

## U.S. COMMISSION ON CIVIL RIGHTS

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COMMISSION MEETING

+ + + + +

VIA TELECONFERENCE

+ + + + +

WEDNESDAY,  
JULY 5, 2006

+ + + + +

WASHINGTON, D.C.

+ + + + +

The meeting convened via teleconference at  
12:00 p.m.,

Chairperson Gerald A. Reynolds, presiding.

PRESENT:

GERALD A. REYNOLDS	CHAIRPERSON
ABIGAIL THERNSTROM	VICE CHAIRPERSON
ARLAN D. MELENDEZ	COMMISSIONER
ASHLEY L. TAYLOR, JR.	COMMISSIONER
MICHAEL YAKI	COMMISSIONER
KENNETH L. MARCUS	STAFF DIRECTOR

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P R O C E E D I N G S

12:34 P.M.

1  
2  
3 CHAIRPERSON REYNOLDS: For our listeners  
4 who dialed in to listen to the teleconference, I  
5 apologize for the delay. The meetings that we hold  
6 via teleconference can be problematic. This is an  
7 electronic meeting with all the Commissioners  
8 participating in the meeting from different locations.  
9 Is the Court Reporter present? Is the Court Reporter  
10 present?

11 COURT REPORTER: Yes, sir. I'm sorry.

12 CHAIRPERSON REYNOLDS: It's 12:32 p.m. on  
13 July 5, 2006. I will call the name of each  
14 Commissioner in order to verify a quorum to hold a  
15 meeting. Vice Chair Thernstrom?

16 VICE CHAIRPERSON THERNSTROM: I'm here.

17 CHAIRPERSON REYNOLDS: Commissioner  
18 Taylor?

19 COMMISSIONER TAYLOR: Here.

20 VICE CHAIRPERSON THERNSTROM: Commissioner  
21 Braceras? Commissioner Yaki?

22 COMMISSIONER YAKI: Here.

23 CHAIRPERSON REYNOLDS: Commissioner  
24 Melendez?

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1 COMMISSIONER MELENDEZ: Here.

2 CHAIRPERSON REYNOLDS: Please let the  
3 record reflect that Commissioners Braceras and  
4 Kirsanow are not participating in this meeting and as  
5 a result it's extremely important that if a  
6 Commissioner has to leave the line that we're informed  
7 ahead of time. Because if anyone drops off we will  
8 not have a quorum and we cannot proceed with this  
9 teleconference.

10 Is Staff Director Marcus present?

11 MR. MARCUS: Yes, I'm here.

12 CHAIRPERSON REYNOLDS: Okay, well then the  
13 meeting will come to order. I request that whenever  
14 you speak, you first identify yourself so that the  
15 person transcribing this teleconference knows who is  
16 speaking.

17 Whenever it's necessary to take a vote,  
18 the following procedures will be followed. I will  
19 call out the name of each Commissioner. The  
20 Commissioner should answer yes or no or abstain.  
21 After the voting is concluded I will read how each of  
22 you voted in order to ensure that the tally is  
23 correct.

24 The first item on the agenda is the

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1 approval of the agenda. May I have a motion to  
2 approve the agenda?

3 VICE CHAIRPERSON THERNSTROM: So moved.

4 CHAIRPERSON REYNOLDS: Thank you, Vice  
5 Chair Thernstrom.

6 Is there a second?

7 COMMISSIONER YAKI: Commissioner Yaki  
8 seconds.

9 CHAIRPERSON REYNOLDS: Okay. Vice Chair  
10 Thernstrom, how do you vote?

11 VICE CHAIRPERSON THERNSTROM: Yes, aye.

12 CHAIRPERSON REYNOLDS: Commissioner  
13 Taylor?

14 COMMISSIONER TAYLOR: Aye.

15 CHAIRPERSON REYNOLDS: Commissioner Yaki?

16 COMMISSIONER YAKI: Aye, aye.

17 CHAIRPERSON REYNOLDS: And Commissioner  
18 Melendez?

19 COMMISSIONER MELENDEZ: Aye.

20 CHAIRPERSON REYNOLDS: I'm sorry, I didn't  
21 hear you?

22 COMMISSIONER MELENDEZ: Aye.

23 CHAIRPERSON REYNOLDS: Okay, and the  
24 Chairman also supports the motion. So what we have

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1 here -- we have five votes in the affirmative, none in  
2 the negative and no abstentions. The motion passes.

3 Next up, approval of the minutes for the  
4 May 4 and 5th meeting, as well as the June 16th  
5 meeting.

6 May I have a motion?

7 COMMISSIONER TAYLOR: Commissioner Taylor,  
8 so moved.

9 CHAIRPERSON REYNOLDS: Is there a second?

10 COMMISSIONER YAKI: Commissioner Yaki  
11 seconds.

12 CHAIRPERSON REYNOLDS: Any discussion?  
13 Vice Chair Thernstrom, how do you vote?

14 VICE CHAIRPERSON THERNSTROM: Aye.

15 CHAIRPERSON REYNOLDS: Commissioner  
16 Taylor?

17 COMMISSIONER TAYLOR: Aye.

18 CHAIRPERSON REYNOLDS: Commissioner Yaki?

19 COMMISSIONER YAKI: Aye.

20 CHAIRPERSON REYNOLDS: Commissioner  
21 Melendez?

22 COMMISSIONER MELENDEZ: Aye.

23 CHAIRPERSON REYNOLDS: And the Chairman  
24 also supports the motion.

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1           Please let the record reflect that there  
2 are five votes in the affirmative, no votes in  
3 opposition and no abstentions. The motion passes.

4           Okay, Mr. Staff Director, do you have  
5 anything -- your monthly report, do you have anything  
6 to report?

7           MR. MARCUS: Mr. Chairman, thank you. I'm  
8 going to keep it brief and send my written Staff  
9 Director's Report with only one item which relates to  
10 the Freedom of Information Act. December 14, 2005,  
11 the President issued Executive Order 13392 entitled  
12 "Improving Agency Disclosure of Information" which  
13 contained statements of FOIA policy and specific new  
14 planning and reporting requirements that affect all  
15 agencies.

16           Under the Act, agencies are required to  
17 improve their FOIA operations and submit improvement  
18 plans using a standard format by June 14, 2006. In  
19 compliance with this Act, the Commission forwarded a  
20 copy of its improvement plan to the Department of  
21 Justice and the Office of Management and Budget on  
22 June 14'06.

23           In the course of preparing this report we  
24 found that the Agency is complying with FOIA requests

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1 with a median turnaround time of approximately seven  
2 days. Nevertheless, the Commission plans to improve  
3 its public information operations in several respects  
4 including by providing more documents on our public  
5 website including the Commission's authorizing  
6 statutes, regulations and annual plans so that the  
7 public doesn't need to request them through the more  
8 time-consuming FOIA process, finding additional FOIA-  
9 related information on our website, including contact  
10 information for our FOIA coordinator and procedural  
11 information to make the process more user-friendly for  
12 the public and promoting electronic submission of FOIA  
13 request to make the process quicker and easier. We  
14 hope this will improve access of Commission  
15 information to the public. That's the only point on  
16 which I wanted to expand my written report. I would  
17 be available for any questions the Commissioners might  
18 have at this time.

19 CHAIRPERSON REYNOLDS: Any questions?  
20 Okay, at the Commission meeting held on May 5, 2006,  
21 Commissioners voted to produce a statutory enforcement  
22 report on religious discrimination and prisoner rights  
23 for 2008. Staff has proposed a revised concept paper  
24 to effectuate the Commissioners' approved project.

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1 This revised concept paper was distributed to  
2 Commissioners on June 8, 2006, ensures that the scope  
3 meets the requirements of the statutory enforcement  
4 report.

5 May I have a motion that the scope of the  
6 report be clarified to reflect the bill contained in  
7 the concept paper distributed to Commissioners on June  
8 8, 2006?

9 COMMISSIONER TAYLOR: So moved. This is  
10 Commissioner Taylor.

11 CHAIRPERSON REYNOLDS: Is there a second?

12 COMMISSIONER MELENDEZ: Second,  
13 Commissioner Melendez.

14 CHAIRPERSON REYNOLDS: Thank you. Vice  
15 Chair Thernstrom, how do you vote?

16 VICE CHAIRPERSON THERNSTROM: Aye.

17 CHAIRPERSON REYNOLDS: Commissioner  
18 Taylor?

19 COMMISSIONER TAYLOR: Aye.

20 CHAIRPERSON REYNOLDS: Commissioner Yaki?

21 COMMISSIONER YAKI: Aye.

22 CHAIRPERSON REYNOLDS: Commissioner  
23 Melendez?

24 COMMISSIONER MELENDEZ: Aye.

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1 CHAIRPERSON REYNOLDS: Okay, let the  
2 record reflect that the vote was five in the  
3 affirmative. No votes in opposition and no  
4 abstention. The motion carries.

5 Next item, the United States Supreme Court  
6 agreed to take up two cases involving race-based  
7 student assignments in K through 12 schools. Parents  
8 involved the Seattle School District in Meredith v.  
9 Jefferson County Board of Education. The issues  
10 raised in these two cases are related to those that  
11 the Commission seeks to address in the briefing of  
12 magnet schools and racial discrimination which  
13 Commissioners previously approved at a briefing to be  
14 held in 2008.

15 All argument is expected to take place in  
16 late 2006. In order to ensure that the Commission  
17 provides timely and useful information to the public  
18 on this important topic.

19 May I have a motion that the Commission  
20 schedule the previously approved briefing on magnet  
21 schools and racial discrimination on Friday, July 28,  
22 2006. The briefing currently is scheduled for July  
23 28, 2006, voter fraud and voter implementation would  
24 be postponed until another date. Under this motion

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1 the briefing would be tailored to address the issues  
2 that are pertinent to the cases, especially the  
3 benefits of diversity and the reduction of minority  
4 group isolation to elementary and secondary schools.

5 May I have a motion?

6 VICE CHAIRPERSON THERNSTROM: So moved.

7 CHAIRPERSON REYNOLDS: Is there a second?

8 COMMISSIONER TAYLOR: Commissioner Taylor,  
9 second.

10 COMMISSIONER MELENDEZ: Question?

11 CHAIRPERSON REYNOLDS: Yes.

12 COMMISSIONER MELENDEZ: Do you have any  
13 idea when we're going to reschedule the one that got  
14 bumped?

15 CHAIRPERSON REYNOLDS: That's actually  
16 going to come up later in the meeting. That's going  
17 to be addressed in a motion.

18 COMMISSIONER MELENDEZ: Okay.

19 CHAIRPERSON REYNOLDS: Any other questions  
20 or comments?

21 COMMISSIONER YAKI: I have a question.

22 CHAIRPERSON REYNOLDS: Yes.

23 COMMISSIONER YAKI: Is there a way for us  
24 to understand how much the bumping is going to affect

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1 the timing of certain hearings?

2 CHAIRPERSON REYNOLDS: Yes. Ken correct  
3 me if I am wrong, but I believe that the -- that  
4 everything is going to move back two months.

5 MR. MARCUS: This is the staff director.  
6 Yes, Mr. Chairman, you are correct. Assuming that  
7 there is a formal agreement to schedule the Omaha  
8 briefing for the 6th or 8th, this would require that  
9 all other briefings be pushed back by two months.

10 CHAIRPERSON REYNOLDS: Any other questions  
11 or concerns?

12 COMMISSIONER YAKI: I guess next time it  
13 would be helpful if we had -- since we've been  
14 scheduling the briefings kind of pell-mell, since the  
15 last session, I never got a final listing of the  
16 briefings for 2007, 2008 and their schedule. So I'm  
17 just -- it would just help me to know what the bump  
18 had in terms of some of the ones that I have an  
19 interest in or that some of the other Commissioners  
20 may have an interest in.

21 CHAIRPERSON REYNOLDS: Ken would you  
22 please, after we conclude today, would you please  
23 distribute a revised schedule, briefing schedule?

24 MR. MARCUS: Yes, I'd be happy to.

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1 CHAIRPERSON REYNOLDS: Thank you.

2 VICE CHAIRPERSON THERNSTROM: Well, this  
3 is Commissioner Thernstrom. We're probably all in  
4 front of our computers. Why doesn't somebody send it  
5 right now so that Commissioner Yaki can look at it?

6 STAFF DIRECTOR MARCUS: Well, members of  
7 staff including the staff director are not in front of  
8 the computer because we're in a conference room. I  
9 could read it aloud to you as it currently stands or  
10 we could send it shortly after the meeting.

11 CHAIRMAN REYNOLDS: We'd also have to at  
12 least -- Commissioner Yaki, would you like to hear  
13 what the schedule is right now before we vote?

14 COMMISSIONER YAKI: Yes, that would be  
15 nice.

16 CHAIRPERSON REYNOLDS: Okay, Ken, do you  
17 have a schedule in front of you?

18 STAFF DIRECTOR MARCUS: Okay, certainly.  
19 Currently, we have the July meeting for voter fraud  
20 and voter intimidation. September meeting would be  
21 voter rights in the U.S. territories. Followed by  
22 October, elementary and secondary desegregation.  
23 Followed by school choice, then Lane Amendment and  
24 anti-Catholicism.

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1 COMMISSIONER YAKI: November?

2 MR. MARCUS: I think so. I've just lost  
3 the months I think I said October , but that would be  
4 November. December would be religious discrimination  
5 in the workplace. The following month is minorities  
6 and special education, followed by minority children  
7 in foster care and adoption and then finally -- that's  
8 the final scheduled briefing.

9 We also have additional briefings that  
10 have been approved, but not yet scheduled regarding  
11 discrimination against Native Americans in border  
12 towns, Title 9 athletics, accommodating interests and  
13 abilities, the effect of No Child Left Behind and on  
14 the minority achievement gap and domestic wiretapping  
15 and the War on Terror.

16 VICE CHAIRPERSON THERNSTROM: Now wait a  
17 minute, did I hear the Omaha in that list?

18 COMMISSIONER YAKI: No, that's pre the  
19 list so that the last scheduled briefing for February  
20 would be pushed back to April, correct?

21 MR. MARCUS: That's correct.

22 COMMISSIONER YAKI: So we have May, June,  
23 July, September, October, November, December, seven  
24 briefings left to schedule for 2007.

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1 COMMISSIONER YAKI: Okay, I just wanted to  
2 figure that out.

3 CHAIRPERSON REYNOLDS: Okay, any other  
4 questions or comments? Thank you very much.

5 STAFF DIRECTOR MARCUS: Certainly.

6 CHAIRPERSON REYNOLDS: Okay, Vice Chair  
7 Thernstrom, how do you vote?

8 VICE CHAIRPERSON THERNSTROM: Aye.

9 CHAIRPERSON REYNOLDS: Commissioner  
10 Taylor?

11 COMMISSIONER TAYLOR: Aye.

12 CHAIRPERSON REYNOLDS: Commissioner Yaki?

13 COMMISSIONER YAKI: Aye.

14 CHAIRPERSON REYNOLDS: I detect a lack of  
15 enthusiasm? Commissioner Melendez?

16 COMMISSIONER MELENDEZ: Aye.

17 CHAIRPERSON REYNOLDS: Okay, the motion  
18 passes unanimously with five votes, so the motion  
19 passes.

20 Next up, the Commission previously  
21 approved a briefing on three racially-identifiable  
22 school districts in Omaha, Nebraska.

23 May I have a motion to hold this briefing  
24 on Friday, September 8, 2006 and to have the currently

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1 scheduled business meeting for September 15th - also  
2 will take place on the 8th?

3 COMMISSIONER YAKI: What is our timing for  
4 that briefing in terms of the time of day, etcetera?

5 CHAIRPERSON REYNOLDS: I don't believe  
6 that we have -- Ken, have we nailed those details down  
7 yet?

8 STAFF DIRECTOR MARCUS: We haven't. We're  
9 going to aim for 9 o'clock a.m., but it will depend,  
10 in part, on what venue we're able to get for it.

11 VICE CHAIRPERSON THERNSTROM: Now that is  
12 actually an important question for us Commissioner  
13 Thernstrom -- an important point for me too because  
14 I'm really going to have to go home that Friday and  
15 get out of there and I assume that Commissioner Yaki  
16 is asking for the same reason.

17 COMMISSIONER YAKI: Actually, I'm more  
18 concerned about what time I have to get there because  
19 if we fly that a way, we start losing time. So I  
20 would probably have to fly up the night before because  
21 --

22 VICE CHAIRPERSON THERNSTROM: We all  
23 would.

24 COMMISSIONER YAKI: Yes. But I already

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1 checked their 7 o'clock flights leaving Omaha to  
2 Denver which can get you anywhere, for me. But I just  
3 wanted to know if we're combining the business meeting  
4 with the other thing, maybe we should have the  
5 business meeting -- I don't know.

6 VICE CHAIRPERSON THERNSTROM: On the  
7 Thursday -- wait a minute -- yes, Thursday.

8 CHAIRPERSON REYNOLDS: Ken, at this point,  
9 do we know how much we have to cover in terms of the  
10 business meeting?

11 STAFF DIRECTOR MARCUS: We don't know that  
12 at this point, but I would anticipate that it would be  
13 a full meeting, since we're not currently planning to  
14 have an August meeting of anything that we're not able  
15 to finish during then might get pushed to September.  
16 So I expect it will be a full agenda.

17 VICE CHAIRPERSON THERNSTROM: Well, I mean  
18 that does raise a question for -- Commissioner  
19 Thernstrom again. Why not hold an August meeting? I  
20 think it's going to be very awkward to have this  
21 briefing as well, an extended briefing on Omaha as  
22 well as a business meeting.

23 CHAIRPERSON REYNOLDS: This is Chairman  
24 Reynolds. I'm comfortable having a meeting in August.

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1 Does that makes a lot of sense, but Commissioner Yaki,  
2 Commissioner Taylor, Commissioner Melendez, how do you  
3 feel about meeting in August?

4 COMMISSIONER YAKI: Well, why can't we  
5 have a meeting Thursday evening like at 5?

6 CHAIRPERSON REYNOLDS: 5 to 9, That works  
7 also, but what is unlikely to work well is trying to  
8 combine the two.

9 VICE CHAIRPERSON THERNSTROM: Yes.

10 COMMISSIONER YAKI: I absolutely agree.

11 VICE CHAIRPERSON THERNSTROM: And the  
12 problem with the Thursday meeting is more likely than  
13 not, Commissioner Braceras will not be able to make  
14 it.

15 COMMISSIONER YAKI: Well, can we just do a  
16 phone meeting the next week for the business meeting?

17 CHAIRPERSON REYNOLDS: My preference,  
18 especially after today, to avoid phone meetings,  
19 unless there's pressing business, but yes, that is an  
20 option.

21 STAFF DIRECTOR MARCUS: If I may add one  
22 thing, Mr. Chairman, this is Ken Marcus. One thing to  
23 keep in mind in making the plans is that there are  
24 some things that we have been planning to deal with in

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1 the July 28th meeting which will be, at least somewhat  
2 time sensitive and they would include the  
3 consideration of the budget as well as a draft  
4 strategic plan.

5 I don't think that a change in the date  
6 for that business meeting of a few days or a week  
7 would make a difference. The change of a few weeks  
8 might create significant problems in terms of meeting  
9 September deadlines for OMB submission.

10 VICE CHAIRPERSON THERNSTROM: This is Vice  
11 Chair Thernstrom, but wait a minute, we weren't  
12 talking about canceling our July meeting. We were  
13 talking about adding a September -- an August meeting.

14 STAFF DIRECTOR MARCUS: Well, that's fine.  
15 I thought I had heard someone to suggest that we not  
16 have a July business meeting.

17 VICE CHAIRPERSON THERNSTROM: No, I don't  
18 think so.

19 COMMISSIONER YAKI: No, no, no. No one  
20 said that.

21 STAFF DIRECTOR. MARCUS: Okay, good. So  
22 if the idea is to have a business meeting on July 28th  
23 and another one in August, that would be helpful.

24 CHAIRPERSON REYNOLDS: Okay, we have three

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1 options on the table: a Thursday night meeting, a  
2 teleconference or an August meeting. How do you want  
3 to -- do you want to vote on this? Is there a  
4 consensus?

5 VICE CHAIRPERSON THERNSTROM: Well, we've  
6 got two members of the Commission absent, so -- a  
7 consensus on this -- I don't want those same two  
8 Commissioners absent again, if possible.

9 CHAIRPERSON REYNOLDS: Okay.

10 COMMISSIONER YAKI: August in D.C. ugh.

11 VICE CHAIRPERSON THERNSTROM: It's  
12 beautiful there, Michael. It'll serve the purpose of  
13 reminding you why you live in San Francisco.

14 COMMISSIONER YAKI: I used to live there.  
15 I know what August in D.C. is like. There's a reason  
16 why Congress goes away in August.

17 VICE CHAIRPERSON THERNSTROM: You'll have  
18 the town to yourself.

19 CHAIRPERSON REYNOLDS: Okay, well, how  
20 about this? Why don't we punt this particular issue  
21 of when we would have the business meeting, consult  
22 with Commissioners Braceras and Kirsanow and make a  
23 decision after we get their input.

24 Is this the type of issue that we can --

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1 do we need to have a meeting open to the public in  
2 order to make this type of decision?

3 COMMISSIONER YAKI: Could we just do a  
4 phone call?

5 STAFF DIRECTOR MARCUS: Phone calls not  
6 requiring any sort of deliberation about the date, but  
7 simply saying yes or no could be used for a minimal  
8 issue like acceptance of a date.

9 VICE CHAIRPERSON THERNSTROM: Do we need a  
10 phone call for that?

11 CHAIRPERSON REYNOLDS: Ken, is that  
12 required? To nail down a date, is it required that we  
13 either do a phone vote or have a meeting open to the  
14 public?

15 STAFF DIRECTOR MARCUS: We're going to  
16 have to look into whether there would be any problems  
17 if it's not done in public or not. I don't know right  
18 now, but we'll look into it very quickly and look you  
19 know if that would cause a problem.

20 CHAIRPERSON REYNOLDS: Well, I guess this  
21 shooting from the hip -- as long as we -- so long as  
22 we publish to the Federal Register, the date -- 10  
23 days before the meeting, wouldn't we be fine?

24 VICE CHAIRPERSON THERNSTROM: We have

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1 taken votes on trivial matters before without formally  
2 calling a meeting. I'm not talking about whether we  
3 meet on a specific date or not.

4 CHAIRPERSON REYNOLDS: This is not a  
5 substantive issue. In any event, how about this,  
6 let's postpone deciding when the business meeting will  
7 take place and let's just vote on the motion, but  
8 amend it so that you won't decide when the business  
9 meeting will take place.

10 So the only thing that's on the table now  
11 is to have the meeting in Omaha on September 8th.

12 Is there a motion?

13 VICE CHAIRPERSON THERNSTROM: So move.

14 CHAIRPERSON REYNOLDS: Is there a second?

15 COMMISSIONER YAKI: I'll second it.

16 CHAIRPERSON REYNOLDS: Okay, Vice Chair  
17 Thernstrom?

18 VICE CHAIRPERSON THERNSTROM: Aye.

19 CHAIRPERSON REYNOLDS: Commissioner  
20 Taylor?

21 COMMISSIONER TAYLOR: Aye.

22 CHAIRPERSON REYNOLDS: Commissioner Yaki?

23 COMMISSIONER YAKI: Aye.

24 CHAIRPERSON REYNOLDS: Commissioner

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1 Melendez?

2 COMMISSIONER MELENDEZ: Aye.

3 CHAIRPERSON REYNOLDS: Okay, there are  
4 five votes in favor of the motion, none in opposition,  
5 no abstentions. The motion passes.

6 Okay, we need to make room on our schedule  
7 -- so we already voted to have the Omaha briefings in  
8 September and to move up the briefing on magnet  
9 schools to July and I just want to formalize the fact  
10 that we're now pushing the other briefings back two  
11 months.

12 May I have a motion to postpone each of  
13 the remaining briefings for -- and under this motion  
14 each briefing in that period would take place at a  
15 business meeting that is two months following that for  
16 which it was previously scheduled.

17 VICE CHAIRPERSON THERNSTROM: Well, Mr.  
18 Chairman, there's also the fact that we are really  
19 redefining that briefing on magnet schools, I mean to  
20 some extent.

21 CHAIRPERSON REYNOLDS: Yes, but that was  
22 covered. Yes, that was covered. The briefing will be  
23 tailored to address issues that a person --

24 VICE CHAIRPERSON THERNSTROM: All right,

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1 okay. As long as that -- right, that was part of the  
2 motion.

3 COMMISSIONER TAYLOR: This is Commissioner  
4 Taylor. All we're doing is really bumping the two  
5 briefings each by two months, but they'll remain in  
6 the same order as previously agreed upon.

7 CHAIRPERSON REYNOLDS: That's correct.

8 COMMISSIONER TAYLOR: Okay.

9 CHAIRPERSON REYNOLDS: So the motion in  
10 support of this -- will someone please --

11 VICE CHAIRPERSON THERNSTROM: I so move.

12 COMMISSIONER TAYLOR: Second, Commissioner  
13 Taylor.

14 CHAIRPERSON REYNOLDS: Vice Chair  
15 Thernstrom?

16 VICE CHAIRPERSON THERNSTROM: Aye.

17 CHAIRPERSON REYNOLDS: Commissioner  
18 Taylor?

19 COMMISSIONER TAYLOR: Aye.

20 CHAIRPERSON REYNOLDS: Commissioner Yaki?

21 COMMISSIONER YAKI: Aye.

22 CHAIRPERSON REYNOLDS: Commissioner  
23 Melendez?

24 COMMISSIONER MELENDEZ: Aye.

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1 CHAIRPERSON REYNOLDS: The motion passes  
2 unanimously. Next up, on November 18, 2005, the  
3 United States Commission on Civil Rights held a  
4 briefing on anti-Semitism on college campuses in  
5 America. During the course of this briefing,  
6 individual speakers made various statements regarding  
7 anti-semitism on various campuses. The Commission has  
8 rules and regulations on potentially defamatory  
9 testimony offered those individuals and entities,  
10 including universities, who are potentially defamed or  
11 degraded in testimony given at the briefing an  
12 opportunity to respond before the records have closed.

13 Copies of the responses are those  
14 individuals or entities identified in the oral  
15 testimony as if briefing were distributed to  
16 Commissioners on June 8, 2006.

17 May have I motion that the Commissioner  
18 post on its website at the earliest practical time the  
19 responses of the individuals and entities so  
20 identified?

21 VICE CHAIRPERSON THERNSTROM: So moved.  
22 This is Vice Chair Thernstrom.

23 CHAIRPERSON REYNOLDS: Is there a second?

24 COMMISSIONER TAYLOR: Second.

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1 Commissioner Taylor.

2 CHAIRPERSON REYNOLDS: Discussion? Vice  
3 Chair Thernstrom, how do you vote?

4 VICE CHAIRPERSON THERNSTROM: Aye.

5 CHAIRPERSON REYNOLDS: Commissioner  
6 Taylor?

7 COMMISSIONER TAYLOR: Aye.

8 CHAIRPERSON REYNOLDS: Commissioner Yaki?

9 COMMISSIONER YAKI: Aye.

10 CHAIRPERSON REYNOLDS: Commissioner  
11 Melendez?

12 COMMISSIONER MELENDEZ: Aye.

13 CHAIRPERSON REYNOLDS: The motion passes  
14 unanimously.

15 Next up on the agenda is consideration of  
16 proposed information quality guidelines. Would the  
17 Staff Director please provide us with some background  
18 on this issue?

19 STAFF DIRECTOR MARCUS: Certainly, Mr.  
20 Chairman. As part of our on-going efforts to reform  
21 the Commission, we're identifying reports and  
22 guidelines the Commission was legally required to  
23 issue prior to the transition and leadership which has  
24 not previously been done.

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1           One example of this is the data quality  
2 guidelines. The Data Quality Act required the Office  
3 of Management and Budget to develop government-wide  
4 standards for data quality in the form of guidelines.

5       The purpose of the policy is to ensure quality,  
6 objectivity, utility and integrity of the information  
7 that federal agencies disseminate. These issues, as  
8 I'm sure you will recognize, overlap somewhat with  
9 issues that are also contained within GAO evaluations  
10 of the Commission's work.

11           The Commission was actually required to  
12 promulgate our own conforming guidelines based on the  
13 model by September 30, 2002. The Commission did not  
14 publish its guidelines at that time. Even though they  
15 are relevant to some of the issues that we're now  
16 facing and of course, there now relevant to issues  
17 that other agencies also must address.

18           Several months ago I established a staff  
19 working group headed by Dr. Sock Soon MacDougal with  
20 responsibility for formulating draft guidelines  
21 responsive to our legal requirements. As a result of  
22 their efforts and work of various staff members, I'm  
23 delighted that we now have a set of draft guidelines  
24 on information quality intended to ensure that the

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1 quality of Commission data is up to appropriate  
2 standards and to establish a procedure for any outside  
3 person to raise any concerns that they might have, the  
4 quality of Commission data including an appeal  
5 process. That's what is contained within the draft  
6 guideline.

7 CHAIRPERSON REYNOLDS: Okay, may I have a  
8 motion that the Commission approve for publication the  
9 proposed information forwarding guidelines that were  
10 sent to the Commissioners on June 9, 2006 and  
11 furthermore that the Staff Director be authorized to  
12 send these guidelines to the Federal Register for  
13 publication for public notice and comment?

14 VICE CHAIRPERSON THERNSTROM: So moved.

15 CHAIRPERSON REYNOLDS: Is there a second?

16 COMMISSIONER YAKI: Second.

17 CHAIRPERSON REYNOLDS: Discussion?

18 Vice Chair Thernstrom, how do you vote?

19 VICE CHAIRPERSON THERNSTROM: Aye.

20 CHAIRPERSON REYNOLDS: Commissioner  
21 Taylor?

22 COMMISSIONER TAYLOR: Aye.

23 CHAIRPERSON REYNOLDS: Commissioner Yaki?

24 COMMISSIONER YAKI: Yes, wow, aye. This

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1 is brain-numbing. Yes, aye.

2 CHAIRPERSON REYNOLDS: Commissioner  
3 Melendez?

4 COMMISSIONER MELENDEZ: Aye.

5 CHAIRPERSON REYNOLDS: The motion passes  
6 unanimously.

7 At the Commission meeting held on May 5,  
8 2006, the Commission voted to produce a statutory  
9 enforcement report on religious discrimination and  
10 prisoner rights in 2008. The Commission would benefit  
11 from the research and assistance of the State Advisory  
12 Committees and regional offices on this issue as it  
13 prepares the report.

14 May I have a motion to request that the  
15 State Advisory Committees and regional offices take up  
16 the issue of religious discrimination and prisoners  
17 right within their jurisdiction during 2007 to the  
18 extent that funds are available?

19 COMMISSIONER MELENDEZ: So moved.  
20 Commissioner Melendez.

21 CHAIRPERSON REYNOLDS: Is there a second?

22 VICE CHAIRPERSON THERNSTROM: I second.

23 CHAIRPERSON REYNOLDS: Discussion?

24 COMMISSIONER YAKI: Commissioner Yaki has

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1 some questions about this.

2 Question number one, is this a mandate for  
3 the SAC or is this optional for each SAC to consider?

4 CHAIRPERSON REYNOLDS: This is a request.  
5 This is optional.

6 COMMISSIONER YAKI: Okay, number one.  
7 Number two, is that what -- are we giving them a time  
8 line in which to respond?

9 CHAIRPERSON REYNOLDS: Ken?

10 STAFF DIRECTOR MARCUS: I envision giving  
11 them a time line, but it will vary from Committee to  
12 Committee and I suspect that there may be some states  
13 where we might particularly work with the Advisory  
14 Committee if we know that there are relevant issues in  
15 their state. In other words, this is a general  
16 request to the 51 states, but there may be some states  
17 where getting committee input is going to be  
18 particular input and others where it's less important.

19 For those where it looks particularly important,  
20 we'll try to identify the issue, make it known, both  
21 to the regional office and to the Committee and to try  
22 to work with them on a schedule that will keep in mind  
23 the complexity of the issue, the schedule for our own  
24 statutory report and also, of course, the schedule for

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1 rechartering.

2 COMMISSIONER YAKI: Finally, this goes  
3 into the experience that I've had dealing with prison  
4 bureaucracies and that is that at some point I believe  
5 we are going to have to consider the subpoena power  
6 for the purposes of getting information from these  
7 institutions. I just want to make sure that as we go  
8 forward there's clear coordination so we're not  
9 stepping on each other's toes here in terms of  
10 document requests, interrogatories or subpoenas that  
11 may be going forward.

12 CHAIRPERSON REYNOLDS: This is the  
13 Chairman. Before any subpoenas would go out, we would  
14 have a discussion amongst ourselves to ensure that  
15 everyone was comfortable with what we were doing, but  
16 it is important. I'm glad you brought this issue up  
17 because there have been some concerns about how  
18 subpoenas were issued in the past and I just want to  
19 make sure that at least with respect to this project  
20 that everyone knows what we're doing and have an  
21 opportunity on the front end to weigh in.

22 COMMISSIONER YAKI: I'm much less  
23 concerned about the subpoenas, Mr. Chairman, as much  
24 as it is that if you have the state advisory

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1 committees trying to get information from states or  
2 federal prison systems located in their jurisdiction,  
3 then they get a request from OCRE that we don't trip  
4 on each other.

5 CHAIRPERSON REYNOLDS: I understand now,  
6 so what we're talking about here is a coordination  
7 issue.

8 Staff Director Marcus, please make a note,  
9 when we put together a working program, we should be -  
10 - we should put it together with the coordination  
11 issues in mind.

12 STAFF DIRECTOR MARCUS: That's absolutely  
13 fine. We've already been working on these  
14 coordination issues with respect to the analogous  
15 elementary and secondary desegregation program and  
16 we'll certainly want to make similar coordination  
17 efforts when it comes to this one.

18 CHAIRPERSON REYNOLDS: Vice Chair  
19 Thernstrom, how do you vote?

20 VICE CHAIRPERSON THERNSTROM: Aye.

21 CHAIRPERSON REYNOLDS: Commissioner  
22 Taylor?

23 COMMISSIONER TAYLOR: Aye.

24 CHAIRPERSON REYNOLDS: Commissioner Yaki?

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1 COMMISSIONER YAKI: Aye.

2 CHAIRPERSON REYNOLDS: Commissioner  
3 Melendez?

4 COMMISSIONER MELENDEZ: Aye.

5 CHAIRPERSON REYNOLDS: The motion passes  
6 unanimately.

7 COMMISSIONER TAYLOR: Mr. Chair?

8 CHAIRPERSON REYNOLDS: Yes.

9 COMMISSIONER TAYLOR: This is Commissioner  
10 Taylor. I have a question of the Staff Director. Are  
11 we providing any more by way of guidelines or  
12 assistance as to what would be helpful as they go  
13 about their business?

14 STAFF DIRECTOR MARCUS: Commissioner  
15 Taylor, I expect we will want to, but it's going to  
16 require a little bit more in the way of coordination  
17 between our regional people and our headquarters staff  
18 in terms of what people's ideas are before we can give  
19 more formal guidance, but I think that the input that  
20 we get from our State Advisory Committees is going to  
21 be much more helpful if there are common methodologies  
22 used between the different State Advisory Committees  
23 and the different regional offices. So we will want  
24 to get some common template or model put together to

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1 make sure its among the SAC and where the headquarters  
2 office is.

3 COMMISSIONER TAYLOR: Great, I think  
4 that's important for that information and feedback we  
5 receive will be useful and inform out discussion.

6 CHAIRPERSON REYNOLDS: Okay, next up we  
7 have our rechartering package from the North Carolina  
8 State Advisory Committee to recharter the North  
9 Carolina State Advisory Committee.

10 COMMISSIONER TAYLOR: So moved.

11 CHAIRPERSON REYNOLDS: Okay, the following  
12 individuals were -- the Commission appoints the  
13 following individuals to the Committee based on the  
14 recommendations of the Staff Director: Kevin Leonard,  
15 Marian Ackerman, Stella Adams, Reggie Holley, George  
16 Lees, Rick Martinez, Thealette Monet, Rhonda Gillespie  
17 Rainey, Willie Ratchford, Geraldine Sumter and Sarah  
18 Cecilia Taylor.

19 And also, the motion should include -- and  
20 I'd like to offer an amendment. I also move to  
21 appoint Kevin Leonard as the chair of the newly  
22 chartered North Carolina State Advisory Committee.

23 Discussion?

24 STAFF DIRECTOR MARCUS: Mr. Chairman, if I

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1 may, under this motion, would the Commission authorize  
2 the Staff Director to execute the appropriate  
3 paperwork in order to carry out the appointments?

4 CHAIRPERSON REYNOLDS: Yes, and note also  
5 be clear that these members will serve as  
6 uncompensated Government employees and the information  
7 that you just stated, the fact that Staff Director  
8 would be authorized to execute the paperwork provided  
9 this motion carries.

10 All right, any discussion?

11 Vice Chair Thernstrom?

12 VICE CHAIRPERSON THERNSTROM: How do I  
13 vote? Is that the a question?

14 CHAIRPERSON REYNOLDS: I'm Sorry

15 VICE CHAIRPERSON THERNSTROM: Is the  
16 question how do I vote?

17 CHAIRPERSON REYNOLDS: Yes.

18 VICE CHAIRPERSON THERNSTROM: I think this  
19 motion was never seconded. I hate to tell you.

20 CHAIRPERSON REYNOLDS: Is there a second?

21 COMMISSIONER MELENDEZ: Second. Melendez.

22 CHAIRPERSON REYNOLDS: Vice Chair  
23 Thernstrom? You still would vote in the affirmative?

24 VICE CHAIRPERSON THERNSTROM: Aye.

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1 CHAIRPERSON REYNOLDS: Commissioner  
2 Taylor?

3 COMMISSIONER TAYLOR: Aye.

4 CHAIRPERSON REYNOLDS: Commission Yaki?

5 COMMISSIONER YAKI: Abstain.

6 CHAIRPERSON REYNOLDS: Commissioner  
7 Melendez?

8 COMMISSIONER MELENDEZ: Aye.

9 CHAIRPERSON REYNOLDS: Okay, let the  
10 record reflect that four Commissioners voted in the  
11 affirmative and that Commissioner Yaki abstained. The  
12 motion carries.

13 Folks, we're done, unless you have any  
14 additional questions or comments, we're done.

15 VICE CHAIRPERSON THERNSTROM: Amazing.

16 COMMISSIONER TAYLOR: This is Commissioner  
17 Taylor. Staff Director, I just wanted you to know  
18 that for purposes of scheduling the meeting in August,  
19 I am flexible. Any of those options discussed work  
20 for me.

21 CHAIRPERSON REYNOLDS: Ok, well Ken lets -  
22 -- what we're going to do for the business meetings.  
23 There's going to be a August meeting in Washington, a  
24 teleconference or a meeting --

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1                   STAFF DIRECTOR MARCUS:   That's fine.   We  
2   plan to have both a briefing and a business meeting on  
3   September 8 and then we'll find out what people's  
4   availability is for face-to-face business meeting in  
5   August.

6                   VICE CHAIRPERSON THERNSTROM:   In August,  
7   well, that would -- well, would that take care of at  
8   least some of the problems of business meeting in  
9   September, along with the briefing which is what this  
10  -- this is a remedy for that problem, in part, I  
11  thought.

12                  CHAIRPERSON REYNOLDS:   I didn't catch all  
13  that you said.

14                  VICE CHAIRPERSON THERNSTROM:   Well, I mean  
15  I had understood and this is the basis for my original  
16  suggestion.   If we had a meeting in August, it would  
17  take care of some of the business that would otherwise  
18  require an extended business meeting when we're out in  
19  Omaha.

20                  CHAIRPERSON    REYNOLDS:           That   was   my  
21  understanding.   It was my understanding that if we had  
22  the August meeting that we would get you the briefings  
23  --

24                  VICE CHAIRPERSON THERNSTROM:   But that is

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1 not the way the Staff Director just described it.

2 STAFF DIRECTOR MARCUS: Okay, I appreciate  
3 the clarification. I did not -- I was not clear on  
4 that. The consensus is that there will be no business  
5 meeting in the month of September.

6 CHAIRPERSON REYNOLDS: Provided that there  
7 is an August meeting or that we have a teleconference.

8 VICE CHAIRPERSON THERNSTROM: Right. Or  
9 provided there is absolutely no urgent business.

10 STAFF DIRECTOR MARCUS: Okay, that's fine.  
11 So we will be in touch with people about their  
12 availability for the --

13 COMMISSIONER YAKI: Do we -- for the  
14 September meeting, is there a possibility that we  
15 could -- what kind of location are we thinking of  
16 doing it in? For two reasons, one, so we know what  
17 hotel to try and book to be nearby, so we're not  
18 spending a lot of money on cabs or cars or whatever.

19 STAFF DIRECTOR MARCUS: Commissioner Yaki,  
20 this is Staff Director again. We are currently  
21 looking into hotels in Omaha. The first thing we're  
22 looking into is the prospect of arranging for a  
23 package with a hotel under which all of us would be  
24 staying at the hotel and we would actually have the

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1 meeting in the hotel which would give us potentially a  
2 better deal financially.

3 COMMISSIONER YAKI: That's what I thought  
4 would make the most sense, but I didn't want to  
5 intrude on your authority.

6 STAFF DIRECTOR MARCUS: There are other  
7 possibilities, but that's what we're looking at as the  
8 first preference.

9 COMMISSIONER YAKI: So we won't book a  
10 hotel until we otherwise hear from you?

11 STAFF DIRECTOR MARCUS: Yes.

12 VICE CHAIRPERSON THERNSTROM: This is a  
13 small comment on that, when we were on the road under  
14 the previous regime, we ended up in really grungy  
15 hotels. I have a preference for hotels that are not  
16 grungy.

17 CHAIRPERSON REYNOLDS: I'm sure that we  
18 all share that preference.

19 STAFF DIRECTOR MARCUS: We will certainly  
20 be looking for a hotel that is of standards that are  
21 appropriate for Commission meetings. Of course, we'll  
22 be looking for hotels that meet Government standards  
23 in terms of Government rates, but looking for the  
24 highest quality we can within Government payment

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1 parameters.

2 COMMISSIONER YAKI: I don't know if grunge  
3 is in the FARs, but we can take a look at that.

4 CHAIRPERSON REYNOLDS: Okay, folks, if  
5 there's nothing else, we can adjourn.

6 (Whereupon, at 1:16 p.m., the Commission  
7 meeting was concluded.)

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