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BUSINESS MEETING

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FRIDAY, APRIL 19, 2024

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The Commission convened at 1331  
Pennsylvania Avenue, NW, Suite 1150, Washington, DC  
and via Videoconference at 10:00 a.m., Rochelle  
Garza, Chair, presiding.

PRESENT:

ROCHELLE GARZA, Chair

VICTORIA NOURSE, Vice Chair

JOHN C. ADAMS, Commissioner

STEPHEN GILCHIRST, Commissioner

GAIL HERIOT, Commissioner

MONDAIRE JONES, Commissioner

PETER KIRSANOW\*, Commissioner

GLENN MAGPANTAY, Commissioner

ANDRES CORDOVA, Chair, Puerto Rico

Advisory Committee

PAMELA COLON, US Virgin Islands

Advisory Committee

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WAYNE HEARD, Chair, District of Columbia

Advisory Committee

NADINE SMITH\*, Chair, Florida

Advisory Committee

MAURO MORALES, Staff Director

PILAR McLAUGHLIN, General Counsel

STAFF PRESENT:

ROBERT AMARTEY

DAVID BELL

NAOMI BURRELL

MONICA COOPER

PAMELA DUNSTON

DAVID GANZ, Parliamentarian

EARL HARRIS\*, WebEx Producer

HYUNG KIM

TINALOUSIE MARTIN, Director, OM

JULIAN NELSON-SAUDNERS

PRINCE OLUBAKINDE

ESSENCE PERRY

JOHN RATCLIFFE

ANGELIA RORISON, Director, PAU

JERRI SHEPARD

JACOB SWANSON

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COMMISSIONER ASSISTANTS PRESENT:

ALEXIS FRAGOSA

CARISSA MULDER

THOMAS SIMUEL

IRENA VIDULOVIC

STEPHANIE WONG

YVESNER ZAMAR

\* Participating virtually

# UNEDITED

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

10:06 a.m.

MR. HARRIS: Good day. And welcome to the US Commission on Civil Rights monthly business meeting. Today's conference is being recorded. At this time I would like to turn the conference over to Chair Rochelle Garza. Please go ahead.

CHAIR GARZA: Good morning, everyone. We're going to go ahead and get started. This business meeting of the United States Commission on Civil Rights comes to order at 10:06 a.m. Eastern time on Friday, April 19th, 2024. This meeting is taking place at the Commission's Headquarters located at 1331 Pennsylvania Avenue, Northwest, Washington, D.C.

I'm Chair Rochelle Garza. I'd like to do a roll call. So if we could please confirm your presence when I say your name. I'll start with Vice Chair Nourse?

VICE CHAIR NOURSE: Present.

CHAIR GARZA: Commissioner Adams?

COMMISSIONER ADAMS: Present.

CHAIR GARZA: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: Present.

CHAIR GARZA: Commissioner Heriot?

COMMISSIONER HERIOT: I'm here.

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1 CHAIR GARZA: Commissioner Jones?

2 COMMISSIONER JONES: Present.

3 CHAIR GARZA: Commissioner Kirsanow?

4 COMMISSIONER KIRSANOW: Here.

5 CHAIR GARZA: Commissioner Magpantay?

6 COMMISSIONER MAGPANTAY: I'm here.

7 CHAIR GARZA: Wonderful. Based on that  
8 we, based on that roll call we have a full Commission  
9 present. Is the court reporter present?

10 COURT REPORTER: Yes.

11 CHAIR GARZA: Court reporter is present.  
12 Is the Parliamentarian present?

13 MR. GANZ: Hi, this is David Ganz. I'm  
14 present.

15 CHAIR GARZA: Wonderful. Is the Staff  
16 Director present?

17 MR. MORALES: I am present.

18 APPROVAL OF THE AGENDA

19 CHAIR GARZA: So, we're going to now  
20 proceed with today's agenda as posted on the Federal  
21 Register. Today we're going to consider the following  
22 agenda items.

23 Presentation by the Florida Advisory  
24 Committee Chair, Nadine Smith, on the voting rights in  
25 Florida following recent amendments to the election

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1 code.

2 Followed by a presentation by the United  
3 States Virgin Islands Advisory Committee Chair, Pamela  
4 Colon, on the status of Civil Rights in the U.S.  
5 Virgin Islands. Thank you for being here.

6 Then we will hear from, we'll hear a  
7 presentation by Puerto Rico Advisory Committee Chair,  
8 Andrés L. Cordova, on the insular cases and the  
9 doctrine of the unincorporated territory and its  
10 effects on the Civil Rights of the residents of Puerto  
11 Rico.

12 And then we will go ahead and conclude  
13 with the Staff Director's Report.

14 At this time, are there any motions to  
15 amend the current agenda?

16 COMMISSIONER JONES: Yes, Madam Chair. I  
17 --

18 CHAIR GARZA: Commissioner Jones, go  
19 ahead.

20 COMMISSIONER JONES: I would like to amend  
21 the agenda to include a vote to change our July  
22 business meeting date from July 19th to July 12th  
23 telephonically, in order to meet the voted upon  
24 timeline for our approval of the statutory enforcement  
25 report.

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1 CHAIR GARZA: Okay. Do we have a second?

2 COMMISSIONER HERIOT: I'll second that.

3 CHAIR GARZA: Commissioner Heriot seconds.

4 Any discussion? Commissioner Adams, go ahead.

5 COMMISSIONER ADAMS: Commissioner Jones, I  
6 don't have anything per say against this, except I  
7 haven't checked my calendar. Is this, the meeting was  
8 the 19th, right?

9 COMMISSIONER JONES: That's correct.

10 COMMISSIONER ADAMS: And we're bumping it  
11 to the 12th?

12 COMMISSIONER JONES: That's right.  
13 Because that's the timeline that we voted on for  
14 approval, or disapproval I guess, of the Statutory  
15 Enforcement Board. So it just makes sense to have  
16 that during our July business meeting?

17 COMMISSIONER ADAMS: I don't have anything  
18 on that day.

19 CHAIR GARZA: Okay, wonderful.

20 (Laughter.)

21 COMMISSIONER ADAMS: I just didn't know.  
22 This is the first I heard this so, okay.

23 (Laughter.)

24 CHAIR GARZA: Well I appreciate you,  
25 Commissioner Adams, for checking your calendar in real

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1 time.

2 COMMISSIONER JONES: And, Madam Chair,  
3 just --

4 COMMISSIONER ADAMS: Was this on email?  
5 I'm sorry, it just totally slipped me. I didn't see  
6 this.

7 COMMISSIONER JONES: I think my  
8 understanding is --

9 COMMISSIONER ADAMS: Okay. Very good.

10 COMMISSIONER JONES: Okay. All right.  
11 But it would be telephonic, by the way. I just want  
12 to reiterate that.

13 CHAIR GARZA: Yes.

14 COMMISSIONER HERIOT: I just want to  
15 clear, we're just moving right now to change the  
16 agenda? Where are we putting this on the agenda?

17 CHAIR GARZA: Oh.

18 COMMISSIONER HERIOT: Or do you want to  
19 make a motion to put it right now?

20 CHAIR GARZA: Yes.

21 COMMISSIONER JONES: I would amend my  
22 motion to include a vote for right now.

23 COMMISSIONER ADAMS: Second.

24 COMMISSIONER HERIOT: Okay. I will  
25 include my second on that too.

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1 CHAIR GARZA: Okay. So do, I guess we can  
2 call to question, do we want to do a roll call vote on  
3 moving the --

4 COMMISSIONER HERIOT: That we don't need  
5 to.

6 CHAIR GARZA: No? Okay. We'll just do a  
7 verbal aye or nay on moving the business meeting date,  
8 our July business moving date from July 19th to July  
9 12th. And we're going to host that electronically,  
10 telephonically, in order to meet our deadlines for the  
11 statutory enforcement report. All those in favor?

12 (Chorus of aye.)

13 CHAIR GARZA: Any opposed? Okay, motion  
14 passes unanimously.

15 BUSINESS MEETING

16 CHAIR GARZA: All right. Well now we can  
17 get to the business items that we have on today's  
18 agenda. As I said, in today's meeting we are  
19 privileged to hear from three of our, of the  
20 Commission's Advisory Committees Chairs.

21 The Advisory Committees are instrumental  
22 in addressing civil rights issues locally and  
23 statewide, advocating for justice and equality through  
24 their investigations, public hearings, and reports.  
25 And their commitment ensures that civil rights remain

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1 a central focus in policy discussions, providing a  
2 foundation for meaningful change and protecting the  
3 rights of all citizens. So, we thank our chairs for  
4 their dedication and for making the journey to share  
5 their insights with us today.

6 And so, prior to getting into the agenda,  
7 I would like to acknowledge the presence of Chair  
8 Wayne Heard, from the DC Advisory Committee, who has  
9 joined us today. Although he is not presenting, his  
10 attendance is greatly appreciated and underscores the  
11 collaborative spirit of our committees in addressing  
12 civil rights issues. So thank you for being here as  
13 well.

14 And now we're going to go ahead and move  
15 on with our presentation. Up first we will hear from  
16 our Florida Advisory Committee Chair, Nadine Smith, on  
17 the Committee's report voting rights in Florida  
18 following recent amendments to the election code.

19 Thank you, Chair Smith, for your joining  
20 us. As we are in the midst of a Presidential election  
21 year, the Florida SACs report comes at an important  
22 time. It explores the significant changes in  
23 Florida's election laws and their impacts on civil  
24 rights.

25 The Committee's diligent efforts in

1 compiling this report underscores the ongoing need for  
2 strong oversight of election reforms to ensure voters  
3 are not being disenfranchised. We look forward to  
4 hearing the bipartisan recommendations from this  
5 report about how to improve legislative amendments to  
6 reduce restrictions that impact access to the ballot  
7 box. Chair Smith, the floor is yours.

8 PRESENTATION BY THE FLORIDA ADVISORY COMMITTEE

9 CHAIR, NADINE SMITH, ON VOTING RIGHTS IN FLORIDA

10 MS. SMITH: Thank you. And thank you to  
11 the Commission for the invitation to speak on what is  
12 now our second sort of installment of the deep dive  
13 into the voting landscape in the State of Florida.

14 And I want to tip our hat to our Advisory  
15 Committee. It has been a truly bipartisan effort. It  
16 has, we have invested a great deal of time, done of a  
17 great deal of listen, and I'm very proud of what has  
18 come out of all of the representation that is  
19 reflected in this report.

20 As you may know, in the aftermath, the  
21 2020 General Election, there were lots of claims in  
22 the media of voter fraud and other unsubstantiated  
23 claims. And in the midst of that the Florida  
24 legislature adopted Senate Bill 90 and Senate Bill 524  
25 that amended different provisions within the state's

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1 election code.

2 In January of 2022 we took on, we doctored  
3 a proposal to study what the impact of those  
4 amendments would be on voting rights in our state. So  
5 the study took place as a follow-up to our October  
6 2020 report that was entitled voter rights and voter  
7 disenfranchisement in Florida. The Committee, we  
8 updated our, the 2023 report and examined civil rights  
9 concerns raised by these two pieces of legislation.

10 So just to, for clarity, Senate Bill 90,  
11 prior to its adoption state law already allowed voters  
12 to return vote by mail ballots to drop box. Senate  
13 Bill 90 tightened the requirements on the use of those  
14 drop boxes. Specifically among the requirements were  
15 that drop boxes only be made available at permanent  
16 election branch offices, that drop boxes only be used  
17 during early voting hours, and that drop boxes had to  
18 be monitored continuously in person by an employee  
19 while they were accessible.

20 And election supervisors would be subject  
21 to up to \$25,000 in civil penalties if staff stepped  
22 away from the drop box, even momentarily, as a  
23 consequence of these provisions.

24 So with respect to the work of third-party  
25 voter registration organizations, Senate Bill 90

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1 imposed new requirements that these groups send all of  
2 their voter registration forms either to the correct  
3 supervisor of election for each voter county, or to  
4 the Department of State within 14 days of receiving  
5 them. And the legislation included substantial  
6 penalties for third-party registration groups, whether  
7 they mistakenly sent the registration to, you know,  
8 Brevard instead of Broward. Or sent them after that  
9 14 day deadline. And we heard from, you know,  
10 different organizations about the tilling effect that  
11 it had on their voter registration efforts.

12 SB 90 also specified that election  
13 supervisors may not send a vote by mail ballot to  
14 voters without an expressed request. Expect for votes  
15 with disabilities or if they were overseas voters, or  
16 if it was a local referendum.

17 And they reduced the period under which  
18 such requests were valid from four years to two years.

19 So if you didn't expressly renew you were no longer  
20 automatically sent a vote by mail ballot.

21 And then finally, SB 90 imposed new voter  
22 identification requirements for voters requesting a  
23 vote by mail ballot. And it restricted socialization  
24 activities, that's the term, in voting areas.  
25 Including line warming activities, such as handing out

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1 water or fans or snacks or chairs, ponchos, anything  
2 like that, umbrellas.

3 And it barred any person from  
4 distributing, requesting collating, delivering, or  
5 possessing more than two voter vote by mail ballots.  
6 Except for ballots from immediate family members.  
7 Which prohibited third-party groups from collecting  
8 vote by mail ballots and returning them to election  
9 officials.

10 Previously, any person involved in  
11 collecting or delivering vote by mail ballots was  
12 prohibited only from accepting any pecuniary benefit  
13 for the service.

14 Now, state Senate Bill 524 established an  
15 office of election crimes and security within the  
16 Department of State. And the Secretary of State's  
17 Office was then responsible for investigating, I  
18 should say it this way. The Secretary of State's  
19 Office prior to this was responsible for  
20 investigating. This new legislation required the  
21 Secretary to place greater emphasis on such  
22 responsibilities by establishing an office that  
23 focused solely on election crimes and security.

24 And we heard from advocates across the  
25 state who raised concerns that prosecuting people for

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1 good faith mistakes, or even negligence in  
2 experiencing their right to vote created a substantial  
3 burden on that fundamental right. And this was a  
4 situation made more complex because voters, via ballot  
5 measure, had restored rights of returning citizens,  
6 felons who had paid their debt to society, et cetera.

7 And then the laws that the legislature  
8 propagated after that created such confusion that  
9 people who were given, who identified themselves as  
10 former felons were told through the state machinery  
11 that they were allowed to vote got caught up in this  
12 net. So it established Senate Bill 524.

13 Also established the county supervisors of  
14 elections much update the voter registration list  
15 annual rather than biannually requiring greater  
16 interagency coordination. And it also prohibits  
17 municipalities from adopting ranked choice voting.  
18 And it enhanced penalties for "ballot harvesting."  
19 Activities from a misdemeanor became a third-degree  
20 felony. And required the Department of State to  
21 develop a plan to require additional identification  
22 when returning vote by mail ballots to confirm  
23 identity.

24 So that's the, that was the landscape that  
25 we were looking at. And what emerged from that, I'll

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1 just focus on the key points that emerged to leave  
2 time for questions.

3 But Florida's 2020 presidential election,  
4 which of course was held in the midst of a global  
5 pandemic, we had over 11 million votes cast. We has  
6 few complaints of long lines. And a low rate for the  
7 State of Florida of vote by mail rejections.

8 So it was, so this is why the, given that  
9 the amendments that followed that general election of  
10 these two bills seemed to be looking to solve a  
11 problem that had not been substantiated. Which is  
12 part of what our, why we wanted to look more deeply at  
13 this.

14 Now some of the provisions were blocked.  
15 The U.S. District Court for the Northern District of  
16 Florida blocked several of SB 90's provisions finding  
17 that the legislature had enacted the laws for racially  
18 discriminatory reasons. Later the U.S. Court of  
19 Appeals for the 11th Circuit rejected the District  
20 Court's ruling and allowed the provisions to take  
21 affect during the 2020 midterm elections.

22 Despite the new restrictions on, that SB  
23 90 imposed, we really did not have enough data to show  
24 any immediate impact. And it's quite likely that  
25 because of the nature and the timing of this there is

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1 going to have to be more data gathered and reviewed to  
2 be able to say whether or not this has had a negative  
3 impact, a positive impact or no impact at all.

4 And so concerns remain regarding  
5 restrictions governing the use of ballot boxes, the  
6 new rules governing third-party voter registration,  
7 which is a major way that people access their right to  
8 vote. Ballot collection groups.

9 And potential intimidation of legally  
10 authorized voters resulting from prosecutions within  
11 this newly established office of election crimes and  
12 security. These are matters that we committed to  
13 monitoring, very closely.

14 The Office of Election Crimes and Security  
15 did some very high-profile arrests. You know,  
16 cameras, perp walks, the whole thing, despite the fact  
17 that overwhelmingly those cases were, did not result  
18 in any convictions.

19 Again, the recommendations. Around ballot  
20 boxes the Committee is recommending that the Florida  
21 legislature modify both of those senate bills.

22 When it comes to ballot drop box we ask  
23 them to consider whether continuous live monitoring of  
24 video camera and lock box locations may be adequate  
25 substitute for the very costly and onerous in-person

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1 staffing.

2           Around third-party registration we  
3 recommend a reduction in penalties for inadvertent or  
4 isolated violations of registration related  
5 requirements by third-party voters. These groups  
6 acting in good faith as opposed to, you know, a  
7 conspiracy of an attempting to rig the system.

8           Vote by mail ballots, we ask for the  
9 monitor, them to monitor and publicly disclose data  
10 regarding vote by mail ballot rejections, expired vote  
11 by mail ballot requests, and address verification  
12 efforts.

13           Line warming activities include specific  
14 provisions to allow private line relief, such as food  
15 and water distribution and chairs. Require restroom  
16 access where feasible at polling places where lines  
17 are reasonably expected. Florida has a history of  
18 long lines, particularly in Black, majority Black  
19 districts. And so there is a deep concern that long  
20 lines, while cutting off the ability for people to get  
21 relief from sitting in lawn chairs, drinking water,  
22 bathroom excess when there are hours and hours of  
23 waiting, that we can do better than that.

24           And then when it comes to the Office of  
25 Crimes and Security, require the office to focus on

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1 identifying widespread or systemic fraud. Focus on  
2 specialized efforts on cybersecurity to protect voter  
3 registration rolls, voting equipment and election  
4 related computer systems.

5 And, you know, as I said earlier, there  
6 were high-profile arrests that did not request in  
7 convictions, but we heard from any different people  
8 that it had a chilling effect. Especially for people  
9 trying to access these, returning citizens trying to  
10 access their right to vote as the overwhelming  
11 majority of Floridians voted via ballot measure to  
12 restore those rights.

13 Voter list maintenance requirements.  
14 Implement proactive verification efforts to ensure  
15 that updating voter registration rolls does not  
16 inaccurately remove eligible voters. And a better job  
17 basically of communicating these changes in law to the  
18 public. Evaluate proposed changes in election law to  
19 ensure they will not improperly make voting more  
20 difficult, particularly for members of historically  
21 marginalized communities.

22 And with that I will pause for questions.

23 I do want to say that as someone who has been a  
24 member of the Committee and has Chaired the Committee  
25 now for a number of years, this has been a really

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1 hardworking Committee. It has been a fairly balanced  
2 Committee.

3 And I fear right now that we've had a  
4 number of resignations, people that have moved out of  
5 state and are seeking, I think, to be on other  
6 committees where they live now, but it has left us in  
7 a position where we have a number, a very large number  
8 of absences or vacancies on our advisory board. And  
9 it has, and it is doing a disservice now as we prepare  
10 to head into the next phase of our public, you know,  
11 the next phase of our hearings.

12 And I really want to ask the Committee to  
13 consider very strongly helping us reconstitute all  
14 these absences, vacancies on our board. I think we  
15 have worked very well together because there has been  
16 a balance of viewpoints and perspectives. And now we  
17 are in a position where we don't have our full  
18 complement.

19 And I know that there are a number of  
20 other states that are perhaps, you know, worst off  
21 than Florida. But I just want to encourage the  
22 Commission not to starve one of your fastest horses.  
23 We've got a lot of work to do and we really need to  
24 have a fully functioning Advisory Board. And with  
25 that, I turn it back over to you, Chair. And thank

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1 you for your attention.

2 CHAIR GARZA: Thank you, Chair Smith.  
3 Appreciate your comments on your report and your  
4 requests at the end. This is something that we are  
5 working to address actively.

6 So with that I'm going to just turn it  
7 over to Commissioners for any particular questions.  
8 Please let me know if you want to be recognized.

9 COMMISSIONER ADAMS: Madam Chair?

10 CHAIR GARZA: Yes, Commissioner Adams.

11 COMMISSIONER ADAMS: Thank you, Chair  
12 Smith, for your report. I have a number of questions.

13 I so wish you could be here in person, only because I  
14 hope you can hear me okay. And if you don't, please  
15 let me know.

16 So the first question I have is, your  
17 report says that SB 90 seems to say there is no  
18 impact. Is that a fair characterization?

19 MS. SMITH: I'm sorry --

20 COMMISSIONER ADAMS: There --

21 (Simultaneous speaking.)

22 MS. SMITH: -- you're asking me if we're  
23 saying that SB 90 has no impact?

24 COMMISSIONER ADAMS: Well, what would you  
25 say about the impact because I thought it said that

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1 you couldn't find any impact of SB 90.

2 MS. SMITH: Oh. One of the challenges  
3 that --

4 COMMISSIONER ADAMS: I --

5 MS. SMITH: I understand your question  
6 now. I think one of the challenges that we face is  
7 the accessing data that would allow us to dive deep  
8 enough for that analysis.

9 COMMISSIONER ADAMS: Okay. So in other  
10 words --

11 MS. SMITH: And what --

12 COMMISSIONER ADAMS: -- you don't have the  
13 data to show an impact right now?

14 MS. SMITH: Right. We think that this is  
15 something that's going to require at least one more  
16 election cycles. Both in terms of the compilation of  
17 the data and the ability to just make comparisons  
18 between pre-SB 90 and post-SB 90.

19 COMMISSIONER ADAMS: Your report also  
20 references a number of times the term "unnecessary  
21 burdens" in the report. Wouldn't you agree with me  
22 that there is some tension between saying that there  
23 is no impact you found so far, and yet there is  
24 unnecessary burdens? Is that a consistent conclusion?

25 MS. SMITH: Well I would say that what we

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1 heard, if you were to read through all of the  
2 testimony we heard, there were a lot of assertions  
3 from organizations that work closely with the public  
4 from individuals that provided testimony. Pardon me.

5 But the data to, the access to data, so for example,  
6 if you said to me, our lines were seven hours long,  
7 could we, through the state, find the information that  
8 showed us precisely how long all the waiting periods  
9 were all across the state and then do a comparison  
10 based on historically marginalized communities, we  
11 don't have that data.

12 COMMISSIONER ADAMS: All right. Let me  
13 ask you --

14 MS. SMITH: So people --  
15 (Simultaneous speaking.)

16 COMMISSIONER ADAMS: I'm sorry.

17 MS. SMITH: Oh sure, go ahead.

18 COMMISSIONER ADAMS: Page 22 and 21, 22,  
19 23, I want to ask you about your reliance on Judge  
20 Walker's opinion. That was reversed, wasn't it?  
21 Judge Walker's --

22 MS. SMITH: On --

23 COMMISSIONER ADAMS: -- district court  
24 opinion.

25 MS. SMITH: Yes.



1 COMMISSIONER ADAMS: Okay.

2 MS. SMITH: The district court --

3 COMMISSIONER ADAMS: Yet your report --

4 (Simultaneous speaking.)

5 COMMISSIONER ADAMS: -- makes a great deal  
6 of reliance on a reversed opinion by the 11th circuit,  
7 doesn't it?

8 MS. SMITH: I believe what we're doing is  
9 lifting up, I mean, we take the testimony of  
10 organizations, of individuals, and the arguments that  
11 are made within it.

12 COMMISSIONER ADAMS: And those --

13 MS. SMITH: But we're not --

14 COMMISSIONER ADAMS: -- were rejected by -  
15 -

16 MS. SMITH: -- decision --

17 COMMISSIONER ADAMS: -- the 11th circuit,  
18 weren't they?

19 MS. SMITH: Well the conclusions are  
20 rejected but the issues that are raised are ones that  
21 we, I mean, just to be clear, when we, we are not a  
22 legal body. We're not here deciding what is and what  
23 is not, you know, within this legal realm. We are  
24 surfacing the concerns that are being raised by the  
25 public about access to the ballot.

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1           So to the degree that information included  
2           in that trial was information was helpful for us in  
3           seeking to understand where impediments might exist,  
4           then we relied both on what came out of the U.S.  
5           district court in the northern district, and also what  
6           came out of the U.S. court of appeals for the 11th  
7           circuit.

8           COMMISSIONER ADAMS: Thanks. I want to  
9           ask you a series of questions regarding your testimony  
10          involving the state-wide election crime's office. And  
11          your, it's fair to say that you aren't a advocate or  
12          fan of that office, is that a fair assessment?

13          MS. SMITH: Whether, I had lots of  
14          questions, as I think many people do, about --

15          COMMISSIONER ADAMS: Well let me put it  
16          this way, do you --

17          CHAIR GARZA: Commissioner?

18          (Simultaneous speaking.)

19          CHAIR GARZA: Commissioner?

20          COMMISSIONER ADAMS: -- support its  
21          existence?

22          CHAIR GARZA: I'm going to interrupt here.  
23          Commissioner Adams, because she's on the phone --

24          COMMISSIONER ADAMS: Wait.

25          MS. SMITH: -- let's let her answer.

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1                   COMMISSIONER ADAMS: Right. I'm trying to  
2 focus her into so I can, these are just foundational  
3 questions.

4                   CHAIR GARZA: Okay. But we --

5                   COMMISSIONER ADAMS: So, well listen, I  
6 heard your testimony, I'll move on to the next  
7 question.

8                   Would you agree with me if county  
9 prosecutors were not pursuing good faith credible  
10 referrals that there might be a need for a state  
11 election crimes office?

12                   MS. SMITH: I think my role is to reflect  
13 the product of the Committee rather than what I  
14 specifically think in any of these. And I think part  
15 of what our Committee has done well is to keep in mind  
16 that isn't the, this is not a report of any  
17 individual, and so I do want to stay within the lane  
18 of reflecting the overall recommendations of the  
19 Committee.

20                   And I would say that while there was,  
21 across the board, a desire to ensure that only people  
22 who ought to legally be able to vote, vote, there is  
23 also concern that we heard from the public that these  
24 high-profile arrests that did not result actually in  
25 any convictions and that seemed to be products of

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1       misunderstanding were not, were having, we were  
2       reasonable for people to say that has a chilling  
3       effect.

4                   COMMISSIONER ADAMS: Do you know who Craig  
5       Latimer is?

6                   CHAIR GARZA: Commissioner Adams, I'm  
7       going to interrupt here.

8                   COMMISSIONER ADAMS: That was a yes or no  
9       question and --

10                   (Laughter.)

11                   COMMISSIONER ADAMS: -- 45 seconds.

12                   CHAIR GARZA: I'll let her, I'll let her  
13       answer the questions but we've got to open it up for  
14       other folks --

15                   COMMISSIONER ADAMS: Understood --

16                   CHAIR GARZA: -- to ask questions, okay?

17                   COMMISSIONER ADAMS: -- Madam Chair. But  
18       I --

19                   CHAIR GARZA: Just, if you can ask --

20                   COMMISSIONER ADAMS: -- almost never ask  
21       questions like this. This is an area of particular  
22       concern. I only have a few more, so if I could please  
23       proceed.

24                   CHAIR GARZA: One more question, if that's  
25       all right --

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1 COMMISSIONER ADAMS: Really?

2 CHAIR GARZA: -- so we can open up to  
3 others. And then we'll go back to you.

4 MS. SMITH: You're asking me if I know who  
5 Craig Latimer is?

6 COMMISSIONER ADAMS: Well, I can tell you,  
7 he's the supervisor of elections of Hillsborough  
8 County.

9 MS. SMITH: He's the Hillsborough  
10 supervisor.

11 COMMISSIONER ADAMS: Right.

12 MS. SMITH: Yes.

13 COMMISSIONER ADAMS: He refuses --

14 MS. SMITH: I know who he is.

15 COMMISSIONER ADAMS: -- to report  
16 elections crimes, doesn't he, to the county attorney?

17 MS. SMITH: I'm sorry, I couldn't hear the  
18 full, everything you said --

19 VICE CHAIR NOURSE: Isn't this in the  
20 report, Mr. Adams?

21 COMMISSIONER ADAMS: Well, listen, you can  
22 ask your questions. Isn't it true that Craig Latimer,  
23 the Hillsborough County election supervisor, refuses  
24 to report election crime, potential election crimes,  
25 to the county attorney?

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1 MS. SMITH: I don't know.

2 COMMISSIONER ADAMS: Okay. That's all I  
3 have.

4 CHAIR GARZA: Okay, thank you,  
5 Commissioner Adams. I'm going to move on to other  
6 folks that have questions. I saw Vice Chair Nourse,  
7 you have your hand up.

8 VICE CHAIR NOURSE: Thank you very much,  
9 ma'am, for working on this difficult report. I was  
10 born in a little town called Dunedin, Florida. And my  
11 sisters live in Sarasota and Clearwater respectively  
12 so I've got a lot of interest in what's going on in  
13 Florida.

14 So I know this is often difficult these  
15 days. We have had a very difficult set of elections.  
16 We have had events in this country that have never  
17 occurred involving violence and elections. And there  
18 are lots of differing views about how to approach  
19 that.

20 My question for you is really about how  
21 you plan to proceed with this. I think the overall  
22 reading I have of the report is that some of this was  
23 litigated. The district court's opinion was rejected  
24 in the 11th circuit, that is set forth in the report,  
25 as any good legal document would.

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1           And you go on to say, well, we simply  
2           don't have the data. And I think that sounds correct  
3           in the terms of being, you know, a legal law  
4           professor, social scientist. Yes, you're going to  
5           need more time to do that.

6           So my question is, as you move forward do  
7           you have any plans to seek more data from the Election  
8           Crimes and Security Administration?

9           I've looked at their website. They  
10          investigate about 1,300 people. They came up with  
11          about 100 cases that they refer to the Attorney  
12          General. Typically in most states the Attorney's  
13          General Office handles these things. This is a  
14          special commission.

15          And so, when I looked at their report I  
16          was just curious as to, if there's any data about who  
17          they are prosecuting? And based on race, sex, gender,  
18          those kinds of things.

19          That's question one. And question two is,  
20          one thing that may be affecting all of this is your  
21          felon disenfranchisement amendment. And there are  
22          individuals who are assessed fines, but Florida had  
23          difficulty telling them what the fines were. So how  
24          much of an impact has that had?

25          So the first one is, are you capable of

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1 trying to push forward on data from the Election  
2 Crimes Agency, and two, what impact do you think that  
3 the question of fines has had on confusion about  
4 voting eligibility?

5 MS. SMITH: Thank you. To your first  
6 question, about the accessing data, it has been a  
7 challenge. In our report in 2020 we actually were not  
8 able to get anyone from the Governor's office or  
9 Secretary of State's office to meet with the  
10 Commission. The Advisory Committee.

11 This time the Secretary of State did  
12 attend and did provide us testimony. The challenge  
13 is, both in terms of what was available and the  
14 timeline it was available for us to incorporate, and  
15 also in places, data that just wasn't include, this  
16 isn't currently being gathered.

17 So we were not able to, at the time we  
18 began this, and we were holding our hearings, or  
19 public hearings, the data from the election office was  
20 not, you know, it was not available. What we had were  
21 high-profile arrests that had made a lot of  
22 television, a lot of headlines. And all of those  
23 became very murky.

24 So people were testifying that, as you  
25 say, for someone who was convicted of a felony, served

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1 their time, was a returning citizen seeking to vote,  
2 the ability to find out who gives you the green light  
3 that says, you're good, you check all the boxes, that  
4 has been repeatedly brought to us as a huge obstacle.

5 And then people who believe they had checked all the  
6 boxes, cast their ballot, some of them were suddenly  
7 on television being in a perp walk, you know, looking  
8 like they had very intentionally subverted the law.

9 So I think that, you know, looking forward  
10 I think all of the questions that we weren't able to  
11 answer because we couldn't access data, the  
12 information that has subsequently come online, there  
13 had been changes already in how this office functions.

14 I think there was an issue of jurisdiction in the  
15 first iteration of the election office that subsequent  
16 legislation altered.

17 So yes, I do think that while there are  
18 many red flags and concerns that have been raised we  
19 have to see where the data takes us. And that,  
20 unfortunately, is going to take both the time to  
21 collect it but also some, I would hope some initiative  
22 on the Secretary State's Department and the Division  
23 of Elections to actually gather that information in a  
24 good faith effort to seek understanding of what impact  
25 it's having.

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1                   VICE CHAIR NOURSE: Thank you.

2                   CHAIR GARZA: So I think we're going to  
3 just do one more question. And, Commissioner  
4 Magpantay?

5                   COMMISSIONER MAGPANTAY: Thanks, Chair  
6 Smith, for your service and for the great work that  
7 you all are doing. It's important, and I'm grateful  
8 to you for everything that is here, and also managing  
9 a committee tries to bring in a report, that tried to  
10 bring in inclusive views of everyone in Florida.

11                   The, and I'm looking at the report, again,  
12 of the second finding. And my colleague Mr. Adams I  
13 think was right about the District Court opinion.

14                   But I wanted to ask, Chair Smith, so the  
15 court can find that there is not an intentionally  
16 racially discriminatory impact of these laws on racial  
17 and ethnic minorities in the state of Florida. I get  
18 that. I see that in the opinion.

19                   But it could be that there is still a  
20 racially disparate impact that has the effect of  
21 disenfranchising racial and ethnic minority voters in  
22 the State of Florida, you just don't have the data  
23 yet. But that is very much possible, correct?

24                   MS. SMITH: Well that's correct. And  
25 that's why I say, well, our role is not to litigate.

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1 The information embedded in that case was important in  
2 pointing us towards the concerns that were emerging.  
3 So yes, is it possible to find that something has a  
4 disparate impact without it being intention,  
5 certainly.

6 COMMISSIONER MAGPANTAY: And you would  
7 think that, and that's important because the  
8 Commission on Civil Rights, and I think the Justice  
9 Department has the ability to enforce racially  
10 disparate impacts and effect in violation to the  
11 Voting Rights Act and that these can be shared with  
12 the appropriate enforcement agencies, is that correct?

13 MS. SMITH: Well --

14 COMMISSIONER MAGPANTAY: If you --  
15 (Simultaneous speaking.)

16 COMMISSIONER MAGPANTAY: -- if you weren't  
17 a lawyer shouldn't we look to the Justice Department?  
18 Wouldn't you think that we should look to the Justice  
19 Department to enforce the law?

20 MS. SMITH: I mean, I think I'd begin with  
21 the premises that if, if we all begin with the belief  
22 that everyone who has a right to vote ought to have  
23 access to the ballot?

24 And if we say, hey, listen, there are  
25 these things that are disproportionately impacting

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1 students, not because they were targeting students but  
2 because of the way students move and live, this thing  
3 that doesn't impact other people in this way impacts  
4 students.

5 Similarly, hey, listen, there is a certain  
6 configuration of how we've structured our voting  
7 rights that is having a disproportionate impact on,  
8 you know, the Black communities because we still have  
9 very segregated housing patterns in the State of  
10 Florida. It may not have been setup specifically for  
11 that purpose, but the impact doesn't matter if you're  
12 in seven hour lines trying to vote. And so yes, I  
13 think we have an --

14 COMMISSIONER MAGPANTAY: That's  
15 interesting, Ms. Smith.

16 (Simultaneous speaking.)

17 COMMISSIONER MAGPANTAY: So what you're  
18 telling me is that there is actually other areas of  
19 racial discrimination in the State of Florida. Not  
20 only in voting but has created the effect of  
21 disenfranchising minorities in that jurisdiction.

22 MS. SMITH: Well I think one, you know,  
23 reading through the testimony what you hear, like I  
24 think it's reasonable for people to say, hey, we  
25 should do everything to secure ballots, who would

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1 disagree with that?

2 But is there a tipping point and a balance  
3 point between, we're doing everything to secure  
4 ballots and we are creating barriers for people who  
5 don't have the luxury of leaving their job at this  
6 period of time, who rely on early voting, who rely on  
7 being able to drop things off at a ballot. So yes, I  
8 think our job is, we're not a court, we're here to  
9 listen to the people, we're here to look at where the  
10 data takes us and to raise up the places where we are,  
11 we see the actual or the potential for creating  
12 impediments unnecessarily for people to cast that out.

13 COMMISSIONER MAGPANTAY: That's excellent.  
14 Thank you so much, Chair Smith --

15 MS. SMITH: Okay.

16 COMMISSIONER MAGPANTAY: -- for your  
17 service.

18 (Off microphone comment.)

19 MS. SMITH: Thank you.

20 CHAIR GARZA: Sorry.

21 COMMISSIONER MAGPANTAY: We're only an  
22 enforcement, we are not an enforcement agency, we can  
23 only do fact finding and refer matters to the  
24 enforcement agencies with this report. Thank you very  
25 much for your service.

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1 MS. SMITH: Thank you.

2 COMMISSIONER HERIOT: Madam Chair, I've  
3 got a quick comment if I can?

4 CHAIR GARZA: I want to move us all along.  
5 How quick is your comment?

6 COMMISSIONER HERIOT: It's very quick. I  
7 just want to thank the Chair for her report and for  
8 her presentation.

9 I understand that there was a member of  
10 the committee who concurred in part and dissented in  
11 part. I would have liked to have heard from him. I  
12 understand that we used to do that pretty routinely.  
13 That when there was a dissent, even a dissent in part,  
14 that we would ask that person if they would like to  
15 present as well. A request was made for this earlier  
16 and we didn't seem to get it. But like I hope in the  
17 future we will.

18 CHAIR GARZA: Okay.

19 MS. SMITH: And I'll just add that I  
20 believe we had multiple, I think we had two dissents.

21 One I would say from a conservative perspective and  
22 one from a more liberal perspective. And I would  
23 encourage the Commission to re-vote.

24 COMMISSIONER HERIOT: Yes, I would want  
25 both too. Thank you very much, Madam Chair.

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1 MS. SMITH: Thank you.

2 CHAIR GARZA: Well, with that, thank you,  
3 Chair Smith, for coming here and presenting. We're  
4 going to go ahead and move on to our next agenda item.

5 I just want to also echo that I appreciate  
6 your leadership, Chair Smith, on the Florida Advisory  
7 Committee and taking these questions from us.

8 Our second presenter is the United State  
9 Advisory Committee Chair, Pamela Colon, who will  
10 present her, present the report on the Status of Civil  
11 Rights in the U.S. Virgin Islands.

12 This report highlights the pressing civil  
13 rights issues stemming from the political and legal  
14 status of the U.S. Virgin Islands. It delves into the  
15 significant disparities faced by U.S. citizens  
16 residing there emphasizing the lack of political  
17 representation and unequal access to federal programs.

18 This comprehensive investigation brings to  
19 light the ongoing challenges in achieving equality,  
20 and the full measure of civil rights for the  
21 residents. We eagerly anticipate discussing the  
22 bipartisan recommendations that aim to address these  
23 systemic barriers and ensure a more equity for the  
24 people of the U.S. Virgin Islands, and other similarly  
25 situated territories.

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1           So, Chair COLON, thank you for being here  
2 in person, the floor is yours.

3           PRESENTATION BY THE UNITED STATES VIRGIN ISLANDS  
4           ADVISORY COMMITTEE CHAIR, PAMELA COLON, ON THE  
5           STATUS OF CIVIL RIGHTS IN THE U.S. VIRGIN ISLANDS

6           MS. COLON: Good morning, everyone. And  
7 thank you so much for the invitation to present to you  
8 in person. I am thrilled and excited to be here as a  
9 member of the inaugural committee from the United  
10 State Virgin Islands.

11           The fact that we have a Committee from the  
12 United State Virgin Islands makes me very hopeful.  
13 And I'm thrilled to be presented before you today.

14           This report was a unanimous report  
15 bipartisan without dissent or concurring statements.  
16 And it really does reflect the Committee's hard work  
17 and a consensus of what we felt was important for the  
18 Commission to know about the Virgin Islands.

19           And before I go any further I want to  
20 specifically thank our David Barreras and Sarah  
21 Villanueva, our technical assistant because this  
22 report would have taken at least another year to  
23 create without their assistant. They were invaluable  
24 and their support was tremendous.

25           As you know, Committees get to pick the

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1 topic they're going to address. And of course that  
2 was the first thing our Committee had to do. And  
3 unfortunately there were so many topics to choose  
4 from.

5 We did consider the voting rights issues  
6 in the Virgin Islands. We also considered the effect  
7 of the insular cases on the United States Virgin  
8 Islands. But the Committee, after a few months of  
9 reflection decided that our best approach was to take  
10 a 30,000 foot view and to provide the historical  
11 context from which to assess the status of the United  
12 States Virgin Island and civil rights in the  
13 territory. And to educate all stakeholders, both here  
14 in the mainland United States and in the federal  
15 government, but also locally in the U.S. Virgin  
16 Islands as well.

17 Because this was also our inaugural report  
18 we had no institutional history. The Committee was  
19 starting fresh. We didn't really know how to begin  
20 exactly. There is a philosopher on our committee, and  
21 I appreciate Judge Smith's input, he started to ask  
22 the basic questions. What is a civil right, what does  
23 it mean to be a citizen.

24 And we started from that premises, and lo  
25 and behold, we found that if we looked to this

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1 Commission's inaugural report from 1959, the same  
2 questions were asked. And we thought, all right then,  
3 we have a very good guide here, let's take a look at  
4 what the Commission did in its initial report and  
5 let's try to see how closely it relates to the issues  
6 that we are facing today.

7 And remarkably the Commission's mandate at  
8 that time was to "provide knowledge and understanding  
9 of all of the complex problems involved." And that in  
10 fact was the mission that we decided that our  
11 committee had to take as well. So we were seeing  
12 these parallels run through our inaugural report with  
13 what the Commission did initially.

14 In 1959 there was a disenfranchisement  
15 throughout the country of a large segments of racial  
16 and ethnic minorities. In 2024, in the United States  
17 Virgin Islands, which is a mostly racial minority  
18 population territory, we are also all disenfranchised.

19 In 1959 Black Americans were prohibited  
20 from traveling free, freely throughout the country.  
21 In 2024 you cannot leave the United States Virgin  
22 Islands to come here to the United States, so U.S.  
23 soil to U.S. soil, without going through customs and  
24 immigration. I had to do that to come present to you  
25 today. I would have had to done that if I went next

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1 door to Puerto Rico. So again, there is a parallel.

2 In 1959 Black Americans were found to  
3 have, by the Commission, were found to have a lack of  
4 self-determination at many levels of government. And  
5 in 2024 United States citizens residing in the U.S.  
6 Virgin Islands also lack self-determination as  
7 ultimate control over all of our political, judicial  
8 and legislative activities lies with Congress.

9 Interestingly, again, as I said, the  
10 questions involving both inaugural reports circles  
11 around, what are civil rights. What are civil rights  
12 in the U.S. Virgin Islands? What does it mean to be a  
13 citizen of the United States that resides in the U.S.  
14 Virgin Islands?

15 Referring back to the 1959 report the  
16 Commission "found that there was a conflict between  
17 those who would extend the Republican principle to all  
18 men, and those who would limit it to some men, or who  
19 would delay its application and that has produced  
20 tension in the minds and hearts of Americans and  
21 American laws that is still with us." Again, that was  
22 the 1959 report.

23 Well the U.S. Virgin Islands is still  
24 trapped in that tension 65 years after that report was  
25 published. And a 107 years since it was published,

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1       excuse me, since it was purchased by the United States  
2       from Denmark.

3                Many people don't even realize that we are  
4       the only territory, at least currently, that was  
5       bought. We are purchased property. That does give us  
6       a very distinct relationship with the United States.  
7       And it's one that has lasted 107 years and has not  
8       been altered.

9                Again, the definitions of the 1959 report,  
10       the majority, not the entire, but the majority of the  
11       Commission at that time found that civil rights was  
12       defined as the rights of citizens, though under the  
13       constitution many of those rights extends to all  
14       persons.

15               In 1959 the immediate concerns of the  
16       Commission were the right to vote and equal  
17       protection. In 2024 our Committee's immediate  
18       concerns were the right to vote and the lack of self-  
19       determination.

20               We heard from a number of experts, very  
21       qualified people, and we learned that in 1946 the  
22       United States placed the United States Virgin Islands  
23       on the United Nations list of non-self-governing  
24       territories. And by Article 73(b) of the United  
25       Nations Charter, it was mandated that the United

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1 States Virgin Islands be brought to full measure of  
2 self-government. Instead here we are so many decades  
3 later. U.S. citizens living in the U.S. Virgin  
4 Islands who are subjects of the United States  
5 Congress, seemingly indefinitely.

6 This results in a number of really  
7 intriguing ironies. For example, a U.S. living in  
8 South Carolina or Florida who moves to the United  
9 States Virgin Islands will have to become  
10 disenfranchised and will no longer be able to vote in  
11 federal elections. Yet had that same person moved a  
12 half a mile away to the British Virgin Islands they  
13 would have retained their right to vote even though  
14 they were now living in the British Commonwealth  
15 instead of on U.S. soil.

16 Another irony is presented when you have a  
17 person who had been born in Mexico but became a  
18 naturalized citizen who is now living in Texas and of  
19 course could vote in federal elections. But a person  
20 born in Texas who moved to the U.S. Virgin Islands  
21 would not be allowed to vote in federal elections  
22 anymore.

23 At the mackerel level the system that has  
24 been perpetuated has disenfranchised and left 3.6  
25 million people, 3.6 million people without self-

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1 determination. The territories collectively have a  
2 population that is more than the five least popular  
3 states together. So to give you a perspective on how  
4 many people we're talking about how many citizens are  
5 affected, if you put those five least populated states  
6 together it's more than that.

7 The Committee found that this system is an  
8 actuality a system of apartheid that the United States  
9 has imposed on its territories. Despite us being the  
10 land of the free and the home of the brave.

11 And with that we found a number of  
12 conclusions. We found that the lack of determination  
13 of American citizens living in the United States  
14 Virgin Islands raises constitutional, international  
15 and human rights concerns.

16 We found that the international law  
17 requirements, we mandated by the United Nations  
18 treaty, requires the United States to bring the U.S.  
19 Virgin Islands to full measure of self-government. We  
20 found that the three political solutions are  
21 independence, incorporation and free association. We  
22 found that the general population of the United States  
23 may lack awareness of the political status of the U.S.  
24 citizens living in the U.S. Virgin Islands. And we  
25 found that the Department of Interior has an

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1 obligation to inform the citizens of the U.S. Virgin  
2 Islands of the options available and their role within  
3 the framework of the United States political system.

4 Our key conclusions included that citizens  
5 living in the United States Virgin Islands lack the  
6 self-determination and equal protections guaranteed by  
7 the United States Constitution of other citizens of  
8 the United States who freely enjoy those.

9 Also that international law requirements  
10 as mandated by the United Nations Treaty, which is the  
11 United States is part of, and which is also the  
12 supreme law of the United States, right along with the  
13 constitution, requires that the United States bring  
14 the United States Virgin Islands to full measure of  
15 self-government.

16 And we further have a key conclusion that  
17 the millions of United States citizens living in the  
18 territories share the following. None can vote for  
19 president. None are represented by a voting member of  
20 Congress. None can effectively participate in self-  
21 determination at any level of government. And each  
22 has a lower status of citizenship compared to the  
23 citizens living in the 50 states. And to certain  
24 extent even to Washington, D.C.

25 We are presenting to this Commission the

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1 following recommendations. The United States  
2 Commission on Civil Rights should initiate a series of  
3 joint discussions with Puerto Rico, Guam, American  
4 Samoa, the Northern Mariana Islands and the United  
5 States Virgin Islands to reference the civil rights  
6 concerns on a larger context. There are common  
7 concerns that are so ingrained and aligned in the  
8 nature of territorial governance that addressing them  
9 jointly would justify stakeholder concern.

10 We are also recommending that the United  
11 States Commission on Civil Rights recommend to  
12 Congress that the Department of Interior, Office of  
13 Insular Affairs, draft a proposal for the Congress to  
14 consider that would give U.S. citizens living in the  
15 territories a vote in federal elections and voting  
16 representation in Congress.

17 And finally, we are recommending that the  
18 United States Commission on Civil Rights recommend to  
19 Congress that it should pass legislation implementing  
20 the constitution in full, to all of the territories.  
21 Even, even the opinion in *Downes v. Bidwell*, the first  
22 of the insular cases.

23 Acknowledged the terror, excuse me.  
24 Congressional governance over the territory was only  
25 "for a time." We're a 123 years later, I think the

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1 time has come. And wouldn't it be a great gift to the  
2 country if for its 250th birthday it permitted all  
3 U.S. citizens equal protection under the constitution?

4 Thank you for your concern and your interest and for  
5 listening to me today.

6 CHAIR GARZA: Thank you so much, Chair  
7 Colon.

8 COMMISSIONER ADAMS: Madam Chair? I'm  
9 sorry, I --

10 CHAIR GARZA: Wait, wait, wait, wait.  
11 We're not doing that. We're going to --

12 COMMISSIONER ADAMS: Doing what?

13 CHAIR GARZA: We're going to entertain --

14 COMMISSIONER ADAMS: He wants to be  
15 recognized too.

16 CHAIR GARZA: We'll I'm not recognizing  
17 either of you because we are going to move on to the  
18 other presentation.

19 COMMISSIONER ADAMS: Well, Madam Chair,  
20 part of parliamentary procedure, these are radically  
21 different stories and I would suggest that we have  
22 bifurcated questions of each of these witnesses.  
23 These are not the same territories.

24 CHAIR GARZA: Of course they're not, but  
25 you can address your question to each of them. So

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1 what we're going to do, per the request of Chair Colon  
2 and Chair Cordova, we're going to entertain joint  
3 question and answer period once they both have  
4 finished their comments. And we're going to go ahead  
5 and proceed with the Puerto Rican Advisory  
6 presentation.

7 So at this time we're going to turn the  
8 floor over to final Advisory Committee presenter,  
9 Puerto Rico Advisory Committee Member, or Chair,  
10 Andrés L. Cordova, who will present on insular cases  
11 and the doctrine of the unincorporated territory and  
12 its effects on the civil rights of the residents of  
13 Puerto Rico.

14 The Puerto Rico Advisory Committee's  
15 report looks into how these legal precedents have  
16 perpetuated a lack of political representation and  
17 unequal access to federal programs, embedding racial  
18 and national discrimination. As we explore these  
19 enduring issues today, the bipartisan recommendations  
20 from this report could serve as guidelines for  
21 rectifying historical injustices and ensuring  
22 equitable treatment for all Puerto Ricans

23 We look forward to hearing your invaluable  
24 insights, proposed pathways forward for Puerto Rico  
25 and other similarly situated territories. So, Chair

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1 Cordova, if you could please proceed.

2 PRESENTATION BY THE PUERTO RICO ADVISORY COMMITTEE  
3 CHAIR, ANDRES CORDOVA, ON THE INSULAR CASES AND  
4 DOCTRINE OF THE UNINCORPORATED TERRITORY

5 MR. CORDOVA: Thank you, Chair Garza. And  
6 thank you for having these hearings today. I'd like  
7 to begin by echoing Chair Colon's statements. I think  
8 even though we are different territories there are a  
9 lot of similarities between our, both our islands and  
10 we face similar problems affect us.

11 In our case our memo is the first in the  
12 series that hopefully lead to a final report on the  
13 effects on the insular cases and the non-incorporated  
14 territory doctrine on the civil rights of the  
15 residents of Puerto Rico. This memo is the first one,  
16 written originally in Spanish, and translated in  
17 English. As also is the case that the Committee is  
18 the only one to conduct its meetings in Spanish with  
19 English interpretation.

20 I'd like to begin basically with a very  
21 brief background on the memo. The insular cases are a  
22 trade of cases which deal with the then recently  
23 acquired territories in 1898 that declared the full  
24 constitutional rights do not automatically apply to  
25 certain territories because they were not incorporated

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1 into the United States. This has led to unequal and  
2 equal treatment of the United States citizens in  
3 Puerto Rico who do not have voting representation in  
4 Congress.

5 Under *Downes v. Bidwell*, which Chair Colon  
6 just referenced, Puerto Rico belongs to, but is not a  
7 part of the United States. In this case dehumanizes  
8 the residents of Puerto Rico by describing them as  
9 alien races who are different from other United States  
10 citizens.

11 The broad interpretation of the insular  
12 cases has also allowed the federal government to apply  
13 programs and benefits differently to Puerto Rico.  
14 Despite having a population of over 3.2 million  
15 residents, which is larger than at least 20 states,  
16 Puerto Rico is limited in its access to full  
17 constitutional rights and resources from the federal  
18 government.

19 We held hearings in May when we did this  
20 first part of the memo. We came to some preliminary  
21 findings. The first preliminary finding identified  
22 the testimony and overview of the state which included  
23 the panelists agreed that Puerto Rico was living under  
24 a subordinate or colonial relationship between United  
25 States and Puerto Rico which has led to an equal and

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1 discriminatory treatment on behalf of the United  
2 States Government and due to the lack of  
3 representation at the federal level.

4 Some of the testimony we heard cited a  
5 2012 website in which the majority of voters expressed  
6 that it did not want a territorial status of Puerto  
7 Rico to continue. Nonetheless, Congress has failed to  
8 address this issue.

9 This leaves the Island in a continued  
10 state of limbo while we remain subject to loss and  
11 decisions with Congress and the President. As stated  
12 in the stated testimony, "calling Puerto Rico as equal  
13 citizens but at the same time treating them  
14 differently by limiting their rights as a  
15 contradiction without justification."

16 We also had, as a preliminary finding,  
17 that the non-incorporated doctrine treats the  
18 residents of Puerto Rico as less than the United  
19 States citizens and has been used a pretext for  
20 unequal treatment. And here I would reference the  
21 recent case of the United States v. Vaello-Madero of  
22 2022. Which I precisely uphold as doctrine.

23 Panelists would argue that the insular  
24 cases should not have to be re-recognized because they  
25 have been the legal norm. Congress has unilateral

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1 power over Puerto Rico and can even modify its local  
2 government. As recently evidenced with the fiscal  
3 oversight management board established through PROMESA  
4 in 2016.

5 And while Congress took a series of  
6 actions in the 20th Century to naturalize the  
7 residents of Puerto Rico, they granted citizenship in  
8 1916. And it has not been specified whether birth in  
9 an unincorporated territory guarantees citizen under  
10 the United States Constitution, even though we have  
11 the 14th Amendment. And panelists argued, and agreed,  
12 that this can be resolved only by limiting the non-  
13 incorporated doctrine.

14 We also found that ongoing disparities and  
15 the access to assistance programs, such as Medicaid,  
16 SSI, Medicare and nutritional assistance. For  
17 example, the investment of Medicaid for a person in  
18 Puerto Rico is \$1,198 annually, while in the United  
19 States it's just over \$6,000. Even though 39 percent  
20 of all residents in Puerto Rico are enrolled in the  
21 program compared to the ten percent of the population  
22 in the United States.

23 When it comes to Medicare there's a  
24 disparate treatment in the reimbursement rate for  
25 medical providers, which is 43 percent below the

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1 national average. This has led to a brain draining of  
2 health professionals from Puerto Rico leaving patients  
3 with disabilities more vulnerable. We're living  
4 through that right now in this time. In this period.

5 SSI is not available to the residents of  
6 Puerto Rico. Even though an estimated 40 or 36,000  
7 residents would qualify. The age, blind, disabled  
8 program does exist in Puerto Rico, but recipients get  
9 approximately \$60 per month, while beneficiaries of  
10 SSI in the United States receive approximately \$900 a  
11 month.

12 In Puerto Rico where 20 percent of the  
13 populations are people with disabilities, and almost  
14 half of them live below the poverty line. Many  
15 individuals have to decide between spending their  
16 limited income on food or medicine, and many are able  
17 to decide to leave for the states with benefits and  
18 healthcare they need to survive.

19 Panelists have also pointed out that  
20 Puerto Rico ranked seventh in the world in terms of  
21 having the oldest population. And the poverty level  
22 is four times greater than in the states.

23 Although in an AARP survey, 80 percent of  
24 the older adults want to age in their homes, Puerto  
25 Rico does not have funds or infrastructure for those

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1 services. Defects of Hurricane Maria, for example,  
2 unveil the severity of the need of the older  
3 population in Puerto Rico where seniors were found to  
4 be the sole caretakers of individuals even older than  
5 them. There are no robust community networks, and  
6 there is an urgent need for fully covered Medicaid and  
7 SSI which can help approximately 700,000 a person.

8 Veterans is another group that's affected  
9 by non-incorporated doctrine. Over 200,000 Puerto  
10 Ricans have served in the United States in the last  
11 century in the Armed Forces, but they do lack the  
12 basic rights, including the right to run for president  
13 who sends them to war. Approximately 30,000 veterans  
14 in Puerto Rico live below the poverty line and would  
15 also benefit from SSI.

16 Veterans also face other challenges, such  
17 as not having the same level of healthcare options as  
18 veterans in the states to TRICARE, which is not  
19 available in Puerto Rico. Unequal education benefits  
20 of the GI Bills, since Puerto Rico is considered for  
21 it, in navigating their record online, the forms  
22 available in the Department of Veterans and the  
23 Department of Defense are only available in English  
24 which basically screws many of the Puerto Ricans who  
25 do not speak English. Many of the veterans have

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1 migrated to the states, especially since Hurricane  
2 Maria, and the veteran population is expected to  
3 continue decreasing in the coming decades.

4 Community leaders who shared testimony  
5 expressed that the uncertainty that comes with the  
6 territorial status, and the ability to have the  
7 resources for well-being have caused increased rates  
8 of depression and emotional issues among the community  
9 members. Many individuals had to leave their homes  
10 temporarily after Maria, but due to lack of resources  
11 are still living in the mainland.

12 After the hurricane in 2017, there was an  
13 11 percent drop in Puerto Rico's population which  
14 panelists takes to symbolize accumulative results of  
15 unequal treatment in Puerto Rico. And the ongoing  
16 migration is having a long-lasting impacts on the  
17 social and cultural life in the island.

18 With this background we have some  
19 preliminary recommendations for the panelists. First  
20 of all, it is important to attend the issue of the  
21 non-incorporated doctrine, which is a common  
22 denominator between all these problems as we  
23 understand it. And we need to address it through the  
24 lens, not only of constitutional and United States  
25 law, but also through the lens of international law

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1 according to some of the panelists.

2 We believe that Congress should hold  
3 public hearings on what self-determination process can  
4 look like in Puerto Rico. This would also eliminate,  
5 or eradicate the insular cases which would reduce  
6 disparage on this society and eliminate the harmful  
7 contradictions between, with Congress and supreme  
8 court treat Puerto Rico. And other panelists have  
9 argued that the state is the only way to acquire equal  
10 treatment and the right to vote.

11 And in the end we believe that there  
12 should be a declaration on behalf of the Commission  
13 that the insular cases are a form of discrimination  
14 against the civil rights of the residents in Puerto  
15 Rico. We will probably be, we will be submitting  
16 later memorandum to different hearings we're holding  
17 in the next couple, next couple months. So in the end  
18 we will be sending our final recommendations as a  
19 committee. Thank you for your time, and we're  
20 available for questions.

21 CHAIR GARZA: Thank you so much, Chair  
22 Colon. I mean, Chair Cordova. We appreciate -- I  
23 feel like taking both of your comments together was  
24 really good here so that we can understand the issues  
25 of the territories.

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1 I know that these, that the SACs are newer  
2 in the territories, which I think obviously has  
3 brought to light a lot of issues that have been left  
4 by the wayside and not addressed because this impacts  
5 millions of people, as I saw in your report. Or in  
6 the report of the Virgin Islands. I felt the chart  
7 was pretty indicative of how many millions of people  
8 are impacted.

9 So thank you both for being here, for  
10 presenting together because I do think these issues  
11 are something that we need to look at as one issue.

12 I'm going to take a point of privilege  
13 before I let others ask anything. What do you feel, I  
14 mean, since both of you have, you know, touched on  
15 this issue, I mean, what do you think is the number  
16 one recommendation here? How do you think that we  
17 resolve these issues?

18 I know that's a broad question, but I know  
19 that you've made some recommendations in each of your  
20 reports, but give us like your top line of what you  
21 think could be done.

22 MS. COLON: I'm going to speak just for  
23 the United States Virgin Islands because I actually  
24 realize that this may not be the top line for every  
25 territory. But in the United States Virgin Islands we

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1 believe that the full implementation and application  
2 of the constitution to every U.S. citizen is the first  
3 thing that needs to be done. And I would follow that  
4 with an educational process to inform our judges, our  
5 commissioners, our senators, our presidents, our  
6 congressmen and women of what the actual status is of  
7 the territories as a whole. That would be my second,  
8 and I think our committees second, most important  
9 request.

10 MR. CORDOVA: I would think that after  
11 128, 126 years of American flag in Puerto Rico, we  
12 still haven't had the opportunity to vote and decide  
13 on what is our future. I think that needs to change.

14 I think the only event that could arguable  
15 be considered that we did have some kind of  
16 opportunity was in 1952 when we voted on the  
17 constitution. But that was not really a vote on our  
18 self-determination.

19 And Congress is the one who needs to  
20 legislate that. Congress is the one that has the  
21 primary power. And the insular cases basically have  
22 been used as a bulwark against any kind of process of  
23 self-determination. So that to me is a fundamental  
24 problem. And all the other issues basically derive  
25 from that.

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1 CHAIR GARZA: Thank you for that. Vice  
2 Chair Nourse?

3 VICE CHAIR NOURSE: Well these were  
4 incredible reports, thank you so much. And Chair  
5 Colon talked about the home of the brave. And I  
6 mentioned this to Chair Cordova earlier.

7 One of the things that I learned when I  
8 was in Puerto Rico last is the number of veterans.  
9 They have served us in war and yet they are not  
10 allowed to vote. It's just, it's shameful.

11 I'm going to say as a professor there is a  
12 ray of hope. I'm going to read a little bit from  
13 Justice Gorsuch appointed by President Trump.

14 COMMISSIONER MAGPANTAY: Very nice.

15 VICE CHAIR NOURSE: Because no party asked  
16 us to overrule the insular cases to resolve today's  
17 despite I join the court's opinion. But the time has  
18 come to recognize that the insular cases rest on a  
19 rotten foundation. And I hope the day comes soon when  
20 the courts squarely overrules them. We should follow  
21 Justice Harlan and settle this question right. Our  
22 fellow Americans in Puerto Rico deserve no less.

23 So thank you. I believe education is very  
24 important. We will try to tear it, take the torch  
25 elsewhere. But I do think there is also a ray of hope

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1 here that people on both sides of the isle understand  
2 the history and the great ironies and sadness that  
3 American Citizens are so excluded.

4 CHAIR GARZA: Commissioner Gilchrist --

5 COMMISSIONER GILCHRIST: Oh, Commissioner  
6 --

7 CHAIR GARZA: -- and then --

8 (Simultaneous speaking.)

9 COMMISSIONER GILCHRIST: Okay.

10 CHAIR GARZA: -- I'll go to --

11 COMMISSIONER GILCHRIST: Okay, great.

12 CHAIR GARZA: And then I'll go to  
13 Commissioner Magpantay.

14 COMMISSIONER GILCHRIST: Let me thank you  
15 as well for a very informative report today. I just  
16 have a quick question for you. Do you think within  
17 the territories that folks see themselves as Americans  
18 or something else based upon geography?

19 And this kind of gets to the conversation  
20 about whether independence is something that folks in  
21 the territories are considering. But any comments on  
22 that?

23 MS. COLON: It's not within the report,  
24 but I will give you my --

25 COMMISSIONER GILCHRIST: Sure.

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1 MS. COLON: -- my impressions after having  
2 lived there for 32 years, by choice, relinquishing all  
3 of these rights I would have had, had I stayed in  
4 Chicago.

5 (Laughter.)

6 MS. COLON: We very much see ourselves as  
7 U.S. Citizens and we are wondering why we are at a  
8 second class status. That's how we see ourselves, as  
9 second class U.S. Citizens.

10 MR. CORDOVA: Your question goes to the  
11 problem in Puerto Rico. To the heart of the political  
12 debate. Basically a political identity. The  
13 Commission did not address that issue in the report,  
14 so I'm just speaking for myself --

15 COMMISSIONER GILCHRIST: Sure.

16 MR. CORDOVA: -- in this regard. After  
17 126 years of United States presence in Puerto Rico our  
18 political identity I think is driven by our  
19 citizenship in United States. That does not exclude  
20 of course cultural manifestations and other views --

21 COMMISSIONER GILCHRIST: Right.

22 MR. CORDOVA: -- of how people understand  
23 themselves.

24 There is a sector that favors independence  
25 and use that criteria as a fundamental impediment to

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1 statehood or to any collaboration with United States.

2 So that's the political debate.

3 COMMISSIONER GILCHRIST: Right.

4 MR. CORDOVA: My belief is that the  
5 political debate needs to be addressed through  
6 participation of the political process. You know, we  
7 need to have the vote. We have to decide. So that's  
8 why my initial suggestion, top line recommendation  
9 would be that Congress needs to legislate a process by  
10 which we can vote and decide what we want. To what  
11 future we want.

12 COMMISSIONER GILCHRIST: Thank you, Madam  
13 Chair. I'll let other Commissioners chime in before  
14 my next question.

15 CHAIR GARZA: Okay. Commissioner  
16 Magpantay?

17 COMMISSIONER MAGPANTAY: Yes. You know, I  
18 remember, thank you very much. I learning about the  
19 insular cases in law school, very confusing. You  
20 know, it's not my practice area but I tend, you know,  
21 as a civil rights lawyer I carry a copy of the United  
22 States Constitution with me.

23 Are what you saying that this United  
24 States Constitution does not apply to the territories  
25 of the United States of American in full? Please

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1 explain that to me. And I read the statements. Is  
2 that what you're saying?

3 MS. COLON: We are absolutely saying that.  
4 Fortunately in, I think it was 1871, Congress did  
5 vote for the full application of the United States  
6 Constitution to the U.S. Citizens residing in  
7 Washington, D.C. Yay for all of you.

8 Here we are 150 years later, gosh, we  
9 would love the same thing. That is absolutely  
10 correct, Commissioner. Thank you.

11 MR. CORDOVA: In the last decade of the  
12 19th Century there was a debate from legal scholars in  
13 Harvard on creating precisely the non-incorporated  
14 doctrine with a view basically of the expanding of  
15 United States into Caribbean and to the Pacific. But  
16 yes, the flag does, the constitution does not follow  
17 the flag.

18 COMMISSIONER MAGPANTAY: Thank you.

19 MR. CORDOVA: So there's fundamental  
20 rights, whatever those might be.

21 COMMISSIONER MAGPANTAY: And all of you  
22 are U.S. flag waiving area schools and entities.  
23 That's, thank you for that clarity.

24 And then you said just one thing, that we  
25 had brought scholars together to look at these issues.

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1       And I think, Chair Colon, you had said that, if the  
2 territories came together in some sort of meeting to  
3 try to see, because, one of the common issues that we,  
4 as the United States Commission on Civil Rights can  
5 present to the United States Congress and to the  
6 President?

7               And I'm certainly not the expert, I don't  
8 know these issues very well, but if we brought the  
9 advocates and all the state advisory committees  
10 together to have that dialogue and discussion, or even  
11 a hearing and an investigation on these, together we  
12 could really try to find a nice package of  
13 legislation, or sorry, recommendations to present to  
14 the Congress and the President, would that be helpful?

15               MS. COLON: Absolutely. It would be  
16 extraordinarily helpful. As long as it did keep in  
17 mind there are certain distinctions between each  
18 territory that each territory would definitely  
19 present. But the common issues are fundamental.

20               MR. CORDOVA: There are differences  
21 between our territories, but the common tread in  
22 insular cases is non-incorporated doctrine.

23               COMMISSIONER MAGPANTAY: Excellent.

24               MR. CORDOVA: So yes, that would be a very  
25 good idea.

1                   COMMISSIONER MAGPANTAY:    That's great.  
2                   Because I think the Commission is uniquely positioned  
3                   in the United States Government, it's the only agency  
4                   that actually has structural advisory committees in  
5                   every one of the territories.    We have a unique  
6                   ability to bring in people from affected communities  
7                   together.    I don't think any other agency has that.

8                   We should have more conversation of how we  
9                   can explore these, and enforce statutes, that will  
10                  apply for, and apply common ground, to make those  
11                  recommendations.    Thank you so much.

12                  CHAIR GARZA:    Commissioner Adams?

13                  COMMISSIONER ADAMS:    Thank you, Madam  
14                  Chair.    My questions are for you, Chair Colon, please.  
15                  As you know, I'm interested in territorial issues.

16                  MS. COLON:    Yes.    Thank you.

17                  COMMISSIONER ADAMS:    And I want to ask  
18                  about inertia.

19                  (Laughter.)

20                  COMMISSIONER ADAMS:    Because I found  
21                  inertia in places.    What is the inertia, I want to ask  
22                  you, keep and get rid of.    What is the inertia on the  
23                  Virgin Island for the status quo?

24                  Like in other territories it's they like  
25                  the tax situation, they like their U.S. Passport.

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1       What is the status quo inertia, why do people want to,  
2       why do they like what they have?

3                   MS. COLON:   I'm not positive they like  
4       everything they have.   For sure they don't like  
5       everything.

6                   COMMISSIONER ADAMS:   Right.

7                   MS. COLON:   But I would, it was one of our  
8       recommendations that even the people within the United  
9       States Virgin Islands do not have the requisite and  
10      knowledge and understanding of our political  
11      relationship to the United States and our status as an  
12      un-incorporated territory.   And exactly what that  
13      means, and what options are available, and should be  
14      available.   So I think lack of information, lack of  
15      knowledge is a fundamental issue.

16                   COMMISSIONER ADAMS:   Okay.   Let me ask you  
17      about keeping the Virgin Islands.   Now one of the  
18      reasons the United States keeps Guam is because of  
19      Andersen, right?   And the Navy Base and strategic  
20      importance.

21                   I just don't know, what are the reasons  
22      why the United States shouldn't make the Virgin  
23      Islands St. Lucia or an independent country?   What is  
24      there besides tourism?   Educate us, why keep the  
25      Virgin Islands?

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1 MS. COLON: First of all, I think the  
2 United States Virgin Islands would have to be the one  
3 to make that decision, not the United States.

4 COMMISSIONER ADAMS: Sure.

5 MS. COLON: And certainly not  
6 unilaterally.

7 COMMISSIONER ADAMS: But they could do the  
8 insular cases. They could say we're done.

9 MS. COLON: True. True.

10 COMMISSIONER ADAMS: You're on your own.

11 MS. COLON: True.

12 COMMISSIONER ADAMS: So what is the reason  
13 behind the United States, besides maybe the price paid  
14 for the Islands, why are they keeping them?

15 MS. COLON: I think fundamentally if you  
16 go back historically as to why they were purchased in  
17 the first place, and it is my understanding from a  
18 historical perspective that although they were  
19 purchased from Denmark in 1917 the United States had  
20 been trying to purchase the Islands at least 40 years  
21 before that.

22 COMMISSIONER ADAMS: Is there a deepwater  
23 port?

24 MS. COLON: It was for strategic Military  
25 purposes --

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1 COMMISSIONER ADAMS: Got you.

2 MS. COLON: -- even back then. And even  
3 still now. There was a submarine base in World War II  
4 on St. Thomas and it was vital.

5 COMMISSIONER ADAMS: Last question. You  
6 mentioned in your list, this is about the CNMI.

7 MS. COLON: Yes.

8 COMMISSIONER ADAMS: You mentioned in your  
9 list, you know, all these territories should do.  
10 Isn't the CNMI a little differently positioned since  
11 it's a trust territory that it maybe shouldn't be in  
12 this bundle of let's talk about this? Because we  
13 really, it's not really United States territory as  
14 much as it's a trust territory.

15 MS. COLON: I agree. And I came to that  
16 education. And I was so informed after the, well  
17 actually right during when the report of my Committee  
18 was published. And I absolutely agree that each  
19 territory has its own unique situation. And certainly  
20 the Commonwealth of the Northern Mariana Islands is  
21 differently situated from all others. But so is the  
22 Virgin Islands because we're the only one that was  
23 purchased.

24 COMMISSIONER ADAMS: Yes. Thank you.

25 MS. COLON: Thank you as well.

1 COMMISSIONER GILCHRIST: Madam Chair, may  
2 I have a follow-up? Just a quick followup.

3 CHAIR GARZA: Commissioner Gilchrist, go  
4 ahead.

5 COMMISSIONER GILCHRIST: Thank you. What  
6 is, for the Virgin Islands, what is the geographic  
7 makeup of the Island?

8 MS. COLON: Geographic makeup?

9 COMMISSIONER GILCHRIST: Yes.  
10 Demographic. I'm sorry, demographic makeup.

11 MS. COLON: Demographic makeup.

12 COMMISSIONER GILCHRIST: Yes.

13 MS. COLON: I believe currently, if you go  
14 by the 2020 census, I think 79 percent of the  
15 population identify as African-American. And then the  
16 other 21 percent is of a pretty good mixture of,  
17 actually, there are a number of people who identify as  
18 Puerto Rican because when Vieques was taking over by  
19 the U.S. Army and created into a bombing site, the  
20 thought process was, of course this was back in '40s  
21 or '50s I believe, the thought process was, well,  
22 we'll just move all these people who live here over to  
23 St. Croix because, well, it's just the next island.  
24 Not understanding that there was a very different --

25 COMMISSIONER GILCHRIST: Right.

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1 MS. COLON: -- cultural background and  
2 very different historical background.

3 COMMISSIONER GILCHRIST: Sure.

4 MS. COLON: But now we do have a large  
5 Puerto Rican population as well. And also of course  
6 Caucasian and many other minorities living there as  
7 well.

8 COMMISSIONER GILCHRIST: Okay, thank you.

9 MS. COLON: Yes.

10 COMMISSIONER ADAMS: Super quick.

11 CHAIR GARZA: Commissioner Adams.

12 COMMISSIONER ADAMS: Chair Colon, has  
13 there ever been discussion at all, like, is this even  
14 something anyone has said, about incorporating the  
15 Virgin Islands into Florida?

16 Because there is talk about Guam and  
17 Hawaii, so what about that?

18 MS. COLON: I've never heard that before.

19 (Laughter.)

20 MS. COLON: I've heard incorporating the  
21 Virgin Islands into Puerto Rico, and that does not go  
22 over very well at all. I don't think Florida would be  
23 well received either.

24 (Laughter.)

25 CHAIR GARZA: Well, with that, I

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1 appreciate you all. I just want to say, I appreciate  
2 you entertaining questions that are beyond the scope  
3 of the reports.

4 (Laughter.)

5 CHAIR GARZA: I think we need to level set  
6 here and, you know, next time we have a SAC  
7 presentation we'll say this at the outset, but, I  
8 mean, these presentations, you are our guest, you are  
9 not here as witnesses. You are here to represent the  
10 SAC, as well as what was voted upon in your report.  
11 And we deeply appreciate your presence and ability to  
12 do that.

13 And I just want to make a comment,  
14 quickly, on the statement of dissents and other  
15 opinions. Those things can be based on other  
16 individual committee member's opinions, it doesn't  
17 necessarily have to be accurate. What you all are  
18 here talking about today is based on what was voted  
19 upon, what has been recommended as a committee based  
20 on the testimony that you have.

21 So this is, I just want to make that  
22 distinction for the record so that folks understand  
23 that our SAC Committee Chair, is the purpose of these  
24 presentations is to hear from you all as  
25 representatives of this Committee. And what you are

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1 seeing, what you are recommending, and what we should  
2 take into consideration. So thank you for being here  
3 and for doing that today.

4 So we're going to go ahead and move on to  
5 our final agenda item. We have Staff Director  
6 Morales, the monthly Staff Director's report. The  
7 floor is yours.

8 MANAGEMENT AND OPERATIONS REPORT BY STAFF DIRECTOR

9 MAURO MORALES

10 MR. MORALES: Thank you, Madam Chair. In  
11 the interest of time I have nothing further to add  
12 than what's already contained in the report. And as  
13 always, I'm available to individual Commissioner if  
14 they have any specific question of anything that's  
15 contained in the report. So with that I will yield  
16 back my time.

17 CHAIR GARZA: Okay, thank you, Mr. Staff  
18 Director. This appears to conclude the business on  
19 the agenda for today's business meeting. So if there  
20 is nothing further I'm going to hereby adjourn us at  
21 11:28 a.m. Eastern time.

22 ADJOURNED

23 CHAIR GARZA: Thank you. Have a wonderful  
24 weekend, everyone.

25 (Whereupon, the above-entitled matter went

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off the record at 11:28 a.m.)