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The Commission convened by teleconference at 1:00 p.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 KLANDNEY, Commissioner
KAREN NARASAKI, Commissioner
MICHAEL YAKI, Commissioner

JENNIFER HEPLER, Parliamentarian
MAURO MORALES, Staff Director
MAUREEN RUDOLPH, General Counsel/Solicitor and Acting Assistant Staff Director for OCRE
STAFF PRESENT:

SEAN GOLIDAY, Social Scientist, OCRE
MARY KENAH, Summer Legal Intern
TINALOUISE MARTIN, Director, OM
KIM TOLHURST, Acting General Counsel, OGC

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART
ALEC DUELL
CARISSA MULDER
ALISON SOMIN
IRENE VIDULOVIC
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OPERATOR: Good day, everyone, and welcome to the telephonic meeting conference call, and at this time I would like to turn the conference over to Martin Castro. Please go ahead, sir.

CHAIRMAN CASTRO: Thank you. This is Martin Castro, Chairman of the U.S. Commission on Civil Rights. It is now 1:06 p.m. Eastern Time, and I'm calling this special telephonic meeting of the U.S. Commission on Civil Rights to order.

Our first item will be confirming that we have a quorum. And based on the roll call that was done just as we were coming into the call, those of us on the phone are myself, Commissioners Achtenberg, Yaki, Kladney, Narasaki, Heriot, and Kirsanow. That represents a quorum of the Commission.

The Vice Chair, has she joined the call yet, Vice Chair Timmons-Goodson? Okay. She is expected to join the call soon.

Is the Court Reporter present?

COURT REPORTER: Yes, the Court Reporter is present.

CHAIRMAN CASTRO: Thank you. Is the Staff Director, Mr. Mauro Morales, present?
MR. MORALES: Yes, I am present.

CHAIRMAN CASTRO: Thank you. Also available for us are members of the Commission staff who may talk at some point during the course of the agenda.

Prior to approving the agenda, I just want to remind all of those on the phone who are speaking to mention your name before speaking, so that the Court Reporter can accurately take the minutes of the meeting.

The first item is the approval of the agenda.

I. APPROVAL OF AGENDA

CHAIRMAN CASTRO: Do I have a motion?

COMMISSIONER NARASAKI: So moved. This is Karen Narasaki.

CHAIRMAN CASTRO: Thank you, Commissioner Narasaki. Is there a second?

COMMISSIONER YAKI: Second. Commissioner Yaki.

CHAIRMAN CASTRO: Okay. All those in favor, signify by saying aye.

(Chorus of ayes.)

CHAIRMAN CASTRO: Any opposed? Any abstentions? Okay. The agenda is approved.
As you know, we have two items for this meeting under Program Planning.

II. PROGRAM PLANNING

CHAIRMAN CASTRO: The first is a discussion and vote on the findings and recommendations for our 2016 statutory enforcement report. I believe those were circulated a few days ago by our special assistant, so hopefully all Commissioners have had an opportunity to look at those revised findings and recommendations.

I will open the floor for a motion or for discussion.

COMMISSIONER YAKI: I move the findings and recommendations as revised. Commissioner Yaki.

CHAIRMAN CASTRO: Is there a second?


CHAIRMAN CASTRO: Commissioner Achtenberg seconds. Okay. Any discussion? In terms of the Chair, they were I think pretty straightforward. I think the version that was circulated was also redlined. So to the extent that folks wanted to see what changes were made, you should have all of that in front of you. Any questions, comments, concerns?

Hearing none, then what I will do is call
the question. I will take a roll call vote.
Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: I vote aye.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

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

COMMISSIONER KLADNEY: Aye.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: It's not going to surprise anyone, but I'm voting no.

CHAIRMAN CASTRO: Okay. Commissioner Kirsanow, how do you vote?

COMMISSIONER HERIOT: I think he's recused.

CHAIRMAN CASTRO: Oh, he's recused? I'm sorry, I forgot. And then I vote yes, and it sounds like the Vice Chair is on the call. Madam Vice Chair, how do you vote on the findings and recommendations?

VICE CHAIR TIMMONS-GOODSON: Yes.
CHAIRMAN CASTRO: Yes. So we have a motion that is passed. One, two, three, four, five, six yeses, a no, and a recusal. Okay.

We now move on to the next item on the agenda, which is a discussion and vote on the concept paper for 2017 statutory enforcement report.

Again, a day or so ago you also received a revised version from what we saw at our last meeting, and I will now open the floor to Commissioner Achtenberg or Commissioner Kladney. It is their concept paper. If they would like to make a motion for discussion purposes, I'd invite them to do so now.

COMMISSIONER ACHTENBERG: Mr. Chairman, I'd like to move the adoption of the concept paper for the 2017 statutory enforcement report, Women in Prison: Disparate Treatment, Disparate Impact, and the Duty of Care.

COMMISSIONER KLADNEY: I'll second that.

CHAIRMAN CASTRO: Thank you, Commissioner Achtenberg. That's a second from Commissioner Kladney.

COMMISSIONER KLADNEY: Yes.

CHAIRMAN CASTRO: I open the floor for discussion.

VICE CHAIR TIMMONS-GOODSON: This is
Commissioner Timmons-Goodson. As I said before, I like the concept. It's something that I believe would allow us to make a contribution in this area, but I have to confess I still have some reservations about, from the list of things we planned, the plan is for us to be interviewing folks that's in prison, and how that would be incorporated into this.

Initially, I expressed, and to some degree still have some reservations about the broadness of this. I don't see how the men's prison solution does anything to reduce or define or constrict in any way the topics that we're looking at. Anything we do, I want us to do this, and I just -- I just have reservations.

CHAIRMAN CASTRO: Thank you, Madam Vice Chair. Anyone that would like to comment?

COMMISSIONER NARASAKI: This is Commissioner Narasaki. I also share the Vice Chair's concern. I have been very enthusiastic about the topic, but I am concerned about making sure we have the staff capacity to do it justice. And I am also concerned about the budget implications, about doing a field visit.

CHAIRMAN CASTRO: Thank you, Commissioner Narasaki. Would anyone like to respond?
COMMISSIONER ACHTENBERG: Yes, Mr. Chairman.

CHAIRMAN CASTRO: Yes.

COMMISSIONER ACHTENBERG: Commissioner Achtenberg. This concept paper has gone through significant revision. It was our hope that we had incorporated the concerns as expressed most articulately and forcefully by our Vice Chair and others as well as the guidance that we were given by the Office of General Counsel, to the extent that the reformulation might prove to be one that -- for which there would be sufficient staff capacity to support.

Additionally, a number of colleagues wanted additional issues explored, and in a -- in what I hope will be viewed as collegiality and a desire to have the -- this particular statutory report embraced by as many colleagues as possible.

We included some additional comparisons that I do think will shed light on whether or not the treatment of women in prison, how it compares and contrasts, at least in some narrow -- with regard to some narrow questions, how it compares and contrasts with the treatment of men. I think that is certainly a relevant inquiry. I understand that in -- it can be viewed as a broad inquiry.
We tried to make it as narrow as it could be while still yielding worthwhile information. To the extent that that -- you know, we expect to be working extensively with the staff as the inquiry goes forward. And if any of these issues prove unworkable, for whatever reason, obviously, then, modifications can be made.

I do -- on the issue of -- on the issue of the resources to do institutional visits and whether or not that can be made possible, and whether or not we can speak with in any meaningful way incarcerated persons, obviously, that will be for the staff to explore. And assuming that something meaningful can be brought to bear, then we would go forward with it. But, I mean, nobody is -- you know, if it's not workable, or nothing meaningful can come of it, then obviously we would -- we would reconsider.

But I don't see any reason why not to explore this, and I do think that to the extent that we did a similar inquiry with regard to the immigrant detention issue, I think it was a worthwhile inquiry, and I'm imagining something similar could be brought to bear here.

But as I said, upon consideration and activity by the staff, if that's not to be, then
obviously this would be reconsidered.

CHAIRMAN CASTRO: This is the Chair. So I guess we'll understand that if it does pass as it is drafted, that it's with the understanding that the logistics and costs of a visit would be -- that a visit will be contingent on confirmation of logistical and financial reasonableness. Is that right, Commissioner Achtenberg? Is that what you're saying?

COMMISSIONER ACHTENBERG: Absolutely. But, Mr. Chairman, the only thing I would add to that is that when we adopt it, it does make it our Commissioners' priority, obviously. This is the statutory report. It's the single most important inquiry that we undertake in any given year.

Recommendations are made directly to the Congress and to the President of the United States, and, therefore, I would hope that by adoption by Commissioners this would become the priority of the Commission, which doesn't mean that if it's unworkable, it won't be reconsidered. But it seems to me that means that every effort will be made to make this a priority, both funding-wise as well as staff resource-wise.

CHAIRMAN CASTRO: Understood. And just for the record, this is the Chair again, I support the idea of a site visit or site visits. I know that,
clearly, we need to be mindful of the issues that were
raised by the Vice Chair and Commissioner Narasaki, but
also I know that there had been some thought of possibly
looking at maybe some detention -- or, excuse me, some
prisons that are near the Commission offices and
possibly could be done in conjunction with some of our
visits.

So there may be some creative ways to look
at this. And I think you're right: the visits we did
to the detention centers as part of our statutory
enforcement report last year were extremely powerful
and I think made the report what it is today. So I value
the opportunity to go and speak with some of the
incarcerated men and women as you contemplate in the
report.

But any additional thoughts, Commissioners? Commissioner Narasaki, Madam Vice
Chair, does Commissioner Achtenberg's comments comfort
you, or do you have further questions?

COMMISSIONER NARASAKI: I still am
concerned, because it's not just the cost of travel that
I'm concerned about.

CHAIRMAN CASTRO: That's Commissioner
Narasaki, by the way. Just for the record, Commissioner
Narasaki is speaking. All right. Go ahead.
COMMISSIONER NARASAKI: Sorry, Mr. Chair. Because I have realized since I had tried to do this with the environmental justice report, how much staff time is spent trying to set these things up, and the fact that we are -- have some openings in our staffs, that we just have less bandwidth I think on staff to be able to execute that, and it takes away time from the kind of work we need to do to finish up the reports that -- from the great hearings that we have done this year and to finish up last year.

So that's my concern. It's not just dollars. It's actual staff time, given what our current staffing is.

CHAIRMAN CASTRO: This is the Chair. Commissioner Narasaki, maybe what we might be able to do -- that's a good point, obviously. Our staff is always being challenged by the things that we're asking them to do because we want to do a lot, and we have limited resources.

But when we did the investigation into the immigration detention centers, I think it was our special assistants, led by my former special assistant, Juana, who did the bulk of the legwork in setting up the logistics behind those visits, and maybe what we could do is not that our special assistants are without
their own workload, but perhaps they can supplement and assist the career staff in setting up such meetings.

VICE CHAIR TIMMONS-GOODSON: This is Vice Chair Timmons-Goodson again. My concern is not just about finances. It occurs to me that the individuals that we would be speaking with have little to no power. They are in powerless positions. And for us to go in, briefing, and let's say we even get folks to speak with us, we are going to get what we want out of it, but I'm not sure where that leaves them or the possibility that it leaves them with less power.

I wonder if perhaps we might be able to get at the very same groups of people if we were to try to get individuals that have been incarcerated but recently released to come in to testify before the Commission. We can ask them to --

COMMISSIONER ACHTENBERG: I think that -- I'm sorry, go ahead.

VICE CHAIR TIMMONS-GOODSON: I was just going to say we can ask all kinds of questions. There would not be the financial implications, and I would be more comfortable with not placing any prisoners in a position with less power or in a weakened position that there is --

COMMISSIONER ACHTENBERG: Mr. Chairman,
Commissioner Achtenberg.

CHAIRMAN CASTRO: Yes, please.

COMMISSIONER ACHTENBERG: May I speak?

Thank you.

CHAIRMAN CASTRO: Yes.

COMMISSIONER ACHTENBERG: I do -- Madam Vice Chair, I do contemplate that a number of recently incarcerated persons will be asked to testify. I think the issue is a significant one, and I think it will be important to hear from the people themselves.

And, again, the ability to undertake an inquiry inside a prison will have to be explored as to whether or not it is not only logistically possible, but it's possible in order to respect people's rights. I don't know the answer to that question, about whether or not something can be undertaken that does -- you know, that answers the concerns that you have just expressed.

In the event that it is impossible to do such a thing, in consultation with the Bureau of Prisons as well as the legal and advocacy organizations that are there to protect the rights of incarcerated persons, I think it would be important for the United States Commission on Civil Rights to undertake such a direct inquiry.
But if it is not possible, given -- I mean, nobody wants to harm, you know, or to leave incarcerated persons less well off than we found them as a result of our inquiry. So I understand the concern.

I do believe, though, that the staff of the U.S. Civil Rights Commission, as understaffed as we are, has the capacity to undertake a direct inquiry, or it's not -- if it doesn't have the ability -- if we don't have the ability to leave -- to do no harm, or, you know, to do some good there, then I agree with you, it should not be undertaken. But I would urge my colleagues to agree to allow our staff and special assistants to make an effort to undertake this project as proposed.

COMMISSIONER KLADNEY: This is Dave Kladney.

COMMISSIONER HERIOT: Mr. Chairman?

CHAIRMAN CASTRO: Commissioner Kladney, then Commissioner Heriot.

COMMISSIONER HERIOT: Thank you.

COMMISSIONER KLADNEY: Thank you. I would just say that on the immigration detention investigation, when we went to the detention centers, they were kind enough to gather a bunch of people for us that we were able to question.
I would say that we would want, so the Vice Chair's concerns are assuaged, that we would be able to speak with these incarcerated persons privately without other people from the prison staffs there, number one; and, number two, as I recall, the Chair had numerous conversations with people that were very helpful in determining what went into our report concerning the immigration detentions outside of that group meeting. And hopefully we can get that kind of freedom granted us from the Bureau of Prisons.

So I think there are ways around the issue of causing harm to those who are incarcerated.

Thank you.

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

COMMISSIONER HERIOT: I wanted to say, first, that I think the general topic of, you know, looking into women's prisons is a good one, and so I favor that. I think the very essence of the Commission is to look into issues of equal protection, and, therefore, if really necessary, to make the comparisons to men's prisons.

I also think that field visits are extremely important here. That said, I do think the concept paper is still too sprawling. But rather than
look, you know, into as many issues as we are talking about here, it should be narrowed to particular issues, and so I think we have a real problem here.

As I've said now a million times, we need to be modest in what we investigate, because every topic always turns out to be more complicated than it was thought to be. And the more modest we are, the more we look at something narrow, the better.

As for the issue of speaking to prisoners who are incarcerated now, or people who have been recently incarcerated but released, I have a real problem with the notion of bringing in recently released prisoners. Invariably, that is going to be filtered through some advocacy organization who has picked out the speaker for us, and we basically become the Commission on Civil Rights that listens to other inside-the-Beltway organizations, and I object to that.

I would very much like to do something more along the lines of what Commissioner Kladney just mentioned, which is basically modeled after what we did at the immigration detention centers. And so I would definitely, definitely favor that.

As to the issue of staff being spread too thin, I think that the Chairman is correct that we
should rely in part on our special assistants to
schedule our field visits and to manage that issue.

But another issue I think that the special
assistants could be very effective on is at some point
very early in this process, we need to decide what sort
of interrogatories should be addressed to the prisons
that we are interested in. And we've got some people
who have done litigation before, and so creating a
subcommittee of three special assistants or so who
could take the first cut at drafting those
interrogatories, I think that would be very useful, and
I would advocate doing that.

Another thing I advocate is that instead
of waiting until summertime, we should be deciding what
our next enforcement report is going to be in the next
couple of months, so that we can give it a whole lot
more thought than we have previous proposals of this
sort, because I have basically been disappointed in
every enforcement report ever written during my tenure
on the Commission.

I sure would like to see one that -- where
we are not running with our hair on fire trying to get
something done as rapidly as possible, because the
results have not been great in the past.

So I would propose, as soon as we have this
done, making a call for papers again on enforcement reports, and see if we can't have something done, you know, ready as a proposal six months earlier than usual.

CHAIRMAN CASTRO: This is the Chair. Thank you, Commissioner Heriot. Is there anyone else who would like to speak on the topic of the current enforcement report, 2017?

COMMISSIONER YAKI: This is Commissioner Yaki. I just wanted to support the concept by Commissioner Achtenberg. I think it's an important topic, and I think that we can work our way through this as we always have. And it may be not ideal, but I think it's the way to go.

CHAIRMAN CASTRO: This is the Chair. Thank you, Commissioner Yaki. Anyone else?

COMMISSIONER NARASAKI: This is -- go ahead, Pat.

VICE CHAIR TIMMONS-GOODSON: Vice Chair Timmons-Goodson. I am going to support this. I indicated early on that I thought it was an important topic. My entire focus has been simply on us narrowing. I ask that if we go forward with it the way that it is written, that indeed the special assistants and the staff work to narrow it. They said they'd work to narrow it.
I do believe it won't be long before we will see that some of the advocates are not what we thought they might have been for the areas and need to be cut off. So I ask that we narrow it in processing and going over the actual outline and parts of it. At least that is my hope.

CHAIRMAN CASTRO: Thank you, Madam Vice Chair. Commissioner Narasaki, was that you who indicated a desire to speak?

COMMISSIONER NARASAKI: Yes, it was me. I'm wondering, Mr. Chair, if it's possible to ask the Staff Director about his opinion in terms of the breadth and the ability of staff to cover what is proposed.

CHAIRMAN CASTRO: Mr. Staff Director, could you address that, please? You may have to unmute your phone.

MR. MORALES: Yes, thank you. I am actually on the way to catch a train, but I will opine and tell you that I have had conversations with our staff.

CHAIRMAN CASTRO: Mr. Staff Director, we --

MR. MORALES: I'm sorry. I'm sorry. Yes. No, we are -- sorry, I'm in a cab on the way to the train station. I apologize. But after having
consultations with staff, certainly our desire is always to carry out -- hold on one second.

(Pause.)

MR. MORALES: I'm sorry. I'm in a cab.

Again, so we are -- after having had a conversation with the staff, you know, it is our intention always to carry out the wishes of the Commissioners and do the best we can.

I think the caveat that Commissioner Achtenberg had presented that if we could work with the special assistants and the Commissioners and advise them as to when we reach, you know, a point where we have concerns about staff ability and bandwidth and also a budget to carry out, you know, what's in the concept paper, that they would -- you know, that you would all work with us in trying to overcome or to meet those challenges.

And, with that, I would say, you know, our job here as staff is to carry out the wishes of the Commissioners, and we remain committed to do so.

Thank you.

CHAIRMAN CASTRO: This is the Chair.

Thank you, Mr. Staff Director. Any other questions or comments from anyone as to this point?

COMMISSIONER NARASAKI: So this is
Commissioner Narasaki. I just want to know where we are with Commissioner Timmons-Goodson's suggestion that we -- that we -- she might be comfortable moving forward if there is an agreement that our staff will continue to work with Commission staff to try to focus the paper more.

COMMISSIONER KLADNEY: Wait. What -- focus the paper more? No one said it was unfocused. The director just said that, as we go along, we will look at things to see if they are possible or not possible. Now you want to --

CHAIRMAN CASTRO: That is Commissioner Kladney speaking for the record. Sorry. Go ahead.

COMMISSIONER KLADNEY: Sorry, Mr. Chairman.

CHAIRMAN CASTRO: It's okay.

COMMISSIONER KLADNEY: I don't -- I don't see where you are going with that, Commissioner Narasaki, especially in light of the director's statement.

COMMISSIONER NARASAKI: I feel that my own -- my concern is not just the field trip in terms of staff capacity. I think that both the Vice Chair as well as Commissioner Heriot and I have all expressed the concern that it's attempting to cover a lot of
ground.

And I'm not, again -- like others, I'm not against the concept. I'm not against what it's trying to do. I'm just concerned about the staff's capacity to be able to do all of this justice.

And what I understood, and perhaps I misunderstood, but what I understood the Vice Chair to be saying is that there would be effort as we go along to figure out what we could really, of all those things, you know, some of the issues may have a lot of useful information coming out, some may turn out to be too difficult to collect the data on, that we have an agreement that we will try to look at that and trim as we go along as opposed to we are going to try to accomplish everything that's there.

COMMISSIONER KLADEY: You know, it seems to me -- okay, I'm sorry. Go ahead.

VICE CHAIR TIMMONS-GOODSON: Vice Chair Timmons-Goodson. Following up on that, if we could, the outline when we -- now, granted, ours was not a statutory report. We were just going to do a briefing, but I saw how critical the outline was. I believe that the outline might provide another place and another time for us to make sure that we are indeed touching on the issues that we want to touch on and that are
achievable, attainable, not too far out.

So if we could pay close attention to those outlines and take a look at where we are there.

CHAIRMAN CASTRO: This is the Chair. I think the comments that the Staff Director provided and that related to the human capital aspects of this I would imagine are just as applicable as if -- as we begin to flesh out the report itself on the issues. If we run into some issues where it's obviously not going to be doable or there are some concerns, then come back to us and say, hey, we've run into some issues here.

You know, the longer we take to begin to put forward something final, the longer it is going to -- it is going to impact our scheduling. So I would like for us to make a decision today and not further refine or further revise, but with the understanding that as we begin to move forward on this report, when and if there are some bumps in the road, whether it's human capital or a focus on the topics, that the staff comes back to us and we address it then, if necessary.

COMMISSIONER NARASAKI: Mr. Chair, this is Commissioner Narasaki. This is what I was suggesting. I was not suggesting holding off the vote, even though I don't think I am prepared to vote in support of it, but others are. I just want to make sure
we have agreement about how we're going to move forward.

And the second thing is I wanted to comment on Commissioner Heriot's observations about going into the field. I think the main reason why the field trip in the -- for the report of detained mothers and children in terms of talking to people was a little bit unusual in that we were able to, or at least the Chair was able to speak Spanish, talk to people that we happen to encounter.

Those women were not included in the group that was produced by the company who was in charge of imprisoning these women. And what they put in the pool were mainly women who had only been there for like a week and really couldn't say much about what the experience was.

So I did not feel like that was actually a useful exercise. But for the fact that we encountered the women in the field and they talked to us over the objections of the Department of Homeland Security personnel and the corporate prison, I am not sure we would have walked away with very much. I very much am more supportive of what the Vice Chair is suggesting, and I understand Commissioner Heriot's concern that obviously it is quite likely there will be a group involved in -- because someone will have had to help
identify the former felons.

But I do think that they would be more free to speak, and we'd be more likely to get useful information.

CHAIRMAN CASTRO: Thank you, Commissioner Narasaki. This is the Chair. Anyone else wish to speak?

COMMISSIONER HERIOT: Let me. Mr. Chairman, this is Commissioner Heriot.

CHAIRMAN CASTRO: Commissioner Heriot?

COMMISSIONER HERIOT: Yes, I would like people to consider more seriously what I said just a minute ago about a three special assistant committee consisting at least of Alec, because he did the work on the concept paper, but also someone who has substantial litigation experience and someone from the minority commissioners as well.

So Alec, I think Kim may have litigation experience; Jason may. I'm not certain. And, you know, either Carissa or Alison in a committee, have them sit down and work through what the interrogatories should look like. It may -- during that exercise, it may occur to them which parts of the proposal just aren't going to work. We won't be able to get information that will be useful.
And because the special assistants are closer to the Commissioners, it just seems to me that's going to work a lot faster than waiting on the regular staff to tell us when something isn't working out. And so I would propose that we have such a committee.

COMMISSIONER ACHTENBERG: Mr. Chairman, it's Commissioner Achtenberg. And I consider that a friendly amendment, and I'm happy to incorporate that as a very constructive suggestion by Commissioner Heriot into the motion.

CHAIRMAN CASTRO: And may I --

COMMISSIONER HERIOT: Can we select the members for that right now? You know, it seems to me that Alec should be on it, either Carissa or Alison should be on it, and someone who has had a lot of litigation experience drafting interrogatories and knows the pitfalls of asking the wrong questions should be on it.

MS. TOLHURST: So this is Kim. If Commissioner Yaki is okay, I've written tons of interrogatories.

MR. MORALES: And just so you understand, this is to assist our General Counsel's office, not to replace them.

COMMISSIONER HERIOT: No, right.
COMMISSIONER ACHTENBERG: Of course. Absolutely. It will move things along faster I think. So if we had Kim, Alison, and Alec, I propose as our subcommittee, and just try to move things along a little faster.

And others may participate as they wish. For example, Dave's assistant will -- was extremely valuable in the undertaking as well.

CHAIRMAN CASTRO: Thank you, Commissioner Achtenberg. And I will add one other friendly amendment, assuming once we vote, if this passes, that our staff be directed to issue a press release next week about the source of this topic.

MR. MORALES: Absolutely. Mr. Chairman, this is the Staff Director, Mauro Morales.

CHAIRMAN CASTRO: Yes.

MR. MORALES: I'd like to add, I would find, you know, such a committee useful, but I want to make sure that we understand. They are serving in a recommendation and an advisory capacity that --

COMMISSIONER ACHTENBERG: Only in an advisory capacity.

MR. MORALES: Okay. Thank you.

COMMISSIONER ACHTENBERG: Yes. That's exactly correct.
CHAIRMAN CASTRO: That was Commissioner Achtenberg.

COMMISSIONER HERIOT: But just doing a first cut on interrogatories and advising, you know, not -- not just orally but producing a written product, because I think --

MR. MORALES: That's fine.

COMMISSIONER HERIOT: -- that is going to move us a lot faster. Yes.

CHAIRMAN CASTRO: That was Commissioner Heriot.

COMMISSIONER KLADNEY: The staff should have the final say on the interrogatories according to the director?

CHAIRMAN CASTRO: Yes.

COMMISSIONER KLADNEY: I mean, that's --

CHAIRMAN CASTRO: The staff should have the final say, OGC staff.

COMMISSIONER KLADNEY: Absolutely.

COMMISSIONER HERIOT: No, the Commission has the final say.

COMMISSIONER KLADNEY: Okay.

CHAIRMAN CASTRO: Anyone else? Anyone else? I'm going to call the question then to vote. Everyone ready?
Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: I vote aye.

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

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLADNEY: Aye.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Reluctantly, yes.

CHAIRMAN CASTRO: Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: I originally intended to vote no, and then I thought maybe I would abstain. But we're trying here, so I'm going to vote yes. I continue to think that the topic is just too sprawling.

CHAIRMAN CASTRO: Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: No.
CHAIRMAN CASTRO: And I vote yes, so the motion passes with seven yeses and one no. We almost got unanimous. Okay. So the motion passes.

V. ADJOURN MEETING

CHAIRMAN CASTRO: I think staff has the direction we have given, and with that we have no other items on the agenda, so I hereby adjourn this telephonic meeting at 1:47 p.m. Eastern Time.

Thank you, everyone.

(Whereupon, the above-entitled matter went off the record at 1:47 p.m.)