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U.S. COMMISSION ON CIVIL RIGHTS

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MEETING

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FRIDAY, MARCH 14, 2014

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The Commission convened in Suite 1150 at 1331 Pennsylvania Avenue, Northwest, Washington, D.C. at 2:00 p.m., Martin R. Castro, Chairman, presiding.

PRESENT:

MARTIN R. CASTRO, Chairman

ROBERTA ACHTENBERG, Commissioner

GAIL HERIOT, Commissioner

PETER N. KIRSANOW, Commissioner

DAVID KLADNEY, Commissioner*

MICHAEL YAKI, Commissioner*

MARLENE SALLO, Staff Director

* *Present via telephone*

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STAFF PRESENT:

RYAN COWDIN

BARBARA de LA VIEZ, Deputy Director

LILLIAN DUNLAP

PAMELA DUNSTON, Chief, ASCD

YASMIN ELHADY

NICHOLAS GINSBERG

JENNIFER HEPLER, Parliamentarian

MYRNA HERNANDEZ

JOHN RATCLIFFE

EILEEN RUDERT

JACOB SIMS

ROREY SMITH, General Counsel, OGC

MICHELLE YORKMAN, Director, IT

COMMISSIONER ASSISTANTS PRESENT:

ALEC DEULL

KENESHIA GRANT

CARISSA MULDER

JUANA SILVERIO

ALISON SOMIN

KIMBERLY TOLHURST,

A G E N D A

I. APPROVAL OF AGENDA.....4

II. PROGRAM PLANNING.....5
 \$Discussion and vote on two proposed Commission letters to POTUS and Congress on the introduction of two new national days of commemoration
 \$Discussion and vote to reschedule the pending briefings for April and May
 \$Discussion and vote on issuing a report on the 2012 State Immigration Enforcement briefing

III. MANAGEMENT AND OPERATIONS.....32
 \$Staff Director Report

IV. APPROVAL OF STATE ADVISORY COMMITTEE SLATES.....36
 \$Alabama
 \$District of Columbia
 \$Nevada
 \$Washington

V. ADJOURN MEETING.....43

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P R O C E E D I N G S

(2:00 p.m.)

CHAIRMAN CASTRO: It is now 2:00. I am going to call the meeting to order. This is a business meeting of the U.S. Commission on Civil Rights. As I indicated, it's 2:00 p.m. Eastern Time on March 14th. We are at the Commission's headquarters, 1331 Pennsylvania Avenue, N.W., in Washington, D.C.

I'm Marty Castro, the Chair. Commissioners who are present here in the meeting with me are Commissioner Heriot, Commissioner Achtenberg, and Commissioner Kladney. Commissioners Yaki and Kirsanow are joining us by phone. Is the court reporter present? He's nodding yes. Is the Staff Director present?

MS. SALLO: Present.

CHAIRMAN CASTRO: Okay, so we have a quorum. The meeting will now come to order.

The first item is the Approval of the Agenda.

I. APPROVAL OF AGENDA

CHAIRMAN CASTRO: So, I will move that we approve the agenda. Is there a second?

COMMISSIONER HERIOT: Second.

CHAIRMAN CASTRO: Are there any amendments to the agenda? Madam Staff Director?

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1 MS. SALLO: Yes, I do have one amendment.

2 CHAIRMAN CASTRO: Okay.

3 MS. SALLO: Chairman Castro, at this point
4 in time I would like to make a motion to remove the
5 Hawaii SAC Slate from the agenda for today.

6 CHAIRMAN CASTRO: Okay. Is there a second?

7 COMMISSIONER KLADNEY: Second.

8 CHAIRMAN CASTRO: Okay. Any other
9 amendments? Hearing none we'll vote to approve the
10 agenda. All those in favor say aye.

11 (Chorus of ayes.)

12 CHAIRMAN CASTRO: Any opposed? Any
13 abstentions? Okay, the motion passes unanimously.

14 CHAIRMAN CASTRO: So, the first item up on
15 our agenda is Program Planning Update and Discussion
16 of Projects.

17 **II. PROGRAM PLANNING UPDATE AND**

18 **DISCUSSION OF PROJECTS**

19 CHAIRMAN CASTRO: We have three agenda
20 items under that today. The first is a discussion and
21 vote on two proposed letters that I circulated in
22 advance of the meeting. One would request that the
23 President and Congress respectively make a national
24 holiday for Cesar Chavez, and also a day of
25 Commemoration Day of Service. And a second letter on

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1 Fred Korematsu who I=m sure you=re all familiar with
2 was involved in the litigation in the Supreme Court over
3 Japanese-American Internment during World War II,
4 requesting the same holiday, as well as commemoration
5 for his service in the civil rights arena.

6 So, what I would like to do is take each
7 of those letters individually. So, what I will do, first
8 of all, is move that we B- and this will be for B-

9 (Pause.)

10 CHAIRMAN CASTRO: The mic went off? That we
11 approve B- I=ll make a motion that we approve as a
12 Commission the copy of the letter that was circulated
13 to each of you to the President and Congress on behalf
14 of the making of the national holiday for Cesar Chavez,
15 along with a National Day of Service. Is there a second
16 to that?

17 COMMISSIONER ACHTENBERG: Second.

18 CHAIRMAN CASTRO: Do we have any discussion
19 or any proposed changes that folks want to make to that?
20 All right, hearing none B-

21 COMMISSIONER KIRSANOW: Mr. Chairman.

22 CHAIRMAN CASTRO: Okay. Go ahead,
23 Commissioner Kirsanow. Please, go ahead.

24 COMMISSIONER KIRSANOW: Yes, I=m going to
25 vote against the motion, and I just want to make a quick

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1 statement as to why.

2 CHAIRMAN CASTRO: Sure, go ahead.

3 COMMISSIONER KIRSANOW: It has nothing to
4 do with the merits of Mr. Chavez, or in the subsequent
5 vote on Mr. Korematsu. It has to do with the fact that
6 I oppose any national holidays at all. We've got
7 national holidays up the wazoo. Each national holidays
8 take money out of people=s pockets, it hurts the
9 economy, and I don=t think we need any more national
10 holidays. We've consolidated some national holidays.
11 And although I do believe that honoring these
12 individuals is something that should be done, it
13 shouldn=t be done by virtue of a national holiday.

14 There are number of individuals who are
15 equally meritorious of a national holiday, anyone from
16 Frederick Douglass to Rosa Parks, to you name it, Homer
17 Plessy, James Meredith, Roger Williams, Harriet
18 Tubman, so I don=t know at what point we draw the line.

19 CHAIRMAN CASTRO: Thank you, Commissioner
20 Kirsanow. Commissioner Heriot wanted to make a
21 statement.

22 COMMISSIONER HERIOT: I believe that these
23 two individuals are, indeed, worthy of an honor. I think
24 there are lots of other people who are also worthy of
25 an honor. My personal favorite if there=s ever going

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1 to be another national holiday would be Norman Borlaug,
2 but I am willing to vote against that one, too. So, I
3 would vote against giving them a holiday.

4 CHAIRMAN CASTRO: Okay, who=s squiggling
5 around in their chair? They maybe want to mute it on
6 the phone. Thank you. Any other comments, questions
7 from any other Commissioners?

8 COMMISSIONER YAKI: I B-

9 CHAIRMAN CASTRO: Commissioner Yaki.

10 COMMISSIONER YAKI: We=re dealing just now
11 with the Cesar Chavez letter.

12 CHAIRMAN CASTRO: Yes, exactly. I thought
13 I would take them each individually in the event people
14 had different views or comments on each letter.

15 COMMISSIONER YAKI: Okay, no problem. I
16 just wanted to comment on Commissioner Kirsanow, and
17 just say that we B- I knew that there=s more than a
18 passing resemblance in his balding head to the Grinch.

19 CHAIRMAN CASTRO: Well, now, now no need for
20 that, but B-

21 COMMISSIONER YAKI: I think he might like
22 that B-

23 COMMISSIONER KIRSANOW: Commissioner Yaki,
24 really, either Darth Vader or Klingon.

25 (Laughter.)

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1 COMMISSIONER YAKI: You never know what
2 species the Grinch started off as, Commissioner
3 Kirsanow. That=s all I can say.

4 CHAIRMAN CASTRO: Okay.

5 COMMISSIONER KIRSANOW: Granted.

6 CHAIRMAN CASTRO: Thank you,
7 Commissioners.

8 COMMISSIONER KIRSANOW: Point taken.

9 CHAIRMAN CASTRO: Thank you, both. Anything
10 else? Yes, there=s a transcript of this, so at some
11 point some civil rights scholar is going to be Googling
12 Grinch and this transcript is going to come up.

13 But, anyway, so hearing no additional
14 comments, I=m going to call the question on the Cesar
15 Chavez letter. I will a roll call vote, so Commissioner
16 Kirsanow, how do you vote?

17 COMMISSIONER KIRSANOW: No.

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

20 COMMISSIONER HERIOT: No. But, again, I do
21 believe these individuals have done good things.

22 CHAIRMAN CASTRO: Understood and
23 appreciate it. Commissioner Achtenberg, how do you
24 vote? Commissioner Kladney, how do you vote?

25 COMMISSIONER KLADNEY: Yes.

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

3 COMMISSIONER YAKI: Aye.

4 CHAIRMAN CASTRO: And I vote yes, so the
5 letter passes.

6 Now on to the next letter, I will make a
7 motion for discussion purposes that the Commission
8 issue a letter to the President and Congress requesting
9 that they make January 30th National Fred Korematsu Day,
10 and also declare it a National Day of Service. Do I have
11 a second?

12 COMMISSIONER YAKI: Second.

13 CHAIRMAN CASTRO: Now, I had circulated a
14 draft letter to everyone. There was one minor change
15 that I made to that. I think you should have all gotten
16 a copy. I removed a reference to a blog post which I
17 just thought is kind of out of place with the other types
18 of recognitions that we were outlining. But other than
19 that, the letter remains the same as circulated before.
20 Discussion?

21 COMMISSIONER YAKI: Yes. Commissioner
22 Castro?

23 CHAIRMAN CASTRO: Yes, Commissioner Yaki.

24 COMMISSIONER YAKI: Mr. Chairman, yes, two
25 things. One, I want to say something on the merits, but

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1 first on the technicalities of the letter. I made
2 revisions but I'm afraid that they arrived a little bit
3 too late B-

4 CHAIRMAN CASTRO: Oh.

5 COMMISSIONER YAKI: B- to clean up a
6 little bit of the inconsistencies in the language C-

7 CHAIRMAN CASTRO: Okay.

8 COMMISSIONER YAKI: B- with regard to the
9 description of the town, and also to take reference to
10 my mom. So, I think you might B- if we could approve
11 this with B-

12 CHAIRMAN CASTRO: Yes.

13 COMMISSIONER YAKI: B- leave to make
14 minor technical corrections, I would like to make that
15 motion because it just B-

16 CHAIRMAN CASTRO: Yes, you're right. There
17 was B- yes, we'll circulate the correct version because
18 I did see those changes, and for some reason I think
19 the copy that we all have doesn't have the changes in
20 it.

21 COMMISSIONER YAKI: No, no. No problem at
22 all.

23 CHAIRMAN CASTRO: Yes.

24 COMMISSIONER YAKI: Secondly B-

25 CHAIRMAN CASTRO: Yes.

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1 COMMISSIONER YAKI: B- I just want to say
2 that I ran this by the Japanese American Citizens League
3 who is very appreciative of this effort, and just from
4 my own point of view having had the privilege of meeting
5 Fred Korematsu in the latter years of his life, it=s
6 B- we are B- I agree with Commissioner Kirsanow in
7 terms of the names of the individuals that he has spoken
8 about, but in terms of if you can find someone who had
9 a significant impact on a single discrete community,
10 notwithstanding the fact that his efforts have
11 ratifications far beyond that. But in terms of the
12 Japanese American B- indeed, the Asian American
13 community whose isolation, persecution and treatment
14 certainly in the country, and certainly in California
15 in the first half of the 20th century where they passed
16 laws denying the ability of Asian Americans to own land
17 to stop them from being farmers when they could not own
18 property. It=s the first case to talk B- to decide the
19 Equal Protection clause in America was because of an
20 anti-Chinese ordinance passed by, of all people, the
21 Board of Supervisors of San Francisco in the 1800s. Fred
22 Korematsu stands as a giant among all these for a very
23 simple, as you described it, and we describe in our
24 letter, Mr. Chairman, very simple act of courage and
25 civil disobedience in saying I don=t B- I am a loyal

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1 American. I have no idea why I should be B- I and my
2 family and my friends should be shipped off to converted
3 horse stables which is what they were in California,
4 horse racing facility the Japanese Americans were
5 basically housed in the horse stables before they were
6 transited out to different parts of the country. And
7 he said, you know, I am an American, I=m going to act
8 like an American. I want to be treated like an American.

9 And I would just note as a matter of
10 constitutional jurisprudence that notwithstanding the
11 fact that Writ of Coram Nobis taken by a group of young
12 dynamic Japanese American and Asian American attorneys
13 led by my friend, Dale Minamis, Karen Kai, and so many
14 others, had finally forced the government to admit that
15 they, indeed, not only had no evidence that there was
16 a Japanese fifth column on the west coast, but to the
17 contrary they found affirmative findings that there
18 were none, and it was a very loyal and patriotic
19 community. Notwithstanding that in one of the most
20 shameful decisions by Earl Warren and by President
21 Franklin D. Roosevelt, over 100,000 Japanese American
22 men, women, and children were sent into isolation in
23 internment camps supposedly for their own protection,
24 except for the fact that the machine guns were all
25 pointed on the inside, not on the outside. And Fred

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1 Korematsu said this is wrong. What is B- I B- and he
2 stood as a symbol of civil disobedience and courage for
3 all members of the Japanese American community, for
4 sure.

5 And I would just like to say that one of
6 the stains on the Constitution, constitutional law of
7 which there are, unfortunately, several, Plessy being
8 one of them. Korematsu, notwithstanding the fact that
9 his conviction, personal conviction was overturned,
10 the decision, Korematsu v. United States still remains,
11 unfortunately, the law, part of the constitutional
12 jurisprudence of this country. And I would just say that
13 during the constitutional arguments over the detention
14 center in Guantanamo, in one of the briefs used by the
15 then Solicitor General of the United States, Korematsu
16 was cited for the purpose of justifying the detention
17 center at Gitmo. So, while Fred Korematsu was
18 personally vindicated and stands as a shining example
19 of courage and civil disobedience and principle, the
20 decision itself still remains, and hopefully will
21 become a footnote and never be used again. But the mere
22 fact that it is there to justify the incarceration of
23 people deemed to be enemies of the State even if they
24 are citizens is a B- should be a sobering warning to
25 all of us who care about, are concerned about civil

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1 rights and civil liberties. But in that vein, again,
2 Mr. Chairman, thank you for your leadership, and I hope
3 this B- the President takes positive action on this and
4 on the Cesar Chavez resolution that this Commission
5 will be forwarding.

6 CHAIRMAN CASTRO: Thank you, Commissioner
7 Yaki.

8 COMMISSIONER YAKI: Thank you.

9 CHAIRMAN CASTRO: Actually, I've been
10 informed by Special Assistant that the copy of the
11 letter that was circulated this morning to everybody
12 is the correct version with your corrections. I think
13 perhaps maybe it might not have been emailed to you,
14 but your corrections were made on the draft.

15 COMMISSIONER YAKI: Oh, thank you.

16 CHAIRMAN CASTRO: So, with that I would
17 B- are there other questions or comments on this? If
18 not, I will call this vote for question, call this
19 question for vote.

20 COMMISSIONER KIRSANOW: Mr. Chairman.

21 CHAIRMAN CASTRO: Yes, Commissioner
22 Kirsanow, go ahead.

23 COMMISSIONER KIRSANOW: Thank you, Mr.
24 Chair. Perhaps for only the second or third time in the
25 last eight years, I'd like to align myself with the bulk

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1 of what Commissioner Yaki had to say, but I think he
2 said it very well, articulately, and in an impassioned
3 fashion. And I, as I said before, would oppose a
4 national holiday but would support some meaningful
5 commemoration of Mr. Korematsu.

6 It was a significant act on his part. I
7 think that there=s insufficient attention, and I have
8 said so a number of times to the manifold and long-time
9 acts of discrimination against Asian Americans. And I
10 don=t like using that term because I think it=s somewhat
11 ham-handed, but a lot of racists like to seem to lump
12 people into a particular category, and that=s the
13 category very often that they like to lump them into,
14 but they=ve discriminated against Asian Americans
15 since the outset of our country. So, as someone who also
16 has had family members in detention camps and
17 brutalized therein, including my own father, but in a
18 nation where you might expect it, this is something that
19 is of great importance. I just do not think it should
20 a national holiday.

21 CHAIRMAN CASTRO: Thank you, Commissioner.
22 Any other comments? If not, I=m going to call the motion
23 for vote. Commissioner Kirsanow, how do you vote?

24 COMMISSIONER KIRSANOW: No.

25 CHAIRMAN CASTRO: Commissioner Heriot, how

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1 do you vote?

2 COMMISSIONER HERIOT: For the same reason
3 I voted no on the other motion, I vote no on this one.

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

7 COMMISSIONER YAKI: Aye.

8 CHAIRMAN CASTRO: And I vote yes, so the
9 motion passes. Thank you, everyone.

10 Now we'll move on to the next topic on the
11 agenda which is discussion of the scheduling of our
12 Stand-Your-Ground briefing. I'll turn that over to the
13 Staff Director.

14 MS. SALLO: Thank you. At the present time
15 we have the Stand-Your-Ground scheduled for April 11th,
16 and we have the Sexual Harassment briefing scheduled
17 in May, so I wanted to advise the Commissioners that
18 as we move forward in trying to assess potential
19 locations to hold the Stand-Your-Ground briefing, and
20 we reached out to potential speakers and researchers,
21 it came to our attention that the main speakers that
22 we were interested in inviting, the main researchers
23 were not available on April 11th. As it turns out, the
24 National Action Network is having a week-long briefing,
25 not briefing, conference in New York City the week that

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1 we were scheduled to have our Stand-Your-Ground
2 briefing, and one of the topics they=re going to be
3 addressing at their conference is Stand-Your-Ground in
4 New York City. So, the main folks that we would have
5 loved to have had at our meeting will not be available
6 on April 11th, so that is why that was put on the agenda.
7 And then the next question was if we move the
8 Stand-Your-Ground, should we also move the Sexual
9 Harassment? And in discussing it with Commissioner
10 Heriot, she was amenable to possibly pushing it
11 forward, if necessary.

12 CHAIRMAN CASTRO: So, do you have a
13 particular proposal in terms of B-

14 MS. SALLO: The thought had been to
15 reschedule the Stand-Your-Ground for May, and then do
16 the Sexual Harassment in July.

17 CHAIRMAN CASTRO: Okay. And folks know from
18 email that I issued previous to this meeting that we
19 are going to do the Stand-Your-Ground briefing in
20 Florida.

21 MS. SALLO: Yes, but then there=s a catch.

22 CHAIRMAN CASTRO: There=s always a catch.

23 MS. SALLO: Yes. So, as it turns out the
24 Friday that we could have it in May in Florida, we wanted
25 some gentlemen to be present from the State

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1 legislature, and it turns out that it=s the Young State
2 Representative Conference or something that same week,
3 so they can=t be present. And then Ilya has indicated
4 he=s not available April or May either, so that=s where
5 we stand right now. So, I=m B- obviously, this is
6 Commissioner Yaki=s Concept Paper, and he, obviously,
7 would have a voice in this, but I=m amenable to whatever
8 the Commissioners feel is best to accommodate. But
9 definitely April 11th won=t work because even the
10 researchers that we needed to be present at the briefing
11 are not available in the month of April.

12 CHAIRMAN CASTRO: Commissioner Yaki, can
13 you give us your thoughts?

14 COMMISSIONER YAKI: Yes, I am in no hurry
15 to get this B- to do this if it means B- if it=s at the
16 cost of giving the witnesses amenable locations, et
17 cetera. So, I would just simply say that I=d like to
18 make a motion to, again, give the Staff Director and
19 the Chairman hopefully in consultation with me the
20 discretion to set an appropriate date that works within
21 our schedule and everyone else=s schedule, instead of
22 trying to find a date and then revisit this again if
23 we have to play around with it. So, I would just say
24 I think I=d like to move that we give the authority to
25 the Staff Director and the Chairman to determine the

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1 appropriate date and time in Florida for the
2 Stand-Your-Ground briefing.

3 CHAIRMAN CASTRO: Is there a second to that?
4 Okay, discussion on that motion, folks? This is as it
5 relates to Stand-Your-Ground.

6 COMMISSIONER KLADNEY: Mr. Chairman.

7 CHAIRMAN CASTRO: Yes. Hold on, hold on.
8 Commissioner Achtenberg, then Commissioner Heriot,
9 then Commissioner Kladney. Okay.

10 COMMISSIONER ACHTENBERG: All I would ask
11 is that individual calendars be taken into account
12 because it=s B- and we try to accommodate B- find a date
13 that all Commissioners can be accommodated.

14 CHAIRMAN CASTRO: Right. I know some folks
15 will be out of the country.

16 COMMISSIONER ACHTENBERG: Yes because, I
17 mean, this is a real problem for us now that the State
18 legislatures B-

19 COMMISSIONER YAKI: Okay. I agree. I agree.

20 CHAIRMAN CASTRO: Yes. Madam Staff
21 Director, do you have a response real quick?

22 MS. SALLO: Well, no, I have a question
23 really. So, normally I would just go along with the
24 preset Commission meetings, so are we saying that we=re
25 leaving it open to even change the date outside of a

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1 preset Commission meeting?

2 CHAIRMAN CASTRO: No, that=s not how I view
3 that.

4 MS. SALLO: Okay.

5 COMMISSIONER ACHTENBERG: No. All I=m
6 saying is by changing it from April to May, some of us
7 weren=t able to be present in May. I prefer that you
8 not choose a time B-

9 MS. SALLO: So if you just send me your
10 availability then I can work around that.

11 COMMISSIONER ACHTENBERG: Yes, perfect,
12 great. That would be great.

13 CHAIRMAN CASTRO: Commissioner Heriot,
14 then Commissioner Kladney.

15 COMMISSIONER HERIOT: I=m just B- I=m
16 confused at this point. We=re still working with the
17 days that have been designated as meeting days.

18 CHAIRMAN CASTRO: Correct.

19 COMMISSIONER HERIOT: Okay.

20 CHAIRMAN CASTRO: Commissioner Kladney.

21 COMMISSIONER KLADNEY: My only thing is the
22 same thing as Commissioner Achtenberg. I was thinking
23 that next month we were going to have that hearing, so
24 I made myself available, and then I made plans for some
25 other time.

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1 CHAIRMAN CASTRO: We understand.

2 COMMISSIONER KLADNEY: So, I will provide
3 my dates to the Director.

4 CHAIRMAN CASTRO: Okay. Any other
5 discussion on that motion? Hearing none then we'll take
6 a vote on that. Commissioner Kirsanow, how do you vote?

7 COMMISSIONER KIRSANOW: Yes.

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

10 COMMISSIONER HERIOT: Yes.

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

13 COMMISSIONER ACHTENBERG: Yes.

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

16 COMMISSIONER KLADNEY: Yes.

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

19 COMMISSIONER YAKI: Yes.

20 CHAIRMAN CASTRO: And I vote yes, so it=s
21 unanimous.

22 The next motion, we need to make a motion
23 on your briefing. We wanted to move that to July. Right?
24 We need a motion on that, do we? Is that right? Yes,
25 we do.

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1 COMMISSIONER HERIOT: Do you want me to make
2 it?

3 CHAIRMAN CASTRO: Yes, why don=t you.

4 COMMISSIONER HERIOT: I=m happy to make it,
5 although I=d be happy to hold it in May, as well. I move
6 that we move the briefing on Sexual Harassment to B-

7 MS. SALLO: We can do it in July.

8 COMMISSIONER HERIOT: B- July.

9 CHAIRMAN CASTRO: Okay. Is there a second?

10 COMMISSIONER KIRSANOW: Second.

11 CHAIRMAN CASTRO: All right. So, any
12 discussion on that? Commissioner Achtenberg?

13 COMMISSIONER ACHTENBERG: Is there a reason
14 not May?

15 CHAIRMAN CASTRO: Yes, because
16 Commissioner Kladney doesn=t want it. Any other
17 questions or discussion? If not, I=ll call the question
18 on moving the briefing to July. Commissioner Kirsanow,
19 how do you vote?

20 COMMISSIONER KIRSANOW: Yes.

21 CHAIRMAN CASTRO: Commissioner Heriot, how
22 do you vote?

23 COMMISSIONER HERIOT: Yes.

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

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1 COMMISSIONER ACHTENBERG: Yes.

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

4 COMMISSIONER KLADNEY: Yes.

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

7 COMMISSIONER YAKI: Aye.

8 CHAIRMAN CASTRO: And I vote yes, so that
9 passes unanimously. Okay. So, I believe that=s that for
10 that topic. We next move on to discussion and a vote
11 on issuing a report based on the 2012 State Immigration
12 Enforcement briefing that we held in August of 2012 in
13 Alabama.

14 And the reason that I felt that we should
15 just issue the transcript a few months ago, or last year
16 was that B- and as I stated on the record, comprehensive
17 immigration reform was coming up for consideration in
18 the Congress, and we wanted B- I wanted to make sure
19 that we had the benefit of sharing the data and
20 information that we gathered from all sides of that
21 debate in Alabama on our website so that policymakers
22 and advocates, et cetera, who had an interest in the
23 civil rights implications of these issues would have
24 access to that.

25 As we=ve seen over the last months, the

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1 prospect of CIR seems less likely every day. My concern
2 is that should immigration reform in some format not
3 pass, and I think we see this already beginning to
4 happen in some states, a resurgence of the state
5 enforcement type of actions focused on undocumented
6 immigrants because there is a lack of federal action,
7 I think the data that we collected again on both sides
8 of the issue which is out there should be turned into
9 a report. And knowing that it=s going to take some time
10 to issue that report, I want to begin that process now
11 so that we can actually benefit from the work that was
12 done by this Commission and contribute to the public
13 policy debate which will be continuing both at the State
14 and I believe at the Federal level. So, that is why I=m
15 bringing this to you all for a vote. So, is there B- I
16 guess I=ll make that my motion. Is there a second?

17 COMMISSIONER ACHTENBERG: Second.

18 CHAIRMAN CASTRO: Any discussion?

19 COMMISSIONER KIRSANOW: Yes, Mr. Chair,
20 Kirsanow here.

21 CHAIRMAN CASTRO: Go ahead.

22 COMMISSIONER KIRSANOW: I would oppose this
23 because we voted unanimously a year ago at a business
24 meeting to post the transcript in lieu of a report. And
25 that was done not because we couldn=t prepare a report

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1 in time for any debate. We see that the debate has gone
2 on for quite some time, whenever you have a one part
3 of Congress controlled by one party and another by
4 another party, there is going to be protracted debate
5 on almost everything including what to have for lunch.

6
7 We voted unanimously pursuant to an
8 agreement that was struck between Commissioner Gaziano
9 and the Chair. The prelude to such agreement was that
10 Commissioner Gaziano would assist in securing a
11 balanced panel of witnesses, because there were a
12 number of witnesses who were reluctant to appear for
13 a variety of reasons. And those witnesses appeared at
14 the instance of Commissioner Gaziano provided they
15 wouldn't be defamed or slandered, and had Commissioner
16 Gaziano I know, and Commissioner Heriot, myself and
17 Vice Chair not cooperate in that agreement, there would
18 be no quorum for the briefing, there would have been
19 no report and no briefing on immigration back in August
20 of 2013, or 2012. Yet, the briefing went forward. The
21 witnesses nonetheless several of them were defamed as
22 racists, xenophobes, likened to the Klan, and when a
23 vote on the matter came up last March, four
24 Commissioners were opposed to it, Gaziano, Heriot,
25 Kirsanow, and Vice Chair Thernstrom. But, nonetheless,

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1 Commissioner Gaziano maybe out of who knows why, but
2 he participated in trying to resolve this by agreeing
3 to post the transcript instead of a report, and that
4 was in exchange for addressing certain personnel
5 issues. Now Gaziano and Thernstrom are not here, but
6 nonetheless I think we should stick by the previous
7 vote. It was an understanding as to why that vote went
8 forward. And I know you=ve got the votes to go forward
9 with this if you want to, but if any media make any
10 reference to the report without noting how it came to
11 be it will be woefully complicit promoting the
12 continued defamation of these witnesses, and I will
13 make sure at least in my capacity to correct the record
14 every single chance I get.

15 CHAIRMAN CASTRO: Thank you, Commissioner
16 Kirsanow. First of all, as I indicated to you in our
17 email exchange of last night, I think there=s a lot of
18 inaccuracies in that statement which I know you base
19 it on correspondence that you received from former
20 Commissioner Gaziano. And it seems that former
21 Commissioner Gaziano and I, in our conversations would
22 routinely seem to misunderstand one another. And I
23 think you=re mixing two different issues.

24 There was a dispute that developed between
25 myself and Commissioner Gaziano after he and I worked

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1 together to provide what we believed was a balanced
2 panel. His perspective was that it should have been a
3 one-to-one balance. My view was that it should be
4 balanced as we look at everything else. It doesn't have
5 to be one-to-one. And there was a dispute about my
6 having added a speaker from the Southern Poverty Law
7 Center.

8 There was no discussion at that time
9 whatsoever about the issue of a transcript versus a
10 report. That issue did not come up until much later.
11 And there certainly was no specific agreement between
12 myself and Commissioner Gaziano for any vote in
13 exchange for anything else. In fact, I very clearly told
14 him that he could vote however he wanted on other
15 issues.

16 I've explained to you why I was motivated
17 to move this as a transcript. I know you've indicated
18 in your email to me that Commissioner Gaziano felt that
19 the transcript, the hearing itself was inappropriate.
20 If that was the case, why do we even put the transcript
21 up on the website.

22 There was no defamation that occurred. We
23 had our OGC look at that issue left and right. The
24 statements that were drafted that were of some concern,
25 the written statements that were drafted by some of the

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1 witnesses that were of some concern to Commissioner
2 Gaziano were redrafted by those witnesses. They did not
3 publish those statements. And, in fact, as we were
4 voting to put the transcript up we made sure that that
5 was not included. So, there is no defamation at all in
6 that transcript. That transcript has passed muster in
7 terms of being appropriate. And it was always my
8 understanding, perhaps not his, but it was always my
9 understanding that this issue could be revisited again.
10 And I am revisiting it, for the reasons I've stated.

11 COMMISSIONER KIRSANOW: Mr. Chair, I have
12 no objection to revisiting the issue in a new briefing.
13 If you want to have another briefing, fine. I don't have
14 any objections to that. But with respect to this
15 particular briefing and any report that therefrom,
16 we've had a vote on this. There is an understanding that
17 wasn't just the understanding of Commissioner Gaziano.
18 I was present throughout everything other than your
19 private conversations with him, and I had a distinct
20 understanding as to why it is we posted a transcript
21 as opposed to having a report.

22 And I know this, I would not have
23 participated in the Alabama briefing, physically
24 participated unless I had an understanding that a
25 number of the witnesses who were concerned about how

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1 they were going to be portrayed would be treated in a
2 proper fashion. That would have deprived the Commission
3 of a quorum because I know B- I don=t want to speak for
4 anyone else, but I had discussions with Vice Chair
5 Thernstrom, Commissioners Gaziano and Heriot, they
6 would not have appeared for such a briefing, and nothing
7 would have gone forward. That was the prelude to it.
8 And then my understanding as to why I voted to post the
9 transcript was the same as expressed by Commissioner
10 Gaziano in his email.

11 CHAIRMAN CASTRO: Again, you know, that may
12 be his point of view that he conveyed to you, but that
13 is not how it transpired, so you=ve made your statement.
14 You=re also going to have a chance once this is drafted
15 to take a look at it and vote up or down, or recommend
16 changes to the draft report. This is not approving a
17 report in absentia. This is voting to have our career
18 staff begin to prepare a report which will be subject
19 to all the bells and whistles that every single one of
20 our reports are subject to in terms of content,
21 defamation, et cetera, and we=ll still have a right to
22 vote on it. So, any other comments or questions? Hearing
23 none I will call the question for a vote. Commissioner
24 Kirsanow, how do you vote?

25 COMMISSIONER KIRSANOW: No.

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

3 COMMISSIONER HERIOT: I vote no.

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

6 COMMISSIONER ACHTENBERG: Yes.

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

9 COMMISSIONER KLADNEY: Yes.

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

12 COMMISSIONER YAKI: Aye.

13 CHAIRMAN CASTRO: And I vote yes, the motion
14 passes 4-2. Thank you.

15 The next item on the agenda is Management
16 and Operations.

17 **III. MANAGEMENT AND OPERATIONS**

18 CHAIRMAN CASTRO: Madam Staff Director.

19 MS. SALLO: Thank you, Chairman Castro. I
20 will give a very brief update. First of all, I wanted
21 to welcome two interns that we have with us today. We
22 have a new intern in ERO. He just started today, as a
23 matter of fact, so his name is Ryan Cowdin, and he=s
24 a 1L at G.W. here in D.C., and he=s from Virginia,
25 Northern Virginia. And then today is Nicholas

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1 Ginsberg=s last day, and he is an intern who=s only been
2 with us for one week, that=s it. We only get them for
3 one week, and he=s from Carbondale High School in
4 Illinois. He=s a senior, and he=s going to be starting
5 at Vassar in August, so I=d like to say it=s been a
6 pleasure having Nicholas here with us, and I welcome
7 Ryan as he commences his internship today.

8 CHAIRMAN CASTRO: Thank you for your work,
9 and thank you in advance for the work you=re going to
10 do. Appreciate it. In fact, would you like to draft a
11 briefing report on immigration?

12 (Laughter.)

13 MS. SALLO: I also wanted to advise
14 everyone, as you know the IG is no longer assigned to
15 the Commission, so they will not be issuing a report.
16 I did circle back with them. They will be completing
17 whatever investigations they had outstanding, and they
18 were given \$70,000 out of this year=s budget to complete
19 that. We will, however, have GAO come in to take a look
20 at us, and they will be looking at three specific items.
21 So, they plan on looking at the Commission=s roles and
22 responsibilities, organizational structure, staffing,
23 and the number of Commission products issued since
24 2006. They=re also going to follow-up on how well the
25 Commission has implemented GAO=s prior

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1 recommendations. And, finally, they will be looking at
2 the role of the State Advisory Committees in
3 accomplishing the mission of the Commission, so I will
4 be their point person, and I will be providing them with
5 any and all documents that they wish to review. And they
6 will probably be here for about three months once B- and
7 I don=t know yet when they=re going to come in, but it
8 will be as soon as possible.

9 Finally, I have some good news. As you
10 know, we just finished a CFC campaign, so I wanted to
11 B-

12 CHAIRMAN CASTRO: Remind folks what CFC
13 means.

14 MS. SALLO: Thank you, Combined Federal
15 Campaign. So, as you know, folks donated and this is
16 something that happens federal-wide, and we received
17 three awards. That=s the bottom line. So, this year the
18 National Capital Region fell short of its goal. Right?
19 So, the region itself is short, but the Commission
20 smashed the goal and then some, so we received the
21 highest award. We actually received the President=s
22 award signed by President Obama.

23 (Applause.)

24 MS. SALLO: So, I am very happy about that,
25 so it=s awarded to agencies reporting 75 percent

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1 employee participation or \$275 per capita gifts. We
2 exceeded both. We had almost 90 percent participation
3 and 486 for our per capita gift amounts.

4 Secondly, we received a Summit award, so
5 here=s the Summit award, so I=m very happy about that.

6 (Applause.)

7 MS. SALLO: And it=s given to agencies that
8 achieve a 3 percent increase in total dollars raised
9 over the previous year=s campaign. Our Commission had
10 an almost 50 percent increase in total dollars raised.
11 We also increased the participation from last year=s
12 campaign earning the Participation Achievement award.

13 (Applause.)

14 MS. SALLO: And this is given to departments
15 or agencies that achieve a 2 percent increase in the
16 preceding year. We actually doubled participation from
17 last year. So, first and foremost, I=d like to thank
18 each and every person that donated towards the
19 campaign. Obviously, we couldn=t have done it without
20 you. And I=d also like to thank Barbara and Yasmin for
21 being our wonderful leaders, and they did a phenomenal
22 tape, little short video/stand up comedy tape which was
23 submitted, as well, to CFC, and it=s my understanding
24 that it will probably uploaded on their website. So,
25 I=d like to thank each and every one of you.

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(Applause.)

CHAIRMAN CASTRO: Thank you.

MS. SALLO: And that is about it.

CHAIRMAN CASTRO: Can I ask our Ethics Officer, are we allowed to accept these? They look valuable.

MS. SALLO: Yes.

COMMISSIONER KLADNEY: Where are you going to post them?

MS. SALLO: So, Pam and I have discussed posting this at the entrance so that everyone can see that we got the President=s award.

CHAIRMAN CASTRO: Yes, great. All right.

MS. SALLO: So, not bad for my first year as Staff Director.

CHAIRMAN CASTRO: No.

(Simultaneous speech and laughter.)

MS. SALLO: I=m trying my best here. You get one win.

CHAIRMAN CASTRO: All right. Anything else, Madam Staff Director?

MS. SALLO: No, this is all. Thank you.

CHAIRMAN CASTRO: Any questions for her from anybody? No? Okay, we=ll move on to the last item which is our State Advisory Committee appointments.

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1 **IV. APPROVAL OF STATE ADVISORY**

2 **COMMITTEE SLATES**

3 CHAIRMAN CASTRO: So, we will turn to, let=s
4 see, Alabama is up first. So, I will make a motion to
5 B- I am nominating a motion that the Commission appoint
6 the following individuals to the Alabama Committee
7 based upon the recommendation of our Staff Director;
8 Valerie Askew, Mark Ayers, David Beito, Lula Bridges,
9 Richard Finley, Stephen Gordon, Laid Javier-Ferrell,
10 Randy Kelley, Raphael Maharaj, Kevin Newsom, Isabel
11 Rubio, Maurice Shevin, L=Tryce Slade, Edward Still, and
12 Alice Westery.

13 Pursuant to this motion, the Commission
14 appoints David Beito as Chair of the Alabama State
15 Advisory Committee. These members will serve as
16 uncompensated government employees. Under this motion,
17 the Commission authorizes the Staff Director to execute
18 the appropriate paperwork for the appointments. Is
19 there a second?

20 COMMISSIONER ACHTENBERG: Second.

21 CHAIRMAN CASTRO: Okay. Any discussion?
22 Hearing none I=ll call it for a vote. Commissioner
23 Kirsanow, how do you vote?

24 COMMISSIONER KIRSANOW: Yes.

25 CHAIRMAN CASTRO: Commissioner Heriot, how

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1 do you vote?

2 COMMISSIONER HERIOT: Yes.

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

5 COMMISSIONER KLADNEY: Yes.

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

8 COMMISSIONER YAKI: Aye.

9 CHAIRMAN CASTRO: And I vote yes, so the
10 slate passes unanimously.

11 I am now going to make a motion that the
12 Commission appoint the following individuals to the
13 District of Columbia State Advisory Committee based
14 upon the recommendation of our Staff Director, Farah
15 S. Abbas, Nadia Jahan Fiorizv, Leila J. Levy, Melissa
16 C. Tucker, Yisel Vales, Csheena Wadhawan, James J.
17 Sandman, Sonia P. Gutierrez, Clyde J. Hart, Vernon
18 Dexter Ingram II, Daniel P. Lips, Charles R. Lowery,
19 Jr., Alan K. Palmer, Laurence D. Pearl, Edison G.
20 Peterman, and Steven J. Wagner.

21 Pursuant to this motion, the Commission
22 appoints B- who are we appointing Chair?

23 (Off microphone comment.)

24 CHAIRMAN CASTRO: Okay, James J. Sandman as
25 Chairman of the District of Columbia State Advisory

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1 Committee. These members will serve as uncompensated
2 government employees. Under this motion, the
3 Commission authorizes the Staff Director to execute the
4 appropriate paperwork for the appointments. Is there
5 a second? Any discussion, questions? Commissioner
6 Heriot?

7 COMMISSIONER HERIOT: I don=t think this
8 SAC is balanced properly so I plan to vote no.

9 CHAIRMAN CASTRO: Any other questions,
10 comments? Hearing none I=ll call it for a vote.
11 Commissioner Kirsanow, how do you vote?

12 COMMISSIONER KIRSANOW: Not having had an
13 opportunity to review the qualifications of the slate,
14 I will abstain.

15 CHAIRMAN CASTRO: Okay. Commissioner
16 Heriot, how do you vote?

17 COMMISSIONER HERIOT: I vote no.

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

20 COMMISSIONER KLADNEY: Yes.

21 CHAIRMAN CASTRO: Commissioner Yaki, how do
22 you vote?

23 COMMISSIONER YAKI: Aye.

24 CHAIRMAN CASTRO: And I vote yes, so it
25 passes with four yeses, one no, and one abstention.

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1 I now make a motion that the Commission
2 appoint the following individuals to the Washington
3 State Advisory Committee based upon the recommendation
4 of our Staff Director, Rita Zawaideh, Joel B. Ard, Tony
5 R. Benegas, Robin R. Boehler, Duane M. French, Dan
6 Goldhaber, Paul W. Guppy, Roxanne Husmann, Laurie D.
7 McCubbin, David Nice, Diana Perez, Henry A. Yates, and
8 Karen L. Yoshitomi.

9 Pursuant to this motion, the Commission
10 appoints Rita Zawaideh as Chair of the Washington State
11 Advisory Committee. These members will serve as
12 uncompensated government employees.

13 Under this motion, the Commission
14 authorizes the Staff Director to execute the
15 appropriate paperwork for the appointments. Is there
16 a second?

17 COMMISSIONER KLADNEY: Second.

18 CHAIRMAN CASTRO: Okay. Any discussion,
19 questions? Hearing none I'll call it for a vote.
20 Commissioner Kirsanow, how do you vote?

21 COMMISSIONER KIRSANOW: Yes.

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

24 COMMISSIONER HERIOT: Yes.

25 CHAIRMAN CASTRO: Commissioner Achtenberg,

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1 how do you vote?

2 COMMISSIONER ACHTENBERG: Yes.

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

5 COMMISSIONER KLADNEY: Yes.

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

8 COMMISSIONER YAKI: Aye.

9 CHAIRMAN CASTRO: And I vote yes. The slate
10 passes unanimously.

11 I now make a motion that the Commission
12 appoint the following individuals to the Nevada State
13 Advisory Committee based upon the recommendation of our
14 Staff Director, Bob Beers, Wendell C. Blaylock, Carol
15 Del Carlo, Debra A. Feemster, David s. Fott, Belen P.
16 Gabato, Kara M. Jenkins, Kay P. Kindred, Theresa E.
17 Navarro, Matthew D. Saltzman, Angela D. Taylor, and
18 Michael V. Zieba.

19 Pursuant to this motion, the Commission
20 appoints Michael V. Zieba as Chair of the Nevada State
21 Advisory Committee. These members will serve as
22 uncompensated government employees.

23 Under this motion, the Commission
24 authorizes the Staff Director to execute the
25 appropriate paperwork for the appointments. Is there

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1 a second?

2 COMMISSIONER KLADNEY: Second.

3 CHAIRMAN CASTRO: Okay, any discussion, any
4 questions? It sounds like one of our Commissioners on
5 the phone took a cartoon fall out there. Is everybody
6 okay?

7 (Laughter.)

8 COMMISSIONER KIRSANOW: It wasn't
9 Kirsanow.

10 CHAIRMAN CASTRO: Okay. Well, we'll take a
11 vote and find out. So, Commissioner Kirsanow, how do
12 you vote on this slate?

13 COMMISSIONER KIRSANOW: Yes.

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

16 COMMISSIONER HERIOT: Yes.

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

19 COMMISSIONER KLADNEY: Yes.

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

22 COMMISSIONER YAKI: Help me.

23 (Laughter.)

24 CHAIRMAN CASTRO: Is that a yes?

25 COMMISSIONER YAKI: Yes.

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1 CHAIRMAN CASTRO: And I vote yes, the slate
2 passes unanimously. That concludes our business.

3 **V. ADJOURN MEETING**

4 CHAIRMAN CASTRO: With nothing further, I
5 will move to adjourn the meeting. Is there a second?

6 COMMISSIONER KLADNEY: Second.

7 CHAIRMAN CASTRO: All those in favor say
8 aye.

9 (Chorus of ayes.)

10 CHAIRMAN CASTRO: All right. The meeting
11 has adjourned at 2:44 Eastern Time. Thank you,
12 everybody.

13 (Whereupon, the proceedings went off the
14 record at 2:45 p.m.)

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