



OCTOBER – DECEMBER 2018 NEWSLETTER

STATE ADVISORY COMMITTEE (SAC) ACTIVITY

Our state Advisory Committees (SACs) continue to be incredibly active in investigating and reporting on civil rights issues in their states. We thank the members of all SACs for selecting critical topics for investigation, hosting briefings, and issuing reports and advisory memoranda on important topics.



Chair Catherine E. Lhamon accompanied the Delaware SAC at its November 2017 briefing on police practices. The SAC's report helped inform the Commission's November 2018 [report](#), "Police Use of Force"

Reports, Advisory Memoranda, Statements:

The Commission issued a [release](#) highlighting *Access to Voting across America: Collected Reports of the State Advisory Committees to the U.S. Commission on Civil Rights*, a [compendium](#) of recent work of 12 SACs on voting rights. These SACs played an integral role on which the Commission relied in producing our 2018 [report](#), *An Assessment of Minority Voting Rights Access in the United States*.

Our Rhode Island SAC issued a [report](#) on payday lending.

North Dakota issued a [statement](#) of concern over potential voter suppression in the state.

Michigan [announced](#) its study on voting rights and a call for public comments.

At the Commission's December 7 [business meeting](#), Commissioners heard presentations by two SAC Chairs:

- Rhode Island: [Report](#) on payday lending (see above);
- Vermont: [Advisory Memorandum](#) on housing discrimination ([issued](#) September 2018).

At the Commission's October 12 [business meeting](#), Commissioners heard presentations by three SAC Chairs:

- Louisiana: [Report](#) on voting rights (issued August 2018);
- New Mexico: [Report](#) on elder abuse (issued September 2018); and
- Colorado: [Report](#) on the Colorado constitution's No Aid to Sectarian Institutions clause and its impact on civil rights (issued September 2018).



Chair Lhamon joined the South Dakota SAC for its July 2018 briefing on subtle effects of racism. The briefing helped inform the Commission's December 2018 [report](#): "Broken Promises: Continuing Federal Funding Shortfall for Native Americans"

Correspondence:

Chair Catherine E. Lhamon, on behalf of the Commission, sent letters to federal, state, and local government entities, transmitting the findings and recommendations from recent SAC reports:

- [Maine's advisory memorandum](#) on racial discrimination in prosecution and sentencing;

- [Nevada's advisory memorandum](#) on municipal fines and fees.

Our state Advisory Committees will continue to gather information and report on a wide range of crucial civil rights issues. **This year we also renew our efforts to recruit new members for those SACs whose appointments will expire in the coming months.** The Commission is [accepting applications](#) and appointing members for four-year terms for the following twelve SACs: Virginia, Kentucky, Oregon, South Carolina, Illinois, Massachusetts, South Dakota, Wisconsin, Maryland, West Virginia, Georgia, and Maine. The Commission is also accepting applications to fill the remainder of the terms for Idaho, Indiana, Iowa, Washington, and Wyoming. See additional information [here](#).



Our Minnesota SAC held a briefing on policing practices in March 2017, contributing to the Commission's "Police Use of Force" [report](#)



Joined by Chair Lhamon, our Maine SAC held a briefing on criminalization of individuals with mental illness. The sessions helped inform the Commission's "Police Use of Force" [report](#).

COMMISSION ACTIVITY

November

The Commission [released](#) its [report](#): *Police Use of Force: An Examination of Modern Policing Practices*, which investigated whether the rates and usage of excessive force by police are consistent with constitutional administration of justice and the civil rights of persons of color, persons with disabilities, and LGBT communities. The Commission evaluated proven and promising policies and practices which may help minimize use of force and the perception or reality of unconscious bias in policing. The report provides important recommendations to the President, Congress, federal agencies, state and local governments, police departments, and other policy/decision makers.

Chair Catherine E. Lhamon and Commissioner David Kladney held a conference call to discuss the report's findings and recommendations.

Among the findings of the Commission majority:

- All residents should be confident that interactions with officers will be fair, consistent with constitutional norms, and free from bias or discrimination.
- No comprehensive national database exists to capture police uses of force; poor data and lack of sufficient training leave officers and the public at risk.

Among the recommendations of the Commission majority:

- The Department of Justice should return to oversight of constitutional policing, and the use of consent decrees where necessary.
- Congress should fund grants, facilitated by the Department of Justice, to incentivize evidence-based practices that reduce incidents of excessive force; and support effective external police oversight and research regarding best practices for such oversight.

The Commission issued a unanimous [statement](#) mourning the loss of life at the Tree of Life synagogue in Pittsburgh, Pennsylvania, and Jeffersontown, Kentucky after what appeared to be bias-motivated shootings. The Commission urged our nation's leadership to use their platforms to fight against forces that would seek to divide us on the basis of differences, whether it is on the basis of how we pray, whom we love, or what we look like.

December

The Commission [released](#) its [report](#): *Broken Promises: Continuing Federal Funding Shortfall for Native Americans*. The Commission majority found that the federal government is not meeting its trust responsibilities, and that budgets and spending of federal agencies sponsoring Native American and Native Hawaiian programs, including the Departments of Health and Human Services, Interior, Housing and Urban Development, Justice, and Education, are inadequate.

Prompted by concerns raised by Native American communities and Members of Congress, Broken Promises updates our 2003 [report](#), *A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country*, which similarly evaluated expenditures of federal agencies on Native American programs. *Broken Promises*, based on expert and public input, and extensive research and analysis, offers actionable recommendations to the President, Congress, and agencies to meet the federal government's trust obligations. Chair Lhamon and Commissioner Karen K. Narasaki held a conference call to discuss the report's findings and recommendations.

At our December 7 [business meeting](#), the Commission [issued](#) statements and letters regarding four important civil rights issues:

- [Urging](#) the 116th Congress to prioritize civil rights oversight and legislation because of the pressing need to restore our national commitment to civil rights principles.
- [Warning](#) against attempts to end citizenship for native born children of non-citizens, and opposing the latest in a troubling pattern of statements and policy proposals expressing hostility and animus toward immigrants or their nations of origin.
- [Urging](#) the U.S. Department of Health and Human Services not to narrowly define gender to a biological condition at birth, as it would have serious negative impacts on the health, welfare, and civil rights of members of the transgender community.
- [Submitting](#) formal comment urging the U.S. Department of Homeland Security (DHS) to reconsider DHS' Notice of Proposed Rulemaking regarding

inadmissibility to the United States on public charge grounds. The proposed rule communicates government animus against multiple marginalized communities such as people with limited English proficiency, LGBT individuals, and people with disabilities. The proposed rule may undermine the equity principles that are foundational to our country by preferring immigration that values only income and wealth rather than celebrating economic opportunity that follows from hard work.

The Commission sent an information [request](#) to the Department of Health and Human Services on immigrant family separation.

Please see the Commission's **revised** business meeting [calendar for 2019](#).



*The Commission held a full-day public [briefing](#):
“Are Rights a Reality? Evaluating Federal Civil Rights Enforcement,” November 2018*



Chair Lhamon and Staff Director Mauro Morales attended the “Holding Up the Mirror” commemoration in San Antonio, November 2018. The event celebrated the 50th anniversary of the Commission’s landmark 1968 public hearing on the civil rights of Mexican Americans. They are joined by Richard Avena, former Commission staff member, and his family.

EARLY 1ST QUARTER 2019

On March 12, 2019, Chair Lhamon [testified](#) before the House Judiciary Committee’s Constitution, Civil Rights, and Civil Liberties Subcommittee: *History and Enforcement of the Voting Rights Act of 1965*. View her testimony at: <https://goo.gl/8KVE1v>. Chair Lhamon’s written testimony can be found [here](#).

On February 22, in Washington, DC, the Commission held a public [briefing](#), *Women in Prison: Seeking Justice Behind Bars*, to evaluate civil rights of women in prison, including deprivations of women’s medical needs that may violate the constitutional requirement to provide adequate medical care for all prisoners; implementation of the Prison Rape Elimination Act; and the sufficiency of programs to meet women’s needs after release. The Commission is examining consequences of discipline practices in women’s prisons and the impact on families when women are placed far from home or parental rights are terminated despite their caregiving role. Commissioners heard from women who have experienced incarceration, state and federal corrections officials, academic and legal experts, and advocates. You may view briefing panels 1 and 2, panels 3 and 4, and the public comment session [here](#), [here](#), and [here](#). We will accept written materials for consideration as we prepare our report; submit to womeninprison@usccr.gov no later than March 25, 2019.

On January 31, the Commission sent a [letter](#) to members of the House Judiciary Committee transmitting our 2018 [report](#), *An Assessment of Minority Voting Rights Access in the United States*.

Our State Advisory Committees (SACs) also carried out important activities:

- [Oregon](#): issued a report on human trafficking;
- [Colorado](#): held a public meeting on the backlog in citizenship and naturalization applications at U.S. Citizenship and Naturalization Services (USCIS);
- [Vermont](#): held a community forum on school discipline practices;
- [Idaho](#): announced a study on Native American voting rights;
- [Oklahoma](#): announced a study on the impact of the state's constitutional amendment on affirmative action.

DID YOU KNOW?

As the Commission begin its activities in 1958, Commissioners made the decision to establish State Advisory Committees (SACs). Then-Commissioner Robert Storey declared this to be “the smartest thing we ever did.” Yet, as there were no regional staff at that time, appointments to the committees were handled in Washington, DC. Each Commissioner – six at the time - was to recommend members for eight states, although all appointments were subject to approval by the full Commission. (There were 48 states at the time – Alaska and Hawaii attained statehood in 1959.) By August 1958, SACs had been established in every state except Mississippi and South Carolina.

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The U.S. Commission on Civil Rights, established by the Civil Rights Act of 1957, is the only independent, bipartisan agency charged with advising the President and Congress on civil rights matters and reporting annually on civil rights. Our 51 state Advisory Committees offer a broad perspective on civil rights concerns at state and local levels. The Commission: In our 7th decade, a continuing legacy of influence in civil rights. For more information, please visit <http://www.usccr.gov> and follow us on [Twitter](#) and [Facebook](#).