

US COMMISSION ON CIVIL RIGHTS

MEETING

FRIDAY, 9 JUNE 1995

OPEN SESSION

The meeting took place in Conference Room 500, 624 9th Street, N.W., Washington, D.C. at 9:30 a.m., Mary Frances Berry, Chair, presiding.

Present:

Mary Frances Berry	Chairperson
Cruz Reynoso	Vice Chairperson
*Carl A. Anderson	Commissioner
*Arthur A. Fletcher	Commissioner
Robert P. George	Commissioner
Constance Horner	Commissioner
Russell G. Redenbaugh	Commissioner
Mary K. Mathews	Staff Director

Also Present:

Staff Present:

Conner Ball
Barbara Brooks
Franklin Chow
James Cunningham
Edward Darden
Bobby Doctor
Betty Edmiston
George Harbison
Carol Lee Hurley
Frederick Isler
Melvin Jenkins
Jacqueline Johnson

*Present by Telephone

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William Lee
Stephanie Moore
Philip Montez
Miguel Sapp
Anthony Wells, Sr.
Audrey Wright
Nadja Zalokar

Commissioners' Assistants Present:

Ronald Brown
Thomas Gray
Dennis Teti
Krishna Toolsie
Stella Youngblood

P R O C E E D I N G S

[9:30]

1
2
3 COMM BERRY: The first item on the agenda
4 is to approve the agenda.

5 COMM HORNER: I have some additions here,
6 Madam Chair.

7 COMM BERRY: All right. Commissioner
8 Horner has some additions she thinks.

9 COMM HORNER: I have two items. One is I
10 would like to ask that we consider the report at the
11 next meeting. We got it about two weeks ago and it's
12 a thousand pages and needs some adjusting. I've
13 glanced at it. It looks as if it has great strengths
14 and I think we need a little more time than two weeks
15 to assure that we're doing it justice. So I would
16 like to propose that we put on the agenda a deferral
17 on the voting of that report.

18 And also I would like to add to the agenda
19 a continuation of the discussion on the letters
20 surrounding the CRA regulations.

21 COMM BERRY: Now, on Title VI remind me
22 somebody the timing on this.

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1 Is this a statutory -- What kind of report
2 is this?

3 MS. MATHEWS Madam Chairperson, this
4 is our annual requirement for a Statutory Enforcement
5 report.

6 COMM BERRY: Which means that we should
7 get it out because that's our statutory report?

8 MS. MATHEWS Right.

9 COMM BERRY: Which is why the staff has
10 worked very hard to get it done.

11 COMM HORNER: Madam Chair, I recall at the
12 end of the last fiscal year we voted on a report two
13 days before the end of the fiscal year I think in
14 order to get it out, so I think between now and the
15 end of the fiscal year we should have no trouble
16 getting it out.

17 COMM BERRY: Are other commissioners
18 unready to act on this? How long have we had this
19 report?

20 MS. MATHEWS You mean the Commissioners?

21 COMM BERRY: Yes.

22 MS. MATHEWS Approximately two weeks.

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1 COMM HORNER: And how long have the staff
2 worked on it?

3 MS. MATHEWS It's been in development for
4 about a year and a half.

5 COMM BERRY: I don't understand why -- I
6 mean we can do that if you want to, but I think two
7 weeks is a sufficient amount of time. We all have
8 special assistants.

9 COMM REDENBAUGH: Yeah, I'm unprepared.

10 COMM BERRY: We didn't have a heavy
11 workload. I mean I can't force you to vote on it if
12 you don't want to, but I think that under the
13 circumstances staff worked very hard to get this done
14 and we've been trying to get things done with more
15 timeliness, and I don't want to wait until the end of
16 the fiscal year or two days before.

17 COMM HORNER: I don't either, Madam Chair.
18 But I would like to suggest that after a year and a
19 half of work, and I don't know how fast you read;
20 you're a professor, maybe you've learned to read fast.
21 But a thousand pages in two weeks in which we all have
22 our usual business responsibility is a bit much, and

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1 I personally don't rely on my special assistant on
2 something this important for other than advice and
3 counsel, and I do read it all and I want to read it
4 all because my name's going on it.

5 And I think two weeks -- Perhaps it could
6 have been after a year and a half work provided us
7 three or four works before the proposed vote. Frankly
8 I think it's unreasonable and I think the fault lies
9 with the staff, not with the commissioners in this
10 case. And I'm sorry to have to say this.

11 COMM GEORGE: I wonder if it might be
12 possible in this case to compromise?

13 COMM BERRY: I'm happy to compromise.

14 COMM GEORGE: To establish an amount of
15 time for us to read it and then have a telephone call
16 if it can't go to the next meeting. Would another two
17 weeks be reasonable?

18 COMM BERRY: Why don't we discuss it
19 today. It would be very disappointing to the staff if
20 we didn't even discuss it after all the work we did on
21 it and rushing to get it to us. I mean it was a very
22 tough report to do and as you know it's involved a lot

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1 of work. So maybe we can discuss it, which I think
2 was Commissioner Horner's -- Her proposal did not
3 preclude discussing it.

4 COMM HORNER: It does preclude my
5 participating in the discussion, however.

6 COMM BERRY: Oh, even in the discussion?

7 COMM HORNER: Since I have not read it.

8 COMM BERRY: Oh, okay.

9 COMM HORNER: However I have no objection
10 to others discussing it.

11 COMM BERRY: Yes, Mr. Redenbaugh?

12 COMM REDENBAUGH: I find myself unprepared
13 also, although I would be happy to listen to the
14 discussion of my colleagues with the understanding
15 that we could have a further discussion, and hopefully
16 improved by my comments after I've read it.

17 COMM BERRY: Welcome, Commissioner
18 Anderson.

19 Yes, Commissioner Redenbaugh?

20 COMM REDENBAUGH: So anyway I would be
21 certainly amenable to a discussion today if that
22 wouldn't preclude a further discussion when I've

1 prepared myself.

2 COMM BERRY: How many of you are unready
3 to discuss Title VI? I mean the report; I don't mean
4 the statute.

5 COMM FLETCHER: Madam Chair?

6 COMM BERRY: Yes.

7 COMM FLETCHER: When is the Adarand
8 decision going to come down?

9 COMM BERRY: It's going to come down
10 before the first of July probably.

11 COMM FLETCHER: I can't quite hear you.

12 COMM BERRY: It'll come down some time
13 between now and the first week in July.

14 COMM FLETCHER: Do you anticipate it will
15 have an impact on the report?

16 COMM BERRY: I don't think so, not on this
17 one.

18 COMM FLETCHER: Beg your pardon?

19 COMM BERRY: I don't think so; I may be
20 wrong, but I don't think it will have any impact on
21 this particular report. It may have some impact on a
22 lot of other things we do, but I don't think it'll

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1 have an impact on this particular report.

2 COMM FLETCHER: Does that decision deal
3 with the Adarand decision? Does it deal with public
4 works?

5 COMM BERRY: It deals with Public Works;
6 the minority contracting provisions and the set aside
7 provisions and the public works transportation
8 programs, yes. It does do that.

9 Well, who knows what the Supreme Court
10 will do.

11 COMM FLETCHER: Your voice is fading out.

12 COMM BERRY: I said, who knows what the
13 Supreme Court will do, but as you know Adarand is a
14 constitutional case, and it's not specifically about
15 Title VI as such, but yes it has some of the theory
16 depending on what they do, what they say.

17 Can you hear me, Commissioner Fletcher?

18 COMM FLETCHER: I hear you.

19 COMM BERRY: May have some indirect
20 analytical impact, but I don't really think so. I
21 think this is a separate issue.

22 Let's not vote on it then. Let's not even

1 discuss it.

2 COMM FLETCHER: Madam Chair?

3 COMM BERRY: Yes?

4 COMM FLETCHER: Can I hear opinion from
5 Cruz on that?

6 COMM REYNOSO: Yes. My own opinion is
7 that the Supreme Court opinion would not have an
8 effect on this report because of the nature of the
9 report. It may easily on the next report, but not on
10 this one.

11 COMM FLETCHER: Then how critical is it
12 that we go forth, Madam Chair?

13 COMM BERRY: Well it's not critical in the
14 sense that -- I just don't want us to delay anymore.
15 I've been trying in the last year to have us be much
16 more productive than we've been, not during your
17 tenure but before your tenure. I don't want us to
18 fall back in the slough. And last year we just barely
19 escaped the deadline on our statutory report and it
20 was noted how close we came to the deadline. So I was
21 trying this year to get it in in plenty of time so
22 people would know that we had taken it seriously, but

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1 I can see where if we hold it over for another month
2 it doesn't make any difference. It doesn't make any
3 substantive difference. I was just concerned about
4 timeliness and not delaying it. But I understand the
5 sense of the commission, so yes.

6 COMM FLETCHER: Madam Chair, can I hear
7 from Connie again?

8 COMM BERRY: Commissioner Horner.

9 COMM HORNER: Yes? What would you like,
10 Art?

11 COMM FLETCHER: Your reason for being
12 unready beyond -- What would cause you to be any more
13 ready than you are now, Connie?

14 COMM HORNER: What would cause me to be
15 more ready would be to have time to read the report.
16 Art, you weren't at the SAC meeting yesterday, but
17 from 9:00 a.m. to 6:00 p.m. yesterday we were talking
18 with the SACs and that was an additional full working
19 day to be devoted to Commission business this month
20 which might have been I suppose devoted to the report.
21 However, I could not read a thousand pages in one
22 working day.

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1 It seems to me that if the staff has
2 worked one and a half years, two weeks might be easily
3 understood to be a very brief time for each
4 commissioner to prepare himself and herself to discuss
5 this intelligently and also I would say that if there
6 are concerns about time it's incumbent to cut not the
7 commission time exclusively but to cut staff time as
8 well as commission time. A year and a half to two
9 weeks seems to me not an acceptable proportion. We
10 give ourselves a full month or more on SAC reports
11 now, which are a tenth the length of this report. I
12 simply need a bit more time to read it. I do read
13 things and therefore I'm perfectly happy to have only
14 two more weeks and then do a conference call,
15 providing we can have a discussion on the conference
16 call.

17 COMM BERRY: We're taking up time
18 discussing whether or not to discuss the report. So
19 why don't we just defer the report until the July
20 meeting and that way everybody can have plenty of time
21 to read as much as they want to read and the staff
22 will understand. It's not that we don't take your

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1 work seriously; we do. But we'll just wait until July
2 and we appreciate your hard work on this. You can go
3 back to the office and do some more hard work.

4 The other one was the CRA and why don't we
5 do the CRA under the staff director's report.

6 Yes, Commissioner George?

7 COMM GEORGE: I wonder if we could move up
8 the State Advisory Committee report from West Virginia
9 to before the executive session. I have a proposal
10 about this.

11 COMM BERRY: Before the executive session.

12 So, okay. Anything else? Then somebody
13 move to approve the agenda.

14 COMM GEORGE: So moved.

15 COMM HORNER: Second.

16 COMM BERRY: All in favor?

17 ALL: Aye.

18 COMM BERRY: Opposed? So ordered.

19 Minutes of the May 12 meeting.

20 COMM HORNER: I move their adoption.

21 COMM GEORGE: Second.

22 COMM BERRY: All in favor?

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1 ALL: Aye.

2 COMM BERRY: Opposed?

3 Announcements is the next item on the
4 agenda. The only announcements we have is that we
5 don't have any announcements.

6 We don't have a date yet for the hearing
7 on authorization. We think it will be some time in
8 July but we don't have a date yet.

9 And the other announcement is that
10 yesterday at the State Advisory Committee chairs'
11 meeting, the State Advisory Committee chairs' passed
12 a resolution asking the Commission, which you'll get
13 copies of, to recommend to the President that he
14 convene a White House conference on civil rights.

15 I would suggest that we receive the
16 resolution, and we can either discuss it if we want to
17 or we can have the staff prepare something and tell us
18 what things we think the president should discuss at
19 a White House conference on civil rights so that it's
20 not just a bare bones receipt, and then decide if we
21 want to send a letter to the White House asking them,
22 including the things that the staff suggests to us or

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1 things we might suggest that the White House include
2 in such a conference, and get that to us so that we
3 can discuss it or respond to it or something. But
4 this just happened yesterday at the meeting so no one
5 has yet written anything for us on this. So at the
6 minimum we could note our receipt of the resolution
7 from the State Advisory Committee and take it under
8 consideration for commission response.

9 COMM HORNER: So moved.

10 COMM GEORGE: Second.

11 COMM BERRY: All in favor?

12 ALL: Aye.

13 COMM BERRY: Opposed? All right, so
14 noted. And we'll get something back from the staff on
15 what might be discussed. Staff should talk to you or
16 your special assistants or whoever you want them to
17 talk to about what might be in such a letter and what
18 things we might propose and then we can discuss
19 whether we want to propose a White House conference
20 and what it would do.

21 COMM WANG: Madam Chair, could I make a
22 small announcement?

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1 COMM BERRY: Yes, Commissioner Wang?

2 COMM WANG: I guess we may know or may not
3 know, our Chair's been awarded an honorable doctorate
4 degree.

5 COMM GEORGE: Another one?

6 COMM WANG: Yes. In West Virginia.

7 COMM BERRY: Which one are you referring
8 to? Oh yes, the University of West Virginia, yes, at
9 the commencement which took place almost two weeks
10 ago.

11 How did you know that?

12 COMM REYNOSO: And did you have to deliver
13 a talk?

14 COMM BERRY: They wouldn't let me talk.
15 They were very smart.

16 COMM REYNOSO: Normally they have you
17 deliver a talk and all that. If you can get an
18 honorary degree without delivering a talk that's
19 great.

20 COMM BERRY: They're afraid of what I
21 might say.

22 Anyway, thank you very much, Charles, for

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1 acknowledging that.

2 Anyone else have any announcements? Then
3 what we can do now is we need a motion to have an
4 executive session to discuss personnel rules and
5 practices.

6 Oh, I'm sorry. West Virginia SAC. I
7 apologize. We're taking up the West Virginia SAC
8 next, Commissioner Anderson and Fletcher.

9 COMM GEORGE: I think I can be brief about
10 this. This is a good report and I think we won't have
11 any trouble approving it. However, I'm glad this one
12 comes up from my home state of West Virginia for which
13 I have great affection and even more now that it's
14 recognized our chairman at the state university in an
15 appropriate way.

16 What I would like to do is to ask that
17 this report be sent back for a technical adjustment.
18 We some time ago now decided as Commission matter of
19 policy, to request that findings and recommendations
20 make explicit reference to the paragraphs in the
21 factual background that justify what's found and
22 recommended, and that hasn't been done in this report

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1 and I think we really need to establish this really
2 with our SACs; I think it's just a very good idea for
3 them and for us. So what I'd like to do is just have
4 the staff do that technical adjustment and then I
5 think we'll have no difficulty approving it.

6 Have I made myself clear? Do you remember
7 the decision we made to include those references?

8 COMM BERRY: Staff Director, do you have
9 any comments?

10 MS. MATHEWS I do, Madam Chairperson. I
11 wanted to raise this as well at the meeting so I'm
12 glad you did, because I was interested in some
13 clarification from the commission about the prior
14 discussion.

15 I reviewed the transcript and I did note
16 the comments that you made in regard to this issue.
17 I did not see however a commission vote nor did I see
18 really any other comment from any other commissioner
19 other than some indication that the staff found it not
20 to be a problem.

21 So I'm curious as to the commission's
22 reaction as a whole and another issue that the staff

1 was inquiring of me would be, if the commission
2 intended for this to occur did they also intend for
3 this to be the manner in which the document would be
4 published, or was this merely a suggestion to
5 facilitate the reading of the commissioners of the
6 findings.

7 COMM BERRY: Vice Chair.

8 COMM REYNOSO: I had recalled our
9 discussion where we --

10 COMM BERRY: Can you hear, Commissioner
11 Fletcher and Anderson?

12 COMM REYNOSO: I'll speak up. I had heard
13 discussion where we had indicated either by vote or by
14 consensus that the recommendations should be based on
15 the evidentiary findings of the report and that the
16 report should be a self contained unit; that is that
17 the recommendation should follow what was involved in
18 the report. I confess that I didn't recall that we
19 had voted or done anything with a suggestion that
20 there would be a specific reference by paragraph and
21 page. And I don't know, I'd like to hear from the
22 staff as to whether or not they could do that.

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1 Sometimes a recommendation may come from
2 the entire report and it seems to me it may be a
3 little bit awkward to say in this case, see pages 1 to
4 33. So I have some qualms about that recommendation,
5 just technically; no qualms philosophically.

6 MS. MATHEWS I believe, Vice Chair, that
7 your comment about occasionally a recommendation may
8 relate to the entire document is true; occasionally
9 that does occur. And the staff has informed me -- if
10 I were to convey the preference it would be not to do
11 this for a published document, however we're happy to
12 do whatever the will of the commission is.

13 COMM GEORGE: What's the reason?

14 MS. MATHEWS The fact that it has not ever
15 been done before in the commission and it does not
16 appear to add to the context as much in terms of just
17 facilitating reading if you want to compare particular
18 pages, but that's the staff's preference. It's a
19 personal judgment I guess that individuals may differ
20 on.

21 COMM BERRY: Commissioner Horner.

22 COMM HORNER: Madam Chair, a little

1 context that I recall for our decision; what I thought
2 was our decision to ask for this technical change, was
3 that we felt that time and again the findings and
4 recommendations were being inserted on the preference
5 of the writer of the report, but not correlated to the
6 material and information presented in the body of the
7 report. We felt we had to do this slightly awkward
8 thing to counteract a really serious flaw in these
9 reports. And I think that we are now being presented
10 with a preference on the part of the staff that they
11 not be asked to engage in this technical adjustment
12 and therefore be permitted to go on with the
13 fairly -- Well, not to put too fine a point on it,
14 sloppy and some time inverse connection between the
15 body of the report and the findings and
16 recommendations.

17 Without the citation that Commissioner
18 George asked for, we are left having when we have
19 completed the reading of the report as commissioners
20 with the task of going back and leafing through and
21 trying to find a basis from some recommendations when
22 we don't recall having completed the report that there

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1 is a basis in the report for the recommendations.

2 So all we're asking is for staff to point
3 us to where the basis for the recommendation occurs in
4 the body of the report. Sometimes it will be very
5 specific and precise; sometimes it will be extremely
6 vague and generic. The vaguer and more generic it is
7 the more important it is to have a citation because
8 the vaguer and more generic it is the more susceptible
9 the report is to simply reaching conclusions that
10 aren't based on the body of the report.

11 COMM BERRY: Commissioner Wang.

12 COMM WANG: Although we didn't take a
13 vote, but I would find it, Commissioner George's
14 requirements, reasonable. I mean we could pattern our
15 report in that kind of a manner; easy reading, also
16 make the recommendation even stronger, then you will
17 have a basis supported.

18 COMM BERRY: Yes?

19 COMM REYNOSO: The comments by
20 Commissioner Horner would leave me to preclude that a
21 partial response to the question of the staff might
22 be, and maybe to serve our purpose, is to have the

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1 staff do that for our purposes; that is for our
2 reading purposes, but not necessarily include it in
3 the final printed report. It may seem a little bit
4 awkward but maybe have it for our purposes; a review.

5 COMM BERRY: It really is a question of
6 how much apparatus you're going to have in the
7 published report. I can see why we would want, those
8 of us who want it, would want that for ourselves as we
9 read the report, but in terms of publishing it it just
10 seems like too much clutter to put in a report,
11 especially if it's a big one. After every section you
12 have to have, see pages so and so, and then if it's no
13 page then you say see the entire report.

14 COMM HORNER: Madam Chair, I don't have a
15 strong feeling whether it should be published or not.
16 I do want to say for the record, it would have been
17 nice if the staff had done the work we requested and
18 then we could have decided to take it out for
19 publication, satisfied with it; instead the staff has
20 forced us to belabor this issue in a public session by
21 not complying with the expression of the commission's
22 intent here and I think it's a problem that needs to

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1 be addressed. And sometimes when you get this level
2 of resistance what you want to do is dig in your
3 heels, and that's what's going on here.

4 COMM BERRY: Yes Commissioner George?

5 COMM GEORGE: I didn't realize this was
6 going to be controversial. I thought we had decided,
7 although I do recall that we didn't vote on it, I just
8 thought it was a sense that the chairman summed up and
9 it was going to be done. Nor did I think that it was
10 controversial as an idea. Ron Brown's just pointed
11 out to me that it's done in the Title VI report, and
12 done very well, and I don't think that it
13 detracts -- I take the chairman's point about
14 sometimes too much apparatus in the monograph can take
15 away, but I think this would just aid any reader in
16 analyzing a report and seeing if the reader agreed or
17 didn't agree with the recommendation based on whether
18 the facts that they could identify factual basis that
19 really made sense of the recommendation.

20 So, I guess what we should do is I should
21 make a motion, and I'll be happy to -- if the sense of
22 the commission is that we shouldn't do it in the

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1 published report although my preference would be to
2 just do it straight through, I'm happy to go along
3 with that, but at least for our purposes I'd like to
4 make a commission policy that we do this, and if it
5 requires a formal vote I make the motion.

6 COMM BERRY: With the understanding I
7 would hope that this would refer to specific matters.
8 Do you want them to also cite just simply the entire
9 report?

10 COMM GEORGE: No, I understand. Where
11 it's the entire report we would then infer from the
12 fact that it is not a reference; that is the entire
13 report, and then we'll have to of course judge for
14 ourselves whether in fact the entire report supports
15 this or it's in there because it's the preference of
16 the writer lacking a particular fact or predicate. So
17 that's fine, I'm happy to have that understanding.
18 But where a factual basis in the report other than the
19 report as a whole can be given let it be given.

20 COMM HORNER: I second the motion.

21 COMM BERRY: Any more discussion?

22 COMM REYNOSO: I take it the motion is at

1 this point is that it will be done for our reading
2 purposes.

3 COMM GEORGE: Well if that's what you
4 prefer then I'll go along with it. I mean if I'm
5 standing alone --

6 COMM ANDERSON: Madam Chairman?

7 COMM BERRY: Yes, Commissioner Anderson?

8 COMM ANDERSON: As I look at the Title VI
9 report and see how unobtrusive citations in various
10 chapters and pages is in our finding and
11 recommendation section of the Title VI report, I don't
12 really understand what the problem is in putting in
13 the facts; you're talking about a footnote number and
14 footnote. And I don't see how that is in any way a
15 problem.

16 COMM BERRY: Commissioner George.

17 COMM GEORGE: I want to be accommodating
18 on this, so if Commissioner Reynoso has a strong view
19 on it I'm happy to defer.

20 COMM REYNOSO: No, my suggestion is that
21 we at least start out having it be for our own benefit
22 and it will be like an experiment. If it turns out

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1 that it's unobtrusive and makes sense to us that then
2 change it and put it in the published report then we
3 can do that later. So I just suggest that we start
4 out sort of as an experiment for our purposes.

5 COMM GEORGE: I will accept that amendment
6 as a matter of cooperation.

7 COMM BERRY: So the motion is that we have
8 citations to portions of the report that support
9 recommendations.

10 COMM REYNOSO: Findings and
11 recommendations.

12 COMM BERRY: Findings and recommendations.
13 And if the entire report is a source of the finding
14 and recommendation it is not expected that the
15 citation says, see entire report. And that this will
16 first be done for the use of the commissioners with
17 SAC reports and the commission will at a later time
18 determine whether it also wishes to include such
19 apparatus in the published report.

20 Is that the motion?

21 COMM GEORGE: That's exactly it, thank
22 you.

1 COMM BERRY: Somebody second it.

2 COMM HORNER: Second.

3 COMM BERRY: Any further discussion? All
4 in favor say aye.

5 ALL: Aye.

6 COMM BERRY: Opposed? Okay. Motion
7 passes.

8 Now what do we do about this one? Do we
9 send it back to do this with or do we go ahead and
10 pass it? What is your preference?

11 COMM GEORGE: Uh --

12 COMM HORNER: Madam Chair, I would
13 like --

14 COMM REDENBAUGH: I think I'd like to see
15 that.

16 COMM BERRY: Like to see what?

17 COMM REDENBAUGH: What we've just asked
18 for; the linkage between the findings and the
19 evidence.

20 COMM BERRY: Okay. All right so we'll
21 send --

22 Now let's see if we have anything left

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1 here.

2 COMM REDENBAUGH: I have one related.

3 COMM BERRY: Yes? Commissioner
4 Redenbaugh.

5 COMM REDENBAUGH: No, I just wanted to
6 review my understanding of what we did with respect to
7 these SAC reports, which my recollection is the
8 following.

9 That we did a rather extensive study of
10 the process by which the reports are prepared and made
11 specific recommendations which the commissioners
12 adopted for the process of preparing these reports.
13 In effect then what we did was specify rather
14 carefully the process and standards for the report,
15 making certain that we were not specifying the
16 content, but process and standards, and then requiring
17 staff and the staff director to ensure and certify to
18 us that that particular process for production and
19 preparation was followed. And that what Commissioner
20 George has pointed to as one of the standards that we
21 specified in that process.

22 So I would like to, with that

1 understanding, ask the staff director -- two things.
2 Is that your understanding and is the process that we
3 agreed on, I think more than a year ago, is it working
4 from staff's standpoint and from your standpoint?

5 MS. MATHEWS The overall process, Commissioner
6 Redenbaugh I think is working, yes, I do. This
7 particular issue was not clearly understood by the
8 staff and I think now we have clarity, and so it
9 should be very easy to follow what was just agreed to
10 here today.

11 COMM REDENBAUGH: My impression and
12 opinion is that the quality of these reports has been
13 very good and certainly the process from my standpoint
14 seems to be working very well.

15 Okay. Thank you.

16 MS. MATHEWS Thank you.

17 COMM BERRY: Well I take the
18 responsibility in part for this misunderstanding since
19 at the meeting apparently we didn't vote and
20 apparently I sort of mumbled something that it made
21 good sense; why don't we just do it, and no one said
22 anything. So we just went away on to the next item.

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1 And I didn't say, well, let's vote on that and let's
2 make a point that everybody agrees. So I take
3 responsibility for confusing the staff and I'll try to
4 avoid doing that in the future.

5 COMM REDENBAUGH: Always with a new
6 process it takes some time to clarify what it really
7 is. I would expect this kind of iteration as we go
8 through it.

9 COMM BERRY: Okay. We need a motion for
10 Item 4 to have an executive session to discuss
11 personnel rules and practices of the commission.

12 Someone has to move that.

13 COMM REDENBAUGH: I would move that.

14 COMM BERRY: Okay. Would you then second
15 it Commissioner Wang?

16 COMM WANG: Second.

17 COMM BERRY: Okay. The purpose of the
18 executive session would be as it says, to discuss
19 personnel rules and practices.

20 Is there any discussion before we vote on
21 this?

22 COMM WANG: We received a memorandum from

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1 the union asking that they be present.

2 COMM BERRY: And I asked the staff
3 director to respond for me, and I think you were faxed
4 a copy but -- that the union thought that the
5 collective bargaining agreement meant that they should
6 come to the meeting, but the collective bargaining
7 agreement does not permit and does not even cover
8 participation by the union in meetings between
9 management and management. It's between management
10 and employees that the collective bargaining agreement
11 section that they cite says, that they have a right to
12 participate. But since this is not a meeting between
13 management and employees' rights as it is said at the
14 collective bargaining agreement; it's not this kind of
15 meeting. It says the union shall be given the
16 opportunity to be represented for discussions between
17 management and the employees or employee
18 representatives concerning personnel policies,
19 practices, grievances or other matters affecting
20 working conditions of the employees in the union. It
21 is clearly part of the agreement; I mean that's the
22 way it reads.

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1 But since employees' representatives will
2 not be present at this meeting and employees not
3 present and we're not discussing the employees' rights
4 it is not that kind of a meeting. So I asked Mary to
5 send just a note back saying we appreciated their
6 interest. She did do that. That I asked her to
7 respond and the collective bargaining agreement
8 specifies union participation at meetings between
9 management and employees or employee representatives,
10 and since that is not the purpose of the executive
11 session it would be inappropriate for the union to
12 participate in this session. So it's not a union
13 negotiation.

14 COMM HORNER: Madam Chair, I want to ask
15 a question. I'm not sure whether I should ask it
16 before the session or after the session. My question
17 is, who should be here to advise and assist us during
18 the session, for instance our general counsel,
19 solicitor.

20 Is that Mr. Sapp?

21 COMM BERRY: Miguel Sapp.

22 COMM HORNER: We've spoken on the phone.

1 So Mr. Sapp is here as acting solicitor to advise us.

2 Do we have the director of personnel?

3 COMM BERRY: No.

4 COMM HORNER: Who is the director of
5 personnel?

6 COMM BERRY: We have an acting director of
7 personnel.

8 COMM HORNER: Who is the acting director?

9 MS. MATHEWS George Harbison.

10 COMM HORNER: And he is not here?

11 COMM BERRY: No, and he wouldn't come to
12 this meeting anyway.

13 COMM HORNER: Okay. Well the reason I'm
14 asking is I wonder if we have technical questions; if
15 we need an EEO person and a personnel person to
16 answer.

17 COMM BERRY: We can conclude that when
18 we're in the session if such should happen, but we'll
19 just wait and see.

20 COMM HORNER: Okay.

21 COMM BERRY: Okay. Could we vote on
22 whether to have an executive session?

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1 Anymore discussion about whether to have
2 one?

3 All in favor, say aye.

4 ALL: Aye.

5 COMM BERRY: Opposed?

6 Mr. Sapp, could you determine for me
7 whether the purpose I have stated is a valid purpose
8 for having an executive session?

9 MR. SAPP: Yes, Madam Chair. Based on the
10 motion that has been voted upon by the commissioners
11 this does fall under the Exception 2 of the Government
12 in the Sunshine Act, 5 USC, 552B(c)(2).

13 COMM FLETCHER: Madam, will you have him
14 get close to the mic, I'd like to hear what he's
15 saying.

16 MR. SAPP: Madam Chair, based on the
17 motion that has been voted upon by the commissioners
18 it is my opinion that this falls within Exception 2 of
19 the Government in the Sunshine Act, 5 USC, 552B(c)(2),
20 which is internal personnel practices and policies of
21 an agency.

22 COMM BERRY: All right, thank you very

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1 much. Then we will have an executive session. So
2 could everyone who is not a commissioner, and that
3 includes special assistants leave and only
4 commissioners and the staff director and the solicitor
5 will remain in the meeting.

6 (Whereupon the meeting was adjourned at
7 10:05 to begin executive session)

8 (On the record) [12:37]

9 (Whereupon the meeting reconvened at 12:37
10 to continue open session)

11 COMM. BERRY: We're sorry for those in
12 attendance that we took such a long time in our
13 executive session, but we had scheduled today
14 discussion of personnel rules and practices of the
15 commission and it turned out that it was rather an
16 extended discussion with a lot more details and
17 complications about the personnel practices than we
18 had imagined. It was a very enlightening and
19 interesting exchange of information with the staff
20 director. And the only thing I want to say on the
21 record about it is that, at the last commission
22 meeting there was some discussion about a large number

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1 of top ten employees of the commission filing
2 grievances, and we clarified how many people had
3 grievances at this session, not individuals but just
4 in terms of talking about numbers, and there was only
5 one of the senior 11 employees who had filed a
6 grievance but that we did discuss grievances.

7 I simply wanted to say that because we've
8 had some discussion of that on the record last time.
9 But the session was about personnel rules and
10 practices of the commission.

11 The item on the agenda that we need to
12 discuss is the State Advisory Committee appointments.
13 We have Hawaii, New Mexico, North Carolina, South
14 Carolina, Virginia, an interim appointment, and
15 Wisconsin. These can be found in your book under
16 Tab 8. I think we should take them up in turn, and I
17 note that the SAC member from Hawaii is sitting there
18 watching us do the SAC from Hawaii. She has agreed
19 that the next State Advisory Committee chair's meeting
20 will be in Hawaii. She will invite us at the expense
21 of the SAC of Hawaii for us to come to her area.

22 So we have these appointments for Hawaii.

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1 Does anyone want to make a motion concerning the SAC
2 appointments in Hawaii?

3 COMM GEORGE: So moved.

4 COMM WANG: Second.

5 COMM BERRY: Okay. Any discussion?

6 COMM REYNOSO: Madam Chair, I just want to
7 comment favorably that I see that 3 of the 13 are
8 youngsters under 40.

9 COMM BERRY: Right. We had some
10 discussion about that yesterday at the SAC's chair's
11 meeting, some reinforcement of that.

12 Are there any other comments before we
13 vote?

14 All right. All in favor of the SAC
15 appointments of the Hawaii Advisory Committee indicate
16 by saying aye.

17 ALL: Aye.

18 COMM BERRY: Opposed? So ordered.

19 The next one we have was the New Mexico
20 Advisory Committee. I don't see the SAC Chair from
21 New Mexico, not that the SAC chair has to be here to
22 get the appointments passed.

1 Can I have a motion concerning these?

2 COMM GEORGE: So moved.

3 COMM WANG: Second.

4 COMM BERRY: All right.. What is your
5 reaction to this, Vice Chair?

6 COMM REYNOSO: Again, Madam Chair, I note
7 that 3 of 13 are under 40 and that's doing a lot
8 better than what we've done, and I assume from that
9 that the staff has been in contact with the SACs and
10 I think that this is a very good movement on the part
11 of the SACs.

12 COMM BERRY: Okay.

13 COMM GEORGE: So on behalf of the
14 generation under 40 I would like to thank Commissioner
15 Reynoso for this solicitude, and wonder if he'd be
16 prepared to represent us in a class action for social
17 security some day.

18 COMM BERRY: All right. All in favor of
19 the New Mexico --

20 COMM GEORGE: Oh, I do have a serious
21 question.

22 I note on New Mexico that we're appointing

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1 a member of the House, a fifth term member of the
2 state House of Representatives. There was an issue at
3 one point about the appointment of governmental
4 officials. I think we resolved that in favor of
5 they're not being a problem with -- it's general
6 opposition with appointing officials, but if we do
7 have any policy on it we should probably take note of
8 this now.

9 COMM BERRY: We had that discussion and
10 some of us thought that we should not and we finally
11 agreed after a long and protracted discussion that we
12 would not even note this as a requirement or as a
13 disabling, and we have an appointment before us today,
14 an interim appointment, that came out of that
15 discussion for another SAC, so this person would be
16 able to serve and would not violate our policy.

17 COMM GEORGE: Thank you.

18 COMM BERRY: All in favor of the New
19 Mexico SAC appointments indicate by saying aye.

20 ALL: Aye.

21 COMM BERRY: Opposed?

22 Now we have the North Carolina Advisory

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1 Committee. I think I saw Mr. Spaulding here earlier
2 but I guess he gave up on us.

3 The North Carolina Advisory Committee.

4 COMM REDENBAUGH: So moved.

5 COMM BERRY: Do we have a second?

6 COMM GEORGE: Yes, I have a question about
7 this one.

8 COMM BERRY: Yes?

9 COMM GEORGE: We have been provided in the
10 past with explanations for non-reappointments. I
11 don't see Carol Lee here, but I wonder if would get
12 it -- There were two people who were separated without
13 explanation.

14 Do we have that explanation?

15 MS. MATHEWS That information was
16 provided. I'm looking to see if it's right here. I'm
17 trying to put my finger on it here.

18 I don't see it quickly. I'm sorry,
19 Commissioner George.

20 COMM BERRY: Do we know where Carol-Lee
21 is? Maybe she knows.

22 COMM GEORGE: Do we know whether there is

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1 any controversy over it at all?

2 COMM BERRY: There are no appeals.

3 MS. MATHEWS No, there is no controversy
4 over this that I'm aware of, and I'm sure that it
5 would have come to my attention prior to my forwarding
6 this package to you.

7 COMM GEORGE: Just a reminder then.

8 COMM BERRY: In other words people don't
9 have to serve on the SAC for the rest of their lives.

10 COMM GEORGE: The 13th Amendment still
11 runs.

12 COMM BERRY: Why don't we pass it with the
13 understanding that -- or vote for with the
14 understanding that the staff director's answer covers
15 the question and we do have no appeal before us. And
16 if it should turn out otherwise we have recourse.

17 COMM GEORGE: Yes. But just a reminder to
18 provide the information.

19 COMM BERRY: Okay. All in favor of North
20 Carolina SAC?

21 . ALL: Aye.

22 COMM BERRY: Opposed? So ordered.

1 South Carolina Advisory Committee.

2 COMM REYNOSO: So moved.

3 COMM WANG: Second.

4 COMM BERRY: Any questions about South
5 Carolina?

6 COMM REYNOSO: Madam Chair, I just note
7 both this and the previous one have just two members
8 under 40 and not enough for me to vote no on, but I
9 would hope they might do a little bit better.

10 COMM BERRY: How many do they have?

11 COMM REYNOSO: Two each.

12 COMM BERRY: Under 40.

13 So they both have two. So we urge in the
14 next appointment to those SACs, try to add to the
15 people who are under 40.

16 All in favor of the South Carolina SAC
17 indicate by saying aye.

18 ALL: Aye.

19 COMM BERRY: Opposed? So ordered.

20 Wisconsin Advisory Committee.

21 COMM GEORGE: So moved.

22 COMM REDENBAUGH: Second.

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1 COMM BERRY: Any questions about
2 Wisconsin?

3 COMM REYNOSO: Madam Chair, again on the
4 same basis. I notice it's only one under 40, so
5 following my prior practice I'll have to vote no on
6 this one.

7 MS. MATHEWS On Wisconsin?

8 COMM REYNOSO: Oh, I'm sorry, I'm looking
9 at Virginia.

10 MS. MATHEWS Wisconsin is three, vice
11 chair.

12 COMM REYNOSO: What happened to my
13 Wisconsin?

14 COMM BERRY: Wisconsin is after South
15 Carolina. The chairperson is Geraldine McFadden.

16 COMM REYNOSO: I've got it here. Yes,
17 thank you.

18 COMM BERRY: So it's okay. We have three
19 here.

20 COMM REYNOSO: Yes.

21 COMM GEORGE: On Wisconsin, the other SACs
22 that were re-terming this time I was pleased to

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1 see -- we had consultation with religious bodies.
2 This is the one case where we did not, and I won't
3 vote against it for that reason, but I would again
4 urge the staff to make sure that that consultation
5 includes religious organizations. I'm prepared to
6 vote.

7 COMM BERRY: Yes, that's supposed to be a
8 routine part of the procedure.

9 Okay. All in favor of Wisconsin indicate
10 by saying aye.

11 ALL: Aye.

12 COMM BERRY: Opposed? So ordered.

13 Then we have Virginia. The interim
14 appointment, Mr. Gonzalez.

15 All in favor of the appointment to the
16 Virginia SAC?

17 First, I need a motion I guess.

18 COMM WANG: So moved.

19 COMM BERRY: Second?

20 COMM REDENBAUGH: Second.

21 COMM BERRY: All in favor of the interim
22 appointment to the Virginia Advisory Committee

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1 indicate by saying aye.

2 ALL: Aye.

3 COMM BERRY: Opposed?

4 COMM REYNOSO: Now Madam Chair, this is
5 the one that I was mistakenly looking at before and I
6 just would suggest to the staff director that she
7 might communicate with this advisory committee to see
8 if they want to add some members, further interim
9 appointments because this is the one that has only one
10 person under 40.

11 COMM BERRY: That's right. They only have
12 one.

13 MS. MATHEWS If I might respond, I noted
14 that as well and this particular SAC was approved by
15 the commissioners as you see the statistics there, but
16 I had the same reaction and we will be getting back to
17 you in terms of a possibility of an interim
18 appointment.

19 COMM REYNOSO: Thank you.

20 COMM BERRY: That's the last one, right?

21 MS. MATHEWS Right.

22 COMM BERRY: The only other item that I

1 wanted to mention to you that we didn't mention
2 earlier was the budget study.

3 You've been sent I think the Civil Rights
4 Budget Study, which as you may recall last year some
5 time we said in our program plans that we were doing
6 a civil rights budget study. In fact two years ago,
7 fiscal year two years before, we promised that we
8 would do a budget analysis of the federal human rights
9 agencies in time for them to use it for the
10 appropriations process and we didn't do it; we didn't
11 get it finished.

12 So we agreed that we would tell them that
13 while we didn't get it finished last time we would
14 finish one this time in time for them to have the
15 information for the appropriations process.

16 You received a draft report from the staff
17 director just this week so obviously we're not going
18 to discuss it at this meeting, but the hope is -- it's
19 a small report. The hope is that you could read it
20 and that we could take a poll vote at some point and
21 if it seems not to be contentious that we could pass
22 it and send it up because they will be marking up

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1 appropriations bills on the Hill before we meet again,
2 and it wouldn't do them any good if we intend to send
3 a report to send it after we mark up the
4 appropriations bill.

5 COMM GEORGE: So we'll do a telephone?

6 COMM BERRY: Yes. So that's the idea,
7 that we would find a time convenient to you, give you
8 some time to read it, and then have a poll vote, and
9 there it appears to be consensus then we would agree
10 to it. If it turns out that it is contentious or
11 there isn't consensus we may have to do something
12 else.

13 Is that agreeable?

14 COMM GEORGE: Yes.

15 COMM BERRY: Commissioner Anderson, is
16 that agreeable to you?

17 COMM ANDERSON: yes.

18 COMM BERRY: All right.

19 Okay. Are there other agenda items that
20 commissioners would -- Yes, Vice Chair?

21 COMM REYNOSO: Madam Chair, just for
22 future agenda items. Somehow I always seem to be

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1 concerned about dates for future meetings and I'm
2 already getting calls on matters for next calendar
3 year. If we could have a suggestion on when
4 meetings -- maybe at the next meeting.

5 COMM BERRY: Oh, I know the other thing I
6 need to do. I forgot to do the mini-hearing in New
7 York in July, which I must do at this meeting,
8 otherwise we can't get it done. We almost walked away
9 without --

10 COMM REDENBAUGH: I wasn't going to let
11 you do that.

12 COMM BERRY: Good. Thank you,
13 Commissioner Redenbaugh.

14 The New York mini-hearing, the date is
15 what?

16 MS. MATHEWS July 26.

17 COMM BERRY: And we must have at the mini-
18 hearing -- you already polled or had someone call the
19 commissioners, right? About dates or did something?

20 MS. MATHEWS In terms of July 26, yes, I
21 did.

22 COMM BERRY: July 26.

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1 And we have to have at least two
2 commissioners, one from each of the major political
3 parties. Which means that if I go to the hearing,
4 which I intend to do, and I am an independent, that
5 doesn't satisfy the requirement. If you went,
6 Russell, it wouldn't satisfy the requirement. If
7 Robbie went it wouldn't satisfy the requirement,
8 because we're all independents.

9 COMM REDENBAUGH: We're very disqualified.

10 COMM BERRY: Yes. So we can go but we're
11 independents. But we need a Democrat and a
12 Republican.

13 COMM ANDERSON: Is this July 26?

14 COMM BERRY: Yes, Commissioner Anderson.

15 COMM GEORGE: One day?

16 COMM ANDERSON: I think I would be
17 available for that.

18 COMM BERRY: All right. So we would
19 appreciate it if -- Well we want everybody to come.

20 We asked Commissioner Fletcher if he had
21 a date open and he did and Commissioner Wang has a
22 date open. I don't think Vice Chair does. So we have

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1 it on the 26th, and we will expect --

2 Under the statute I think and the regs we
3 have to formally say that there will be commissioners
4 designated -- at least the two from --

5 Well, why don't we do this. We hereby say
6 that we will have the hearing on the 26th and it is
7 our understanding that the commissioners who will be
8 present are Commissioner Anderson, Commissioner
9 Fletcher, Commissioner Wang, and I will be present,
10 the chair.

11 I think what we should do is pass a motion
12 that the make-up of commissioners at the hearing in
13 New York on July 26 will be the commissioners I've
14 named, and to second that.

15 COMM GEORGE: I'll be there as well.

16 COMM BERRY: Will you be there?

17 COMM GEORGE: Yes.

18 COMM BERRY: Another independent. Others
19 can come, but at least we will have a bipartisan
20 nature to satisfy the bipartisanship.

21 Do we need to pass something to do that?

22 COMM GEORGE: Well there's no harm in it.

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1 COMM REDENBAUGH: Why don't I make that
2 motion.

3 COMM BERRY: Make that, please.

4 COMM REDENBAUGH: As articulated by the
5 chair.

6 COMM BERRY: Thanks, Russell.

7 Somebody second it.

8 COMM GEORGE: Second.

9 COMM BERRY: All right. So all in favor
10 say aye.

11 ALL: Aye.

12 COMM BERRY: Opposed. And I hope you
13 could all come.

14 And then we have the calendar. We have a
15 Miami hearing, which we are saying to have on
16 September 14 and 15.

17 Is this based on discussions or what is it
18 based on? I don't remember. Oh, I see, it tells
19 whether it's good for people or not.

20 The proposal was September 14 and 15. It
21 seems yes for me; not good for Cruz; not good for
22 Commissioner George.

1 So is there some other date?

2 COMM REYNOSO: Unfortunately, I have a
3 very heavy semester in the fall, so once the semester
4 starts probably Thursday and Friday is as well as any
5 date, because I think I'll have Friday free. So
6 Thursday and Friday are probably the best dates for
7 me.

8 COMM BERRY: Are all Thursdays and Fridays
9 bad for you, Commissioner George, or just this one?

10 COMM GEORGE: No, just that particular
11 one. Well, not just that particular one; the next two
12 are bad.

13 COMM BERRY: There's nothing here for
14 Commissioner Redenbaugh. It doesn't say whether this
15 is good, bad or indifferent.

16 COMM REDENBAUGH: Well, the travel
17 conflict which I had I think --

18 COMM BERRY: Or Anderson, Commissioner
19 Anderson.

20 COMM REDENBAUGH: Well let's deal with
21 schedule first.

22 COMM BERRY: We need to resolve and if we

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1 do not do it here we need to do it after this meeting,
2 but some time in the next --

3 COMM GEORGE: Would it be possible to go
4 into October for that?

5 COMM BERRY: For the hearing?

6 COMM GEORGE: For the hearing in Miami?

7 COMM BERRY: We're having the Mississippi
8 Delta -- I guess so if we can't do it in September.

9 Mississippi Delta we have November 15, 16
10 and 17. That's not good either for Vice Chair.

11 Commissioner Anderson, what's good for you
12 in September, October and November?

13 COMM ANDERSON: The three weeks in
14 September; the last three weeks in September are good
15 for me.

16 COMM BERRY: The last three weeks?

17 COMM ANDERSON: Three weeks in September,
18 yes. The first week in October is not a good week for
19 a hearing.

20 COMM GEORGE: How about the second week in
21 October, the 12th and 13th?

22 COMM ANDERSON: I don't know, but I think

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1 it is okay. I don't know for sure, but I think it is
2 okay.

3 COMM REYNOSO: That's when we would
4 normally have our commission meeting.

5 COMM GEORGE: The 12th and 13th?

6 COMM ANDERSON: We have it on the 6th in
7 October, don't we?'

8 COMM GEORGE: Yes, that's right.

9 MS. MATHEWS October 6.

10 Madam Chairperson, if I could add
11 something to this discussion?

12 COMM BERRY: Yes?

13 MS. MATHEWS I believe when we last
14 pursued this, the date possibilities, we were trying
15 to avoid early October, and I would stress that
16 attempt again, because it's too soon to predict our
17 appropriation status, but in past years if we are in
18 a continuing resolution situation in the early weeks
19 of October there would not be sufficient funds to
20 enable us to conduct a commission hearing.

21 COMM BERRY: Commissioner Redenbaugh?

22 COMM REDENBAUGH: I have a collateral

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1 issue, which is I'm skeptical that either the
2 commissioners or the staff could do two hearings in
3 two months.

4 COMM BERRY: We plan to have three
5 hearings in two months.

6 COMM REDENBAUGH: Right. I'm starting
7 with my -- I'm willing to fall back to the three
8 hearings.

9 Does somebody have a plan about how we
10 would do that?

11 COMM BERRY: We'd just spend all of our
12 time.

13 COMM REDENBAUGH: I see. And the staff
14 would spend all of their time.

15 I'm skeptical about a project plan that
16 shows us doing three hearings in three months.

17 COMM BERRY: Well we have to do Miami and
18 the Mississippi Delta somehow in the fall; somehow.

19 COMM REDENBAUGH: That imperative and my
20 skepticism have just collided.

21 COMM BERRY: Okay. But we have to try.
22 And we may when we get down the road figure out we

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1 can't and may go into the spring, but we need to try
2 to get the staff to get ready to do it.

3 COMM GEORGE: Miami might be nice in
4 December; is that too late?

5 COMM REDENBAUGH: The concern that I have
6 here is I don't want to be in the condition where we
7 determine after the fact that we haven't produced a
8 sufficient transcript.

9 COMM BERRY: And have to go back again?

10 COMM REDENBAUGH: Yes. That's clumsy.

11 COMM BERRY: Why don't we schedule Miami
12 if we can, and then tentatively schedule Mississippi
13 Delta for right now, so that people can work on their
14 schedules.

15 What about the weekend of the 7th and 8th
16 of September?

17 COMM ANDERSON: Well, it's sort of good
18 and bad for me.

19 COMM BERRY: That's bad? Okay.

20 And the 14th and 15th's bad for
21 Commissioner George. And the 21st and 22nd is bad for
22 Commissioner George, is that right?

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1 Is there any part of the month -- How
2 about the 28th and 29th?

3 COMM GEORGE: 28th and 29th?

4 MS. MATHEWS Madam Chairperson, those are
5 the last two days of this fiscal year, and I would not
6 recommend those days given that the funding dies.

7 COMM BERRY: Are other days during the
8 week better for you, Commissioner George?

9 COMM GEORGE: Well, no. It's just
10 September is a terrible month. I just might have to
11 miss this one. I can only do early September; the
12 last three weeks of September are bad for me.

13 COMM BERRY: Maybe you could do some part
14 of it.

15 Could everyone else do the second or week
16 in September?

17 COMM WANG: The week of the 20th?

18 COMM BERRY: Yes.

19 COMM WANG: Yes, the 20th is better for
20 me.

21 COMM BERRY: Could you do the 15th and
22 16th, Commissioner Vice Chair?

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1 COMM REYNOSO: 15th and 16th? You mean
2 14th and 15th?

3 COMM BERRY: Yes, could you?

4 COMM REYNOSO: Yes.

5 COMM BERRY: And Commissioner Redenbaugh,
6 could you do the 14th and 15th of September?

7 COMM REDENBAUGH: I believe so; I'm
8 checking now.

9 COMM BERRY: Well, then that would mean
10 that the only person -- Well, Commissioner Horner's
11 written out here. Yes, she could do it.

12 So the only person who can't do it is
13 Commissioner George, and we might persuade him to
14 somehow work out his schedule, or kidnap or something.

15 COMM GEORGE: To Miami, yes.

16 COMM BERRY: So let's do it on
17 September 14 and 15.

18 Now, what about November 15, 16 and 17 for
19 Mississippi Delta? Mississippi Delta, November 15, 16
20 and 17.

21 MS. MATHEWS The 17th is already a
22 commission meeting day.

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1 COMM BERRY: Okay. November 15 and 16.

2 All right. Commissioner Anderson?

3 COMM ANDERSON: The 16th and the 17th?

4 COMM BERRY: Yes. We have the meeting on
5 the 17th already.

6 How about the 15th, 16th and 17th?

7 COMM ANDERSON: Well, that's not good for
8 me.

9 COMM BERRY: Could you manage the 16th if
10 not the 15th?

11 COMM ANDERSON: I think I might be able
12 to.

13 COMM BERRY: Well let's try to do that, so
14 let's keep that as a date; we're trying to do that.

15 Okay. Now, for other commission meeting
16 dates during the year we have a schedule all the way
17 through until the end of December. Are you suggesting
18 you want to schedule beyond that?

19 COMM REYNOSO: Yes. I'm suggesting that
20 we might talk about the schedule for the following
21 year, maybe not this meeting but maybe the staff can
22 make a recommendation at the next meeting for the

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1 meetings for the next year.

2 COMM BERRY: Or maybe they can get in
3 touch with people in between the meeting and try to
4 come up with a schedule for the next year between now
5 and the next meeting.

6 All right, are there any other matters
7 that we should discuss at this meeting?

8 COMM ANDERSON: Madam Chairman?

9 COMM BERRY: Yes, Commissioner Anderson?

10 COMM ANDERSON: Let me just ask again.
11 The Miami hearing is September 21 and 22?

12 COMM BERRY: No, no, 14th and 15th.

13 COMM ANDERSON: Okay, thank you.

14 COMM GEORGE: Madam Chairman, the Chicago
15 Report, is that going to be published or has it been
16 published or what's the status?

17 COMM BERRY: What's the status of the
18 Chicago report, do you know?

19 MS. MATHEWS The Chicago Report is in the
20 final editing before going to the printer and it will
21 be published.

22 COMM BERRY: Commissioner Redenbaugh, did

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1 you -- Yes?

2 COMM REDENBAUGH: And the Chicago Report
3 will be published with -- It's the custom to publish
4 that with the dissents?

5 MS. MATHEWS Yes, it is, Commissioner
6 Redenbaugh.

7 COMM BERRY: Okay. Anything else? Then
8 I will entertain a motion to adjourn.

9 COMM GEORGE: So moved.

10 COMM BERRY: Non-debatable.

11 (Off the record)

[1:02]

12

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