

U. S. COMMISSION ON CIVIL RIGHTS

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MEETING

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Friday, June 12, 1998

The Commission met, pursuant to notice, at the United States Court of International Trade, One Federal Plaza, New York, New York, at 9:00 a.m., HON. MARY FRANCES BERRY, Chairperson, presiding.

PRESENT:

MARY FRANCES BERRY, CHAIRPERSON
CRUZ REYNOSO, VICE CHAIRPERSON
ROBERT P. GEORGE, COMMISSIONER
A. LEON HIGGINBOTHAM, COMMISSIONER
CONSTANCE HORNER, COMMISSIONER
YVONNE Y. LEE, COMMISSIONER

RUBY G. MOY, STAFF DIRECTOR

STAFF PRESENT:

KIMBERLEY N. ALTON
MARLISSA BRIGGETT. PARLIAMENTARIAN
SICILIA CHINN
LYNN DICKINSON

STAFF PRESENT (Continued):

PAMELA DUNSTON
BETTY EDMISTON
KENNETH EVANS
EMMA GONZALEZ-JOY
EDWARD A. HAILES, JR., DEPUTY GENERAL COUNSEL
JACQUELINE L. JOHNSON
REGINALD MARTIN
PAMELA MOYE
PETER REILLY
CHARLES RIVERA
MAXINE G. SHARPE
AUDREY WRIGHT

COMMISSIONER ASSISTANTS PRESENT:

KAREN CENCE
ADERSON FRANCOIS
CHARLOTTE PONTICELLI
WILLIAM L. SAUNDERS, JR.
KRISHNA TOOLSIE

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9:05 a.m.

CHAIRPERSON BERRY: The meeting will come to order.

The first item on the agenda is the approval of the agenda. Could I get a motion to approve the agenda?

COMMISSIONER HORNER: So moved.

CHAIRPERSON BERRY: Any second?

VICE CHAIRPERSON REYNOSO: Seconded.

CHAIRPERSON BERRY: All in favor, indicate by saying aye.

(Chorus of ayes.)

Without objection, so ordered.

The next item is the approval of the minutes of the May 8th, 1998 meeting.

VICE CHAIRPERSON REYNOSO: So moved.

COMMISSIONER HORNER: Seconded.

CHAIRPERSON BERRY: Any discussion

COMMISSIONER GEORGE: Madam Chairman?

CHAIRPERSON BERRY: Yes.

COMMISSIONER GEORGE: Just one change in the minutes. The minutes indicate that the vote on the Texas SAC to approve -- recharter the Texas SAC was 7-0-1. I believe it's 6-1-1, with myself being the "no"

1 vote.

2 CHAIRPERSON BERRY: Okay. __ 6-1-1.

3 COMMISSIONER GEORGE: Correct.

4 CHAIRPERSON BERRY: All right. The minutes
5 will be changed to reflect that.

6 Any other comments on the minutes?

7 (No response.)

8 Okay. All in favor of approving the minutes
9 as modified, indicate by saying aye.

10 (Chorus of ayes.)

11 Opposed?

12 (No response.)

13 So ordered.

14 The next item on the agenda is announcements.

15 Staff Director, do you have any
16 announcements?

17 STAFF DIRECTOR MOY: Yes. I would like to
18 indicate that our General Counsel's mother, Stephanie
19 Moore's mother, unexpectedly passed away and I'm sure
20 that you will join me and the other staff in offering
21 her condolences on our behalf and expressions of
22 sympathy during this very difficult time, not only to
23 her but to members of her family.

24 CHAIRPERSON BERRY: Yes. Thank you.

25 (Interruption to check microphones.)

1 CHAIRPERSON BERRY: Okay. Announcements.

2 Does anyone else have any announcements?

3 (No response.)

4 If not, let's go to the Staff Director's
5 Report. Any questions or discussion on the Staff
6 Director's Report?

7 Yes, Commissioner Lee.

8 COMMISSIONER LEE: Madam Chair, I have a
9 couple of questions on a couple of the SAC activities.
10 But given today's time, I'd like to reserve bringing
11 that up on the next Commission hearing.

12 CHAIRPERSON BERRY: I'm having trouble
13 hearing.

14 COMMISSIONER GEORGE: Yes. Could
15 Commissioner Lee's microphone be turned up?

16 COMMISSIONER LEE: I have a couple of
17 questions regarding two SACs and two of the reports.
18 But given today's time, I'd like to reserve asking them
19 at the next Commission meeting if I may, regarding
20 Maryland and New Hampshire.

21 CHAIRPERSON BERRY: Okay. So you want to ask
22 questions, informational questions, but you'll do it at
23 another meeting. Okay. Fine.

24 Any other questions or comments on the Staff
25 Director's Report?

1 (No response.)

2 It might be appropriate for us to say at this
3 point that a major item that we have before us, and
4 actually the only major item under the Staff Director's
5 Report is what the Commission will do about holding a
6 third hearing.

7 As I understand it from the Staff Director,
8 the time has passed for a notice, 30-day notice for
9 hearings in July and whatever date it was that we had
10 talked about earlier.

11 The last time, as I recall, we said that we
12 would get a memo from the staff explaining what we
13 could do in Seattle if we went there and that memo, I
14 guess, was circulated yesterday, to my knowledge or was
15 attempted to be circulated, one or the other. I'm not
16 sure.

17 Do we have a memo? When I say we --
18 Commissioners.

19 COMMISSIONER HORNER: We were traveling here
20 yesterday.

21 CHAIRPERSON BERRY: Right. And so what is
22 the status of this? Do you need a decision on that or
23 what's the status of this, Staff Director?

24 STAFF DIRECTOR MOY: Well, Madam Chair, at
25 this time I know how important it is to have another

1 Schools and Religion hearing, but given the
2 difficulties that we have had and also the fact that we
3 need a 30-day notice for the Federal Register, plus the
4 pressure that staff has been put under not only because
5 our Office of General Counsel has had two vacancies
6 that have not been filled, plus one more recently, and
7 having to put together this hearing as well, I just
8 don't feel that we can comfortably do another one at
9 this time.

10 CHAIRPERSON BERRY: So we have to make a
11 decision. That is, we Commissioners, about how we want
12 to instruct you concerning a third hearing; that is,
13 when, where, what, how and why.

14 I understand from you, Staff Director, that
15 three of the people in the Office of General Counsel
16 have gone on to higher and better things, and so we're
17 happy for them. We're not happy for us. We're glad to
18 have been a training ground for them.

19 So, we need to have just a brief discussion
20 so we can give some interim guidance or some kind of
21 guidance to the staff concerning this. And do we want
22 to wait until we get the memo and then have a
23 conference call or do we want to wait and decide it in
24 July, understanding that obviously we're not going to
25 have a hearing in July, or what is the wish of

1 Commissioners on this subject.

2 Commissioner George.

3 COMMISSIONER GEORGE: Madam Chairman, will we
4 be getting the memo? I just didn't hear the Staff
5 Director's comment about the date. We'll be getting
6 the memo this week, this coming week, I mean?

7 STAFF DIRECTOR MOY: Yes.

8 COMMISSIONER GEORGE: I think in view of
9 that, perhaps what we could do is arrange for a
10 telephone conference once we've had a few days to look
11 over the memo and then at that conference we might very
12 well decide to put off any decision until the next
13 meeting.

14 But I think, if possible, we should at least
15 confer by telephone among the Commissioners once we've
16 had an opportunity to look at the memo.

17 CHAIRPERSON BERRY: What do others -- any
18 other comments? Any different views or any other
19 advice anyone wants to suggest on this subject or
20 should we simply go with Commissioner George's
21 suggestion?

22 VICE CHAIRPERSON REYNOSO: Madam Chair, I
23 think that would be satisfactory. Let's get the memo
24 and then we can talk.

25 CHAIRPERSON BERRY: Okay. Staff Director

1 will try to schedule a conference call. I said try to.
2 We'll see what the results are. We will try urgently
3 to have one as soon as we get the memo and then we'll
4 decide that.

5 Okay. The next item on the agenda is the
6 State Advisory Committee Report, Community Forum on
7 Race Relations in Grand Rapids, Michigan

8 What is your pleasure? Does anyone want to
9 move the adoption of the SAC report?

10 COMMISSIONER LEE: So moved.

11 CHAIRPERSON BERRY: Do I have a second?

12 COMMISSIONER HIGGINBOTHAM: Seconded.

13 CHAIRPERSON BERRY: Any discussion?

14 (No response.)

15 All those in favor, indicate by saying aye.

16 (Chorus of ayes.)

17 Opposed?

18 (No response.)

19 COMMISSIONER HORNER: And I abstain.

20 CHAIRPERSON BERRY: One abstention.

21 Commissioner Horner abstains. The others are
22 ayes. The motion passes.

23 The State Advisory Committee appointments for
24 Utah is item number 6.

25 Since the last meeting we have received

1 additional information that the Staff Director sent us
2 concerning the situation in this report, so it is
3 before us again.

4 Could I have a motion on these SAC
5 appointments?

6 COMMISSIONER LEE: So moved.

7 CHAIRPERSON BERRY: Could I get a second?

8 VICE CHAIRPERSON REYNOSO: Seconded.

9 CHAIRPERSON BERRY: Discussion?

10 (No response.)

11 All those in favor of moving forward on this
12 and approving the motion, indicate by saying aye.

13 (Chorus of ayes.)

14 Opposed?

15 (No response.)

16 So ordered.

17 COMMISSIONER GEORGE: One abstention, Madam
18 Chair.

19 CHAIRPERSON BERRY: Oh, one abstention.

20 One abstention, Commissioner George. Okay.

21 Are there future agenda items that
22 Commissioners would like to bring up at this time?

23 (No response.)

24 Hearing none, this part of the meeting then,
25 the meeting of the Commission on Civil Rights -- could

1 I get a motion that we adjourn the meeting part of this
2 proceeding?

3 VICE CHAIRPERSON REYNOSO: So moved.

4 COMMISSIONER LEE: Seconded.

5 CHAIRPERSON BERRY: It's nondebatable. All
6 in favor, indicate by saying aye.

7 (Chorus of ayes.)

8 Opposed?

9 (No response.)

10 So ordered.

11 Okay. That's the meeting part. Now we will
12 take a brief break and reorganize ourselves for the
13 hearing.

14 (Whereupon, the proceedings were concluded at
15 9:16 a.m.)

16