

U.S. COMMISSION ON CIVIL RIGHTS

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COMMISSION MEETING

revised

+ + + + +

VIA TELECONFERENCE

+ + + + +

WEDNESDAY,
JULY 5, 2006

+ + + + +

WASHINGTON, D.C.

+ + + + +

The meeting convened via teleconference at
12:00 p.m.,

Chairperson Gerald A. Reynolds, presiding.

PRESENT:

GERALD A. REYNOLDS	CHAIRPERSON
ABIGAIL THERNSTROM	VICE CHAIRPERSON
ARLAN D. MELENDEZ	COMMISSIONER
ASHLEY L. TAYLOR, JR.	COMMISSIONER
MICHAEL YAKI	COMMISSIONER
KENNETH L. MARCUS	STAFF DIRECTOR

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P R O C E E D I N G S

12:34 P.M.

1
2
3 CHAIRPERSON REYNOLDS: For our listeners
4 who dialed in to listen to the teleconference, I
5 apologize for the delay. The meetings that we hold
6 via teleconference can be problematic. This is an
7 electronic meeting with all the Commissioners
8 participating in the meeting from different locations.
9 Is the Court Reporter present? Is the Court Reporter
10 present?

11 COURT REPORTER: Yes, sir. I'm sorry.

12 CHAIRPERSON REYNOLDS: It's 12:32 p.m. on
13 July 5, 2006. I will call the name of each
14 Commissioner in order to verify a quorum to hold a
15 meeting. Vice Chair Thernstrom?

16 VICE CHAIRPERSON THERNSTROM: I'm here.

17 CHAIRPERSON REYNOLDS: Commissioner
18 Taylor?

19 COMMISSIONER TAYLOR: Here.

20 VICE CHAIRPERSON THERNSTROM: Commissioner
21 Braceras? Commissioner Yaki?

22 COMMISSIONER YAKI: Here.

23 CHAIRPERSON REYNOLDS: Commissioner
24 Melendez?

25 COMMISSIONER MELENDEZ: Here.

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1 CHAIRPERSON REYNOLDS: Please let the
2 record reflect that Commissioners Braceras and
3 Kirsanow are not participating in this meeting and as
4 a result it's extremely important that if a
5 Commissioner has to leave the line that we're informed
6 ahead of time. Because if anyone drops off we will
7 not have a quorum and we cannot proceed with this
8 teleconference.

9 Is Staff Director Marcus present?

10 MR. MARCUS: Yes, I'm here.

11 CHAIRPERSON REYNOLDS: Okay, well then the
12 meeting will come to order. I have requested that
13 whenever you speak, you first identify yourself so
14 that the person transcribing this teleconference knows
15 who is speaking.

16 Whenever it's necessary to take a vote,
17 the following procedures will be followed. I will
18 call out the name of each Commissioner. The
19 Commissioner should answer yes or no or abstain.
20 After the voting is concluded I will read how each of
21 you voted in order to ensure that the tally is
22 correct.

23 The first item on the agenda is the
24 approval of the agenda. May I have a motion to
25 approve the agenda?

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1 VICE CHAIRPERSON THERNSTROM: So moved.

2 CHAIRPERSON REYNOLDS: Thank you, Vice
3 Chair Thernstrom.

4 Is there a second?

5 COMMISSIONER YAKI: Commissioner Yaki
6 seconds.

7 CHAIRPERSON REYNOLDS: Okay. Vice Chair
8 Thernstrom, how do you vote?

9 VICE CHAIRPERSON THERNSTROM: Yes, aye.

10 CHAIRPERSON REYNOLDS: Mr. Taylor?

11 COMMISSIONER TAYLOR: Aye.

12 CHAIRPERSON REYNOLDS: Mr. Yaki?

13 COMMISSIONER YAKI: Aye, aye.

14 CHAIRPERSON REYNOLDS: And Commissioner
15 Melendez?

16 COMMISSIONER MELENDEZ: Aye.

17 CHAIRPERSON REYNOLDS: I'm sorry, I didn't
18 hear you?

19 COMMISSIONER MELENDEZ: Aye.

20 CHAIRPERSON REYNOLDS: Okay, and the
21 Chairman also supports the motion. So what we have
22 here -- we have five votes in the affirmative, none in
23 the negative and no abstentions. The motion passes.

24 Next up, approval of the minutes for the
25 May 4 and 5th meeting, as well as the June 16th

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1 meeting.

2 May I have a motion?

3 COMMISSIONER TAYLOR: Commissioner Taylor,
4 so moved.

5 CHAIRPERSON REYNOLDS: Is there a second?

6 COMMISSIONER YAKI: Commissioner Yaki
7 seconds.

8 CHAIRPERSON REYNOLDS: Any discussion?
9 Vice Chair Thernstrom, how do you vote?

10 VICE CHAIRPERSON THERNSTROM: Aye.

11 CHAIRPERSON REYNOLDS: Commissioner
12 Taylor?

13 COMMISSIONER TAYLOR: Aye.

14 CHAIRPERSON REYNOLDS: Commissioner Yaki?

15 COMMISSIONER YAKI: Aye.

16 CHAIRPERSON REYNOLDS: Commissioner
17 Melendez?

18 COMMISSIONER MELENDEZ: Aye.

19 CHAIRPERSON REYNOLDS: And the Chairman
20 also supports the motion.

21 Please let the record reflect that there
22 are five votes in the affirmative, no votes in
23 opposition and no abstentions. The motion passes.

24 Okay, Mr. Staff Director, do you have
25 anything -- your monthly report, do you have anything

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1 to report?

2 MR. MARCUS: Mr. Chairman, thank you. I'm
3 going to keep it brief and send my written Staff
4 Director's Report with only one item which relates to
5 the Freedom of Information Act. December 14, 2005,
6 the President issued Executive Order 13392 entitled
7 "Improving Agency Disclosure of Information" which
8 contained statements of FOIA policy and specific new
9 planning and reporting requirements that affect all
10 agencies.

11 Under the Act, agencies are required to
12 improve their FOIA operations and submit improvement
13 plans using a standard format by June 14, 2006. In
14 compliance with this Act, the Commission forwarded a
15 copy of its improvement plan to the Department of
16 Justice and the Office of Management and Budget on
17 2/14/06.

18 In the course of preparing this report we
19 found that the Agency is complying with FOIA requests
20 with a median turnaround time of approximately seven
21 days. Nevertheless, the Commission plans to improve
22 its public information operations in several respects
23 including by providing more documents on our public
24 website including the Commission's authorizing
25 statutes, regulations and annual plans so that the

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1 public doesn't need to request them through the more
2 time-consuming FOIA process, finding additional FOIA-
3 related information on our website, including contact
4 information for our FOIA coordinator and procedural
5 information to make the process more user-friendly for
6 the public and promoting electronic submission of FOIA
7 request to make the process quicker and easier. We
8 hope this will improve access of Commission
9 information to the public. That's the only point on
10 which I wanted to expand my written report. I would
11 be available for any questions the Commissioners might
12 have at this time.

13 CHAIRPERSON REYNOLDS: Any questions?
14 Okay, at the Commission meeting held on May 5, 2006,
15 Commissioners voted to produce a statutory enforcement
16 report on religious discrimination and prisoner rights
17 for 2008. Staff has proposed a revised concept paper
18 which will effectuate the Commissioners' approved
19 project. This revised concept paper was distributed
20 to Commissioners on June 8, 2006, ensures that the
21 scope meets the requirements of the statutory
22 enforcement report.

23 May I have a motion that the scope of the
24 report be clarified to reflect the concept paper
25 distributed to Commissioners on June 8, 2006?

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1 COMMISSIONER TAYLOR: So moved. This is
2 Commissioner Taylor.

3 CHAIRPERSON REYNOLDS: Is there a second?

4 COMMISSIONER MELENDEZ: Second,
5 Commissioner Melendez.

6 CHAIRPERSON REYNOLDS: Thank you. Vice
7 Chair Thernstrom, how do you vote?

8 VICE CHAIRPERSON THERNSTROM: Aye.

9 CHAIRPERSON REYNOLDS: Commissioner
10 Taylor?

11 COMMISSIONER TAYLOR: Aye.

12 CHAIRPERSON REYNOLDS: Commissioner Yaki?

13 COMMISSIONER YAKI: Aye.

14 CHAIRPERSON REYNOLDS: Commissioner
15 Melendez?

16 COMMISSIONER MELENDEZ: Aye.

17 CHAIRPERSON REYNOLDS: Okay, let the
18 record reflect that the vote was five in the
19 affirmative. No votes in opposition and no
20 abstention. The motion carries.

21 Next item, the United States Supreme Court
22 agreed to take up two cases involving race-based
23 student assignments in K through 12 schools. Parents
24 involved the Seattle School District in Meredith v.
25 Jefferson County Board of Education. The issues

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1 raised in these two cases are related to those that
2 the Commission seeks to address in the briefing of
3 magnet schools and racial discrimination which
4 Commissioners previously approved at a briefing to be
5 held in 2008.

6 All argument is expected to take place in
7 late 2006. In order to ensure that the Commission
8 provides timely and useful information to the public
9 on this important topic.

10 May I have a motion that the Commission
11 schedule a previously approved briefing on magnet
12 schools and racial discrimination on Friday, July 28,
13 2006. The briefing currently scheduled for July 28,
14 2006, voter fraud and voter implementation would be
15 postponed until another date. Under this motion the
16 briefing would be tailored to address the issues that
17 are pertinent to the cases, especially the benefits of
18 diversity and the reduction of minority group
19 isolation to elementary and secondary schools.

20 May I have a motion?

21 VICE CHAIRPERSON THERNSTROM: So moved.

22 CHAIRPERSON REYNOLDS: Is there a second?

23 COMMISSIONER TAYLOR: Commissioner Taylor,
24 second.

25 COMMISSIONER MELENDEZ: Question?

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1 CHAIRPERSON REYNOLDS: Yes.

2 COMMISSIONER MELENDEZ: Do you have any
3 idea when we're going to reschedule the one that got
4 bumped?

5 CHAIRPERSON REYNOLDS: That's actually
6 going to come up later in the meeting. That's going
7 to be addressed in a meeting.

8 COMMISSIONER MELENDEZ: Okay.

9 CHAIRPERSON REYNOLDS: Any other questions
10 or comments?

11 COMMISSIONER YAKI: I have a question.

12 CHAIRPERSON REYNOLDS: Yes.

13 COMMISSIONER YAKI: Is there a way for us
14 to understand how much the bumping is going to affect
15 the timing of certain hearings?

16 CHAIRPERSON REYNOLDS: Yes. I believe
17 that the -- that everything is going to move back two
18 months.

19 MR. MARCUS: This is Kenneth Marcus. Mr.
20 Chairman, you are current. Assuming that there is a
21 formal agreement to schedule the Omaha briefing for
22 the 6th or 8th, this would require that all other
23 briefings be pushed back by two months.

24 CHAIRPERSON REYNOLDS: Any other questions
25 or concerns?

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1 COMMISSIONER YAKI: I guess next time it
2 would be helpful if we had -- since we've been
3 scheduling the briefings kind of pell-mell, since the
4 last session, I never got a final listing of the
5 briefings for 2007, 2008 and their schedule. So I'm
6 just -- it would just help me to know what the bump
7 had in terms of some of the ones that I have an
8 interest in or that some of the other Commissioners
9 may have an interest in.

10 CHAIRPERSON REYNOLDS: Ken would you
11 please, after we conclude today, would you please
12 distribute a revised schedule, briefing schedule?

13 MR. MARCUS: Yes, I'd be happy to.

14 CHAIRPERSON REYNOLDS: Thank you.

15 VICE CHAIRPERSON THERNSTROM: Well, this
16 is Commissioner Thernstrom. We're probably all in
17 front of our computers. Why doesn't somebody send it
18 right now so that Commissioner Yaki can look at it?

19 CHAIRPERSON REYNOLDS: Well, we're in a
20 conference room, not in front of our computers. I
21 could read it aloud to you as it currently stands or
22 we could send it shortly after the meeting.

23 VICE CHAIRPERSON THERNSTROM: We'd also
24 have to at least -- Commissioner Yaki, would you like
25 to hear what the schedule is right now before we vote?

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1 COMMISSIONER YAKI: Yes, that would be
2 nice.

3 CHAIRPERSON REYNOLDS: Okay, Ken, do you
4 have a schedule in front of you?

5 MR. MARCUS: Okay, certainly. Currently,
6 we have the July meeting for voter fraud and voter
7 intimidation. September meeting would be voter rights
8 in the U.S. territories. Followed by October,
9 elementary and secondary desegregation. Followed by
10 school choice, Lane Amendment and anti-Catholicism.

11 COMMISSIONER YAKI: November?

12 MR. MARCUS: I think so. I think I said
13 October, but that would be November. December would
14 be religious discrimination in the workplace. The
15 following month is minorities and special education,
16 following by minority children in foster care and
17 adoption and then finally -- that's the final
18 scheduled briefing.

19 We also have additional briefings that
20 have been approved, but not yet scheduled regarding
21 discrimination against Native Americans in border
22 towns, Title 9 athletics, accommodation interests and
23 abilities, the effect of No Child Left Behind and the
24 minority achievement gap and domestic wiretapping and
25 the War on Terror.

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1 VICE CHAIRPERSON THERNSTROM: Now wait a
2 minute, did I hear the Omaha in that list?

3 COMMISSIONER YAKI: No, that's pre the
4 list so that the last scheduled briefing for February
5 would be pushed back to April, correct?

6 MR. MARCUS: That's correct.

7 COMMISSIONER YAKI: So we have May, June,
8 July, September, October, November, December, seven
9 briefings left to schedule for 2007.

10 VICE CHAIRPERSON THERNSTROM: Okay, I just
11 wanted to figure that out.

12 CHAIRPERSON REYNOLDS: Okay, any other
13 questions or comments? Thank you very much.

14 Okay, Vice Chair Thernstrom, how do you
15 vote?

16 VICE CHAIRPERSON THERNSTROM: Aye.

17 CHAIRPERSON REYNOLDS: Commissioner
18 Taylor?

19 COMMISSIONER TAYLOR: Aye.

20 CHAIRPERSON REYNOLDS: Commissioner Yaki?

21 COMMISSIONER YAKI: Aye.

22 CHAIRPERSON REYNOLDS: I detect a lack of
23 enthusiasm? Commissioner Melendez?

24 COMMISSIONER MELENDEZ: Aye.

25 CHAIRPERSON REYNOLDS: Okay, the motion

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1 passes unanimously with five votes, so the motion
2 passes.

3 Next up, the Commission previously
4 approved a briefing on three racially-identifiable
5 school districts in Omaha, Nebraska.

6 May I have a motion to hold this briefing
7 on Friday, September 8, 2006 and to have the currently
8 scheduled business meeting for September 15th -- will
9 also take place on the 8th?

10 COMMISSIONER YAKI: What is our timing for
11 that briefing in terms of the time of day, etcetera?

12 CHAIRPERSON REYNOLDS: I don't believe
13 that we have -- Ken, have we nailed those details down
14 yet?

15 MR. MARCUS: We haven't. We're going to
16 aim for 9 o'clock a.m., but it will depend, in part,
17 on what venue we're able to get for it.

18 VICE CHAIRPERSON THERNSTROM: Now that is
19 actually an important question -- this is Commissioner
20 Thernstrom -- an important point for me too because
21 I'm really going to have to go home that Friday and
22 get out of there and I assume that Commissioner Yaki
23 is asking for the same reason.

24 COMMISSIONER YAKI: Actually, I'm more
25 concerned about what time I have to get there because

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1 if we fly that way, we start losing time. So I would
2 probably have to fly up the night before because --

3 VICE CHAIRPERSON THERNSTROM: We all
4 would.

5 COMMISSIONER YAKI: Yes. But I already
6 checked their 7 o'clock flights leaving Omaha to
7 Denver which can get you anywhere, for me. But I just
8 wanted to know if we're combining the business meeting
9 with the other thing, maybe we should have the
10 business meeting -- I don't know.

11 VICE CHAIRPERSON THERNSTROM: On the
12 Thursday -- wait a minute -- yes, Thursday.

13 CHAIRPERSON REYNOLDS: Ken, at this point,
14 do we know how much we have to cover in terms of the
15 business meeting?

16 MR. MARCUS: We don't know that at this
17 point, but I would anticipate that it would be a full
18 meeting, since we're not currently planning to have an
19 August meeting of anything that we're not able to
20 finish then and it might get pushed to September. So
21 I expect it will be a full agenda.

22 VICE CHAIRPERSON THERNSTROM: Well, I mean
23 that does raise a question for -- this is Commissioner
24 Thernstrom again. I think it's going to be very
25 awkward to have this briefing as well, an extended

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1 briefing on Omaha as well as a business meeting.

2 CHAIRPERSON REYNOLDS: This is Chairman
3 Reynolds. I'm comfortable having a meeting in August.
4 That makes a lot of sense, but Commissioner Yaki,
5 Commissioner Taylor, Commissioner Melendez, how do you
6 feel about meeting in August?

7 COMMISSIONER YAKI: Well, why can't we
8 have a meeting Thursday evening like at 5?

9 CHAIRPERSON REYNOLDS: That works also,
10 but what is unlikely to work well is trying to combine
11 the two.

12 VICE CHAIRPERSON THERNSTROM: Yes.

13 COMMISSIONER YAKI: I absolutely agree.

14 VICE CHAIRPERSON THERNSTROM: And the
15 problem with the Thursday meeting is more likely than
16 not, Commissioner Braceras will not be able to make
17 it.

18 COMMISSIONER YAKI: Well, can we just do
19 a phone meeting the next week for the business
20 meeting?

21 CHAIRPERSON REYNOLDS: My preference,
22 especially after today, to avoid phone meetings,
23 unless there's pressing business, but yes, that is an
24 option.

25 MR. MARCUS: If I may add one thing, Mr.

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1 Chairman, this is Ken Marcus. One thing to keep in
2 mind in making the plans is that there are some things
3 that we have been planning to deal with in the July
4 28th meeting which will be, at least somewhat time
5 sensitive and they would include the consideration of
6 the budget as well as a draft strategic plan.

7 I don't think that a change in the date
8 for that business meeting of a few days or a week
9 would make a difference. The change of a few weeks
10 might create significant problems in terms of meeting
11 September deadlines for OMB submission.

12 VICE CHAIRPERSON THERNSTROM: This is Vice
13 Chair Thernstrom, but wait a minute, we weren't
14 talking about canceling our July meeting. We were
15 talking about adding a September -- an August meeting.

16 MR. MARCUS: Well, that's fine. I thought
17 I had heard someone to suggest that we not have a July
18 business meeting.

19 VICE CHAIRPERSON THERNSTROM: No, I don't
20 think so.

21 COMMISSIONER YAKI: No, no, no. No one
22 said that.

23 MR. MARCUS: Okay, good. So if the idea
24 is to have a business meeting on July 28th and another
25 one in August, that would be helpful.

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1 CHAIRPERSON REYNOLDS: Okay, we have three
2 options on the table: a Thursday night meeting, a
3 teleconference or an August meeting. How do you want
4 to -- do you want to vote on this? Is there a
5 consensus?

6 VICE CHAIRPERSON THERNSTROM: Well, we've
7 got two members of the Commission absent, so -- a
8 consensus on this -- I don't want those same two
9 Commissioners absent again, if possible.

10 CHAIRPERSON REYNOLDS: Okay.

11 COMMISSIONER YAKI: August in D.C. ugh.

12 VICE CHAIRPERSON THERNSTROM: It's
13 beautiful there. It serves the purpose of reminding
14 you why you live in --

15 COMMISSIONER YAKI: I used to live there.
16 I know what August in D.C. is like. There's a reason
17 why Congress goes away in August.

18 VICE CHAIRPERSON THERNSTROM: You have the
19 town to yourself.

20 CHAIRPERSON REYNOLDS: Okay, well, how
21 about this? Why don't we punt this particular issue
22 of when we would have the business meeting, consult
23 with Commissioners Braceras and Kirsanow and make a
24 decision after we get their input.

25 Is this the type of issue that we can --

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1 do we need to have a meeting open to the public in
2 order to make this type of decision?

3 COMMISSIONER YAKI: Could we just do a
4 phone call?

5 MR. MARCUS: Phone calls not requiring any
6 sort of deliberation about the date, but simply saying
7 yes or no could be used for a minimal issue like
8 acceptance of a date.

9 VICE CHAIRPERSON THERNSTROM: Do we need
10 a phone call for that?

11 CHAIRPERSON REYNOLDS: Ken, is that
12 required? To nail down a date, is it required that we
13 either do a phone vote or have a meeting open to the
14 public?

15 MR. MARCUS: We're going to have to look
16 into whether there would be any problems if it's not
17 done in public or not. I don't know right now, but
18 we'll look into it very quickly and ^{et} look-you know if
19 that would cause a problem.

20 CHAIRPERSON REYNOLDS: Well, I guess this
21 shooting from the hip -- as long as we -- so long as
22 we don't have problems with the Federal Register, the
23 date -- 10 days before the meeting, wouldn't we be
24 fine?

25 VICE CHAIRPERSON THERNSTROM: We have

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1 taken votes on trivial matters before without formally
2 calling a meeting. I'm not talking about whether we
3 meet on a specific date or not.

4 CHAIRPERSON REYNOLDS: This is not a
5 substantive issue. In any event, how about this,
6 let's postpone deciding when the business meeting will
7 take place and let's just vote on the motion, but
8 amended so that you won't decide when the business
9 meeting will take place.

10 So the only thing that's on the table now
11 is to have the meeting in Omaha on September 8th.

12 Is there a motion?

13 VICE CHAIRPERSON THERNSTROM: So move.

14 CHAIRPERSON REYNOLDS: Is there a second?

15 COMMISSIONER YAKI: I'll second it.

16 CHAIRPERSON REYNOLDS: Okay, Vice Chair
17 Thernstrom?

18 VICE CHAIRPERSON THERNSTROM: Aye.

19 CHAIRPERSON REYNOLDS: Commissioner
20 Taylor?

21 COMMISSIONER TAYLOR: Aye.

22 CHAIRPERSON REYNOLDS: Commissioner Yaki?

23 COMMISSIONER YAKI: Aye.

24 CHAIRPERSON REYNOLDS: Commissioner
25 Melendez?

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1 COMMISSIONER MELENDEZ: Aye.

2 CHAIRPERSON REYNOLDS: Okay, there are
3 five votes in favor of the motion, none in opposition,
4 no abstentions. The motion passes.

5 Okay, we need to make room on our schedule
6 -- so we already voted to have the Omaha briefings in
7 September and to move up the briefing on magnet
8 schools to July and I just want to formalize the fact
9 that we're now pushing the other briefing back two
10 months.

11 May I have a motion to postpone each of
12 the remaining briefings -- under this motion each
13 briefing in that period would take place at a business
14 meeting that is two months following for which it was
15 previously scheduled.

16 VICE CHAIRPERSON THERNSTROM: Well, Mr.
17 Chairman, there's also the fact that we are really
18 redefining that briefing on magnet schools, I mean to
19 some extent.

20 CHAIRPERSON REYNOLDS: Yes, but that was
21 covered. Yes, that was covered. The briefing will be
22 tailored to address issues that a --

23 VICE CHAIRPERSON THERNSTROM: All right,
24 okay. As long as that -- right, that was part of the
25 motion.

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1 COMMISSIONER TAYLOR: This is Commissioner
2 Taylor. All we're doing is really bumping the two
3 briefings each by two months, but they'll remain in
4 the same order as previously agreed upon.

5 CHAIRPERSON REYNOLDS: That's correct.

6 COMMISSIONER TAYLOR: Okay.

7 CHAIRPERSON REYNOLDS: So the motion in
8 support of this -- will someone please --

9 VICE CHAIRPERSON THERNSTROM: I so move.

10 COMMISSIONER TAYLOR: Second, Commissioner
11 Taylor.

12 CHAIRPERSON REYNOLDS: Vice Chair
13 Thernstrom?

14 VICE CHAIRPERSON THERNSTROM: Aye.

15 CHAIRPERSON REYNOLDS: Commissioner
16 Taylor?

17 COMMISSIONER TAYLOR: Aye.

18 CHAIRPERSON REYNOLDS: Commissioner Yaki?

19 COMMISSIONER YAKI: Aye.

20 CHAIRPERSON REYNOLDS: Commissioner
21 Melendez?

22 COMMISSIONER MELENDEZ: Aye.

23 CHAIRPERSON REYNOLDS: The motion passes
24 unanimously. Next up, on November 18, 2005, the
25 United States Commission on Civil Rights held a

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1 briefing on anti-Semitism on college campuses in
2 America. During the course of this briefing,
3 individual speakers made various statements regarding
4 anti-semitism on various campuses. The Commission has
5 rules and regulations on potentially defamatory
6 testimony offered those individuals and entities,
7 including universities, who are potentially defamed or
8 degraded in testimony given at the briefing an
9 opportunity to respond before the records have closed.

10 Copies of the responses are those
11 individuals or entities identified in the oral
12 testimony as if briefing were distributed to
13 Commissioners on June 8, 2006.

14 May have I motion that the Commission post
15 on its website at the earliest practical time the
16 responses of the individuals and entities so
17 identified?

18 VICE CHAIRPERSON THERNSTROM: So moved.
19 This is Vice Chair Thernstrom.

20 CHAIRPERSON REYNOLDS: Is there a second?

21 COMMISSIONER TAYLOR: Second.
22 Commissioner Taylor.

23 CHAIRPERSON REYNOLDS: Discussion? Vice
24 Chair Thernstrom, how do you vote?

25 VICE CHAIRPERSON THERNSTROM: Aye.

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1 CHAIRPERSON REYNOLDS: Commissioner
2 Taylor?

3 COMMISSIONER TAYLOR: Aye.

4 CHAIRPERSON REYNOLDS: Commissioner Yaki?

5 COMMISSIONER YAKI: Aye.

6 CHAIRPERSON REYNOLDS: Commissioner
7 Melendez?

8 COMMISSIONER MELENDEZ: Aye.

9 CHAIRPERSON REYNOLDS: The motion passes
10 unanimately.

11 Next up on the agenda is consideration of
12 proposed information quality guidelines. Would the
13 Staff Director please provide us with some background
14 on this issue?

15 MR. MARCUS: Certainly, Mr. Chairman. As
16 part of our on-going efforts to reform the Commission,
17 we're identifying reports and guidelines the
18 Commission was legally required to issue prior to the
19 transition and leadership which has not previously
20 been done.

21 One example of this is the data quality
22 guidelines. The Data Quality Act required the Office
23 of Management and Budget to develop government-wide
24 standards for data quality in the form of guidelines.
25 The purpose of the policy is to ensure quality,

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1 objectivity, utility and integrity of the information
2 that federal agencies disseminate. These issues, as
3 I'm sure you will recognize, overlap somewhat with
4 issues that are also contained within GAO evaluations
5 of the Commission's work.

6 The Commission was actually required to
7 promulgate our own conforming guidelines based on the
8 model by September 30, 2002. The Commission did not
9 publish its guidelines at that time. Even though they
10 are relevant to some of the issues that we're facing
11 and of course, they're now relevant to issues that
12 other agencies also must address.

13 Several months ago I established a staff
14 working group headed by Dr. Sock Soon MacDougal with
15 responsibility for formulating draft guidelines
16 responsive to our legal requirements. As a result of
17 their efforts and work of various staff members, I'm
18 delighted that we now have a set of draft guidelines
19 on information quality intended to ensure that the
20 quality of Commission data is up to appropriate
21 standards and to establish a procedure any outside
22 person to raise any concerns that they might have, the
23 quality of Commission data including an appeal
24 process. That's what is contained within the draft
25 guideline.

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1 CHAIRPERSON REYNOLDS: Okay, may I have a
2 motion that the Commission approve for publication the
3 proposed information forwarding guidelines that were
4 sent to the Commissioners on June 9, 2006 and
5 furthermore that the Staff Director be authorized to
6 send these guidelines to the Federal Register for
7 publication for public notice and comment?

8 VICE CHAIRPERSON THERNSTROM: So moved.

9 CHAIRPERSON REYNOLDS: Is there a second?

10 COMMISSIONER YAKI: Second.

11 CHAIRPERSON REYNOLDS: Discussion?

12 Vice Chair Thernstrom, how do you vote?

13 VICE CHAIRPERSON THERNSTROM: Aye.

14 CHAIRPERSON REYNOLDS: Commissioner
15 Taylor?

16 COMMISSIONER TAYLOR: Aye.

17 CHAIRPERSON REYNOLDS: Commissioner Yaki?

18 COMMISSIONER YAKI: Yes, wow, aye. This
19 is brain-numbing. Yes, aye.

20 CHAIRPERSON REYNOLDS: Commissioner
21 Melendez?

22 COMMISSIONER MELENDEZ: Aye.

23 CHAIRPERSON REYNOLDS: The motion passes
24 unanimously.

25 The Commission meeting held on May 5,

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2006, the Commission voted to produce a statutory enforcement report on religious discrimination and prisoner rights in 2008. The Commission would benefit from the research and assistance of the State Advisory Committees and regional offices on this issue as it prepares the report.

May I have amotion to request that the State Advisory Committees and regional offices take up the issue of religious discrimination and prisoner rights within their jurisdiction during 2007 to the extent that funds are available?

COMMISSIONER MELENDEZ: So moved.
Commissioner Melendez.

CHAIRPERSON REYNOLDS: Is there a second?

VICE CHAIRPERSON THERNSTROM: I second.

CHAIRPERSON REYNOLDS: Discussion?

COMMISSIONER YAKI: Commissioner Yaki has some questions about this.

Question number one, is this a mandate for the SAC or is this optional for each SAC to consider?

CHAIRPERSON REYNOLDS: This is a request. This is optional.

COMMISSIONER YAKI: Okay, number one. Number two, is that what -- are we giving them a time line in which to respond?

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1 CHAIRPERSON REYNOLDS: Ken?

2 MR. MARCUS: I envision giving them a time
3 line, but it will vary from Committee to Committee and
4 I suspect that there may be some states where we might
5 particularly work with the Advisory Committee if we
6 know that there are relevant issues in their state.
7 In other words, this is a general request to the 51
8 states, but there may be some states where getting
9 committee input is going to be particular input and
10 others with less important. For those where it looks
11 particularly important, we'll try to identify the
12 issue and make it known, both to the regional office
13 and to the Committee and to try to work with them on
14 a schedule that will keep in mind the complexity of
15 the issue, the schedule for our own statutory report
16 and also, of course, the schedule for rechartering.

17 COMMISSIONER YAKI: Finally, this goes
18 into the experience that I've had dealing with prison
19 bureaucracies and that is at some point I believe we
20 are going to have to consider the subpoena power for
21 the purposes of getting information from these
22 institutions. I just want to make sure that as we go
23 forward there's clear coordination so we're not
24 stepping on each other's toes here in terms of
25 document requests, interrogatories or subpoenas that

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1 may be going forward.

2 CHAIRPERSON REYNOLDS: This is the
3 Chairman. Before any subpoenas would go out, we would
4 have a discussion amongst ourselves to ensure that
5 everyone was comfortable with what we were doing, but
6 it is important. I'm glad you brought this issue up
7 because there have been some concerns about how
8 subpoenas were issued in the past and I just want to
9 make sure that at least with respect to this project
10 that everyone knows what we're doing and have an
11 opportunity on the front end to weigh in.

12 COMMISSIONER YAKI: I'm much less
13 concerned about the subpoenas, Mr. Chairman, as much
14 as it is that if you have the state advisory
15 committees trying to get information from states or
16 federal prison systems located in their jurisdiction,
17 then they get a request from OCRE that we don't trip
18 on each other.

19 CHAIRPERSON REYNOLDS: I understand that,
20 but what we're talking about here is a coordination
21 issue.

22 CHAIRPERSON REYNOLDS: Staff Director
23 Marcus, please make a note, when we put together a
24 working program, we should be -- we should put it
25 together with the coordination issues in mind.

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1 MR. MARCUS: That's absolutely fine.
2 We've already been working on these coordination
3 issues with respect to the analogous elementary and
4 secondary desegregation program and we'll certainly
5 what to make similar coordination efforts when it
6 comes to this one.

7 CHAIRPERSON REYNOLDS: Vice Chair
8 Thernstrom, how do you vote?

9 VICE CHAIRPERSON THERNSTROM: Aye.

10 CHAIRPERSON REYNOLDS: Commissioner
11 Taylor?

12 COMMISSIONER TAYLOR: Aye.

13 CHAIRPERSON REYNOLDS: Commissioner Yaki?

14 COMMISSIONER YAKI: Aye.

15 CHAIRPERSON REYNOLDS: Commissioner
16 Melendez?

17 COMMISSIONER MELENDEZ: Aye.

18 CHAIRPERSON REYNOLDS: The motion passes
19 unanimately.

20 COMMISSIONER TAYLOR: Mr. Chair?

21 CHAIRPERSON REYNOLDS: Yes.

22 COMMISSIONER TAYLOR: This is Commissioner
23 Taylor. I have a question of the Staff Director. Are
24 we providing any more by way of guidelines or
25 assistance as to what would be helpful as they go

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1 about their business?

2 MR. MARCUS: Commissioner Taylor, I expect
3 we will want to, but it's going to require a little
4 bit more in the way of coordination between our
5 regional people and our headquarters staff in terms of
6 what people's ideas are before we can give more formal
7 guidance, but I think that the input that we get from
8 our State Advisory Committees is going to be much more
9 helpful if there are common methodologies used between
10 the different State Advisory Committees and the
11 different regional offices.

12 CHAIRPERSON REYNOLDS: Okay, next up we
13 have a rechartering package from the North Carolina
14 State Advisory Committee to recharter the North
15 Carolina State Advisory Committee.

16 COMMISSIONER TAYLOR: So moved.

17 CHAIRPERSON REYNOLDS: Okay, the following
18 individuals were -- the Commission appoints the
19 following individuals to the Committee based on the
20 recommendations of the Staff Director: Kevin Leonard,
21 Marian Ackerman, Stella Adams, Reggie Holley, George
22 Lees, Rick Martinez, Thealette Monet, Rhonda Gillespie
23 Rainey, Willie Ratchford, Geraldine Sumter and Sarah
24 Cecilia Taylor.

25 And also, the motion should include -- and

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1 I'd like to offer an amendment. I also move Kevin
2 Leonard as the chair of the newly chartered North
3 Carolina State Advisory Committee.

4 Discussion?

5 MR. MARCUS: Mr Chairman, if I may, under
6 this motion, would the Commission authorize the Staff
7 Director to execute the appropriate paperwork in order
8 to carry out^u the appointments?

9 CHAIRPERSON REYNOLDS: Yes, and it should
10 also be clear that these members will serve as
11 uncompensated Government employees and the information
12 that you just stated, the fact that Staff Director
13 would be authorized to execute the paperwork provided
14 this motion carries.

15 All right, any discussion?

16 Vice Chair Thernstrom?

17 VICE CHAIRPERSON THERNSTROM: Is it a
18 question of how do I vote?

19 CHAIRPERSON REYNOLDS: Yes.

20 VICE CHAIRPERSON THERNSTROM: I think this
21 motion was never seconded. I hate to tell you.

22 CHAIRPERSON REYNOLDS: Is there a second?

23 COMMISSIONER MELENDEZ: Second. Melendez.

24 CHAIRPERSON REYNOLDS: Vice Chair
25 Thernstrom?

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1 VICE CHAIRPERSON THERNSTROM: Aye.

2 CHAIRPERSON REYNOLDS: Commissioner

3 Taylor?

4 COMMISSIONER TAYLOR: Aye.

5 CHAIRPERSON REYNOLDS: Commission Yaki?

6 COMMISSIONER YAKI: Abstain.

7 CHAIRPERSON REYNOLDS: Commissioner

8 Melendez?

9 COMMISSIONER MELENDEZ: Aye.

10 CHAIRPERSON REYNOLDS: Okay, let the
11 record reflect that four Commissioners voted in the
12 affirmative and that Commissioner Yaki abstained. The
13 motion carries.

14 Folks, we're done, unless you have any
15 additional questions or comments, we're done.

16 VICE CHAIRPERSON THERNSTROM: Amazing.

17 COMMISSIONER TAYLOR: This is Commissioner
18 Taylor. Staff Director, I just wanted to let you know
19 that for purposes of scheduling the meeting in August,
20 I am flexible. Any of those options discussed work
21 for me.

22 MR. MARCUS: That's fine. We plan to have
23 both a briefing and a business meeting on September 8
24 and then we'll find out what people's availability is
25 for face-to-face business meeting in August.

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1 VICE CHAIRPERSON THERNSTROM: IN August,
2 well, that would -- well, would that take care of at
3 least some of the problems of business meeting in
4 September, along with the briefing which is what this
5 -- this is a remedy for that problem, in part, I
6 thought.

7 CHAIRPERSON REYNOLDS: I didn't catch all
8 you said.

9 VICE CHAIRPERSON THERNSTROM: Well, I mean
10 I had understood and this is the basis for my original
11 suggestion. If we had a meeting in August, it would
12 take care of some of the business that would otherwise
13 require an extended business meeting when we're out in
14 Omaha.

15 CHAIRPERSON REYNOLDS: That was my
16 understanding. It was my understanding that if we had
17 the August meeting that we would get you the briefings
18 --

19 VICE CHAIRPERSON THERNSTROM: But that is
20 not the way the Staff Director just described it.

21 MR. MARCUS: Okay, I appreciate the
22 clarification. I did not -- I was not clear on that.
23 The consensus is that there will be no business
24 meeting in the month of September.

25 CHAIRPERSON REYNOLDS: Provided that we

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1 have an August meeting or that we have a
2 teleconference.

3 VICE CHAIRPERSON THERNSTROM: Right. Or
4 provided there is absolutely no urgent business.

5 MR. MARCUS: Okay, that's fine. So we
6 will be in touch with people about their availability
7 for the --

8 COMMISSIONER YAKI: Do we -- for the
9 September meeting, is there a possibility that we
10 could -- what kind of location are we thinking of
11 doing it in? For two reasons, one, so we know what
12 hotel to try and book to be nearby, so we're not
13 spending a lot of money on cabs or cars or whatever.

14 MR. MARCUS: Commissioner Yaki, this is
15 Staff Director again. We are currently looking into
16 hotels in Omaha. The first thing we're looking into
17 is the prospect of arranging for a package with a
18 hotel under which all of us would be staying at the
19 hotel and we would actually have the meeting in the
20 hotel which would give us potentially a better deal
21 financially.

22 COMMISSIONER YAKI: That's what I thought
23 would make the most sense, but I didn't want to
24 intrude on your authority.

25 MR. MARCUS: There are other

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1 possibilities, but that's what we're looking at as the
2 first preference.

3 COMMISSIONER YAKI: So we won't book a
4 hotel until we otherwise hear from you?

5 MR. MARCUS: Yes.

6 VICE CHAIRPERSON THERNSTROM: This is a
7 small comment on that, when we were on the road under
8 the previous regime, we ended up in really grungy
9 hotels. I have a preference for hotels that are not
10 grungy.

11 CHAIRPERSON REYNOLDS: I'm sure that we
12 all share that preference.

13 MR. MARCUS: We will certainly be looking
14 for a hotel that is of standards that are appropriate
15 for Commission meetings. Of course, we'll be looking
16 for hotels that meet Government standards in terms of
17 Government rates, but looking for the highest quality
18 we can within Government payment parameters.

19 COMMISSIONER YAKI: I don't know if grunge
20 is in the FARs, but we can take a look at that.

21 CHAIRPERSON REYNOLDS: Okay, folks, if
22 there's nothing else, we can adjourn.

23 (Whereupon, at 1:16 p.m., the Commission
24 meeting was concluded.)

25

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