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U.S. COMMISSION ON CIVIL RIGHTS

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MEETING UNEDITED

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FRIDAY, FEBRUARY 19, 2016

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The Commission convened in Suite 1150 at 1331 Pennsylvania Avenue, Northwest, Washington, D.C. at 1:05 p.m., Martin R. Castro, Chairman, presiding.

PRESENT:

MARTIN R. CASTRO, Chairman

PATRICIA TIMMONS-GOODSON, Vice Chair

ROBERTA ACHTENBERG, Commissioner*

GAIL HERIOT, Commissioner*

PETER N. KIRSANOW, Commissioner*

DAVID KLADNEY, Commissioner

KAREN NARASAKI, Commissioner

MICHAEL YAKI, Commissioner

MAURO MORALES, Staff Director

MAUREEN RUDOLPH, General Counsel

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** Present via telephone*

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STAFF PRESENT:

PAMELA DUNSTON, Chief, ASCD

ANGELA FRENCH-BELL

GERSON GOMEZ

ALFREDA GREENE

TINALOUISE MARTIN, Director, OM

MARCEL NEAL

JOHN RATCLIFFE

JUANDA SMITH

TAMIKA TUCKER

MICHELE YORKMAN

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART

ALEC DUELL

AMY GRANT

JASON LAGRIA

CARISSA MULDER

ALISON SOMIN

KIMBERLY TOLHURST

IRENA VIDULOVIC

** Present via telephone*

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P R O C E E D I N G S

(1:05 p.m.)

CHAIRMAN CASTRO: All right, we're back on the record now. This is the continuation of our meeting, the business meeting portion.

I did neglect to say at the end of the briefing that public comments can be sent to the Commission, at the Office of General Counsel, 1331 Pennsylvania Avenue, N.W., Suite 1150, Washington 20425, or via email to gccomments@usccr.gov.

Okay, now onto the business meeting agenda. The first item up today is discussion and vote on Part B of the Proposed Findings and Recommendations for the Peaceful Coexistence Report. That has been distributed to everyone already.

And in order to have a discussion can we get a motion on that?

COMMISSIONER ACHTENBERG: I'd like to move Part B, the Findings and Recommendations.

CHAIRMAN CASTRO: Motion by Commissioner Achtenberg. Is there a second?

COMMISSIONER KLADNEY: I will second.

CHAIRMAN CASTRO: Seconded by

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1 Commissioner Kladney. Any discussion? Any
2 discussion?

3 So, we'll move forward then. No
4 discussion, so I will take a roll call on this.
5 Commissioner Kirsanow, how do you vote?

6 COMMISSIONER KIRSANOW: Yes.

7 CHAIRMAN CASTRO: Commissioner Heriot
8 is not present, is that right at the moment?
9 Commissioner Narasaki, how do you vote?

10 COMMISSIONER NARASAKI: I vote yes.

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

13 COMMISSIONER KLADNEY: Yes.

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

16 COMMISSIONER ACHTENBERG: Yes.

17 CHAIRMAN CASTRO: Commissioner Yaki,
18 how do you vote? Is that Commissioner Heriot?
19 Okay, no. Commissioner Yaki, how do you vote?

20 COMMISSIONER YAKI: Aye.

21 CHAIRMAN CASTRO: Madam Vice Chair,
22 how do you vote?

23 VICE CHAIR TIMMONS-GOODSON: I'll
24 recuse myself. I'll abstain.

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1 CHAIRMAN CASTRO: Okay, abstaining.
2 Okay. And I vote yes. So we have one, two, three,
3 four, five, six yeases, an abstention, and one
4 non-participating. All right, so the motion
5 passes.

6 Next we have management and operations.
7 No? No problem.

8 We have a report from our state advisory
9 committee, the Mississippi State Advisory
10 Committee has issued an advisory memo to us which
11 I know I read with great interest as I know you all
12 have. Low-income Childcare Subsidies
13 Distribution in the State of Mississippi which was
14 adopted by a majority of the Mississippi SAC on
15 November 19, 2015.

16 We have with us by phone Dr. Susan
17 Glisson, the SAC chair who will make a presentation
18 on the advisory memo and then we can ask her some
19 questions.

20 And actually I will have a motion on
21 that at the end of this based on the request that
22 they make at the end of the memorandum to us at the
23 Commission.

24 Madam Chair, thank you for joining us.

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1 MS. GLISSON: Hi, how are you?

2 CHAIRMAN CASTRO: Good. Yourself?

3 MS. GLISSON: I'm good. I'm delighted
4 to be with all of you. Thank you so much for this
5 time.

6 CHAIRMAN CASTRO: You're welcome.

7 MS. GLISSON: I'd really first like to
8 thank the staff. David Mussatt and Melissa were
9 just fantastic in their support of us. We couldn't
10 have gotten done what we were able to get done
11 without their help. So thank you for them and
12 thank you for your guidance in this important work.

13 Just a little bit about how we elected to
14 choose this particular topic. It was important to
15 us to select an issue of great importance that would
16 make the most meaning in helping to end childhood
17 poverty and helping to support vulnerable working
18 families in Mississippi.

19 And we wanted to choose an issue that
20 had bipartisan support. That was very important
21 to us. And we knew that the low-income childcare
22 subsidies were in fact a bipartisan program. So
23 that suggested to us that that would be a good issue
24 to follow through on.

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1 So, in order to do our work we were able
2 to host two public forums which we did very
3 successfully by conference call. We appreciated
4 the technology. We think it worked well.

5 In the first public hearing we were able
6 to bring testimony or hear testimony from advocates
7 of low-income childcare families and trying to make
8 those benefits available to as many people who were
9 eligible as possible, and researchers and scholars
10 who work to study best practices and to lift up
11 policy recommendations.

12 And then in the second public forum we
13 were able to include representatives of the state
14 agencies who oversee the program.

15 And we were grateful for all of the
16 people who called in. We had a very rich, robust
17 conversation and presentations and we learned a lot
18 from those hearings.

19 One of the things that was a challenge
20 as we moved forward with the process is there's a
21 sort of lack of transparency on the part of the
22 Department of Human Services in Mississippi which
23 oversees this particular program.

24 So it was hard to get easily available

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1 information in order to really do a thorough study.

2 We were trying to figure out if there
3 was a disproportionate impact on families of color,
4 on women in the way that the program is administered
5 because we know that the number of eligible
6 children who are able to benefit from this so their
7 parents can work is not nearly the percentage that
8 it could be.

9 And we know that the Department of Human
10 Services ends up using some of the funds that could
11 be used to support children to investigate things
12 like potential fraud of parents, which they have
13 not been able to find any statistically significant
14 information to do that.

15 So, among the recommendations that we
16 were able to make, we asked that the Department of
17 Human Services consider to eliminate the child
18 support requirement that we believe has a
19 disparate, harmful impact on women.

20 We asked them if they could try to work
21 to make sure that parents are able to keep childcare
22 for all 365 days of the year. The obstacles or the
23 forms that parents are required to re-certify and
24 re-certify every several months really makes it a

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1 barrier to having consistent childcare so that you
2 can be consistently at your job.

3 There was also conversation about the
4 quality rating system which is supposed to help
5 ensure that centers are performing well and are
6 excellent pre-K opportunities for children.

7 But the challenge is that none of the
8 quality rating system guidelines have ever been
9 written down. So childcare providers are not
10 exactly clear what they need to do in order to meet
11 those rating system requirements.

12 And the money that could be used to help
13 them improve their childcare centers is not readily
14 available. So we believe this has a disparate
15 impact on largely people of color, women of color
16 who are running the childcare centers.

17 And then of course we asked for
18 transparency and to make accurate data available
19 so that it's clear what data the DHS is using to
20 make decisions, and if there are concerns that the
21 public has that it can have accurate data in order
22 to be informed as it may offer guidance and support
23 to the DHS department.

24 I think the general consensus that the

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1 committee had was that while it was difficult for
2 us to prove that there's documented racial bias,
3 what is quite clear to us is that there is a great
4 degree of mistrust between the predominantly
5 African-American women who run many of the
6 childcare centers and the Department of Human
7 Services.

8 And so we hope that the report that we
9 have generated can create an important rhetorical
10 nudge to the DHS, and advocates, and families, and
11 childcare providers to come to a table and to seek
12 some trust-building, community-building in order
13 to do what I think and hope that we all want to do
14 which is to make sure that children are able to
15 access this important program, and that working
16 families can contribute as they like to
17 Mississippi's well-being and economy.

18 We did get to release the report
19 publicly just a few weeks ago at the Mississippi
20 State Capitol. And we know that there are
21 advocates in the field who are working with the
22 Mississippi State Legislature to ask that they
23 create a sort of an advisory board that would
24 include parents, and childcare providers, and

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1 advocates, and state agency folks so that -- with
2 a sense of more transparency and a sort of
3 accountable governance with the DHS.

4 So, we're watching that bill as it moves
5 through the legislature. Hopefully it will move
6 through the legislature.

7 So, we've been really excited about the
8 conversation that the report has generated. In
9 fact, as part of the momentum of this report a local
10 -- the state paper, the Mississippi Clarion-Ledger
11 and in partnership with the Hechinger Report which
12 has a base in Mississippi has initiated a nine-part
13 series on childcare in Mississippi, and especially
14 on low-income childcare options.

15 And we know from one of the childcare
16 advocates that there was a national meeting in
17 January in D.C. And the report was lifted up and
18 generated apparently quite a lot of excitement
19 because there were other states that said they have
20 similar issues.

21 We may have the most egregious issues,
22 but there were other issues similar in other
23 states, and they were excited that the report may
24 offer support, an example for what other states

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1 could do.

2 So, we are excited about the process.
3 We hope and pray that we're able to continue with
4 future work.

5 Our next desired topic is to look at
6 prosecutorial discretion in drug sentencing which
7 of course is a hugely important issue in our
8 national dialogue right now.

9 So, that's where we are and I'll be
10 happy to take any questions that you all might have.

11 CHAIRMAN CASTRO: Well, thank you,
12 Madam Chair. That was a great summary of the
13 report and we really appreciate the work that
14 you're doing on this and the future work you just
15 suggested the committee is going to be doing.

16 I have a question and then I'll see if
17 any other Commissioners do, and then I'll do a quick
18 motion on your request at the end of the memo.

19 I think from the way I read this there's
20 a critique of the federal block grant way these
21 funds are being given to Mississippi in that it
22 gives it perhaps too much discretion in where to
23 use or not to use the dollars.

24 Is that my understanding? Am I reading

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1 that right?

2 MS. GLISSON: Yes, sir. We're
3 concerned that all of the money that could be made
4 available for actual childcare gets redirected to
5 other kinds of programs.

6 And in one instance it seemed to be
7 directed toward a desire to check for drug use among
8 parents. And there was an ID system that they
9 wanted to implement.

10 They spent some generous amount of
11 money on that instead of actually making the
12 childcare grant available to the folks for whom it
13 was intended.

14 CHAIRMAN CASTRO: It seems to me that
15 either that's some kind of government
16 mismanagement, or maybe outright fraudulent
17 action.

18 Has anything been done to address some
19 of that locally?

20 MS. GLISSON: The only person, and
21 there may be others that I am not aware of, and
22 that's certainly possible.

23 Congressman Bennie Thompson has been an
24 incredible advocate to ask for explanations for

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1 this.

2 So you know, for instance, there were
3 124,426 children who were eligible for the CCDBG
4 block grant, but only 18,300 are served. So that's
5 just -- I mean, that strikes us as a real gap that
6 needs to be addressed.

7 And as far as we know, Congressman
8 Thompson has been the main one who has pushed for
9 that. So whatever support and assistance we could
10 get in that area would be great.

11 You know, they're undergoing a sort of
12 open comment question right now in order to adjust
13 their policies.

14 But you know, because of the mistrust
15 that exists there has not been a sense of confidence
16 on the part of childcare providers, and parents,
17 and advocates that DHS would actually listen to the
18 folks that have been trying to submit comments.

19 CHAIRMAN CASTRO: Thank you.
20 Commissioner Narasaki, you have a question?

21 COMMISSIONER NARASAKI: Yes, I wanted
22 to join the chair in commending the work of the SAC.

23 I note that in the Findings and
24 Recommendations it seems like there's a request

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1 from the advisory committee for the Commission to
2 advise the U.S. Department of Health and Human
3 Services, Administration for Children and
4 Families, Office of Childcare with a series of
5 recommendations that are being made.

6 I'm wondering if that has happened and
7 if not, Mr. Chair?

8 CHAIRMAN CASTRO: No, and that's going
9 to be the motion I make at the end of our questions.

10 COMMISSIONER NARASAKI: Exactly, yes.
11 So, I wanted to note whether there was any other
12 agency or whether we should also be writing to the
13 President or Congress on this matter.

14 CHAIRMAN CASTRO: Well, I was also
15 going to suggest that we, at a minimum, copy the
16 congressional delegation from Mississippi on that
17 letter.

18 COMMISSIONER NARASAKI: Yes. So,
19 you've actually done a press release and have --
20 it's been released at a conference.

21 I'm wondering if you've already -- if
22 the advisory committee has already also sent it
23 out, where else you have sent it out to.

24 MS. GLISSON: Well, we sent it out to

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1 all of our -- I should say I'm now wearing my Winter
2 Institute for Racial Reconciliation hat.

3 We have press contacts who contact us
4 frequently about race-related matters. So we sent
5 out the press advisory to all of those folks.

6 Though I haven't seen a lot of coverage
7 picked up outside of the State of Mississippi.

8 I was asked to draft an op-ed for the
9 Hechinger Report Clarion-Ledger series, which I've
10 done. They're supposed to publish that on March
11 1st.

12 And then I believe one of the childcare
13 advocates has also been asked to draft an op-ed.

14 So, the state newspaper with
15 Hechinger's Report has been very generous in giving
16 us a lot of air time to nurture the issue and nurture
17 conversation about the issue.

18 COMMISSIONER NARASAKI: Thank you.

19 MS. GLISSON: But we'd love other ideas
20 if there are other things that we could be doing.

21 CHAIRMAN CASTRO: We will. Any other
22 questions, Commissioners? Okay. Anyone on the
23 phone?

24 If not, then what I'd like to do is make

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1 a motion that the Commission authorize the chair
2 to send a letter on behalf of the Commission to the
3 U.S. Department of Health and Human Services as
4 requested by the Mississippi SAC, and that we copy
5 that letter to the Mississippi congressional
6 delegation including a copy of the SAC advisory
7 memo to us, and that our staff also prepare an
8 appropriate press release once that letter is sent
9 indicating that the Commission is taking action on
10 this SAC issue as well.

11 Is there a second?

12 COMMISSIONER KLADNEY: Second.

13 CHAIRMAN CASTRO: Any discussion? If
14 not then I'd like to take a roll call vote.
15 Commissioner Kirsanow, how do you vote? You still
16 there, Pete? He's gone? Okay. Commissioner
17 Heriot?

18 COMMISSIONER HERIOT: I'm going to
19 have to abstain. I thought this meeting was going
20 to reconvene later than it did so I came in in the
21 middle of the presentation.

22 CHAIRMAN CASTRO: Sorry about that.
23 Sorry. Commissioner Narasaki, how do you vote?

24 COMMISSIONER NARASAKI: Yes.

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

3 COMMISSIONER KLADNEY: Yes.

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

6 COMMISSIONER ACHTENBERG: Yes.

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

9 COMMISSIONER YAKI: Aye.

10 CHAIRMAN CASTRO: Madam Vice Chair,
11 how do you vote?

12 VICE CHAIR TIMMONS-GOODSON: Yes.

13 CHAIRMAN CASTRO: And I vote yes.
14 One, two, three, four, five, six yeses, an
15 abstention and one person not voting. So the
16 motion passes.

17 Thank you, Madam Chair, for your
18 participation and your help on this. We'll also
19 make sure you get a copy of the information that
20 we send out.

21 MS. GLISSON: Excellent. Thank you
22 so, so much. I appreciate what you all are doing.
23 Take care.

24 CHAIRMAN CASTRO: Thank you. We'll

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1 now move onto Commissioner Kladney. You have the
2 floor on your request for a letter.

3 COMMISSIONER KLADNEY: Thank you very
4 much, Mr. Chairman. I've distributed this letter,
5 I think Amy distributed it last Wednesday.

6 And I move that we issue a letter to the
7 members of Congress supporting the Fair Day in
8 Court for Kids Act.

9 This letter is a reflection of what we
10 discovered in last year's statutory report.
11 Although adult immigrants who apply for asylum are
12 allowed to work six months after entry to earn funds
13 to hire counsel, unaccompanied children are too
14 young to work and accumulate funds, hire competent
15 counsel and navigate our judicial system while they
16 are in our foster system.

17 This bill was presented in response to
18 the humanitarian crisis in Honduras, Guatemala and
19 El Salvador.

20 In these countries the rule of law has
21 broken down. Violence, kidnappings, rape and
22 murder go unpunished. Horrific conditions on the
23 ground caused the United States Peace Corps to
24 withdraw from El Salvador.

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1 San Salvador is known to be the murder
2 capital of the world. And this is a result of drug
3 gangs and other conditions.

4 Children fleeing these violent
5 conditions have made the dangerous journey to the
6 United States seeking safe haven of asylum.

7 When they arrive here, even if they
8 voluntarily surrender to authorities they are
9 placed in foster care with a foster parent and
10 assigned social worker in some community.

11 They are then required to take part in
12 a complex immigration process without counsel.

13 The United States Supreme Court has
14 even found that minors have a very limited
15 understanding of the consequences of the legal
16 system because their brains are not yet fully
17 formed when it comes to making decisions.

18 Many asylum seekers are left without
19 representation. In 9 out of 10 cases, minors
20 without representation are unsuccessful in their
21 immigration proceedings and are ordered to be
22 removed.

23 It is hard to believe that the United
24 States would require children of 10 or 12 years of

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1 age to represent themselves in a complex judicial
2 proceeding.

3 The Fair Day in Court for Kids Act
4 requires unaccompanied minors to be represented,
5 restoring a measure of basic fairness to the
6 proceedings. The act deserves our support.

7 I move we adopt this letter and send it
8 to each member of Congress. It's my understanding
9 even though I drafted it saying the U.S. Commission
10 on Civil Rights urges the member of Congress, if
11 the vote is not unanimous here today the wording
12 will be changed to a majority of the Commission.
13 Thank you.

14 CHAIRMAN CASTRO: I'll second that
15 motion, and I would also add that we have our press
16 people put out a press release regarding the
17 letter.

18 COMMISSIONER KLADNEY: Sure. And
19 hopefully you'll add some punch to it, Mr.
20 Chairman.

21 CHAIRMAN CASTRO: I will. Thank you.
22 So we have a motion that's been made and seconded.
23 Any discussion? Madam Vice Chair? No? Okay.
24 Anybody?

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1 If not then let me take a roll call vote.
2 Commissioner Kirsanow is not here, is that correct?
3 Commissioner Heriot, how do you vote?

4 COMMISSIONER HERIOT: I'm going to
5 have to vote no on this one. I agree with
6 Commissioner Kladney that we've got a very serious
7 issue here, but I don't think creating a legal
8 bureaucracy is the way to solve it. So I'm going
9 to have to vote no and the letter is going to have
10 to change to a majority of rather than the
11 Commission.

12 CHAIRMAN CASTRO: It will reflect
13 that, thank you. Commissioner Narasaki, how do
14 you vote?

15 COMMISSIONER NARASAKI: I vote yes.

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

18 COMMISSIONER KLADNEY: Yes, Mr.
19 Chairman.

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

22 COMMISSIONER ACHTENBERG: I vote yes,
23 and I commend Commissioner Kladney. This is an
24 extremely important issue and I agree that it's a

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1 direct outgrowth of the conclusions that we drew
2 from the statutory report.

3 And I think it's very, very important
4 that this, Senator Reid's bill gets every serious
5 consideration. So I think it's terrific.

6 CHAIRMAN CASTRO: Thank you.
7 Commissioner Yaki, how do you vote?

8 COMMISSIONER YAKI: Can we say
9 supermajority? Aye.

10 CHAIRMAN CASTRO: Madam Vice Chair,
11 how do you vote?

12 VICE CHAIR TIMMONS-GOODSON: Strong
13 yes.

14 CHAIRMAN CASTRO: And I vote yes as
15 well. So that's one, two, three, four, five, six
16 yeses, one no, and one not participating. So the
17 letter and the motion pass. Thank you,
18 Commissioner Kladney.

19 Now we will give the floor to the staff
20 director for his monthly report. That will be the
21 last item on the agenda.

22 DIRECTOR MORALES: Thank you, Mr.
23 Chairman. I just wanted to touch base with all of
24 you, of course, during the meeting.

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1 You have a staff report. I don't want
2 to go through it in detail, but I do want to call
3 your attention to several items for your
4 consideration.

5 One is that we've submitted a spending
6 plan to the congressional appropriations
7 committee.

8 I might be confused. I think I've sent
9 it to you. If I haven't, I will. And pursuant to
10 our request to get our appropriations.

11 We've also submitted our 2017 budget
12 justification as part of the President's budget
13 request. It's on the website. I can also send it
14 to you, or give you a link if you so desire.

15 I will tell you that we are working on
16 the Union Town, scheduling the Union Town. We have
17 -- Pam Dunston will be traveling out to Union Town
18 on Tuesday to evaluate the sites under
19 consideration.

20 We have a city hall, school gym, a
21 church and a library. I know there was some
22 pressure on this. We just didn't want to make a
23 selection over the phone. It's been about nine,
24 I think 10 days since the Commission voted on --

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1 so we're moving as quickly as we can.

2 Of course, she had a lot of logistical
3 issues in getting this briefing ready for all of
4 us. And so she's said that she'll give me a
5 recommendation before the end of next week which
6 then I'll forward on to all of you.

7 In addition, I have, I wanted to let you
8 know that I am putting out a position description
9 for a communications and public affairs position
10 here to, again, do our external communications and
11 improve that as I've talked to all of you on various
12 occasions about that as well.

13 And lastly, that's all I have.

14 CHAIRMAN CASTRO: And I understand
15 that the Illinois State Advisory Committee is doing
16 its environmental justice briefing on March 9?

17 DIRECTOR MORALES: That is correct.

18 CHAIRMAN CASTRO: And it looks like
19 April 7 for North Carolina?

20 DIRECTOR MORALES: I believe so, yes.
21 I think they finally got that date nailed down.
22 And when those are confirmed I'll get those dates
23 out to all of you.

24 CHAIRMAN CASTRO: Great, thanks. Any

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1 questions for the staff director? Commissioner
2 Narasaki.

3 COMMISSIONER NARASAKI: So, in the
4 list of OGC activities, one of the activities is
5 drafting the First Amendment Speech on College
6 Campuses Report. What is that?

7 DIRECTOR MORALES: I'm not sure. Let
8 me look at that and get back to you.

9 CHAIRMAN CASTRO: We had a hearing on
10 that, didn't we?

11 DIRECTOR MORALES: That sounds like it
12 somehow came out --

13 (Simultaneous speaking.)

14 COMMISSIONER NARASAKI: Is that the
15 Title IX?

16 CHAIRMAN CASTRO: I think that's what
17 it was. Didn't we vote not to proceed with that,
18 or am I forgetting? No? What is it, Alison.
19 You're flailing over there.

20 MS. SOMIN: The briefing was held in I
21 believe July 2014. It's about sexual harassment
22 and the tension between that and free speech
23 provisions in the Constitution on college campuses
24 and K-12 schools.

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1 CHAIRMAN CASTRO: Okay. All right,
2 thank you.

3 COMMISSIONER NARASAKI: Because I
4 don't think it's referred to -- it's called out
5 anywhere else.

6 CHAIRMAN CASTRO: Maybe it's a matter
7 of the label. We'll figure it out and we'll get
8 back to people.

9 COMMISSIONER NARASAKI: Okay.
10 Because that was our first hearing and I would be
11 disturbed if that's really what it's being called.

12 CHAIRMAN CASTRO: Okay.

13 COMMISSIONER NARASAKI: I have another
14 question.

15 CHAIRMAN CASTRO: Go ahead.

16 COMMISSIONER NARASAKI: Or concern.
17 And that is I looked at the SAC reports and I'm
18 concerned about the fact that it looks like there's
19 17 expired committees with 15 in progress.

20 And we haven't talked about the state
21 advisory committees in a while.

22 CHAIRMAN CASTRO: Because we keep
23 pulling them. Every month one comes up and
24 somebody yanks it for some reason.

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1 COMMISSIONER NARASAKI: No, we haven't
2 actually had -- we actually haven't had very many
3 presented in the last several months.

4 CHAIRMAN CASTRO: Well, we were going
5 to have one today, and the other ones were pulled
6 before they even got here.

7 But I think there's a working group
8 that's going to make a presentation on a policy or
9 a new procedure for this. Is that right, Mr. Staff
10 Director?

11 COMMISSIONER NARASAKI: Could I just
12 say, Mr. Chair? It says 2 are submitted and 15 in
13 progress. I think 15 in progress means we have not
14 seen them.

15 CHAIRMAN CASTRO: I don't know where
16 they are in the process.

17 COMMISSIONER NARASAKI: So, I just
18 want to say I don't think the 15 is --

19 (Simultaneous speaking.)

20 COMMISSIONER NARASAKI: -- on the
21 Commission. I think the two might be.

22 CHAIRMAN CASTRO: I share your
23 frustration because frankly some of these,
24 particularly the eastern regional office has been

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1 really slow in getting these packages to us. So,
2 it needs to be addressed.

3 And that's why we have this other
4 process that we directed staff to work on. So do
5 you want to talk about that, Mr. Staff Director?

6 DIRECTOR MORALES: Certainly. Thank
7 you, Mr. Chairman.

8 As you're aware, I've had a
9 conversation I believe with all of you and
10 certainly with all the staff assistants about
11 finding a way when we reach an impasse with a
12 particular state advisory committee.

13 And so David Mussatt who's the -- he was
14 the director and coordinator of all regional
15 offices. We've had Alison as well as Sheryl. And
16 we've also had general counsel on a working group.

17 And they're putting forward
18 recommendations I believe this week as to finding
19 a way to work out any issues when they come up
20 regarding a particular SAC.

21 In regards to being behind on the SACs
22 I am working with David and we're going to do what
23 we can to address those and get these SACs up in
24 the next few -- over the course of the next few

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1 business meetings so that we're in full compliance
2 and we get all the SACs operating the way they're
3 supposed to be.

4 CHAIRMAN CASTRO: Any other questions?
5 No? Hearing none then I will adjourn the meeting
6 at 1:34 -- who is this?

7 COMMISSIONER HERIOT: Mr. Chairman?

8 CHAIRMAN CASTRO: Yes, Gail?

9 COMMISSIONER HERIOT: It's Gail.

10 CHAIRMAN CASTRO: Okay, go ahead.

11 COMMISSIONER HERIOT: I just -- to
12 register that I had understood there was going to
13 be a 45-minute break between the two sessions and
14 didn't get back on the phone in time to vote on the
15 findings and recommendations. So I want to point
16 out that my vote is no on those findings and
17 recommendations.

18 CHAIRMAN CASTRO: Okay, we'll do that
19 for the record. And yes, before we went off the
20 phone from the briefing, it was suggested that we
21 just work through lunch in order to get this done.
22 So I'm sorry if we didn't catch you on that. It
23 was not an effort to try to --

24 COMMISSIONER HERIOT: Yes, at the very

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1 end my phone ran out of juice.

2 CHAIRMAN CASTRO: Oh, I didn't know
3 that. So I had assumed you'd heard.

4 But in any event your vote will be
5 registered. Okay? Thank you. Now we are
6 adjourned at 1:34 p.m. Thanks.

7 (Whereupon, the above-entitled matter
8 went off the record at 1:34 p.m.)

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