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## U.S. COMMISSION ON CIVIL RIGHTS

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MEETING **UNEDITED**

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FRIDAY, SEPTEMBER 9, 2016

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The Commission convened in Suite 1150 at  
1331 Pennsylvania Avenue, Northwest, Washington, DC,  
at 10:00 a.m., Martin R. Castro, Chairman, presiding.

PRESENT:

MARTIN R. CASTRO, Chairman  
PATRICIA TIMMONS-GOODSON, Vice Chair  
ROBERTA ACHTENBERG, Commissioner\*  
GAIL HERIOT, Commissioner  
PETER KIRSANOW, Commissioner\*  
DAVID KLADNEY, Commissioner  
KAREN NARASAKI, Commissioner  
MICHAEL YAKI, Commissioner\*  
MAURO MORALES, Staff Director  
MAUREEN RUDOLPH, General Counsel

\*Present via telephone

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STAFF PRESENT:

PAM DUNSTON, Chief, ACSD  
ALFREDA GREENE  
JENNIFER HEPLER  
MARY KENAH, Intern  
LENORE OSTROWSKY  
JUWANDA SMITH  
WAN ST. CHARLES, Intern, BFD  
BRIAN WALCH  
MICHELLE YORKMAN-RAMEY

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART  
ALEC DEULL  
JASON LAGRIA  
CARISSA MULDER  
ALISON SOMIN  
KIMBERLY TOLHURST  
IRENA VIDULOVIC

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

(10:01 am.)

CHAIRMAN CASTRO: This meeting will come to order.

This is a meeting of the U.S. Commission on Civil Rights. It is September 9, 2016, and the time is 10:01 a.m. Eastern Time.

The meeting is taking place here at the Civil Rights Commission's headquarters at 1331 Pennsylvania Avenue, NW, Washington, DC.

I'm Chairman Marty Castro. With me, Commissioners are -- present are the Vice Chair, are Commissioners Heriot, Narasaki, and Kladney. Joining us by phone are Commissioners Yaki, Kirsanow, and Achtenberg. And I'd just remind those on the phone to state your name when you speak, so that the Court Reporter can accurately record who is saying what.

Is the Court Reporter present?

THE COURT REPORTER: I am.

CHAIRMAN CASTRO: Okay. Is the Staff Director present?

MR. MORALES: Yes, I am.

CHAIRMAN CASTRO: And we do have a quorum

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of Commissioners present, so the meeting will now come to order.

The first item is the approval of the agenda.

I. APPROVAL OF AGENDA

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

COMMISSIONER KLADNEY: I second.

CHAIRMAN CASTRO: Okay. I understand there will be at least one amendment. Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes. Thank you, Mr. Chair. I would move that we amend the agenda to add a discussion about the process for looking at concept papers.

CHAIRMAN CASTRO: Is there a second?

COMMISSIONER KLADNEY: Second.

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

(Chorus of ayes.)

CHAIRMAN CASTRO: Any opposed? Any abstentions? Okay. That passes unanimously.

Before we go into the formal agenda, I

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just want to thank all the staff that put in heroic effort to make sure that the reports that we filed this week were submitted publicly, especially yesterday's NVRA rollout. I want to highlight particularly Maureen Rudolph, Irena Vidulovic, as well as Brian Walch on their efforts to reach out to PBS, for example, and have an exclusive opportunity to release the report with them.

And then to Pam and Michele, Pam Dunston and Michele Ramey, for making sure that all the logistics were taken care of, so that the report was posted in sync with the public release. So I very much appreciate the work the staff did on that, so thank you all.

The first item on the agenda is a discussion of the press release for the NVRA report.

## II. BUSINESS MEETING

### A. PROGRAM PLANNING

CHAIRMAN CASTRO: Obviously, the report rolled out last night, but we still want to issue the formal press release. There have been some revisions to the version that was originally circulated to everyone. Those revisions should have been sent to all Commissioners last night in a redline version.

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So I hope you all have that. At this point, I would entertain a motion on that, so that we can begin discussion.

COMMISSIONER KLADNEY: I move that we adopt the press release.

VICE CHAIR TIMMONS-GOODSON: I second.

CHAIRMAN CASTRO: Second. Okay. So everyone has seen that. Any additional comments, questions?

COMMISSIONER HERIOT: Mr. Chairman?

CHAIRMAN CASTRO: Yes, Commissioner Heriot.

COMMISSIONER HERIOT: I'm not going to be able to vote for this the way it is. I disagree that the Voting Rights Act has been gutted. I actually think that this version is improved over some previous versions of this proposal, but the way it's worded now I can't vote for it.

CHAIRMAN CASTRO: Okay. Any other comments? Hearing none, is that right? Okay. Then we'll take a vote -- a roll call vote on this. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: No.

CHAIRMAN CASTRO: Commissioner Heriot, how

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do you vote?

COMMISSIONER HERIOT: No.

CHAIRMAN CASTRO: Commissioner Narasaki,  
how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney,  
how do you vote?

COMMISSIONER KLADNEY: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg,  
how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how  
do you vote?

COMMISSIONER YAKI: Aye.

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

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes, so the  
motion passes, six yeses to two noes.

Next we're going to look at the press  
release statement for the release of the statutory  
enforcement report. And also, as part of the review  
of the release, I want to have a discussion among the  
Commissioners as to our preferred mode of releasing

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this, in terms of a potential press conference or some other forms of doing that. And, actually, I'm going to want -- I don't know if you want to talk about that, Mr. Staff Director, or if Brian Walch will address it, but --

MR. MORALES: We'll both.

CHAIRMAN CASTRO: Okay. So why don't we -- why don't we discuss the potential rollout, and then we can vote on the -- the press release. Brian Walch?

MR. WALCH: Thank you, Mr. Chair, Commissioners, Staff Director, USCCR staff. In terms of the rollout of the statutory enforcement report, which I believe we have decided will be September 23rd, I know that there is a great interest in a press event to publicize, to the maximum extent possible, the report. I know that internally with -- the Staff Director had some initial discussions about possibilities.

There are options that we believe would be really the most practical, most effective option would be a virtual press conference. It's a little bit nuanced how that works. It works very well, though, generally. We have talked to outside communications colleagues and related them. We've got a package that

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should be able to make it work really well. It would be virtual with video.

Commissioners that -- yourself, Mr. Chairman, Commissioners that decide to participate would be on video via a dedicated webcam or iPad it could be. The video will be shared. It would do it through a duality of GoToMeeting and UberConference, which allows, in essence, you all to be on camera. People will call in, identify them -- well, actually, take that back. They will log in virtually. They will identify themselves when they log in, name, organization.

And by GoToMeeting what this enables people to do is they can submit their questions via chat. We can then, as -- in the manner we decided, we can select those questions, and then you will be able to answer them. Individuals can also indicate raising their hand in the online Citrix platform. We can then open their mic from their computer, they can ask their questions, we can close their mic. Again, we can decide which hand raises we want to do, in which order, et cetera.

So this is a really good option that tends to work very well. It is very commonly used nowadays.

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It allows more press to actually cover it, because they can do it remotely. And best of all, it's got very little to no cost. So that's the proposal we have. I don't know, Staff Director, if you want to mention anything else.

CHAIRMAN CASTRO: And that's as opposed to a live press conference?

MR. WALCH: That's correct. That's as opposed to a live press conference.

CHAIRMAN CASTRO: And why would we not do that?

MR. MORALES: If I may chime in, Mr. Chairman. You know, we have looked at the two options, and we have talked, again, with some experts on media regarding, you know, what are -- what's the viability, and what we've been told is that most media and press operations are now moving towards this virtual teleconference because of the span of time of having to travel to a traditional -- for lack of a better word, a traditional press conference, which is whereby you invite press to come, you stand up, you have a microphone, you take questions from the press, potentially as we did last year when we released the immigration detention report. And it -- from what

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we're being told is, you know, you don't get a lot of the local press media there because, you know, it's difficult to travel, folks that are maybe outside the region who would be interested in this.

You know, the other thing we were told is the immigration detention report, because of the issue of immigration, was a much more national, broad topic.

Not that environmental justice is not, but it's more of a nuanced topic that -- you know more nuanced --

CHAIRMAN CASTRO: Less politically charged maybe.

MR. MORALES: Absolutely. And so we could -- we believe we can, you know, really do a good job of doing outreach to media markets that would be interested in this topic to have them participate in this virtual teleconference, which, again, we have been told is the trend that, you know, press conferences are moving towards as opposed to what we see on television or, you know, the President or candidates, you know, give a traditional type of press conference.

It also lessens the impact on our resources and budget. You know, we're at the point where we're, you know, a few weeks from finalizing our

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fiscal closeout of our budget and our -- and so, you know, the staff's time and focus is all focused on -- on getting the closeout.

So pulling them away to do a press conference offsite, or even within the confines of the -- our offices, could impact their ability to complete. And we have been told, and we've been asked by the staff, you know, that be mindful of -- of the -- you know, the demand on their time to do something like this.

And, again, speaking with media consultants, it was all their, you know, idea and suggestion that this is the best way to use your resources, to maximize your media coverage. So, and that's why we proposed -- I mean, obviously, there's two options, which is the traditional press conference, which takes a lot of effort to drive people to come, as opposed to this virtual press conference which achieves the same thing. It's just not -- you know, you would have people in front of you as you would in the past.

COMMISSIONER KLADNEY: Mr. Chairman?

CHAIRMAN CASTRO: Yes, Commissioner Kladney.

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COMMISSIONER KLADNEY: I concur. I actually think that you will get more coverage with a virtual conference because, first of all, the subject matter of environmental justice deals with probably more rural communities than major metropolitan areas.

And the opportunity of people in weekly papers or smaller outlets to be able to actually respond and take part in the conference would help drive them to utilize this.

I also think that it's a pretty good way to -- for the Commission to learn how to use virtual meeting kinds of things, so that perhaps in the future, which I have been trying to push for since I have been on the Commission, that we are able to have Commissioners and witnesses testify via video. This might be a good way to run it. But I do believe that you'll get a lot more participation, especially if the staff is able to start calling the places that are very interested in this -- editors, TV people -- and I think it's great.

CHAIRMAN CASTRO: And given that this is the statutory enforcement report, when I was approached by staff I didn't want to make a unilateral decision. I wanted to make sure they all understand

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and make some -- hold on a second.

COMMISSIONER YAKI: Mr. Chair?

CHAIRMAN CASTRO: Yeah. Just a second. The Vice Chair, Commissioner Yaki, and then Commissioner Narasaki.

VICE CHAIR TIMMONS-GOODSON: Yes. As a follow up, can we have some discussion on the kinds of efforts that would be made to drive participation in this virtual? Since it is so new, I don't know anything about it. But talk to us, if you will, about the kinds of efforts that would be made to drive attendance.

MR. WALCH: Sure. Absolutely. I mean, it would be a team effort here within the organization. We would reach out and start talking to your special assistants about who we can continue to add to our group of people who would be interested in calling in.

It's really just the traditional things that we had started to do, which is the outreach, direct outreach, calling, making things know more amply on Twitter. We've become very much more active on Twitter, things like that.

It's really -- I think, as Commissioner Kladney mentioned, it's a more viable vehicle to do it

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this way because individuals who we can pique their interest, but if they're regional, they're out of town, they're not going to come to Washington, D.C., most likely. But it's very easy nowadays to use this platform.

I myself have used GoToMeeting, it's called. It's a Citrix platform. I have used it a number of times. It's very effective. It also allows the option to share documents virtually. So anyone watching it, if you want to show a page of a PowerPoint, you can do so. If you want to flag a page of the report, so that individuals can see it on their screen, you can do that as well. It's very seamless, very effective.

CHAIRMAN CASTRO: Does that answer your question, Vice Chair?

VICE CHAIR TIMMONS-GOODSON: Yes. Thank you.

CHAIRMAN CASTRO: Commissioner Yaki, then Commissioner Narasaki.

COMMISSIONER YAKI: Thank you very much, Mr. Chair. Commissioner Yaki. I just wanted to second the idea of sort of the virtual press conference and wanted to add a little twist, which is

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that we have the opportunity using this to possibly even conference in a public speaker, such as the woman who was so eloquent about the coal ash dump site in Alabama who could participate, actually, in our press conference and not have to carry the burden and expense and time and trouble getting all the way up to a real site, such as our offices in D.C.

So it's an opportunity to not just expand the -- and that also has an added benefit of, as Brian said, to help pique the interests of the local media to know that someone from locally is actually going to be participating, albeit virtually, in the press conference. So I'm all for it.

CHAIRMAN CASTRO: Commissioner Narasaki, then Commissioner Heriot.

COMMISSIONER NARASAKI: I'm very familiar with GoToMeeting, and I think it is a user-friendly platform, although I would suggest to staff that you train the Commissioners on how to use it in advance of the event, because I know the first time I screwed up.

So this -- the other thing is I -- I like it because I think it allows us to use it not just to reach out to media, but also to reach out to our State Advisory Council members, as well as staff on the Hill

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and other stakeholders. So it's an opportunity to bring in more people.

And I've said for a long time, DC is a very difficult media market because there is so much competition. Very difficult to get members of the press to show up. Very -- it's very rare now that groups are doing in-person press conferences for that reason, and for the reason that you note that you can get a much more expanded participation.

And the last suggestion I was going to make, and I don't know if it's too much effort, but I know that since we're fortunate to have a Chair who is fluent in Spanish, you might think about having a segment for the Spanish-speaking media.

CHAIRMAN CASTRO: It's funny you mention that. Brian and I spoke about that yesterday, so that is already something we're contemplating.

Commissioner Heriot.

COMMISSIONER HERIOT: I just want to second what Commissioner Narasaki said about members of the Commission and technology, especially me. If there's any way to mess it up, I will. So I keep thinking I'm catching up on technology, but it keeps moving faster than I do. So I will need all the help

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I can get.

Second, I wanted to congratulate the Staff Director and Mr. Walch on the successes we have had recently with C-SPAN here last time, and with PBS yesterday. So good work.

MR. WALCH: Thank you.

CHAIRMAN CASTRO: Anybody else want to comment? Oh, I'm sorry. Staff Director?

MR. MORALES: Yes, thank you. Thank you for your comments. We'll, you know, move forward on this as quickly as we can. I just want to --

CHAIRMAN CASTRO: Well, let me see if any of the other Commissioners on the phone want to comment. Any other Commissioners want to chime in?

All right. Staff Director?

MR. MORALES: Certainly. I just wanted to state that, you know, we have some technology within our capacity, within the agency now. We're looking at that, see if we can use that. The other is a system that, you know, Brian has talked about, which is GoMeet -- GoMeeting. So we'll -- between those, we'll figure out, you know, what's the most, again, cost effective and technologically available to us.

And then we'll get back to you very

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shortly here in a day or two and let you know how we're proceeding and -- because we've got a short turnaround, and we've got to get this going here. So I just don't want to, you know, overpromise and then overburden our staff as well. So we'll get it going.

Brian, again, has a lot of expertise. He has used it. So we'll rely on that.

MR. WALCH: And I think, if I may add, something that would be very easy to do, and I can perhaps convene something with the special assistants at a convenient time that we can do, you know, basically a run-through of how it works, do an actual one and then they can see how it's done as well. And then I can come up with the actual tutorials that are out there, if anyone wants to see them.

CHAIRMAN CASTRO: Sounds good. Thank you.

I don't think we need a vote on this. I just wanted to make sure we had a consensus, and it seems like we more than -- more than have a consensus. So thank you.

What I do need, though, is a motion on the draft press release that has been circulated. Is there someone who would like to move for that?

COMMISSIONER NARASAKI: I move.

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COMMISSIONER KLADNEY: Second.

CHAIRMAN CASTRO: Okay. Commissioner Narasaki moved. Commissioner Kladney seconded. Any discussion?

COMMISSIONER HERIOT: Mr. Chairman?

CHAIRMAN CASTRO: Yes. Commissioner Heriot?

COMMISSIONER HERIOT: I'm not going to be able to vote for this one either. It's just too tendentious.

CHAIRMAN CASTRO: Okay. Any other comments? Hearing none, then I will do a roll call on this press release. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: I'm recused.

CHAIRMAN CASTRO: Oh, I'm sorry. I forgot. Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: I vote no.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLADNEY: Yes.

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CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: aye.

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

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes. That's six yeses, one no, and one recusal. So the motion passes.

Next we will discuss the motion -- and have a motion on the Commission's statement on Hispanic Heritage Month. I'll take the liberty of making a motion. Do I have a second?

COMMISSIONER HERIOT: Second. See, there's one I like.

CHAIRMAN CASTRO: Yeah. All right.

(Laughter.)

CHAIRMAN CASTRO: Good. Any questions or comments? Hearing none, then let me take a roll call vote on this. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: Yes.

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

COMMISSIONER HERIOT: Yes.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: I'm abstaining because, as you know, I have been wanting to issue less press releases that are not related to reports. So I'm very --

CHAIRMAN CASTRO: So you're going to make this a non-unanimous vote.

COMMISSIONER NARASAKI: I'm sorry. I have to take a stand here.

CHAIRMAN CASTRO: Picked a nice time to do it. Okay. Abstain.

Commissioner Kladney, how do you vote?

COMMISSIONER KLADNEY: I, too, abstain.

CHAIRMAN CASTRO: All right. Well, see, you're not alone.

Commissioner Achtenberg? Commissioner Achtenberg?

COMMISSIONER ACHTENBERG: Yes. What's the question?

(Laughter.)

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CHAIRMAN CASTRO: This is a vote on Hispanic Heritage Month, which is actually --

COMMISSIONER ACHTENBERG: Oh, I beg your pardon. I --

CHAIRMAN CASTRO: -- issue. It's not like we're --

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: -- deciding who was the first person to --

PARTICIPANT: Yeah. Are you for Mom and apple pie, I think is --

(Laughter.)

COMMISSIONER ACHTENBERG: I -- I definitely am for Mom and pie de manzana.

CHAIRMAN CASTRO: Okay. Well, good.

Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Si.

CHAIRMAN CASTRO: Oh. Great.

Madam Vice Chair, how do you vote?

COMMISSIONER ACHTENBERG: Cultural competence.

CHAIRMAN CASTRO: Madam Vice Chair?

VICE CHAIR TIMMONS-GOODSON: I, too, think that we need to establish some ground rules or some

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direction, but I'll not take a stand on this one, so the vote is yes.

CHAIRMAN CASTRO: Thank you. So the motion passes with one, two, three, four, five yeses and -- no, sorry, six yeses and two abstentions. Because I vote yes; I forgot to vote. That's why I only had five.

COMMISSIONER HERIOT: It's still unanimous.

CHAIRMAN CASTRO: Is it, with an abstention?

COMMISSIONER HERIOT: Yes. Yeah.

CHAIRMAN CASTRO: Okay. All right. Well, it passes.

Next, we have an update. Again, Brian Walch will talk to us a little bit about any preliminary planning that has been done since our last meeting when we discussed the 60th anniversary of the Commission next year. Brian?

MR. WALCH: Hello again, all. I think as we discussed at the last meeting, or as you all discussed at the last meeting, there is great interest in a 60th anniversary event. As you know, we enter the 60th year this month, September.

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We've discussed initially some proposals of activities that we could organize. I've been reaching out to the special assistants, several of whom have offered graciously to be on a working group to flesh out ideas and do some more brainstorming. I believe we have discussed that the event would be on the margins of the September 8, 2017, business meeting.

We definitely want to have a press component, press conference component. We have had some discussions maybe about a seminar on a specific topic. We definitely want to invite the widest range of individuals we can. The Commission, obviously, has a very rich history; 60 years is very significant. I think we could get a really good turnout.

And I think we're also starting to think about groups, entities, individuals that might be able to participate, thinking a little outside of the box.

I have a couple of those in mind, but I will share those separately, and I will talk to them more about the -- about this as we go forward with the planning with the special assistants.

CHAIRMAN CASTRO: Okay. Any questions for Brian? Commissioner Narasaki.

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COMMISSIONER NARASAKI: I would just like to make sure that we -- if we have a date, that we can start contacting the prior staff directors and commissioners, and make sure that they are aware, because -- since it is an anniversary, I think it would be great to invite back, you know, the leadership that has been here through the years.

CHAIRMAN CASTRO: That's a great idea.

COMMISSIONER HERIOT: For that matter, SAC members of the past. I mean, there's a large group out there that has been involved. Can I say a little bit more?

CHAIRMAN CASTRO: Commissioner Heriot, yeah, go ahead.

COMMISSIONER HERIOT: We had the 50th anniversary back in 2007, and there was great interest for a very short period in doing something useful, and nothing ever came of it.

CHAIRMAN CASTRO: Really.

COMMISSIONER HERIOT: I remember that Robbie George at Princeton, who is a former member of the Commission, was thinking at the time, at my urging, to hold like a panel discussion with Commissioners from different eras and to what the

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accomplishments of the Commission have been.

And I think that that -- that kind of thing will work, you know, to bring in some Commissioners, Chairmen, from the past, do a panel on what the Commission has accomplished in the past, and what it hasn't accomplished, what it wishes it had accomplished but never quite did.

I don't know how far back we can find Commissioners, but I suspect it's fairly far back. So I'd like to see that kind of an event, and maybe even with like papers, you know, have some of these people write up their recollections that could be published in some way. And if we get started on that early and get people who are willing to write up what they remember and what they did, we might have a nice little group of papers to publish.

CHAIRMAN CASTRO: Madam Vice Chair?

VICE CHAIR TIMMONS-GOODSON: Following up on Commissioner Heriot's idea, a symposium comes to mind. It's -- that's often done at the time of momentous anniversaries. And we have a number of law schools here in the city. I would not be surprised if we weren't able to convince someone to partner -- one of the law schools to partner with us on a symposium,

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day long, and even -- you know, doesn't have to be a lengthy --

COMMISSIONER HERIOT: It wouldn't have to be in Washington, because, you know, we've got -- like Robbie George is at Princeton. Is Christopher Atlee still at Berkeley? I mean, we've got a lot -- he's not there anymore? You know, there may be former Commissioners who can make their university available in a way that would work for us.

COMMISSIONER NARASAKI: I think the issue is --

CHAIRMAN CASTRO: Commissioner Narasaki, your mic is not on.

COMMISSIONER NARASAKI: I just -- I love the idea. I just think the issue is going to be budget.

COMMISSIONER HERIOT: With California, half our Commissioners are from California.

COMMISSIONER NARASAKI: No. But we have to fly staff, so --

CHAIRMAN CASTRO: Well, let's, you know, flesh out some ideas, and then we can look at them and see what costs what.

Commissioner Narasaki?

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COMMISSIONER NARASAKI: Yeah. I did want to add that I love Gail's idea of looking through the history and using past Commissioners to do that. I think it would also be interesting to maybe culminate that in a future forward-looking, you know, where is civil rights going, or our favorite topic, you know, civil rights -- should civil rights now become human rights? Which I know that that would spark a lively debate among people.

So I think just to -- to add a little spark, I think that will help draw more people in.

CHAIRMAN CASTRO: All good ideas. Brian is taking notes. Any Commissioners on the phone want to add anything? Okay.

All right. Well, thank you, Brian. Appreciate it.

Before we move on to the SAC portion of the agenda, I want to add here where -- the amended portion of the agenda, a discussion on concept papers.

And I'll cede the floor to Commissioner Narasaki, since it was your motion to amend.

COMMISSIONER NARASAKI: Yes. So we had -- typically, around this time of year, we start talking about topics for the coming year for our reports and

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briefings. And I know that this is a topic that Commissioner Heriot has raised, the need for us to get something set for next year.

I am also aware of the concern staff and the Commissioners share about needing to clear the backlog that we have and get ready for the statutory report, and the fact that we are in the process of hiring, so we have limited staff right now.

But my suggestion is that we go ahead and have a process where topics might be presented in October, next month, at our next month's meeting, with a vote in November or December. Maybe we just talk about two topics and rank them, so that it could depend on what staff capacity we actually have.

And my suggestion would be that we be explicit about not trying to do the briefings before, you know, April or May, so that staff would be able to focus a lot of attention on getting the backlog done of the statutory report, but our staffs could be still working to prepare for a briefing that would be later in the year.

COMMISSIONER HERIOT: Can I ask a question first?

CHAIRMAN CASTRO: Go ahead. Commissioner

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Heriot?

COMMISSIONER HERIOT: How many people are rotating off, or their terms will end?

COMMISSIONER NARASAKI: There are four Commissioners whose terms end in the first two weeks of December.

COMMISSIONER HERIOT: I'm not one of them, right?

COMMISSIONER NARASAKI: No, you are not.

(Laughter.)

COMMISSIONER NARASAKI: So the Commissioners not -- Commissioners who will -- who are not having their terms end are you, Pete, myself, and the Vice Chair.

COMMISSIONER HERIOT: Okay. We have to be really careful to make sure that we don't have a hiatus. And so, you know, that was what we were trying to guard against last time.

CHAIRMAN CASTRO: And I think that's what --

COMMISSIONER HERIOT: Yeah.

CHAIRMAN CASTRO: -- should do here.

COMMISSIONER HERIOT: And so if I'm -- if I'm remembering correctly, Ms. Somin told me that the

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General Counsel thought that maybe we can't hold briefings without a quorum. I actually disagree with that analysis, if that was your analysis, but we can take care of it by -- by appointing a subcommittee of the people that we expect to be left here, just in case the appointing authorities involved here fail to make their appointments in time for January, February, or March, because we want the trains to keep rolling.

And so there is no way they can hold a business meeting where they are representing the Commission, but there may be things they can do that would be more along the lines of a briefing.

COMMISSIONER NARASAKI: Right.

COMMISSIONER HERIOT: So I think we need to line that up and make sure we're doing it in a way that everybody agrees is within the rules.

COMMISSIONER NARASAKI: Right. And we have done outreach to the appointing authorities to remind them. But as you are well aware, there is a big Presidential election happening, and this might not be at the top of --

COMMISSIONER HERIOT: I'm shocked --

COMMISSIONER NARASAKI: -- everyone's list.

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COMMISSIONER HERIOT: -- we're not at the top of their list.

COMMISSIONER NARASAKI: So that's why I thought it would be useful to at least, while we have a quorum, vote on some topics and figure out what we can actually accomplish.

CHAIRMAN CASTRO: Any other Commissioners want to comment? Madam Vice Chair?

VICE CHAIR TIMMONS-GOODSON: Yes, Mr. Chair. I have on the back of my mind that somewhere in our strategic plan we talk about doing three briefings annually. And so if that is there, it just occurs to me whether we might need to, for the record, say something to the effect that based on the situation that we -- the Commission finds itself in terms of staffing and backlog, that we, while aware of the strategic plan's call for three briefings, that we would -- we would be seeking to cut that.

CHAIRMAN CASTRO: Any Commissioners on the phone want to comment? Does our General Counsel want to make any comments?

COMMISSIONER ACHTENBERG: Mr. Chairman, this is Commissioner Achtenberg.

CHAIRMAN CASTRO: Go ahead.

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COMMISSIONER ACHTENBERG: I think Gail's view -- Commissioner Heriot's view is one with which I concur. I think we should be creative, and, you know, having a backup plan is not a half-bad idea. And so I'd like to see us explore something along those lines. I think that's perfectly appropriate under the circumstances, and shows that we are trying to keep our agenda moving, even as we contemplate the possibility that not all seats will be -- or may not be filled on time in this cycle.

CHAIRMAN CASTRO: Okay. Okay. So --

COMMISSIONER HERIOT: Mr. Chairman?

CHAIRMAN CASTRO: Yes, Commissioner Heriot?

COMMISSIONER HERIOT: Can I make one more random comment that doesn't really go perfectly with this? The general category is concept paper. We have had a habit in the past of having concept papers that are, you know, proposed to the Commission, and they're written for the purpose of persuading members of the Commission, "Vote for this topic." And that's how they're picked.

And then after we voted to adopt one or two of them, we then turn around, and I don't know

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whether we've done it lately or not, but I know that at least we did it, you know, a few years ago. We then like put that up on the website as, you know, a statement to the public of, you know, what we're going to be doing. And they -- it's really a different purpose.

And so now that we have Mr. Walch here on -- doing public relations, I think we need to acknowledge that a document written for the purposes of our discussions, and a document written for the purposes of describing what is going to be on the -- to the public, those are two different purposes, and we probably shouldn't use the same paper for that.

CHAIRMAN CASTRO: Well, that's why we -- actually, for the, you know, incarceration report, we had a press release issued instead of that, so --

COMMISSIONER HERIOT: Yeah.

CHAIRMAN CASTRO: -- I think that's the habit we're -- now that we do have the capability --

COMMISSIONER HERIOT: I just want to say, I think that's a better way of doing it than posting the concept paper.

CHAIRMAN CASTRO: Okay. Commissioner Narasaki, do you want to make the formal motion on

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this, so we can get it seconded and voted on?

COMMISSIONER NARASAKI: Yes. I move that we adopt a process for approving -- adopting -- I don't know what the right thing is -- concept paper?

CHAIRMAN CASTRO: Concept paper.

COMMISSIONER NARASAKI: To have Commissioners submit their recommendations in October with a vote to come in November or December.

CHAIRMAN CASTRO: Is there a second?

COMMISSIONER KLADNEY: Second.

CHAIRMAN CASTRO: Okay. And any additional discussion? Hearing none, I will take a roll call vote. Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: Yes.

CHAIRMAN CASTRO: Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: Yes.

CHAIRMAN CASTRO: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Commissioner Kladney, how do you vote?

COMMISSIONER KLADNEY: Yes.

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CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes.

CHAIRMAN CASTRO: Commissioner Yaki, how do you vote?

COMMISSIONER YAKI: Aye.

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

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes, so it is unanimous. Okay. Thank you.

Now we move on to the Advisory Committee portion of our agenda.

B. STATE ADVISORY COMMITTEES (SACs)

CHAIRMAN CASTRO: I am very, very pleased that, in keeping with our more recent practice, we have another presentation today from a SAC, and the SAC President from the Missouri State Advisory Committee, S. David Mitchell is going to be reporting to us on the committee's report on police and community relations in Missouri. They had two briefings. I was pleased to actually attend the first one in the St. Louis area, and I hope you all had the opportunity to look at the report, which was

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circulated in advance of today's meeting.

But, Mr. Chair, we welcome you and give you the floor. Thank you for participating.

MR. MITCHELL: Great. Thank you very much. I appreciate the opportunity.

First, before I talk about the report, I want to first mention some key people who were incredibly important in my work as the Chair and the committee's work.

So I want to thank David Mussatt, Elizabeth Oskey, Trent Sanders, Carmen Allen, of the Midwest and Central Regional Offices. That was work - - that work would have been impossible to accomplish, to handle all of their logistics and to keep the train running with offices and details, and so they were instrumental.

As well as the -- my fellow members of the committee -- Joan Bergstrom, A.J. Bockelman, Miguel Carranza, Chad Flanders, Barbara Hammer, John Inazu, Domingo Martinez, Amy Ragab Hacking, Sabrine Rhodes, David Rose, Kendall Seal, David Tyron Smith, and Donaylie Whitmore; as well as the members of the public and the experts who participated.

As you know, our committee decided -- to

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have any impact of community-police interactions on individual rights, civil rights in Missouri -- the event, of course, that determined the focus of our project was the shooting of Michael Brown in Ferguson, Missouri.

Many of us -- and I will say myself included -- came to the work of the committee prior to that event with other objectives and ideas and topics, such as looking at or exploring the fundamental right of education and how it is being delivered in Kansas City, looking at exit centers for formerly incarcerated individuals and their return, which is part of my own scholarship.

And, yes, the events in August forced us to have a redirection, to actually -- it made us -- if you will, we had to sort of ignore, they had to sort of respond to the glaring call of addressing police-citizen interactions. And so we changed our topics, so we sort of agreed upon this particular topic. We also realized in the process that we did not want to wade in immediately in the aftermath of what was going on, because there were a number of both local, state, and federal agencies that were engaged in the process. And so we deliberately waited for a period of time,

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and so that was one of the things.

The second thing that we also determined, which was very important, was that there was an overwhelming focus only on St. Louis and only on the region around Ferguson, particularly those interactions. And as this committee represents the entire state, we felt it was imperative that we look at and be in other parts of the state. And so we purposely held one meeting, one hearing in St. Louis, and the other in Kansas City.

Of course, if I had my druthers and finances sort of allowed, we would have had meetings in other parts of the state, places that I feel may feel excluded from the discussion, some of the more rural parts of the state.

And so we tried, as best we could, with the two sort of urban centers, in order to get people to be involved, to be present, to submit materials in advance, and then of course to receive sort of written testimony after the fact.

And so that's sort of at least the backdrop to how we got to where we began this project.

Of course, this is a complex and nuanced issue, police-community interactions, dealing with individual

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civil rights.

From our report, sort of what we sort of garnered, that there are a couple of important things, and you will see throughout the scope of our report that we did not decouple -- we did not decontextualize the contemporary events of the historical matter. We felt that was incredibly important, that was the backdrop, as well as the national backdrop.

While we were clearly focusing on our own jurisdiction, we could not of course ignore the events that were occurring simultaneously around the country. And so that was also incredibly important.

What we found is that from our expert testimony and some of the recommendations -- and I won't read them to you because you all have the report -- but some of the most important things that we found was, one, of course, the continued sort of segregation of communities that exist, certainly in the St. Louis region, but around the state, and how race and class and separation sort of create fundamental problems of mistrust, particularly when they are, if you will, partnered with the manners in which or the policies in which law enforcement engage in their policing.

That was sort of the first thing. The

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second thing we also found, and which was supported by many of the experts, the academics and has been continuously supported, is the lack of adequate data.

There is a lack of empirical research and data discussing cataloguing, categorizing, if you will, use of force, along the entire continuum, not just deadly use of force.

And so the waters get very muddied with respect to, what are we actually looking at? What is the impact? How are we looking at sort of civil rights violations, if we can't adequately and uniformly discuss using the same terminology? And so that was an incredibly important piece.

Another piece of course was this notion of looking at sort of implicit racial biases, and how do we address those. We always -- we talk about and we sort of discuss routinely about issues of explicit bias and how do we remove that, and that's quite clear.

And yet how do we get rid of those implicit actions, if you will, that may sort of guide contact? Which is, of course, much -- much more difficult to do, and part of what we sort of, you know, recommended was increasing the nature of sort of

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cultural competency, training, sort of corresponding for smaller departments that can't do that, but also making something that was more mandatory and more standardized and sort of an accreditation of police departments.

We also recognized what's -- issues about trading and scope of duties. The de-escalation was also incredibly important to address many of these particular issues of this mistrust. We recognize that breaching this sort of new chasm or this growing chasm of mistrust between the communities was a long -- is a long-term project and is nothing that is going to be easily done.

We also looked at some of the more cultural components of the institutions with respect to law enforcement, such as the code of silence, the lack of segregation, as I just mentioned, as well as sort of the internally reviewing some processes. And so we recognize that there need to be some fundamental changes in that, and we need to sort of go in and have some oversight to actually get independent departments to agree to some of those changes.

And so we talked about issues of, one, sort of recommendations, you know, minimum licensing

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requirements, if you will, the national database, so just some records, you know, how do we handle policeman common cases, grand juries, use of force, standardization.

What we've come to realize, of course, is that this is an incredibly complex issue. It's an incredibly nuanced issue. Much of it is tied in with respect to sort of finances, which we understand, right? We understand that there is a limitation of resources, and yet we also feel that this was incredibly important, given the nature of what is at stake. And what is at stake is repairing the trust that has long been damaged, and how do we move forward as a particular state.

The events in Ferguson clearly ignited, if you will, a national dialogue, and certainly one within the state. And if we look at sort of the -- some of the data that we continually get, the Attorney General's data with respect to racial profiling, we are not seeing a movement that is engendering about greater trust, but actually is creating more distrust.

And so we sort of look to the Commission to begin to at least push the DOJ, the Department of Justice and others, to engage in some long-term

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planning and policy investigation with respect to, how do we improve law enforcement? How do we improve those particular jurisdictions and get them on a path of understanding, so they can reach out in a way in which the communities, when there are, you know, issues, when there are shootings, when there are these sort of conduct issues, that they will get to a point where they trust each other enough so that there is at least the benefit of the doubt that is given, that there is not an assumption of bias that already exists.

That's sort of the report as a whole. I just want to add sort of one thing about the process.

We did a great deal of on-the-ground -- certainly, Melissa and David and others in the office did a great deal of getting folks to be present. One of the most frustrating I think pieces of the investigation, of the exploration of this topic, was the unwillingness and the lack of power on the committee's part, in reality, to get participants to be at the table.

One of the -- I guess one of my greatest frustrations was the number of key sort of law enforcement folks who declined or withdrew for feeling as though they were going to be sort of attacked in

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the process when it was, you know, clearly explained of how the process was going to work. The public did not direct questions directly at law enforcement; that was truly by the committee members.

And so I'm not sure how the Commission can embolden or empower the state committees to do more in that regard in order to get folks to the table. But the problem that I see going forward consistently is that there is going to be a lack of sort of representation -- a cross-sectional representation from a variety of departments, if in fact individuals can routinely decline, sort of not present.

And so I feel as though we are presenting a report to you now, while it's as complete as we can make it, it could be more fuller, it could have a great deal more detail, if in fact there was sort of an ability to sort of get more people at the table.

So, and I'm happy to take questions.

CHAIRMAN CASTRO: Thank you, Mr. Chair. We appreciate your presentation. I will open it up to Commissioners who may have some questions that they want to drill down on. Is there anyone who -- Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes. Thank you

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very much. This was a very excellent report, and I really want to commend everyone involved. Clearly, a lot of thinking has taken place.

I had some questions about the recommendations --

MR. MITCHELL: Sure.

COMMISSIONER NARASAKI: -- for the Commission. So one of the recommendations, 1(c), was to assess the DOJ's ability to establish a governing body to handle police misconduct cases when state and local systems fail. So I was wondering what you meant by "a governing body."

MR. MITCHELL: Sure. I think our assessment of that was some way in which to review or to remove or to address when there were issues. And some could say that we currently have that established in terms of, you know, civil rights cases, but that had to go through the legal process.

And so -- at least our understanding, and it was my understanding of our recommendation in this context is that this was, in effect, to address when there are local or state bodies which can't engage because they don't have the money to investigate, because they don't have either the time or the

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personnel, that someone else needs to step in and do that for them in these cases.

CHAIRMAN CASTRO: Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes. Thank you, Mr. Chair. So you're looking at, for example, the Department of Justice creating a division or a project where they would create a team of experts who could be -- like provide technical assistance or actually step in?

MR. MITCHELL: I think it could be either/or. I mean, to be honest, I would like to see it as a partnership with respect to the state officials and agencies, if possible, right? Because I think you need that buy-in.

But when you -- we don't get that opportunity, when there's a lack of funding on the state level, there needs to be something above that to actually help, either in technical assistance and/or going a step further, if needed.

COMMISSIONER NARASAKI: And the last question I had was I had read in some reports about this topic. And, as you know, the Commission itself is preparing a report on use of force issues as well as some of the other related issues that were raised

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by Ferguson. But the role that insurance companies might be able to play in terms of requiring the police departments who they insure against these kinds of complaints to have some minimum standards or training, I'm just wondering if that was looked into at all by your committee.

MR. MITCHELL: No, we didn't. But I think that's certainly an interesting avenue to pursue. But we did not look into that.

COMMISSIONER NARASAKI: Great. Thank you.

MR. MITCHELL: Sure.

CHAIRMAN CASTRO: Other Commissioners?

COMMISSIONER KLADNEY: Mr. Chairman?

CHAIRMAN CASTRO: Commissioner Kladney?

COMMISSIONER YAKI: Yes. This is Commissioner Yaki.

CHAIRMAN CASTRO: Okay. Commissioner Kladney, and then Commissioner Yaki.

COMMISSIONER KLADNEY: Mr. Chairman, I was wondering, you have a section in here on the police department code of silence. And I was wondering what you found. I mean, did you feel like police departments felt they were isolated from the community, and, therefore, like team together, you

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know, the conditional -- the traditional blue line type of position that -- that is at least thought of in many communities.

MR. MITCHELL: Sure. I think there is sort of a couple of things to unpack in that. I think one, given sort of contemporary response and how law enforcement feels under attack, I think there is a willingness to sort of circle the wagons, if you will, and sort of create this sort of "we protect our own."

I think that has been a very clear thing because of -- because of many of the incidents that are happening and sort of what has been the response.

I think what we were focusing on here with the code of silence here was the unwillingness of individuals, not -- and now let me take a step back. The committee recognizes that, as many do, that we cannot have a broad paint brush, right? Broad stroke on all departments, on all individuals. That would be unfair, just as unfair as any bias, with respect to bias on particular communities.

And recognizing that there may be an unwillingness because of the nature and the roles that law enforcement individuals have with each other, there may be an unwillingness in effect to engage in

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or to divulge or to, if you will, discuss potential violations before they become major, the small ones that -- that begin to grow, and then of course any larger ones. And so that was what that particular section was focusing on.

COMMISSIONER KLADNEY: Did you ever inquire if -- there is a -- what's called a 48-hour rule in the world of policing where if there is a violation or a shooting or something like that, and police officers need not speak or make a statement for at least a minimum of 48 hours. In Baltimore, it's 10 days. Did you inquire into that and find anything interesting on that subject?

MR. MITCHELL: No, we didn't inquire into that. And it's something that -- that we should have broached and we did not, because we were looking at sort of the affirmative respect to civil rights issues and not in terms of the protective evidence. But you -- or the protection of the statements and sort of giving individuals time to sort of clarify and think about what statement they're going to make. And so we did not explore that specifically.

COMMISSIONER KLADNEY: Well, thank you very much, Mr. Chairman. I think it's a wonderful

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report.

MR. MITCHELL: Sure. Thank you.

CHAIRMAN CASTRO: Any other Commissioners?  
Madam Vice Chair?

COMMISSIONER YAKI: And Commissioner Yaki.

CHAIRMAN CASTRO: Oh, sorry. Commissioner  
Yaki, then the Vice Chair. I apologize.

COMMISSIONER YAKI: Thank you. Thank you.  
No problem at all. Out of sight, out of mind.

I just wanted to say that the -- one, I  
commend the report as well as someone who has spent a  
lot of time recently in Missouri for a lot of business  
reasons, in St. Louis in particular. This is a very  
important topic that has been raised.

I was curious about the issue about the  
lack of participation by law enforcement, and I'm  
thinking that somewhere in a meeting we ought to  
address -- next year, if I'm on, or not -- if I'm not  
on -- with regard to sort of the partnership between  
the USCCR and the State Advisory Commissions to the  
extent that we can help in those matters, whether by  
writing a letter, sending -- seeing if we have  
jurisdiction to send a request to attend, asking them  
to cooperate, or, if need be, look at the issue of

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appointing a subcommittee for the purposes of helping deal with these kinds of issues for the purposes of issuing appropriate subpoenas.

So I just raise that, those issues, but I just think that it's important that we take a look at that and think how we can help these Commissions or the State Advisory Committees moving forward.

CHAIRMAN CASTRO: Commissioner Yaki, this is the Chair. Actually, we did do some of that. When we heard from our regional staff that the Ferguson Police Chief had declined the invitation, I wrote to him and asked him to participate. My understanding was that he had changed his mind, that he would, but then at the last minute he withdrew. And at the time, I explored with our then-General Counsel whether we could somehow extend our subpoena powers to the SAC, and it was determined at that time, just given the timing of the issues, that we were -- we couldn't do that, and your idea of a subcommittee might be a way to work that.

But it was just -- the timing was not something that allowed us to do that without even looking at the legal issue about whether we could. But we did explore some of that at the time, and, you

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know, we -- we're frustrated by that, and we've had a similar situation develop with our North Carolina SAC when the EPA didn't attend, their environmental justice report. So we definitely need to take a closer look at how we might be able to assist the SACs in that regard.

Madam Vice Chair?

VICE CHAIR TIMMONS-GOODSON: Yes. Thank you, Mr. Chair.

And I thank you, Chair, for this excellent report. I have been looking at your recommendation that this Commission issue a formal recommendation to Congress to pursue some kind of legislation that would decouple, you say, law enforcement agencies from municipal revenue generation. I think we have since heard in reports that communities there in Missouri have suffered significant loss of revenue, as one might expect, and that perhaps one of the unintended consequences was that the budget of the law enforcement agencies suffer tremendously, and in many instances prevented them from doing their job.

I was wondering if you had any testimony or anything to report with regard to the effect of this loss of revenue on particular law enforcement

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agencies.

MR. MITCHELL: Sure. I don't have any direct sort of testimony on that. We didn't -- we were -- of course, we were coming out of, if you will, and referencing the Department of Justice's report coming out of Ferguson. And those particular sort of law enforcement agencies around the area that were using revenue and sort of using that as a means with which to stop -- and I have not heard or seen anything further with respect to the issue that you raised.

I can imagine, of course, that once you begin to rely on a source of revenue and it's gone, that there are going to be several departments that are going to be hurting. And to be honest, I don't know what the nature of the response is to sort of increase that or improve that, but of course the notion of sort of using, if you will, funds in this regard, which could lead to this kind of biased policing for us was the major issue.

And, of course, the follow up would be, well, then, how do you help sustain those departments, those small departments? And it might be one of the other recommendations that was made by one of the law enforcement offices in St. Louis, that there were way

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too many municipalities that had their own law enforcement divisions, that in an area like St. Louis maybe there needs to be greater consolidation, so that you don't need so many independent budgets.

VICE CHAIR TIMMONS-GOODSON: Yes. Thank you.

COMMISSIONER KLADNEY: Mr. Chairman?

CHAIRMAN CASTRO: Yes, Commissioner Kladney?

COMMISSIONER YAKI: Mr. Chairman, this is Commissioner Yaki. I just need --

CHAIRMAN CASTRO: Okay.

COMMISSIONER YAKI: -- to say that -- really quickly, I have to depart the meeting at this time, but I, again, wanted to thank the Chair of the Missouri State Advisory Committee for the great work that he did.

CHAIRMAN CASTRO: Okay. Thank you. Commissioner Kladney?

MR. MITCHELL: Thank you very much.

COMMISSIONER KLADNEY: Following up on the Vice Chair's query, just a statement actually. After we did fines and fees a briefing, I looked into it in my state. And, interestingly enough, not only does

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money go to municipalities, but half the judicial system in my state is funded by fines and fees. And if you look at the fines and fees, the fees are almost as much as the fines.

And actually people, as we found out at the briefing, are not given a financial hearing before they are placed in the hoosegow. So I find it a very important subject, and I think when we -- when we get a report on your briefing, I think we're going to make -- be able to make quite an impact with that.

CHAIRMAN CASTRO: Any other questions? Hearing none, Mr. Chair, again, thank you for your service. Thank you for the report and your presentation today, and please convey our thanks to your colleagues on the State Advisory Committee for your work on this really important topic.

Thank you.

MR. MITCHELL: Good. Thank you, all. Have a good day.

CHAIRMAN CASTRO: Thank you.

Next, we will actually be voting on a SAC today. So let me make a motion that the Commission appoints the following individuals to the North Carolina State Advisory Committee, based upon the

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recommendation of our Staff Director -- Matty Lazo-Chadderton, Heather Ford, Steven Greene, Kevin Hales, Jennifer Ho, Dorrance Kennedy, Scott Lincicome, Brad Lingo, Rick Martinez, Thealeeta Monet, David Moore, Donna Oldham, Willie Ratchford, Amalia Restucha Klem, Jenna A. Robinson, Olga Morgan Wright.

Pursuant to this motion, the Commission appoints Matty Lazo-Chadderton as Chair of the North Carolina State Advisory Committee. These members will serve as uncompensated government employees. Under this motion, the Commission authorizes the Staff Director to execute the appropriate paperwork for the appointments. Is there a second?

VICE CHAIR TIMMONS-GOODSON: Second, Mr. Chair.

CHAIRMAN CASTRO: Okay. Any discussion?

COMMISSIONER HERIOT: Mr. Chair?

CHAIRMAN CASTRO: Yes, Commissioner Heriot?

COMMISSIONER HERIOT: I intend to vote yes on this one. I think this one is adequately balanced in a way that some of the previous State Advisory Committees have not been.

CHAIRMAN CASTRO: Thank you. Any other

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comments? Call the question. Commissioner Kirsanow,  
how do you vote?

COMMISSIONER KIRSANOW: No.

CHAIRMAN CASTRO: No? Okay. Commissioner

--

COMMISSIONER HERIOT: Wait, wait, wait.

CHAIRMAN CASTRO: Sorry.

COMMISSIONER HERIOT: There may be a  
clerical error here.

CHAIRMAN CASTRO: What is that?

COMMISSIONER HERIOT: Talk to Ms. Mulder  
here.

CHAIRMAN CASTRO: Hold on a second.

(Pause.)

CHAIRMAN CASTRO: I read Brad Lingo's  
name, but if -- but just to be clear, he's on the  
list. Okay?

So does that change your vote,  
Commissioner Kirsanow?

COMMISSIONER KIRSANOW: It does not.

CHAIRMAN CASTRO: Okay. Just wanted to  
make sure. Commissioner Heriot?

COMMISSIONER HERIOT: Yes.

CHAIRMAN CASTRO: Commissioner Narasaki?

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COMMISSIONER NARASAKI: Yes.

CHAIRMAN CASTRO: Yes. Commissioner Kladney, how do you vote?

COMMISSIONER KLADNEY: Yes.

CHAIRMAN CASTRO: Commissioner Achtenberg, how do you vote?

COMMISSIONER ACHTENBERG: Yes, Mr. Chair.

CHAIRMAN CASTRO: And Commissioner Yaki I believe has left the meeting. Commissioner -- I mean, sorry, Madam Vice Chair?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIRMAN CASTRO: And I vote yes, so we have one, two, three, four, five, six yeses and a no. So the SAC package passes.

Is Mr. Mussatt on the phone?

MR. MUSSATT: I am here.

CHAIRMAN CASTRO: Hi, David. How are you?

MR. MUSSATT: Okay.

CHAIRMAN CASTRO: I had a quick question for you. I was -- as I was preparing for the meeting, I was looking at the list of SACs that remain unappointed or a package is undelivered to us. I know that there is an issue of staff capacity, but I notice there is a number of them that are over a year old.

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But, in particular, I was concerned that Pennsylvania is still on the list. It has been four years. And I think I asked about that about three months ago, and I want to know where we are on those, particularly Pennsylvania. I just can't imagine why we haven't brought that forward.

MR. MUSSATT: Sure, Mr. Chairman. The CFO for the Pennsylvania Advisory Committee submitted a package on August 18th. At that time, I was actually on leave for a couple of weeks. So after returning, went through it, and at the end of that month, August 31st. And in light of the new AI, and the August 20th Commission meeting where balance was discussed, the Staff Director and I returned the package because it - - we thought it was not balanced appropriately; that is, as the Commission has requested.

So now it is being relooked at. I think we have enough nominees, from my understanding, and that it should be -- it has been -- they have until September 30th to be with the Staff Director, which should give us plenty of time to have it ready for the October 21st meeting.

CHAIRMAN CASTRO: Okay. Good. And how about some of the others that are over a year old,

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what's -- I mean, there's Arkansas, Colorado, Louisiana, New Jersey, New Hampshire. Any updates you can give us on those?

MR. MUSSATT: Sure. I mean, a number of those in the central regional office is a function of us not having the capacity, staff particularly, to actually assign to those committees. And it's my responsibility to do them, and I -- that's on me.

Yeah. I mean, part of it is just that we had hoped to have a fellow, and the Western Regional Office Director -- we have lost both of those, and so we're a little -- we're kind of freaking out a little bit right now. But -- and with the new AI, we are also in the process of issuing internal documents for -- or internal operating procedures, I'm sorry. So we are still trying to get up and running full steam here, but that's generally the status where we are now.

CHAIRMAN CASTRO: All right. Well, once you are in better position, I hope we can prioritize some of these that have been over a year old. Is that a yes?

MR. MUSSATT: Yes. Yeah.

CHAIRMAN CASTRO: Okay. Thanks.

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We're done with the SAC portion of the agenda. Now I will turn it over to the Staff Director for Management and Operations reports.

C. MANAGEMENT AND OPERATIONS

MR. MORALES: Thank you, Mr. Chairman --

CHAIRMAN CASTRO: You're welcome.

MR. MORALES: -- Commissioners, for giving me the opportunity to address you all. You have the Staff Director's report. As always, you know, I don't usually go through it. We can talk about it, if there are any particular issues you have. I do want to bring up a couple of issues that I think require your attention or should require your attention.

One is, Mr. Chairman, you asked me to reach out to an individual, Sylvia Mendez, who is the plaintiff in a very famous case called Mendez v. The Westminster School Board, which was a case that was used by the NAACP and was a predecessor to Brown v. Board of Education. It was a very famous case in California that desegregated the California state schools.

The plaintiff in that case, Sylvia Mendez, is still alive. I -- she is a friend of mine, and I have seen her speak at various functions, and she is

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very humble but a very good speaker. And I think it would be a good opportunity if we could have her come to the Commission meeting, perhaps October 21st meeting, and maybe speak to the Commissioners for about a half hour from a historical perspective of, you know, what it was like when she was a young girl going to school, what it was like for her to go through the lawsuit, and be the plaintiff and be actually called on the stand in federal court, you know, and then also what her life is like afterward.

And so it's a fascinating I think topic, and she is a fascinating individual with a fascinating story that I think would be very relevant to the Commission and perhaps also because it's a part of Hispanic Heritage Month, and I'd like to, you know, bring her forward and have her speak to the Commission, with your permission.

CHAIRMAN CASTRO: I think it's a great idea. I've heard her speak before. It's an interesting historical context, too, because that was sort of the seed of what ultimately became Brown v. Board of Education. And not a lot of people know about that case and the important role it played, so I think it would be great to have her share some of that

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history with us.

MR. MORALES: Thank you.

CHAIRMAN CASTRO: Any thoughts? Any Commissioners?

COMMISSIONER HERIOT: Sounds like a great idea to me.

CHAIRMAN CASTRO: Okay. Great.

MR. MORALES: I'd also like to just call attention --

CHAIRMAN CASTRO: Oh, I think somebody wants to --

MR. MORALES: Sure. I'm sorry.

CHAIRMAN CASTRO: Commissioner Achtenberg, was that you?

COMMISSIONER ACHTENBERG: I just wanted to express my approval. I think it's a terrific idea. I think it's a terrific idea.

CHAIRMAN CASTRO: Great. Thank you.

COMMISSIONER ACHTENBERG: Thank you, Mr. Chairman.

MR. MORALES: Thank you, Mr. Chairman. I just wanted to call attention to -- I mentioned I sent an email to everybody about the website migration, the successful completion of it a few weeks ago. And I

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really just wanted to shout out to Pam Dunston and Michele Ramey and, you know, I think folks should understand the complexity of it, the hard work they put into it. It was seamless.

You know, my past experience with other situations where they've migrated websites, I mean, they've gone down for a week or they have so many technical glitches they're unusable. That didn't occur. So I just want to acknowledge their hard work and their professionalism in getting it done.

Also, I want to, you know --

(Applause.)

MR. MORALES: Thank you. And I also wanted to recognize -- I'm sorry. Would anybody else like to say anything? I'm sorry. I didn't mean to interrupt.

Okay. I'd also like to recognize, you know, Maureen, Pam, and Michele, and also Lenore, for the hard work they put in in getting the reports ready and up on the website, the peaceful coexistence report, and the NVRA report. I know they are working diligently to get the report ready for release for the environmental justice, statutory enforcement report. And, again, their professionalism and their hard work

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I want -- I don't want to go unnoticed, and so, you know, their team effort, too, has just been outstanding and I really appreciate that.

And, lastly, I'd like to, you know, recognize Irena and Jason and Brian and, again, Maureen for their hard work in getting, you know, information out to media and preparing, you know, some of what we're working on for the media to get some of the attention we have received on peaceful coexistence and the National Voting Rights Act reports.

I know -- I really appreciate that teamwork effort as well. And if I missed anybody else, I --

COMMISSIONER ACHTENBERG: Mr. Chairman, I'd like to add Alec to that list, please.

MR. MORALES: Yes. That is correct. Thank you, Commissioner Achtenberg. He was very helpful in a lot of some of the documents we were all putting together, and the -- and so, again, appreciate all of the efforts of the special assistants and the professional staff. That really shows a high level of professionalism and teamwork here, so thank you, sir.

CHAIRMAN CASTRO: Thank you, everybody.

Anything else, Mr. Staff Director?

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MR. MORALES: That's all I have, sir.

III. ADJOURN MEETING

CHAIRMAN CASTRO: Okay. Well, there being no further items on the agenda, I hereby adjourn the meeting at 11:09 a.m. Eastern Time. Thank you, everybody. See you next month.

(Whereupon, the foregoing matter went off the record at 11:09 a.m.)

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