U.S. COMMISSION ON CIVIL RIGHTS

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MEETING

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Friday, February 12, 1999

The Commission convened in Suite 540, YMCA Building, 624 9th Street N.W., Washington, D.C. 20425 at 9:30 a.m., Mary Frances Berry, Chairperson, presiding.

PRESENT:

MARY FRANCES BERRY, CHAIRPERSON
CRUZ REYNOSO, VICE CHAIRPERSON
CARL A. ANDERSON, Commissioner (via Telephone)
YVONNE Y. LEE, Commissioner
RUSSELL G. REDENBAUGH, Commissioner (via Telephone)
RUBY G. MOY, STAFF DIRECTOR

STAFF PRESENT:

KIMBERLEY ALTON
DAVID ARONSON
SICILIA CHINN, Parliamentarian
KI-TAEK CHUN
PAMELA DUNSTON
BETTY EDMISTON
M. CATHERINE GATES

EDWARD HAILES, JR.

GEORGE HARBISON

CAROL-LEE HURLEY

FREDERICK D. ISLER

LISA M. JONES

JOSEPH MANALILI

PAMELA MOYE

JESSICA ROFF

MARCIA TYLER

AUDREY WRIGHT

COMMISSIONER ASSISTANTS PRESENT:

CHARLOTTE PONTICELLI

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A G E N D A

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P R O C E E D I N G S

(9:30 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?

APPROVAL OF AGENDA

COMMISSIONER LEE: So moved.

VICE CHAIRPERSON REYNOSO: Madam Chair, I wonder if I might bring to the Chair's attention and advise in the agenda where it should go, a suggestion that I have for a one-day hearing.

CHAIRPERSON BERRY: Can you hear out there, Russell and Carl?

COMMISSIONER ANDERSON: No.

CHAIRPERSON BERRY: Turn on our mic.

VICE CHAIRPERSON REYNOSO: I'm sorry. I think I hadn't been properly dressed here with my mic. Can you hear me now?

COMMISSIONER ANDERSON: Much better.

VICE CHAIRPERSON REYNOSO: Oh, good, I was just asking the Chair if she could advise me where she would like to have a new agenda item pertaining to a suggestion that I have on a hearing that we might have in New York on

Community Police Relations?

CHAIRPERSON BERRY: Why don't we add that, if there is no objection after the State Advisory Committee Follow-up to the Report which is Nevada, which is item number five. And if there's no objection could I have a motion to approve the agenda with that correction?

COMMISSIONER LEE: So moved.

CHAIRPERSON BERRY: Did I hear a second?

VICE CHAIRPERSON REYNOSO: Second.

CHAIRPERSON BERRY: All in favor indicate by saying aye.

Then we go to the minutes of the last meeting and Commissioner Redenbaugh has one change which relates to project planning discussion. Let me see where that is. I had planning discussion.

Fair employment, let me see, it must have Commissioner Redenbaugh's name by whatever this is that Commissioner Redenbaugh wants to change, right?

Charlie, maybe you can show me where this is. Charlie is showing me where it is. Where is it? Page 4.

Commissioner Redenbaugh didn't think this project was as much on the frontier of Civil Rights. How about that, Russell?

VICE CHAIRPERSON REYNOSO: Which project was that?

CHAIRPESON BERRY: It is listed on page 4 under the third paragraph, second beginning paragraph about federal civil rights enforcement efforts.

COMMISSIONER REDENBAUGH: No, I think that's a quote. In fact, I meant to say, if I didn't, that I was in favor of that being attached to our report.

CHAIRPERSON BERRY: Right. And this comment was made in connection with the sports discrimination project and not this report.

VICE CHAIRPERSON REYNOSO: Oh, I see.

CHAIRPERSON BERRY: So we can either leave it out altogether and not say you said anything or say you supported the report or put something in on your comment on sports discrimination, what would you rather us do?

COMMISSIONER REDENBAUGH: I would like to show that I supported the sports report.

CHAIRPERSON BERRY: Okay. Why don't I

say Commissioner Redenbaugh strongly supported this project. How is that?

COMMISSIONER REDENBAUGH: That will be fine, thank you.

CHAIRPERSON BERRY: Any other changes to the minutes?

APPROVAL OF MINUTES
OF JANUARY 22, 1999, MEETING

CHAIRPERSON BERRY: All right. With that change, could I get a motion to approve the minutes?

VICE CHAIRPERSON REYNOSO: So moved.

COMMISSIONER REDENBAUGH: Second.

CHAIRPERSON BERRY: All in favor indicate by saying aye.

Opposed?

So ordered.

ANNOUNCEMENTS

CHAIRPERSON BERRY: Now we go to announcements. There will be a briefing on the Census 2000 at the end of this short meeting. The briefing is scheduled to start at about 10:15 a.m. on the recent Supreme Court decision on Sampling and the Census.

The General Counsel Stephanie Moore is

on leave to care for a sick family member for six weeks. In her absence the Deputy General Counsel, Eddie Hailes, is acting as General Counsel.

We had a Commission letter which I think was sent out to everybody -- it was supposed to be sent out to everybody -- to Janet Reno, the Attorney General, concerning the police shooting in New York.

Russell, did you get that letter? Carl, did you get it?

COMMISSIONER ANDERSON: Yes, I did.

CHAIRPERSON BERRY: Okay. What do folks think? Why don't I just do that now? Should we send this letter to the Attorney General? Does anybody have any changes or what would you like to do with this letter? It was a suggestion that we send it.

COMMISSIONER ANDERSON: Well, if I may say, Madam Chair, the question I have is whether it is timely that you're requesting an investigation into the New York City Police Department on the basis of this --

CHAAIRPERSON BERRY: Would you then support the idea of urging her to expeditiously

conclude the investigation into the murder or the shooting -- I don't know if it's murder -- the shooting of Mr. DiAllo and then say only by demonstrating a wholehearted commitment to finding the truth can the public concern about police community relations be alleviated. Would you support that?

COMMISSIONER ANDERSON: Sure. I think it raises a very serious question. I think we ought to get a schedule ----.

CHAIRPERSON BERRY: That was Commissioner Anderson. And the court reporter needs you and Commissioner Redenbaugh to identify yourselves when you speak so that they can keep track.

But, in any case, I would be willing to accept --

VICE CHAIRPERSON REYNOSO: Madam Chair, I'm sorry, he can't hear.

CHAIRPERSON BERRY: You can't hear the telephone conversation? Then speak up a little bit.

I would be willing to support instead of the next to the last paragraph in the letter, having it say whatever I just said when

Commissioner Anderson said he would support it. I forgot what I said, something like, we urge you to expeditiously conclude the investigation into the shooting of Mr. DiAllo and then say only by demonstrating which is the last paragraph. I'd be willing, especially in view of the proposal that the Vice Chair says he's going to make, to accept that as a modification of the letter.

Are there others who would support that?

VICE CHAIRPERSON REYNOSO: Yes. That makes sense to me.

CHAIRPERSON BERRY: What about you Commissioner Lee?

COMMISSIONER LEE: That's fine.

CCHAIRPERSON BERRY: Commissioner Redenbaugh?

COMMISSIONER REDENBAUGH: Yes.

CHAIRPERSON BERRY: All right. With that, could we get a motion to send this letter to the Attorney General, as modified?

VICE CHAIRPERSON REYNOSO: So moved.

CHAIRPERSON BERRY: Second?

COMMISSIONER LEE: Second.

CHAIRPERSON BERRY: All in favor indicate by saying aye?

Opposed?

So ordered. The only other announcement I'll make is that the briefing we are going to have on the Census will be videotaped and will be put on our web site so that people can click onto it and see it. That's one way in which it will be used as a way for us to disseminate more widely things that we do here at the Commission.

I don't have any other announcements. Do you have any announcements, Staff Director, beyond that?

STAFF DIRECTOR. MOY: No, I don't.

CHAIRPERSON BERRY: Now, let's go to the Staff Director's Report.

STAFF DIRECTOR'S REPORT

CHAIRPERSON BERRY: I myself have several questions on it, but I'll wait to see if any Commissioners have any questions. Does any Commissioner have any question on the Staff Director's Report?

I'll start with mine. I was looking at the dates for the projects that the Commission

has underway and I was wondering about the amount of time that it takes to do some of the reviews that are listed in some of these reports?

VICE CHAIRPERSON REYNOSO: That's on page 2? Are you looking at page 2 of the report or just --

CHAIRPERSON BERRY: I'm looking at MIS information.

VICE CHAIRPERSON REYNOSO: Oh, okay.

CHAIRPESON BERRY: I'm still fascinated by these MIS things, Russell. I will be fascinated with them until I fully understand them. I'm trying to take them seriously as tools that we're using to manage here. And I guess what I don't understand is, why it takes so much time for the process of legal sufficiency review on these reports?

Could the Deputy General Counsel explain to me so that I'm clear about it? I had some specifics if I can find the page I want to look at. On the Crisis for Young African-American Males, for example, the final consultation, we had the consultation in April, and is that two full days?

MR. HAILES: Yes, it is.

CHAIRPERSON BERRY: Does it go on all day both days?

MR. HAILES: Yes. It also includes the Commission meeting.

CHAIRPERSON BERRY: In the morning?

MR. HAILES: Exactly.

CHAIRPERSON BERRY: Early in the morning.

MR. HAILES: Yes.

CHAIRPERSON BERRY: But the whole day the next day?

MR. HAILES: Yes.

CHAIRPERSON BERRY: Both days. But then you have, after you conduct the consultation, you have something called "follow-up procedures" which takes 90 days, that's three months. And then you have something -- you have legal sufficiency, defame and degrade. Now, since these are papers that people are writing, why can't the legal sufficiency, defame and degrade be done -- what is this legal sufficiency being done about, the papers, or what people said, or what is this? And what are the follow-up procedures?

MR. HAILES: Well, you do have two

questions. With regard to the legal sufficiency review, that would also include the comments that are made by overview panelists in response to questions by Commissioners. And the opportunity that generally is presented for persons to submit paper and comments within a certain period of time. So, in addition to the actual papers that will be considered by the Commissioners at the consultation, the legal sufficiency review would cover all of the material that would be received into the record.

CHAIRPRESON BERRY: And what is this 90 days of follow-up procedures as distinct from the legal sufficiency reference?

MR. HAILES: That would include verification of the transcript, sending out portions of the transcript to the consultants and to the overview panelists giving them an opportunity to correct the record with regard to the statements they made at the consultation.

CHAIRPERSON BERRY: And it takes 90 days to do that?

MR. HAILES: Not to do that specifically. And I should say with all of the MIS materials you have before you, it doesn't

reflect directly, but it certainly should be known that the Office of the General Counsel maintains an active schedule of working on many other matters. And so as managers we attempt to put into this MIS system time that is not only going directly on reports, and other matters, but also to reflect the legal work that's being performed by attorney advisors in our office. And you can't put that into this MIS system, but it should be known that, of course, the persons who are working on these reports have additional duties that are not only specifically directed to reports.

CHAIRPERSON BERRY: So the 90 days is 90 days -- you think it will take that long because the people who are doing it will be doing something else too?

MR. HAILES: Exactly. They're working on other projects. They're working on many other matters.

CHAIRPERSON BERRY: Also, the other question -- then I'll see if anybody else has any -- is on the Mississippi Delta Report. You have 51 days under No. 105 on the MIS, submit second draft to General Counsel 51 days. Does this 51

days also reflect that you think something else is going to be happening 51 days, or does it take 51 days to submit it, or 51 days --

MR. HAILES: No, it takes one day to submit it. And just bear with me.

CHAIRPERSON BERRY: It's on page 6 under "Mississippi Delta."

MR. HAILES: And its task?

CHAIRPERSON BERRY: 105 I think or 6. It's on page --

MR. HAILES: Is it page 5?

CHAIRPERSON BERRY: Page 5, No. 105.

MR. HAILES: Okay. And that's been done to date. And it basically means that after the initial review of the General Counsel, the General Counsel had certain questions and asked the members of the team to go back, look at the draft, make changes consistent with the suggestion she made, and also to update the record based on any new information that's been received.

CHAIRPERSON BERRY: And that takes 51 days, you think? About 51 days.

MR. HAILES: Again, these are not days solely committed to working on this report.

CHAIRPERSON BERRY: Then the last one is on schools and religion. If I count the days right, it's going to take about nine months, nine or ten months from the time we have the hearings to the time that we get the report, Schools and Religion. And if that's true, that's almost as long as it takes to get the ADA report written, according to the milestones that are here in the MIS; which is the writing of a report whereas the Schools and Religion is the writing of an executive summary. That's on page 5 of the Schools and Religion Report.

The dates there are showing when it will be preparing the summary. It starts and then it goes all the way to the end which is 8/16 and we did this last year. Which means that it's going to take almost a year to get it done. I was just wondering why it took almost a year to do something which involves an executive summary when the others are reports, and the ADA is projected to take a year as a report.

Anyway, there may not be an answer to these questions, but --

MR. HAILES: Oh, yeah, it's a very clear answer. And it's not to say, these tasks

are consistent with the directives of the Administrative Instructions covering reports. The Schools and Religion project consisted of three Commission proceedings, unlike other Commission hearings. The Schools and Religion project did not get off to a quick start due to -- as has been reported in previous meetings -- the unexpected illnesses of certain members of the team. And members of the team are working to make sure that the ADA report also is completed on schedule. But I do believe that the Schools and Religion project will be completed within a year of the last Commission proceeding on this project.

CHAIRPERSON BERRY: Now, at the last meeting we were told that there were some linkage problems in preparing the MIS and the Staff Director Report reflects that. Do I take it from these MIS documents that we've just received that that linkage problem has been solved?

MR. HAILES: I believe so. And I believe you'll see even improved reports forwarded in the future.

CHAIRPERSON BERRY: And these dates that we have on page 2 of the Staff Director's

Report which come from the MIS are still good dates; early summer for the New York hearing; we have to set a date for the Los Angeles press conference when that report is ready; Mississippi Delta, early summer. These are all still -- now, they're not good dates because the Schools and Religion project it says here, June 1999 and it's going to August.

MR. HAILES: The MIS material you have before you is more recent than the staff report. The staff report covered the last reporting cycle. The MIS materials you have basically cover the most recent reporting cycle, and there was some changed circumstances in the most recent reporting cycle that are reflected in the MIS materials, but not in the staff report.

CHAIRPERSON BERRY: All right. Thank you, Eddie. Thank you.

Does anyone else have an questions about anything in the Staff Director's Report?

VICE CHAIRPERSON REYNOSO: Madam Chair, I just want to share to indicate that I appreciate the attention that General Counsel's Office is paying to these projects and, of course, we all know the sense that we all have that we want to

get these reports out as quickly as possible, so I really appreciate it. Thank you.

MR. HAILES: And we are working diligently towards that end.

STATE ADVISORY COMMITTEE'S FOLLOW-UP TO THE REPORT "POLICE-COMMUNITY RELATIONSHIPS IN RENO, NEVADA"

CHAIRPERSON BERRY: The next item is the State Advisory Committee's Follow-up to the Report "Police-Community Relationships in Reno, Nevada." This is a follow-up to a May 1992 report that they issued on making recommendations for improving police community relations. This is a follow-up in their monitoring of the situation in Reno. And I think it's fair to say that they found that there were some changes, but others had not yet been made and they are still monitoring it. But this is an update for us. Could I have a motion to accept their report?

VICE CHAIRPEROSN REYNOSO: So moved.

CHAIRPERSON BERRY: Could I get a second?

COMMISSIONER LEE: Second.

CHAIRPERSON BERRY: Any discussion?

All in favor indicate by saying aye?

Opposed?

So ordered. The next item is the Vice Chair's item on New York. Proceed.

VICE CHAIRPERSON REYNOSO: Madam Chair, we've seen several incidents that have been of some concern to the residents of New York pertaining to police-community relations. And I've discussed this with the chair as I'll indicate in a little bit more detail in a minute, and it seems to me that this would be a good time to have this Commission go to New York at a timely fashion as we've discussed in the past when the issue is of concern to the people there and have a one-day hearing on the police-community relations.

What I have in mind is a combination of the experiences that Commissioner Lee and I had of having such a hearing up in Santa Rosa there by the Advisory Committee with the Commissioners participating and the experience that Commissioner Anderson and I had at a mini-Commission hearing in a follow-up hearing in New York after our principal hearing in Los Angeles. And that leads me to a different sort of suggestion, but that picks up on both of those

experiences, and that is that we have a hearing that will be a Commission hearing, as I say, just one day, but a hearing where we as Commissioners identify who we want the witnesses to be, and it be a full Commission hearing so that we have subpoena powers and so on, have a limited number of witnesses so as Commissioner Anderson and I found out, it can be far more instructive to take a longer time with a fewer number of witnesses.

So, for example, it may just include the Mayor, the Police Commissioner, the head of the Review Board, maybe a representative or two of police organizations, and the representatives of some of the principle community group organizations. And I mentioned that I had discussed this with you, Madam Chair, because I was concerned that this procedure be permitted by the regulations of this Commission because it would be quite a different sort of hearing than we've had in the past where we can do it quickly. Where we don't have to have the General Counsel put in all of the time and effort that it normally does in some of these hearings. And it will be, of course, a lot more loose because the Commissioners will be asking most of the

questions and we'll go without the same sort of in-depth preparation that we often have, but I think we as Commissioners have a great deal of background in this area and we would be able to make the proper type of inquiries.

And I just want to report to my fellow Commissioners that you indicated that in your discussions with the General Counsel's Office, the indication is that in fact we can have this type of hearing within the rules and regulations that control our Commission.

So my suggestion basically is that we have a one-day hearing, that it be with a limited number of witnesses that we as Commissioners identify, that obviously we utilize our subpoena power and that it be one where we as Commissioners take the lead in formulating and asking the questions, though obviously there would have to be, I assume, the sufficiency review by the General Counsel's Office and all that later. But this will be a way of doing quickly what we want to do, respond to an issue that's timely and doing it without the extensive preparation that we so often do.

So basically that's my suggestion. I

wonder what the reaction is of my fellow Commissioners?

CHAIRPERSON BERRY: Would you like to make that in the form of a motion? It's a motion?

VICE CHAIRPERSON REYNOSO: Sure. I so move.

CHAIRPERSON BERRY: Could I get a second?

COMMISSIONER LEE: I'll second.

CHAIRPERSON BERRY: All right. Let's have discussion. Now, as I understand it from my discussions with you that the focus of it would be police community relations and that the focus would not be any particular trying to get to the bottom of anybody's particular complaint, but to use as background the reports the Commission has done in the past on police community relations in which we've made a lot of recommendations about, on the one hand, of course, we support police trying to suppress crime. That's what they're supposed to do, or prevent it, and they have a hard job doing it. But on the other hand that there are certain protections that people should have and that deadly force should not be used

unless it's absolutely necessary and that we have recommended certain kinds of complaint review boards in the past, and New York has one, but the question is how is it operating. And I guess what I would be most interested in is, in a city where crime apparently is down, I guess it is down, how do you balance crime control and suppression measures against the kind of relationships with the community and the kind of training for police where you are able to minimize tensions and incidents and the like that occur that engender tensions. Is it possible to do that, to have Civil Rights protection and how do you do that?

And I would also want it to be timely, but not right after something has happened, although you never can tell when something else will happen. Maybe May or something is the time.

VICE CHAIRPERSON REYNOSO: Well, Madam Chair, I had in mind in some ways a hearing that would reflect some of the concerns that were expressed in Santa Rosa where we were called there because there had been a series of killings. But we didn't go to investigate the killings and say, yes, this killing was proper,

or that killing was not. We were there to look more in-depth in terms of what might have been done to have prevented that, or what could be done for the future.

And I had in mind also again the discussion that Commissioner Anderson and I had with the police chief in southern California where you're asking about the longer-term questions, looking toward the future, what might we do in the future to make the relations better. I remember the police chief that Commissioner Anderson and I met with, for example, had a very undramatic, but it seems to me quite incisive response to a question about improving of police practices. And he said that he had found that there was a direct correlation between the level of education that the officers on his force had and how well they did. So one of his suggestions in a way was, let's continue to have as much formal education as possible for the police on the forces. And we need to explore whether some of those matters might work in New York, why other matters have not worked, we're not there to point fingers, but to ask questions.

CHAIRPERSON BERRY: Yes, Commissioner

Lee.

COMMISSIONER LEE: Madam Chair, I support the Vice Chair's motion because I remember last May when the Commission was in New York for the Schools and Religion hearing the SAC Chair had made a specific request to us to come into New York to conduct such a hearing; and various community leaders had made some requests because while the public report on crimes in New York has gone down they were very concerned that the community somehow has been left out in a lot of police community relations, policy and other issues.

And I think it's very timely first to go back to New York right now, not to deal with the specifics. Like the Vice Chair said, when we went to Sonoma County, we did not address the ten or eleven police shootings. What we did was offer an opportunity for both the community and the law enforcement community to talk about issues that they both were concerned with, but they never had the chance to talk with each other. So this would be a good opportunity for a third party to go into New York with our experience dealing with this issue and let it be

a hearing for the community there.

CHAIRPERSON BERRY: Commissioner Anderson or Commissioner Redenbaugh?

COMMISSIONER REDENBAUGH: This is Commissioner Redenbaugh.

CHAIRPERSON BERRY: Could you speak up a little, Russ?

COMMISSIONER REDENBAUGH: Sure. Is that better?

CHAIRPERSON BERRY: Yeah, that's much better.

COMMISSIONER REDENBAUGH: Oh, good, okay. Well, I think there are two questions here and the one is the proposal of a different format for rapid completion hearing format and I endorse that solely and without any hesitation for this class of projects.

The second question for me, and it's the one I always have is that given that our budget is fixed, then we live under the notion of tradeoffs, what consequence would doing this or any project of this scope have for the existing -- for the completion date of the existing projects which we have? In the absence of some sense of that I would support any project without

being told we're going to need to give up in order to have it.

CHAIRPERSON BERRY: Carl, are your comments along that line or in that direction also or in another direction?

COMMISSIONER ANDERSON: Well, I think it's in another direction.

CHAIRPERSON BERRY: Well, then maybe I could say something about what Russell has said. As I understand it, the reason why the proposal is for a slimmed down hearing is to precisely respond to the questions you just asked. But I'll let the Staff Director say something about that in a minute.

The only reason to make it a hearing format instead of a forum as we've done in some cases is because we would need to use our subpoena power, we think. And so what we would do is conduct it more in the nature of a briefing in terms of the staff work that would be involved and not the kind of staff work that we do normally for a hearing which is permitted, because our regulations don't require us to go through all that detail, but we're to do it because we have a hearing manual.

COMMISSIONER REDENBAUGH: I believe I put that -- that still has an impact on --

CHAIRPERSON BERRY: Right. I'm going to let the Staff Director answer that, but I was just saying that that's why it was proposed as a slimmed down hearing as opposed to -- and then what we would do is release the transcripts rather than having it be a normal hearing.

Let me let the Staff Director -- do you have any comment on the Commissioner's question about whether other things would need to be shifted as a result, if we decided to do this in the way we've decided it, and if we decide it.

STAFF DIRECTOR. MOY: Madam Chair, I think it would depend on when it would be scheduled.

CHAIRPERSON BERRY: Well, if we were going to do it, I think we should do it in May. We don't want to do it when it's not timely. Otherwise, there's no sense in doing it. So the point is the first available time we would have to do it would be May which would be long enough away from Mr. DiAllo's shooting so that it's not a knee jerk response to that. And by then they should be through with whatever investigation there is. Although, as I say, we

can't always count on nothing else happening. I mean, that could happen. So I think the first available opportunity would be then.

STAFF DIRECTOR. MOY: I see nothing on the horizon other than the appropriations cycle up on the Hill. Plus we have to look at the fact that we're only funded to June 15th, so we would have to be sure that we're not running over what has already been allocated for that particular period of time.

CHAIRPERSON BERRY: Well, given that we are bereft of a number of Commissioners and assistants, and certain other things have happened in the budget, do you think that on the basis that we have described it as a sort of briefing forum kind of hearing with minimal staff work, do you think it would be possible to adjust to do such a hearing?

STAFF DIRECTOR. MOY: Yes, I do.

CHAIRPERSON BERRY: Now, Russell, do you want to ask anything else about --

COMMISSIONER REDENBAUGH: I would like to ask the Staff Director, in light of the Chair's question about the due dates on projects that we've undertaken, how many person days are

you assuming this hearing would take? Such that you could say there's enough play in the steering wheel to accommodate this and not in fact -- anything.

STAFF DIRECTOR. MOY: I'm sorry, did --

COMMISSIONER REDENBAUGH: I think that would be an interesting assessment, how many person days are you assuming?

STAFF DIRECTOR. MOY: Are you saying "first days"?

CHAIRPERSON BERRY: Person.

STAFF DIRECTOR MOY: Oh, person days.

CHAIRPERSON BERRY: Person days he said.

STAFF DIRECTOR MOY: I'm going to have to check the MIS and the projects of people who --

COMMISSIONER REDENBAUGH: I mean, you would have to have that assessment of how many person days in order to give us the assurances that you could give us.

STAFF DIRECTOR MOY: Right.

COMMISSIONER REDENBAUGH: So you have that available.

STAFF DIECTOR MOY: Yes, I'll look through the MIS as we have it and we'll be able to give you

all a better assessment.

COMMISSIONER REDENBAUGH: When could you do that?

STAFF DIRECTOR MOY: Probably the end of next week.

COMMISSIONER REDENBAUGH: Maybe I didn't ask the question very clearly. In order for you to say that we can do this without impacting anything that we're already doing, it seems to me you would have already have figured out what it would take to do this hearing. Am I mistaken in that?

STAFF DIRECTOR MOY: Well, I just heard about it this morning, Commissioner.

CHAIRPERSON BERRY: In a way that's not fair because she hadn't been asked to do that.

COMMISSIONER REDENBAUGH: Oh, okay. Well, then I don't think --

CHAIRPERSON BERRY: I mean, she was not asked beyond the general assurances.

COMMISSIONER REDENBAUGH: I see.

CHAIRPERSON BERRY: And so I guess she has not had a chance to do that.

So what we should do, if we decide to

do it, we should conceptually, that is, if we think it's a good idea, then what we should do probably is ask her to prepare such an assessment for us and to give it to us by a date certain so that we may then review our decision if it's positive that we want to do it in light of whatever she tells us; how's that?

COMMISSIONER REDENBAUGH: That would be the way I would like to proceed.

CHAIRPERSON BERRY: Commissioner Anderson?

COMMISSIONER ANDERSON: Thanks. If I may be just a little bit skeptical, we have coming out of the General Counsel's Office were quotes on New York for early summer; Mississippi early summer; Schools and Religion, June; Crisis of Young African-American Males, April 15th; and none of these schedules are going to be disrupted with the General Counsel on a six-week leave; and now a hearing on a non-uncontroversial topic in New York City. I don't think all of that is going to work and we're going to stay on the same timeline. That isn't necessarily an argument against having a hearing. But I do think if we even tentatively approved the hearing or

approving it consensually, we ought to do so understanding that something in this timeline has got to give. That's my first observation.

My second observation is I think we ought to be a little bit hesitant to go back to New York for another hearing while we still have the report on our earlier hearing not yet available. Maybe something can be done to move up the date of the existing New York hearing report getting that up the pipeline a little bit sooner before we go back to New York on a hearing. Those are two sort of administrative questions and concerns that I would have.

CHAIRPRESON BERRY: If those concerns are addressed, what do you think, Commissioner Anderson about the concept or the idea of doing such a thing.

COMMISSIONER ANDERSON: I think in general it's a good idea and I would be willing to support the hearing. I agree with Cruz that the mini-hearing that he and I attended in Southern California I thought was very productive and I thought in part it was productive because we had a longer period of time to spend with the witness.

Secondly, I thought it was productive because in a sense it was less than the stereotype hearing than a number of the hearings we've had. And, therefore, I think we were able to have a very good give and take of the law enforcement officials that were testifying. The same thing could be said with the hearing that was later held in California about police conduct. That causes me some concern, not that I oppose adversarial hearings on these topics, but I think there was some evidence that law enforcement personnel there believed they had not been treated fairly and therefore I think that affected the efficacy of what we were able to obtain out of that hearing.

So that leads me to a conclusion which is this about New York. We ought to have a very precise topic and I would say much more precise than the general topic of police community relations. Immediately I'm not sure what that topic should be, whether it should be restricted to specific areas of police training, regarding the use of deadly force, regarding the use of deadly force in minority communities, but I would be very reluctant at this point to agree in

general for a hearing on police community relations.

Although, I do agree that if we do a hearing, it should be limited that they fix witnesses so that we have a period of six to eight hours to question those witnesses and to have really an in-depth examination of these questions.

CHAIRPERSON: Well, why don't we do the following, then, because we need to start our briefing. The folks are here, we asked them to come. Why don't we first agree that conceptually we all think that it's a good idea to have a hearing in New York and that for now the issue in New York is the use of deadly force, that's the issue, police training to assess when, where, how and implications of the use of deadly force, that's what the issue is.

So why don't we ask the Staff Director to get drafted up for us a proposal to do such a hearing and that she would also give us the resources that would be required to do it in the minimal way that we have described it here at this meeting, the slimmed down way that we've described it here, and the impact on other

materials and reports, and I think it's an excellent idea, Commissioner Anderson, that we figure out a way to push up the date of the New York hearing report to have it ready to go before we go to New York. And that she should give us all those things by the end of next week and then let us tentatively though, since we know how people's calendars get, let us tentatively say because, I believe all that can be done by May, that we would have toward the end of May some time a hearing one day in New York.

So can we get consensus that we asked the Staff Director to proceed in that way? And that we conceptually think that while it's a good idea, we'll have to review these materials before we make a final decision.

VICE CHAIRPERSON REYNOSO: Madam Chair, as the maker of the motion, I just want to say that I agree with the concerns raised both by Commissioner Redenbaugh and Commissioner Anderson and so I join in the consensus.

CHAIRPERSON BERRY: Is that all right, folks?

COMMISSIONER REDENBAUGH: Fine with me. It will be subject to another vote after we

review the impact?

CHAIRPERSON BERRY: I will get back to you, this is what, February. I guess we have time since we're going to do a short one, so by next month. I may get back to you in the interim after you get the materials from the Staff Director, but at the latest we'll decide it by the next month. But we may do it between the meeting just for planning purposes.

Could we now have people look quickly at your calendar and find a May date on which you think you might be able to go to New York for a meeting. That's the most crucial and important thing. And such a date that you might hold on your calendar toward the end of the month, after our meeting in May, sometime between then and the end of the month of May. Are there any dates, Commissioner Anderson, on which you might be able to go to New York for a day and do this hearing?

COMMISSIONER ANDERSON: Well, at this point, any day the last week of May would be fine.

CHAIRPERSON BERRY: The last week of May.

VICE CHAIRPERSON REYNOSO: The same for me,

any day that last week of May.

CHAIRPERSON BERRY: What about you, Commissioner Redenbaugh.

COMMISSIONER REDENBAUGH: I'm sorry, I don't have my calendar. Let Charlie handle it.

CHAIRPERSON BERRY: What do you think Charlie? Charlie says she doesn't know.

Why don't we pick a date that seems agreeable, or pick a couple, and then Charlie can check with you afterwards and let us know, okay, Russell? Is that okay? Russell?

VICE CHAIRPERSON REYNOSO: We lost him.

CHAIRPERSON BERRY: He disappeared.

COMMISSIONER REDENBAUGH: I'm here.

COMMISSIONER ANDERSON: I'm here.

CHAIRPERSON BERRY: Commissioner Anderson, you say the last week of May?

COMMISSIONER ANDERSON: Yes.

CHAIRPERSON BERRY: Why don't we say a Wednesday, like the 26th.

COMMISSIONER ANDERSON: Okay.

CHAIRPERSON BERRY: Either the 25th or 27th, that's so Russell has two days to wiggle around.

COMMISSIONER ANDERSON: When is the

Memorial Day weekend?

VICE CHAIRPERPSON REYNOSO: Well, that's that weekend, so we might be better off having it the 27th, because people will be traveling the 25th.

CHAIRPERSON BERRY: That's Memorial Day?

VICE CHAIRPERSON REYNOSO: Yeah, that's Memorial Day weekend.

COMMISSIONER LEE: The 25th is Memorial Day.

COMMISSIONER REDENBAUGH: The 31st.

VICE CHAIRPERSON REYNOSO: Oh, I'm sorry, that's the next weekend, that's the 31st. The 26th or 27th will be fine.

CHAIRPERSON BERRY: I said the 27th. Well, I'm looking at the wrong month. The 26th or 27th, that's possibilities. Could you hold those dates until Russell lets us know which one is best for him, if either, and if not, we'll change them. And we'll be back to you after the Staff Director has sent you materials on the subject.

Does anyone have any other agenda items?

If no one has any other agenda items, we will close this part of the meeting and go on to the briefing. So let's do that.

Could the first panel come forward for the briefing? Let me find my pieces of paper.

BRIEFING ON THE 2000 CENSUS DEBATE

PANEL 1: CIVIL RIGHTS IMPLICATIONS OF THE RECENT SUPREME COURT DECISION ON SAMPLING IN THE CENSUS

CHAIRPERSON BERRY: Right. I was going to say that all of the statements that were submitted by everyone, this panel, the panel before, all the panels will be included in the

record without objection.

And also that in this place in the record, I would like included studies I have read which analyzed the consequences of the Census sampling in partisan political terms, if I can put it that way, and as I recall, there are some that argue that the Republicans will get more voters; there are others that argue that Democrats will, and there are others that say, they don't know. And that all the studies of that type that the staff can come up with should be put in the record at this place.

I want to thank you all very much for being with us and this will help us decide how we can further participate in this debate, and we can educate the public on this issue. I know you've been educating the public everywhere and in every kind of forum. And we appreciate you coming before us because we are particularly interested in the Civil Rights implications of this subject.

Thank you, panel, very much. At this point, if there's no objection, we are going to adjourn the meeting. Before I do that, Commissioner Redenbaugh says May 26 is better for

the New York hearing. So, could you just put a pen in that date, May 26.

Thank you very much and we are adjourned.

(Whereupon, at 1:45 p.m., the MEETING was adjourned.)

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