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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

MAURO MORALES, Staff Director

MAUREEN RUDOLPH, General Counsel

* Present via telephone
STAFF PRESENT:
PAMELA DUNSTON, Chief, ASCD
TERESA BROOKS
LATRICE FOSHEE
ALFREDA GREENE
LENORE OSTROWSKY, Acting Chief, PAU
JUANDA SMITH
BRIAN WALCH
MATTHEW WIAL
MICHELLE TORKMAN-RAMEY

COMMISSIONER ASSISTANTS PRESENT:
SHERYL COZART
ALEC DEULL
JASON LAGRIA
CARISSA MULDER
AMY ROYCE
ALISON SOMIN
KIMBERLY TOLHURST
IRENA VIDULOVIC
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(10:02 a.m.)

CHAIRMAN CASTRO: Good morning, everyone. I'm calling the meeting to order. This is a meeting of the U.S. Commission on Civil Rights. Today is October 21, 2017 - I'm sorry, 2016. We are in the fiscal year 2017, that's why I am thinking of that. It is currently 10:02 a.m. and we are commencing the Commission's business meeting here at our headquarters at 1331 Pennsylvania Avenue NW. I'm Chairman Marty Castro.

With me here present at the meeting are Commissioners Heriot and Narasaki. Participating by phone are Commissioners Yaki, Kirsanow, Kladney, and Achtenberg as well as our Vice-Chair Timmons-Goodson. A quorum of the Commission is present. Is the Court Reporter present? She says yes. Is the Staff Director present?

MR. MORALES: Ah, yes.

CHAIRMAN CASTRO: Okay, great.

STAFF MEMBER: Commissioner Yaki is actually not on the phone.

CHAIRMAN CASTRO: Oh he's not? Okay, so for the record, he is not on the phone yet. But he'll let us know when he does join. He does intend to join
on the phone. Well, I want to thank everyone for participating today. We're going to have a standard business meeting. And then thereafter, we're going to have a very special presentation by Sylvia Mendez, a Civil Rights icon, to talk about a case that we'll go into greater detail about later. But a case that really was the blueprint for Brown v. Board of Education. So we're very pleased that the tail end of Hispanic Heritage Month to bring such an important historic story before not only the Commission but those who are going to be present and joining us for that aspect of our program, as well as those folks who are watching television.

Before I go into the voting on the formal agenda, I'd like to actually let everybody know that you may already be hearing some construction noise. There's a building that right adjacent to ours is being worked on, and you will from time to time hear jackhammers, et cetera. So please bear with us as we do that.

Secondly, I want to share some sad news with Commissioners. It is with a heavy heart that we advise you that fellow Commissioners and staff of the passing of John Binkley, who worked here at the Commission for some thirty years. Including having
the position of Acting Deputy Staff Director. He was also Regional Programs Director and was instrumental in creating the Commission's network of state advisory committees. Mr. Binkley's impressive career included serving as Director of Education for the President's Commission on Economic Opportunity during President John F. Kennedy's administration.

With the Colorado State Anti-Discrimination Commission, he lobbied for some of the earliest and strongest state civil rights legislation in the nation at that time. Those at the Commission who knew and worked with Mr. Binkley praised him for his warmth and outspoken personality and his true passion for civil rights advocacy. A memorial celebration was recently held in Santa Fe, New Mexico where he lived in retirement. Please join me in extending condolences to his family, in particular his wife and three children.

In addition, we witnessed recently the passing of a civil rights giant, Jack Greenberg. I think it's fitting to highlight the important role that he played in the civil rights community. Straight out of law school, Mr. Greenberg joined Mr. Thurgood Marshall at the NAACP Legal Defense and Education Fund. There, he played a key role in helping formulate
arguments for Brown v. Board of Education. On leaving
the LDF for a federal appellate judgeship in 1961,
future Supreme Court Justice Marshall asked his protégé
Mr. Greenberg to stay on as director and counsel of the
Fund, a role Mr. Greenberg held for twenty-three years.

Among many important accomplishments
during his term is that he helped litigate Meredith v.
Fair and Alexander v. Holmes County. He was also
involved in Brown v. Board of Education. He also
filed, in 1965, a proposed plan for a second voting
rights march from Selma to Montgomery, Alabama which
ultimately resulted in a federal court decision
establishing a protestor's right to hold a
demonstration without disruption. After retiring
from the LDF, Mr. Greenberg became Vice-Dean of
Columbia Law School and later served as Dean of Columbia
College.

In 2001, President Clinton awarded Mr.
Greenberg the Presidential Citizen's Medal, calling
him a crusader for freedom and equality for more than
half a century. As Chairman and along with my
Commissioners and colleagues here on staff, we echo the
sentiment that the President did recently in
recognizing the passing of Mr. Greenberg and
recognizing the tireless advocacy and civil rights work
that he did. And we express condolences to his family as well. So thank you for the opportunity to share that information with you.

I. APPROVAL OF AGENDA

CHAIRMAN CASTRO: Now I will ask for a motion to approve the agenda. Is there a motion?

COMMISSIONER HERIOT: So moved.

CHAIRMAN CASTRO: Do I have a second?

COMMISSIONER KIRSANOW: Sure.

CHAIRMAN CASTRO: Yeah. Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Can we move to amend the agenda?

CHAIRMAN CASTRO: Ah, yes. Well, first of all - make the motion to approve it, and then I'm going to ask for amendments. So I need a second on the motion to approve the agenda. Will you second it?

VICE CHAIR TIMMONS-GOODSON: Seconded.

CHAIRMAN CASTRO: Is that Vice Chair?

VICE CHAIR TIMMONS-GOODSON: Vice Chair, I second it.

CHAIRMAN CASTRO: Okay. So now I'm going to ask for amendments. Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Thank you, Mr. Chairman. I move to amend the agenda to include a

CHAIRMAN CASTRO: Okay. Is there a second?

COMMISSIONER HERIOT: I'll second.

CHAIRMAN CASTRO: Commissioner Heriot seconds. Any other motions? I have a motion to amend the agenda to add a discussion and vote on the approval of the U.S. CCR Letter celebrating the 100th birthday of Former Commissioner Frankie Muse Freeman. Do I have a second?

COMMISSIONER NARASAKI: I second, Mr. Chair.

CHAIRMAN CASTRO: Thank you. Are there any further amendments? We actually need to remove some of the SACs, right? We are - I'll make another amendment to remove from today's agenda to the next meeting, the consideration of the Pennsylvania State Advisory Committee and the Arkansas State Advisory Committee. Is there a second?

COMMISSIONER NARASAKI: I second.

CHAIRMAN CASTRO: Okay. Are there any other amendments? Hearing none, I would like to vote to approve the agenda as amended. All those in favor say aye.
(Chorus of ayes.)

CHAIRMAN CASTRO: Any opposed? Any abstentions? Okay, so the motion passes.

II. BUSINESS MEETING

A. PROGRAM PLANNING

DISCUSSION OF CONCEPT PAPERS

CHAIRMAN CASTRO: The first item on the agenda is a discussion of concept papers, as you recall. We wanted to select at least one other topic that we would set for the 2017 fiscal year for conducting a hearing as a regular briefing. And we decided that we would circulate concept papers and discuss those today with the idea that we would vote in November on choosing a topic. I think we have got a lot of different topics that were shared with us today, which we will discuss. And then we can discuss whether we want to vote on them in November or wait until December when maybe we'll have a little bit better idea as to where our 2017 fiscal year budget may be. If that's amenable for folks, I think that's probably the wisest way to go.

So having said that, let's begin with the concept papers that have been circulated. I will ask each Commissioner who circulated a paper, the primary author of those papers, to say a few words about their concept paper. Since it's the first one on my list
here, Commissioner Narasaki - you have a proposal on the School-to-Prison pipeline?

COMMISSIONER NARASAKI: Yes, thank you Mr. Chair. I also want to note that we might be working on one in response to Congressman Scott's letter requesting us to look at employment discrimination in the high-tech industry. But the one I'm presenting today is the School-to-Prison pipeline focusing on the intersection of students of color and children with disabilities. As you will all recall, the Commission had a presentation this summer from the Oklahoma State Advisory Committee regarding their School-to-Prison pipeline report.

While the report concentrated on discrimination based on race and gender, the State Advisory Committee chair noted to us that they had received a lot of interest in trying to look at also the issue of school discipline on students with disabilities. Many thought that that was a very important topic, but due to capacity limitations, they were not able to explore it. And the Chair recommended that it might be something that the full Commission take up.

So the intersectionality that I'm concerned about is looking at students who both have
a disability and are students of color. As you know, the School-to-Prison pipeline has had a profoundly negative impact on students of color. For example, African American K-12 students are almost four times as likely to receive one or more out of school suspensions as white students. And this is true even when they are similarly situated in terms of what the offense is.

Students with disabilities are also disproportionally suspended from school. They are more than twice as likely to receive one or more out of school suspensions versus students without disabilities. And finally, students of color with disabilities face even higher disproportionate impact. Nearly a quarter of American Indian or Alaskan Native - nearly a quarter of Native Hawaiian and Pacific Islander and black and multiracial boys with disabilities served by IDEA received at least one out of school suspension versus only ten percent of white boys with disabilities served by IDEA.

Moreover, African American students with disabilities make up 18.7 percent of students with disabilities population. But almost fifty percent of students with disabilities populations ending up in correctional facilities. There have been several very
helpful reports on School-to-Prison pipeline for students with disabilities, and a good body of work on the racial aspect. But there has not been sufficient attention on students of color with disabilities and we've talked to several civil rights and disability advocates who believe such an examination would be very useful.

CHAIRMAN CASTRO: Thank you, Commissioner. Does anyone have any questions for Commissioner Narasaki regarding her concept paper? Okay hearing none, Commissioner Kirsanow, I'll ask you to speak about yours on discrimination against Asian Americans and university admissions.

COMMISSIONER KIRSANOW: Thank you, Mr. Chair. And the members of the Commission have heard my presentation on this in the past. I proposed this on another occasion. I re-proposed it because there has been some developments since my last proposal. And that is that, you know, in 2015 there was a coalition of Asian American organizations that filed a complaint with OCR Department of Education regarding Harvard's use of preferences in admissions. Which they maintain violated Title VI.

OCR dismissed that complaint but that same coalition recently filed a similar complaint against
three other Ivy League institutions. And also since that time, we have had the Fisher II case decided, which further defined the contours of the use of racial preferences in college admissions. And there's considerable scholarly data with respect to a fairly sizable disparity in the academic index between Asian Americans, broadly defined, and other groups. Which shows that there appear to be significant preferences awarded to everyone except Asian Americans.

There's, for example, in terms of the academic index of whites taking the SATs, 140 points higher than that for blacks. And at the same time, the academic index for Asians is thirty points higher for that of whites. And when you do the correlation, it appears as if Asian Americans in many institutions are being affirmatively discriminated against in a very profound manner.

So the proposal is - again - similar to what I've proposed before but with these added data points. And the fact that - I think it makes sense given OCR's recent actions to examine what extent OCR's enforcement actions related to discrimination in college admissions is, in fact, consistent with Title VI and generally reasonable. Thank you, Mr. Chair.

CHAIRMAN CASTRO: Thank you, Commissioner
Kirsanow. Do any Commissioners have any questions for Commissioner Kirsanow regarding his proposed concept paper? Hearing none, I will then ask Commissioner Kladney if he could please present on his paper on collateral consequences affecting ex-offenders.

COMMISSIONER KLADNEY: Thank you very much, Mr. Chairman.

CHAIRMAN CASTRO: You're welcome.

COMMISSIONER KLADNEY: Good morning to everybody. I also presented this paper before. And there have been new developments in regards to reinstating ex-offenders' right to vote. And in many states, there have been - not many states, but in some states there have been some changes in how ex-offenders are viewed. However, historically there are and continues to be much payment that ex-offenders must pay towards society and their offense after they are released from incarceration and/or parole and probation. These vary from - and it is explained in the papers, you know. The inability to get involved with social problems, school loans, Section VIII housing and the like.

I think that when you go through, the ADA has done a study of prohibitions by state regarding licensure from barber shops to hairdressers. And I
think that this is an important subject in terms of focusing the Commission's attention and the nation's attention on how difficult it is for ex-offenders to re-integrate into society and be able to be full members of society acting as regular citizens. Thank you.

CHAIRMAN CASTRO: Thank you, Commissioner Kladney. Any questions for him? Yes, Commissioner Narasaki?

COMMISSIONER NARASAKI: I just want to add that I'm one of the co-sponsors of this concept paper and I think it's incredibly timely and important for us to look at this issue. Particularly given the increasing number of people who will being released, having served their time. They have so many barriers to trying to totally reintegrate into society. Largely, a lot of challenges in terms of even getting housing, much less jobs. And so I think it's very important for the Commission to consider taking it up in this next year.

CHAIRMAN CASTRO: Thank you, Commissioner. Commissioner Achtenberg? Or is that Vice Chair?

VICE CHAIR TIMMONS-GOODSON: This is Vice Chair Timmons-Goodson. I have signed onto this particular proposal and I uphold the comments that have been made by Commissioner Narasaki regarding the
CHAIRMAN CASTRO: Thank you. I also am a signatory to it. Are there any other comments or questions? Hearing none, Commissioner Heriot I know you circulated some blurbs, I think four of them, to special assistants about potential concepts. Do you want to share a blurb about your blurbs?

COMMISSIONER HERIOT: A blurb about my blurbs? Okay, okay. Thank you, Mr. Chairman.

CHAIRMAN CASTRO: You're welcome.

COMMISSIONER HERIOT: I did indeed propose four different possibilities here. Unlike the proposals of my colleagues, mine are just short paragraphs. One of them, I think you're already familiar with - sex discrimination in university admissions. This is a topic that the Commission a few years back undertook, but it was cancelled. And I am proposing that we bring it back. I think it's a very serious subject and something that does not get enough attention in the media. That it is now fairly routine for colleges and universities to discriminate against women in their admissions processes. There are simply more women applying for college. And with, in general, somewhat better credentials than the men who are applying.
When a state school does this, it is very much illegal under Title IX. When a private school does it, Title IX does not cover that situation, even if it's a federally funded school. If it is an undergraduate program, it does cover it for professional schools and graduate schools. But I think this is an area that needs to be examined.

Another one of my proposals is for a study of racially deemed college dormitories. Increasingly, colleges and universities are setting aside dormitories that are essentially assigned to African Americans or to Hispanics. In a couple of cases, I believe there are Asian-themed dormitories. I think this is a bad policy. We talk so much about diversity in colleges and universities, and then we turn around and isolate people. And I think that's a policy that we need to be getting away from. And I would very much like to see the Commission taking a look at that issue.

The other two proposals I have - one would be on the use of guidances in civil rights enforcement. Increasingly we are seeing the civil rights offices in the various offices of the federal government not using rulemaking authority when they have rulemaking authority, which requires a process of notice and
comment where interested persons have the opportunity
to comment on a proposal and to present their views,
generally. Instead, civil rights organizations, or
rather agencies, are simply issuing guidances. And
they're doing it in a way that I think is very
inappropriate.

A guidance is supposed to simply interpret
what the law already is. It should not be
prophylactic. Whereas a rule can, under certain
circumstances be prophylactic. And I think we need to
inventory these guidances and get a sense of where our
administrative law is taking us.

The last of the proposals I have is titled
Personnel as Policy: Hiring Practices of the EEOC and
the Department of Education's Office for Civil Rights.
A few years ago, there was a controversy about whether
the Bush administration was seeking out conservatives
to hire into the Civil Rights Division in the Department
of Justice. Then, during the Obama administration
there was a study of who the Obama administration was
hiring. And that turned out to always be somebody -
lawyers who had left of center credentials.

What I would suggest that we do is get a
sense of who's being hired into the professional
positions at the various civil rights agencies within
the federal government. And find out if — are we getting the diversity of experiences, or are we getting hiring by political ideology?

CHAIRMAN CASTRO: Thank you, Commissioner Heriot. Other Commissioners have questions for Commissioner Heriot? Hearing none, as Commissioner Narasaki mentioned in her remarks, we have received a letter from Congressman Bobby Scott from the Committee on Education in the Workforce outlining a recent report by the EEOC on the startling lack of racial and gender diversity in the technology sector. And asking us as a Commission to take a closer look at that issue.

In particular, asking that we examine the extent to which the Office of Federal Contract and Compliance Programs has used or could more effectively use its authority to conduct compliance evaluations and audits of contractors per Executive Order 11-246 in light of the lack of diversity in that sector. The EEOC report goes into greater detail about those statistics. And given the nature of the technology sector, how technology has really permeated all aspects of our life and economy and the importance of access to technology to all communities, but in particular to those communities that historically have been underrepresented and excluded.
We will be presenting the idea of this as a potential topic to vote on along with the other topics in December. If needed, we can put together a formal concept paper but I think Congressman Scott's letter very well outlines the challenges and issues in the area. Any questions on that? No? Okay. So as we agreed at the beginning, in our December meeting we will have on the agenda to vote on these various topics to determine which one of them will be added to our 2017 fiscal year roster of briefings.

**UPDATE ON STATUS OF 2017 STATUTORY ENFORCEMENT REPORT**

Next, we move onto the update on our update on our 2017 Statutory Enforcement Report. As all Commissioners should have now received based on information that we previously shared, there is an outline that proposes that we focus on the issue of municipal filing fees and the debtors prisons that result from that that were initially pulled out of the Ferguson case. And which were the subject of some initial briefings by the Commission based on a concept paper by the Vice Chair.

In the time since we held that hearing, and now there's actually in the last month a number of articles that are coming out about the issue - municipal
fees and the impact beyond Ferguson. So what we're being asked to do today is not necessarily vote on the outline that was circulated, but to vote on the exchange on the topics. That is, the women incarcerated report. We'll continue - the proposal will continue to be a briefing topic to be briefed in 2017. But that given the issues that are developing here with municipal fees, that we make that our 2017 Statutory Enforcement Report to allow the staff to actually begin to work on that. Because unless we make that decision, the staff will continue to work on what we've already dictated that they work on.

But I'm emphasizing, we're not voting on the outline today. The outline will continue to be fleshed out between the General Counsel's Office, Commissioners, and our staff. So with that understanding, I'd like to have a discussion and hopefully a motion on the substitution. Commissioner Narasaki?

COMMISSIONER NARASAKI: I move the substitution of the Fees and Fines Report to become the Statutory Report and of course to continue the Women in Prison hearing as one of our briefings for next year.

CHAIRMAN CASTRO: Is there a second?

COMMISSIONER HERIOT: I'll second.
CHAIRMAN CASTRO: Okay. Any discussion? Actually, let me vote on that, right? So Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: Yes. Wait, aren't we having a discussion on this issue?

CHAIRMAN CASTRO: Oh yeah, let's discuss it then.

(Laughter.)

COMMISSIONER KIRSANOW: Thank you, Mr. Chairman.

(Laughter.)

COMMISSIONER KLABNEY: Okay. I've been very quiet this morning. I have a couple of concerns. I, one, got the outline very late yesterday afternoon and didn't have a chance to review it. I know we're not voting on that. But number two, I have concern that we have an outline and a plan to discovery when we make this change. And the reason is, is because in the past when we've done broad strokes and made broad kinds of decisions. And then subsequently having the staff fill it in, sometimes it hasn't worked so well. I think for instance, Uniontown is an example.

But my other concern is that we've lost a staff at OCRE, and if there are any other personnel changes within the next few months or before this
subject is guided through the system, I'm afraid that we will not be able to one, make our deadline or two, the report will not be sufficient enough - will not have sufficient enough guidance from the beginning to be completed. I mean, any more personnel changes in regards to those who are developing this report and we could be in real trouble without having a full discovery plan and a full outline for somebody new to follow.

CHAIRMAN CASTRO: Okay, any other comments?

VICE CHAIR TIMMONS-GOODSON: This is the Vice Chair. I hear what you're saying, Commissioner Kladney. But it was my understanding that the work has been done on the Women in Prison Statutory Report is even further behind or is less than we have on this report.

CHAIRMAN CASTRO: Commissioner Narasaki and then Commissioner Heriot?

COMMISSIONER NARASAKI: Yes, I agree with the Vice Chair that actually one of my considerations is that we do have an election coming up in a few weeks. And there will be a transition in the administration. I make no comment. And because of that transition, I think we've done most of the work already on the fees and fines hearing. There's some more work that clearly needs to be done to bolster our Statutory Report.
And I think that actually we're in a better position to try to do that with the current staff in place, with the Department of Justice and other places, than we would have been able to do if we go with the Women in Prison report, which is at a far more earlier stage. So in terms of that particular concern, Commissioner Kladney, I actually think one of the reasons why I support the shift is, in fact I think it would be better. We would get a better report done because the transition is going to happen.

COMMISSIONER KLADEY: I don't think I object to the shift so much as I object to the fact that it's not as well laid out yet and defined.

CHAIRMAN CASTRO: Go ahead, Commissioner Narasaki.

COMMISSIONER NARASAKI: I agree that it does need to be further laid out and refined, but I am concerned about the fact that the clock is ticking and it just doesn't make sense to have the staff continue to work on the Women in Prison Report as a Statutory Report now if it in fact that's not going to happen, when we could in fact be getting a jump on trying to move forward on the fees and fines to make sure that that is a strong report. I agree with you, it's not ideal that we don't have the outline completely fleshed
out. But I think in balance, we are in a better position with the fees and fines.

CHAIRMAN CASTRO: Commissioner Heriot?

Well, Commissioner Heriot and then Commissioner Achtenberg.

COMMISSIONER HERIOT: I just want to say that I agree with Commissioner Narasaki on what she said here. So I'm definitely in favor of this motion. What I'm concerned about is that we should never have an Enforcement Report that doesn't conduct some independent research that doesn't somehow add to the body of knowledge that we have so far. And I don't want to see a report where what we do is simply ask the Department of Justice - you know, whatcha doin'? You know, we somehow have to have some side of this project where we're at into the total sum of knowledge here. And I haven't seen what that is going to be yet.

And so I'm waiting to hear what that is. Because I can't vote for something that doesn't eventually have part of that as a proposal. Maybe it would be something like sending out form-like requests to a certain number of municipal courts asking them how they structured their system. Maybe that research has already been done by somebody else, so we have to do something else. But we need something.
CHAIRMAN CASTRO: Thank you, Commissioner Heriot. Commissioner Achtenberg?

COMMISSIONER ACHTENBERG: Well, consistent with all that's been said, I do understand and accept the General Counsel's arguments, if not argumentation, that switching the topics out will be a better approach for the year upcoming given our current staffing constraints, et cetera. So I accept that as proposed.

But I do agree with Commissioner Heriot that it does need to be an original contribution to the field, if you will. And while from my mind it doesn't have to be unique or original research as she described it necessarily. But certainly that would be adequate. But I do think that as the concept paper is being re-drafted and as presumably we'll be given a discovery plan at the last meeting, et cetera. These things are crafted. I would like to see more fully fleshed out the original contribution to the field that the Commission has the opportunity to make here. I'd like to see that kept in mind and articulated in some way in a revised concept paper. I understand the staff needs to go forward and I completely support that.

But I do think there are a few things that I think are lacking and I'd like to see fleshed out for our consideration at the next meeting. And I'm the
primary proponent in the Women in Prison Report, along with Commissioner Kladney. And while I think that it's a very timely topic and an important one, which is why it was proposed. I do agree that we need to make the kind of modification that Commissioner Narasaki implies in her motion.

CHAIRMAN CASTRO: Thank you. Commissioner Narasaki, you have something you wanted to add?

COMMISSIONER NARASAKI: Yes, I wanted to say that I agree with Commissioners Achtenberg and Heriot on additional research. And I believe that one of the things that's under discussion in looking at the impact at what the Department of Justice has done so far. They have sent out a Dear Colleague letter to courts. And I believe that one of the additional research that is being contemplated is perhaps sending letters to a sample of courts to see in fact whether they actually know there's a guidance - a letter, and what they are or are not doing in relation to that. But I look forward to working with everyone and the staff to figure out what would have the best impact.

VICE CHAIR TIMMONS-GOODSON: This is the Vice Chair. I concur with all that has been said up to this point. I simply want to point out that with the concerns that you have and the goals that we have
set, keep in mind we don't have any staff working on this other than our General Counsel and some of her staff. But she may be able to pull into this. And that's going to be the case for about the next two months. And what I don't want us to do is to set up a bar that is so high that we're not going to be able to make it.

The bottom line is that we're trying to make the best out of a very difficult situation. This idea about using expense fees as the Statutory Report came about because many folks thought that - or a number of folks thought that we have any chance of getting a good product out of the best part that we could out of this. Given the fasting resources that we have available.

We know how hard our General Counsel and her staff is working on this. And that's all we have working on it. And so my modest point is I'm sure they're going to do their best to lay this out in a way that we will have the best Statutory Report possible. I just want you to keep in mind what it is that we're dealing with. And, you know, we're going to do the best that we can. But even our best that we can. But even our best might not reach the standards and the level that we'd like to do - that we would have done - had
our staffing resources been better or more improved.

CHAIRMAN CASTRO: Thank you Madam Vice Chair. I'm going to call the question for a vote now.

COMMISSIONER HERIOT: Can I just say one sentence?

CHAIRMAN CASTRO: Besides that one? Go ahead.

(Laughter.)

COMMISSIONER HERIOT: I think this is an area where the special assistance can be helpful here and that we should form a subcommittee of special assistance as I think we did for the Women in Prisons Report.

CHAIRMAN CASTRO: Yeah, I think so, yes. I'm sorry, Commissioner Achtenberg. I cut you off? Or Madam Vice Chair? Okay. So now I'm going to call the question. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: Yes.

CHAIRMAN CASTRO: Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: Yes.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney,
how do you vote?

COMMISSIONER KLADNEY: Per my concerns, I abstain.

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

COMMISSIONER ACHTENBERG: I vote yes.

CHAIRMAN CASTRO: I have been informed Commissioner Yaki will not be on the phone today, so let the record reflect that. Madame Vice Chair, how do you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: I vote yes. That's six yeses and one abstention. The motion passes. Thank you.

DISCUSSION OF LETTER REGARDING FRANKIE MUSE FREEMAN

CHAIRMAN CASTRO: Next on the agenda is a discussion and vote on a letter celebrating the 100th birthday of former Commissioner Frankie Muse Freeman. That was circulated over the last few days. Commissioner Freeman was actually the first woman to serve on the Commission. And she is actually celebrating her birthday tomorrow and the NAACP is hosting a party for her. So we would like to have this letter approved today by all the Commissioners and
shared with the NAACP so that they may read it to her tomorrow. Those of you who are here can see her photo up there on the photo vine of all our former Commissioners. So I would like to make a motion that we approve that letter. Is there a second?

COMMISSIONER HERIOT: Second.

CHAIRMAN CASTRO: Is there any discussion?

VICE CHAIR TIMMONS-GOODSON: This is the Vice Chair. I would just like to say that the summer before last, I met Commissioner Muse Freeman. And had the pleasure of hearing her speak about how her appointment to the Commission came about. And how it is that she was able to juggle her other responsibilities and the work of the Commission. And I am just so delighted that we are doing this.

CHAIRMAN CASTRO: That's wonderful. She's really a historic figure for us here. Any questions or additional comments to the letter? Hearing none, then let me do this by acclamation if that's possible. All those in favor, say aye.

(Chorus of aye.)

CHAIRMAN CASTRO: Any abstentions? Any dissents? So it passes unanimously. This letter will then be signed by all the Commissioner and sent to the NAACP today by our press office to ensure that she gets
it tomorrow. Thank you.

DISCUSSION OF PROPOSED LETTER INVOLVING

CLARENCE THOMAS AND THE NATIONAL MUSEUM OF

AFRICAN AMERICAN HISTORY AND CULTURE

CHAIRMAN CASTRO: We next move on to
Commissioner Kirsanow's proposed letter involving the
National Museum of African American History and
Culture.

Commissioner, go ahead.

COMMISSIONER KIRSANOW: Yes thank you. Mr.
Chair. It came to my attention that the National
Museum of African American History and Culture, which
recently opened - it has a number of outstanding
displays for which I think the Commission should
congratulate it. And nonetheless a glaring omission,
despite there being nearly a hundred thousand people
represented and thirty six thousand artifacts
including, as mentioned in the letter, Chuck Berry's
Cadillac, Michael Jackson's fedora, and MC Hammer's
pants - which I promise to steal if I ever get into that
place.

(Laughter.)

COMMISSIONER KIRSANOW: But omitted is only
the second black Supreme Court justice in history,
Clarence Thomas, which is quite puzzling and
astonishing. And the letter is designed to ask them to correct this glaring omission.

CHAIRMAN CASTRO: Okay. Any questions?

VICE CHAIR TIMMONS-GOODSON: This is the Vice Chair. I have a question. Is there absolutely nothing? No reference? I wasn't clear on whether we were not satisfied with the amount or the quality of the reference to the Justice, or if there was just nothing there.

COMMISSIONER KIRSANOW: Yes, thank you Madam Vice Chair. I also have not had the pleasure of being there. But what I've been able to glean from reports is there is a reference to Justice Thomas, but it's a glancing kind of tangential reference to him in the context of comments made by Anita Hill. But nothing specific with respect to Justice Thomas and his career alone.

CHAIRMAN CASTRO: Actually, why don't we make a motion and second it so that we can continue the conversation? Is there a motion? Commissioner, would you formally make the motion?

COMMISSIONER KIRSANOW: Yes, I would move that we adopt the letter that you have before you and send it to the Director of the National Museum of African American History and Culture regarding the
omission of Justice Thomas from – at least an omission with respect to a description that is warranted given his stature as a member of the Supreme Court, and correct that omission.

CHAIRMAN CASTRO: And is there a second?

COMMISSIONER HERIOT: I'll second.

CHAIRMAN CASTRO: Okay. Commissioner Narasaki, you had a comment?

COMMISSIONER NARASAKI: Yes, I just wanted to note that I have had the opportunity because I have friends who jumped on the Internet to get public tickets when they first became available to see the museum. And it's an incredibly powerful, moving collection of artifacts. And what I particularly appreciated about it, because it's a museum of history and culture, is that it really tells the story through individuals, most of whom no one has ever heard about. And I think the civil rights story – it's important for Americans to understand that it wasn't just about Doctor King or a handful of leaders. But there were hundreds of thousands of foot soldiers. And it wasn't just in the 1950's and 1960's. It started in the 1800's and 1900's and I feel like it tells a story very well.

In the research that I've done, I think it's noted that also Thurgood Marshall, who was the
other African American Supreme Court Justice, and the first one on the Court, is also not really mentioned in his capacity as a Justice. But it talked about the cases that he litigated before he got in the Court. So I think it's important to note that perhaps we would like to see both lifted up more eventually at the museum.

I had two questions, though. One is that I did have the experience on an Asian American exhibit at the museum where there was a section about current leaders. And one of the elected officials is well known declined to participate because he did not believe in being called out ethnically, race-based - he's very conservative in his views. So my understanding is that the Justice and the family have not said anything about whether in fact they want to be included in the museum.

And the second thing is, I am sympathetic to wanting to see more about the different viewpoints within the African American community. But as I noted to the Commissioner, I am not very comfortable with some of the phrasing in the letter. So unfortunately, I will not be able to support it.

VICE CHAIR TIMMONS-GOODSON: This is Vice Chair Timmons-Goodson. And let me say that there are
a large number of people that if they had been the one in charge in setting up the exhibits, would have done it differently. I know my husband is a historian with regard to African American dentists. And he and others were a bit disappointed that there was no reference to African American dentists and the role that they played in sustaining the health in the black community.

So Doctor Bunch and his group I think have done a phenomenal job based on what I've read. As I said, I have not had an opportunity to visit yet. I also understand that with regard to the museums and exhibits in general and this one in particular, they will be changing out and making modifications as time goes by. I am not unsympathetic to what Commissioner Kirsanow is saying. You know, perhaps modifying the language of the letter to say that we hope that at an appropriate time when updating and - you know, furthering the work of the museum, that they would increase the focus on Justice Thomas. But as the letter is currently written, I have reservations and would not be inclined to sign on.

CHAIRMAN CASTRO: Thank you, Madam Vice Chair.

COMMISSIONER KIRSANOW: Sir, may I respond?

CHAIRMAN CASTRO: Yes. Go ahead,
Commissioner Kirsanow.

COMMISSIONER KIRSANOW: Thank you, Chair. And I appreciate the comments of Commissioners Narasaki and the Vice Chair. Commissioner Narasaki asked whether or not Justice Thomas - or opined that perhaps there hasn't been any input from Justice Thomas as to whether or not he'd like to be included. And I've not been in contact with him, and I'm not sure if there's been any statements by him or his family in that regard. But I think that's immaterial, frankly. He is a public figure. And I doubt very seriously that all one hundred thousand people referenced in the African American Museum have been contacted to see whether or not they wanted to be included.

Second, I appreciate the comments of Commissioner Narasaki that people of different viewpoints be included in a museum. Especially one that receives a quarter billion dollars in public taxpayer funding. And what's interesting, and one of the reasons why this letter is crafted the way it is, because maybe this is mere coincidence that Justice Thomas is only the second black Supreme Court Justice. Maybe it's a mere oversight. But the oversights seem to be going in one direction. Again, I haven't been there. But from my research, my understanding is - and
I'm happy to be corrected about this - but Senator Edward Brook - the first African American elected U.S. Senator is not appropriately identified or referenced at all. The first African American Senator from the south since Reconstruction, Tim Scott, no mention. Cora Brown, the first black woman in the United States ever elected to State Senate, not mentioned.

And there's a long list consistent with this form of omission and it goes only in one direction. I'm simply saying, it makes some sense to ask an institution that has a quarter billion dollars in public funding to perhaps consider an appropriate inclusion of a sitting Supreme Court Justice who has authored a number of important cases and is only the second black Supreme Court Justice.

CHAIRMAN CASTRO: Thank you, Commissioner. I'm going to call the question now. I'm going to do a roll call vote. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: Yes.

CHAIRMAN CASTRO: Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: Yes.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?
COMMISSIONER NARASAKI: Reluctantly, no. But I would offer up to Commissioner Kirsanow that if he would work with me on revising the letter, I might be able to change that.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote? Un-mute your phone, Commissioner Kladney. Or maybe he's abstaining? I'll come back to you.

COMMISSIONER KLADNOW: No, no. I'm muted. I apologize.

CHAIRMAN CASTRO: How do you vote?

COMMISSIONER KLADNOW: I echo Commissioner Narasaki's words and vote no.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: I vote no as well. Although I would encourage Commissioners Narasaki and Kirsanow if they were to collaborate on a revision that the critique be more expansive if indeed there are more conspicuous omissions. And if you could be very specific about what is mentioned about Justice Thomas and what therefore is lacking - that you think is lacking, that would be more persuasive to me. So I vote no, Mr. Chairman.

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

VICE CHAIR TIMMONS-GOODSON: As I indicated, if there were some change in the language to recognize the fact that these exhibits are set up for a while and that they change. I would support or could support the notion. But at this time, no.

CHAIRMAN CASTRO: I also vote no and I would suggest that perhaps when we're in town for our November meeting that we actually as a Commission go visit the museum and see for ourselves not only the omission, but really the exhibit itself. It's such an integral part of the work that we do. I think perhaps a visit, similar to the visit some of us paid to the Native American Museum in advance to starting the Quiet Crisis, that might be something that would be well received. Commissioner Heriot?

COMMISSIONER HERIOT: I think that's a wonderful idea, but I urge you not to do it in November because I would have a hard time attending in November.

CHAIRMAN CASTRO: Okay, maybe December then. Well, sometime in the not too distant future then. How's that. So the vote is five nos and yeses, so the motion fails. Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes, I just want to add because I don't know whether Commissioner Kirsanow
is willing to consider revising or not. But offer up that if we could work something up perhaps we can do that by notational vote before November if there is a time sensitivity on this letter.

CHAIRMAN CASTRO: All right, well we'll see how that plays out.

COMMISSIONER KLASKEY: Mr. Chairman. I was also wondering, since I have not been to the museum. Is there, and does Commission personnel know what the themes are of the exhibits that are currently there as opposed to, you know, Justice Thomas of the Supreme Court or the Supreme Court itself, is there an exhibit there, regarding that? I'm just wondering whether they have a different overview and theme of the initial opening and whether they have planned in the future. Do you know that, Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Commissioner Kladney, I do not. I did a little bit of research online. There's some great depictions of the type of exhibits and a little bit of narrative associated with. But it's difficult to discern whether or not they are given themes other than - with respect to culture, you see music exhibits. As I mentioned, MC Hammer, Michael Jackson, Chuck Berry, and others. And there does seem to be areas that are identified and addressed. But I
can't speak directly without actually having been there.

CHAIRMAN CASTRO: All right. I'd like to just move on to the next subject, I think we've pretty well covered -

VICE CHAIR TIMMONS-GOODSON: Before you do that, Mr. Chair. Let me volunteer that if Commissioner Kirsanow is inclined to take another look at the letter and if he had the assistance of Commissioner Narasaki, I actually would be willing to work on that.

COMMISSIONER KIRASOW: Mr. Chair, if I may? I appreciate what the Vice Chair and Commissioner Narasaki have suggested. I am more than happy to work with them on that. Although I'm not sure what part of the letter is objectionable. It would be helpful to know what that is.

CHAIRMAN CASTRO: Well, we can discuss that offline as we do with other letters and exchange any revisions. I'd like to move on, now. We have a full agenda. We still have to get to the SAC vote. I think we're clear on the direction we want to go with this letter and details can be fleshed out later. Thank you, everybody. We're next moving on to a consideration of two state advisory committees. The first one is our DC SAC.
B. STATE ADVISORY COMMITTEE (SACs) APPOINTMENTS

DISTRICT OF COLUMBIA

I'm going to make a motion that the Commission appoints the following individuals to the District of Columbia State Advisory Committee based upon the recommendation of our Staff Director. Farah S. Abbas. Paul Borchers. Daniel Epstein. Nadia Jahan Firozvi. Gerson Gomez. Kendrick Holley. Deanna R. Hoskins. Jemihlia Johnson, who's actually here in the audience. Charles R. Lowery. John G. Malcolm. Marie Meszaros. Sherry A. Newton. Alan K. Palmer. Laurence D. Pearl. And Robert E. Soave. Pursuant to this motion, the Commission appoints Gerson Gomez as Chair of the District of Columbia State Advisory Committee. These members will serve as uncompensated government employees. Under this motion, the Commission authorizes the Staff Director to execute the appropriate paperwork for the appointments. Do I have a second?

COMMISSIONER HERIOT: I second.

CHAIRMAN CASTRO: Thank you. Any questions? Hearing none, I will 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: 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 - I'm sorry. Madam Vice Chair, how do you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes. So that is five yeses and two nos, the slate passes.

COLORADO

William Trachman. Eva Valdez. Pursuant to this motion, the Commission appoints Alvina Earnhart as Chair of the Colorado State Advisory Committee. These members will serve as uncompensated government employees. Under this motion, the Commission authorizes the staff director to execute the appropriate paperwork for the appointments. Do I have second?

COMMISSIONER HERIOT: I second.

CHAIRMAN CASTRO: Thank you. Any questions? Hearing none, I will call the question for a vote. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: Yes.

CHAIRMAN CASTRO: Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: This is one of the few that I can actually vote yes on, so yes!

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLABNEY: Yes.

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

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

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes. The Colorado SAC passes unanimously. Thank you. Mr. Staff Director, I give you the floor.

C. MANAGEMENT AND OPERATIONS

STAFF DIRECTOR'S REPORT

MR. MORALES: Thank you, Mr. Chairman. The Staff Director's Report was not available in time to submit to the Commissioners for this meeting. We will submit it approximately sometime during the week, the following week - next week. So I just wanted to make mention of that. And lastly, sir. I would just like to take a few moments here, just to acknowledge that Doctor Sean Goliday, this is his last meeting with our agency. He has taken a position with the Department of Homeland Security and we wish him well. He has done an outstanding job with us while he's been here. We thank him, but we know he's going to be leaving in a few weeks. We will miss him, but we wish him well. Thank you, sir.

CHAIRMAN CASTRO: Thank you. I thought I saw him here earlier, but he may have gone back to finish some work. So we all thank him for his work here at the Commission. And we do wish him well. What I'm going to do now is we're going to take a five minute break to allow our speaker to come to the podium. And then we invite our guests who are here, many of them sitting in the back, to come a little closer while we set up the presentation for Ms. Mendez to...
III. PRESENTATION BY SYLVIA MENDEZ

CHAIRMAN CASTRO: All right. We’re going to settle in here and start.

Well, thank you all for being here today. Not only for those of you who sat in on our actual business meeting but more importantly here for what is really an important function that the Commission has and we don’t often take advantage of it. We’re mandated to educate the community about civil rights issues. And that doesn’t always mean just issuing a report or sending out a letter. I think there are historic instances in our nation which maybe a lot of folks don’t know about. And I think using the historic bully pulpit of this Commission, we can help educate individuals in our country about some of the history, particularly civil rights history of our country which is not widely known.

About four years ago, President Obama was visiting in Chicago and some of us had the opportunity to visit with him and talk about a number of issues. And I recall asking him what he would view as his civil rights legacy once he looked back on his term of office. And he said to me that education would be his civil rights legacy. Because education is the great equalizer. Education levels the playing field for all of us. So he viewed education as a civil right. And he can view education, as many of us do, as a civil right because of the person sitting before us, who is pictured in this picture when she was younger. And her parents, because they had the courage to bring forward an extremely forward case.

It’s because of Mendez v. Westminster, which was in essence the blueprint for Brown v. Board of Education, that Ms. Sylvia Mendez and her parents opened up the doors of opportunity for so many children in America, especially children of color and especially in California and the de-segregation of those schools in Latino children. In fact, without Sylvia Mendez and her parents bringing that case, sitting before you there would not likely be a Chairman Castro or a Staff
Director Morales and countless other folks. Mr. Castro here with the Senate Republicans.

Education is a nonpartisan issue, it’s a bipartisan issue, it’s an American issue.

And an American civil rights icon sits before us today, Sylvia Mendez. Ms. Mendez was born in Orange County, California. She attended Orange Coast Community College, where she earned her Associate of Arts degree in nursing. She went on to California State University at Los Angeles, earning a Bachelor’s degree in science, in nursing, and a certificate in public health.

In 2012, Ms. Mendez received an honorary degree of Doctor of Humane Letters from the Brooklyn College of the City of New York. Ms. Mendez worked for thirty-three years as a nurse at the Los Angeles University of Southern California Medical Center. And in her final five years of public service, she held the position of Assistant Nursing Director at the Pediatric Pavilion. She has adopted two daughters and has four grandchildren.

She spends her retirement traveling and speaking about this very important case. She has visited seven continents, in fact, and enjoys spending time with her family and educating the community on Mendez v. Westminster. In 2001, the first Mendez School was dedicated in Santa Ana, California. In 2004, President Bush told Ms. Mendez a story during the Hispanic Heritage Celebration in the East Room of the White House. And in 2005, Ms. Mendez was inducted into the Hall of Fame at Santa Ana College. In 2011, she was awarded by President Obama with the Presidential Medal of Freedom.

But in 1947, when she was just a girl, Ms. Mendez and her parents brought that lawsuit that was groundbreaking. As I indicated, it truly was the blueprint for Brown v. Board of Education and resulted in challenging the racial segregation of California public schools at that time. Ms. Mendez today is going to discuss with us her experiences at the center of that federal case and how that lawsuit ended up leveling the playing field because of the arguments that were being made by the school that there were language barriers that legitimately prevented Hispanic students from attending school with white students.
The Ninth Circuit Court of Appeals, ruling in favor of Ms. Mendez and her family, ended the de jure discrimination of California. Mendez v. Westminster School District helped develop the legal arguments that we all benefit from today in opportunity for education. I think it’s important for us to hear Ms. Mendez’s story as we see many of our schools are now, in essence, resegregating. And her words and her experience, I think, are very important to us now. And as I indicated for us to have a civil rights icon such as you here today is a privilege. Ms. Mendez, thank you for joining us.

MS. MENDEZ: Thank you. I’m so honored to be here at the United States Commission on Civil Rights. I never thought I’d be here. Thank you so much. Muchisimas gracias for this wonderful opportunity. Thank you, Brian, for all the work you did to bring me here, and thank you for inviting me here.

Well, my dream has finally come true. Mendez v. Westminster is being recognized for its historical impact it had on all of us. Our goal is to have it taught in all the schools in the United States. I must tell you, I am not a teacher. I am not a professional. I’m just someone who goes around talking about education. I call myself an advocate for education.

As a daughter of Felicitas and Gonzalo Mendez, I am so proud of what they accomplished. I remember my mother saying, no one knows about this case. Mendez v. Westminster, how five families fought to end segregation in California. And when we decided to fight for you, she said, we didn’t do it just for you. We did it for all the children. It was that day I promised my mother that I would make sure that everybody knew about Mendez v. Westminster and it became my legacy.

I have been going around the country for over twenty years talking about this case. The important part that Latinos have played in history. It was not easy and at first, no one believed me. This court case is all about the struggle for equal education and for basic human rights. And it led to the de-segregation of public schools in California. And it set the stage for Brown v.
Board of Education, where the Supreme Court Justice Earl Warren would lead the Court with the same

The Mendez case was a case that was fought not by one family, not by one
group, but by hundreds of people of different ethnic backgrounds and nationalities that all came
together to end de jure segregation. And I was one of those students for which the suit was filed,
along with five thousand other Latinos. Imagine my surprise when I started going around speaking
and found out that we are more segregated now than we were in 1947. And now they call it de facto
segregation.

At one time it was by law, de jure, that we were segregation. Now we have
de facto segregation. Webster’s dictionary describes it as being an actual fact to not legal
establishment, official establishment, official recognition, distinguished from de jure segregation.
And we can’t blame one establishment or one person, it is a fact of life. And it does exist in all the big
cities, and where the majority of the population resides.

In the school schools that he mentioned that were named after my mother and
father are one hundred percent Latino. What does that tell you? That we are more segregated.
As long as we have poverty, poor economics, overcrowding, no jobs, and factors, it will continue. I
know for a fact that people are working hard to get rid of it. But until then, the important thing is to
make sure that students in those de facto segregated schools get equal and quality education.

My story started in 1943, when my father who owned a café, decided to move
to Westminster to take care of the farm by the Munemitsu family, another injustice at that time.
When the Munemitsu family, a Japanese family that lived in Westminster was told that they had to go
to an internment camp and all they had to take was their clothes. Whatever they could carry.
Everything else they had to leave there at the farm.

My father, who had grown up in Westminster and had gone to school, loved
school. But he always remembered what my grandmother told him. Gonzalo, you have to go out
there and start working in the fields. We have no money. You cannot stay in school. And he remembered how he loved school. And when he went out there to start working in the fields he said, one day I want to own a farm. And I’m going to be the majordomo instead of the peon.

So when Mr. Monroe came and said to my father, Gonzalo, you can take care of the Munemitsu family, and at the same time become the majordomo of a farm, just like you always wanted to. My father was a businessman in Santa Ana and had a café making a lot of money in a cantina. But he sold the café and we moved to Westminster to take care of the farm for the Munemitsu family, who had already been sent to Poston, Arizona. I remember going with him when we would to Poston, Arizona to take him the money because we were leasing the land from them.

When we got to the farm, it was during school season and my father said to my Aunt Sally, Salida take them to school. And she did. She gathered us all up. She gathered my brothers Gonzado and Jerome, myself, and my two cousins, Alice and Virginia. My aunt took us to that school and when we got there, they told us, Ms. Vidaurri, you can leave your children here. But your brother’s kids will have to go to the Mexican school.

My aunt had the last name Vidaurri because her husband was Mexican, from Mexico. But he had a French name. Because at one time, Mexico was occupied by the French. So when he saw my cousins were very light-skinned and had light eyes, light brown eyes and light hair. They said, Ms. Vidaurri, just say you’re Belgian and we’ll keep your children here. And I always say my aunt did the first did the same thing that Rosa Parks said. She took a stand and said, I’m not leaving my children here. If you won’t take my brother’s children, I will not leave my children here. She gathered us all up.

What was I doing? I was playing. I didn’t even realize what was happening. I was playing in that meeting room with my brothers and cousins. It wasn’t until we got home that my aunt says, you can’t believe what happened! They won’t allow your children. My dad says, calmado - be calm. Tomorrow, go talk to the principal. There’s been a mistake.
We live right next to the school. Why would they say we don’t belong there?

So when he went the next day, they told him, Mr. Mendez, I’m sorry. But we have two schools now in Westminster. One for the Mexicans, and one for the whites. And your children will have to go to the Mexican school. My dad got so upset, he went to the superintendent of school there at Westminster, and he said, I’m sorry Mr. Mendez. But they’ll have to go to the Mexican school.

So he went to the superintendent of schools in Orange County, and that’s when he was informed. In Orange County, we have five cities. Santa Ana, Garden Grove, Orange, and Westminster - four - that have decided that they are going to segregate the children and have two schools. And I’m sorry, but I can’t do anything about it.

My father was so upset that he went and was talking to everybody. And somebody said, Gonzado, I just heard about this lawyer. His name is Marcus and he just fought a case in Riverside where they wouldn’t allow the Latinos to go into the public parks or the swimming pools. And he fought that case and the Times newspaper just wrote about it. Why don’t you go hire him?

My dad comes home and he tells my father, I just heard about this lawyer. And my mother says, well we have the money right now. Let’s go hire him. So they went and hired Mr. Marcus. Mr. Marcus was very intelligent. He said, Mr. Mendez, let’s not make this about your children. Let’s make it a class action suit for all five thousand Latinos here in California. And he did. They decided to.

And in order to get the other people involved, my father had to go from house to house, trying to convince the other families that it was an injustice what was going on there at Westminster where we were segregated. The people were so happy that the schools were placed right next to their homes. Where they could just go into those schools, those segregated schools. My father made a committee and they all went around talking and they went and met other people in
other cities. And they met Ms. William Guzman. And she was fighting to get her child into a white
school in Santa Ana. That was Mr. And Mrs. Guzman.

And then they went to El Modena, which is Orange. And they talked to Mr.
Frank Palomino. And he was trying to get his children into a white school. And the two schools in
Orange were side by side, the Mexican school and the white school. And then they talked to Mr.
Estrada and Mr. Lorenzo Ramirez. And they all joined in the suit. And in 1945, they all went to
court. And for the first time in history, somebody had said, and that was Judge McCormick, the
Superior Court of Los Angeles said, separate is not equal. And that is not right. And we won the
first case.

But the school board appealed it. And they said, just because Judge
McCormick is saying separate is not equal, we’re not going to go with that. Separate but not equal is
the law of the land. So they went to the Ninth Circuit Court of Appeal. And in 1947, the Court of
Appeal unanimously upheld the Ninth Circuit Court decision. And I, along with thousands of other
minorities throughout Orange County started going into integrated schools.

I remember - I have to tell you. I remember going to court every day while
they were fighting the case, never realizing what they were fighting. All this time, I just thought they
wanted me to go into a beautiful school with a playground. Because the Mexican School was a
horrible school with no playground, and it was right next to a cow pasture. I remember that there
was a fence around the cows. They had a little bit of electricity in it. And that was the fence
between the school children and the farm.

And one day, a girl threw a ball. She was playing the ball and she went to get
the ball. And when she went to grab the ball, she got a hold of the wire fence. And the wire was
enough to kill the cows, it was just to shock them so they wouldn’t get close. But when that student,
my friend, got a hold of that wire, it would not let go of her. She just kept shaking. And I
remember the teacher going all the way around to where the dairy was and telling that man, you have
to turn off that electricity. One of our students is caught there and she can’t let go.

And that was the school. The flies used to come over when we’d be eating from there. The school books we had were all handed down from the white school. The furniture was all handed down. What were they teaching us? They were teaching us how to crochet, how to embroider. And the boys were taught vocational - we were not taught academics. We were not taught how to read and write so we could become secretaries or work in an office. They wanted us to become maids when we finished the school. So that was a terrible injustice in that school. I remember going there just for a little while. Just while the court was going on.

But I just have to tell you that - I must tell you that my dream has finally come true. That it is being recognized, but you don’t know what it has taken. We have been waiting to get this into the standards to be taught in California for over twenty years. We went to the curriculum committee and we said, this is an important case. This is a part of history of California. It should be taught in schools. And the curriculum committee said, one of the ladies said, I don’t think it’s that important. So she vetoed it and it wasn’t taught.

Then we went to - somebody said, Sylvia. Find a politician. So we found Maria Salas and she introduced it to the Senate and the Assembly in California. And it passed, I was there and it went - the lights all went green. And then we had a governor at that time, and it went to his desk. And when it went to the desk, he vetoed it. And the teachers asked, why did you veto that? He said, well I don’t want to get involved in education. That was Schwarzenegger, who was the governor at that time. So he vetoed it. So after all that work, it was taken away.

So then we went back to the curriculum committee and they said, okay Ms. Mendez. We’ll put it in the framework this time. But we don’t have any money, so it can’t be published. But if a teacher knows about it, they can teach it. So all these years the teachers didn’t know about it, so then how could they teach it? So finally, two months ago, the Education Committee sent out a memo that they’re going to teach Mendez v. Westminster in California.
from just the Latino history, they’re also going to teach the Muslim involvement, in the United States, the Filipino and the other minorities. They’re going to start teaching that in our history books in California.

So it’s been a long, hard struggle. But it’s finally going to be taught. So it wasn’t just Latinos what were fighting. I tell the students when I go and speak to them and I go and speak about this case. Because it’s so important to Latinos. There’s such a high dropout from schools, with no incentive to go onto college. I think it’s important that they know that they have unsung heroes that they never heard of. And I let them know that so many people came in and helped. The Civil Liberty came in and helped, the National Lawyers Guild came in and helped, the Japanese Americans that had just been interned - they came out and sent in briefs. And the ACP, Jewish Congress, everybody will join you, I tell the students.

If you are fighting for something that is just, people will join you. They will come and join you. And this is what happened at that time. And I go and I tell them, it is so important that you get an education. Because that is going to give you the American dream. That has given me the American dream. It has been hard. I tell them, you have to persevere and you have to work very hard. There will be obstacles that will be coming. And yes, there will be people that will still be prejudiced. And yes, you will be discriminated. But I always tell remind them what Roosevelt said, that the only person you have to fear is yourself, I tell the students.

So if you want to get out of these areas where you’re segregated. If you want your children not to go into segregated schools, you have to get that education. Because here in the United States, you can move to wherever you want and you can be in a wonderful area where your children will have a quality education. But our struggle right now is to make sure that the students are de-segregated. Those de facto segregated schools are getting the same quality of education.

They might not have the same buildings. They might not have the same furniture or books. But we want the teachers to be there, teaching them and giving to them, inspiring
them. And make sure that they have AP classes. We want to make sure that they have those
classes. We want to make sure they have counselors. We want to make sure that they’re inspired
to go onto. And then they talked about these students that sometimes - we used to call it the railroad
to the prisons. Now they call it the pipeline to the prisons.

We are trying to make sure that students are not taken out of schools for minor
infractions in California. That they are given a time in school to study instead of letting them go out
and be out for four or five days because they’ve done something bad. Keep them there and make
them study. Because the students, some of the Latino students thought that was fun. Oh, I’m
expelled, oh boy! I don’t have to go to school for five days. So they didn’t see that as a punishment.

So we are working very hard with that.

So I’ll get back to yes, it’s a very important case. And it was our governor at
the time who de-segregated California in 1974, seven years before Brown v. Board of Education.
And later de-segregated all the United States when Brown v. Board of Education when Thurgood
Marshall went before the Supreme Court to fight Brown v. Board of Education. They used so many
arguments in the Brown case that were used in the Mendez case. And Carter, who is still alive, we
have him in the video saying yes. Finally, he said. Yes, we used everything from Mendez.

I had been in a class at USC talking about Mendez and he said, Ms. Mendez,
that’s not true. Mendez was not a preceptor to Brown. But now we have Carter speaking on this
video, that I wasn’t able to show today. But he is there, saying yes. We used everything from
Mendez to fight Brown v. Board of Education. So for Latinos for a high dropout rate of school, low
percentage in college, it’s so important that they know that they have Latino legacies in education.
The Guzman, the Ramirez, the Estrada, the Palominos, the Mendezes. They all fought for equal
education.

According to Edward Patron, over forty-six million Latinos have earned less
than twenty thousand dollars a year. And thirty percent have children under eighteen live in
poverty. And only twenty-seven percent have a high school diploma. Just like twelve percent have a college degree. And I know for a fact that only one percent of the millions of Latinos in the United States - only one percent have a PhD. How sad is that? That is very sad. So Latino students need role models that are not portrayed in the movies - as prostitutes and criminals. And they have to know that we have role models that they need to learn about.

Raul de Seguros states, some see Latinos as supplements and love to call them not as decision-makers, not as consumers, not as producers, as lawbreakers. They see us as not as law enforcers. As tax expenditures, not as tax contributors. I say we have to change that stereotype. If I can inspire students in the United States to stay in school by describing the Mendez case, I will go to any school and talk about it. I know I have fulfilled my legacy to my parents. So I emphasize to them, we live in this great, wonderful nation of ours. Where everything is possible. The greatest country in the world. And there’s no reason why we have to not be the number one in education right now.

My parents Gonzalo and Felicitas Mendez were intelligent, hardworking, and had courage. They didn’t even finish high school. But they demanded equality and they fought bravely. And they fought for basic human rights. And they recognized the importance of education. The same as all of us involved in the court - the same as everyone involved in the court case Mendez v. Westminster. Our students must relate to them and know they have the same capacity and the same opportunities here in this country.

This month, as we celebrate Latino Heritage Month, I am so proud to be a Latina born in the United States, where I continue to live my American dream. Without giving up my language, or any part of my culture. I will continue with my legacy to tell the story, a part of American history, where ordinary people were able to change the course of history. And my sole intent was to show that any time we make up our minds, anything we want to do, we can achieve. And to convey the importance of getting an education by encouraging students to stay in school and go
on to college. Thank you so much.

(Round of applause.)

CHAIRMAN CASTRO: Thank you, Ms. Mendez. That was an amazing recitation. Sit for a second. See if our Commissioners might want to ask you some questions.

But that was amazing history that you shared with us, and it’s important that we continue to share that history with others, so thank you for doing that with us today. Commissioners, if anyone has any questions? I remind you, this is not a briefing. So the type of questions that we ask will be different. But I want to give our Commissioners an opportunity to say something or ask Ms. Mendez anything while we have her with us. Yes, Commissioner Narasaki.

COMMISSIONER NARASAKI: I so much appreciate your passion about education. Our Commission actually this year, had a hearing on the re-segregation on K-12 schools and the disparities in public school financing. So we share your concern about the state of education. And it’s fabulous to know that we have an advocate out there who are helping people to understand why this is such an important issue.

I also think it’s an important story, because I think a lot of Americans think that racial discrimination was just in the south and was just targeting African Americans. And they don’t understand that places like California, in fact, were deeply discriminatory. California, I think, had the largest mass lynching. And it was of Chinese. And my own parents - I was born in Seattle. We faced segregation because they were covenants on a lot of properties where we couldn’t buy homes in most parts of Seattle. So that’s why you saw Japanese Americans and other Asian Americans in only certain parts of the cities. So, I think your story is important on so many levels and want to thank you for telling it.

I did want to ask you. As a little girl, were you scared at all about the focus of attention? Did you have a sense of - was there much hostility about the fact that your families were challenging the school districts?
MS. MENDEZ: No. My parents were very protective of me. My mother and father were very protective. I didn’t even realize what was happening. I thought they were fighting for them to get me into this beautiful school so I could have a playground. I never realized exactly what they were fighting for. It wasn’t until I got into an integrated school in Santa Ana - and my father had said to them, you know, that I’m bringing my children here. And the teacher knew about it. And everybody said, hi Sylvia. And I thought, oh my gosh. Another integrated school, just like the one in Westminster. And when I went - and the school bell rings, and we go out to play. And this little white boy says, what are you doing here? Don’t you know Mexicans aren’t supposed to be here? What are you doing here? Mexicans aren’t allowed. I started to cry. I started crying.

I go home, I said mother, they don’t want me in that school. I’m not going back to that school. She says, don’t you know what we were fighting? Que no sabes lo que estábamos peleando? Yes, so that we could go to that beautiful school with the playground. And she says no, Sylvia. We were fighting because under God, we are all equal and we all deserve the same equality, same education. And yes, you’re going to school. And yes, I went to school. And yes, I found out that everybody is not born with bigotry and hatred in their heart. And before you know it, I continued and went on into diverse schools all my life.

COMMISSIONER NARASAKI: Thank you.

CHAIRMAN CASTRO: Any other Commissioners? Commissioner Heriot?

COMMISSIONER HERIOT: I don’t so much have a question as just I want to thank Ms. Mendez for coming out here and talking to us about your case. It’s a fascinating piece of history. And I am inspired to want to learn more about it. So I’ll be looking into it more. So thank you so much for coming.

MS. MENDEZ: Thank you.

CHAIRMAN CASTRO: Any more Commissioners? Commissioner
Achtenberg? Or is it the Vice Chair?

COMMISSIONER ACHTENBERG: No, it’s Commissioner Achtenberg. And I just wanted to say that it is an honor to be in your presence. Thank you very much, Mr. Chairman.

CHAIRMAN CASTRO: Thank you. Any other Commissioners?

VICE CHAIR TIMMONS-GOODSON: Mr. Chair?

CHAIRMAN CASTRO: Yes, Madam Vice Chair.

VICE CHAIR TIMMONS-GOODSON: Yes, Ms. Mendez. I, too want to add my thanks for you coming in and providing such a fascinating and passionate story about your experience. It took me back to 1965 when my siblings and I integrated the public schools of South Carolina. I’d like for you to describe for us - you know, children are children. You mentioned one of the young folks that said some ugly things to you. But I was wondering about any one experience from your history with segregation that stands out in your mind and that you’d like to share.

MS. MENDEZ: Integration in California went very smoothly. Nothing like what happened in the south. The only thing was that they were calling my father a communist, and he was very upset. He came crying some day. He said to my mother, Bella, can you believe they’re calling me a communist because I’m trying to fight this case? And that was the only thing. Nothing else. Just name calling.

CHAIRMAN CASTRO: Interesting. All right, any other Commissioners. Mr. Staff Director?

MR. MORALES: Thank you, Mr. Chairman. Ms. Mendez, of course, thank you for coming. I’ve known you for many years.

MS. MENDEZ: Yes.

MR. MORALES: I really appreciate the historical significance of this case, of course as a lawyer. But I wanted to ask you a quick question about how did your family finance the case? It sounds like - obviously, lawyers don’t work for free. And so how did your family come
about this?

MS. MENDEZ: At the time, Marcus was very inexpensive. At first it was the five hundred dollars. You know at that time in 1945. And they had the money at the time. They had just sold the cantina and had gone to work at the ranch at the time. Later, during the appeal, other people came in and joined in. Other organizations came in and joined in to help with the appeal - the money for it. And then another fact about the Mendez case is that my dad had spent everything they were making. Sometimes they would make like, a thousand dollars a day in the ranch.

The Munemitsu ranch, it had forty acres of asparagus and they had tomatoes and everything. And he was going around trying to recruit and paying people. You know? So when the Japanese family came back, my dad didn't have any money left. And they were so nice, the Japanese family let us live there for three months after they came back. And they helped us with a crop that was growing and they gave my father that money to go back and buy another café in Santa Ana. So we go back to Santa Ana during the appeal, and that's when other people came in and joined in with money. And they had all kinds of fundraisers for the appeal.

CHAIRMAN CASTRO: Well, thank you, Ms. Mendez, again, for sharing your story. For sharing our history with us. (Spanish language spoken.) Because without you, we wouldn't have these opportunities. So thank you.

MS. MENDEZ: My parents.

IV. ADJOURN MEETING

CHAIRMAN CASTRO: Your parents, of course. And the other families as well. It was a group effort, as you reminded us. So thank you for that. And we will now be adjourning the meeting. But I wanted to invite all those who are present here with us to join us for light refreshments and meet Ms. Mendez. And those refreshments, by the way, are not paid for by taxpayers, but by generous contribution of our Staff Director and the Chair. So, I want to now
officially adjourn the meeting at 11:39 Eastern Time.

(Round of applause.)

(Whereupon, the above-entitled matter went off the record at 11:39 a.m.)