

## U.S. COMMISSION ON CIVIL RIGHTS

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**EDITED**

MEETING

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FRIDAY, JULY 25, 2014

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The Commission convened in Suite 1150  
at 1331 Pennsylvania Avenue, Northwest,  
Washington, D.C. at 2:05 p.m., Martin R. Castro,  
Chairman, presiding.

PRESENT:

MARTIN R. CASTRO, Chairman

ROBERTA ACHTENBERG, Commissioner

GAIL L. HERIOT, Commissioner

PETER KIRSANOW, Commissioner

DAVID KLADNEY, Commissioner

KAREN K. NARASAKI, Commissioner

PATRICIA TIMMONS-GOODSON, Commissioner

MICHAEL YAKI, Commissioner\*

MARLENE SALLO, Staff Director

JENNIFER CRON HEPLER

*\* Present via telephone**\*\* Present via videoteleconference***NEAL R. GROSS**COURT REPORTERS AND TRANSCRIBERS  
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STAFF PRESENT:

PAMELA DUNSTON, Chief, ASCD

DORIS GILLIAM

ALFREDA GREENE

JENNIFER HEPLER, Parliamentarian

PETER MINARIK, Director, WRO\*

DAVID MUSSATT, Director of RPCU\*

LENORE OSTROWSKY, PAU

ROREY SMITH, General Counsel

MICHELE YORKMAN, Director, IT

COMMISSIONER ASSISTANTS PRESENT:

ALEC DEULL

KENESHIA GRANT

CLARISSA MULDER

JUANA SILVERIO

ALISON SOMIN

KIMBERLY TOLHURST

INTERNS PRESENT:

MELISSA BROWER

JEFFREY JOSEPH

ELENA LOPEZ

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## 1 P R O C E E D I N G S

2 2:05 p.m.

3 CHAIRMAN CASTRO: Okay, meeting is  
4 coming to order. This is our regular monthly  
5 meeting of the U.S. Commission on Civil Rights. It  
6 is currently, the exact time is 2:05 Eastern Time  
7 on July 25th. The meeting is occurring at our  
8 Commission headquarters, 1331 Pennsylvania  
9 Avenue, N.W., Washington, D.C.

10 I'm Chairman Marty Castro.  
11 Commissioners who are present with me here today  
12 are Commissioner Heriot, Commissioner Kirsanow,  
13 Commissioner Achtenberg, Commissioner Kladney,  
14 and our two newly appointed Commissioners,  
15 Commissioner Narasaki, and Commissioner  
16 Timmons-Goodson. Commissioner Yaki is on the  
17 phone, and so there is a quorum present. Is the  
18 Court Reporter present? He is nodding yes. And is  
19 the Staff Director present?

20 STAFF DIRECTOR SALLO: Present.

21 **I. APPROVAL OF THE AGENDA**

22 CHAIRMAN CASTRO: Great. So, the

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1 meeting shall now come to order. Before we do  
2 anything, obviously, we need to approve the agenda.  
3 Is there a motion? Yes, Commissioner.

4 COMMISSIONER ACHTENBERG: Mr.  
5 Chairman, I'd like to move to amend the agenda to  
6 postpone consideration of the State Advisory  
7 Committee slate for the State of Virginia and put  
8 it off until next month.

9 CHAIRMAN CASTRO: Okay. So, we have a  
10 motion to accept the agenda with the amendment. Is  
11 there a second?

12 COMMISSIONER NARASAKI: Second.

13 CHAIRMAN CASTRO: Okay, we have a  
14 second. Any discussion? Are there any further  
15 amendments?

16 COMMISSIONER KLADNEY: Yes, I would  
17 like to make a motion to amend the agenda to add  
18 subject to a budget for 2016 the consideration of  
19 three concept papers.

20 CHAIRMAN CASTRO: Okay. I thought we  
21 were going to put that off until August?

22 COMMISSIONER KLADNEY: Oh, right, we

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1 were going to put that off.

2 CHAIRMAN CASTRO: Yes.

3 COMMISSIONER KLADNEY: I apologize.

4 CHAIRMAN CASTRO: That's okay, no  
5 problem. So, then we have one amendment. No further  
6 amendments?

7 COMMISSIONER KIRSANOW: Mr. Chair, I'd  
8 like to move to postpone consideration of the NVRA  
9 until next month, also.

10 COMMISSIONER HERIOT: Second.

11 CHAIRMAN CASTRO: Okay, there's a  
12 second on that. How do we vote on these in each  
13 individual turn? So, the first amendment will be  
14 the deletion of, or the postponement of Virginia  
15 SAC?

16 COMMISSIONER HERIOT: I think that was  
17 made part of the original motion to accept the  
18 agenda, because there was no motion to accept the  
19 agenda.

20 CHAIRMAN CASTRO: Okay. So, let's vote  
21 on that --

22 COMMISSIONER HERIOT: So, I think the

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1 proper way to do it is to go with the Kirsanow  
2 motion.

3 CHAIRMAN CASTRO: Okay. So, is that  
4 right? No. Okay, my Counsel is telling me no, so  
5 we'll vote first on the agenda -- why don't we do  
6 this? Let's do a motion on the agenda.

7 COMMISSIONER HERIOT: Could we do  
8 Roberts Rules of Order training then? I mean,  
9 because this -

10 CHAIRMAN CASTRO: No, you give me a  
11 motion on the agenda. Is there a motion on the  
12 agenda?

13 COMMISSIONER HERIOT: We had that.

14 COMMISSIONER ACHTENBERG: I move to  
15 adopt the agenda.

16 CHAIRMAN CASTRO: Okay. And there's a  
17 second?

18 COMMISSIONER KLADNEY: Second.

19 CHAIRMAN CASTRO: Now, would you remake  
20 your motion on the Virginia SAC?

21 COMMISSIONER ACHTENBERG: I move to  
22 amend the agenda to reflect consideration of the

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1 Virginia SAC in August, not in July.

2 CHAIRMAN CASTRO: Okay. Is there a  
3 second to that?

4 COMMISSIONER KLANDEY: Second.

5 CHAIRMAN CASTRO: Okay. Now,  
6 Commissioner Kirsanow had his motion.

7 COMMISSIONER KIRSANOW: I move to  
8 suspend consideration of the NVRA report for,  
9 -- until the August meeting.

10 CHAIRMAN CASTRO: Is there a second?

11 COMMISSIONER HERIOT: Second.

12 CHAIRMAN CASTRO: And your mic is not  
13 working. Okay, so we'll do the first motion on the  
14 first amendment. So, all those in favor of amending  
15 the agenda to postpone Virginia until August, I  
16 should probably do a roll call on that.

17 Commissioner Kirsanow, how do you  
18 vote?

19 COMMISSIONER HERIOT: Ask for  
20 discussion first. I don't think there will be any,  
21 but --

22 CHAIRMAN CASTRO: Okay. Any

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1 discussion? Commissioner Kirsanow.

2 COMMISSIONER KIRSANOW: Yes.

3 CHAIRMAN CASTRO: Commissioner Heriot?

4 COMMISSIONER HERIOT: Yes.

5 CHAIRMAN CASTRO: Commissioner

6 Timmons-Goodson?

7 COMMISSIONER TIMMONS-GOODSON: Yes.

8 CHAIRMAN CASTRO: Commissioner

9 Narasaki.

10 COMMISSIONER NARASAKI: Yes.

11 CHAIRMAN CASTRO: Commissioner Yaki?

12 COMMISSIONER YAKI: Aye.

13 CHAIRMAN CASTRO: Commissioner

14 Achtenberg.

15 COMMISSIONER ACHTENBERG: Yes.

16 CHAIRMAN CASTRO: Commissioner

17 Kladney.

18 COMMISSIONER KLADNEY: Yes.

19 CHAIRMAN CASTRO: And I vote yes. Wow,

20 we have a unanimous vote, first one.

21 Next we move on to the motion by

22 Commissioner Kirsanow to postpone the NVRA, did you

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1 say until August?

2 COMMISSIONER KIRSANOW: Yes.

3 CHAIRMAN CASTRO: Okay. Any  
4 discussion?

5 COMMISSIONER HERIOT: Mr. Chairman?

6 CHAIRMAN CASTRO: Yes, Commissioner  
7 Heriot, then Commissioner Narasaki.

8 COMMISSIONER HERIOT: I think the  
9 reason I support this is that we have not had time  
10 to review the particular findings and  
11 recommendations that have been proposed. And  
12 there's a possibility that we're going to go for  
13 some of these, but otherwise we're going to have  
14 to vote no.

15 COMMISSIONER KIRSANOW: And I also have  
16 not had an opportunity to review Commissioner  
17 Yaki's issues. And the last time he did it, I was  
18 very impressed.

19 CHAIRMAN CASTRO: So, let me ask, do you  
20 have a problem with Part B because you haven't  
21 reviewed it yet? How about Part A?

22 COMMISSIONER KIRSANOW: Either one.

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1 CHAIRMAN CASTRO: What do you mean?

2 Both of them, you mean.

3 COMMISSIONER KIRSANOW: Both of them,  
4 that's right.

5 COMMISSIONER HERIOT: Part A, are we  
6 talking about the --

7 CHAIRMAN CASTRO: The report.

8 COMMISSIONER HERIOT: -- the body of  
9 the report?

10 CHAIRMAN CASTRO: Yes.

11 COMMISSIONER HERIOT: I wouldn't mind  
12 doing Part A, but if Commissioner Kirsanow hasn't  
13 read it, then that's a problem.

14 COMMISSIONER KIRSANOW: Well, we can  
15 --

16 COMMISSIONER YAKI: Did Commissioner  
17 Kirsanow say he was impressed by something I did?  
18 I just want to hear that again.

19 COMMISSIONER KIRSANOW: Commissioner  
20 Yaki, this is the second time I've done so.

21 COMMISSIONER YAKI: I know. It's  
22 lightning has struck twice.

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1                   CHAIRMAN CASTRO: And you have a  
2 transcript you can frame once this is done.  
3 Commissioner Kladney, did you have something you  
4 wanted to say?

5                   COMMISSIONER KLADNEY: Not really.

6                   (Simultaneous speech)

7                   CHAIRMAN CASTRO: Yes, Commissioner  
8 Kladney.

9                   COMMISSIONER KLADNEY: Commissioner  
10 Kirsanow hasn't read the document; I think he  
11 should have an opportunity. It's only been a couple  
12 of years since we did this briefing, and I'm sure  
13 another 30 days won't make a difference.

14                   (Laughter)

15                   CHAIRMAN CASTRO: I'm sorry,  
16 Commissioner Narasaki I overlooked you. Did you  
17 have something you wanted to add? Commissioner  
18 Narasaki has something she wants to say.

19                   COMMISSIONER NARASAKI: It's okay. I'm  
20 new so I'm not sure I get a vote on this.

21                   CHAIRMAN CASTRO: Sure you do.

22                   COMMISSIONER NARASAKI: But if we do,

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1 then it would be great to a little bit of time so  
2 that we could, so that at least I could look at it.

3 CHAIRMAN CASTRO: Okay. Good. All  
4 right. Any other discussion on this? If not, we'll  
5 take a vote?

6 COMMISSIONER HERIOT: I just want to  
7 say one more --

8 CHAIRMAN CASTRO: Yes, go ahead.

9 COMMISSIONER HERIOT: I just want to  
10 point out for the record that we got this draft,  
11 you know, 48 hours ago. It's not like this has been  
12 laying around for years.

13 STAFF DIRECTOR SALLO: You're  
14 absolutely correct, Commissioner Heriot, and I  
15 apologize for that. Yasmin was --

16 COMMISSIONER HERIOT: No need to  
17 apologize. I mean, you guys have been turning out  
18 reports really fast.

19 STAFF DIRECTOR SALLO: Thank you.

20 COMMISSIONER HERIOT: So, this is not  
21 a reflection on the staff. It's just that --

22 STAFF DIRECTOR SALLO: Thank you.

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1 COMMISSIONER HERIOT: -- we're  
2 trying to do what we can do, too.

3 STAFF DIRECTOR SALLO: Thank you.

4 CHAIRMAN CASTRO: Okay. So, we'll vote  
5 on that amendment. Commissioner Kirsanow, how do  
6 you vote?

7 COMMISSIONER KIRSANOW: Yes.

8 CHAIRMAN CASTRO: Commissioner Heriot,  
9 how do you vote?

10 COMMISSIONER HERIOT: Yes.

11 CHAIRMAN CASTRO: Commissioner  
12 Timmons-Goodson, how do you vote?

13 COMMISSIONER TIMMONS-GOODSON: Yes.

14 CHAIRMAN CASTRO: Commissioner  
15 Narasaki, how do you vote?

16 COMMISSIONER NARASAKI: Yes.

17 CHAIRMAN CASTRO: Commissioner Yaki,  
18 how do you vote?

19 COMMISSIONER YAKI: Aye.

20 CHAIRMAN CASTRO: Commissioner  
21 Achtenberg, how do you vote?

22 COMMISSIONER ACHTENBERG: Yes.

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1 CHAIRMAN CASTRO: Commissioner  
2 Kladney, how do you vote?

3 COMMISSIONER KLADNEY: Yes.

4 CHAIRMAN CASTRO: And I vote yes, so  
5 that amendment passes.

6 **II. PROGRAM PLANNING**

7 **CONSIDERATION AND VOTE ON COMMISSION LETTER**

8 **REGARDING FEDERAL RESPONSE TO THE**

9 **UNACCOMPANIED MINOR IMMIGRANTS**

10 CHAIRMAN CASTRO: So, the next item on  
11 the agenda is -- you all, hopefully, had received  
12 from me or from the Staff Director on my behalf a  
13 draft of a letter that I propose be sent on the issue  
14 of unaccompanied minor children on the border, in  
15 particular, the federal response. I think we all  
16 are very aware of the crisis which has been  
17 occurring on our border with the arrival of  
18 primarily children from Central America. As you can  
19 see from the draft letter, I don't want to get into  
20 the root causes of what has happened, but there are  
21 substantial reports of allegations of abuse,  
22 physical as well as sexual of some of these children

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1 while they're in federal custody. There are also  
2 issues as relate to due process.

3 So, what I would like for us to do as  
4 a Commission is to express our concerns to the  
5 federal agencies involved and to the  
6 Administration as it relates to those issues. I  
7 think the letter is pretty straightforward, and I  
8 hope folks have had enough time to look at it. I  
9 know I've heard back from some of you about your  
10 intent on supporting this, so I would like to, I  
11 would entertain a motion to support this letter as  
12 a letter from the Commission.

13 COMMISSIONER KLADNEY: I move to vote  
14 the letter as a Commission letter.

15 CHAIRMAN CASTRO: Is there a second?

16 COMMISSIONER ACHTENBERG: Second.

17 CHAIRMAN CASTRO: Thank you. Any  
18 discussion?

19 COMMISSIONER HERIOT: Mr. Chairman?

20 CHAIRMAN CASTRO: Yes, Commissioner.

21 COMMISSIONER HERIOT: I believe that my  
22 special assistant sent to your special assistant

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1 my proposed changes to the letter. Did you get a  
2 chance to see those?

3 CHAIRMAN CASTRO: My special assistant  
4 did review them with me. I didn't actually  
5 physically see them, but we discussed them. And  
6 there were some changes, though, that I didn't feel  
7 comfortable accepting.

8 COMMISSIONER HERIOT: Okay, okay. Then  
9 that means I'm going to have to abstain.

10 CHAIRMAN CASTRO: Okay.

11 COMMISSIONER HERIOT: Okay.

12 CHAIRMAN CASTRO: Any additional  
13 discussion or questions? If not, I will take a roll  
14 call vote. Commissioner Kirsanow, how do you vote?

15 COMMISSIONER KIRSANOW: Yes.

16 CHAIRMAN CASTRO: Commissioner Heriot,  
17 how do you vote?

18 COMMISSIONER HERIOT: Had those  
19 changes been made, I'd have been able to sign the  
20 letter but --

21 CHAIRMAN CASTRO: I appreciate that.

22 COMMISSIONER HERIOT: I will abstain.

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1 CHAIRMAN CASTRO: Thank you.

2 Commissioner Timmons-Goodson.

3 COMMISSIONER TIMMONS-GOODSON: Yes.

4 CHAIRMAN CASTRO: Commissioner

5 Narasaki.

6 COMMISSIONER NARASAKI: Yes.

7 CHAIRMAN CASTRO: Commissioner Yaki.

8 COMMISSIONER YAKI: Aye.

9 CHAIRMAN CASTRO: Commissioner

10 Achtenberg.

11 COMMISSIONER ACHTENBERG: Aye.

12 CHAIRMAN CASTRO: Commissioner

13 Kladney.

14 COMMISSIONER KLADNEY: Yes.

15 CHAIRMAN CASTRO: And I vote yes, so

16 that motion passes. Thank you.

17 Next, we have --

18 COMMISSIONER HERIOT: Mr. Chairman?

19 CHAIRMAN CASTRO: Yes, ma'am.

20 COMMISSIONER HERIOT: Can I just

21 clarify a little bit about why for the record here?

22 CHAIRMAN CASTRO: Sure, please.

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1                   COMMISSIONER HERIOT: There were I  
2 think four changes I wanted to make to the letter,  
3 and one of them I think is simply a matter of what  
4 the law is. The PREA, I understand is actually  
5 rather controversial, whether it applies at all in  
6 this case, so that citation I thought needed to be  
7 changed, and instead refer just to the Department's  
8 standards.

9                   I also thought the use of the word  
10 "gross" there really didn't describe all  
11 -- everything that was going on there, and whether  
12 to call this a Civil Rights crisis as opposed to  
13 a Humanitarian crisis, it's definitely a  
14 Humanitarian crisis, and I support that. But I  
15 thought it might inappropriate under the  
16 circumstances to call it a Civil Rights crisis  
17 since that suggests that there's a legal conclusion  
18 that has to be drawn here, and I'm not certain that  
19 that's the case.

20                   CHAIRMAN CASTRO: Thank you,  
21 Commissioner.

22                   COMMISSIONER HERIOT: I do support much

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1 of the spirit of the letter.

2 CHAIRMAN CASTRO: I appreciate that.

3 Thank you.

4 **II. PROGRAM PLANNING**

5 **DISCUSSION AND VOTE ON THE FY 2015**

6 **STATUTORY ENFORCEMENT REPORT TOPIC**

7 CHAIRMAN CASTRO: The next items up are  
8 initially -- the way we're going to do this voting  
9 on the statutory enforcement report topic for 2015.  
10 We're going to do that separately from other topics  
11 to consider as briefing topics for 2015. So, what  
12 I would propose that we're going to do here is those  
13 Commissioners who have one of their concept papers  
14 that they wish to have considered for the 2015  
15 enforcement report, I would ask that you give a  
16 brief minute or two description about why you  
17 propose that. Once we've gone through those that  
18 are up for consideration for statutory enforcement  
19 report, we will entertain a motion on that.

20 When we've completed that vote, we  
21 will then move on to discuss the other briefing  
22 topics using that same process. Now, to the extent

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1 that you've already discussed your concept paper  
2 for 2015 as a statutory report and it didn't pass,  
3 you can certainly bring that back as a briefing  
4 topic, and we will vote on it then.

5 So, with that said, I am proposing that  
6 we consider -- I'm sorry -- oh, yes. So, I'm going  
7 to ask, well, first what I'm going to do is describe  
8 my paper and then we'll open it up for motions. Do  
9 you, any of you have other papers that folks want  
10 to consider. I know our conservative colleagues  
11 presented some papers for consideration today. I  
12 don't know if any of those are up for consideration  
13 as a statutory enforcement report, but if there  
14 are, I would invite you to describe that paper at  
15 this point.

16 But I'll take the initiative and  
17 describe my immigration detention paper, which  
18 some of you may recall about a year ago or sometime  
19 in the last fiscal year I presented a version of  
20 this among a large number of concept papers that  
21 were under consideration at the time. Take a close  
22 look at the civil rights conditions in these

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1 immigration detention facilities that exist in  
2 various parts of our country.

3 Given what's been happening the last  
4 few weeks on the border with these border children,  
5 that has made this what I consider to be a very  
6 important civil rights issue, even more pressing  
7 given some of the allegations that we hear about  
8 the treatment of these children. This report is not  
9 only about the children, but given what is going  
10 on currently, I think it makes it even more germane  
11 that we take a look at this topic sooner rather than  
12 later because this is an issue that is currently  
13 at the forefront of national discourse, and more  
14 importantly these children, in particular, are at  
15 least alleged to be in certain conditions that  
16 would not comport with what we believe is the right  
17 thing to do. But we want to investigate more broadly  
18 these conditions at these immigration detention  
19 facilities, and because of the timeliness of the  
20 issue, I think it would be important to present it  
21 as a statutory enforcement report. It's got the  
22 federal jurisdiction. Our Office of General

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1 Counsel has reviewed that and determined that we  
2 would have jurisdiction as a statutory enforcement  
3 topic because we would be looking at these various  
4 federal agencies that have civil rights  
5 enforcement authority over these facilities, and  
6 these individuals in the facility.

7 I'd be happy to answer any questions.  
8 If not, then are there any other reports, any other  
9 concept papers that my colleagues would like to  
10 also have considered before we make a motion?  
11 Hearing none, then do we have a motion on statutory  
12 enforcement? Yes, Commissioner Achtenberg.

13 COMMISSIONER ACHTENBERG: Yes, Mr.  
14 Chairman. I want to move the adoption of the State  
15 of Civil Rights at Immigration and Detention  
16 Facilities by the Commission for our, adoption as  
17 our statutory report topic. I might add that  
18 originally I had put forward my Federal Enforcement  
19 of PELL Grant and Campus-Based Post-Secondary  
20 Education Financial Aid Programs as a potential  
21 topic for the statutory report, but in consultation  
22 with the Staff Director and the Office of General

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1 Counsel, I think it's more appropriate that that  
2 topic be addressed as a hearing topic, as opposed  
3 to the statutory enforcement report topic. And I  
4 aim to recommend that --

5 COMMISSIONER HERIOT: Hearing or  
6 briefing?

7 CHAIRMAN CASTRO: She meant briefing.

8 COMMISSIONER ACHTENBERG: As a  
9 briefing. I beg your pardon. As a briefing I aim  
10 to recommend that as a briefing when we have the  
11 opportunity to make recommendations of briefing  
12 topics. So, I happily recommend the adoption of  
13 your paper as the statutory enforcement topic.

14 COMMISSIONER KLADNEY: I'll second  
15 that.

16 CHAIRMAN CASTRO: Thank you. Any  
17 discussion?

18 COMMISSIONER YAKI: This is  
19 Commissioner Yaki.

20 CHAIRMAN CASTRO: Yes.

21 COMMISSIONER YAKI: Thank you, Mr.  
22 Chair. I support this topic which is something that

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1 I know was important to you when you first came on  
2 to the Commission. And the only point I want to make  
3 on this is that I hope that in going into this topic  
4 we explore the role and use of how do prisons in  
5 housing some of these families and kids one other  
6 thing that has come up in this whole crisis has been  
7 the Congressionally mandated quota of beds to fill  
8 in these private prisons by its detainees. And if,  
9 in fact, any of these facilities are being used to  
10 detain families or minors, I hope we can look into  
11 that, as well.

12 CHAIRMAN CASTRO: Thank you,  
13 Commissioner Yaki. Any other comments?  
14 Commissioner Heriot.

15 COMMISSIONER HERIOT: I just wanted to  
16 clarify how we have jurisdiction over your  
17 proposal.

18 CHAIRMAN CASTRO: Over this topic?

19 COMMISSIONER HERIOT: Yes.

20 CHAIRMAN CASTRO: Can I ask our General  
21 Counsel's Office to explain your approval of  
22 jurisdiction.

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1                   GENERAL COUNSEL SMITH: So, we have a  
2 total of 22 concept papers, so rather than me  
3 individually addressing each at this time, if you  
4 have individual questions about a particular  
5 concept paper, I invite you to please come see me  
6 and I can talk to you about the recommendations that  
7 the Office of General Counsel had. But I don't think  
8 it's appropriate in the public forum to discuss  
9 that. But, needless to say, that the Office of  
10 General Counsel did review the concept paper and  
11 found it to be within our jurisdictional mandate.

12                   COMMISSIONER HERIOT: You don't think  
13 it's appropriate to discuss that right before we  
14 vote on it?

15                   GENERAL COUNSEL: No.

16                   COMMISSIONER HERIOT: Why is that?

17                   GENERAL COUNSEL: Certainly, I don't  
18 know what the parameters were or how the papers got  
19 circulated, but if anyone had questions for me, I  
20 wish that they would have come to me prior to the  
21 public meeting. For me to address each individual  
22 paper, 22 of them, I'm not going to be in a position

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1 right now --

2 COMMISSIONER HERIOT: Only asking  
3 about the one.

4 GENERAL COUNSEL: I understand that,  
5 but I'm not going to do that in the public record.  
6 But I do invite you to come see me if you want to  
7 discuss it. I definitely will discuss that with  
8 you, with no reservation.

9 (Simultaneous speech)

10 COMMISSIONER KLADNEY: Isn't that a  
11 public subject?

12 COMMISSIONER KIRSANOW: Why isn't it  
13 that we should discuss it in a public forum? We've  
14 done so in the past. We've discussed the  
15 jurisdictional aspects of a particular concept  
16 paper in public before. What conclusion have you  
17 drawn since then?

18 GENERAL COUNSEL SMITH: My point with  
19 this is that if I have known that you wanted me to  
20 address each one of your papers --

21 COMMISSIONER HERIOT: We only want the  
22 one.

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1                   GENERAL COUNSEL: No, what I'm saying  
2                   is, is that you guys have 22 of them, so you know  
3                   your own individual ones. I would need to recall  
4                   exactly what was in the paper itself, so I'm asking  
5                   you to give me that deference, if you have questions  
6                   to please come see me so that I can explain it to  
7                   you. I don't want to say something erroneously that  
8                   I don't recall off the top of my head. That's all  
9                   I'm saying.

10                   CHAIRMAN CASTRO: In my opinion, not  
11                   going to answer on behalf of the General Counsel,  
12                   but if you do look at the briefing paper, at the  
13                   concept paper it clearly indicates several federal  
14                   agencies here that have the authority not only to  
15                   detain these young people, but also to care for them  
16                   and are, therefore, in charge of responsible for  
17                   providing for their civil rights, including the  
18                   Department of Homeland Security, ICE. We have the  
19                   Border Patrol, the Immigration Division, Health  
20                   and Human Services. We also have the Department  
21                   of, the DHS, Homeland Security itself; we have  
22                   allegations of the PREA which is a piece of federal

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1       legislation which is implicated here. So, clearly,  
2       there are a number of federal enforcement and  
3       jurisdictional points that are raised in this topic  
4       that would allow us to have federal jurisdiction  
5       on the topic.

6                   COMMISSIONER HERIOT: Does it involve  
7       discrimination or denials of equal protection  
8       based on race, sex, national origin, disability?  
9       I mean, if you could just tell me which hook you're  
10      looking for.

11                   CHAIRMAN CASTRO: It may very well be,  
12      denial of equal protection, and the administration  
13      of justice as to immigrant detainees, so there's  
14      national origin there. These children are also  
15      Hispanic children for the most part, the children  
16      but, generally speaking, this is not just limited  
17      again to the border children, this is in the  
18      broadest sense of the immigration detention  
19      facilities. And if you look at the immigration  
20      detention facilities, you know, they are  
21      overwhelmingly housing people of color, so  
22      I-- there are both issues as relate to national

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1 origin, possibly race and ethnicity, but clearly  
2 under our jurisdictional mandate of equal  
3 protection and the administration of justice that  
4 is also an additional ground for our having  
5 authority to do this as a statutory enforcement  
6 report.

7 Any other questions? If not, we will  
8 vote. Commissioner Kirsanow, how do you vote?

9 COMMISSIONER KIRSANOW: No.

10 CHAIRMAN CASTRO: Commissioner Heriot,  
11 how do you vote?

12 COMMISSIONER HERIOT: No.

13 CHAIRMAN CASTRO: Commissioner  
14 Timmons-Goodson, how do you vote?

15 COMMISSIONER TIMMONS-GOODSON: Yes.

16 CHAIRMAN CASTRO: Yes? Okay.

17 Commissioner Narasaki, how do you vote?

18 COMMISSIONER NARASAKI: I'm  
19 abstaining.

20 CHAIRMAN CASTRO: Okay. Commissioner  
21 Yaki, how do you vote?

22 COMMISSIONER YAKI: Aye.

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1                   CHAIRMAN       CASTRO:       Commissioner  
2           Achtenberg, how do you vote?

3                   COMMISSIONER ACHTENBERG: Aye.

4                   CHAIRMAN       CASTRO:       Commissioner  
5           Kladney, how do you vote?

6                   COMMISSIONER KLADNEY: Yes.

7                   CHAIRMAN CASTRO: And I vote yes, so  
8           that's one, two, three, four, five yeses, two nos  
9           and an abstention, so the motion passes for the  
10          State of Civil Rights at Immigration Detention  
11          Facilities to be the briefing, the Statutory  
12          Enforcement topic for Fiscal Year 2015. Thank you,  
13          everybody. This is a very important issue, and I'm  
14          glad we're going to be able to weigh in on it.  
15          Appreciate it.

16                                   **II. PROGRAM PLANNING**

17                                   **DISCUSSION AND VOTE ON TWO BRIEFING**

18                                   **TOPICS FOR FY 2015**

19                   CHAIRMAN CASTRO: Now, we will move on  
20          to consideration and ultimate selection of two  
21          topics for Fiscal Year '15 briefing topics.  
22          Commissioners have circulated a number of papers,

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1 and I would invite Commissioners who wish to  
2 present the background information on their paper  
3 to identify themselves and let me know.  
4 Commissioner Achtenberg.

5 COMMISSIONER ACHTENBERG: Mr.  
6 Chairman, I want to propose two papers for two  
7 separate briefings. The first is the PELL Grant and  
8 Campus-Based Aid paper that I submitted for the  
9 body's consideration first as a proposed statutory  
10 report, but as I explained now instead of that as  
11 a hearing, I'm sorry, as a briefing topic.

12 With the possible reauthorization of  
13 the Higher Education Act in the offing, and given  
14 the disparities in higher education enrollment,  
15 persistence and achievement that is currently  
16 being experienced by students of both African  
17 American students and Latino students, and given  
18 the various forms of federal assistance that are  
19 provided all students, what I want to examine here  
20 is the funding formulae that pertain both to PELL  
21 Grant, as well as campus various three forms of  
22 campus-based assistance, and try and determine the

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1 extent to which, if at all, the way these grants,  
2 and loans, and college work study are funded  
3 contributes to the current disparities that we are  
4 experiencing in enrollment persistence and  
5 achievement on the basis of color, race, and  
6 national origin.

7 In my university experience, I believe  
8 this to be a problem. Many commentators believe it  
9 to be a problem, and I think it would be very  
10 important for this Commission to determine if,  
11 indeed, there is a problem here that rises to the  
12 level of a civil rights challenge of which we should  
13 be aware and be in a position to comment on for the  
14 benefit of the Congress and the President as they  
15 consider future actions on this topic.

16 CHAIRMAN CASTRO: Do you want to speak  
17 to the second paper, as well? Oh, that was both of  
18 them.

19 COMMISSIONER ACHTENBERG: No, that was  
20 the first one.

21 CHAIRMAN CASTRO: Okay.

22 COMMISSIONER ACHTENBERG: My second

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1 proposal is one to examine workplace  
2 discrimination against lesbian, gay, bisexual, and  
3 transgender Americans. There are numerous  
4 legislative proposals to address this longstanding  
5 challenge to civil and human rights. There are a  
6 number of Presidential Executive Orders that have  
7 addressed parts of this issue. There are a number  
8 of state laws and local ordinances that have been  
9 adopted as an attempt to address this issue. And  
10 I would like the Commission really for the very  
11 first time, even though this issue has been a lively  
12 one in the civil rights debate for more than 35  
13 years, a proposed piece of federal legislation  
14 having languished in the Congress for more than 20  
15 years, I think it's about time that this Commission  
16 examine this issue and make some determinations  
17 about how pervasive and extensive the problem is,  
18 and whether or not this Commission with its  
19 expertise might make recommendations about how the  
20 Nation might more uniformly address what I believe  
21 to be an exceedingly important issue for everyone,  
22 actually, but particularly for LGBT Americans. So,

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1 that's the nature of my second paper, and I'm happy  
2 to answer any questions that people might have  
3 about why that's both a problem, and why it's an  
4 appropriate topic for this body to address.

5 CHAIRMAN CASTRO: Okay. Are there other  
6 topics that Commissioners wish to brief us on?  
7 Commissioner Kirsanow?

8 COMMISSIONER KIRSANOW: Yes, I do.  
9 Thanks. I had several, I'm not sure if I'm going  
10 to re-propose all of them, but the one that I would  
11 like to address right now is, I had a concept paper,  
12 I think it's been pending for a while dealing with  
13 the discrimination against Asian Americans in  
14 higher education. It was a matter that was  
15 reintroduced into public consciousness just  
16 recently when there was a proposal in California  
17 to repeal Prop 209. As you know, when Prop 209 came  
18 into existence, there was a significant increase  
19 of Asian Americans in institutions of higher  
20 education throughout California. There was also a  
21 fairly substantial body of scholarship related to  
22 the effect of admissions policies on Asian

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1 Americans in higher education, and the higher  
2 standards to which Asian American students are held  
3 in the admission process, and who knows what other  
4 processes.

5 And so, the essence of the inquiry  
6 would be to address the extent to which university  
7 admissions policies discriminate, if at all,  
8 against Asian Americans.

9 CHAIRMAN CASTRO: Any other paper  
10 topics that folks would like to present?  
11 Commissioner Heriot.

12 COMMISSIONER HERIOT: I think I'm not  
13 going to propose my topics. I was just going to  
14 invite Commissioner Yaki to propose his voter fraud  
15 topic.

16 CHAIRMAN CASTRO: Commissioner Yaki,  
17 did you want to put that forward now, or did you  
18 want to wait?

19 COMMISSIONER YAKI: I was going to talk  
20 about something else first.

21 CHAIRMAN CASTRO: Okay.

22 COMMISSIONER YAKI: What I wanted to

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1 talk about first, it comes on the heels of the  
2 discussion today, and that is -- and I talked about  
3 it in previous iterations with this Commission, and  
4 no surprise but I've been very concerned about the  
5 rise in racially-based incidents on U.S. college  
6 and university campuses. And I don't know if I'm  
7 actually going to propose it today, but I just  
8 through apropos of our discussion today it raises  
9 many of the same issues that were brought up by the  
10 speakers today, and that is the -- I don't think  
11 there is as much tension as others would think  
12 between the First Amendment and egregious examples  
13 of racist activities and conduct on our college  
14 campuses to the extent that the Computation Service  
15 of the Department of Justice in 2003 reported that  
16 there's no claims where hate crimes are occurring  
17 with increasing frequency, more visibility and  
18 hostility than in institutions of higher  
19 education.

20 We find examples where the theme  
21 parties that denigrate the African Americans, a  
22 race on mutation of the Martin Luther King, Jr.

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1 holiday; it's the same thing with Cinco de Mayo and  
2 Hispanics. You have horrible graffiti such as  
3 "Emmett Till deserved to die" at a campus in SUNY  
4 in New York. Close to home in November of last year,  
5 three San Jose students were charged with a hate  
6 crime for clamping a bicycle lock around an African  
7 American student's neck and painting his bedroom  
8 with a Confederate flag, Nazi symbols,  
9 (inaudible), Hitler, you had defacing of statues,  
10 so likely there's at campuses in the South, it's  
11 something where it's -- it's a very big concern of  
12 mine because it used to be a safe place for people  
13 to go to exchange and debate and discuss important  
14 issues of the day has now become a place where  
15 intolerance has, and I wanted to take a look at all  
16 these issues and see what happened today in the  
17 briefing on sexual harassment. You see a lot of the  
18 same parallels in terms of those who would wish  
19 (unintelligible due to telephonic interference)  
20 which evolved in terms of preventing these things  
21 and others who want to have more standards and more,  
22 more aggressive. I'm sure you could bring that up,

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1 but I am not going to propose it at this time, given  
2 that it was close in some ways to the last briefing  
3 that we just had, but it is important, it is  
4 something that we should bring up at some point in  
5 time. And at some point, I'm wondering if there's  
6 some other ability to bring up topics short of  
7 full-blown reports which I've talked about for  
8 years that would allow us to conduct a wider range  
9 of inquiry on a wider range of issues that don't  
10 necessarily have to result in findings,  
11 recommendations, and other staff and time  
12 consuming methodologies that prevent us from being  
13 more nimble in bringing the attention of our  
14 counselors and scholars to issues such as  
15 (unintelligible due to telephonic interference)  
16 for years. In this case I think over a decade in  
17 the making.

18 STAFF DIRECTOR SALLO: If I may, Mr.  
19 Chairman.

20 CHAIRMAN CASTRO: Yes, go ahead.

21 STAFF DIRECTOR SALLO: This is the  
22 Staff Director. I wanted to advise you,

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1 Commissioner Yaki and all the Commissioners that  
2 the thought that Commissioner Yaki has about  
3 possibly bringing forth other topics without  
4 having to produce reports or issue findings and  
5 recommendations has already been discussed. I have  
6 discussed with the Chair, the General Counsel and  
7 I have discussed that and, obviously, we are open  
8 to that, and we're amendable to that, but I will  
9 still need to depend upon my budget. So, once the  
10 budget is received we can see how we can make that  
11 work, but it is a very viable option and one that  
12 we would look forward to being able to implement.

13 CHAIRMAN CASTRO: Thank you. So, we had  
14 presentation now on three concept papers. We're to  
15 choose two today to round out 2015. Is there any  
16 other concept paper that's been submitted already  
17 that has not been described that you want to vote  
18 on? Hearing none, then I will entertain a motion  
19 or motions, actually, on the selection of two  
20 topics for 2015 briefing. Any motion, Commissioner  
21 Achtenberg?

22 COMMISSIONER ACHTENBERG: Mr.

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1 Chairman, at the risk of appearing self-serving,  
2 I'd like to make a motion to adopt my federal  
3 enforcement of PELL grant and campus-based aid  
4 grant briefing paper with the understanding that  
5 additional reformulation of the topic will ensue  
6 in consultation with the Staff Director and Office  
7 of General Counsel, and before work is begun on  
8 that, we will submit to this body a copy of the  
9 reformulated paper, similar as we have done with  
10 other briefing topics that we have adopted  
11 essentially in theory, and later clarified with  
12 revised papers. So, with the understanding that  
13 there's one more revision of this yet to be  
14 considered by this body, I'd ask for a vote on this  
15 as a preliminary --

16 CHAIRMAN CASTRO: Is there a second?

17 COMMISSIONER KLADNEY: I second the  
18 motion.

19 CHAIRMAN CASTRO: Okay. Any  
20 discussion? This is the higher education. So, no  
21 indication of discussion, so we'll vote on this  
22 motion. Yes? We're going to take each one by turn.

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1 I'm sorry.

2 COMMISSIONER ACHTENBERG: I thought  
3 she had her hand up.

4 CHAIRMAN CASTRO: Oh, okay, no. So,  
5 Commissioner Kirsanow, how do you vote?

6 COMMISSIONER KIRSANOW: Yes.

7 CHAIRMAN CASTRO: Commissioner Heriot,  
8 how do you vote?

9 COMMISSIONER HERIOT: Yes.

10 CHAIRMAN CASTRO: Commissioner  
11 Timmons-Goodson, how do you vote?

12 COMMISSIONER TIMMONS-GOODSON: Yes.

13 CHAIRMAN CASTRO: Commissioner  
14 Narasaki, how do you vote?

15 COMMISSIONER NARASAKI: Yes.

16 CHAIRMAN CASTRO: Commissioner Yaki,  
17 how do you vote?

18 COMMISSIONER YAKI: Aye.

19 CHAIRMAN CASTRO: Commissioner  
20 Achtenberg, how do you vote?

21 COMMISSIONER ACHTENBERG: Aye.

22 CHAIRMAN CASTRO: Commissioner

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1 Kladney, how do you vote?

2 COMMISSIONER KLADNEY: Yes.

3 CHAIRMAN CASTRO: And I vote yes, as  
4 well, so it's unanimous. Any additional motions for  
5 the next, the last topic?

6 COMMISSIONER KLADNEY: I move to adopt  
7 the paper that is described by Commissioner  
8 Achtenberg.

9 CHAIRMAN CASTRO: Could you -- your mic  
10 is not working.

11 COMMISSIONER KLADNEY: I move to adopt  
12 Commissioner Achtenberg's second paper described  
13 as ENDA. Well, it's not entitled any, oh, yes,  
14 Examining Workplace Discrimination Against  
15 Lesbian, Gay, Bisexual, and Transgender Americans.

16 CHAIRMAN CASTRO: Is there a second?

17 COMMISSIONER ACHTENBERG: Second.

18 CHAIRMAN CASTRO: Is there discussion?  
19 Commissioner Heriot, I think I saw you raise your  
20 hand.

21 COMMISSIONER HERIOT: I think it's a  
22 perfectly legitimate topic, but I would prefer

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1 Commissioner Kirsanow's topic, so that's why I will  
2 vote no on this. And I'm perfectly willing to do  
3 this topic at some future time, if we can do  
4 Commissioner Kirsanow's topic first.

5 CHAIRMAN CASTRO: Any other comments,  
6 questions, discussion? Hearing none, we will take  
7 a vote on this topic. Commissioner Kirsanow, how  
8 do you vote?

9 COMMISSIONER KIRSANOW: No.

10 CHAIRMAN CASTRO: Commissioner Heriot,  
11 how do you vote?

12 COMMISSIONER HERIOT: No.

13 CHAIRMAN CASTRO: Commissioner  
14 Timmons-Goodson, how do you vote?

15 COMMISSIONER TIMMONS-GOODSON: Yes.

16 CHAIRMAN CASTRO: Commissioner  
17 Narasaki, how do you vote?

18 COMMISSIONER NARASAKI: I think out of  
19 abundance of caution, I'm going to recuse myself.

20 CHAIRMAN CASTRO: So, you're  
21 abstaining. Commissioner Yaki, how do you vote?

22 COMMISSIONER YAKI: Aye.

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1                   CHAIRMAN       CASTRO:       Commissioner  
2           Achtenberg, how do you vote?

3                   COMMISSIONER ACHTENBERG: Aye.

4                   CHAIRMAN       CASTRO:       Commissioner  
5           Kladney, how do you vote?

6                   COMMISSIONER KLADNEY: Yes.

7                   CHAIRMAN CASTRO: I vote yes, so we have  
8           one, two, three, four, five yeses, two nos and an  
9           abstention, so the motion passes.

10                   Okay. We are now moving on to the next  
11           item on our agenda which is the Management and  
12           Operations Report.

13                   **III. MANAGEMENT AND OPERATIONS**

14                   **STAFF DIRECTOR'S REPORT**

15                   CHAIRMAN CASTRO: Do we have anything,  
16           Madam Staff Director?

17                   STAFF DIRECTOR SALLO: Thank you,  
18           Chairman Castro.

19                   CHAIRMAN CASTRO: You're welcome.

20                   STAFF DIRECTOR SALLO: I wanted to  
21           provide some updates, and I'll follow the same  
22           procedure that I followed in the past. But prior

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1 to that, I wanted to let the Commissioners know that  
2 we have made an offer for the Office of Civil Rights  
3 Examination Director position. It has been  
4 accepted, and the new OCRE Director will be  
5 starting on Monday, August 11th. And she will be  
6 present at the next Commission meeting which will  
7 be held on August 15th.

8 In addition, we have made an offer and  
9 it has been accepted for the Social Scientist  
10 position, and that gentleman will be starting two  
11 weeks after that on the 25th of August, Monday, the  
12 25th. And he comes with a strong statistical social  
13 science background, so I look forward to having him  
14 on board.

15 In addition, we advertised for the  
16 RPCU Chief position and it has been given  
17 permanently to David Mussatt, and he will from this  
18 point forward, or as of last week he is not only  
19 the coordinator, but he will also be managing the  
20 regional offices with the thought process that if  
21 and when I move on, he can continue to supervise  
22 the regional staff without any problem whatsoever.

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1           As it applies to civil rights  
2 analysts, as you know, we currently only have two  
3 on staff. I hope to have an advertisement up and  
4 ready and live next week to bring on board another  
5 civil rights analyst to the OCRE department so that  
6 we can have some additional support, so that we can  
7 start issuing more comprehensive reports.

8           And we are also in the last stages of  
9 interviewing for the regional director position in  
10 the Southern Region, and hopefully that will be  
11 filled by the end of August.

12           So, as I move forward, I wanted to  
13 update you on the current reports that we have. The  
14 Eminent Domain report has now been published. We  
15 have requested to have 50 copies delivered to  
16 headquarters so that it can be disseminated to  
17 whomever is interested in receiving copies, please  
18 let me know.

19           As it applies to the Statutory  
20 Enforcement report, the rebuttals will be due on  
21 Tuesday, August 19th, as well as for the Sex  
22 Trafficking report and the Arab Muslim report.

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1           The Civil Liberties report had to be  
2 reworked, and our editor, unfortunately, was out  
3 ill and that's why the NVRA report was also delayed.  
4 She was out for over two weeks, she is now back,  
5 and I hope to have the Civil Liberties report back  
6 and ready for circulation by mid of next week.

7           And as you also know, the Stand Your  
8 Ground is set for Friday, October 17th. We have  
9 already selected the venue, and we have the hotel  
10 rooms' reserved, logistical information will be  
11 sent out to all staff and Commissioners by the end  
12 of August.

13           Another update as to publications is  
14 our Uncle Sam has been sent, has been revised,  
15 updated, edited and reformatted, and it has gone  
16 to GPO for printing, and the Spanish Uncle Sam  
17 version will be going out within the next week, as  
18 well, for printing.

19           COMMISSIONER NARASAKI: I'm sorry.  
20 What's Uncle Sam?

21           STAFF DIRECTOR SALLO: Oh, that is a  
22 resource book that we issue from the Commission

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1 that has contact information and background  
2 information on every single agency that exists at  
3 the national level, that can assist with civil  
4 rights matters, and it's separated by subject  
5 matter.

6 COMMISSIONER NARASAKI: Thank you.

7 STAFF DIRECTOR SALLO: You're welcome.

8 We also continue to reformat our web  
9 page, specifically we will now have a page that will  
10 be attributed to the State Advisory Committees, so  
11 that will hopefully be up and running by the end  
12 of this fiscal year where we will contain all of  
13 the SAC reports on that page, the members will also  
14 be able to see any updates and information as it  
15 applies to the SAC program, in general. And they  
16 will be able to access, also, information  
17 pertaining to financial disclosures and ethics  
18 training that is required of them.

19 And we are still targeting to stream  
20 any meetings -- a meeting of the Commission by the  
21 end of this calendar year. We do have the capability  
22 now of actually using the web cam to hold meetings

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1 offsite with other individuals, and I have used  
2 that to actually interview individuals that have  
3 applied for positions that are out of state. So,  
4 I'm very excited that we will ultimately have that  
5 capability here in this room, as well.

6 We have, -- we're in the process of  
7 undergoing an audit, as you all know, it happens  
8 every year, so we are working closely with that,  
9 as well. And we are still waiting as it is indicated  
10 in the Staff Director report to receive the final  
11 report from the Office of Government Ethics, and  
12 as soon as that is provided, I will disseminate  
13 that, as well.

14 CHAIRMAN CASTRO: Any questions for the  
15 Staff Director? Seeing none, we will then move on  
16 to the appointment of our State Advisory  
17 Committees.

#### 18 IV. STATE ADVISORY COMMITTEE (SAC)

##### 19 APPOINTMENTS

20 CHAIRMAN CASTRO: I am going to make a  
21 motion that the Commission appoint the following  
22 individuals to the Arizona Committee, I should say

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1 State Advisory Committee, based upon the  
2 recommendation of our Staff Director: Leticia de  
3 la Vara, Patrick Dylan, Jose Luis Esparza, Dana  
4 Marie Kennedy, Leona Johnston, Jay McKenzie,  
5 Andrea L. Martinez, Evangeline M. Nunez, Erin A.  
6 Ogletree, Thomas C. Patterson, Jonathan Rose, and  
7 Lorena Van Assche.

8 Pursuant to this motion, the  
9 Commission appoints Andrea L. Martinez as Chair of  
10 the Arizona State Advisory Committee. These  
11 members will serve as uncompensated government  
12 employees. Under this motion, the Commission  
13 authorizes the Staff Director to execute the  
14 appropriate paperwork for the appointments. Do I  
15 have a second?

16 COMMISSIONER KLADNEY: Second.

17 CHAIRMAN CASTRO: Second. Okay. Any  
18 discussion? Hearing none, Commissioner Narasaki,  
19 how do you vote?

20 COMMISSIONER NARASAKI: Yes.

21 CHAIRMAN CASTRO: Commissioner  
22 Timmons-Goodson, how do you vote?

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1 COMMISSIONER TIMMONS-GOODSON: Yes.

2 CHAIRMAN CASTRO: Commissioner  
3 Kirsanow, how do you vote?

4 COMMISSIONER KIRSANOW: Yes.

5 CHAIRMAN CASTRO: Commissioner Heriot,  
6 how do you vote?

7 COMMISSIONER HERIOT: Yes.

8 CHAIRMAN CASTRO: Commissioner  
9 Achtenberg, how do you vote?

10 COMMISSIONER ACHTENBERG: Yes.

11 CHAIRMAN CASTRO: Commissioner  
12 Kladney, how do you vote?

13 COMMISSIONER KLADNEY: Yes.

14 CHAIRMAN CASTRO: Commissioner Yaki,  
15 how do you vote? Commissioner Yaki? Okay, well I  
16 vote yes. Commissioner Yaki, are you there?

17 COMMISSIONER YAKI: Oh, yes, I'm sorry.

18 CHAIRMAN CASTRO: Okay. It's all right.

19 COMMISSIONER YAKI: Aye, aye, aye.

20 CHAIRMAN CASTRO: So the motion passes  
21 unanimously.

22 I am now going to make a motion that

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1 the Commission appoint the following individuals  
2 to the Missouri State Advisory Committee based upon  
3 the recommendation of our Staff Director: S. David  
4 Mitchell, Anton Bockelman, Joan Bergstrom, Miguel  
5 Carranza, Anna Crosslin, Eugene E. Dokes, Barbara  
6 Hammer, John Inazu, Jalesia F. McQueen, David Rose,  
7 James Seal, Michelle Sherod, Alisa Warren, and  
8 Donayle Whitmore.

9 Pursuant to this motion, the  
10 Commission appoints S. David Mitchell as chair of  
11 the Missouri State Advisory Committee. These  
12 members will serve as uncompensated government  
13 employees. Under this motion, the Commission  
14 authorizes the Staff Director to execute the  
15 appropriate paperwork for the appointments. Do I  
16 have second?

17 COMMISSIONER KLADNEY: Second.

18 CHAIRMAN CASTRO: Any discussion?  
19 Commissioner Heriot.

20 COMMISSIONER HERIOT: I think this SAC  
21 is very unbalanced, but in fairness I failed to make  
22 some recommendations that I had planned to make,

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1 so it's my fault, but I'm going to have to abstain  
2 on this on account of that.

3 CHAIRMAN CASTRO: Okay. Any other  
4 questions, comments? If not, I'll call the roll.  
5 Commissioner Narasaki, how do you vote?

6 COMMISSIONER NARASAKI: Yes.

7 CHAIRMAN CASTRO: Commissioner  
8 Timmons-Goodson, how do you vote?

9 COMMISSIONER TIMMONS-GOODSON: Yes.

10 CHAIRMAN CASTRO: Commissioner  
11 Kirsanow, how do you vote?

12 COMMISSIONER KIRSANOW: No.

13 CHAIRMAN CASTRO: Commissioner Heriot,  
14 how do you vote?

15 COMMISSIONER HERIOT: I abstain.

16 CHAIRMAN CASTRO: Commissioner  
17 Achtenberg, how do you vote?

18 COMMISSIONER ACHTENBERG: Yes.

19 CHAIRMAN CASTRO: Commissioner  
20 Kladney, how do you vote?

21 COMMISSIONER KLADNEY: Yes.

22 CHAIRMAN CASTRO: Commissioner Yaki,

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1       how do you vote?

2                       COMMISSIONER YAKI: Aye.

3                       CHAIRMAN CASTRO: And I vote yes. We  
4       have one, two, three, four, five, six yeses, one  
5       no, and an abstention, the motion passes.

6                       STAFF DIRECTOR SALLO: Can I say  
7       something?

8                       CHAIRMAN CASTRO: Yes, Madam Staff  
9       Director.

10                      STAFF DIRECTOR SALLO: I'd like to say  
11       thank you to the Commissioners for passing the two  
12       SAC slates, and I'd like to bring to everyone's  
13       attention that as a result of these two approvals  
14       we now only have 10 SACs that remain unappointed  
15       with the goal and the hope that we will get all the  
16       appointments through by September 30th, since that  
17       is the deadline that I've set for staff. So, this  
18       puts us at 80 percent viability right now with the  
19       SACs.

20                      CHAIRMAN CASTRO: Which is great, we  
21       haven't been there in a long time. So, thank you  
22       for all the hard work, staff, and Staff Director.

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1                   Now I'll entertain a motion to adjourn  
2 the meeting.

3                   **V. ADJOURN MEETING**

4                   COMMISSIONER KLADNEY: So moved.

5                   CHAIRMAN CASTRO: Is there a second?

6                   COMMISSIONER ACHTENBERG: Second.

7                   CHAIRMAN CASTRO: All in favor say aye.

8                   (Chorus of ayes)

9                   CHAIRMAN CASTRO: Any opposed, any  
10 abstentions? Okay, you can go home. Thank you,  
11 everyone. This meeting is now adjourned at 2:54  
12 p.m. Eastern Time.

13                   (Whereupon, the above-entitled matter  
14 went off the record at 2:54 p.m.)

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