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U.S. COMMISSION ON CIVIL RIGHTS

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MEETING     **UNEDITED**

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FRIDAY, FEBRUARY 20, 2015

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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

PATRICIA TIMMONS-GOODSON, Vice Chair

ROBERTA ACHTENBERG, Commissioner\*

GAIL HERIOT, Commissioner

PETER N. KIRSANOW, Commissioner

DAVID KLADNEY, Commissioner\*

KAREN NARASAKI, Commissioner

MICHAEL YAKI, Commissioner\*

\* *Present via telephone*

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STAFF PRESENT:

PAMELA DUNSTON, Chief, ASCD

DARREN FERNANDEZ

ANGELA FRENCH-BELL, Assistant Staff Director for  
Civil Rights, OCRE

DORIS GILLIAM

ALFREDA GREENE

JENNIFER HELPER, Parliamentarian

ROGER LOCKLEAR, OGC Intern

DAVID MUSSATT, Chief, RPCU

LENORE OSTROWSKY, Chief, PAU

ROREY SMITH, General Counsel

MICHELE YORKMAN, Director, IT

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART

ALEC DEULL

JASON LAGRIA

CLARISSA MULDER

AMY ROYCE

JUANA SILVERIO

ALISON SOMIN

KIMBERLY TOLHURST

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P R O C E E D I N G S

(9:31 a.m.)

CHAIRMAN CASTRO: Okay, we're calling the meeting to order. This is Chairman Marty Castro. It is 9:31. We are here at the U.S. Commission on Civil Rights in our headquarters at 1331 Pennsylvania Avenue NW in Washington, D.C. Today is February 20th, and this is our normal monthly business meeting.

The Commissioners who are present with me at the meeting are of course myself, Commissioner -- I should say Vice-Chair Timmons-Goodson, Commissioner Kirsanow, Commissioner Heriot, and Commissioner Narasaki. Participating by phone are Commissioners Achtenberg, Kladney, and Yaki.

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

THE COURT REPORTER: Yes.

CHAIRMAN CASTRO: Okay. The meeting shall come to order.

The first item is the approval of the Agenda. I move that we approve the Agenda. Is there a second?

VICE-CHAIR TIMMONS-GOODSON: Second.

CHAIRMAN CASTRO: Okay. I do have some

1 amendments. I don't know if others have, but let me do  
2 a little bit of an omnibus here to clean up the Agenda  
3 and add something that was not on there.

4 I want to amend the Agenda to remove the  
5 SAC, Ohio SAC, consideration. Some of us want to take  
6 a little closer look at that and haven't had the  
7 opportunity.

8 I would also like to add -- or I should say  
9 remove from the Agenda the Elimination of Racial  
10 Discrimination Statement that was up as one of the  
11 Statements to look at.

12 And then I'd like to add a discussion and  
13 a vote on the extension of SAC terms, SAC membership  
14 terms.

15 Is there a second?

16 COMMISSIONER NARASAKI: I second.

17 COMMISSIONER HERIOT: You added --

18 CHAIRMAN CASTRO: The SAC terms, yes.

19 COMMISSIONER HERIOT: Okay. Where did  
20 you add it?

21 CHAIRMAN CASTRO: We'll add it under  
22 Program, under Management and Operations.

23 So I have a second. Any discussion?

24 (No audible response.)

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1 CHAIRMAN CASTRO: All in favor, say aye.

2 (Chorus of ayes.)

3 CHAIRMAN CASTRO: Any other amendments?

4 I should say, any abstentions or any votes against?

5 (No audible response.)

6 CHAIRMAN CASTRO: No? Then it's

7 unanimous.

8 Any other amendments?

9 (No audible response.)

10 CHAIRMAN CASTRO: Okay, hearing none, then

11 we'll proceed.

12 The first item, then, on the Agenda is a  
13 discussion and vote on the Statement, which hopefully  
14 you all had a chance to look at. I apologize for getting  
15 these Statements out to you late. The staff got them  
16 to me, I just didn't get a chance to review them until  
17 late last night, given some of the scheduling we had over  
18 the last couple of days, so -- but the first item is the  
19 review of a Statement commemorating President Kennedy's  
20 Executive Order 10925 on its 55th Anniversary. Have  
21 folks had a chance to look at that?

22 Yes, Commissioner Heriot?

23 COMMISSIONER HERIOT: Yes, I've looked at

24 it, but you know, I think there are problems here.

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1                   One, you've got a typo. It wasn't 1951,  
2 obviously, it was 1961.

3                   CHAIRMAN CASTRO: Yes.

4                   COMMISSIONER HERIOT: Second, it's not the  
5 55th Anniversary, it's the 54th, which is kind of odd  
6 to be commemorating.

7                   CHAIRMAN CASTRO: Yes.

8                   COMMISSIONER HERIOT: And third, it  
9 actually is the 75th Anniversary of the Ramspeck Act,  
10 which is what -- which is much, you know, more  
11 traditional to celebrate, it's something like that.

12                   The Ramspeck Act was kind of a mixed bag,  
13 but one of the things that it had in it that was very  
14 important is that it did outlaw race discrimination in  
15 federal hiring, and so it just seems very odd to be  
16 celebrating the 54th Anniversary of an Executive Order  
17 that was not as momentous in that respect. It just  
18 seems kind of awkward to me.

19                   CHAIRMAN CASTRO: Yes. Do you know what  
20 the date of the Ramspeck --

21                   COMMISSIONER HERIOT: It's 1940, but I  
22 don't know the actual date.

23                   CHAIRMAN CASTRO: Okay. Well what we'll  
24 do is we'll -- if folks are amenable, we'll put this off

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1           until we take a little more close look at the Ramspeck  
2           -- ?

3                         COMMISSIONER HERIOT:   Okay.

4                         CHAIRMAN CASTRO:    Sorry.

5                         COMMISSIONER HERIOT:   You know, as I said,  
6           the Ramspeck, that was kind of a mixed bag, and one of  
7           the things it did was protect jobs for congressional  
8           employees, which later, I believe, got repealed --

9                         CHAIRMAN CASTRO:    Okay.

10                        COMMISSIONER HERIOT:   -- but --

11                        CHAIRMAN CASTRO:    Well, I think you've  
12           indicated you all are congressional appointees, right?  
13           or employees.

14                        COMMISSIONER HERIOT:   No, congressional  
15           employees.

16                        CHAIRMAN    CASTRO:           Employees,   okay,  
17           employees.   So yes, we'll take a closer look at that.  
18           If everyone is okay, we will just put that on hold for  
19           now.

20                        The next one is the 55th, I hope -- I am  
21           sorry, the 50th Anniversary of Selma.   I think we got  
22           that right.

23                        COMMISSIONER HERIOT:   Yes.

24                        CHAIRMAN CASTRO:    It's three paragraphs,

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1 so hopefully if you didn't have a chance to look at it  
2 before now, you can take a few minutes now and take a  
3 look at it.

4 Anybody have any questions or a motion?

5 COMMISSIONER HERIOT: I think you need a  
6 motion in order to start discussing.

7 CHAIRMAN CASTRO: Yes.

8 COMMISSIONER HERIOT: So --

9 CHAIRMAN CASTRO: So do we have a motion on  
10 this?

11 (No audible response.)

12 CHAIRMAN CASTRO: I guess I will wait until  
13 folks read it.

14 COMMISSIONER ACHTENBERG: I will move the  
15 question, Mr. Chairman.

16 CHAIRMAN CASTRO: Thank you. Is there a  
17 second?

18 COMMISSIONER KIRSANOW: Second.

19 CHAIRMAN CASTRO: Okay. We have a motion  
20 and a second. When folks are ready to discuss, just let  
21 me know.

22 Commissioner Heriot, is that a hand?

23 COMMISSIONER HERIOT: I am happy to talk  
24 about it.

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1 CHAIRMAN CASTRO: Yes, go ahead.

2 COMMISSIONER HERIOT: I am concerned with  
3 the last paragraph --

4 CHAIRMAN CASTRO: All right, my quote?

5 COMMISSIONER HERIOT: -- saying that the  
6 right to vote continues to be threatened in parts of our  
7 nation. That is a very aggressive statement, and it has  
8 no -- there is no explanation here of what is meant, and  
9 I fear there's a lot of talk about this problem, and  
10 different people may read this differently, but the way  
11 it is, I feel like I can't vote for it. I would like  
12 to delete that reference to "continues to be  
13 threatened."

14 CHAIRMAN CASTRO: Are there other comments  
15 or thoughts from Commissioners on that, or on anything  
16 else? Commissioner Kirsanow, you have to turn your mic  
17 on.

18 COMMISSIONER KIRSANOW: I concur with what  
19 Commissioner Heriot said. I can fully support this if  
20 we delete that clause that we must acknowledge that the  
21 right to vote continues to be threatened in parts of our  
22 nation. We could get a unanimous vote on this.

23 CHAIRMAN CASTRO: Any other comments?

24 VICE-CHAIR TIMMONS-GOODSON: Is there any

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1 way that we might be able to massage that portion in a  
2 way that will permit Commissioner Kirsanow and  
3 Commissioner Heriot to go along with it? I'd like to  
4 have us invest some time in massaging that to see whether  
5 we can get some agreement.

6 It -- perhaps the word "threatened" is a bit  
7 too strong, but is there a word that we might be able  
8 to come up with that would -- ?

9 COMMISSIONER KIRSANOW: I can't think of  
10 one on the fly, other than, you know, something to the  
11 effect that we urge that we always remain vigilant to  
12 protect the franchise, the right to vote. Something of  
13 that nature is acceptable to me.

14 CHAIRMAN CASTRO: How are other folks'  
15 thoughts on that?

16 Okay. Commissioner Narasaki?

17 COMMISSIONER NARASAKI: Well, we saw this  
18 past election several cases actually making it up to the  
19 Supreme Court on this issue of voting rights, and the  
20 National Commission on Voting Rights project that was  
21 run by the Lawyers' Committee just published a very  
22 extensive report based on hearings in 25 states about  
23 the challenges that people are finding in trying to  
24 exercise their right to vote, so I would like to see a

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1 Statement about the fact that there are indications of  
2 problems, although I do agree with the Vice-Chair that  
3 it would be very helpful to have a unanimous Statement.

4 CHAIRMAN CASTRO: Yes. Any other  
5 comments before we figure out how we can best massage  
6 this?

7 COMMISSIONER KLADNEY: Why don't we just  
8 say it's --

9 CHAIRMAN CASTRO: Could you repeat that,  
10 Commissioner Kladney? You were breaking up.

11 COMMISSIONER KLADNEY: I know. The mic  
12 system is terrible up here.

13 Wait a second.

14 CHAIRMAN CASTRO: Yes.

15 COMMISSIONER YAKI: What if we were to say  
16 --

17 CHAIRMAN CASTRO: Yes, Commissioner Yaki.

18 COMMISSIONER YAKI: -- in effect that we  
19 commend -- we commend those individuals and  
20 organizations who, in the spirit of Selma, continue to  
21 defend and protect voting rights today.

22 COMMISSIONER KIRSANOW: Works for me.  
23 You?

24 COMMISSIONER HERIOT: I mean, that's a

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1 little better.

2 CHAIRMAN CASTRO: So we commend those who,  
3 in the spirit of Selma, continue to defend --

4 COMMISSIONER YAKI: Protect and defend --

5 CHAIRMAN CASTRO: Protect and defend.

6 COMMISSIONER YAKI: -- voting rights  
7 today.

8 CHAIRMAN CASTRO: Voting rights today.  
9 Okay.

10 And so that would replace the second part  
11 of the first sentence, and then --

12 VICE-CHAIR TIMMONS-GOODSON: I can go with  
13 that.

14 COMMISSIONER YAKI: I would change  
15 directions on that -- I am just spitballing here.

16 COMMISSIONER HERIOT: I can live with  
17 that.

18 CHAIRMAN CASTRO: Gail and --  
19 Commissioners Heriot and Kirsanow?

20 COMMISSIONER HERIOT: I can live with  
21 that.

22 CHAIRMAN CASTRO: Okay.

23 COMMISSIONER KIRSANOW: Works for me.

24 CHAIRMAN CASTRO: Okay. Great. With

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1 that amendment, then, any additional discussion?

2 (No audible response.)

3 CHAIRMAN CASTRO: If not, I will call the  
4 question for a vote.

5 Commissioner Kirsanow, how do you vote?

6 COMMISSIONER KIRSANOW: Aye.

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

9 COMMISSIONER HERIOT: Yes.

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

12 COMMISSIONER NARASAKI: Yes.

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

15 COMMISSIONER KLADNEY: Yes.

16 CHAIRMAN CASTRO: Commissioner  
17 Achtenberg, how do you vote? Is that a yes?

18 COMMISSIONER ACHTENBERG: Yes.

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

21 COMMISSIONER YAKI: I am thinking now that  
22 Peter has agreed that --

23 (Laughter.)

24 COMMISSIONER YAKI: Aye.

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1 CHAIRMAN CASTRO: Okay. And Madam  
2 Vice-Chair, how do you vote?

3 VICE-CHAIR TIMMONS-GOODSON: Yes.

4 CHAIRMAN CASTRO: And I vote yes, so it's  
5 unanimous. Thank you.

6 COMMISSIONER KIRSANOW: Commissioner  
7 Yaki, you should know that Commissioner Narasaki  
8 informed us that she thinks you and I are actually the  
9 same person because we've never been seen in the same  
10 room together, and least she hasn't seen us together.

11 (Laughter.)

12 CHAIRMAN CASTRO: That's --

13 COMMISSIONER KIRSANOW: And that would  
14 mean one of us today would have to be a ventriloquist.

15 CHAIRMAN CASTRO: Well, you know, anything  
16 is possible.

17 The last Statement we have is a Statement  
18 on the commemoration of Cesar Chavez Day. Do we have  
19 a motion on that for discussion purposes?

20 VICE-CHAIR TIMMONS-GOODSON: So moved.

21 CHAIRMAN CASTRO: Is there a second?

22 COMMISSIONER NARASAKI: Second.

23 CHAIRMAN CASTRO: Okay. And just to let  
24 my conservative colleagues know, I know last year you

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1 all had a concern with the request for a national  
2 holiday, so I didn't add that this year, although  
3 obviously, the letter from last year is still on the  
4 record, so this is one that just talks about the  
5 commemoration of the day rather than requesting any  
6 additional action.

7 And folks can let me know once they've had  
8 a chance to look at it if they have any comments.

9 (Pause.)

10 CHAIRMAN CASTRO: Okay, any comments,  
11 agreements, wordsmithing?

12 (No audible response.)

13 CHAIRMAN CASTRO: Hearing none. Okay,  
14 well then what I'd like to do is if there are no comments,  
15 I'd like to call the question for a vote.

16 So if -- let me get my -- Commissioner  
17 Kirsanow, how do you vote?

18 COMMISSIONER KIRSANOW: Yes.

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

21 COMMISSIONER HERIOT: Yes.

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

24 COMMISSIONER NARASAKI: Yes.

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

9 COMMISSIONER YAKI: Aye.

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

12 VICE-CHAIR TIMMONS-GOODSON: Yes.

13 CHAIRMAN CASTRO: And I vote yes, so it's  
14 unanimous. Thank you.

15 We now move on to our Management and  
16 Operations Report. Of course, we are in between Staff  
17 Directors right now, so we have a little bit of an  
18 abbreviated report here, but what I'd like to do is ask  
19 our Assistant Staff Director, the head of our Office of  
20 Civil Rights Evaluation, Angela French-Bell, to give us  
21 a brief update on the upcoming March Examining Workplace  
22 Discrimination Against LGBT Community briefing.

23 She comes to the mic now.

24 MS. FRENCH-BELL: Good morning.

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1 CHAIRMAN CASTRO: Good morning.

2 MS. FRENCH-BELL: Good morning, Chairman  
3 Castro, Madam Vice-Chair Timmons-Goodson,  
4 Commissioners, and the USCCR staff.

5 On March 16, 2015, the Commission will be  
6 holding a briefing entitled Examining Workplace  
7 Discrimination Against Lesbian, Gay, Bisexual, and  
8 Transgender Americans. It will be held at 9:00 a.m. in  
9 the Washington, D.C. headquarters office.

10 It will cover the scope of federal  
11 protections against LGBT workplace discrimination, and  
12 specifically, we'll be covering the federal  
13 government's implementation of federal protections  
14 regarding workplace discrimination against LGBT  
15 employees as well as Title VII workplace protections for  
16 all LGBT Americans.

17 There will be five panels: Federal  
18 Government Officials, General Issues, Economic Issues,  
19 Transgender Issues, and Religious Exemption Issues.  
20 We have 13 confirmed panelists, and we have had  
21 suggestions from various Commissioners which we have  
22 reached out to them, and we are still waiting to hear  
23 back from some panelists.

24 It has been a pleasure working with

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1 Commissioner Achtenberg and Alec Duell to make this  
2 briefing a success, and we also are working diligently  
3 to make sure it's a balanced panel.

4 CHAIRMAN CASTRO: Okay. Any questions on  
5 that topic?

6 COMMISSIONER YAKI: Commissioner Yaki.

7 CHAIRMAN CASTRO: Yes, go ahead,  
8 Commissioner Yaki.

9 COMMISSIONER YAKI: Just for logistics  
10 purposes, for those on the West Coast, how long is the  
11 briefing supposed to last?

12 MS. FRENCH-BELL: It is supposed to last  
13 from 9 o'clock to 5 o'clock.

14 COMMISSIONER YAKI: Okay, thank you.

15 CHAIRMAN CASTRO: And what's the -- our  
16 goal for the number of panelists, ideally?

17 MS. FRENCH-BELL: No more than 15 is what  
18 we're hoping.

19 CHAIRMAN CASTRO: Okay. So basically,  
20 three per panel, roughly? Okay.

21 MS. FRENCH-BELL: Right.

22 CHAIRMAN CASTRO: Okay. Any other  
23 questions? Commissioner Heriot.

24 COMMISSIONER HERIOT: Now you have the

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1 list of witnesses with you right now?

2 MS. FRENCH-BELL: I do not, but I can get  
3 that to you.

4 COMMISSIONER HERIOT: Could you like at  
5 least tell me what you've got so far?

6 MS. FRENCH-BELL: We can. I would be more  
7 than happy to discuss that with you following this  
8 briefing, and I really appreciate your indulgence.

9 COMMISSIONER HERIOT: And you said we're  
10 going to have 15? How many have already said yes?

11 MS. FRENCH-BELL: 13, 13.

12 COMMISSIONER HERIOT: 13.

13 CHAIRMAN CASTRO: Commissioner Narasaki,  
14 you had a question?

15 COMMISSIONER NARASAKI: I was just  
16 wondering whether a public notice had gone out yet.

17 CHAIRMAN CASTRO: I don't know. Has the  
18 notice gone out? Probably not yet.

19 MS. FRENCH-BELL: Not yet.

20 CHAIRMAN CASTRO: Yes.

21 MS. FRENCH-BELL: But it will go out soon.

22 CHAIRMAN CASTRO: Yes.

23 MS. FRENCH-BELL: And that's a good  
24 question.

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1                   COMMISSIONER NARASAKI:  There is interest  
2                   in the civil rights community, and I think some people  
3                   are interested, if they're not asked to testify, to  
4                   submit written testimony, so if we could get formal  
5                   notice out that we could share with people so everybody  
6                   is on an even playing field in terms of knowing about  
7                   the hearing, that would be great.

8                   MS. FRENCH-BELL:  Will do.  Thank you.

9                   CHAIRMAN CASTRO:  Any other questions on  
10                  this?

11                  (No audible response.)

12                  CHAIRMAN CASTRO:  While we have you, I  
13                  understand also, you know, you've been working closely,  
14                  or your office has been working closely with  
15                  Commissioner Kladney on getting ready for the April  
16                  briefing.

17                  MS. FRENCH-BELL:  Yes.

18                  CHAIRMAN CASTRO:  Is there anything you  
19                  can update us on that?

20                  MS. FRENCH-BELL:  It's going well.  We're  
21                  beginning the process of reaching out to various  
22                  panelists, and we're also working to work on our  
23                  briefing book, so we're researching and reaching out to  
24                  panelists.

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1 CHAIRMAN CASTRO: Okay.

2 MS. FRENCH-BELL: And it's going well.

3 CHAIRMAN CASTRO: Any questions?

4 COMMISSIONER YAKI: I have a question on  
5 that.

6 CHAIRMAN CASTRO: Commissioner Yaki?

7 COMMISSIONER YAKI: Yes. Again, for  
8 planning purposes, are we now solidified on the location  
9 being in New York?

10 MS. FRENCH-BELL: We're -- we've sent an  
11 individual out from our staff who is looking into that  
12 location. They will be there next week before we make  
13 a final decision, but it is determined that that is the  
14 location that we're looking at.

15 CHAIRMAN CASTRO: So we're -- yes on New  
16 York, we're just not sure where in New York?

17 MS. FRENCH-BELL: Right.

18 CHAIRMAN CASTRO: Okay.

19 COMMISSIONER YAKI: Okay, thank you.

20 CHAIRMAN CASTRO: You're welcome.

21 And depending, I guess, on where in New  
22 York, will we be able to stream that, or are our  
23 capabilities -- will that be -- it will depend on the  
24 location, right?

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1 MS. FRENCH-BELL: It will depend on the  
2 location.

3 CHAIRMAN CASTRO: Okay.

4 MS. FRENCH-BELL: It's most likely going  
5 to be at John Jay University.

6 CHAIRMAN CASTRO: Okay. And do we know,  
7 do they have streaming capabilities there?

8 MS. FRENCH-BELL: We're looking into that  
9 --

10 CHAIRMAN CASTRO: Okay.

11 MS. FRENCH-BELL: -- and we will have an  
12 answer for you --

13 CHAIRMAN CASTRO: Got it.

14 MS. FRENCH-BELL: -- by next week.

15 CHAIRMAN CASTRO: Okay, thanks. Any --  
16 Commissioner Narasaki?

17 COMMISSIONER NARASAKI: Yes, I just have a  
18 question on what the status of process is for completing  
19 the report on the National Voter Registration Act  
20 briefing?

21 MS. FRENCH-BELL: It's currently with the  
22 editor.

23 COMMISSIONER NARASAKI: So since I'm new,  
24 I haven't been a report through the -- what's the next

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1 step?

2 MS. FRENCH-BELL: Legal sufficiency, and  
3 then it will go out to the Commissioners.

4 COMMISSIONER NARASAKI: And then if the  
5 Commissioners approve, then we do Statements?

6 MS. FRENCH-BELL: Well, you would do  
7 Statements regardless, and you may have corrections or  
8 additional information that you would like for us to  
9 submit.

10 COMMISSIONER NARASAKI: Yes. I am just  
11 trying to figure out what the likely timing is of  
12 actually getting the report out.

13 MS. FRENCH-BELL: It's about two weeks  
14 with the editor. Legal sufficiency, I would have to  
15 defer to OGC.

16 COMMISSIONER NARASAKI: Thank you.

17 MS. FRENCH-BELL: Yes.

18 CHAIRMAN CASTRO: Any other questions?

19 (No audible response.)

20 CHAIRMAN CASTRO: If not, thank you,  
21 appreciate it.

22 Next, we have a report from David Mussatt,  
23 our Chief of Regional Programs Unit. I have asked him  
24 to give us an oral update on the status of different SAC

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1 projects around the country.

2 I know we do get written updates every  
3 month, but I think it's important for us to hear from  
4 the head of the regional programs as to what's going on  
5 and things of a timely nature, so Mr. Mussatt, you're  
6 on the phone?

7 MR. MUSSATT: Yes, I am. Good morning,  
8 Mr. Chairman.

9 CHAIRMAN CASTRO: Good morning.

10 MR. MUSSATT: Good morning,  
11 Commissioners. It's a pleasure to talk to you again.

12 I -- as the Chairman said, I submitted the  
13 monthly report for your review, but I did want to add  
14 or highlight three items in particular.

15 First, I just wanted to let you know that  
16 the regional units have begun regional web meetings with  
17 our new ReadyTalk technology to start creating unified  
18 and efficient internal procedures for providing the  
19 advice to the Commission, so those meetings have begun,  
20 and we hope -- we think it's going to foster more  
21 efficient communication with you in the future.

22 The second thing is the New York Advisory  
23 Committee recently released a report on solitary  
24 confinement of youth. We invited the chair to talk to

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1 you today as the chairs of the Illinois and Georgia  
2 Committees talked to you in December, I believe, to give  
3 you the updates, the findings and recommendations from  
4 that report.

5 Unfortunately, she did want to be a part of  
6 this, but she was unable to do it today, so hopefully  
7 in the future she'll be able to be a part of one of these  
8 meetings and give you the full story on that report.

9 The final thing I wanted to highlight was  
10 on this coming Monday, the Missouri Advisory Committee  
11 will be meeting in St. Louis at the University of  
12 Missouri-St. Louis to have a full day of testimony on  
13 police/community relations in Missouri.

14 Obviously, this arose, this project arose  
15 out of the events in Ferguson. The Committee is not  
16 focused specifically on Ferguson, but the larger topic  
17 in general, and throughout the state of Missouri.

18 Of special note is that these -- this  
19 meeting will be streamed live. Currently, we have the  
20 link to the stream on the Commission website, and we are  
21 directing traffic to the Commission website to view it  
22 for those who can't attend in person.

23 And, you know, it's a full agenda. The  
24 agenda is available as well. It's made up of an

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1 academic panel, two community panels, a panel of law  
2 enforcement -- basically chiefs of police departments  
3 throughout the state of Missouri, and then government  
4 panels made up of different representatives from  
5 government entities on the state and federal levels.

6 And then we also have two public forums.  
7 Since this is such a, you know, intense issue that's  
8 being -- that has been going on for some time now, we  
9 wanted to give the public more than ample opportunities  
10 to be involved, so instead of the usual one open forum,  
11 we provided two, and are trying to get people to come  
12 and testify at those -- during those sessions as well.

13 I would be happy to take any questions.

14 CHAIRMAN CASTRO: Are there any questions  
15 for Mr. Mussatt?

16 COMMISSIONER ACHTENBERG: Mr. Chairman?

17 CHAIRMAN CASTRO: Yes, is that  
18 Commissioner Achtenberg?

19 COMMISSIONER ACHTENBERG: Yes.

20 CHAIRMAN CASTRO: Yes.

21 COMMISSIONER ACHTENBERG: I am wondering  
22 what kind of support we offer to our SAC in the situation  
23 that Missouri finds itself in. How do we staff them to  
24 make sure that they have everything they need to conduct

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1 -- I mean, this looks like to be quite an extensive  
2 hearing and set of briefings. I am wondering -- I am  
3 just curious, how do we support them?

4 CHAIRMAN CASTRO: Well, I will let Mr.  
5 Mussatt answer that, but you know, they are certainly  
6 being supported by our regional staff there in the  
7 Midwest. But David, do you have a more specific answer  
8 for Commissioner Achtenberg?

9 MR. MUSSATT: Well this has been -- we  
10 actually have quite a bit of regional staff working on  
11 this compared to our normal events where it's usually  
12 one person and an administrative assistant. In this  
13 case, we've had our new analyst, Melissa Wojnaroski, who  
14 has done a fabulous job of putting the panels together  
15 and doing, you know, most of the legwork on getting the  
16 thing done singlehandedly.

17 But we also have Carolyn Allen and Corrine  
18 Sanders, who are two administrative assistant people  
19 who have been helping put it together, as well as,  
20 Melissa, I know, has been talking a lot with Sean in  
21 headquarters on trying to, you know, figure out how to  
22 put this together, so it's been a very good team effort,  
23 and, you know, I can't say it has, you know, been well  
24 -- you know, overly-staffed, but it's been for --

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1           comparatively, it's been a well-staffed effort, so --

2                       CHAIRMAN CASTRO:    And also, Mr. Mussatt  
3           and Juana and I have been in contact regarding trying  
4           to provide support in terms of getting the Police Chief  
5           of Ferguson to appear and testify.    However,  
6           unfortunately, he has -- correct me if I'm wrong, David,  
7           informed us last week that he has an urgent matter next  
8           week that is going to keep him from the briefing, and  
9           I tried to set up a phone call with him to encourage him  
10          to attend, but on advice of counsel, he said -- we were  
11          told he would not speak with us.

12                       Is that right, David?

13                       MR. MUSSATT:       That is correct, Mr.  
14          Chairman.

15                       CHAIRMAN CASTRO:       So that is  
16          disappointing.   So we have tried to help in that regard  
17          as well.

18                       COMMISSIONER ACHTENBERG:   Thank you --

19                       CHAIRMAN CASTRO:    Yes, go ahead?   Was that  
20          --

21                       COMMISSIONER ACHTENBERG:   No, no, thank  
22          you.

23                       CHAIRMAN CASTRO:    Okay.

24                       COMMISSIONER KLADNEY:   I have a question.

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1 CHAIRMAN CASTRO: Commissioner Kladney?

2 Go ahead.

3 COMMISSIONER KLADNEY: Mr. Mussatt, is  
4 there some way that we can call in and listen to the SAC  
5 meetings around the country?

6 MR. MUSSATT: Absolutely. So this  
7 meeting obviously is streamed live, and so you can hear  
8 it and see it.

9 The -- most of the Advisory Committee  
10 meetings now are done via conference call, and the --  
11 they are published in the Federal Register Notice,  
12 obviously, with the number that the public can call in  
13 to listen to the meetings, and of course, you know,  
14 anyone is welcome to listen in to those meetings.

15 When we -- when we do meetings in person  
16 where we hear testimony that aren't -- because very  
17 rarely, this is the first time, I think, that we've had  
18 an Advisory Committee meeting streamed live. When we  
19 have those meetings, we don't normally set up a  
20 conference call number for people to listen in to, just  
21 because usually technology is limited, but those are  
22 open meetings, so there's no requirement also to have  
23 those be a conference call.

24 CHAIRMAN CASTRO: Maybe we should explore

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1 it in the future in those settings where it is possible  
2 to have at least phone capabilities at the SAC  
3 briefings.

4 COMMISSIONER KLADNEY: Shouldn't you be  
5 able to list those phone numbers not just on the Federal  
6 Register but on the website, and I mean, the dates of  
7 the meetings, et cetera, et cetera?

8 MR. MUSSATT: Yes.

9 COMMISSIONER KLADNEY: So that --

10 MR. MUSSATT: We can do that.

11 COMMISSIONER KLADNEY: Okay.

12 CHAIRMAN CASTRO: Yes, and I think they  
13 sometimes are, right? If we put out a release, don't  
14 we have that on our website?

15 MR. MUSSATT: Yes, if we do --

16 CHAIRMAN CASTRO: But maybe we should make  
17 it more prominent, if possible.

18 COMMISSIONER KLADNEY: I am just thinking  
19 not just on the release, Mr. Chairman --

20 CHAIRMAN CASTRO: Oh, yes.

21 COMMISSIONER KLADNEY: I am talking like  
22 if there's a page or a place on the front page especially  
23 --

24 CHAIRMAN CASTRO: Yes.

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1                   COMMISSIONER KLADNEY:  -- of the website  
2                   with a link where to go to another page to get all of  
3                   the meetings that are going to occur and the contact  
4                   information for people who want to listen.

5                   So in other words, we could have a page with  
6                   all of the SACs and the meeting dates and the contact  
7                   information, and have the link to that on the front page  
8                   of our website.

9                   CHAIRMAN CASTRO:  Yes.  I think we have a  
10                  SAC sub-page, don't we, David?

11                  MR. MUSSATT:  Yes.  Actually, this is a  
12                  great recommendation, Commissioner Kladney.

13                  We are working on changing some of the  
14                  information on the SAC page right now, and so we will  
15                  definitely take that recommendation and try to  
16                  implement it.

17                  You know, I am not -- Michelle in  
18                  headquarters is obviously leading the effort to work  
19                  with the website, and I have to talk to her to make sure  
20                  this is all possible, but I think that's a good  
21                  suggestion.

22                  CHAIRMAN CASTRO:  Great, thank you.

23                  COMMISSIONER KLADNEY:  Thank you.

24                  CHAIRMAN CASTRO:  Any other questions for

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1 Mr. Mussatt? Commissioner Narasaki?

2 COMMISSIONER NARASAKI: Not a question,  
3 but a suggestion that perhaps at our next business  
4 meeting, we could put on the agenda the discussion about  
5 website and the efforts that I know staff are  
6 undertaking to update our ability to use social media  
7 more effectively to make sure more people in the country  
8 who are interested in these issues --

9 CHAIRMAN CASTRO: Okay.

10 COMMISSIONER NARASAKI: -- have easier  
11 access.

12 CHAIRMAN CASTRO: I will make sure we put  
13 that on the agenda for the next business meeting.

14 Okay. Anything else for Mr. Mussatt?

15 (No audible response.)

16 CHAIRMAN CASTRO: Okay, don't go too far  
17 away, David, because we are going to ask you to do  
18 something in a second.

19 So we'll move on to the next topic, which  
20 we added at the beginning of this meeting, and that is  
21 to discuss and vote upon an extension of SAC terms  
22 prospectively going from two years to four years. It  
23 has been something that some of us have been informally  
24 bouncing around for a while, and what I would like to

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1 do is entertain a motion to extend the terms of our SAC  
2 members from two-year terms to four-year terms, and to  
3 direct Mr. Mussatt to amend the charter of our SACs  
4 accordingly.

5 COMMISSIONER HERIOT: So moved.

6 CHAIRMAN CASTRO: Okay, is there a second?

7 COMMISSIONER NARASAKI: Second.

8 CHAIRMAN CASTRO: Any discussion?

9 COMMISSIONER KIRSANOW: Just a -- .

10 COMMISSIONER ACHTENBERG: Mr. Chairman?

11 CHAIRMAN CASTRO: Commissioner Kirsanow,  
12 then Commissioner Achtenberg.

13 COMMISSIONER KIRSANOW: By extending the  
14 terms, is this something that's done prospectively? Is  
15 it something that affects currently sitting SAC  
16 members? How are we going to implement it?

17 CHAIRMAN CASTRO: Yes, I mentioned in my  
18 proposal to have a motion that it be prospective, and  
19 so that's how the motion was made.

20 Commissioner Achtenberg, then  
21 Commissioner Heriot.

22 COMMISSIONER ACHTENBERG: Commissioner  
23 Kirsanow asked my question, thank you.

24 CHAIRMAN CASTRO: Okay. Commissioner

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1 Heriot?

2 COMMISSIONER HERIOT: I just want to say  
3 that this is something that we've been kicking around  
4 for a while, as the Chairman just said.

5 When Commissioner Achtenberg and I were on  
6 the SAC Committee back a few years ago, we very much  
7 wanted to do this. I think it will cut down on the  
8 amount of time that the regional staff spends putting  
9 SACs together, and that will mercifully allow for a lot  
10 more time for having SACs actually meet and issue  
11 reports, so I think this is definitely a very, very, very  
12 big step in the right direction.

13 My only disappointment is that we didn't do  
14 it back in I guess it was 2012 when we were kicking the  
15 idea around in the first place, but somehow, this got  
16 lost in the shuffle, and I am glad that it's -- that we're  
17 moving forward with it now.

18 I think that we also should be looking for  
19 other methods of cutting down on the amount of work that  
20 the regional staff has to spend on putting together  
21 SACs, and I hope that we will look into things like  
22 cutting down on the minimum number of SAC members so that  
23 if we have some attrition from a SAC, the SAC doesn't  
24 go into hiatus because there aren't enough members, and

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1 I think, again, this will cut down on the amount of work  
2 they spend a lot, and will also mean the SAC members have  
3 more experience and I think will be able to do a better  
4 job.

5 But there are a few more things we need to  
6 be doing as well if we want to maximize the amount of  
7 real, productive work that the SACs can do.

8 Anyway, I support the motion. After all,  
9 I guess I made it.

10 CHAIRMAN CASTRO: Thank you. Any other  
11 comments, questions, discussion on this?

12 (No audible response.)

13 CHAIRMAN CASTRO: Hearing none, I will  
14 call a vote on this.

15 Commissioner Kirsanow, how do you vote?

16 COMMISSIONER KIRSANOW: Yes.

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

19 COMMISSIONER HERIOT: Yes.

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

22 COMMISSIONER NARASAKI: Yes.

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

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1 COMMISSIONER KLADNEY: Yes.

2 CHAIRMAN CASTRO: Commissioner  
3 Achtenberg, how do --

4 COMMISSIONER KLADNEY: Yes.

5 CHAIRMAN CASTRO: Yes, got it.  
6 Commissioner Achtenberg, how do you vote?

7 COMMISSIONER ACHTENBERG: Yes.

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

10 COMMISSIONER YAKI: Aye.

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

13 VICE-CHAIR TIMMONS-GOODSON: Yes.

14 CHAIRMAN CASTRO: And I vote yes. It  
15 passes unanimously.

16 So Mr. Mussatt, if you would please amend  
17 the universal charter for these SACs accordingly,  
18 prospectively, we would appreciate that.

19 COMMISSIONER HERIOT: Could I make another  
20 motion here?

21 I move that we ask our -- I forget David's  
22 title here --

23 CHAIRMAN CASTRO: Chief of Regional  
24 Programs --

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1 COMMISSIONER HERIOT: Our Chief of  
2 Regional Programs to also look into how we would go about  
3 making other changes, like changes to the minimum  
4 number, and -- so that we can think about other methods  
5 that we can use in the future as well.

6 MR. MUSSATT: Yes. Mr. Chair, can I add --

7 CHAIRMAN CASTRO: David, go ahead, and I  
8 think Ms. Hepler wanted to say something. Go ahead,  
9 David -- I mean Mr. Mussatt, sorry.

10 MR. MUSSATT: Jennifer might be saying the  
11 same thing, but Commissioner Heriot, to your point, the  
12 minimum number is in the CFR, so that would require a  
13 CFR change.

14 COMMISSIONER HERIOT: Yes, that's what I  
15 thought, so what I'd like is, you know, a short memo  
16 telling us how we'd go about doing that and what the kind  
17 of timeline would be if we chose to do it.

18 MR. MUSSATT: I can work with OGC on that,  
19 that's fine.

20 CHAIRMAN CASTRO: I don't know that we need  
21 a motion to ask him to do that, so -- .

22 COMMISSIONER HERIOT: Fine, as long as,  
23 you know.

24 CHAIRMAN CASTRO: Yes.

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1 COMMISSIONER HERIOT: That's fine.

2 CHAIRMAN CASTRO: Sure.

3 COMMISSIONER HERIOT: Okay.

4 CHAIRMAN CASTRO: Okay.

5 Okay. That concludes the items on our  
6 Agenda, so with that, I am hereby calling the meeting  
7 adjourned. Thank you. It is now 10:04 Eastern Time.  
8 Thank you.

9 (Whereupon, the meeting went off the record  
10 at 10:03 a.m. and resumed at 10:04 a.m.)

11 CHAIRMAN CASTRO: I forgot to add  
12 something, so I am calling the meeting back in order.

13 COMMISSIONER HERIOT: Are you sure you  
14 don't have to vote us back --

15 CHAIRMAN CASTRO: We do actually have a  
16 discussion on the -- no, I don't think we have to vote  
17 it back, do we? On the actual Agenda, we also had a --  
18 what -- we had a brief report on the discussion on the  
19 status of our proposed trips to the immigration  
20 detention centers.

21 COMMISSIONER HERIOT: Oh, yes.

22 CHAIRMAN CASTRO: And as we had initially  
23 indicated at the last briefing, we as Commissioners had  
24 a desire to attend, or visit, I should say, some

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1 immigration detention centers, and we asked the DHS and  
2 ICE representatives on the record to help facilitate  
3 that.

4 In the interim, we have looked at and talked  
5 to staff about resources to do that, so I propose to our  
6 budget staff, if we were to conduct two site visits with  
7 all Commissioners who are interested in attending, with  
8 a special assistant from each caucus so as to keep the  
9 cost down, representation from OCRE and the Office of  
10 the General Counsel, would we have money in the budget  
11 to do this?

12 And I was -- we were informed that they  
13 would find money in the budget for us to conduct two such  
14 visits, so what we need to do is determine which of those  
15 family detention centers we want to go to and amongst  
16 ourselves, we can figure out what the timing would be.

17 Obviously, we want to do this as  
18 expeditiously as possible in order to allow our staff  
19 to incorporate any findings that we have, any  
20 observations that we make, into the report so that it  
21 is timely submitted to Congress.

22 So with that, I am happy to open it up for  
23 some discussion.

24 COMMISSIONER HERIOT: I am for it.

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1                   CHAIRMAN CASTRO:   Good.  You know, I know  
2                   that some folks are interested in going to specific  
3                   locations.  I don't know if all Commissioners have a  
4                   preference on that, you know, or you could empower the  
5                   Chair -- go ahead.

6                   COMMISSIONER HERIOT:  I would point out  
7                   that we have an awful lot of West Coast Commissioners,  
8                   and there may be a California or even Arizona that would  
9                   be pretty efficient for West Coast Commissioners to get  
10                  to.

11                  CHAIRMAN CASTRO:  Yes, that's a good  
12                  point.

13                  COMMISSIONER HERIOT:  So for these  
14                  purposes, I am an East Coast Commissioner until the  
15                  first of May.

16                  CHAIRMAN CASTRO:  Okay.

17                  COMMISSIONER HERIOT:  After the first of  
18                  May, I am a West Coast Commissioner.

19                  CHAIRMAN CASTRO:  Okay.  So if maybe I can  
20                  suggest a way to proceed, if Commissioners are  
21                  comfortable with my staff and I continuing to identify  
22                  the locations and interface along with OCRE as the point  
23                  to interface with DHS and ICE, we'll come back and report  
24                  to you all as to where -- what direction we're going,

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1 obviously, any specific input as to locations, and I'd  
2 like to get your availability. We can do all that  
3 logistic work between now and the next meeting.

4 Does that work for Commissioners?

5 COMMISSIONER ACHTENBERG: Well why don't  
6 we -- yes, I think that's a great idea, Mr. Chairman,  
7 and please do take our calendars into consideration in  
8 advance.

9 CHAIRMAN CASTRO: Absolutely.

10 COMMISSIONER ACHTENBERG: If that's  
11 possible.

12 CHAIRMAN CASTRO: So I would ask  
13 Commissioners to provide to Juana your availability  
14 over the next, what, 60 days, for availability to  
15 travel.

16 Any other questions or comments?

17 (No audible response.)

18 CHAIRMAN CASTRO: Okay. If not, now, we  
19 are really adjourned, and it is now 10:08. Thank you,  
20 everybody.

21 (Whereupon, the meeting went off the record  
22 at 10:08 a.m.)

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