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U.S. COMMISSION ON CIVIL RIGHTS

MEETING

FRIDAY, JULY 15, 2016

The Commission convened in Suite 1150 at 1331 Pennsylvania Avenue, Northwest, Washington, D.C. at 10:00 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 K. NARASAKI, Commissioner

MICHAEL YAKI, Commissioner*

MAURO MORALES, Staff Director

MAUREEN RUDOLPH, General Counsel

* Present via telephone
STAFF PRESENT:

BRIAN WALCH
LATRICE FOSHEE
PAMELA DUNSTON, Chief, ASCD
ANGELA FRENCH-BELL
DARREN FERNANDEZ
SEAN GOLIDAY
ALFREDA GREENE
JENNIFER HEPLER
LENORE OSTROWSKY
IJUANDA SMITH
MICHELE YORKMAN

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART
ALEX DUELL
JASON LAGRIA
CARRISA MULDER
ALISON SOMIN
IRENA VIDULOVIC

INTERNS PRESENT:

SARAH CHILD
JESSICA DAVIS
HSIN-YUN HAN
WEISIYU JIANG
KOMAL SHAH
A G E N D A

A. Approval of Agenda........................................5

B. Staffing Changes...........................................7

Introduction of Brian Walch, Communications and Public Engagement Director.....8

C. Program Planning


Discussion and Vote on Commission Statement on Supreme Court's 4-4 decision on United States v. Texas affirming 5th Circuit Court of Appeals decision to block DAPA (Deferred Action for Parents of Americans and Lawful Permanent Residents) program and expand DACA (Deferred Action for Childhood Arrivals) Program...................................29

Discussion and Vote on Commission Statement on Supreme Court Decision on Fisher v. University of Texas at Austin allowing universities to continue considering race and ethnicity as a factor in selecting incoming students.................................31

Statement Regarding Condolences to the Families of the Victims of Recent Tragic Shootings.................33


Statement Regarding the Recent Supreme Court Decision in Dollar General v. Mississippi Band of Choctaw Indians.........................................................38

Letter to DOJ's Inspector General regarding Chinese American Prosecutions.........................40
C. State Advisory Committees (SACs)
Appointment of members to Advisory Committees
  Tennessee........................................43
  Idaho...........................................44

Advisory Committee Presentation by the
Chair of the Oklahoma Advisory Committee on
their School-to-Prison Report...............47

D. Management and Operations
Staff Director's Report..........................75
Status of USCCR Website Transition.............77

ADJOURN MEETING
CHAIRMAN CASTRO: Okay, this meeting shall come to order. This is a meeting of the U.S. Commission on Civil Rights. It is currently 10:01 a.m. Eastern Time on July 17th, 2016. We are meeting at the Commission's Headquarters here in D.C. at 1331 Pennsylvania Avenue, Northwest. I'm Chairman Marty Castro.

Commissioners who are present at the meeting with me are the Vice Chair, Commissioners Achtenberg, Heriot, and Narasaki. I believe currently on the phone is Commissioner Yaki. Is that right?

COMMISSIONER YAKI: Uh-huh.

CHAIRMAN CASTRO: And we are expecting, at some point, Commissioners Kladney and Kirsanow to join on the phone but even without them, we have a quorum of the commissioners present.

Is the court reporter present? She said yes.

And is the Staff Director present?

MR. MORALES: Yes.

CHAIRMAN CASTRO: Okay, the meeting shall now come to order.

I. BUSINESS MEETING
A. APPROVAL OF AGENDA

CHAIRMAN CASTRO: The first item is the approval of the agenda. Is there a second?

And I am going to move to make some amendments.

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Okay, I move to amend the agenda to add four additional items. The first is a statement regarding condolences to the families of the victims of the recent tragic shootings.

The second is to add consideration of a press release regarding Justice Thurgood Marshall's 108th birthday; a statement regarding the recent Supreme Court decision in Dollar General v. Mississippi Band of Choctaw Indians; and a letter to DOJ's Inspector General regarding Chinese American prosecutions.

I also amend the agenda to remove from discussion and vote to a later time a vote on the Concept Paper for 2017 Statutory Enforcement Report and a letter regarding Zambrano-Montes' case.

Is there a second?

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Okay, any further amendments? Any discussion?

Okay, we do have an additional agenda.
amendment that I want to add to that. We are going to remove the District of Columbia and Ohio from consideration from the SAC vote today. Those will be put off to a later meeting.

So now, does someone second that amendment?

COMMISSIONER NARASAKI: I second.

CHAIRMAN CASTRO: Okay. Any discussion?

Hearing none, all those in favor say aye.

Any opposed?

Any abstentions?

Okay, the motion passes unanimously.

B. STAFFING CHANGES

The first item on the agenda -- actually, before we get into the first item on the agenda, I want to give our Staff Director a moment to mention a couple of staffing changes that have occurred. Go ahead.

MR. MORALES: Thank you, Mr. Chairman and Commissioners. Good morning, everybody.

I would like to call attention to two things. One, we are going to be saying goodbye to Darren Fernandez. We really appreciate the work he has provided to all of us here at the Commission, the enthusiasm, the hard work he has provided. And we really appreciate that, Darren. We are very proud of
you. He has accepted a position in the General Counsel's Office at the Federal Communications Commission. And so that is another bright star heading off into other things. And while we are sad for ourselves, we are very happy for you, Darren. I understand that July 24th is your last day at the Commission. So, again, we thank you for the work you have done and we thank you for the work you have done on the Statutory Enforcement Report, most recently, and the others. We just really appreciate you and we will miss you.

MR. FERNANDEZ: Thank you, sir.

MR. MORALES: Thank you.

INTRODUCTION OF BRIAN WALCH

And I also want to call attention to commissioners that we have hired, our Communications and Public Engagement individual Director, his name is Brian Walch. For those of you that haven't met him, please, I encourage you to reach out to him and I will have him reach out to you to schedule a time to talk to you a little about his background. He comes from the State Department and the private sector most recently, with extensive federal experience in communications. And we are really looking forward to his hard work.
So, welcome, Brian and we look forward to working with you.

Mr. Chairman, that is all I have.

CHAIRMAN CASTRO: Let me just say, Darren, thank you for all your work on behalf of the Commission and of course, any commissioner here can join in here, if they would like.

I enjoyed working with you and now you have become one of the stellar alumni of the U.S. Commission on Civil Rights that are peppered all across the federal government. So, we look forward to, hopefully, engaging you in the future, at some point. And thank you again for all your work.

And Brian, welcome. I have already enjoyed the opportunity we have had to sit down and brainstorm and I think you are going to help move the commission to the next level in terms of our engagement with the public and our stakeholders. So, we are really glad to have you aboard.

Anyone else?

VICE CHAIR TIMMONS-GOODSON: Well, I will simply concur with the remarks that our chair has made thus far. And to you, Darren, I would just say go Heels.

CHAIRMAN CASTRO: Okay, Karen.
COMMISSIONER NARASAKI: I just wanted to note that I have been in D.C. for a quarter of a century now and it is really great to see the young emerging Asian-American leaders going into the government and contributing. So, congratulations on your new opportunity and we look forward to having our paths cross.

CHAIRMAN CASTRO: Thank you. Okay, so now we move on to our business agenda.

B. PROGRAM PLANNING

DISCUSSION AND VOTE ON 2016 STATUTORY ENFORCEMENT REPORT ON JUSTICE: TOXIC MATERIALS, POOR ECONOMICS AND IMPACT OF THE ENVIRONMENT ON LOW-INCOME MINORITY COMMUNITIES

CHAIRMAN CASTRO: The first item is a review and discussion of Part A of our Statutory Enforcement Report for 2016, on the environmental justice issue.

I know that over the last few -- last week and few days there has been a lot of amendments that have been suggested to the last draft that we received. I believe everyone should have copies of or your special assistant should have gotten copies of the most current version of the draft report, including a redlined version. Is that right? Okay.
So, what I would like to do, for purposes of discussing this, if we can get a motion and a second, then we could kind of go through some of the proposed changes and discuss some of the open issues that may still remain on this.

So, is there a motion?

COMMISSIONER NARASAKI: To approve?

CHAIRMAN CASTRO: Yes.

COMMISSIONER NARASAKI: I move to approve the report on environmental justice.

CHAIRMAN CASTRO: And a second?

VICE CHAIR TIMMONS-GOODSON: I will second that.

CHAIRMAN CASTRO: Okay, now we can talk about any open items here. Anybody have any? I know there are some, so I will defer to those commissioners who have any.

Commissioner Narasaki.

COMMISSIONER NARASAKI: Thank you, Mr. Chair.

First, I want to really thank the OCRE staff and our staff for their really hard work in turning around a very complicated document. I think it is very powerful and I am very excited about the last draft. I do have some suggested changes that I would
like to offer.

So, on page 40, where there is a section titled Bureaucratic Terminology Inhibit Proper Investigation of Complaints and Enforcement of Title VI. I think it is page 40.

We have attempted to rewrite it and I think it is still a little awkward and so this is what I am suggesting to open up that paragraph. I would change it to: "There appears to be an issue about the effectiveness of the EPA's tracking system and the ability of EPA to effectively communicate with communities filing complaints. During the Commission's investigation, confusion arose as to whether the Office of Civil Rights had any Title VI complaints relating to coal ash on its docket.

Director Golightly-Howell testified that the Office of Civil Rights did not have any coal ash-related matters on their docket. It is unclear whether it is a terminology issue or a tracking system problem."

So, I was just trying to reduce some of the back and forth there to make it a little bit shorter and clearer.

CHAIRMAN CASTRO: Let's take these one at a time.
COMMISSIONER NARASAKI: Okay.

CHAIRMAN CASTRO: Does anyone have an issue with that? If not, then we will accept that as a motion. And a second, do we have a second?

VICE CHAIR TIMMONS-GOODSON: I'll second.

COMMISSIONER YAKI: Second.

CHAIRMAN CASTRO: Okay. And then we will vote on it all at the end.

Next?

COMMISSIONER NARASAKI: So, on page 51 on the carryover paragraph, at the top of the page there is a sentence that says, there are many viewpoints as to the usefulness or health impact of coal ash. And I feel that many doesn't quite accurately describe the situation.

My recommendation is to change it to there is a debate as to the usefulness and health impact of coal ash.

CHAIRMAN CASTRO: Okay, any issues with that?

And, by the way, I understand Commissioner Kladney is on the line now.

Okay, then we will take that as a motion. Is there a second?

VICE CHAIR TIMMONS-GOODSON: Second.
COMMISSIONER YAKI: Second.

COMMISSIONER NARASAKI: In that same paragraph, the last sentence, the carryover paragraph, the opening says while coal ash has its benefits, what I heard was not that there is a conclusive establishment of benefits. And I think what the industry has been good at trying to do is find a place where they can use the coal -- reuse the coal ash and make it safe for use but there is still a debate about whether even that use is safe. And it requires treating the coal ash and I doubt that people would actually create coal ash, if it were no a byproduct of industrial use.

So, my suggestion is either just to delete that opening, because I don't think it is necessary, or change it to: "While some argue that properly treated coal ash may have industrial use."

And so I am open to either.

COMMISSIONER YAKI: I move to delete.

CHAIRMAN CASTRO: Commissioner Yaki moves to delete.

And those of you on the phone, if you could state your name so that the court reporter can accurately transcribe who is speaking, that would be appreciated.

I understand that Commissioner Kirsanow
has now also joined the call.

So, Commissioner Yaki has moved to delete.

Is there a second or are there any issues? If not, is there a second?

COMMISSIONER ACHTENBERG: I'll second it.

CHAIRMAN CASTRO: Commissioner Achtenberg seconds. Okay.

Anything else Commissioner Narasaki?

COMMISSIONER NARASAKI: No, there are some typos in there that we will just give to staff because I am assuming that, upon approval, that they will still be combing through the report to try to clean it up.

CHAIRMAN CASTRO: But if you do have them, if you could hand them to staff afterwards --

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: -- they could zero in on those.

COMMISSIONER NARASAKI: Yes, I have already emailed them to Maureen.

CHAIRMAN CASTRO: Okay.

COMMISSIONER NARASAKI: So, the last comment I have is, Mr. Chair, you and the Vice Chair and I were at the North Carolina hearing and my understanding is that the North Carolina Report is
finished, somewhat, but in legal sufficiency. And I would very much like to be able to incorporate at least some of it either in the findings and recs or, if we can't do it in the body, of course anything consistent with what is already there. I found the hearing very compelling. It offered a lot of very helpful information. We are trying to incorporate Illinois.

And I think it is important to recognize the work of the SAC. It is something that we suggested that they take up.

I'm not sure the best way to handle that, whether we can pass the body of the report within agreement that if we can get a majority of commissioners to agree, we could add a few paragraphs or add something in the findings and recommendations, or what the best course is, given where the report is now.

CHAIRMAN CASTRO: Well, for the moment, let's just stick to Part A, which is the body of the report and we can talk about the findings and the recs later.

Of course, I agree with you and you and I have had a conversation about this. And I think there is a couple of ways to handle it. One is, as you have suggested, although that is a little unusual, what we don't want to do is delay the report but I think if folks
would be amenable over the next few days to come up with some language that could be inserted, I don’t see that that would generally be a problem, unless I hear otherwise from a majority of the commissioners.

Another thing I had suggested and want it confirmed, I would like to, by reference or as an appendix or somehow, including copies of both the North Carolina Report as well as the Illinois SAC's Advisory Memo on this topic as exhibits to our report so that when published, they will be part of the same volume.

So, Maureen, is that something that is doable, our General Counsel?

MS. RUDOPLH: Yes, I had --

CHAIRMAN CASTRO: You have to come to a mike, sorry.

MS. RUDOPLH: Yes, I had understood that we would be attaching the SAC Reports, assuming that they are ready, as appendix.

CHAIRMAN CASTRO: Okay, I wasn't sure.

COMMISSIONER YAKI: This is Commissioner Yaki.

I think attaching that as an appendix is probably the most prudent way of ensuring that we don’t delay the report but also ensuring that we incorporate both of them in their entirety in the report as well.
So, I would support that.

CHAIRMAN CASTRO: Madam Vice Chair?

VICE CHAIR TIMMONS-GOODSON: Yes, I think the appendix would be the way to go. I'm a little unsure and really reluctant to try to make specific statements in the report based, for example, on North Carolina's meeting, when we were merely observing it and we don't know what it is that they are going to say. And the task of trying to establish what is fact or was fact or undisputable fact and put it in there, I think that is a task beyond us.

CHAIRMAN CASTRO: Okay. Commissioner Achtenberg, were you just nodding your head?

COMMISSIONER ACHTENBERG: No, I was concurring with my astute colleague.

CHAIRMAN CASTRO: Does that work for folks, then, as a way to handle this by consensus, since we are already going to be including it as attachments or as appendices?

Okay. Okay, anything else on the report, Part A?

COMMISSIONER ACHTENBERG: Commissioner Kladney, did you have something you wanted to raise?

COMMISSIONER KLANDNEY: Not regarding those two SAC reports.
CHAIRMAN CASTRO: How about the report as a whole?

COMMISSIONER ACHTENBERG: With regard to the report.

COMMISSIONER KLANDNEY: I got an email yesterday about some changes the chairman wanted to make and I couldn't find them on my copy.

CHAIRMAN CASTRO: Okay. So, if you look at the redlined version -- let's see if it is here. If you look at the redline version, Commissioner Kladney, the cover page, I shortened the title on the cover page by proposing the deletion of "as it relates to the EPA's final coal ash rule."

COMMISSIONER KLANDNEY: And why was that?

CHAIRMAN CASTRO: Pardon me?

COMMISSIONER KLANDNEY: Why was that? Why did we do that?

CHAIRMAN CASTRO: Because the title is too long and, two, frankly, there is more in here than just coal ash. Although we used coal ash as an example, I think the ultimate focus of this report is really is the EPA doing its environmental justice work or not. And that is why I deleted that.

And secondly, on what was then page -- it is still page 10, while there are reasons to support
the market forces argument, I deleted that because it is kind of a conclusory statement. I think it is better for us to state what the market forces argument is and what the counter argument is and not necessarily give one the upper hand over the other. Because, frankly, I personally disagree that the market forces argument is valid but it was a theory that was presented to us. And I don't think we should be making a conclusion on that.

Those were the only two changes I had.

COMMISSIONER KLADNEY: Okay. Then, there was a deletion on after -- I mean it is hard for me to say because I do not have the redlined version. My copy isn't showing up. There was a deletion about the proponents say Title VI is the preferred method of enforcement and that could have been enforcement. And I think that was -- there was a sentence deleted there and I was wondering why it was. It was dealing with the enforcement through Title VI on page 11.

CHAIRMAN CASTRO: I don't know, Commissioner Kladney. That was not my change. Hold on a second.

Could you speak up a little bit, too? It is very hard to hear you. But let me see. We are looking to see who made that.
COMMISSIONER KLADNEY: It was on page 11, I believe.

CHAIRMAN CASTRO: Yes, Maureen will speak to that.

MS. RUDOPLH: Sir, on page 11, I believe that what you are referring to is the sentence that begins with the use of or Title VI has become one of the most important legal issues. Is that correct?

COMMISSIONER KLADNEY: Yes.

MS. RUDOPLH: I believe that that sentence was removed in-between the initial draft that you saw and the final draft that you saw on July 7th. That was not a new deletion in the past couple of days.

CHAIRMAN CASTRO: Why was it deleted, do you know?

COMMISSIONER KLADNEY: Why was it deleted?

MS. RUDOPLH: It was deleted because the citation that we had didn't appear to support what we were saying and so we took it out.

COMMISSIONER KLADNEY: Okay, thank you.

CHAIRMAN CASTRO: That's a good reason. Okay, anything else? Any additional discussion from folks? If not, I am going to call the question.
We have the report. We have the changes we made and seconded. We are understanding that the Report Part A will also include exhibits as appendices the Illinois State Advisory and the North Carolina State Advisory Reports on this topic.

Commissioner Kirsanow, how do you vote?
COMMISSIONER KIRSANOW: I'm recused.

CHAIRMAN CASTRO: Oh, okay. Sorry about that. I forgot.

Commissioner Heriot, how do you vote?
COMMISSIONER HERIOT: I think we've bitten off more than we can chew again. I vote no.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?
COMMISSIONER NARASAKI: I vote yes.

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

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

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?
COMMISSIONER YAKI: I'm also chewing on this. Aye.
CHAIRMAN CASTRO: Madam Vice Chair, how do you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes. So, the report passes with one, two, three, four, five, six yeses, a no, and one recusal.

Okay, thank you. And again, I want to reiterate what Commissioner Narasaki said earlier about the great work that staff has done and continues to do on getting this report done. It is a complex and complicated topic and we are under time constraints, as we tend to be with this report. And I very much, as the Commission, do appreciate all your efforts on this.

COMMISSIONER HERIOT: Mr. Chairman?

CHAIRMAN CASTRO: Wait. Yes, we are going to talk about Part B now.

Yes?

COMMISSIONER HERIOT: Oh, I just wanted to say that since we have made some changes, could we get the text of the report, as it is with all the changes that we made today, turned around really, really quickly --

CHAIRMAN CASTRO: Yes.

COMMISSIONER HERIOT: -- so that we are
all on the same page in writing?

CHAIRMAN CASTRO: Absolutely. We will ask staff to do that for us, Maureen.

So, Part B, which are findings and recommendations, I know there have been a lot of back and forth in terms of drafts that have been circulated among some folks over the last few days. I want to open it up for discussion.

Ideally, we like to do Part A and Part B together, if we can, especially when we are talking about the Statutory Report. However, there are some folks who feel that Part B may not be in final form yet, particularly, although not exclusively, because maybe we want to include some North Carolina findings and recs like we proposed to put in for Illinois, but I would like to open it up for discussion to see if maybe there is an opportunity to conduct -- if we are not ready to vote on that today, if we can conduct a telephonic vote on this as soon as possible hereafter, so that we are not delaying the rest of the time line.

Anybody want to -- Commissioner Narasaki.

COMMISSIONER NARASAKI: Yes. Again, I really want to thank the staff and our staff, our special assistants on the hard work.

I think that in substance it is good but
I know we had some unexpected health emergencies on staff this week and so it is not quite cleaned up. And I think it could benefit from getting some headings and a little bit of reorganization. So, it is more about sort of the format than the substance.

I don't know if that requires -- if we could vote on it and say we will go back and work with staff on that piece or whether we should hold off and do that. Because my understanding is we will likely need to have a call anyway to approve the Statutory Report Concept Paper.

CHAIRMAN CASTRO: Maureen, could you comment on the idea of maybe putting this off for a little bit while we do a vote telephonically?

I mean my preference is not to approve something that is not up to our standards yet. If we could do it at another point where we know what we have, that might be ideal. Can we -- is there a problem if we were to vote or we would put off the findings and recs to a vote, other than today, in terms of the time line for the Statutory Enforcement Report.

MS. RUDOPLH: Are you proposing to change -- so, the remainder of the time line has to do with the time for statements and rebuttals. And so those would start to run, presumably from the vote on the
findings and recommendations. Under the deadline that was previously passed, those are due, I believe, August 15th for statements and then rebuttals are due September 15th. There is very, very little wiggle room in that schedule.

CHAIRMAN CASTRO: Presumably, though, folks would begin to write their statements today, now that we have the body of the Commission's report.

COMMISSIONER HERIOT: Commissioner Narasaki said that she thinks these are mainly just cleanup things. So, I would be happy to waive that and start the clock now.

CHAIRMAN CASTRO: Okay, that would be great. Yes, there might be some additional statements on there or the findings and recs, based on what North Carolina might say.

COMMISSIONER HERIOT: As long as we are not talking about major changes, I think we will be okay on this one.

CHAIRMAN CASTRO: Good. I just wanted to be sure we were on the same page.

So, do we need a motion on that?

COMMISSIONER HERIOT: Note that that is not a waiver from now until the history but just for this.
CHAIRMAN CASTRO: So, that is motion -- do we need to vote on this waiver, Madam General Counsel?

COMMISSIONER HERIOT: I would prefer that we do vote on it just to prove that that is the thing that has to be done.

CHAIRMAN CASTRO: Okay. So, basically -- would you restate your motion and we will get it seconded?

COMMISSIONER HERIOT: I move that we suspend our usual rule to date the statements from the date that we finally approve findings and recommendations and rather that we start the clock today, the day that we have approved it.

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Okay, any additional discussion on that? Let me take a vote.

Commissioner Kirsanow, how do you vote?

Oh, I'm sorry, you recused yourself.

Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: Aye.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

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

Chairman Castro: Commissioner Achtenberg, how do you vote?

Commissioner Achtenberg: Yes.

Chairman Castro: Commissioner Yaki, how do you vote?

Commissioner Yaki: Aye.

Chairman Castro: Madam Vice Chair, how do you vote?

Vice Chair Timmons-Goodson: Yes.

Chairman Castro: And I vote yes, so it unanimous, with the exception of the recusal. So, great, thank you. That is what we will do then.

And when we get to the discussion of the 2017 report, then we will figure out when we are going to do this call. I think we are going to -- okay.

So, great, thank you.

Discussion and Vote on Commission Statement on Supreme Court's 4-4 Decision on United States v. Texas Affirming 5th Circuit Court of Appeals Decision to Block DAPA (Deferred Action for Parents of Americans and Lawful Permanent Residents) and Expand DACA (Deferred Action for Childhood Arrivals) Program

Chairman Castro: Next on the agenda is
discussion and a vote on a statement regarding the
Supreme Court's four-to-four decision in Texas, *U.S.*
v. Texas on the DAPA/DACA.

I think you all received a final version
of that statement. I would like to move for its
approval. Is there a second?

COMMISSIONER HERIOT: I'm sorry, which?

CHAIRMAN CASTRO: The U.S. Commission on
Civil Rights expresses a disappointment on the U.S.
Supreme Court's ruling --

COMMISSIONER KLANDNEY: I'll second that.

CHAIRMAN CASTRO: -- on DAPA and DACA. Is
that Commissioner Kladney?

COMMISSIONER KLANDNEY: Yes.

CHAIRMAN CASTRO: Okay. So moved and
seconded. Any discussion?

COMMISSIONER HERIOT: Mr. Chairman?

CHAIRMAN CASTRO: Yes, Commissioner
Heriot?

COMMISSIONER HERIOT: I would say this is
a case about executive power, not about civil rights
issues. That's not an issue within our jurisdiction.
Moreover, one should, in advocating for a
broader or narrower interpretation of executive power,
that should in no way be driven by one's view of the
underlying substantive law, including one's views of civil rights policy. Once one has a theory of what executive power is in this area, it applies to everything. And that might be to narrow civil rights policy. It might be to broaden it. So, I think this letter is a mistake.

CHAIRMAN CASTRO: It is a statement, not a letter but --

COMMISSIONER HERIOT: Statement, fine.

CHAIRMAN CASTRO: Okay, anything else? If not, I am going to call the vote.

Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: No.

CHAIRMAN CASTRO: Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: No.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: I vote yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLADENY: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

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

COMMISSIONER YAKI: Aye.

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

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes. It passes, six to two.

DISCUSSION AND VOTE ON COMMISSION STATEMENT ON SUPREME COURT DECISION ON FISHER V. UNIVERSITY OF TEXAS AT AUSTIN ALLOWING UNIVERSITIES TO CONTINUE CONSIDERING RACE AND ETHNICITY AS A FACTOR IN SELECTING INCOMING STUDENTS

CHAIRMAN CASTRO: Next, we have discussion and vote on the Commission Statement on decision in Fisher v. Texas by the Supreme Court. It allows universities to continue considering race and ethnicity as a factor in selecting incoming students. So, I will move the approval of that. Is there a second?

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Any discussion? Any discussion?

Okay, hearing none, then I will call for
a roll call vote.

Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: No.

CHAIRMAN CASTRO: Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: No.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER Kladney: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER Yaki: Aye.

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

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes. It passes six to two.

STATEMENT REGARDING CONDOLENCES TO THE FAMILIES OF THE VICTIMS OF RECENT TRAGIC SHOOTINGS
CHAIRMAN CASTRO: Okay, next we have a vote on a Statement of Condolences to the families and victims of the recent tragic shootings in Minnesota, Louisiana, and Dallas. That has been circulated previously to everyone. I will move the approval of that. Is there a second?

VICE CHAIR TIMMONS-GOODSON: Second.

CHAIRMAN CASTRO: Okay, any discussion? Any discussion? Okay, hearing none, then I will call for a vote on this. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: No.

CHAIRMAN CASTRO: No? Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: I'm sorry, I got mixed up on this and haven't - I'm not sure I've read through this, so I'm going to pass.

CHAIRMAN CASTRO: Okay.

COMMISSIONER HERIOT: I may have to abstain -

CHAIRMAN CASTRO: Okay.

COMMISSIONER HERIOT: - or vote no even.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

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

COMMISSIONER Kladney: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

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

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes. Commissioner Heriot?

COMMISSIONER HERIOT: I'm not through it yet. I'm going to pass to pass, I mean have to abstain.

CHAIRMAN CASTRO: Abstain, okay, so the motion passes, six yeses, one abstention, and one no.

STATEMENT COMMEMORATING JUSTICE THURGOOD MARSHALL

CHAIRMAN CASTRO: Next is a vote on a statement commemorating Justice Thurgood Marshall. I think Commissioner Kladney, that was yours. Do you want to make a motion on that?

COMMISSIONER Kladney: Yes, I move that we adopt this statement and ask the Commission to pass it.
It's hard for me to talk right now because I'm like in
a place getting Wi-Fi, so.

CHAIRMAN CASTRO: Okay, got it. Is there
a second?

PARTICIPANT: Second.

CHAIRMAN CASTRO: Okay, any discussion?

Commissioner Heriot?

COMMISSIONER HERIOT: Yeah, I think
there's an error here. I'm not certain of this, but
I think it's an error.

CHAIRMAN CASTRO: All right.

COMMISSIONER HERIOT: In that last full
paragraph, it says he represented and won more cases
before the Supreme Court than any other American. I
don't think that's correct. I was doing a quick Google
before the meeting and saw that at the very least, Paul
Clement had argued so many more cases, that he would
have have to have had a terrible batting average not
to have won more.

I think there have been a number of people
like Justice Marshall who had been Solicitor General
which, you know, when you've been Solicitor General,
you get to argue a lot of cases, and I think maybe that
figure saying that he's argued more and won more for
Justice Marshall may be out of date, and I think the
sentence can be dropped.

CHAIRMAN CASTRO: Commissioner Kladney, would you have a problem with the deletion of that sentence?

COMMISSIONER Kladney: No, I wouldn't.

CHAIRMAN CASTRO: All right, so we'll consider that a friendly amendment. Anything else? Hopefully that means you're going to vote for this, Gail. Any other discussion? Madam Vice Chair, no? Okay, so then what we'll do is we'll take a vote on this. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: Yes.

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

COMMISSIONER HERIOT: Yes.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: I was going to abstain, but if Pete and Gail are voting yes, I feel I need to make it unanimous.

CHAIRMAN CASTRO: Good.

COMMISSIONER NARASAKI: So I vote yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

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

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Any chance I have to vote yes with Commissioners Kirsanow and Heriot is a rare alignment of the stars, so yes.

COMMISSIONER HERIOT: Per.

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

VICE CHAIR TIMMONS-GOODSON: Enthusiastic yes.

CHAIRMAN CASTRO: And I vote yes. You see, there still is bipartisanship in America. So the motion passes unanimously. All right, let's see what we have next here. Next -

COMMISSIONER KLADNEY: Mr. Chair?

CHAIRMAN CASTRO: Yes, sir?

COMMISSIONER KLADNEY: I just wanted to report a news report that I saw that hell has, in fact, frozen over.

CHAIRMAN CASTRO: Oh, wow, okay. With the weather like it is now, that's a special, special happening. Let's hope it stays that way for a while,
but I get the sense it's going to warm up on the next one.

STATEMENT RE: SUPREME COURT DECISION

CHAIRMAN CASTRO: Next, we have a motion on the statement on the recent Supreme Court decision in Dollar General v. Mississippi Band of Choctaw Indians. Commissioner Kladney, this was your motion, so would you like to make that motion?

COMMISSIONER KLADNEY: Yes, I'd like to move that we adopt the statement by the Commission.

CHAIRMAN CASTRO: Is there a second?

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: It was seconded by Commissioner Achtenberg. Any discussion?

COMMISSIONER HERIOT: Mr. Chairman?

CHAIRMAN CASTRO: Yes, Commissioner Heriot?

COMMISSIONER HERIOT: You know, this is a case that, again, is outside our jurisdiction. As you know, it's about the jurisdiction of domestic dependent sovereignties. This is pretty far off from what we're supposed to be doing.

CHAIRMAN CASTRO: The ice has melted, but very thoughtful. Thank you. Anybody else? I know one thing, that this statement, unlike the others,
doesn't have a title, so we probably should get it one. I'll leave that to staff. Commissioner Narasaki?

COMMISSIONER NARASAKI: I respectfully disagree with Commissioner Heriot. I think that for Native American issues, the issue of sovereignty is actually critical to the protection of their civil rights, so I feel that this is an important statement to make.

COMMISSIONER HERIOT: I cite Morton v. Mancari for why this is not our issue.

CHAIRMAN CASTRO: Okay, any other comments? Hearing none, then we'll take a vote on this. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: No.

CHAIRMAN CASTRO: Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: No.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLASTEDNEY: Yes.

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

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

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

VICE CHAIR TIMMONS-GOODSON: Aye.

CHAIRMAN CASTRO: And I vote yes. The motion passes six to two.

LETTER TO DEPT OF JUSTICE INSPECTOR GENERAL

CHAIRMAN CASTRO: Okay, next we have on the agenda a discussion and vote on a letter to the Department of Justice Inspector General regarding Chinese-American prosecutions. Commissioner Narasaki, that's your motion. Would you make that, please?

COMMISSIONER NARASAKI: Yes, I move that we send a letter to the Department of Justice as a follow up to the letter we sent concerning our concerns about the potential for racial profiling in the investigation of Asian-American scientists.

CHAIRMAN CASTRO: Is there a second?

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Okay, Commissioner Achtenberg seconds. Any discussion? Any discussion?
COMMISSIONER NARASAKI: So, Mr. Chair, I did provide sort of the background information and an update to the Commissioners about what has happened since we last sent our - sent our first letter. I do note that we did not ever receive, as far as I know, a formal response from the Department of Justice to that letter.

And I do like to at least take partial credit for the fact that the Department of Justice has announced some additional safeguards to ensure that this doesn't happen, including doing some implicit bias training.

But I think it's important for them to actually have an independent investigation to make sure that all of the moves that they're making are going to be sufficient to ensure that people are not arrested, and with such a serious charge as espionage, without there really being sufficient work in advance to make sure that they are not making a mistake. And in the cases that we cite, there were sort of glaring errors that really they could have caught before it went as far as it did.

CHAIRMAN CASTRO: Okay, thank you, Commissioner Narasaki for the background on that. Any questions or comments before we vote? Hearing none,
I will call the roll. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: No.

CHAIRMAN CASTRO: Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: I abstain.

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

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLADNEY: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

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

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes. The motion passes with six yeses, one abstention, and one no. Okay, thank you. That's a record number of
I'm pleased that we're making our voice heard. Our new public affairs staff will ensure that these get out appropriately to the media and our stakeholders. Thank you.

C. STATE ADVISORY COMMITTEES

TENNESSEE

CHAIRMAN CASTRO: Next on the agenda we have two advisory committees that are up for consideration. So let me first make a motion that the Commission appoints the following individuals to the Tennessee State Advisory Committee based upon the recommendation of our staff director: Diane Di Lanni, Gail Seavey, Eliud Trevino, Tiffany Fox, Joseph Gregory Grisham, Katrina Donaldson, Franklin Sicou, Daniel Horwitz, Brian Krumm, Frank Meeuwis, Shaka Mitchell, Justin Owen, John Pointer, Amy Sayward, Harold Black, Valerie Vojdik, and Yesha Yadav.

Pursuant to this motion, the Commission appoints Diane Di Lanni as Chair of the Tennessee State Advisory Committee. These members will serve as uncompensated government employees. Under this motion, the Commission authorized the staff director to execute the appropriate paperwork for appointments.

Is there a second?
COMMISSIONER NARASAKI: I second.

CHAIRMAN CASTRO: Okay, thank you. Is there any discussion? Hearing none, I'll call the roll. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: Yes.

CHAIRMAN CASTRO: Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: I'm voting yes on this one.

CHAIRMAN CASTRO: Good. Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLASTEY: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

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

VICE CHAIR TIMMONS-GOODSON: Yes.
CHAIRMAN CASTRO: And I vote yes. The slate passes unanimously. Thank you.

IDAHO

CHAIRMAN CASTRO: I am now going to move that the Commission appoint the following individuals to the Idaho State Advisory Committee based upon the recommendation of our staff director: Marshall Mend, Richard Cummings, Dina Flores-Brewer, Margie Gonzalez, Stephen Smith, Scott Yenor, Rudolph Wilson, Paulette Jordan, Patricia Carter-Goodheart, Michael Riley, Peter Optekar, Dilshani Sarathchandra, and Shaakirrah Sanders.

Pursuant to this motion, the Commission appoints Marshall Mend as Chair of the Idaho State Advisory Committee. These members will serve as uncompensated government employees. Under this motion, the Commission authorizes the staff director to execute the appropriate paperwork for the appointments. Is there a second?

COMMISSIONER ACHTENBERG: I second, Mr. Chair.

CHAIRMAN CASTRO: Any discussion? Hearing none, let me take the roll. Commissioner Heriot, how do you vote?
COMMISSIONER HERIOT: I'm going to vote yes on this one, too.

CHAIRMAN CASTRO: Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: Yes.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes, and I want to thank the staff for the work that they're really doing in putting together such balanced and diverse slates.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLASTNEY: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

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

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes, another unanimous performance. Thank you all. That motion
passes, great, and I think it's also a tribute to this new process that we have in place with the new AI so that to the extent there are issues, that we have a process to deal with them, so thank you everybody for the efforts to realize what we see today.

CHAIR OF OKLAHOMA ADVISORY COMMITTEE REPORT

And speaking of state advisory committees, we're very fortunate, today, to have another one of our state advisory chairs present. As you know, we've started to make this a regular feature of our board meetings where we on a regular basis hear from chairs of state advisory committees and members of state advisory committees in charge of the particular project on those works.

And today, we're very happy to have telephonically with us Chairman Vicki Limas of the Oklahoma State Advisory Committee who is going to speak to us a bit about their new report, "Civil Rights and the School to Prison Pipeline in Oklahoma," which all Commissioners had previously received a copy. I hope you've had a chance to take a look at it. But Chair Limas, I want to welcome you to our meeting and give you the floor.

MS. LIMAS: Thank you, Chairman Castro and
the rest of the Commissioners. I'm very, very happy and honored to be here, and I want to thank you for this experience. This is my first experience with the U.S. Commission on Civil Rights. I was not at all familiar with the subject matter of our project until we started getting into it, and I learned a great deal from my colleagues on the committee, and the panelists, as well as the public witnesses.

We had a very diverse and engaged committee. We developed a very collegial working relationship. We have, almost all of us, expressed the desire to continue to work, and we look forward to working together on our next project.

I'd also like to thank Melissa Wojnaroski, and the interns, and the staff of the regional office for their very expert help with us. They had excellent knowledge, professionalism, and communications ability.

They readily answered our questions and assisted us administratively. We feel they helped us draft an excellent report from an outline that the committee created, and all of the committee members praised the quality of the research and writing in the report.
Before I summarize the project's findings and conclusions, I want to tell you a bit about how we chose this project, and determined its scope, and as well as some of the response that we have received to the project just thus far.

About five or six topics were proposed by individuals on the committee which mainly reflected their own interests and areas of expertise. Included among these were perceived civil rights issues arising from Oklahoma's education and prison systems, but it was difficult to narrow down those topics into manageable pieces for study.

The school to prison pipeline topic however, resonated with everyone. It touched on elements of both, yet it was sufficiently manageable. It also reflected a core civil rights concern. In that data, it undeniably indicates that students of color, male students, and students with disabilities are more frequently disciplined in a manner that moves them from school into the juvenile and adult justice systems.

The committee, however, perceived the different variables underlying discrimination based on race, discrimination based on gender, and discrimination based on disability. We felt that we
lacked sufficient time to investigate all three, and chose to exclude live witnesses' testimony on disabilities.

Nevertheless, once the project was publicized, disability advocates were present during phone meetings and during the hearings, and continually urged us to include their voices in our report. We therefore accepted written testimony and heard public testimony from those advocates, and included some of that in our report.

I also wanted to make you aware of the extraordinary public interest our project generated. During the in-person hearing in Oklahoma City, I estimated that all throughout the day, there were at least 10 to 25 members of the public present, many of whom stayed throughout the entire day, and a number of whom testified. Many of our own panel witnesses stayed throughout the day.

We also received significant positive publicity on our report. A committee member was interviewed on the CBS affiliate in Oklahoma City. A panelist, one of our witnesses, blogged about the report, and the Commission received a letter from a concerned individual from Moore, Oklahoma who had read
the report and characterized it as, "a truly accurate assessment of schools in this state, especially in Moore, Oklahoma." She concluded by saying, "Thank you for the fabulous report. I just hope schools listen and make changes."

And finally, as you know, and as indicated in the 2014 Dear Colleague letters by the Departments of Education and Justice referenced in our report, the school to prison pipeline civil rights issues are not unique to Oklahoma. There are national issues. And indeed, your Indiana Advisory Committee recently studied this topic as well.

And just a brief definition from our report as to what school to prison pipeline means, a social phenomenon where legal policies, education policies, and social constructs funnel struggling children from schools to jails and prisons. Oklahoma ranks first in the nation according to the research that we've done in rates of expulsion from schools, 104 students for every 10,000.

As to our finding and recommendations, which are on page 30 of the report, we found a number of common themes throughout the testimony. One was that students who are caught up in the system also, for
the most part, are victims of poverty. There is disproportionately more students of color who are in poverty compared with white children in Oklahoma.

Children in poverty may experience delays in cognitive development due to high stress situations created by poverty, such as lack of food, shelter, or stability. This can result in delays in academic performance or in behavior issues such as acting out in class.

Schools where students in poverty are enrolled must provide for students' basic needs that are not being met at home in order to make classroom learning effective. However, due to current public school funding structures, schools with the highest need students often have the fewest resources to support those students.

Students not receiving support may act out in the classroom, and educators who face many conflicting demands on the job may use exclusionary disciplinary measures to make classroom environments more productive for other students.

Another theme we found was implicit bias defined as the unconscious attitudes or beliefs held by an individual. Research shows that behavior and
actions resulting from this cognition are more likely
to occur when individuals are fatigued and must make
decisions quickly under great pressure. This could
include a teacher needing to abruptly stop a lesson to
manage a disciplinary issue in the classroom, or a
school resource officer attempting to de-escalate a
potentially dangerous situation.

Black children are often perceived as
older and more dangerous than their white counterparts.
Subsequently, those black students may not be afforded
the same understanding from teachers, administrators,
or juvenile justice workers that their white peers
obtain. Panelists testified that this could lead to
these students being over-represented in juvenile
justice systems despite their presenting similar
behaviors as white students.

The committee also heard testimony about
how implicit bias affects response to behaviors of
black students versus the behavior of white students.
While white students are more frequently disciplined
for engaging in objective behaviors such as smoking or
graffiti, black students are often punished for more
-- and I believe this word should be subjective rather
than objective in Part C -- subjective behaviors such
as class disruption or dress code violations.

And while implicit bias is by definition unconscious, the panel has suggested that school officials and teachers should receive training in implicit bias recognition to mitigate the disparate effects of these biases on various student populations.

Another theme was exclusionary disciplinary policies such as expulsions and suspensions, and those may lead, of course, to high rates of juvenile involvement in the criminal justice system, particularly for youth of color and youth with disabilities. Experts testified that students who are excluded from their learning environment disengage from school.

The practices that disproportionately exclude youth with color and youth with disabilities could result in students struggling to find opportunity for achievement or a career path. Students may instead engage in harmful or unproductive activities which pushes them into the justice system.

Students with disabilities, the suspension rates for students is double that rate of the suspension rate for all students. Whether these are learning disabilities or emotional disabilities,
these students are disproportionately represented in the justice system.

Inmates in prisons have a much lower level of literacy than the general public, and ensuring that students with learning disabilities are reading at an appropriate grade level could be a protective factor for those youth, helping them stay out of the criminal justice system.

We also had panelists who spoke on issues concerning Native American students. And as you know, there is high populations of Native American students, even in our urban schools in Oklahoma. One expert testified that they are 1.7 times more likely to be referred to law enforcement than other students of color, and 2.6 times more likely than white students to be referred.

We heard from panelists who expressed concern that Native students are pushed out of school through harsh discipline policies and exclusionary practices that are not culturally relevant and do not make use of traditional supports. This continues the cycle of despair, poverty, and trauma that's already had a great impact on Native communities, and increases the mistrust of the public education system.
Discipline policies and school services aren't coordinated between tribal leaders in schools. An increase in tribal involvement in Native students' education could help them feel more connected to their school and lead to better academic outcomes.

So in response to these concerns, we offer the following recommendations to the Commission. Basically, we ask that you issue formal recommendations to both the Department of Education and the Department of Justice.

With regard to the Department of Education, we recommend that the Department's Office of Civil Rights conduct a national study on the impact of poverty on disparities in educational outcomes on the basis of race or color.

If law enforcement officers are working in schools -- and our committee, did have some discussion. Some felt that this is a necessary adjunct to our schools. Some did not, but if enforcement officers are working in schools, the Department should establish uniform licensing requirements to ensure that those law enforcement officers are properly trained and equipped to respond in an age appropriate manner with children. Applicable training should include strategies for
recognizing and overcoming implicit bias.

The Department should require that states impose mandatory reforms to disciplinary policies for schools that demonstrate significant disparities in disciplinary actions on the basis of race, color, or disability. According to the Office of Civil Rights data collection, such reforms may be based on the Department's 2014 guiding principles resource guide for improving school climate and discipline.

The Department should require that districts engage in continuous shared educational planning between alternative schools or juvenile detention facilities and a child's home school to ensure that there is continuity in a child's education.

The Department should examine and recommend an expansion of evidence-based restorative justice and other alternative disciplinary models to reduce exclusionary discipline without creating a school disciplinary climate where no discipline occurs to avoid public censure. So we had heard testimony that suspensions were curtailed or other discipline was curtailed for fear of getting bad marks when some discipline was certainly warranted.

The Department's Office of Indian
Education should provide guidance on how school districts can effectively consult with tribal governments to serve Native American students, and the Department should require ongoing anti-bias and cultural competency training as a condition of licensure for teachers and school administrative personnel.

With regard to the Department of Justice, the Department's Office of Juvenile Justice and Delinquency Prevention should examine educational outcomes and disparities on the basis of race, color, sex, and disability among youth who reside in juvenile detention and correctional facilities, and the Department should require mandatory all staff training on recognizing and overcoming implicit bias in its juvenile detention and correctional facilities.

And as you see, we believe these recommendations would endure to the benefit of every state, and not just Oklahoma, so that's the end of my report.

CHAIRMAN CASTRO: Thank you, Madam Chairman. I'll ask you a few questions and then open it up to my colleagues if they have any, and then at the end of that, I'm going to make a motion that we
follow up with your recommendations.

In your findings on -- and by the way, this is an excellent report. This does fit into really a pattern of reports that we've received during the course of my chairmanship on this issue from a number of states across the country, including the South and the Southeast, so it's unfortunate that this is not isolated and is clearly prevalent throughout the country.

You talk about, in your discussion of poverty, that the school's funding system in Oklahoma perpetuates some of these inequities, and it's interesting because, actually, a lot of what you're talking about in your report connects to many of the other reports that we're working on. We're doing one on that very topic. We're also working on issues related to Native American civil rights.

And even in the issue of use of force that we're working on, we see the implicit bias in some of the reporting of the perceptions of black children as being older, all relate to various topics. It was interesting how this is -- you know, you can't look at this in isolation. But as it relates to your school funding system, what is that like in Oklahoma?
MS. LIMAS: Well, right now, it's not very good. It's the, I believe the -- and I apologize if I may not be quite accurate, but I believe the funding was kept at the same level, but there are certain problems that individual schools are having in having to make cuts in certain areas.

As you know, our state was very highly dependent on the oil and gas industry, which is not doing well right now, to say the least, and that has affected funding across the state, and particularly school funding.

CHAIRMAN CASTRO: Is some of it based on property taxes or is it based on various other factors? Do you know? If you know.

MS. LIMAS: I believe it is based on property taxes. There was testimony that we had heard that a lot of these inner-city schools in particular just do not have, you know, a strong enough tax base to support their needs.

CHAIRMAN CASTRO: And you also, or the Committee finds that the suspension rate for students with disabilities is double the rate of that for all other students, so that's students with disabilities regardless of their race or ethnicity, right?
MS. LIMAS: That's correct, and that's one of the problems that we found trying to parse this out because there is, you know, factors. I mean, the disability issue certainly crosses color and ethnicity lines.

CHAIRMAN CASTRO: Right, and on the issue of the Native American students, when you're looking at the school discipline policies, are you looking at those of just the traditional public schools or also at schools that are on the reservations?

MS. LIMAS: We looked at traditional public schools. Oklahoma, there are some Indian schools in Oklahoma. They tend to be at the college level. Oklahoma does not have, except for the Osage tribe, a reservation, but we -- our testimony focused on public schools, and particularly one of the experts, Dr. Yellowfish, was a counselor for the Oklahoma City Public Schools, and she worked specifically with Indian children.

CHAIRMAN CASTRO: Well, I would ask our staff to take note of this and see how we might be able, even if it's by way of footnote, I think, include this in our crisis report. I think it's relevant. Are there any other questions for --
COMMISSIONER KLADNEY: Mr. Chairman?

CHAIRMAN CASTRO: Commissioner Achtenberg, then Commissioner Kladney.

COMMISSIONER ACHTENBERG: Madam Chairman, I was wondering whether or not the status of LGBT children was examined at all in terms of disproportionate disciplinary factors?

MS. LIMAS: No, ma'am, unfortunately we did not include that in our study as well. We had all we could do to take a day-and-a-half of testimony on the issues that we --

COMMISSIONER ACHTENBERG: Sure.

MS. LIMAS: -- that we covered, but that is certainly -- as a matter of fact, one young man who was in the audience in Oklahoma City was a law student. We had our hearing at the Oklahoma City University Law School, and he raised a number of those issues in his testimony, which was noted, and we understand that that is another area for further study.

COMMISSIONER ACHTENBERG: Sure, thank you very much.

CHAIRMAN CASTRO: Commissioner Kladney?

COMMISSIONER KLADNEY: Madam Chairwoman, I'd like to thank you for your excellent report and your
committee's work on this, and I'd like to thank you for lending some serious focus to Native Americans and that situation in school.

    I would like to ask you, you did mention something about, I believe, the school police. Has this -- were you able to find whether adding policemen to schools changed the disciplinary outcome versus having administrators bring discipline to students? If I made that question clear, I don't know.

    MS. LIMAS: I believe so, because if I understand you correctly, I mean, we did hear some testimony that properly trained police officers or security, non-administrative security personnel in schools did help discipline, but the stress was on properly trained.

    And much of the testimony said that, you know, having just a police presence or a police state kind of atmosphere, I don't know if those terms were used, but just a heavy policing presence didn't do a lot in and of itself to help the problem, but the --

    I believe former Superintendent Ballard of the Tulsa Public Schools said that there -- they train their own security officers through the Tulsa Public Schools, and he testified that that was effective, but
he stressed the training.

COMMISSIONER KLADNEY: Several state advisory commissions have taken up this subject. Do you believe that we need more attention put onto this subject, say if the United States Commission of Civil Rights held a hearing on this matter, whether there is more information to be gotten, or gained rather?

MS. LIMAS: Well, I would think so, and I think just the fact, as you say, that so many states have taken up this issue, and it certainly would help to be addressed on a national basis. And the fact that there are so many problems in the various states, and that the phenomenon exists, I think, would warrant a national look at this.

COMMISSIONER KLADNEY: Thank you very much, Madam Chairwoman.

MS. LIMAS: Thank you.

CHAIRMAN CASTRO: Any other questions? Madam Vice Chair and then Commissioner Narasaki.

VICE CHAIR TIMMONS-GOODSON: Yes, I too thank you, Madam Chairwoman, for your excellent work on this. Many have asserted that in connection with school discipline that school administrators have abdicated their responsibility to school resource
officers to, essentially, to police, and some jurisdictions in an effort to address that have clearly set out written policies of when school resource officers are to be brought into a particular disciplinary problem.

I was wondering whether you looked at, or investigated, or heard any testimony at all with regard to whether there's a written policy clearly setting out when it is that the school resource officers or the law enforcement would be brought in?

MS. LIMAS: Yes, ma'am. I don't recall specific testimony, and unfortunately, I'm sorry I didn't have time to review all of the testimony before my appearance before you today, but if I remember correctly, the Oklahoma City School District was working on that, or perhaps, had such rules.

But we did indeed hear testimony to the effect that you mentioned about administrators abdicating to police or security, if you will, and that this was not a desirable situation, that the schools themselves should take this on themselves and only refer very dangerous situations to the police.

VICE CHAIR TIMMONS-GOODSON: Thank you.

CHAIRMAN CASTRO: Commissioner Narasaki?
COMMISSIONER NARASAKI: Yes, I add my appreciation to the chorus here. I think it is a fabulous report. I just have a couple of questions somewhat along the lines of Commissioner Kladney. I note that the disability issue came up even though it was not something that you were able to focus on given the nature of the problem.

I'm wondering if you feel like, based on what you heard, that the issue of disability and the prison pipeline issue is something that is needing exploring by the U.S. Commission on Civil Rights?

MS. LIMAS: I would say so, yes. I'm not necessarily speaking for the committee, but just from what I heard, there is -- I believe there would have been enough investigatory material that we could have sifted through that might have taken us at least a half-day or a full day of testimony just on that issue of disability.

And I do believe that, you know, particularly given the statistics that we received from the disability advocates, that this is a very grave problem and that students are falling through and ending up in the justice system simply because they can't engage intellectually. They can't even learn to
read properly, and therefore, can't proceed through the education system.

COMMISSIONER NARASAKI: Thank you, and the second question I had, because I do think it is really an important report, is what kind of distribution you've already been able to do and -- to try to determine what kind of distribution we could help do at the national level?

MS. LIMAS: Well, I think it would be helpful to publicize the report to all of the school districts within Oklahoma. I know one of our committee members was very concerned throughout, and there is a paragraph toward the beginning on are we seeing this in the rural schools because Oklahoma basically has three large urban settings or urban populations.

And I think it would be very helpful, and particularly given the response that we've seen just from people who have seen the report already, that I think would be very helpful to get this distributed to all of the school districts within Oklahoma, and then to just add our report to the chorus of work that's being done on this issue in other states.

COMMISSIONER NARASAKI: And have you already delivered it to your Congressional delegation?
MS. LIMAS: We are in the process of doing that.

COMMISSIONER NARASAKI: Fabulous.

MS. LIMAS: Yes, again --

COMMISSIONER NARASAKI: Perhaps I could --

MS. LIMAS: I'm sorry, excuse me, I didn't mean to interrupt you. Melissa and her wonderful staff are getting things together for us and we are in the process of doing that.

COMMISSIONER NARASAKI: Great, and I would like to also suggest to staff if we haven't already, that we share it with some of the education stakeholders like the National Education Association and the American Federation of Teachers.

MS. LIMAS: Yes, and we did have panelists from those organizations as well.

COMMISSIONER KLADNEY: Mr. Chairman?

CHAIRMAN CASTRO: Commissioner Kladney?

COMMISSIONER KLADNEY: Kladney here. I was wondering maybe if perhaps if our staff decides just distributing it to the school districts in Oklahoma, if we might be able to just email the principals of all of the schools. I'm sure that email list is available
--

CHAIRMAN CASTRO: I'm sorry, could you speak up? You're getting garbled. I couldn't hear everything you were saying.

COMMISSIONER KLADNEY: I think it would be a good idea not just sending it to the school districts in Oklahoma, but taking the report and getting a list of all of the principals at the schools in Oklahoma and emailing them a copy of the report as well, so that the front line principals can get a copy of it directly.

CHAIRMAN CASTRO: Okay, so why don't we do this? I'm going to -- let's make two motions, one that we'll do what the committee is asking the Commission to do and that is to send these specific recommendations to the Department of Ed and to DOJ so that we will -- we would create a letter from the Commission that we would bring forward at the August meeting for approval and review by the Commission, as we've done in the past with other of our state advisory committee requests, and then a second motion that relates to what you're talking about, Commissioner Kladney, which is slightly different, that we would send copies of this report or links to the report both to the school districts as well as the principals in Oklahoma, so dealing with them as
two separate motions. Does that work for folks, and if so, do I have seconds?

COMMISSIONER KLADNEY: Seconded by me.

CHAIRMAN CASTRO: Okay, so let's take up the first one. That is the request specifically from the SAC that we send this report, and these recommendations I should say as well, to the Departments of Ed and Justice. So you may recall we did this with Nebraska recently and the e-verify issue. Commissioner Narasaki, then Commissioner Heriot, I think you have a look of a question on your face.

COMMISSIONER HERIOT: I can defer to you first.

COMMISSIONER NARASAKI: I support this. I think that we should think about the various agencies within the Department of Education that would be appropriate because it does call out, for example, the Bureau of Indian Education.

CHAIRMAN CASTRO: Right, okay.

COMMISSIONER NARASAKI: So if we can make it broader than just the Secretary.

CHAIRMAN CASTRO: Right, okay, that makes sense. Commissioner Heriot?

COMMISSIONER HERIOT: I just have a
procedural question. Are we talking about having a letter that, a cover letter that we never see, or is there going to be a two-step process here?

CHAIRMAN CASTRO: Two-step process.

COMMISSIONER HERIOT: So we'll see --

CHAIRMAN CASTRO: In August, yes.

COMMISSIONER HERIOT: Okay.

VICE CHAIR TIMMONS-GOODSON: I have a question --

CHAIRMAN CASTRO: Yes, ma'am, Vice Chair?

VICE CHAIR TIMMONS-GOODSON: -- Mr. Chair. With regard to getting a copy of this report in email form to every principal, school principal --

CHAIRMAN CASTRO: Let's take that one second. Let's vote on this one first and get it out of the way --

VICE CHAIR TIMMONS-GOODSON: Thank you.

CHAIRMAN CASTRO: -- and then we'll come back to that one. Any more questions on the first motion as it relates to the request from the SAC? None? Okay, let me take a vote on this very quickly and then we'll get to the second request. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: No.
CHAIRMAN CASTRO: Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: I'm generally in favor of greater distribution of SAC reports, so I'll vote yes on this.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: I vote yes.

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

COMMISSIONER KLADNEY: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

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

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: I vote yes, so it's seven yeses and one no. That motion passes. And if you all on the phone could just mute your phones, I think we're getting some feedback. I think we are getting
some feedback. Next we have the motion on publicizing this report to the school districts and the principals. Madam Vice Chair?

VICE CHAIR TIMMONS-GOODSON: Yes, I was simply asking in response to the suggestion that we send out a copy of this report to every principal within the Oklahoma schools, and I was wondering how it is that we -- how we were going to accomplish that, where we're going to get the emails? Who's going to be tasked with that? Just --

CHAIRMAN CASTRO: I will give the floor to -- yes, that's why I wanted to keep these separate because there's different issues here. Mr. Staff Director?

MR. MORALES: Thank you, Mr. Chairman and Commissioners. I'd like the opportunity to -- I understand the value and the importance of circulating this to the widest audience we can. I think Madam Vice Chair raised a good point. We don't want to unduly burden staff in doing this to the detriment of other highly critical things we're involved in, so I'd like the opportunity perhaps to work with their special assistants in figuring out how do we maximize the distribution of them without unduly burdening the staff.
in trying to do this.

Because trying to get -- I mean, I have no idea how many schools there are in Oklahoma, and I don't have any idea how many school districts. There could be hundreds, if not, you know, maybe a thousand schools, which could be pretty burdensome, so if we could work together and find a way to do that so that we would get them out to the right folks in Oklahoma where it would receive its maximum potential exposure.

CHAIRMAN CASTRO: Can I suggest then that we table this motion to the next meeting so that our staff can look into what the staff director just suggested and report back to us as to, you know, the feasibility of this?

COMMISSIONER KLANDNEY: Well, I'd like to suggest something, Mr. Chairman.

CHAIRMAN CASTRO: Okay, yes, go ahead, Commissioner Kladney, then Commissioner Narasaki.

COMMISSIONER KLANDNEY: Perhaps the staff could contact the Department of Education in the State of Oklahoma and/or each school district and try to arrange for them to make the distribution rather than just sending it to the departments and the school districts to where it may just sit on one desk, but
actually engage with them and see if they would
distribute them for us, because I'm sure they have a
master list. They'll provide us with the master list.

CHAIRMAN CASTRO: Commissioner Narasaki?

COMMISSIONER NARASAKI: I'm not sure how
realistic that is, given that in some ways, the report
is somewhat critical of what's going on in the schools,
that they would want to volunteer to do that. I would
suggest that we give staff -- I agree with the Chair.
I think we should give staff the opportunity to also
talk to the Oklahoma SAC to figure out if they have
suggestions.

This is one of the reasons why I raised the
NEA and AFT is it may well be that they have a membership
list or a way of trying to publicize this that would
not require our staff to do what I think is an enormous
task. And while it is an appropriate suggestion, given
how limited our staff resources are, particularly on
the regional level, I do think, unfortunately, we have
to set some capacity priorities here.

MS. LIMAS: And may I add, if I may speak?

CHAIRMAN CASTRO: Yes, Madam Chair?

MS. LIMAS: Yes, we're happy to help in any
way that we can. I don't have such a list in my
possession, but I'm happy to work with our committee to try to figure out the best way to get that information here in Oklahoma.

CHAIRMAN CASTRO: Okay, great, so it seems there's a consensus. We'll put this off until the next meeting and allow staff to look into the various issues and the feasibility of this and report back. Does that work for everybody?

Okay, thank you again, Madam Chair. Thank you, and please convey our thanks and our appreciation to the other members of the State Advisory Committee for your service in general, and your work on this report in particular. Thank you.

MS. LIMAS: You're welcome. Thank you very much.

D. MANAGEMENT AND OPERATIONS

CHAIRMAN CASTRO: We are now off to the last portion of our agenda, the management and operations. I will now turn it over to our staff director to report.

STAFF DIRECTOR'S REPORT

MR. MORALES: Thank you, Mr. Chairman. I wanted to do a couple of things here. One, you have the staff director's report. I won't go into the
details. If there is any particular matter that you have a concern about or would like to speak with me, certainly I'm available to do that with you.

I would like to do two things. One, I want to mention that today at some point, I'm going to be sending an email to all of the Commissioners and Commissioner's assistants about arranging a time sometime next week, hopefully on Thursday or Friday depending on the availability of Commissioners, to discuss the OCRE staffing. We have, Maureen and I have had discussions and have a preliminary plan on how we want to proceed with some of those challenges, and so we'd like to discuss that with you.

Second, I want to thank Pam for a lot of work she did yesterday with me on a matter. And also, her and her team, you know, these meetings, there's a lot of moving parts to putting together the business meetings and the briefings here for the Commission.

There is, you know, a lot of technology in regards to getting the phones to work, and the microphones, and court reporter, and witnesses, and documents, and there's a lot of stuff behind the scenes, so I really just want to thank her and her team, Marcell and Juanda, and of course Michele, for all of the
technical work they do behind the scenes that we don't often see.

Lastly, of course, I had already introduced Brian, and so I won't do that again, but I just want to thank him for coming.

STATUS OF USCCR WEBSITE TRANSITION

And the last thing I want to say is in regards to the website, I sent an email out to the Commissioners yesterday, or maybe it was the day before, but I want to read it real quickly into the record so the public also has an understanding of the challenges we have.

The Government Printing Office has sent the DNS server file to the Department of Homeland Security and the Government Accounting Office. The DNS servers for usccr.gov have been assigned. DHS is validating, testing, and securing the servers. Once the servers are secure and validated, DHS will issue a few more dates for the migration of our website.

A meeting will be scheduled at that time between the contractor and me to discuss the possible issues during our migration, and the time period for the website outages, potential outages, once the date has been proposed. The dates for the migration will
begin on a Monday and through a Thursday at 9:00 p.m.,
so there could be some interruptions.

The Government Printing Office will
continue to host and maintain our site during the
migration, and the Government Printing Office servers
will remain as a backup solution in the event there are
problems during the migration.

Once this information is provided to me,
I will notify Commissioners of the dates that DHS has
proposed to migrate our website and the U.S. -- and our
email post office.

Lastly, we are creating a folder that will
be accessible to the public so that we're never in a
position where we cannot provide information to the
public. During the migration process, we anticipate
that we, the Commission, will still be able to release
reports, statements, and press releases. And we've
also been informed that during the migration process,
the USCCR website will remain accessible to the public,
and that's, of course, if everything goes well.

There could be some glitches. There could
be some hiccups with that, but I just want to make sure
folks understand, you know, the challenges with
migrating a system from one server and host to another,
so I thank you for that.

CHAIRMAN CASTRO: Any questions for the staff director? Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes, I note that we are obviously working to try to fill and reappoint members to the various open SACs, so I'm wondering, Mr. Staff Director, what your plan is to try to get the balance done before the end of the fiscal year? So what could we expect, you know, at the meeting in August, for example?

MR. MORALES: I believe we should have -- I've been provided, if we can get through the two that we had to pull today because of some issues that were brought up pursuant to AI 59. I was presented with another one today which isn't ready for -- wasn't ready for today's consideration. We could possibly have another five for the next meeting.

And if we continue on this process where we are able to do multiple, five to seven between now and the end of the year, the regional coordinator has put forward a plan that he presented to all of you a few weeks ago where he believes that we could have probably all of the SACs populated and nominees up. We are in the --
CHAIRMAN CASTRO: By the end of the calendar year?

MR. MORALES: By the end of the calendar year, yes, I'm sorry. I forget there's fiscal year and calendar year. The other thing that you should know and we've talked about is that there is a Pathways hire that is being made that will be able to oversee and to engage the Central -- the Midwest Regional Office which currently doesn't have a person to oversee those seven SACs, and so it's our belief that those seven SACs will also be up and available for consideration by all of you.

COMMISSIONER NARASAKI: Great, thank you, and I also wanted to acknowledge the help of the interns who have been here this summer. I think we may have had some join since our last meeting, and we very much appreciate everyone's help.

CHAIRMAN CASTRO: Yes, ditto. Any other questions or comments for the staff director?

MOTION TO CONDUCT TELEPHONIC MEETING

CHAIRMAN CASTRO: If not, I've got one more item that we need to do before we adjourn and that is we need to make a motion that we conduct a telephonic business meeting for the purposes of voting on the 2017
Statutory Enforcement Report concept paper as well as the Part B findings and recs for the 2016 Statutory Enforcement Report. Do I have a second on that?

COMMISSIONER ACHTENBERG: Second.

CHAIRMAN CASTRO: Okay, what would I figure, maybe a week to 10 days? Does that sound right for folks? Commissioner Narasaki?

COMMISSIONER NARASAKI: Yeah, I'm hoping that we could do it this coming week because next week I think some of us will be caught up in --

CHAIRMAN CASTRO: Okay, so sometime next week then would be the --

COMMISSIONER NARASAKI: Ideally, yes.

CHAIRMAN CASTRO: Okay.

MR. MORALES: We'll work with -- I'm sorry, Mr. Chairman. We'll work with your special assistants to find a time that makes sense for everybody.

COMMISSIONER NARASAKI: Well, I would suggest since we have all of the Commissioners, that we try to do it now.

MR. MORALES: Okay.

COMMISSIONER NARASAKI: Because otherwise, you know what happens.
CHAIRMAN CASTRO:  Yeah, okay.

COMMISSIONER NARASAKI:  Does staff feel like they could finish both, have proposals as well as the people who are working on the concept paper by like Thursday or Friday next week?  Is that doable or not?

COMMISSIONER ACHTENBERG:  Yeah --

CHAIRMAN CASTRO:  Commissioner Achtenberg?

COMMISSIONER ACHTENBERG:  -- it actually isn't.  It would need to be sometime in the middle of the following week, if at all possible just because I'm going to be incommunicado and we have a -- you know, we have things that --

CHAIRMAN CASTRO:  You have to speak into your mic, Commissioner, sorry.

COMMISSIONER ACHTENBERG:  We have things that I think we need to do correctly that I think will take a little bit of time.  I understand the problem with going beyond next week, but next week is a problem actually.

CHAIRMAN CASTRO:  I said a week to 10 days, so the middle of the following week then.  Do people have their calendars out or should we just have staff follow up?
COMMISSIONER ACHTENBERG: Could we do it two weeks from today?

CHAIRMAN CASTRO: Okay, for the meeting? Okay, I have just been informed that we also need to, as part of our motion, make a motion to waive the eight-day notice period for a phone call, so let's -- is that --

COMMISSIONER ACHTENBERG: Mr. Chairman, if we did it two weeks from today, that would be longer than eight days, in which case we wouldn't have to waive anything.

CHAIRMAN CASTRO: What date are we talking about?

COMMISSIONER NARASAKI: You're talking about the 29th, I believe.

COMMISSIONER ACHTENBERG: Yeah, Friday the 29th.

COMMISSIONER NARASAKI: Friday the 29th, so it would need to be after 11:30 Eastern for me because I'll be on a train.

COMMISSIONER YAKI: It would have to be after noon Eastern for me.

CHAIRMAN CASTRO: Okay, any other issues? So what would -- what time would that be that works well
because we're dealing with -- you said Eastern Time?

   COMMISSIONER NARASAKI: Yeah, right now
any time after noon Eastern Time is what we're working
with.

   CHAIRMAN CASTRO: So 1:00 p.m. Eastern
Time, does that work for folks?

   COMMISSIONER ACHTENBERG: On the 29th?

   CHAIRMAN CASTRO: On the 29th of July.
Okay, so that is the motion. Is there a second?

   COMMISSIONER NARASAKI: Second.

   CHAIRMAN CASTRO: Okay, any additional
discussion? I'm just going to call for a voice vote
on this. All those in favor, say, aye.

   (Chorus of aye.)

   CHAIRMAN CASTRO: Any opposed? Any
abstentions?

II. ADJOURN MEETING

   CHAIRMAN CASTRO: Okay, seeing as we have
covered our agenda and have no other topics, I motion
that I adjourn this meeting at 11:30 a.m. Eastern Time.
Thank you.

   (Whereupon, the above-entitled matter
went off the record at 11:30 a.m.)