

U.S. COMMISSION ON CIVIL RIGHTS

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MEETING **EDITED**

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FRIDAY, AUGUST 15, 2014

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The Commission convened in Suite 1150
at 1331 Pennsylvania Avenue, Northwest,
Washington, D.C. at 9:31 a.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, Parliamentarian

* Present via telephone

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STAFF PRESENT:

IVY DAVIS, Director, ERO

PAMELA DUNSTON, Chief, ASCD

ANGELA FRENCH-BELL, Deputy Staff Director, OSD

DORIS GILLIAM

ALFREDA GREENE

PETER MINARIK, Director, WRO

LENORE OSTROWSKY, Acting Chief, PAU

ROREY SMITH, General Counsel

MICHELE YORKMAN, Director, IT

COMMISSIONER ASSISTANTS PRESENT:

ALEC DEULL

CLARISSA MULDER

JUANA SILVERIO

ALISON SOMIN

KIMBERLY TOLHURST

INTERNS PRESENT:

MELISSA BROWER

JEFFREY JOSEPH

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P-R-O-C-E-E-D-I-N-G-S

(9:31 a.m.)

CHAIRMAN CASTRO: I'm going to be calling the meeting to order.

It is 9:31 a.m.

This is a meeting of the U.S. Commission on Civil Rights taking place on August 15th, 2014, at our headquarters, 1331 Pennsylvania Avenue, Northwest, in Washington, D.C.

I'm Chairman Marty Castro. The Commissioners who are present with us at this meeting of course are myself, Commissioner Heriot, Commissioner Timmons-Goodson, Commissioner Narasaki, and Commissioner Achtenberg, and Commissioner -- did I say Commissioner Heriot? If I didn't, I'll say it now. On the phone are Commissioners Kladney and Yaki. Is Commissioner Kirsanow on the phone?

(No audible response)

All right. Well, he'll hopefully join us soon.

A quorum of the Commissioners is present. Is the court reporter present?

THE COURT REPORTER: Yes.

CHAIRMAN CASTRO: Yes. And is our

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1 Staff Director present?

2 STAFF DIRECTOR SALLO: Present.

3 CHAIRMAN CASTRO: Okay. So the
4 meeting will now come to order.

5 But before we move on to the agenda
6 items, there are a couple of things I want to be
7 able to share with you and acknowledge. As most
8 of you know, at the last meeting we were fortunate
9 to have two new members join us at the Commission.
10 They were appointed the night before the meeting
11 by the President, and they got sworn in in a very
12 luxurious and fancy way downstairs at a bank, the
13 notary public and rushed up here and joined our
14 briefing.

15 In all the rush, I neglected to allow
16 them an opportunity to give welcoming remarks,
17 although we welcomed them. So I'd like to be able
18 to give them that opportunity now. Commissioner
19 Narasaki?

20 COMMISSIONER NARASAKI: Thank you, Mr.
21 Chair. I am extremely honored to be asked by
22 President Obama to serve on the U.S. Commission on
23 Civil Rights. As Chair Castro has often pointed
24 out, the Commission is the nation's largest on
25 civil rights. I very much look forward to working

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1 with him, the wonderful staff, and my fellow
2 Commissioners to carry out what I view as a very
3 heavy responsibility.

4 When he signed the Civil Rights Act of
5 1957 into law, President Eisenhower said that in
6 a democratic society the systemic critical review
7 of social needs and public policy is a fundamental
8 necessity. And this is especially true of a field
9 like civil rights where the problems are enduring
10 and range widely, and where a temporary, sporadic
11 approach can never finally solve these problems,
12 as we have seen recently play out in Ferguson.

13 My commitment to civil rights is rooted
14 in my family's experiences. My parents, both born
15 in the United States, were sent into prison during
16 World War II by their own government, to
17 concentration camps because they happened to look
18 like the Japanese enemy. My father volunteered
19 out of one of those camps to fight in Army infantry
20 in the famed 100th Battalion 442nd Regimental
21 Combat Team, even though his mother, also a
22 citizen, born in the United States, was still being
23 held behind barbed wire.

24 I think that the beauty of America is
25 that only one generation later someone whose

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1 parents have been called enemy non-aliens would be
2 given the responsibility of serving on a Commission
3 that works to ensure that everyone in America has
4 real opportunity and is treated with dignity and
5 fairness that every human being deserves.

6 I am very mindful of the important role
7 that the Commission has played historically, and
8 I know that without a doubt the civil rights
9 movement -- without the civil rights movement and
10 the Commission's work I would not be sitting here
11 today.

12 When I first arrived in Washington,
13 D.C., the Commission's 1992 report on *Civil Rights*
14 *Issues Facing Asian-Americans in the 1990s* was the
15 first national government report to fully catalog
16 the discrimination facing a community whose
17 population had begun to explosively grow.

18 Its well-researched analysis and
19 thoughtful recommendations formed the basis for
20 the White House initiative on Asian-American and
21 Pacific Islanders that was first launched by
22 President Clinton and continues its important work
23 today in highlighting the continuing challenges,
24 and the effective best practices for both the
25 public and private sector.

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1 The recent events in Ferguson remind us
2 that while our nation has made great progress since
3 the Commission's inception, there is much work yet
4 to be done as we continue to form that more perfect
5 union. And I am very humbled by this opportunity
6 to work with all of you to help make that happen.

7 Thank you.

8 CHAIRMAN CASTRO: Thank you,
9 Commissioner.

10 Commissioner?

11 COMMISSIONER TIMMONS-GOODSON: Yes.
12 Good morning. I am Patricia Timmons-Goodson. I
13 humbly accept the President's invitation to join
14 this Commission.

15 I am the oldest of six children, born
16 to a non-commissioned Army officer, a sergeant in
17 the Army, and his homemaker wife. My father worked
18 extremely -- parents worked extremely hard to
19 ensure that they had a better life, but I believe
20 they worked even harder to ensure that their six
21 children had a better life. They were convinced
22 -- and they convinced the six of us -- that that
23 better life could be had through a good education.

24 We were taught to follow the rules, do
25 the very best that we could, and that good things

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1 would happen. And good things have happened in my
2 life, but I don't believe that my parents could have
3 foreseen the fact that their oldest of six would
4 one day serve on the Supreme Court of North
5 Carolina, a state that was once a part of the old
6 Confederacy.

7 Hattie McDaniel said once, as she
8 accepted her Academy Award, "I believe I worked
9 hard, but God did the rest." Well, that's the way
10 that I feel about the opportunity that --
11 opportunities that I have been given
12 professionally in this life.

13 I indicated that I was born to a
14 homemaker and Army officer, non-commissioned
15 officer. Let me say, though, that my father in his
16 service in segregated Army, many of his colleagues
17 fighting and dying in the Vietnam War and other
18 conflicts, they were fighting in order to ensure
19 that their children and grandchildren benefitted
20 from and had the full measure of these United
21 States. And so I have been mindful throughout my
22 service in the judiciary of North Carolina, and I
23 will be mindful here in my service, that there are
24 many folks that fought and died so that a better
25 day, a better life, the full measure of these United

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1 States could be had and borne by all.

2 I look forward to making whatever
3 contribution I can make here on the Commission. I
4 know how strongly all of the Commissioners feel
5 about civil rights. We may not agree and have not
6 agreed on everything, but I know that each is
7 committed in his or her own way.

8 And I pledge to add my shoulder to the
9 wheel to make sure that the very important work that
10 we have to do is done.

11 Thank you.

12 CHAIRMAN CASTRO: Thank you,
13 Commissioner. And we are happy to have you both
14 part of the family of the Commission, and we
15 actually have a family here that continues to grow.
16 We have a new member. Our new OCRE director,
17 Angela French-Bell, who joined us this week, I
18 believe.

19 MS. FRENCH-BELL: Yes.

20 CHAIRMAN CASTRO: And so welcome. We
21 are really pleased to have you in a position that
22 has been vacant for many years. We've got some
23 great staffers who have been in that acting
24 position, but we've needed someone in a position
25 that is now the full-time leader of that important

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1 department for us. I don't know if you wanted to
2 say a couple words of welcome.

3 MS. FRENCH-BELL: Good morning. I
4 just wanted to --

5 CHAIRMAN CASTRO: You've got to use the
6 mike. I'm sorry. So that our court reporter can
7 --

8 MS. FRENCH-BELL: I just want to say
9 good morning and thank you so much. I appreciate
10 your kind remarks, and I'm ready to start the great
11 work of the Commission.

12 Thank you.

13 CHAIRMAN CASTRO: Thank you and
14 welcome.

15 And, unfortunately, we recently lost a
16 member of the extended Commission family. Today,
17 the U.S. Commission on Civil Rights mourns the
18 death of Vermont SAC member Marion Milne. Marion
19 was appointed in March 2008 and was an active and
20 vital member of that very important SAC, but
21 perhaps Marion will be best remembered for her
22 courageous vote on the 2000 Civil Union Bill in
23 Vermont, which was the first in the nation.

24 The bill was controversial and Marion,
25 a Republican legislator, supported the bill. She

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1 knew it might mean defeat in the next election, but
2 she voted her conscience and her vote was critical
3 in passing the bill. She was ousted from office
4 but knew that she was on the right side of history,
5 so she never looked back.

6 On the day she died, Marion was planning
7 to get her hair done to go to work and attend the
8 Vermont SAC's briefing that day. She will be
9 missed, and we send our condolences to her family
10 and friends.

11 With that, I would like to move on to
12 the formal agenda. We have a proposed agenda. Is
13 there a second on that proposed agenda?

14 COMMISSIONER ACHTENBERG: Second.

15 CHAIRMAN CASTRO: Okay. Are there any
16 amendments? I believe we do have an amendment.

17 COMMISSIONER YAKI: Yes.

18 CHAIRMAN CASTRO: Commissioner Yaki?

19 COMMISSIONER YAKI: Thank you very
20 much, Mr. Chairman. I wish to amend the agenda to
21 include consideration by the Commission of a letter
22 to the Department of Justice with regard to the
23 recent events in Ferguson.

24 CHAIRMAN CASTRO: Okay. Is there a
25 second?

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1 COMMISSIONER HERIOT: Second.

2 CHAIRMAN CASTRO: Okay. Now, remind
3 me, we're going to have another amendment, too. Do
4 we need to vote on these amendments separately?
5 All together? Yes, separately, right? So we will
6 vote on this amendment first. Any discussion?
7 All in favor of the -- I don't need to do a roll
8 call on this, do I, Mr. General Counsel?

9 All in favor of amending the motion to
10 add consideration of the letter involving Ferguson
11 signify by saying aye.

12 (Chorus of ayes)

13 Any opposed? Any abstentions?

14 (No audible response)

15 Okay. Do we have any other amendments?
16 Is there going to be an amendment on the Virginia
17 SAC? Pardon me? Yes.

18 STAFF DIRECTOR SALLO: Mr. Chair, I
19 would at this point in time request that the
20 Virginia SAC slate be removed from today's agenda,
21 as per my previous email to the Commission.

22 CHAIRMAN CASTRO: Is there a second?

23 COMMISSIONER HERIOT: That's not a
24 motion. She is not a Commissioner. So moved.

25 STAFF DIRECTOR SALLO: Thank you.

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1 CHAIRMAN CASTRO: Okay.

2 COMMISSIONER NARASAKI: I'll second.

3 CHAIRMAN CASTRO: Any additional
4 discussion or any discussion on that? Hearing
5 none, all those in favor of removing the Virginia
6 SAC from today's agenda signify by saying aye.

7 (Chorus of ayes)

8 Any opposed? Any abstentions?

9 (No audible response)

10 Okay. If there are no further
11 amendments, let's vote to approve the agenda as
12 amended. All those in favor say aye.

13 (Chorus of ayes)

14 All those opposed? Any abstentions?

15 (No audible response)

16 Okay. So that motion passes
17 unanimously.

18 The first item up is program planning.
19 Well, actually, maybe what we should do is just take
20 up the letter first. Commissioner Yaki, you have
21 the floor.

22 COMMISSIONER YAKI: Thank you very
23 much, Mr. Chairman. And, colleagues, I think all
24 of us watched with dismay and a certain amount of
25 horror as the events in Ferguson have unfolded over

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1 the past week, first with the reports that the local
2 police shot an unarmed African American teenager
3 after he had raised his hands to surrender.

4 Obviously, the FBI is investigating, is
5 interviewing witnesses at this point, but shortly
6 thereafter the treatments -- the protests and the
7 resulting response by the Ferguson Police
8 Department escalated in a manner that I think most
9 of us have been unfamiliar with in our lives unless
10 we experienced it during some of the civil rights
11 demonstrations back in the '60s where you had
12 police armed to the teeth tear gassing and dressed
13 to the nines in extreme militarized uniforms.

14 The result of this is that I have put
15 before the Commission a letter for us to send to
16 the Attorney General, and the letter is -- letter
17 is before you right now. And, in essence, it has
18 sort of three major points. One is we support the
19 Department's investigation into the shooting of
20 Michael Brown and to insist on full transparency
21 and disclosure as it goes on, because of course one
22 of the major problems that has sparked the unrest
23 and the distress has been the reluctance until this
24 very morning of the Ferguson Police to name the
25 identity of the police officer who originally shot

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1 Mr. Brown.

2 We also want to ask that Justice do
3 whatever it can, whether through the Information
4 Service or the U.S. Attorneys' Office, to ensure
5 that calm and tensions are alleviated between the
6 police and the community.

7 At the same time, I think we also need
8 to -- we need to step up. Even though we are the
9 Civil Rights Commission, there were civil
10 liberties involved as well during this. The tear
11 gas attacks, the mass arrests, the arrests and
12 assaults on accredited journalists, again, I think
13 dismayed all of us.

14 The second point of the letter is
15 to -- and I think the major point of the letter,
16 quite frankly, is that what has come forward in the
17 controversy over what is going on in Ferguson is
18 that the community is, by all reports, over 60-some
19 percent African American, and yet in the entire
20 police department less than six percent are African
21 American, and only one of the City Council is
22 African American. And on its face, I believe that
23 this warrants closer investigation and scrutiny by
24 the Civil Rights Division of the Department of
25 Justice, and this letter asks for that as well.

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1 That pretty much sums up what this
2 letter is about, and I welcome other colleagues'
3 comments on this letter. I would like to note that
4 Commissioner -- Chairman Castro and I had a
5 conversation about his concerns overall about the
6 issue of police shootings of young minority
7 individuals. And I think that the Chairman has --
8 I think I would support this Commission in the
9 future also addressing that issue as well.

10 CHAIRMAN CASTRO: Thank you,
11 Commissioner Yaki, for raising this important
12 issue for the Commission. And as we conversed
13 yesterday virtually, we did talk about the -- this
14 situation in Ferguson, Mr. Brown, is just
15 indicative of what appears to be a pattern and
16 practice in some jurisdictions of young African
17 American and young Latino men being killed in
18 police custody or during arrests.

19 The NAACP Legal Defense Fund put out a
20 letter yesterday outlining a number of incidents
21 in the African American community that very much
22 mirror what happened to Mr. Brown. We know that
23 there are other areas.

24 So at some point in the not-too-distant
25 future I think it would be important for us to take

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1 a closer look at those issues. But given the
2 exigent circumstances of the Michael Brown case,
3 and what is going on in Ferguson, we felt it was
4 important to move forward right now on this letter.

5 So I will take Commissioner Yaki's
6 statement as his motion. And if we can get a
7 second, we can have further discussion on this. Is
8 there a second?

9 COMMISSIONER KLADNEY: Second.

10 CHAIRMAN CASTRO: Yes. Who was that?

11 COMMISSIONER KLADNEY: Kladney.
12 Second.

13 CHAIRMAN CASTRO: All right. Any
14 additional discussion?

15 COMMISSIONER KIRSANOW: This is
16 Kirsanow. The characterization of some of the
17 events or facts are not something that I'm
18 ultimately prepared to sign on to. Particularly
19 with respect to this form of racial
20 proportionality. (Inaudible)

21 CHAIRMAN CASTRO: Commissioner
22 Narasaki, and then Commissioner Heriot.

23 COMMISSIONER NARASAKI: Well, I do
24 believe that there was a growth in the African
25 American population over the last decade. It

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1 still started out something like 40 percent. So
2 even with that, these numbers I think raise a
3 question.

4 So I support the letter. I did
5 circulate some amendments, friendly amendments,
6 edits to the letter last night, mainly just to clean
7 up a little redundancy and also to update it for
8 the fact that actually the Community Relations
9 Service is already on the ground and working very
10 closely with the state and the city officials, and
11 I think we should acknowledge that.

12 CHAIRMAN CASTRO: Were those changes
13 included in the final version?

14 COMMISSIONER NARASAKI: I sent them
15 around like midnight last night, so the staff told
16 me what I needed to do was to move the corrections
17 --

18 CHAIRMAN CASTRO: Okay.

19 COMMISSIONER NARASAKI: -- formally
20 here.

21 CHAIRMAN CASTRO: Because I don't see
22 them in here.

23 COMMISSIONER NARASAKI: Yes. Well,
24 they didn't hand out.

25 CHAIRMAN CASTRO: Okay.

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1 COMMISSIONER NARASAKI: So I could go
2 line by line, or we could ask the staff to make a
3 copy of the redline.

4 CHAIRMAN CASTRO: Yes. If we could
5 get a copy of the redline, that would be easier.
6 Save you the time of reading it.

7 And while that happens -- do we have
8 copies? While that happens, Commissioner Heriot,
9 you have the floor.

10 COMMISSIONER HERIOT: Thank you, Mr.
11 Chairman. I just wanted to say that I share
12 Commissioner Yaki's concerns over the situation in
13 Ferguson. Things do indeed look very bad there,
14 and I support the concept of sending a letter like
15 this. I don't think I can sign on to this letter,
16 but what I can do is send a letter that concurs in
17 part with this letter, and I think that I would feel
18 much more comfortable with a separate letter.

19 Perhaps Commissioner Kirsanow and I can
20 collaborate on that or maybe we will send separate
21 ones. But I concur with a lot of what is in this
22 letter, and I can send a separate one. And I will
23 abstain on this letter.

24 CHAIRMAN CASTRO: Is your concern also
25 the same paragraph that --

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1 COMMISSIONER HERIOT: I also have some
2 wordsmithing problems in it, but the main problem
3 is that paragraph.

4 CHAIRMAN CASTRO: Okay. Any
5 additional questions, discussion? Commissioner
6 Achtenberg?

7 COMMISSIONER ACHTENBERG: For myself,
8 I just wanted to say that I do believe that the
9 letter is constructed quite artfully under the
10 circumstances, and I intend to support the letter
11 as well as the friendly amendments from the
12 Commissioner.

13 I think more than a prima facie case has
14 been made that there is significant reason for the
15 Justice Department to investigate, which is all the
16 letter is calling for. And so as a result, I intend
17 to support the letter in full.

18 Thank you, Mr. Chairman.

19 CHAIRMAN CASTRO: You're welcome.

20 As soon as we get the revisions, we will
21 go through that. Any other questions or comments?
22 I'm sorry. Commissioner?

23 COMMISSIONER TIMMONS-GOODSON: Yes.
24 I simply would like to say that the letter is very
25 appropriate. I do not take issue with the way

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1 anything is stated --

2 CHAIRMAN CASTRO: Okay.

3 COMMISSIONER TIMMONS-GOODSON: -- and
4 signing on.

5 CHAIRMAN CASTRO: Okay. Well, while
6 we wait for the copy, maybe we can just start by
7 you indicating where the changes are.
8 Commissioner, sorry to make you do that, but I want
9 to --

10 COMMISSIONER NARASAKI: Of course.

11 CHAIRMAN CASTRO: -- move along.

12 COMMISSIONER NARASAKI: So what I've
13 done is in the second paragraph, I have broken that
14 into two paragraphs, and the second paragraph
15 starts with, "We urge the Department," so it's the
16 third sentence.

17 In the second paragraph, I have moved
18 up the discussion about the Department of Justice's
19 Community Relations Service and amended the
20 sentence to say, "We also commend the efforts of
21 the Department's Community Relations Service to
22 work with city officials and the community to help
23 calm tensions in Ferguson."

24 In the rest of the part of the second
25 paragraph that I moved, I have changed the now

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1 second sentence to say, "In addition, we are also
2 concerned about reports of other potential
3 violations of civil liberties and civil rights in
4 Ferguson over the past few days." And then it
5 continues on.

6 And then I have changed, "While we
7 support your Department's efforts," I have just
8 simply changed it to, "Consequently, we urge
9 strongly that the Department and the U.S.
10 Attorneys' Office are empowered to take whatever
11 steps are necessary and appropriate to protect the
12 constitutional rights of the citizens of
13 Ferguson." So that's partly taking into account
14 that I moved the Community Relations Service
15 sentence.

16 CHAIRMAN CASTRO: Right, right. And,
17 Commissioners on the phone, you should have gotten
18 this in your in box last night. So if you want to
19 take a look at that before the vote, you have it
20 virtually in your mail.

21 So, Commissioner Yaki, do you accept
22 this friendly amendment?

23 COMMISSIONER YAKI: I have no problems
24 with it.

25 CHAIRMAN CASTRO: Okay. Any

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1 additional discussion? If not, I will take a vote.

2 Commissioner Heriot, how do you vote?

3 COMMISSIONER HERIOT: I abstain.

4 CHAIRMAN CASTRO: Commissioner
5 Timmons-Goodson, how do you vote?

6 COMMISSIONER TIMMONS-GOODSON: Yes.

7 CHAIRMAN CASTRO: Yes. Commissioner
8 Narasaki, how do you vote?

9 COMMISSIONER NARASAKI: Yes.

10 CHAIRMAN CASTRO: I vote yes.
11 Commissioner Achtenberg, how do you vote?

12 COMMISSIONER ACHTENBERG: Yes.

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

15 COMMISSIONER KLADNEY: Yes.

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

18 COMMISSIONER YAKI: Aye.

19 CHAIRMAN CASTRO: Commissioner
20 Kirsanow, how do you vote? Commissioner Kirsanow?
21 You may be on mute, Commissioner. Okay. We'll
22 list you for now as not voting. You can always give
23 us your vote afterwards. So the motion passes,
24 three yeases, one abstention, one no vote.

25 Thank you. We'll -- I'm sorry?

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1 COMMISSIONER HERIOT: There was a no
2 vote.

3 CHAIRMAN CASTRO: There was a no vote?
4 I'm sorry. I've got six yeses, an abstention, and
5 a -- I said three? I'm sorry. I meant six.

6 COMMISSIONER KIRSANOW: Mr. Chairman?

7 CHAIRMAN CASTRO: Yes.

8 COMMISSIONER KIRSANOW: This is
9 Kirsanow. I lost the call and had to call back in.

10 CHAIRMAN CASTRO: Yes. We were
11 waiting for you and we were just -- what is your
12 vote on the letter on Ferguson?

13 COMMISSIONER KIRSANOW: I'll abstain.

14 CHAIRMAN CASTRO: Abstain. So two
15 abstentions and six yeses. So the motion passes.
16 I would suggest that we finalize this letter as soon
17 as possible today and have it issued. I think we
18 should also have staff issue a press release along
19 with the letter indicating that we've taken this
20 step.

21 Moving on, next item is on program
22 planning.

23 **I. PROGRAM PLANNING**

24 CHAIRMAN CASTRO: Update on discussion
25 of projects. The first item we have is vote on Part

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1 A and B of the briefing report, increasing
2 compliance with Section 7 of the NVRA. Part A
3 is --

4 COMMISSIONER YAKI: Mr. Chairman?

5 CHAIRMAN CASTRO: Yes.

6 COMMISSIONER YAKI: Mr. Chairman, this
7 is Commissioner Yaki. I have to depart the meeting
8 for a while. I may be able to get back on, but I
9 don't know if I will.

10 CHAIRMAN CASTRO: Okay. Thank you.
11 Well, let us know when you do -- if you do come on,
12 so we know you're there.

13 COMMISSIONER YAKI: Okay.

14 CHAIRMAN CASTRO: Thanks.

15 So, as you all know, Part A is the
16 report, includes the substantive contents of
17 introduction, summary proceedings, and
18 discussion. Part B are the findings and
19 recommendations put forward by Commissioners. Up
20 for consideration are the findings proposed by
21 Commissioner Kladney as well as the key issues and
22 questions section offered by Commissioner Yaki.

23 Any discussions or motions?

24 COMMISSIONER KLADNEY: I make a motion
25 that we accept Parts A and B, and I guess that

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1 includes Commissioner Yaki's Part B.

2 CHAIRMAN CASTRO: Okay. There is a
3 motion on that. Is there a second?

4 COMMISSIONER ACHTENBERG: Second.

5 COMMISSIONER HERIOT: I think our
6 procedures are to do this separately.

7 CHAIRMAN CASTRO: Yes. So Part A
8 first. So a motion on Part A, which was --

9 COMMISSIONER KLADNEY: I make a motion
10 on Part A.

11 CHAIRMAN CASTRO: And seconded by
12 Commissioner Achtenberg. Now, is there
13 discussion? Commissioner Narasaki? Is there
14 anyone who has any comments, discussion, before we
15 take a vote on this? Do you want a little bit --
16 do you want some time?

17 COMMISSIONER NARASAKI: Yes, I want
18 some time. But if I'm the only one that --

19 CHAIRMAN CASTRO: I think you may be
20 the only one.

21 COMMISSIONER NARASAKI: So I
22 apologize, because I haven't been around for this,
23 so there are just a couple of things. One is that
24 this year is the 50th anniversary of Freedom Summer
25 and the Civil Rights Act, and next year is the 50th

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1 anniversary of the Voting Rights Act. And
2 depending on when we plan to get this report out,
3 it might be nice to acknowledge that somewhere in
4 the text.

5 But I have to say, I have a number of
6 concerns about the report. One is in the way it
7 is written, which is very much like a summary
8 transcript as opposed to something that is more
9 user-friendly and easier to understand what the
10 actual conclusions are.

11 So, for example, there is a lot of
12 discussion about the numbers of registration, and
13 whether the drops were caused by lack of compliance
14 or other just social changes with the way that
15 benefits are done. And you have to work your way
16 through several conversations to figure out
17 exactly what the pros and cons are of that argument.
18 And I realize it might be too late, but it seems
19 to me that it would be more usable if those
20 arguments that are being made are actually grouped
21 together in a cohesive way.

22 STAFF DIRECTOR SALLO: If I may, Chair,
23 we will be changing the format of the reports. And
24 I would be more than happy to discuss the idea that
25 we have to make it more cohesive in nature, and not

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1 so much a regurgitation of the transcript in a more
2 summarized fashion.

3 CHAIRMAN CASTRO: Commissioner,
4 you're suggesting, though, that we hold off on
5 approving Part A until that is done?

6 COMMISSIONER NARASAKI: Yes. I feel
7 that this is an important report. I don't want to
8 hold it up too much. I don't know how long it would
9 take just to reorganize some.

10 STAFF DIRECTOR SALLO: It won't get out
11 by the end of this fiscal year. That's true.

12 COMMISSIONER KLADNEY: What was that?

13 STAFF DIRECTOR SALLO: To redraft it,
14 will not allow me to get it out by the end of this
15 fiscal year, meaning September 30th.

16 COMMISSIONER KLADNEY: It's not a --
17 it's not a statutory report. It's been a couple
18 of years, hasn't it?

19 STAFF DIRECTOR SALLO: Therein lies
20 the reason why I wanted to try to get it out, but
21 I will do whatever is necessary. As long as
22 everyone understands it may take a little while.

23 CHAIRMAN CASTRO: Yes. I mean, I
24 think it's -- this is obviously something we've
25 been talking about for a long time anyway, and I

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1 know part of it has been we haven't had the staff
2 bandwidth to do that, and we are bringing on folks
3 now, as I indicated this morning, with our new OCRE
4 head. This is an important -- they're all
5 important topics or we wouldn't be looking at them.

6 And I think given what Commissioner
7 Narasaki says about where this falls in terms of
8 these important voting rights, milestones, I think
9 we want to put out the clearest report that we can.
10 And I would support putting it off in order to be
11 able to clarify it as she has outlined and make it
12 a stronger report.

13 COMMISSIONER NARASAKI: Yes. I do
14 understand the need for timeliness. We have an
15 election coming up. I don't know that that much
16 attention will be paid to this while this -- because
17 we are so close to that particular election. So
18 we might actually get more traction after, and I
19 do think that because people put so much time and
20 effort into it, I'd like to see it get as much
21 mileage as possible. And I think that will happen
22 if it's easier to read.

23 STAFF DIRECTOR SALLO: I appreciate
24 that. Thank you.

25 CHAIRMAN CASTRO: All right. So --

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1 COMMISSIONER KLADNEY: I agree.

2 CHAIRMAN CASTRO: Okay.

3 COMMISSIONER KLADNEY: If I have to,
4 I'll withdraw my motion.

5 CHAIRMAN CASTRO: I don't think the
6 motion was seconded, so -- was it seconded?

7 COMMISSIONER ACHTENBERG: Yes, it was.

8

9 COMMISSIONER HERIOT: It was.

10 CHAIRMAN CASTRO: Okay. So we -- yes.
11 You withdraw your motion? That's -- we'll just
12 postpone this until --

13 COMMISSIONER HERIOT: I don't think
14 you can withdraw a motion that has been seconded.
15 The group is now --

16 CHAIRMAN CASTRO: Okay. Well, we'll
17 table it then.

18 COMMISSIONER HERIOT: It's for the
19 group.

20 CHAIRMAN CASTRO: We'll table it then.

21 COMMISSIONER HERIOT: You've got to
22 vote on that.

23 CHAIRMAN CASTRO: Yes. Is there a
24 motion to table?

25 COMMISSIONER ACHTENBERG: So moved.

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1 CHAIRMAN CASTRO: Okay. Is there a
2 second?

3 COMMISSIONER HERIOT: Second.

4 CHAIRMAN CASTRO: Okay. All those in
5 favor of tabling --

6 COMMISSIONER HERIOT: Discussion? I
7 have discussion.

8 CHAIRMAN CASTRO: Discussion? Go
9 ahead. Anybody?

10 COMMISSIONER HERIOT: I guess I
11 probably should say something. I mean, I have
12 mixed feelings about all of this. On the one hand,
13 I agree with Commissioner that -- the thing is that
14 we summarize these briefings. And, you know, as
15 a literary genre, it doesn't work very well. On
16 the other hand, if we put this off, it's not going
17 to just be the -- you know, beyond the end of the
18 fiscal year. We're not going to see this again for
19 another year or so. That's the way these things
20 work. It takes a long time.

21 STAFF DIRECTOR SALLO: I do not plan on
22 holding off another year.

23 COMMISSIONER HERIOT: You don't
24 understand, because what you produce I can pretty
25 much guarantee you I'm going to have a lot of

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1 comments on. So it will take a long time. And,
2 you know, it's -- you know, my instinct is just to
3 go ahead with this one and, you know, try to change
4 the format later.

5 But this has been like a recurring
6 problem, and it's a very, very serious problem.
7 And you're not going to solve it just by, you know,
8 now we're going to be more substantive, because it
9 can be a lot more controversial at that point and
10 there can be a lot more errors as well. So, you
11 know, I'm of two minds.

12 CHAIRMAN CASTRO: So that was one of
13 the minds talking. What about the other one saying
14 it's a good idea?

15 COMMISSIONER HERIOT: It's true that
16 this format does not work very well. And, you
17 know, I would very much like to see the format
18 change. I actually think that, you know, we should
19 put more emphasis on Commissioner statements,
20 because those things have more -- there is more new
21 in them. And that we could have like short
22 summaries of what happened at the briefing when we
23 actually go out and get new information, which we
24 should do.

25 I mean, every single briefing that we

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1 have should include some efforts not just to bring
2 a talking head in and have that person testify, but
3 also to reach out, you know, do FOIA requests, do,
4 you know, things where we are actually generating
5 new information that otherwise would not be
6 presented.

7 When we have a talking head come in,
8 that person is already working probably for a
9 501(c)(3) and publishing in that area already.
10 That's why they got invited to present. And
11 whatever it is they said has probably been
12 presented in some other form already, and that we
13 should try to be bringing in information that
14 otherwise simply wouldn't exist. And, you know,
15 that means having to design each one of these
16 briefings very carefully and not just focusing on
17 getting a group of people to testify in front of
18 us on a particular day, but being a bit more
19 organized in the way we do this.

20 CHAIRMAN CASTRO: And that is clearly
21 the intention. As you know, Staff Director has
22 indicated I think in the past that we will be
23 bringing on some civil rights analysis that will
24 be able to help with that. We've got OCRE. So we
25 are moving in the direction to have the staff that

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1 would do exactly what you're saying. We're not
2 going to have the kind we used to have back in the
3 '60s and '70s, but at least we'll be moving somewhat
4 more in that direction than we have been capable
5 of doing for the last several years.

6 Any other discussion?

7 COMMISSIONER TIMMONS-GOODSON: Is
8 there a way that we can set a target, even stronger
9 than a target, set a deadline for it to be
10 completed? I mean, even though we'll have various
11 inputs coming, can we at least set some kind of
12 deadline that takes care of the concerns that I have
13 about another year or longer for this to get out?

14 STAFF DIRECTOR SALLO: I try -- staff
15 and I work very hard to get the deadlines going.
16 At the present time, we only have two staff members
17 that can write a report. I'm hoping to bring in
18 another staff member by the end of September. We
19 have other reports in the pipeline, not --
20 obviously, this will take precedence. We are also
21 in the process of preparing for a briefing in
22 October and another one possibly before the year
23 is out.

24 So I can try to turn this around within
25 the next two months, is I believe the best that I

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1 can do right at this moment.

2 COMMISSIONER NARASAKI: Mr. Chair?

3 CHAIRMAN CASTRO: Hold on. First,
4 Commissioner Achtenberg, and then we'll come back
5 to you, Commissioner Narasaki.

6 COMMISSIONER ACHTENBERG: I just
7 wanted to say that I concur in everything
8 Commissioner Heriot said about moving the process
9 more toward substance and innovation, if you will.
10 I like that all very much, and we will be grappling
11 with changing our format so that our reports -- our
12 hearings are more substantive and probing, and our
13 reports are taken more seriously. So I like all
14 of that.

15 But on the specific NVRA, I just wanted
16 for my own -- for my own case to encourage
17 Commissioners Yaki and Kladney to combine their --
18 given that we would be tabling Part A, and,
19 therefore, Part B, is not before us, this might give
20 them some time to perhaps combine their forces and
21 present a unified document, which was going to be
22 the recommendation I was going -- I was going to
23 support both their proposals and ask that the staff
24 be in charge of melding them together. But given
25 that we perhaps will not be considering Part A right

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1 now, that would give the others the opportunity to
2 perhaps combine their efforts, because I found them
3 to be both very probative and very helpful.

4 CHAIRMAN CASTRO: Okay. Commissioner
5 Narasaki?

6 COMMISSIONER NARASAKI: Well, I had a
7 question for staff, because I want to be respectful
8 of the challenges in terms of capacity. I'm
9 wondering if it makes it easier or not to maybe take
10 care of it by having an executive summary that tries
11 to do what I'm talking about.

12 STAFF DIRECTOR SALLO: As you were
13 speaking, I was thinking of including that in the
14 executive summary, but I'm hearing that perhaps the
15 problems are a little bit more extensive than that.
16 And so, as indicated, I am more than willing to
17 retool the report.

18 COMMISSIONER KLADNEY: Yes. I think
19 if we're going to do it, we might as well go full
20 bore and get it the way you suggested earlier.

21 CHAIRMAN CASTRO: Okay. Any other
22 discussion on the motion to table? No?

23 COMMISSIONER HERIOT: I'm still trying
24 to figure out which of my two minds I'm going to
25 go with.

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1 CHAIRMAN CASTRO: All right. Well,
2 you can decide when I do a roll call vote.

3 COMMISSIONER HERIOT: Let me vote last
4 on this one.

5 CHAIRMAN CASTRO: Okay. I'll start
6 over here then. So we'll call a vote on the motion
7 to table the consideration of the NVRA report.
8 Commissioner Achtenberg, how do you vote?

9 COMMISSIONER ACHTENBERG: My soul
10 person votes yes.

11 (Laughter)

12 CHAIRMAN CASTRO: Okay. I vote yes.
13 Commissioner Narasaki, how do you vote?

14 COMMISSIONER NARASAKI: Having caused
15 the problem, I vote yes.

16 (Laughter)

17 CHAIRMAN CASTRO: Commissioner
18 Goodson-Timmons -- Timmons-Goodson, how do you
19 vote?

20 COMMISSIONER TIMMONS-GOODSON: This
21 two minds is infectious.

22 CHAIRMAN CASTRO: Yes.

23 COMMISSIONER TIMMONS-GOODSON: Aye.

24 CHAIRMAN CASTRO: Okay. Commissioner
25 Yaki, how do you vote?

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1 COMMISSIONER KLADNEY: He's not here.

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

4 COMMISSIONER KLADNEY: Yes.

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

7 COMMISSIONER KIRSANOW: Yes.

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

10 COMMISSIONER HERIOT: Oh, heavens. I
11 think I'll just vote yes out of a sense of
12 camaraderie here. But I have real forbodance.

13 CHAIRMAN CASTRO: All right. So we
14 have seven yeses and one not voting. So the motion
15 to table passes.

16 Next we are moving on to a -- well, we
17 already did the vote on the letter. So we are now
18 moving on to our management and operations report.

19 **II. MANAGEMENT AND OPERATIONS**

20 STAFF DIRECTOR SALLO: Thank you, Mr.
21 Chair.

22 CHAIRMAN CASTRO: You're welcome.

23 STAFF DIRECTOR SALLO: In light of the
24 fact that both new Commissioners may not be very
25 well versed on our Strategic Action Plan, I will

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1 present the following information following the
2 five major areas of the Strategic Action Plan.

3 As we all know, Strategic Goal A refers
4 to the issuance of our reports, and I just wanted
5 to provide an update that we are currently on track
6 to issue the Statutory Enforcement report as deemed
7 necessary by our statute by September 30th. We
8 also have in the pipeline the Arab and Muslim
9 report, which will be issued, at least
10 electronically, by the end of this fiscal year, as
11 well as the Sex Trafficking report by the end of
12 this fiscal year.

13 The Eminent Domain report will also be
14 a part of our deliverables for this year, as well
15 as the employment report that we issued -- the EEOC
16 report that we issued earlier during this fiscal
17 year. So we will have five deliverables for fiscal
18 year 2014. So that is a positive.

19 In reference to Strategic Goal B, which
20 deals with the Commission providing regular and
21 objective information and analysis on the civil
22 rights issues, the report that falls under this
23 heading will be our upcoming briefing on
24 October 17th in Orlando, Florida, which is the
25 Stand Your Ground briefing.

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1 As I indicated at last month's meeting,
2 which was literally three weeks ago, I will be
3 sending out and circulating to everyone by the end
4 of this month a -- I guess a project plan for the
5 Stand Your Ground, which will list any confirmed
6 speakers and logistics for what to expect at the
7 upcoming briefing. So I wanted to provide
8 everyone with that update as well.

9 We do have our social scientist, which
10 will be starting on August 25th, and he is well
11 aware of the upcoming Stand Your Ground briefing
12 and he will be ready to hit the ground running to
13 get us prepared for that as it applies with the data
14 collection and analysis.

15 We now move on to Goal C, which is --
16 deals with the Commission will cooperative, where
17 appropriate, with other federal agencies to
18 apprise individuals of civil rights laws and
19 policies and to raise public awareness of the civil
20 rights.

21 Commissioners, we have the updated
22 Uncle Sam that has gone to print, which will then
23 be -- we will be able to disseminate that is our
24 most popular publication, since it lists the
25 contact information for any and all civil rights

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1 agencies here in D.C., and we also list some
2 state-based D.C. -- state-based civil rights
3 agencies.

4 We are also -- we also continue
5 improving our complaint process, and now that we
6 have our OCRE director on board she will be charged
7 with not only updating the way that we handle the
8 complaints and how we post that information on our
9 website, but she will also be overseeing the
10 updates to our clearinghouse, which is scheduled
11 to be a deliverable for fiscal year 2015. So we
12 are in the process of doing that.

13 As it applies to Strategic Goal D, which
14 also addresses our communicating with the public,
15 we continue to reformat our webpage. We continue
16 to update our IT system. We now have a portable
17 TV/webcam system. So if we need to do any meetings
18 in the future within the office with someone
19 offsite we are able to use that portable webcam to
20 see the person while we are speaking with them.
21 And hopefully we will be able to start live
22 streaming our meetings by the end of this calendar
23 year.

24 So the goal is to live stream one
25 meeting hopefully before the end of this calendar

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1 year and another one next year at the very minimum.

2 We also have our Ready Talk, which was
3 part in place, and our regional offices are using
4 that to hold teleconferences with their SAC
5 committees rather than having to travel, which does
6 assist them in holding more meetings when
7 necessary. We, as well, continue to improve the
8 access to the Cloud, as we have indicated in the
9 past. And we will continue to expand upon that
10 just like everyone in the federal government is
11 doing.

12 I now move on to Strategic Goal E, which
13 has to do with strengthening our financial and
14 operational controls. We have the Commission's
15 audit is -- will be commencing in the next couple
16 of weeks, and so we will have our meeting, and we
17 are preparing for that. We are also preparing to
18 close out our books, which, as you know, is fast
19 approaching. So if anyone owes HR anything,
20 please make sure to submit that.

21 A review of our human capital plan has
22 been completed, and we are now assessing the
23 performance of our employees, and so everyone needs
24 to also make sure that they follow up on that and
25 get that in.

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1 And, finally, we move on to Strategic
2 Goal F, which is increasing participation of our
3 SACs. Our SACs have been very busy holding
4 meetings and/or briefings throughout the United
5 States. As you know, we currently have 40 active
6 SACs, so that's a great thing for us. And I hope
7 within the next year that we will see some reports
8 coming out of all of the briefings and meetings that
9 we have held, and we continue to update our webpage
10 since we have now dedicated a page to the State
11 Advisory Committees, and hopefully that will be up
12 and running and completely updated by the end of
13 this calendar year.

14 Thank you very much.

15 CHAIRMAN CASTRO: Any questions for
16 the Staff Director?

17 COMMISSIONER KLADNEY: Mr. Chairman?

18 CHAIRMAN CASTRO: Yes, Commissioner
19 Kladney?

20 COMMISSIONER KLADNEY: I have two
21 actually, two areas of concern.

22 CHAIRMAN CASTRO: All right.

23 COMMISSIONER KLADNEY: One is in light
24 of the NVRA vote we just took to retool that report.
25 Are those pending reports also going to be written

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1 in the new style?

2 STAFF DIRECTOR SALLO: Are you asking
3 me to delay the two that we've already voted upon
4 and adopted?

5 COMMISSIONER KLADNEY: Not the ones
6 that we voted on, but anything that is pending. I
7 thought you said that there were some that were
8 pending.

9 STAFF DIRECTOR SALLO: Yes. So, yes,
10 it will have to be retooled in that sense. And we
11 were aware of that.

12 COMMISSIONER KLADNEY: My second area
13 of concern is you have spoken about the video. Are
14 we going to be able to take testimony from witnesses
15 via video at our meetings? And if not now, how long
16 will that be?

17 STAFF DIRECTOR SALLO: I can't provide
18 you with an answer to that question at this very
19 moment, but I will be more than happy to readdress
20 it with staff and get back to you with a response.

21 COMMISSIONER KLADNEY: Are we working
22 on that? Is that one of our goals?

23 STAFF DIRECTOR SALLO: The live
24 streaming is one of our goals. And I can follow
25 up with the others, because there are other issues

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1 that we will need to address, so I'll be more than
2 happy to discuss that with all the Commissioners
3 via email.

4 COMMISSIONER KLADNEY: Thank you.

5 CHAIRMAN CASTRO: Any other questions
6 of the Staff Director? Commissioner Achtenberg?

7 COMMISSIONER ACHTENBERG: Mr.
8 Chairman, thank you. I was noticing in reading the
9 -- looking through the report and seeing where
10 complaints that come to us -- I would be interested
11 to know what subjects they deal with. I see -- you
12 can see the numbers, and when they go up and down.
13 I'm not --

14 CHAIRMAN CASTRO: There's the subject
15 matter one.

16 COMMISSIONER ACHTENBERG: Yes. But
17 when you have a category of 26 other, and 24 unknown
18 -- and I understand that is maybe a difficulty in
19 categorization. But one of the things essentially
20 it reminded me of is that seeing where the -- you
21 know, where these problems are emanating from, you
22 know, maybe -- we may already have and I just don't
23 know. There is --

24 STAFF DIRECTOR SALLO: I guess great
25 minds think alike?

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1 COMMISSIONER ACHTENBERG: -- early
2 detection system or --

3 STAFF DIRECTOR SALLO: So great minds
4 think alike, because we just identified a mapping
5 program that we were going to start using, so that
6 we can input within a database the type of
7 complaints that we're receiving and where they are
8 coming from. So that if we are getting group
9 complaints from a specific area or community, we
10 can then forward that en masse to DOJ as a potential
11 problem that they may want to investigate.

12 COMMISSIONER ACHTENBERG: That is
13 terrific in light of -- I mean, they were saying
14 the -- in the newspaper, even in -- not U.S. News
15 & World Report. What's that other rag?

16 (Laughter)

17 COMMISSIONER ACHTENBERG: No. I'm
18 sorry.

19 CHAIRMAN CASTRO: The Washington
20 Times?

21 COMMISSIONER ACHTENBERG: No. It was
22 -- you know, it was saying the FBI database has,
23 you know, sort of these terrible problems with it,
24 and it doesn't effectively track the -- you know,
25 the hundreds of young people who have been

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1 assaulted recently via police departments, that
2 kind of thing.

3 So, I mean, I was just observing that
4 it would be important, at least for me, in trying
5 to figure out what I want to see the Commission put
6 emphasis on to know what the complaints are, where
7 they are coming from, as well as to have a more --
8 an easier way to see what our SACs are -- what our
9 SAC reports are emphasizing these days as a way of
10 telling us what seems to be important in those --
11 in various locales.

12 Just looking through with that lens
13 last night I saw that we have three or four SACs
14 that are doing reports on collateral consequences,
15 for example. We have other -- you know, and I have
16 to say, I hadn't been aware of the fact that, you
17 know, at least three State Advisory Committees
18 thought this was of such significance that they
19 were, you know, using their precious resources to
20 address that issue.

21 I found that quite compelling. So a
22 format that allows us more readily to ascertain
23 what kinds of complaints, where they are coming
24 from, as well as what kinds of work the SACs are
25 doing, might be helpful at least to this

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1 Commissioner. So I just -- that's only an -- it's
2 only an observation about --

3 STAFF DIRECTOR SALLO: No. I
4 appreciate your observation.

5 COMMISSIONER ACHTENBERG: -- the way
6 the material has been presented.

7 STAFF DIRECTOR SALLO: We have done a
8 lot of research for the past two months to identify
9 an appropriate mapping system. That was one of my
10 visions for fiscal year 2015, with the goal of
11 actually having that resource on our website, so
12 that folks can also access it as part of our
13 clearinghouse. And that's something that I am
14 working towards and which our OCRE director was
15 advised of even during the interviewing process,
16 so that she could start hammering out ideas.

17 So will be working on that closely, and
18 that will be one of our deliverables for fiscal year
19 2015.

20 CHAIRMAN CASTRO: Great. Thank you.
21 Any other questions? Yes, Commissioner Narasaki?

22 COMMISSIONER NARASAKI: I have a
23 question about the extent to which these tools are
24 available in English.

25 STAFF DIRECTOR SALLO: Oh, yes. Yes.

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1 So, obviously, when we set up the databases, they
2 will start out in English. Or we have until now
3 been targeting the Latino community, because most
4 of our non-English-speaking complaints are in
5 Spanish. But as part of our strategic plan, we are
6 also looking within fiscal year 2015 to identify
7 the third language that we will need to include.

8 Obviously, translating documents, we
9 can't translate each and every one of them from the
10 beginning, but we can work towards that. And once
11 we set up the database, we can work towards also
12 having translations be a part of it.

13 COMMISSIONER NARASAKI: I have worked
14 a lot on the demographics for Asian languages, and
15 I'd be happy to help staff --

16 STAFF DIRECTOR SALLO: Thank you.

17 COMMISSIONER NARASAKI: --
18 prioritize.

19 STAFF DIRECTOR SALLO: Thank you.

20 CHAIRMAN CASTRO: Any other questions?
21 Hearing none, thank you. I think it's really
22 important that you continue to update us
23 specifically on how our strategic goals are being
24 met, and it's important for us to always keep that
25 front of mind. So thank you.

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1 We will now move on to the State
2 Advisory Committee appointments.

3 **IV. STATE ADVISORY COMMITTEE (SAC)**

4 **APPOINTMENTS**

5 CHAIRMAN CASTRO: I am going to make a
6 motion that the Commission appoint the following
7 individuals to the Indiana Committee based upon the
8 recommendation of our Staff Director: Diane
9 Clements, Teri Cardwell, Elizabeth Cierzniak,
10 Tammi Davis, Robert Dion, Morella Dominguez,
11 Christopher Douglas, James Haigh, Robert Heidt,
12 Leslie Hiner, Tony Kirkland, Billy McGill, Jr.,
13 Patti O'Callaghan, Ernesto Paolo, Carlton
14 Waterhouse, Ellen Wu, and Catherine Zuckert.

15 Pursuant to this motion, the Commission
16 appoints Diane Clements as chair of the Indiana
17 State Advisory Commission. These members will
18 serve as uncompensated government employees.

19 Under this motion, the Commission
20 authorizes the Staff Director to execute the
21 appropriate paperwork for the appointments. Is
22 there a second?

23 COMMISSIONER KLADNEY: Second.

24 CHAIRMAN CASTRO: Okay. Any
25 discussion?

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1 COMMISSIONER KLADNEY: Hello?

2 CHAIRMAN CASTRO: Yes?

3 COMMISSIONER KLADNEY: Hello?

4 CHAIRMAN CASTRO: Yes. Any
5 discussion? Any discussion?

6 COMMISSIONER KIRSANOW: Kirsanow. I
7 have a question of staff. There was at least one
8 individual whose nomination was tabled the last
9 time we considered the Indiana SAC, a professor at
10 Notre Dame I believe, _____, what happened,
11 hello?

12 STAFF DIRECTOR SALLO: We should --

13 COMMISSIONER KIRSANOW: What happened
14 -- hello?

15 STAFF DIRECTOR SALLO: Commissioner, I
16 would request that names not be put on the record,
17 please.

18 COMMISSIONER KIRSANOW: Can I move to
19 executive session then?

20 CHAIRMAN CASTRO: So do I need to have
21 any magic language to do that? Is there -- my
22 recollection was that there was specific language
23 we had to use last time that we didn't use. Do you
24 have it? Closed? Okay. Got it. I understand.

25 So, Commissioner Kirsanow, are you

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1 making a motion to go into closed session?

2 COMMISSIONER KIRSANOW: Yes, I am.

3 CHAIRMAN CASTRO: Is there a second?

4 COMMISSIONER HERIOT: Second.

5 CHAIRMAN CASTRO: Okay. All those in
6 -- well, so I've got to take a vote on that motion,
7 then. Commissioner Heriot, how do you vote?

8 COMMISSIONER HERIOT: Yes.

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

11 COMMISSIONER TIMMONS-GOODSON: Yes.

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

14 COMMISSIONER NARASAKI: Yes.

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

17 COMMISSIONER ACHTENBERG: Yes.

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

20 COMMISSIONER KLADNEY: Are you asking
21 Kladney?

22 CHAIRMAN CASTRO: Yes.

23 COMMISSIONER KLADNEY: Yes.

24 CHAIRMAN CASTRO: Commissioner Yaki,
25 how do you -- Commissioner Yaki, how do you vote?

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1 Oh, I forgot, he's not on.

2 Commissioner Kirsanow, how do you vote?

3 COMMISSIONER KIRSANOW: Yes.

4 CHAIRMAN CASTRO: And I'll vote yes, so
5 the motion passes. We are going into closed
6 session.

7 We will ask all staff and members of the
8 public to please step out. The court reporter will
9 remain, and General Counsel will stay with us. Of
10 course, our Special Assistants stay with us. You
11 can stay. OGC staff can stay.

12 (Pause)

13 All right. Commissioners, we need to
14 -- we are going to need to move to a different room,
15 given that this line is still public. We're going
16 to get you a phone number to call into, so that we
17 can do this confidentially. So bear with us.

18 (Whereupon, the above-entitled matter went off the
19 record at 10:29 a.m. and resumed at 11:21 a.m.)

20 CHAIRMAN CASTRO: We are now back in
21 open session. We completed our closed session.
22 It is now 11:21 a.m., and we are back on the record.

23 Prior to going into closed session, we
24 were -- I had made a motion on the State Advisory
25 Committee slate for Indiana. I believe that

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1 motion had been seconded, and then we went into
2 closed session. So I understand -- is there an
3 additional motion before we proceed? Go ahead,
4 Commissioner Achtenberg.

5 COMMISSIONER ACHTENBERG: I would like
6 to move to table the Indiana SAC.

7 CHAIRMAN CASTRO: Is there a second?

8 COMMISSIONER HERIOT: Second.

9 CHAIRMAN CASTRO: Okay. Any
10 additional discussion on that? Hearing none, we
11 will take a vote on tabling the Indiana SAC.
12 Commissioner Heriot, how do you vote?

13 COMMISSIONER HERIOT: Yes.

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

16 COMMISSIONER TIMMONS-GOODSON: Yes.

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

19 COMMISSIONER NARASAKI: Yes.

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

22 COMMISSIONER ACHTENBERG: Yes.

23 CHAIRMAN CASTRO: Commissioner
24 Kladney, how do you vote?

25 COMMISSIONER KLADNEY: Yes.

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

3 COMMISSIONER KIRSANOW: What are we
4 voting on?

5 CHAIRMAN CASTRO: Voting to table the
6 Indiana slate.

7 COMMISSIONER KIRSANOW: Yes.

8 CHAIRMAN CASTRO: Commissioner Yaki,
9 how do you vote? He's not on?

10 STAFF DIRECTOR SALLO: He said he was
11 not coming back on.

12 CHAIRMAN CASTRO: Okay. I just wanted
13 to ask in case he was.

14 And then I vote yes, so the motion
15 passes with seven yeses and one no vote.

16 I am now going to make a motion --

17 STAFF DIRECTOR SALLO: No. No vote.
18 Because Yaki wasn't on.

19 CHAIRMAN CASTRO: No vote? Oh, he's
20 considered a no vote, then?

21 STAFF DIRECTOR SALLO: No. Because
22 you said one no.

23 CHAIRMAN CASTRO: No. I said -- okay.
24 Well, I meant there was a vote -- nobody voted on
25 that one.

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1 STAFF DIRECTOR SALLO: Okay.

2 CHAIRMAN CASTRO: So --

3 COMMISSIONER HERIOT: Yes. That's
4 easy to misunderstand. So I think we needed
5 different vocabulary there.

6 CHAIRMAN CASTRO: Yes. So
7 Commissioner Yaki was not voting.

8 I am now going to move on to make a
9 motion on North Carolina. I make a motion that the
10 Commission appoint the following individuals to
11 the North Carolina Committee based upon the
12 recommendation of our Staff Director. Michael
13 Gerhardt, Steven Greene, April Harley, Matty
14 Lazo-Chadderton, Rick Martinez, Thealeeta Monet,
15 Robert Numbers, Willie Ratchford, Robert Shaw,
16 Sarah Cecelia -- sorry, Sarah Cecelia Taylor,
17 Marilyn Tyler, Christopher Widmayer, and Olga
18 Wright.

19 Pursuant to this motion, the Commission
20 appoints Matty Lazo-Chadderton as chair of the
21 North Carolina State Advisory Committee. These
22 members will serve as uncompensated government
23 employees.

24 Under this motion, the Commission
25 authorizes the Staff Director to execute the

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1 appropriate paperwork for appointments. Do I have
2 a second?

3 COMMISSIONER ACHTENBERG: Second.

4 CHAIRMAN CASTRO: Okay. Any
5 discussion? Hearing none, then we will take a roll
6 call vote. Commissioner Heriot, how do you vote?

7 COMMISSIONER HERIOT: Yes.

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

10 COMMISSIONER TIMMONS-GOODSON: Yes.

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

13 COMMISSIONER NARASAKI: Yes.

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

16 COMMISSIONER ACHTENBERG: Yes.

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

19 COMMISSIONER KLADNEY: Yes.

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

22 COMMISSIONER KIRSANOW: Yes.

23 CHAIRMAN CASTRO: Is Commissioner Yaki
24 on the phone?

25 (No audible response)

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1 And I vote yes, so we have a motion that
2 passes with seven yeases and one Commissioner not
3 participating.

4 Next, I am going to move that the
5 Commission appoint the following individuals to
6 the Oklahoma Committee based upon the
7 recommendation of our Staff Director. Vicki
8 Limas, Michael Barlow, James Bryant, Brian
9 Corpening, Maria-Elena Diaz, Cara Cowan Watts,
10 Adam Doverspike, Hannibal Johnson, Andrew Lester,
11 Shani Nealy, Michael Owens, and Andrew
12 Spiropoulos.

13 Pursuant to this motion, the Commission
14 appoints Vicki Limas for chair of the Oklahoma
15 State Advisory Committee. These members will
16 serve as uncompensated government employees.

17 Under this motion, the Commission
18 authorizes the Staff Director to execute the
19 appropriate paperwork for appointments. Is there
20 a second?

21 COMMISSIONER ACHTENBERG: Second.

22 CHAIRMAN CASTRO: Any discussion?
23 Seeing no requests -- I'm sorry. Commissioner
24 Heriot?

25 COMMISSIONER HERIOT: I am going to be

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1 voting no on this SAC. I don't think it's
2 ideologically balanced.

3 CHAIRMAN CASTRO: Okay. Any other
4 comments, questions? Commissioner Narasaki?

5 COMMISSIONER NARASAKI: I would just
6 like to commend the staff for ensuring that there
7 is a healthy Native American representation.

8 CHAIRMAN CASTRO: Thank you. Any
9 additional comments? Hearing none, we will take
10 a roll call vote. Commissioner Heriot, how do you
11 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: Yes.

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

21 COMMISSIONER ACHTENBERG: Yes.

22 CHAIRMAN CASTRO: Commissioner
23 Kladney, how do you vote?

24 COMMISSIONER KLADNEY: Yes.

25 CHAIRMAN CASTRO: Commissioner

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1 Kirsanow, how do you vote?

2 COMMISSIONER KIRSANOW: No.

3 CHAIRMAN CASTRO: Is Commissioner Yaki
4 on the phone?

5 (No audible response)

6 And I vote yes, so the motion passes,
7 one, two, three, four, five yeses, two nos, and then
8 a Commissioner not present and not voting. So the
9 motion passes.

10 **V. ADJOURN MEETING**

11 I am now going to move that we adjourn
12 the meeting. Is there a second? No?

13 COMMISSIONER NARASAKI: Second.

14 CHAIRMAN CASTRO: All in favor say aye.

15 (Chorus of ayes)

16 Okay. See you all next week. It is
17 now adjourned at the hour of 11:26 a.m. And I meant
18 next month, not next week. I'm just so anxious to
19 come back.

20 (Whereupon, the above-entitled matter went off the
21 record at 11:26 a.m.)

22

23