24 COMMISSIONER KLADNEY: So how does that read
25 now?

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1 CHAIRMAN CASTRO: The first paragraph?

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

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

8 COMMISSIONER ACHTENBERG: No, it was in the
9 -

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

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

17 COMMISSIONER HERIOT: But what's the
18 sentence before?

19 CHAIRMAN CASTRO: Okay, "Additionally, the
20 14th amendment guarantees equal protection under the
21 law, meaning these families are entitled to due process
22 in the event they are being denied," oh, you're right,
23 "the right to life, liberty, and property." I thought
24 we took that out. Is that the sentence you were
25 referring to, Commissioner Achtenberg?

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1 (Simultaneous speaking.)

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

7 CHAIRMAN CASTRO: Yeah.

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

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

13 COMMISSIONER ACHTENBERG: Okay.

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

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

25 COMMISSIONER ACHTENBERG: Okay, I'm good

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1 with that.

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

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

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

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

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

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

25 SPEAKER: We had a motion and a second.

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1 CHAIRMAN CASTRO: Okay, so it would be as
2 revised. I'm going to take a roll call on this.
3 Commissioner Kirsanow, how do you vote?

4 COMMISSIONER KIRSANOW: Abstain.

5 CHAIRMAN CASTRO: Commissioner Heriot, how
6 do you vote?

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

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

19 CHAIRMAN CASTRO: Commissioner Narasaki,
20 how do you vote?

21 COMMISSIONER NARASAKI: I vote yes.
22 There's been legislation pending on the issue of people
23 trying to challenge the right of children born in the
24 United States to be automatic citizens, which I believe
25 is clear under our Constitution and under cases that

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1 have already been decided by the Supreme Court, one of
2 which was challenging the citizenship of an
3 Asian-American. So I definitely vote yes.

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

6 COMMISSIONER KLADNEY: I pass for now.

7 CHAIRMAN CASTRO: Okay, I'll come back.
8 Commissioner Achtenberg, how do you vote?

9 COMMISSIONER ACHTENBERG: Yes.

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

12 COMMISSIONER YAKI: Aye.

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

15 VICE CHAIR TIMMONS-GOODSON: Yes.

16 CHAIRMAN CASTRO: I vote yes. Commissioner
17 Kladney?

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

23 CHAIRMAN CASTRO: Okay, thank you. So we
24 have one abstention, one no, and one, two, three, four,
25 five, six yeses, so the motion passes.

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1 DISCUSSION AND VOTE ON PRESS RELEASE RE: BIRTH
2 CERTIFICATE DENIALS IN TEXAS

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

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

11 CHAIRMAN CASTRO: Okay.

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

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

17 COMMISSIONER NARASAKI: So moved.

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

21 COMMISSIONER KLADNEY: I can't hear you, Mr.
22 Chairman.

23 CHAIRMAN CASTRO: I'm sorry, my mic went
24 off. Would we also want to add to this that we issued
25 the EOIR letter, to this press release?

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1 COMMISSIONER HERIOT: To the same release?

2 I would think you'd want to have separate -

3 CHAIRMAN CASTRO: Separate?

4 COMMISSIONER HERIOT: Yeah.

5 CHAIRMAN CASTRO: Okay, so then we won't
6 change this letter, or this release. Any questions on
7 this? Now let me call the question for a vote.
8 Commissioner Kirsanow, how do you vote?

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

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

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

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

20 COMMISSIONER HERIOT: I vote no.

21 CHAIRMAN CASTRO: Commissioner Narasaki,
22 how do you vote?

23 COMMISSIONER NARASAKI: Yes.

24 CHAIRMAN CASTRO: Commissioner Kladney, how
25 do you vote?

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1 COMMISSIONER KLADNEY: Yes.

2 CHAIRMAN CASTRO: Commissioner Achtenberg,
3 how do you vote?

4 COMMISSIONER ACHTENBERG: Yes.

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

7 COMMISSIONER YAKI: Aye.

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

10 VICE CHAIR TIMMONS-GOODSON: Yes.

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

14 VOTE ON PRESS RELEASE RE: THE EOIR LETTER

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

19 COMMISSIONER KLADNEY: I'll move for that.

20 CHAIRMAN CASTRO: Okay, is there a second?

21 COMMISSIONER KLADNEY: Kladney here.

22 CHAIRMAN CASTRO: Thank you, Commissioner
23 Kladney.

24 COMMISSIONER ACHTENBERG: Second.

25 CHAIRMAN CASTRO: Okay, any discussion on

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1 that? No, then I will do a roll call on that.

2 Commissioner Kirsanow, how do you vote?

3 COMMISSIONER KIRSANOW: Abstain.

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

6 COMMISSIONER HERIOT: This is the EOIR
7 letter -

8 CHAIRMAN CASTRO: Yes.

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

11 CHAIRMAN CASTRO: Yes.

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

15 CHAIRMAN CASTRO: I do.

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

17 CHAIRMAN CASTRO: Okay, thank you.
18 Commissioner Narasaki?

19 COMMISSIONER NARASAKI: Yes.

20 CHAIRMAN CASTRO: Commissioner Kladney?

21 COMMISSIONER KLADNEY: Yes.

22 CHAIRMAN CASTRO: Commissioner Achtenberg?

23 COMMISSIONER ACHTENBERG: Yes.

24 CHAIRMAN CASTRO: Commissioner Yaki?

25 COMMISSIONER YAKI: Aye.

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1 CHAIRMAN CASTRO: Madam Vice Chair?

2 VICE CHAIR TIMMONS-GOODSON: Yes.

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

6 COMMISSIONER KLADNEY: Mr. Chairman?

7 CHAIRMAN CASTRO: Yes, Commissioner
8 Kladney?

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

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

18 CHAIRMAN CASTRO: Good point.

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

24 CHAIRMAN CASTRO: If you could add to that
25 motion that we then also have that reflected in the

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1 press release that we're going to request that DOJ look
2 at that, so that it's -

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

7 CHAIRMAN CASTRO: Well, we'll -

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

10 CHAIRMAN CASTRO: All right, got you.

11 COMMISSIONER ACHTENBERG: Well, then -

12 CHAIRMAN CASTRO: Commissioner Achtenberg?

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

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

19 COMMISSIONER KLADNEY: That's my motion.

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

22 COMMISSIONER ACHTENBERG: Second.

23 CHAIRMAN CASTRO: Okay, that's Commissioner
24 Achtenberg seconding Commissioner Kladney's motion.
25 Any additional discussion on that?

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1 COMMISSIONER HERIOT: And just to clarify,
2 this is a double motion to both issue such a letter and
3 to have a press release based on it?

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

9 COMMISSIONER KLADNEY: Oh, that's my
10 umbrella getting wound up.

11 CHAIRMAN CASTRO: Oh, okay. Hearing no
12 further -

13 COMMISSIONER ACHTENBERG: I thought you
14 were already wound up, Commissioner Kladney.

15 (Laughter.)

16 COMMISSIONER KLADNEY: Very tight.

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

20 COMMISSIONER KIRSANOW: Abstain.

21 CHAIRMAN CASTRO: Commissioner Heriot, how
22 do you vote?

23 COMMISSIONER HERIOT: I guess I'm going to
24 vote no. There's no problem I have with writing to the
25 Attorney General and asking for an investigation, but

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1 I don't think we should be grandstanding on it.

2 CHAIRMAN CASTRO: Commissioner Narasaki,
3 how do you vote?

4 COMMISSIONER NARASAKI: Yes.

5 CHAIRMAN CASTRO: Commissioner Kladney, how
6 do you vote?

7 COMMISSIONER KLADNEY: Yes.

8 CHAIRMAN CASTRO: Commissioner Achtenberg,
9 how do you vote?

10 COMMISSIONER ACHTENBERG: Yes.

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

13 COMMISSIONER YAKI: Aye.

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

16 VICE CHAIR TIMMONS-GOODSON: Yes.

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

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

23 CHAIRMAN CASTRO: We now move onto a letter
24 that we are sending responding to a Congressional
25 request that we update the Native American report Quiet

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1 Crisis. The letter proposed to you acknowledges the
2 receipt of the request from members of Congress, and
3 concurs with the updating of that report.

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

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

11 CHAIRMAN CASTRO: Yes, I believe. Hold on.

12 COMMISSIONER HERIOT: Yes.

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

15 COMMISSIONER NARASAKI: So moved, Mr.
16 Chair.

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

19 VICE CHAIR TIMMONS-GOODSON: Second.

20 CHAIRMAN CASTRO: That's Commissioner
21 Achtenberg?

22 VICE CHAIR TIMMONS-GOODSON:
23 Timmons-Goodson.

24 CHAIRMAN CASTRO: Oh, Madam Vice Chair.
25 Okay, any discussion?

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1 COMMISSIONER HERIOT: Mr. Chairman?

2 CHAIRMAN CASTRO: Yes, Commissioner Heriot?

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

5 CHAIRMAN CASTRO: Okay.

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

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

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

19 COMMISSIONER KLADNEY: Well, perhaps we
20 should wait until we hear what the staff has to say,
21 Kladney here, and we then come back to the letter.

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

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1 business meeting which is this meeting.

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

4 COMMISSIONER NARASAKI: Exactly.

5 CHAIRMAN CASTRO: Okay.

6 COMMISSIONER KLADNEY: Okay.

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

9 COMMISSIONER HERIOT: Come back to it in
10 this meeting?

11 CHAIRMAN CASTRO: Yes, in this meeting.

12 COMMISSIONER HERIOT: Okay.

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

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

23 COMMISSIONER ACHTENBERG: The Honorable
24 Members of Congress.

25 COMMISSIONER HERIOT: Who are they?

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1 CHAIRMAN CASTRO: You all should have
2 received a copy of the letter itself.

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

5 CHAIRMAN CASTRO: They are all honorable.

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

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

17 COMMISSIONER HERIOT: Got it.

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

21 COMMISSIONER NARASAKI: So moved.

22 CHAIRMAN CASTRO: Is there a second?
23 Second?

24 COMMISSIONER KLADNEY: Was this
25 Commissioner Achtenberg's motion?

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1 CHAIRMAN CASTRO: No, it's Commissioner
2 Narasaki's motion. Are you still willing to second?

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

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

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

9 COMMISSIONER ACHTENBERG: Yeah, I agree.

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

17 COMMISSIONER KIRSANOW: I'm looking for it.

18 CHAIRMAN CASTRO: Okay.

19 COMMISSIONER HERIOT: Mr. Chairman?

20 CHAIRMAN CASTRO: Yes, Commissioner Heriot?

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

24 CHAIRMAN CASTRO: What slogan is that?

25 COMMISSIONER HERIOT: - than to use slogans.

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1 The notion of, "without fear of discrimination because
2 of who they are and who," that should be whom, "they
3 choose to love." You know, if an applicant for
4 employment came to me and told me, "I love Adolf
5 Hitler," I'm not hiring him. And, "because of who they
6 are," is just entirely too broad a term, so I can't
7 support language like that.

8 CHAIRMAN CASTRO: Okay, any other questions
9 or comments?

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

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

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

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

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

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

25 COMMISSIONER NARASAKI: Yes.

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1 CHAIRMAN CASTRO: Commissioner Kladney, how
2 do you vote?

3 COMMISSIONER KLADNEY: Yes.

4 CHAIRMAN CASTRO: Commissioner Achtenberg,
5 how do you vote?

6 COMMISSIONER ACHTENBERG: Yes.

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

9 COMMISSIONER YAKI: Aye.

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

12 VICE CHAIR TIMMONS-GOODSON: Yes.

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

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

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

24 While this occurred some months ago, since
25 this is our first business meeting in a while, I wanted

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1 to have this resolution set forward so that we can do
2 two things, one, post it on our website for the public,
3 but also to have this sent, if we can identify the
4 location of his family, to his family.

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

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

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

18 COMMISSIONER HERIOT: So moved.

19 CHAIRMAN CASTRO: Is there a second?

20 COMMISSIONER KIRSANOW: Kirsanow, second.

21 CHAIRMAN CASTRO: Thank you, Commissioner.

22 Any discussion?

23 VICE CHAIR TIMMONS-GOODSON: This is Pat
24 Timmons-Goodson. Instead of - and this is minor, of
25 course.

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1 CHAIRMAN CASTRO: Sure.

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

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

10 COMMISSIONER KIRSANOW: Yes.

11 CHAIRMAN CASTRO: Commissioner Heriot, how
12 do you vote?

13 COMMISSIONER HERIOT: With those friendly
14 amendments -

15 CHAIRMAN CASTRO: Yes.

16 COMMISSIONER HERIOT: Yes.

17 CHAIRMAN CASTRO: Commissioner Narasaki,
18 how do you vote?

19 COMMISSIONER NARASAKI: Yes.

20 CHAIRMAN CASTRO: Commissioner Kladney, how
21 do you vote?

22 COMMISSIONER KLADNEY: Yes.

23 CHAIRMAN CASTRO: Commissioner Achtenberg,
24 how do you vote?

25 COMMISSIONER ACHTENBERG: Yes.

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

3 COMMISSIONER YAKI: Aye.

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

6 VICE CHAIR TIMMONS-GOODSON: Yes.

7 CHAIRMAN CASTRO: And I vote yes.

8 **II. PROGRAM PLANNING**

9 **DISCUSSION ON HOW TO RECOMMIT THE COMMISSION**
10 **TO PLANNING THE COMMEMORATION OF THE**
11 **13TH AND 14TH AMENDMENTS**

12 CHAIRMAN CASTRO: The next item on the
13 agenda, thankfully, is not a letter or document to be
14 revised, but it is us revisiting a vote that we took
15 last year on honoring and commemorating the
16 anniversaries of the --- the 150th anniversaries of the
17 13th and 14th Amendments passage.

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

25 COMMISSIONER HERIOT: Which states?

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

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

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

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

17 CHAIRMAN CASTRO: Yes.

18 COMMISSIONER HERIOT: I want Illinois in
19 there.

20 CHAIRMAN CASTRO: Yes, we'll have to do that.
21 But that's one of the things I want to discuss today;
22 what do we want to do to sort of recommit to --- I'm
23 not asking that we reopen the vote, but we voted to do
24 some acknowledgments and some commemorations, but we
25 really haven't taken --- other than sending those

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1 letters to those relevant governors, have not done
2 anything further on that. And I wanted to bring that
3 back up so that we cannot let that fall between the
4 cracks. I don't know if folks have some ideas. I know
5 the Vice Chair had suggested something to me off --- or
6 some of us offline. Madam Vice Chair?

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

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

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1 Subcommittee of some Commissioners.

2 COMMISSIONER HERIOT: We're running out of
3 time.

4 CHAIRMAN CASTRO: I know.

5 COMMISSIONER HERIOT: This is the year.

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

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

10 CHAIRMAN CASTRO: Yes.

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

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

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

18 CHAIRMAN CASTRO: The 13th is ---

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

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

25 COMMISSIONER KLADNEY: Mr. Chairman?

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1 CHAIRMAN CASTRO: Yes, Commissioner Kladney?

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

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

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

18 We could hold our December meeting at the
19 Lincoln Cottage instead of holding it here, and maybe
20 invite someone to --- a historian to give some words
21 about this, maybe two historians. And like maybe this
22 is more than we want to do, but this is deep in my heart
23 here, have a church choir come in and sing the Battle
24 Hymn of the Republic for our opening before we have our
25 meeting.

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1 VICE CHAIR TIMMONS-GOODSON: I like that
2 idea, Commissioner Heriot, and I would be glad to work
3 with you on it. There are some noted historians in North
4 Carolina, both at UNC Chapel Hill and in Duke, and I'll
5 be glad to help come up with one or two folks, or a two
6 folks to do that.

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

13 CHAIRMAN CASTRO: Commissioner Narasaki.

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

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

24 And, Commissioner Kladney, to your
25 suggestion maybe what we do --- you know, I think it's

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1 a good point. I don't think we need to reach out to all
2 50 states. I think it's relevant for those states that
3 ratified. And maybe what we could do is reach out to
4 our Regional Directors and ask them to determine what
5 their SACs might be interested in doing, if anything.
6 At the same time here through the Office of the Chairman
7 we should and will follow-up with all the governors that
8 we wrote to originally to determine where they stand
9 on programs, so that we kind of ---

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

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

14 COMMISSIONER KLADNEY: Absolutely.

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

20 COMMISSIONER KLADNEY: Thank you, Mr.
21 Chairman.

22 CHAIRMAN CASTRO: You're welcome, thank you.

23 COMMISSIONER ACHTENBERG: Mr. Chairman?

24 CHAIRMAN CASTRO: Yes, Commissioner
25 Achtenberg.

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

6 CHAIRMAN CASTRO: Absolutely.

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

10 CHAIRMAN CASTRO: I agree.

11 COMMISSIONER ACHTENBERG: Yes.

12 CHAIRMAN CASTRO: Any other suggestions? So,
13 then let me just restate the consensus. I don't know
14 if we need to vote on this, but if we do, then I'll
15 entertain a motion on it. But we will follow-up with
16 the governors of the ratifying states, following up on
17 our original letters to them inquiring of what actions
18 or commemorative actions are going to be involved in,
19 and encouraging them to do that. Two, we will also send
20 a letter to the President and Congressional leadership
21 inquiring as to what they will be doing in
22 commemoration. Three, we will reach out to the Regional
23 Directors and have them determine from the SACs that
24 are relevant to the states that ratified whether they
25 will be involved in any activities and, hopefully, we

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1 can engage the SACs in that. And, fourth, the suggestion
2 that Commissioner Heriot had, that we seek to work with
3 --- we would hold our December meeting at the Lincoln
4 Cottage, and that we engage a couple of scholars to make
5 a presentation there and identify if we might have some
6 choir sing for us the Battle Hymn of the Republic.

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

9 CHAIRMAN CASTRO: Yes.

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

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

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

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

22 COMMISSIONER HERIOT: Probably make sense to
23 have one.

24 CHAIRMAN CASTRO: Yes. So, is there a
25 --- I'll entertain a motion on those items.

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1 COMMISSIONER KLADNEY: Kladney here. So move
2 to adopt your recitation ---

3 CHAIRMAN CASTRO: Okay.

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

6 CHAIRMAN CASTRO: Okay. Commissioner Heriot
7 seconded.

8 COMMISSIONER HERIOT: Second.

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

11 Okay. They're going to test my memory here.
12 One, that we are going to follow-up with those governors
13 in the ratifying states to whom we've already
14 corresponded to determine what, if anything, they will
15 be doing to commemorate, and encouraging them to
16 commemorate that date. Secondly, we will ---

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

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

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

25 CHAIRMAN CASTRO: Exactly as we are doing. In

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1 fact, we could suggest to them we're going to be doing
2 something in December, and encourage them to do
3 likewise. Two, we will send a letter to the President
4 and Congressional leadership inquiring as to what
5 commemorative activities they will be undertaking,
6 encouraging them to do so if they haven't, and asking
7 them to include us in that. Three, we will reach out
8 through our staff to the Regional Directors asking them
9 to focus on the SACs in the states that ratified to
10 determine whether those SACs will be engaging in any
11 commemorative activities. And, if so, to engage the
12 SACs in that so that we're having them involved. Four,
13 we will conduct our December meeting at the Lincoln
14 Cottage.

15 COMMISSIONER HERIOT: We will look into that.

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

22 COMMISSIONER HERIOT: Sing it with us?

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

25 COMMISSIONER KLADNEY: Not with me.

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1 COMMISSIONER KIRSANOW: Me either.

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

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

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

10 VICE CHAIR TIMMONS-GOODSON: Mr. Chair?

11 CHAIRMAN CASTRO: Yes?

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

15 CHAIRMAN CASTRO: Yes.

16 VICE CHAIR TIMMONS-GOODSON: Okay.

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

20 COMMISSIONER HERIOT: We had a motion.

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

23 COMMISSIONER HERIOT: That's friendly, yes.

24 CHAIRMAN CASTRO: Okay, friendly amendment.

25 COMMISSIONER KLADNEY: That's fine.

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1 CHAIRMAN CASTRO: So, any additional
2 discussion? Hearing none, I will take a vote.
3 Commissioner Kirsanow, how do you vote?

4 COMMISSIONER KIRSANOW: Yes.

5 CHAIRMAN CASTRO: Commissioner Heriot, how
6 do you vote?

7 COMMISSIONER HERIOT: Yes.

8 CHAIRMAN CASTRO: Commissioner Narasaki, how
9 do you vote?

10 COMMISSIONER NARASAKI: Yes.

11 CHAIRMAN CASTRO: Commissioner Kladney, how
12 do you vote?

13 COMMISSIONER KLADNEY: Yes.

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

16 COMMISSIONER ACHTENBERG: Yes.

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

19 COMMISSIONER YAKI: Can I sing it?

20 CHAIRMAN CASTRO: Yes.

21 COMMISSIONER HERIOT: Yes.

22 COMMISSIONER YAKI: Okay. No, just aye.

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

25 VICE CHAIR TIMMONS-GOODSON: Yes.

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1 CHAIRMAN CASTRO: I vote yes, so the motion
2 passes unanimously.

3 **II. PROGRAM PLANNING**

4 **DISCUSSION AND VOTE ON COMMISSION INVOLVEMENT**
5 **IN NATIONAL CIVIL RIGHTS CONFERENCE ORGANIZED**
6 **BY EPA AND USDA**

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

24 The letter that I received from them is
25 included in your materials, and what I would like to

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1 do is approve our involvement as a Commission in this
2 conference, and in the activities leading up to
3 planning for it. So, I would entertain a motion to that
4 effect.

5 COMMISSIONER YAKI: So moved, Mr. Chair.

6 CHAIRMAN CASTRO: Is there a second?

7 COMMISSIONER KLADNEY: Kladney, second.

8 CHAIRMAN CASTRO: Okay. Any discussion?

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

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

21 COMMISSIONER KLADNEY: Mr. Chairman, Kladney
22 here.

23 CHAIRMAN CASTRO: Yes, Commissioner?

24 COMMISSIONER KLADNEY: So, our participation
25 would be from what I took from your discussion, our

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1 Special Assistants would attend, as well as the
2 Director?

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

12 COMMISSIONER KLADNEY: Thank you.

13 COMMISSIONER KIRSANOW: Mr. Chair, Kirsanow
14 here.

15 CHAIRMAN CASTRO: Yes?

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

18 CHAIRMAN CASTRO: Essentially, it's to do a
19 couple of things. Part of it is being planned out now,
20 so there's planning meetings that have been occurring
21 over the last few weeks; although, I don't --- we
22 haven't attended those yet because I wanted to
23 --- although I attended the first meeting, I don't
24 think any of us attended the follow-up meetings, so I
25 wanted to make sure we got this approved. But it's to

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1 look at various Civil Rights issues, bring the
2 different agencies together, look at how we can
3 collaborate on issues of common concern, but a formal
4 agenda has not yet been put together. That's what's
5 going on right now in the planning meetings, which we
6 would like to participate in so that we could kind of
7 help shape that agenda, as well. Sharing best practices
8 and training, as well.

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

11 Commissioner Kirsanow, how do you vote?

12 COMMISSIONER KIRSANOW: No.

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

15 COMMISSIONER NARASAKI: Yes.

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

18 COMMISSIONER KLADNEY: Yes.

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

21 VICE CHAIR TIMMONS-GOODSON: Yes.

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

24 COMMISSIONER YAKI: Aye.

25 CHAIRMAN CASTRO: Commissioner Achtenberg,

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1 how do you vote?

2 COMMISSIONER ACHTENBERG: Aye.

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

5 COMMISSIONER NARASAKI: Mr. Chair?

6 CHAIRMAN CASTRO: Yes, Commissioner
7 Narasaki?

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

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

13 **II. PROGRAM PLANNING**

14 **DISCUSSION AND VOTE ON PRESS RELEASE CONCERNING THE**

15 **RECENT SUPREME COURT RULINGS ON MARRIAGE**

16 **EQUALITY AND THE FAIR HOUSING ACT**

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

23 COMMISSIONER NARASAKI: I move.

24 CHAIRMAN CASTRO: Is there a second?

25 COMMISSIONER ACHTENBERG: Second.

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1 CHAIRMAN CASTRO: Any discussion?

2 COMMISSIONER KIRSANOW: Kirsanow here.

3 CHAIRMAN CASTRO: Yes?

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

22 As far as the Obergefell decision is
23 concerned, the Supreme Court has ruled. There remain,
24 however, tens of millions of Americans who in good faith
25 maintain that their respect for the dignity of every

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1 human being isn't compatible or is irreconcilable with
2 their religious beliefs that marriage is between a man
3 and a woman. Going forward, the question now is whether
4 out 1st Amendment free exercise rights and the dignity
5 of of those tens of millions of Americans will be
6 respected by the states. So, I would urge that the
7 report that's been pending now for almost two and a half
8 years on Peaceful Coexistence be issued by the
9 Commission, but I will be voting no on this particular
10 press release.

11 CHAIRMAN CASTRO: Thank you, Commissioner.
12 Anybody else?

13 COMMISSIONER KLADNEY: Mr. Chairman, Kladney
14 here.

15 CHAIRMAN CASTRO: Go ahead, Commissioner.

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

20 I believe, first of all, it's a fairly short
21 press release for two very, very important issues
22 affecting our country, and I think they should be
23 rewritten separately and in more detail, as well as I
24 believe the quote we should adopt in the marriage press
25 release should be that of Justice Kennedy's, which I

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1 just find phenomenal prose. So, therefore, I would not
2 be voting on this issue once the press release as
3 drafted is put forth for passage.

4 VICE CHAIR TIMMONS-GOODSON: Mr. Chair?

5 CHAIRMAN CASTRO: Madam Vice Chair?

6 VICE CHAIR

CHAIR

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

12 CHAIRMAN CASTRO: Go ahead.

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

18 CHAIRMAN CASTRO: Okay, so let me just
19 clarify a couple of things. We did it Friday in an effort
20 to try to get the press release out, and so it was one
21 press release in the interest of time. I would still
22 like to get this out today so that it's somewhat timely,
23 so what I would like to do is, I don't want to go into
24 an elaborate dense rewriting of these, but I do think
25 we can, if we can agree here to split these into two,

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1 I would like to at least come up with some understanding
2 of what we're going to have in here now so that it can
3 be issued by the end of business today.

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

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

11 CHAIRMAN CASTRO: Commissioner Narasaki?

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

19 CHAIRMAN CASTRO: Okay.

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

23 CHAIRMAN CASTRO: Okay.

24 COMMISSIONER YAKI: This is Commissioner
25 Yaki.

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1 CHAIRMAN CASTRO: Commissioner Yaki?

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

18 Anyway, I just --- and I don't know if Alex
19 wants to put anything in there, but I wanted to just
20 give kudos to Alec for bringing that issue up years ago,
21 and the continuing fight. And I think this is wonderful.
22 This is amazing in terms of marriage. Now there's
23 simply marriage. There's no same sex marriages, no
24 interracial marriages. It's just marriage. But the
25 fight is not over.

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1 CHAIRMAN CASTRO: Right. So, you're not
2 suggesting we add that. You're just acknowledging the
3 good work of ---

4 COMMISSIONER YAKI: Yes.

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

7 COMMISSIONER YAKI: Yes.

8 CHAIRMAN CASTRO: Anything else on the ---

9 COMMISSIONER KLADNEY: Mr. Chairman?

10 CHAIRMAN CASTRO: Yes, Commissioner?

11 COMMISSIONER KLADNEY: I would propose that
12 in the housing case press release ---

13 CHAIRMAN CASTRO: Yes.

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

21 CHAIRMAN CASTRO: Okay. Everyone okay with
22 that?

23 COMMISSIONER NARASAKI: Yes.

24 CHAIRMAN CASTRO: Okay. Any other changes? So
25 then we need a friendly amendment, I guess, on this

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1 motion?

2 COMMISSIONER NARASAKI: I offer a friendly
3 amendment that the Commission issue two press releases
4 on the two Supreme Court decisions covered in this
5 initial draft with the additions suggested by
6 Commissioners.

7 CHAIRMAN CASTRO: Is there a second?

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

10 CHAIRMAN CASTRO: Okay. Is there a second?

11 COMMISSIONER KLADNEY: I'll second that
12 motion.

13 CHAIRMAN CASTRO: Okay. Any other
14 discussion?

15 COMMISSIONER KLADNEY: That's --- those
16 release comport with what discussed by the various
17 Commissioners just now after the motion was made.

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

20 COMMISSIONER NARASAKI: That was my amending
21 motion.

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

25 Commissioner Kirsanow, how do you vote?

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1 COMMISSIONER KIRSANOW: No.

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

4 COMMISSIONER NARASAKI: Yes.

5 CHAIRMAN CASTRO: Commissioner Kladney, how
6 do you vote?

7 COMMISSIONER KLADNEY: Yes.

8 CHAIRMAN CASTRO: Commissioner Achtenberg,
9 how do you vote?

10 COMMISSIONER ACHTENBERG: Yes.

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

13 COMMISSIONER YAKI: Aye.

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

16 VICE CHAIR TIMMONS-GOODSON: Yes.

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

19 **II. PROGRAM PLANNING**

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

22 CHAIRMAN CASTRO: Next we're moving on to a
23 discussion on how we want to proceed with Fiscal Year
24 '16 projects.

25 Initially, I had suggested that we would

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

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

18 I don't know, but what I want to do is open
19 this up for some discussion from our Commissioners as
20 to what kind of process we want to have; with the
21 understanding, however, that the one project we do need
22 to decide on and move on will be our Statutory
23 Enforcement Report for 2016 because it has a very
24 specific due date to the President and Congress of
25 September 30th of every year. So, what I would encourage

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1 us to do is at our July meeting that we would select
2 a Statutory Enforcement topic for '16 at that time, but
3 for the moment I wanted to talk about the grander scheme
4 of what suggestions Commissioners have in terms of
5 Fiscal 2016 ideas, in terms of a process. So, anyone
6 is free to chime in.

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

10 CHAIRMAN CASTRO: Right.

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

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

24 COMMISSIONER KLADNEY: Mr. Chairman, Dave
25 Kladney here.

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1 CHAIRMAN CASTRO: Oh, Commissioner Kladney,
2 go ahead.

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

20 CHAIRMAN CASTRO: Let me suggest something
21 here. Since the first item on the Staff Director's
22 Report on Management and Operations is a discussion or
23 a status report to us on the pending reports and the
24 reports to be voted on and revised, maybe we should have
25 him and staff report on that, and then determine how

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1 we handle '16. Does that sound fair? Mr. Staff Director?

2 COMMISSIONER KLADNEY: That's good.

3 CHAIRMAN CASTRO: Okay.

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

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

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

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

24 CHAIRMAN CASTRO: Yes, why don't we do this.
25 We're going to get the reports --- I know that our

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1 --- we have two SAC Chairs that are on the phone, have
2 been on the phone and patient. Maybe we'll do this
3 --- have them give their reports, and then we'll come
4 back to this issue. Okay?

5 DIRECTOR MORALES: Thank you.

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

10 III. MANAGEMENT AND OPERATIONS

11 REPORT BY SAC CHAIRS FOR MISSOURI

12 AND NEW YORK

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

25 As you know, there's a lot that's been going

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1 on recently in Missouri. And, in fact --- oh, is that
2 Ms. Korry?

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

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

16 MR. MITCHELL: Yes, I am here.

17 CHAIRMAN CASTRO: You have the floor.

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

21 As you all know, when our Committee was
22 selected, put together in July that, of course, a month
23 later the events in Ferguson happened, and we had to
24 sort of act very quickly. Once we did, we made a
25 conscious decision not to wade into the fray at the

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1 initial part of the investigation because the local,
2 state, and other federal agencies had taken up that
3 lead, so we sat back and we waited to hear what was going
4 to happen.

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

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

23 The second thing, which was also important
24 for us that came out was one of the issues about the
25 psychologist's report about training for law

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1 enforcement and the misperception of age
2 identification for young African Americans and other
3 young men of color that often the benefit of the doubt
4 does not get to --- does not go to them because they
5 are perceived to be older, and perceived to actually
6 know better. So, some of that testimony was incredibly
7 important.

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

24 The Committee felt very sort of adamant about
25 having more than one particular hearing. We had the

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1 first hearing in St. Louis because of the events in St.
2 Louis, but we recognize the fact that we are a statewide
3 body, and we wanted to have it someplace else. We choose
4 Kansas City, which I would imagine that some of the
5 Committee members didn't agree with choosing another
6 urban center, but we chose the two urban nodes both
7 reflecting the east and west sort of divisions of the
8 state, if you will, but also recognizing that many of
9 our rural citizens would be left out of the
10 conversation. So, we specifically or explicitly wanted
11 to reach out and sort of get folks talking about those
12 areas, to submit materials to us as we sort of go
13 forward.

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

20 And we've also decided just one thing, I
21 guess just one last thing. In an effort to get more
22 public participation, we recognize that the constraint
23 of the schedule from sort of 9 a.m., if you will, to
24 5 p.m. might not allow some folks to be able to
25 participate, and so we're actually going to be starting

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1 the next hearing later in the day and going later into
2 the evening to allow folks who may be getting off of
3 work to be able to come out after they've left work,
4 be able to attend the hearing and actually offer
5 testimony.

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

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

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

21 MR. MITCHELL: Sure I can. So, one of the
22 things, that certainly came up not only from testimony
23 from individuals who were present, but also I think was,
24 if you will, supported by the Department of Justice
25 investigation and report, was that the municipal court

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1 system and local law enforcement, that there was this
2 collaboration, if you will, or what has been termed,
3 I guess, economic policing. And that there was a fine
4 structure, and there were delays in fines and court
5 warrants that were being given to people for minor
6 infractions, minor traffic infractions that ended up
7 being thousands of dollars, and actually having some
8 very dire consequences. And because of the way St. Louis
9 County was created. Right? The white flight from St.
10 Louis City is sort of burgeoning, if you will, suburban
11 development area and the creation of these
12 municipalities to create separate entities that
13 weren't part of St. Louis City. You've got a number of
14 municipalities that are back to back, so you can drive
15 a stretch down a particular road and go through 10 to
16 15 different jurisdictions in the course of a couple
17 of miles. So, that was some of the major issues, was
18 that individuals were being stopped in one
19 municipality, and the next municipality, and so forth,
20 and so you have sort of two problems.

21 The first problem was individuals getting
22 hit with multiple fines across municipalities for maybe
23 the same issue. And the second, of course, was the
24 perception that law enforcement at large was creating
25 these problems, and yet they were enacting, in effect,

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1 what was sort of local governmental official policy.
2 And in doing so, they all got lumped together. Right?
3 No one was distinguishing the different uniforms, the
4 different badges, the different jurisdictions, but
5 they were all being placed together.

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

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

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

22 MR. MITCHELL: Well, I mean, I don't know if
23 I want to speak to current conditions, but things have
24 calmed down. I mean, I think we're in a --- I think folks
25 are in a wait and see pattern, to be honest. I think

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1 folks are waiting to see what is going to come of all
2 the investigations. There's an individual who was at
3 a hearing in St. Louis who called me and said you know
4 we've been discussing these issues for quite some time
5 now, and yet there doesn't seem to be any kind of remedy,
6 or any kind of recourse. What's going to happen? And
7 I think that's the major concern, is what happens when
8 our report is done, what is going to happen, what is
9 the Commission and/or others going to do once we come
10 back with recommendations, and how that's going to be
11 put into effect?

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

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

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

24 I do have a question, one of the findings in
25 the summary, number 6, about the COPS program at DOJ

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1 may in some communities be having the inadvertent
2 effect of increasing concerns regarding racial
3 profiling. We actually got a lot of written testimony
4 particularly from law enforcement saying that they felt
5 that the COPS program was in some ways more effective
6 in terms of them being able to work with them than the
7 Civil Rights Division Enforcement Section, so I'm just
8 wondering what the concern is?

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

19 Moreover, I think when you sort of raise the
20 phrase community policing, it has now been both
21 ill-defined, and has been broadened, and folks sort of
22 view it in two different ways. I think the folks in the
23 community view community policing or the COPS program
24 as being this sort of --- the sort of occupying sort
25 of Army kind of policing. And I'm not sure that's what

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1 the Justice --- that's what the COPS program intended,
2 but I think that's how it comes across.

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

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

7 CHAIRMAN CASTRO: Go ahead.

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

14 MR. MITCHELL: Right.

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

22 MR. MITCHELL: Yes, that's a good question,
23 and it's a difficult one. I think if I were to identify
24 sort of four broad categories, categorizations of
25 groups that may not be at odds but are having sort of

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1 difficulties, or not having difficulties but sort of
2 troubles working together, I would say you've got this
3 younger band of individuals, right, who are finding
4 disfavor with the older group of sort of Civil Rights
5 advocates in the particular jurisdictions. You've got
6 African American dominated groups, and you've got
7 Latino dominated groups, and then you've got urban
8 center and sort of rural areas. Because Missouri is a
9 very odd state in that way, right, and that there are
10 a number of --- or it is consistent --- an overwhelming
11 significant size of lower populations, I think some of
12 those issues aren't being seen the same with respect
13 to the St. Louis, Columbia, Kansas City, Springfield.

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

24 I think those groups banded together more
25 easily in St. Louis because of Ferguson, and because

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1 of what happened. I'm not sure the same can be said for
2 other parts of the state.

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

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

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

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

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

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

18 CHAIRMAN CASTRO: You, too. Thank you.

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

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

24 CHAIRMAN CASTRO: Good morning.

25 MS. KORRY: Appreciate the time you've

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1 allotted to this recounting of what we have done.

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

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

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

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1 force its elimination.

2 As you may know, in January of this year, New
3 York City implemented various measures, and they
4 decided to eliminate punitive segregation which is
5 solitary confinement for all inmates 21 and under. They
6 did so after a number of hearings, including a hearing
7 at the New York Board of Corrections, at which I
8 testified, and while they had originally thought of
9 eliminating solitary confinement only for 16 and
10 17-year olds, after our testimony, they decided to
11 increase that age to 21.

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

20 Just a few statistics for background
21 purposes, and then I would like to just go into some
22 of the things that we found. As you know, and it's been
23 well reported, the United States has 5 percent of the
24 world's population and almost 25 percent of its
25 prisoners. We are likened to North Korea on that basis.

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1 As of 2012, more than 60 percent of the prison
2 population were people of color, black men in
3 particular are six times more likely than white men,
4 and two and a half times more likely than Hispanic men
5 to be incarcerated. Consistent with the high rates of
6 incarceration, the Bureau of Justice Statistics
7 estimates that the U.S. currently holds about 80,000
8 people in segregation units at any given time.

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

16 In New York City, youths of color represent
17 88 percent of those arrested, and 94 percent of the
18 arrests resulting in incarceration; whereas, youths of
19 color represent about 60 percent of the city's
20 population.

21 Unfortunately, there's very little in the
22 way of data with respect to solitary confinement of
23 children in New York state, city, or county jails, and
24 there's even less that's publicly reported. But based
25 on the statistics that were reported, there were about

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1 400 inmates in January of 2012 in extreme isolation in
2 New York City who are under the age of 20. And in New
3 York City, at any one time 18 percent of 16- to 18-year
4 olds are in punitive segregation at any time.

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

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

20 These children are --- these youths have
21 little or no human interaction other than the slots
22 being opened to give them their food, and the early
23 morning call as to whether they wish to go out to
24 exercise. And, of course, if they do decide to go out
25 to exercise, they are shackled. They are transported

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1 to the outdoor exercise pen which is about the same size
2 as their cell, and I guess allowed to walk around in
3 that pen.

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

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

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

19 According to authorities, the pre-frontal
20 cortex of adolescent's brain does not develop fully
21 until the early 20s, and it's for this reason that
22 multiple presenters recommended that when considering
23 the ban on placing youth in solitary confinement, the
24 term "youth" should be defined as young adults up to
25 the age of 25.

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1 The DOJ's Office of Juvenile Justice and
2 Delinquency Prevention has stated that isolation of
3 children is dangerous and inconsistent with best
4 practices, and that excessive isolation can constitute
5 cruel and unusual punishment. According to the ACLU and
6 Human Rights Watch, a recent report that they issued,
7 more than 48 percent of adolescents at Rikers have been
8 diagnosed with mental health problems, and at many
9 state institutions similar numbers are reported.

10 The New York SAC found that it was too easy
11 for youth to end up in solitary confinement in New York
12 State and City and they say the punishment seemed
13 disproportionate to the crime. Inmates are often placed
14 in isolation for non-violent misbehavior. In fact, from
15 2007 to 2011, only 16 percent of share sentences, the
16 share is the equivalent of a solitary box, were for
17 infractions related to --- only 16 percent were related
18 to violent behavior, misbehavior infractions.
19 Disobeying staff orders is one of the top infractions
20 that leads to solitary confinement, and fighting is
21 another one.

22 In the New York State system, if you break
23 one of 100 or so rules and you're then sentenced to go
24 into solitary, you are afforded a hearing, but you're
25 not afforded counsel, you're not afforded the right to

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1 cross-examine, and there's no sworn evidence that's
2 presented against anyone.

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

14 In New York City, inmates are automatically
15 assigned an attorney if they appeal the determination.
16 The hearings, however, are presided over by a captain
17 who's usually a New York Department of Corrections
18 employee and typically is a former corrections officer.

19 The New York SAC concluded that the
20 detrimental effects of solitary confinement are so
21 severe and New York's prisons so indifferent to its
22 effects as to unquestionably inconsistent with the
23 standards of decency of a mature society, and as a
24 result we came to the conclusion that the practice
25 constitutes cruel and unusual punishment under the 18th

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1 Amendment jurisprudence of our courts.

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

14 And just last week, Justice Kennedy
15 suggested in an unrelated opinion that it might
16 actually be time for the courts to consider the
17 constitutionality of solitary confinement, noting the
18 need to consider alternatives to isolation, as he has
19 said many times drives men mad. I don't know if any of
20 you caught his testimony before Congress with respect
21 to the 2016 budget for the Supreme Court, but he made
22 a very powerful statement about --- and he said, among
23 other things he said, and this idea of total
24 incarceration just isn't working and it's not humane.
25 The federal government built what they call supermax

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1 prisons of isolation cells. The prisoner we had come
2 before our court a few weeks ago had been in isolation
3 according to the attorney for 25 years. Solitary
4 confinement literally drives men mad. And a number of
5 District Courts have found certain practices to be
6 clearly unconstitutional.

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

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

24 Because the practice is so severe and because
25 its wanton use by prison officials manifests deliberate

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1 indifference to the harm caused, the New York SAC
2 concluded that the practice met the constitutional test
3 for cruel and unusual punishment. Moreover, since the
4 overwhelming evidence is that the portion of the brain
5 responsible for impulse control does not fully develop
6 until a person's early 20s, imposing solitary
7 confinement as a response to that lack of judgment seems
8 particularly cruel.

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

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

25 So, our view, the New York SAC determined

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

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

19 We have also recommended, and like we put
20 forward in our report that there should be no in cell
21 segregation of youth that exceeds 24 hours. Each
22 housing unit should maintain a committee comprised of
23 at least a correction officer, a counsel, a mental
24 health professional, an educational professional and
25 the warden or his or her designee to design programming

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1 for youth inmates so they have at least one hour of true
2 recreation and at least six hours of out of school
3 programming per day.

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

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

22 For example, New York should insure that the
23 assignment of youth inmates to housing facilities are
24 performed by counselors with training in mental health
25 using tools validated for youths, that youth inmates

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1 can submit genuinely anonymous complaints, and that all
2 allegations of sexual abuse are investigated by staff
3 and a specialized independent investigative unit
4 trained to interrogate youths appropriately.

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

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

23 On the federal level, no statute or
24 regulation prohibits solitary confinement of children
25 in youth facilities, jails or prisons; however, the

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1 JJDPA, the Juvenile Justice and Delinquency Prevention
2 Act creates national incentives for the separation of
3 youths out of adult facilities, and others --- and the
4 Prison Rape Elimination Act, among other things,
5 mandates that prison officials use their best efforts
6 to avoid placing youths or inmates in isolation, and
7 also requires that youths receive daily large muscle
8 exercise, and legally requires special education
9 services.

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

20 And as I said previously, Section 14.141 of
21 the Violent Crime Law Enforcement Act of 1994 also makes
22 it unlawful for government authorities that are
23 responsible for the administration of juvenile justice
24 to engage in a practice of conduct that deprives persons
25 of rights, privilege, or immunities secured by the

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1 Constitution and the laws of the United States.

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

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

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

22 CHAIRMAN CASTRO: Thank you, Chair Korry.
23 Just to let you know, Commissioner Narasaki and I did
24 a little side bar here as you were presenting, and she
25 will be presenting to us at the next meeting in July

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1 recommendations on following up with letters, as you've
2 suggested in your report.

3 MS. KORRY: Oh, great.

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

7 MS. KORRY: Excellent.

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

10 COMMISSIONER KLADNEY: Mr. Chairman, Kladney
11 here.

12 CHAIRMAN CASTRO: Go ahead.

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

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

24 CHAIRMAN CASTRO: Any other questions or
25 comments, Commissioners? Hearing none, Chair Korry,

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1 thank you again for your work and for participating
2 today, and for the excellent recitation of your work.
3 So, we will follow-up with you. Thank you.

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

6 III. MANAGEMENT AND OPERATIONS

7 REPORT ON STATUS OF PENDING REPORTS AND

8 REPORTS VOTED TO BE REVISED

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

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

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

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1 recently.

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

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

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

22 The next report is Workplace Discrimination
23 Against LGBT Americans. We will be submitting that to
24 the Staff Director late June, well, early July, and so
25 because of our process, it has to go through the OSD,

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1 it has to go through editorial review, it has to go
2 through legal sufficiency review. And we're trying to
3 be cognizant of the burden on OGC with their limited
4 resources, so we have outlaid a timeline for that draft
5 to be submitted to the Commissioners of October 2nd,
6 2015.

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

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

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1 information as soon as we know it.

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

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

15 The second part of this report deals with
16 those backlog reports, and also the updated reports.
17 The first one is Protecting the Civil Rights of Our
18 Veterans and Service Members. We have submitted that
19 report to OSD, and we anticipate it getting through the
20 review process and getting to you by September 28th,
21 2015.

22 The next report, Civil Rights Implications
23 of State Immigration Law, we turned that into OSD and
24 then forwarded it to the Commissioners. We got some
25 great constructive feedback on that report. We

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1 definitely appreciate that. We're incorporating it not
2 into only the report in updating it, but also the rest
3 of our future reports. So, for that reason we're going
4 to rewrite that report, and our goal is to have that
5 to you mid-July.

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

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

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

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

24 COMMISSIONER NARASAKI: A couple of times, I
25 think.

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1 MS. FRENCH-BELL: Yes. So, this one will be
2 right. Okay. So, those dates are October 23rd, 2015.

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

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

20 The Anti-Semitism report, same principle but
21 basically end of August time frame. But that one we're
22 just spreading it out a little bit more so you won't
23 have two reports, one in November around Thanksgiving,
24 and one in December around Christmas, so we're not going
25 to deliver that one until December 10th, 2015.

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1 Voter Fraud and Intimidation, that one will
2 be completed in September. You will receive that
3 January 19th, 2016. The 2008 update of the paper on the
4 Effect of Undocumented Immigrants on Black Workers will
5 be done around September, as well, and you will receive
6 that on February 2nd, 2016. So, it is our goal to have
7 these reports written and to OSD by September 30th,
8 2015. We understand the review process takes a while,
9 and you won't receive some of them until next fiscal
10 year, but we do want to have them written and to you.

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

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

22 MS. FRENCH-BELL: Absolutely, very
23 comfortable.

24 CHAIRMAN CASTRO: But you will have some
25 interviews with key folks ---

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1 MS. FRENCH-BELL: Absolutely.

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

4 MS. FRENCH-BELL: Exactly.

5 CHAIRMAN CASTRO: Any other questions,
6 Commissioners?

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

9 CHAIRMAN CASTRO: Commissioner Kladney ---

10 COMMISSIONER KLADNEY: Have you ---

11 CHAIRMAN CASTRO: Go ahead, Commissioner
12 Kladney.

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

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

22 COMMISSIONER KLADNEY: So, there's been
23 suggestion about a moratorium because of this heavy
24 load here, and I don't believe that the Commission has
25 approved all these for update right away. We were asking

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1 for a schedule. Would it help to hire some --- contract
2 social scientists to help you with this work?

3 MS. FRENCH-BELL: We ---

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

8 (Off microphone comment.)

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

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

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

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

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

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

24 CHAIRMAN CASTRO: So, the question to you is,
25 would outside contractors be of assistance? Is that

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1 right, Commissioner Kladney?

2 COMMISSIONER KLADNEY: That's my first
3 question, yes.

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

6 COMMISSIONER KLADNEY: Well, sure, but it
7 --- I think --- how long would that take, because
8 unless ---

9 MS. FRENCH-BELL: Two ---

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

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

16 COMMISSIONER YAKI: Thank you.

17 COMMISSIONER NARASAKI: So, the reason this
18 is important is because many of the Commissioners,
19 including me, would not want to wait on determining
20 hearings for next year. And Commissioner Heriot has
21 raised the question of whether given the backlog that
22 unfortunately your team inherited, so I want to make
23 it clear that your team is new, you started when I did,
24 so we inherited the backlog because there was lack of
25 staffing in prior years. So, the question is how do we

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1 move the backlog along. And Commissioner Heriot raised
2 the concern that, you know, can you be preparing for
3 new hearings for Fiscal 2016 while we have the backlog,
4 plus the four new reports that we agreed on. And so
5 Commissioner Kladney has proposed that we could help
6 avoid that situation by offering help.

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

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

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

25 COMMISSIONER NARASAKI: Well, I think the

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1 challenge of not having any new hearings because the
2 Statutory Report has to get done, and it has --- you
3 just covered a very long timeline, so we may need to
4 do that hearing.

5 MS. FRENCH-BELL: Understood.

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

16 MS. FRENCH-BELL: Yes.

17 COMMISSIONER NARASAKI: Right. So, I just
18 want to lay out, I think there's some practical things
19 that the Commission can do in terms of both spreading
20 out the hearings, as well as --- in fact, I think it
21 would help to identify all the -- at least some of the
22 hearings. I'm thinking four in July, so that you would
23 have plenty of time, and our Special Assistants would
24 have plenty of time to work to help prepare those
25 hearings in advance.

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1 MS. FRENCH-BELL: Definitely the time would
2 be appreciated. Thank you.

3 CHAIRMAN CASTRO: Commissioner Yaki?

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

12 (Simultaneous speaking.)

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

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

23 You know, the issue is, you know, we have a
24 job to do, to look at issues, to deal with issues as
25 they come along. Some things become more urgent than

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1 others, the events in Ferguson and others, in New York
2 City prompted work that we had to do. We play catchup
3 as best as we can, but never during that time, and I
4 don't think during this time either should we ever think
5 about a moratorium because all it does is simply stops
6 us from doing the work that we should be doing going
7 forward responding to civil rights crises, responding
8 to urgent issues that come up. And like I said, whether
9 it was in a Conservative controlled Commission, or a
10 Liberal controlled Commission, that issue never
11 stopped the Commission from moving forward, so I just
12 think the moratorium is irrelevant and not at all
13 germane, and indeed harmful to the work this Commission
14 has done and continues to do. That's all.

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

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

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

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1 Office of Management and ASCD.

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

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

6 VICE CHAIR TIMMONS-GOODSON: Okay, thank
7 you.

8 MS. FRENCH-BELL: Thank you.

9 CHAIRMAN CASTRO: Okay. So, any other
10 comments?

11 COMMISSIONER KIRSANOW: Kirsanow, Mr.
12 Chairman.

13 COMMISSIONER KLADNEY: I have a question.

14 CHAIRMAN CASTRO: Commissioner Kirsanow, go
15 ahead.

16 COMMISSIONER KLADNEY: Go ahead, Mr.
17 Kirsanow.

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

24 CHAIRMAN CASTRO: Is that in OGC?

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

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1 Lenore.

2 CHAIRMAN CASTRO: Oh, with Lenore?

3 MS. FRENCH-BELL: Yes.

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

8 (Off-microphone comment.)

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

12 (Off-microphone comment.)

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

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

18 (Off-microphone comment.)

19 COMMISSIONER KIRSANOW: We can't hear.

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

22 CHAIRMAN CASTRO: Yes, I guess we need to
23 revisit that. Yes, I don't remember --- so we don't have
24 an answer for you, Commissioner Kirsanow, but we'll
25 look into that. Sorry.

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1 COMMISSIONER NARASAKI: I'm just trying to
2 clarify if the Commissioners are the bottleneck, it may
3 be that Commissioners haven't responded because like
4 me, they are okay with the draft.

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

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

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

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

23 CHAIRMAN CASTRO: Okay. Commissioner
24 Kladney, you had a question. Then I want to figure out
25 what we're going to do here.

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1 COMMISSIONER KLADNEY: Along the lines of
2 what Commissioner Yaki was talking about, absent a
3 moratorium, how many briefings can we schedule for next
4 year?

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

17 COMMISSIONER KLADNEY: So, your
18 recommendation is in light of no outside assistance.
19 Is that correct?

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

25 COMMISSIONER KLADNEY: I was questioning,

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1 because I really didn't think that we approved going
2 forward with these updates yet on a timeline.

3 CHAIRMAN CASTRO: We did.

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

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

17 COMMISSIONER YAKI: This is Commissioner
18 Yaki, and on that note, as much as I realize it might
19 be difficult to have someone come in cold and deal with
20 a report that has history and whole different sets of
21 layers to it. I do know that there are a ton of people
22 out there who are very good at setting up briefings from
23 the standpoint of logistics to participants. I mean,
24 it's practically an industry in our world, so I would
25 second exploring Commissioner Kladney's remarks on

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1 that, because I do think that three is very small in
2 terms of potential briefings. And I think that we may
3 have even tried to limit it when we first started off
4 last year, and then events intervened, and part of what
5 we do is respond to the events that intervene. So, I
6 don't want us to unintentionally prevent us from
7 responding to another Staten Island, or to another
8 Ferguson, if things go wrong.

9 MS. FRENCH-BELL: Thank you.

10 COMMISSIONER ACHTENBERG: Mr. Chairman?

11 CHAIRMAN CASTRO: Commissioner Achtenberg,
12 is that you?

13 COMMISSIONER ACHTENBERG: Yes.

14 CHAIRMAN CASTRO: Yes, go ahead.

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

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1 be --- you know, might help us cover more ground.

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

10 VICE CHAIR TIMMONS-GOODSON: Mr. Chair?

11 CHAIRMAN CASTRO: Yes, Ms. Vice Chair?

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

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

23 CHAIRMAN CASTRO: Commissioner Narasaki?

24 COMMISSIONER NARASAKI: I'm in agreement
25 with Commissioner Achtenberg that it makes sense to ask

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1 OCRE to figure out what would be most helpful to them.
2 I am sympathetic to what the Vice Chair said, only
3 because the budget savings that we have are for this
4 fiscal year. Right? It doesn't roll into next fiscal
5 year, so that may dictate that we need to focus on the
6 backlog, as opposed to new hearings that start in the
7 next fiscal year, as I understand how the federal budget
8 works. So, that's the only caveat, but I do agree that,
9 you know, we're trying to be helpful in coming up with
10 ideas that we could be supportive of. If you have --- if
11 OCRE has other ideas, if the Staff Director has other
12 ideas, I think it's kind of clear that a majority of
13 the Commissioners who have spoken want to be able to
14 move forward and set the full complement of hearings
15 for next year. So, the question is how do we do that
16 while addressing the backlog?

17 One option we also have is in the timing of
18 the reports, the updates, right, that we could decide
19 to push a couple of those off to later in the year, and
20 I would be supportive of that. Of course, we could
21 always vote to amend the whole thing and go back and
22 say no, we're not going to do four now that we understand
23 what the capacity issues are. And, quite frankly, one
24 of the reasons it happened was because we had no Staff
25 Director to rein us in and defend staff when we said

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1 we wanted to do all this work. So, now that we have a
2 Staff Director I want to be deferential also to him
3 about how best to run it, but I just want to lay that
4 option on the table. I would be happy as a Commissioner
5 to make a motion, or discuss with other Commissioners
6 that the two reports that you have not started on yet
7 be pushed back in time so that we could make sure that
8 we are able to set up the hearings and complete the
9 backlog.

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

19 COMMISSIONER KLADNEY: Mr. Chairman?

20 CHAIRMAN CASTRO: Yes, Mr. Kladney?

21 COMMISSIONER KLADNEY: I concur with
22 Commissioner Narasaki. I concur with you. The NDRA
23 report has been pending for over three years.

24 CHAIRMAN CASTRO: I agree.

25 COMMISSIONER KLADNEY: And my question is,

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

16 COMMISSIONER KIRSANOW: Mr. Chair?

17 CHAIRMAN CASTRO: Yes, Commissioner
18 Kirsanow?

19 COMMISSIONER KIRSANOW: Obviously, I'm going
20 to be the one dissenting voice here; although, I don't
21 necessarily think there should be a moratorium, I do
22 think that it's important for us to limit the number
23 of hearings we have next year. Commissioner Yaki is
24 correct, we've never had a moratorium in the past, but
25 I would submit that we've never had more than a dozen

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1 pending reports in the pipeline in the past. And when
2 I first began on the Commission, we had twice as many
3 personnel on the Commission to help discharge or issue
4 those reports. In addition, I would point out that we're
5 talking about potentially cannibalizing our ability to
6 conduct future reports by going out and getting outside
7 help, which is going to cost more, and it's going to
8 impair or could impair our ability to do work in a timely
9 fashion on a go-forward basis. So, while I may not go
10 along with a moratorium, although I don't think that's
11 a bad idea at all, I do think we have to be very
12 circumspect about the number of hearings we schedule
13 for next year.

14 CHAIRMAN CASTRO: Thank you, Commissioner
15 Kirsanow. So, let me try to encapsulate what I think
16 is the consensus of the Commissioners, that we have
17 asked, or we're asking OCRE to go back and factor into
18 account what its needs are, what it feels it should be
19 able to do on its own, what it may need from outside
20 resources; essentially, have them direct us what needs
21 they would have to address the items that are currently
22 before it, and present us with a recommendation on that,
23 that we would then, I presume, just take up at our July
24 meeting and make a decision on that, as well as what
25 I would also suggest, though, is that --- and correct

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1 me if I'm wrong. Do we need to decide on a topic for
2 the Statutory Enforcement report like in July? Would
3 that --- yes, because there's some timing. So, what I
4 would also suggest, that in the interim Commissioners
5 circulate to one another proposed concept papers just
6 for the Statutory Enforcement report that we could also
7 discuss and decide on in July in conjunction with
8 whatever recommendation OCRE brings to us on the other
9 reports. Does that work?

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

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

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

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

22 COMMISSIONER KLADNEY: Mr. Chairman?

23 COMMISSIONER ACHTENBERG: I think ---

24 CHAIRMAN CASTRO: Commissioner Kladney, then
25 Commissioner Achtenberg, and then I really want to wrap

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1 up this discussion.

2 COMMISSIONER KLADNEY: Why don't we situate
3 all our concept papers and denote which ones we have,
4 and I know I have none for the Statutory Report.

5 CHAIRMAN CASTRO: Okay.

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

12 CHAIRMAN CASTRO: Commissioner Achtenberg?

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

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

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1 COMMISSIONER NARASAKI: Yes.

2 COMMISSIONER ACHTENBERG: Fair enough.

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

5 MS. FRENCH-BELL: Thank you.

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

9 COMMISSIONER NARASAKI: Can we take up this
10 letter?

11 CHAIRMAN CASTRO: Oh, the letter?

12 COMMISSIONER NARASAKI: Finish.

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

19 COMMISSIONER NARASAKI: Yes. So, my
20 suggestion is --- the sentence was, "The Commission is
21 scheduled to hear staff's proposal for updating this
22 and other Commissioner's report at its June business
23 meeting." And I would simply change it to saying, "The
24 Commission is discussing staff's proposal for updating
25 this and other Commission reports," period.

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1 CHAIRMAN CASTRO: Okay. That works for me. We
2 already had a motion on that so that would be a friendly
3 amendment. Why don't you just make a motion?

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

7 CHAIRMAN CASTRO: Okay, is there a second?

8 COMMISSIONER YAKI: Second.

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

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

13 Commissioner Kladney, how do you vote?

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

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

23 COMMISSIONER KLADNEY: In July?

24 CHAIRMAN CASTRO: Yes. No ---

25 COMMISSIONER NARASAKI: No, my suggestion

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1 was just to say, "The Commission is discussing staff's
2 proposal for updating this and other Commission
3 reports," period.

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

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

8 Commissioner Achtenberg, how do you vote?

9 COMMISSIONER ACHTENBERG: Yes.

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

12 COMMISSIONER YAKI: Yes.

13 CHAIRMAN CASTRO: Vice Chair, how do you
14 vote?

15 VICE CHAIR TIMMONS-GOODSON: Yes.

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

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

22 COMMISSIONER NARASAKI: I vote yes.

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

25 COMMISSIONER KLADNEY: Mr. Chairman?

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1 CHAIRMAN CASTRO: Yes, Commissioner Kladney?

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

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

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

16 CHAIRMAN CASTRO: Yes.

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

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

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1 to them.

2 COMMISSIONER KLADNEY: Thank you, Mr. Chair.

3 CHAIRMAN CASTRO: You're welcome. Okay, Mr.
4 Staff Director. No, wait, did we --- yes, we voted on
5 that, so we're good.

6 **III. MANAGEMENT AND PLANNING**

7 **STAFF DIRECTOR REPORT**

8 DIRECTOR MORALES: Thank you, Mr. Chairman.

9 CHAIRMAN CASTRO: Too many moving parts
10 today.

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

21 Second, I wanted to let you know that I'm
22 currently looking through the vacancy announcement and
23 revising it in preparation to put out the vacancy
24 announcement hopefully within about two weeks so that
25 we can start the process to bring in a General Counsel,

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1 and open that up. So, I just wanted to let you know that.
2 And that's it, Mr. Chair.

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

6 IV. STATE ADVISORY COMMITTEE

7 (SAC) APPOINTMENTS

8 CHAIRMAN CASTRO: We've got two up for today.
9 The first one is for, let's see, Kentucky. So, I am now
10 going to make a motion that the Commission appoint the
11 following individuals to the Kentucky State Advisory
12 Committee based upon the recommendation of our Staff
13 Director; Betty S. Griffin, Rosa Alvarado, Christia
14 Brown, Gary Brown, John Chowning, Richard Clay,
15 Christopher Hunt, Lee Look, Samuel Marcossou, Stephen
16 Meredith, Patricia Murrell, Eugenia Toma, and Alice
17 Wardell. Pursuant to this motion, the Commission
18 appoints Ms. Betty S. Griffin as Chair of the Kentucky
19 State Advisory Committee.

20 These members will serve as uncompensated
21 government employees. Under this motion, the
22 Commission authorizes the Staff Director to execute the
23 appropriate paperwork for the appointments.

24 Do I have a second?

25 COMMISSIONER KLADNEY: Second.

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1 CHAIRMAN CASTRO: Okay, any discussion?
2 Hearing none ---

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

5 CHAIRMAN CASTRO: Okay.

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

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

19 And the second thing is we have a lot of
20 --- staff came up with a lot of people with great
21 expertise on LGBT and disability issues, but it's not
22 clear to me that we are getting people who actually are
23 people with disabilities, as opposed to just having
24 expertise on that, as well as LGBTQ, so I just want to
25 work with staff to figure out how we can make sure that

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1 we're really reaching and recruiting the best from
2 those communities to participate.

3 CHAIRMAN CASTRO: The Staff Director has some
4 comment.

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

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

13 Commissioner Narasaki, how do you vote?

14 COMMISSIONER NARASAKI: Yes.

15 CHAIRMAN CASTRO: Commissioner Kladney, how
16 do you vote?

17 COMMISSIONER KLADNEY: Yes.

18 CHAIRMAN CASTRO: Commissioner Achtenberg,
19 how do you vote?

20 COMMISSIONER ACHTENBERG: Yes.

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

23 COMMISSIONER YAKI: Aye.

24 CHAIRMAN CASTRO: Commissioner --- I'm
25 sorry. Madam Vice Chair, how do you vote?

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1 VICE CHAIR TIMMONS-GOODSON: Yes.

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

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

15 These members will serve as uncompensated
16 government employees. Under this motion, the
17 Commission authorizes the Staff Director to execute the
18 appropriate paperwork for the appointments. Is there
19 a second?

20 COMMISSIONER NARASAKI: I second.

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

23 COMMISSIONER NARASAKI: I vote yes.

24 CHAIRMAN CASTRO: Commissioner Kladney, how
25 do you vote?

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1 COMMISSIONER KLADNEY: Yes.

2 CHAIRMAN CASTRO: Commissioner Achtenberg,
3 how do you vote?

4 COMMISSIONER ACHTENBERG: Yes.

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

7 COMMISSIONER YAKI: Aye.

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

10 VICE CHAIR TIMMONS-GOODSON: Yes.

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

13 **V. ADJOURN MEETING**

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

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

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