

UNEDITED

U.S. COMMISSION ON CIVIL RIGHTS

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BUSINESS MEETING

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FRIDAY, FEBRUARY 21, 2025

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

PRESENT:

ROCHELLE GARZA, Chair

VICTORIA NOURSE, Vice Chair

J. CHRISTIAN ADAMS, Commissioner

STEPHEN GILCHRIST, Commissioner

GAIL HERIOT, Commissioner

PETER N. KIRSANOW, Commissioner

MONDAIRE JONES, Commissioner

GLENN MAGPANTAY, Commissioner

MARIK XAVIER-BRIER, Acting Deputy Staff
Director

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STAFF PRESENT:

DONALD BATES, Webex Producer
PAMELA DUNSTON, Chief, ACSD
DAVID GANZ, Parliamentarian
TINALOUISE MARTIN, Director, OM
DAVID MUSSATT, Director, RPCU
JULIAN NELSON-SAUNDERS
ESSENCE PERRY
ANGELICA RORISON, Director, PAU
MICHELE YORKMAN-RAMEY

COMMISSIONER ASSISTANTS PRESENT:

NATHALIE DEMIRDJAIN-RIVEST
ALEXIS FRAGOSA
JOHN K. MASHBURN
CARISSA MULDER
THOMAS SIMUEL
IRENA VIDULOVIC
STEPHANIE WONG
YVESNER ZAMAR
JOHN K. MASHBURN

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

(10:05 a.m.)

CHAIR GARZA: This business meeting of the United States Commission on Civil Rights comes to order at 10:05 Eastern Time on Friday, February 21st, 2025. This meeting is taking place at Commission's headquarters, located at 1331 Pennsylvania Avenue, Northwest, in Washington, D.C.

I am the Chair of the Commission, Rochelle Garza, and I would like to start with a roll call. So please confirm your presence when I say your name.

Vice Chair Nourse?

VICE CHAIR NOURSE: Present.

CHAIR GARZA: Commissioner Adams?

COMMISSIONER ADAMS: Present.

CHAIR GARZA: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: I'm present.

CHAIR GARZA: Commissioner Heriot?

COMMISSIONER HERIOT: I'm here.

CHAIR GARZA: Commissioner Jones?

COMMISSIONER JONES: Present.

CHAIR GARZA: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Here.

CHAIR GARZA: Commissioner Magpantay?

COMMISSIONER MAGPANTAY: I'm here.

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1 CHAIR GARZA: Thank you. Based on that,
2 we have a full quorum of the Commission is present.
3 Do we have a court reporter who is present?

4 COURT REPORTER: Yes, ma'am.

5 CHAIR GARZA: That is an affirmative yes,
6 present. Is the Acting Deputy Staff Director present?

7 MR. XAVIER-BRIER: Present.

8 CHAIR GARZA: That's an affirmative
9 present from our Acting Deputy Staff Director. Is the
10 Parliamentarian present?

11 MR. GANZ: I'm present.

12 CHAIR GARZA: He is present. Sorry,
13 Acting Staff Director. I'll correct that for the
14 record, Acting Staff Director.

15 I. APPROVAL OF AGENDA

16 CHAIR GARZA: Okay. So we are going to go
17 ahead and proceed with today's agenda as posted on the
18 Federal Register. Today we are going to consider the
19 following: a discussion and vote on the appointment of
20 members to the advisory committees for the following
21 states: Maryland, Michigan, Montana, New Jersey, New
22 York, Oklahoma, Rhode Island, and Virginia. And that
23 will be followed by the Staff Director's report.

24 Are there an motions to amend the current
25 agenda?

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1 COMMISSIONER ADAMS: Madam Chair?

2 CHAIR GARZA: Yes, Commissioner Adams.

3 COMMISSIONER ADAMS: I move to amend the
4 agenda to include a discussion to explore the
5 Commission's discovery powers regarding the briefing
6 on antisemitism on college campuses and including a
7 discussion of the General Counsel's memo that
8 described the process for invoking both subpoena
9 powers as well as written discovery. And the purpose
10 is to ensure that our full Commission powers are being
11 explored, and not that we learn in July or August that
12 we can't do something. So I wanted to have a
13 discussion about that on the agenda.

14 CHAIR GARZA: Okay. Is there a second to
15 that motion.

16 COMMISSIONER JONES: Second.

17 COMMISSIONER GILCHRIST: Madam Chair,
18 Commissioner Gilchrist here. I will second that.

19 CHAIR GARZA: Sorry, Commissioner
20 Gilchrist. I think Mondaire beat you to it.

21 COMMISSIONER GILCHRIST: That's fine.

22 CHAIR GARZA: But, noted, you are in
23 agreement. So why don't we just take a vote, then,
24 unless there is discussion on the discussion motion?

25 Okay. We can go to a vote.

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Vice Chair Nourse?

VICE CHAIR NOURSE: Aye.

CHAIR GARZA: Commissioner Adams?

COMMISSIONER ADAMS: Aye.

CHAIR GARZA: Commissioner Gilchrist?

COMMISSIONER GILCHRIST: Aye.

CHAIR GARZA: Commissioner Heriot?

COMMISSIONER HERIOT: Yes.

CHAIR GARZA: Commissioner Jones?

COMMISSIONER JONES: Aye.

CHAIR GARZA: Commissioner Kirsanow?

COMMISSIONER KIRSANOW: Yes.

CHAIR GARZA: Commissioner Magpantay?

COMMISSIONER MAGPANTAY: Aye.

CHAIR GARZA: And the Chair votes yes. 8-0 for adding a discussion on subpoena powers, as moved by Commissioner Adams.

Would you like to proceed with that now?

COMMISSIONER ADAMS: It's your call when we do it. We could do it after SACs. We can do it now. That wasn't part of my motion, the order.

II. BUSINESS MEETING

DISCUSSION AND VOTE ON STATE ADVISORY COMMITTEE

APPOINTMENTS

CHAIR GARZA: I know, the order of it.

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Lankford, Twila Old Coyote, Dale Schowengerdt, Jessica Wilkerson.

For New Jersey, Robert George as chair, along with appointees Daniel Di Martino, Kevin Jackson, Erica Jedynak, Nathan Link, John Londregan, Chanel Porchia-Albert, Glenn Ricketts, Miranda Safir, Saulo Santiago, Amol Sinha, Sherrod Smith.

For New York, we have Stephen Pogue as chair, along with appointees Wai Wah Chin, Heather Crosley, Jamil Dakwar, Sania Khan, Rafael Mangual, Hannah Meyers, Peter Nguyen, Irene Villasenor, Williams Wagstaff, Randy Wayne, Lawson Wright.

For Oklahoma, we have Andy Lester as chair, along with appointees Logan Churchwell, Sharica Cole, Adam Doverspike, Moises Echeverria, Brett Farley, Robert Gifford, Stephen Henderson, Jennifer Lepard, Charity Marcus, Mbilike Mwafulirwa -- I'm sorry. It's spelled M-W-A-F-U-L-I-R-W-A, and I will learn how to pronounce that -- Joshua Stockton, Anh Tran, Joy Turner.

And for Rhode Island, Elena Shih as chair, along with appointees Alero Akporiaye, Donnie Anderson, Ramona Bessinger, Luigi "Lou" Bradizza, Robert Chiaradio, Giovanni Cicione, Kevin DeJesus, Lucia Delaroca, Faith Jean, Patricia Morgan, Gregory

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Mundy, Patricia Sarantakes, David Strachman.

For Virginia, Alison Somin as chair, along with appointees David Bernstein, Brandon Butler, Lacette Cross, Maureen Edobor, Daniel Greenberg, Timothy Griffin, Brandon Hasbrouck, Eric Lin, Nelson Lund, Princess Moss, Beth O'Connor, Linda Oh, Marlene Sallo, Adam Schulman, and Raul Danny Vargas.

All of these members -- and it was a very long list -- but all of these members are going to serve as uncompensated government representatives. And if the motion passes, the Commission will authorize the Staff Director or his designee to execute the appropriate paperwork for the appointments. Do I have a second for this motion?

COMMISSIONER HERIOT: Second.

CHAIR GARZA: Thank you, Commissioner Heriot. So we have a motion that has been made and properly seconded. Is there any discussion?

COMMISSIONER GILCHRIST: Parliamentary inquiry. These are all bundled up in one --

CHAIR GARZA: This is one vote.

Are there any comments? Commissioner Magpantay.

COMMISSIONER MAGPANTAY: I just want to say that I am really happy that we've -- it has taken

1 us quite a long time to get this done. I commend the
2 Chair and the staff for their diligent work. I
3 remember Alexis and Natalie doing this a year ago, and
4 I want to applaud their leadership and their hard work
5 and their helping out at the last minute. I want to
6 applaud the Chair. I want to applaud and commend
7 David Mussatt.

8 I also want to state for the record that
9 I've been doing a considerable amount of work trying
10 to recruit and promote people for the SACs, both
11 Democrats, Republicans, communities underrepresented,
12 young people. I just want to state for the record
13 that I am supporting -- that I believe that all the
14 members who are up deserve the ability and opportunity
15 to serve the Commission and their country. I do state
16 that I may not agree with every position, you know, of
17 every candidate, but I do believe that they are
18 qualified and that they should have this opportunity.

19 CHAIR GARZA: Thank you, Commissioner
20 Magpantay.

21 Okay. With that, we are going to go ahead
22 and proceed with a roll call vote. Please respond yes
23 if you are in favor, no if you are opposed, or no if
24 you are abstaining. Vice Chair Nourse?

25 VICE CHAIR NOURSE: Aye.

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CHAIR GARZA: Commissioner Adams?
COMMISSIONER ADAMS: Abstain.
CHAIR GARZA: Commissioner Gilchrist?
COMMISSIONER GILCHRIST: Yes.
CHAIR GARZA: Commissioner Heriot?
COMMISSIONER HERIOT: Yes.
CHAIR GARZA: Commissioner Kirsanow?
COMMISSIONER KIRSANOW: Yes.
CHAIR GARZA: Commissioner Magpantay?
COMMISSIONER MAGPANTAY: Yes.
CHAIR GARZA: Commissioner Jones?
COMMISSIONER JONES: Abstain.
CHAIR GARZA: I apologize. I skipped you.

And the Chair abstains. So the motion passes with five votes in favor, no votes opposed, and three abstentions. Congratulations.

I do want to just make a comment to the folks that are going to be serving on our advisory committees. You know, it is my privilege as the Chair of the U.S. Commission on Civil Rights to express my sincere gratitude to each of you for your dedication to civil rights and to justice. And I want to thank you for answering the call to serve and for recognizing the significance of the work that we have ahead.

1 Your commitment to your state plays a
2 vital role in our nation's ongoing pursuit of justice.
3 And, as many are aware, our advisory committees are
4 instrumental in amplifying the voices of the
5 communities across this country and ensuring that
6 civil rights remain central to policy discussions.

7 So I look forward to hearing from you all.
8 I look forward to meaningful contributions to this new
9 cohort in advancing equity and fairness and justice
10 for all.

11 So, with that, we can move on to the
12 discussion of Mr. Adams' motion, if you would like to
13 start.

14 III. DISCUSSION - EXPLORE DISCOVERY AND SUBPOENA
15 POWERS RELATING TO COLLEGE AND UNIVERSITY CAMPUSES

16 COMMISSIONER ADAMS: Thank you. And
17 you'll note I didn't ask for any kind of an amended
18 agenda to include any kind of vote. What I wanted to
19 have a discussion about was the very important campus
20 antisemitism report. I wanted to share how difficult
21 Commissioner Kirsanow and I have had of a time getting
22 feedback to get answers from some of these colleges
23 over the last couple of years. They have stonewalled
24 us. They haven't responded to questions.

25 And so I wanted to share that, because

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it's never been shared at this Commission, that Commissioner Kirsanow and I have been working on this for some time and have had a very unpleasant experience with these colleges.

And so I wanted to raise that. And I know there is plans being developed by staff to do a discovery plan of this. Is that correct? I mean -- okay. And I want to emphasize to the folks who are working on this that, in particular in the last couple of weeks, I think some of us have seen a pattern that sometimes the Commission here votes on something and then it goes somewhere else to die. Then it goes somewhere else to not happen.

And I want to get, hopefully, a sense from the Commission that that is not going to happen here as far as campus antisemitism. And I would suggest -- and, you know, this is not my report; this is two other commissioners', who I fully support -- that these planning documents and these discovery plans use the full measure of our discovery powers on this commission, because we are going to run into intransigence from these universities. And we don't need to come back here for a second vote to use those powers. They need to be in the planning documents this time, and that includes written discovery and

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subpoena power.

Now, I saw a memo -- and this is what made me want to make this motion -- that said the Commission would have to have a vote -- we would have to have a vote on using subpoenas. Great. Let's vote on a discovery plan that includes that power. That is what I am directing the staff, as far as I can, to do in the planning documents, is put it in the discovery plan, or at least hash it out.

I'm not calling for a vote now on this, but the two leads on this, and the staff, I think, need to come to an agreement that we don't have to go back for a second time and in July say, oh, we need another vote on this and then there are all kinds of reasons why we can't do it.

Now is the time to do it. Now is the time to put it in the plan. I'm not calling for any vote. I just want to have a discussion.

CHAIR GARZA: Thank you, Commissioner Adams. Commissioner Jones?

COMMISSIONER JONES: Yeah. I want to express my gratitude to Commissioner Adams for his sincere commitment to this issue. We've been working very well together on this, as with many other matters over the past couple of years.

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I want to clarify -- I want to get a clarification from the Commissioner, because I think I understand what he is saying, but it's important that we are on the same page moving forward. Commissioner Kirsanow and I, as the co-leads of this report, are going to be directing staff in the development of these planning documents.

Is it your contention that in the vote to adopt those planning documents there should be some provision in those planning documents that says if, by a certain time, witnesses and documents are not produced, that the Commission shall automatically issue a subpoena, and that that would be part of the vote in the adoption of the planning documents? Am I correct in understanding that?

COMMISSIONER ADAMS: Yeah, look, I leave the particular details up to you. But I don't think we ever wanted to have to come back to this dais in a meeting to have another vote on -- after we get stonewalled. I think it needs to be built into the plan that you guys end up getting what you ask for. And I think you all offer one alternative.

But I know that how things work around here, now being here for four years, that we might vote on something and then it ends up not happening,

1 because that has been the theme the last couple weeks
2 and on different issues. And so I just think that I
3 would support whatever you guys come up with that is
4 robust as possible, because you are going to run into
5 intransigence and deflection from universities.

6 CHAIR GARZA: Vice Chair Nourse?

7 VICE CHAIR NOURSE: I fully support the
8 antisemitism report and I hope that we can get through
9 with it. I, obviously, work for a university,
10 Georgetown University, and I don't expect that they
11 would be intransigent. All I would ask is that there
12 be some precondition in the documents by the co-leads
13 that they are, in fact, intransigent.

14 So, before we actually issue a subpoena,
15 that's typically the process in court. So I could
16 expect that Commissioner Kirsanow and Commissioner
17 Jones could work out that language. Because if they
18 are intransigent, that's fine. I understand that. We
19 have had that before with the federal government on
20 reports that you and I have worked on. But I think
21 there should be at least some opportunity for them to
22 comply before we subpoena them.

23 COMMISSIONER ADAMS: Madam Chair?

24 CHAIR GARZA: Yes, Commissioner Adams.

25 COMMISSIONER ADAMS: I agree. No willy-

1 nilly subpoenas. But let's be clear -- and this isn't
2 in the record anywhere -- Commissioner Kirsanow and I
3 have been trying for years with letters to
4 universities -- let's talk about intransigence --
5 years asking them basic questions. And I can catalog
6 -- as a matter of fact, I think Mr. Mashburn prepared
7 it for me.

8 Didn't you give me the list of
9 universities that I can please reference that Mr.
10 Kirsanow and I have asked?

11 Here we go. These are some of the
12 intransigent universities who have ignored our
13 requests: Columbia, MIT, Middlebury -- never heard of
14 that place -- Northwestern, George Washington,
15 Haverford, Swarthmore, UC Davis, UCLA, UC Berkeley,
16 Michigan, SUNY Purchase, Ohio State. These are the
17 schools Commissioner Kirsanow and I have sent letters
18 to and they have ignored them. So we are already off
19 to a bad start.

20 I don't have anything else.

21 CHAIR GARZA: Commissioner Jones.

22 COMMISSIONER JONES: So, here is my
23 commitment. Any organization, individual, or other
24 entity that unreasonably fails to comply with our
25 discovery request, including a request that they

1 appear to testify, is someone or something that I
2 would be willing to subpoena. And I don't want to
3 speak for my Democratic colleagues, but I would just
4 say I am not aware of anyone on this dais who would be
5 unwilling to vote in favor of issuing such a subpoena.

6 I think what this means -- and I do agree
7 with Vice Chair Nourse's concerns about not having
8 further discussion before issuing a subpoena, given,
9 you know, the nuances associated with people being
10 unable to appear or saying that they don't have
11 certain documents -- I'm just trying to imagine all of
12 the various scenarios that could exist that we should
13 probably talk about before issuing a subpoena.

14 I think what this means is that we ought
15 to create deadlines that are far enough away from the
16 date of the briefing, field briefing and otherwise,
17 because we also need to talk about how we are going to
18 get a budget to do a field briefing at a college or
19 university of our choice in November of this year.
20 And so I hope we will have your help in the
21 appropriations process, Commissioner, to make sure
22 that we have enough time to respond, as a Commission,
23 to that failure to appear or to produce documents.

24 CHAIR GARZA: Commissioner Heriot.

25 COMMISSIONER HERIOT: I think what I can

1 add is that the Commission actually did a study -- it
2 must have been 15 years ago or so -- on discrimination
3 against women in admissions at colleges and
4 universities. We issued subpoenas right off the bat.
5 Even then, we had trouble getting cooperation, so it
6 is not at all unusual for universities to be
7 uncooperative on things like this.

8 I don't see anything wrong with issuing
9 subpoenas right off the bat. You know, it's routine
10 in litigation. So I support using our subpoena power,
11 and I would expect no cooperation until they get a
12 subpoena.

13 You know, if people want to do it the
14 other way, I am willing to do that, too. But, you
15 know, we are going to have a schedule that we need to
16 keep to. And there is nothing weird about issuing a
17 subpoena. It's not an aggressive act. And we can be
18 quite flexible with that subpoena. If it says, do
19 something by X date, and they call and say, I'm sorry,
20 we can't possibly do that, can we please have an
21 extension? The answer is sure, yeah, and you give
22 them an extension. But you start out with a subpoena
23 rather than having to go through a long process.

24 You know, we've got a deadline that we've
25 got to reach. And that means getting the information

1 as soon as it can be gotten. And so I would favor
2 just issuing a subpoena right off the bat.

3 CHAIR GARZA: Vice Chair Nourse.

4 VICE CHAIR NOURSE: Just a point of
5 clarification. How many subpoenas do the leads --
6 Commissioner Jones, do you anticipate being issued?

7 COMMISSIONER JONES: It would be a lot.
8 If we took the posture of starting with a subpoena for
9 everyone, I mean, we've talking about dozens and
10 dozens of subpoenas, because we would have probably at
11 least four panels, to say nothing of document requests
12 that we might want to make without subpoenaing --
13 without inviting witnesses to testify. So it would be
14 a lot. And we would obviously have to involve the
15 Justice Department to enforce those subpoenas.

16 So I will say -- and maybe I know what the
17 response is going to be, but I'll start by saying
18 there have only been a handful of people who have not
19 responded favorably to our requests for testimony and
20 materials. And, obviously, I felt strongly about
21 those situations in the past. But it has not required
22 a subpoena, typically, to get other people to produce
23 documents and to appear.

24 CHAIR GARZA: Commissioner Magpantay.

25 COMMISSIONER MAGPANTAY: I wholeheartedly

1 support the Commission's power to use the authority
2 that we have under federal law to issue subpoenas. I
3 watched this Commission -- I started working with this
4 Commission in 1999. And I remember, in 2000, this
5 Commission subpoenaed a person to appear before the
6 Commission to testify about police misconduct and
7 brutality. And this was during a Republican
8 administration. I do not believe that we need to go
9 to Justice for enforcement because they may comply
10 with the subpoena.

11 So, we don't know what will happen. I do
12 believe that we have this authority. We should use
13 it. I see no problem in executing this. I believe we
14 should have been using it a long time ago, since we
15 started. I'm happy to do as many.

16 Should they not comply, that is a
17 different procedure. That is a different action. And
18 we can deal with that. But we have the authority of
19 the federal law. We should use it. So I endorse and
20 support fully the use of the power that we have under
21 federal law.

22 CHAIR GARZA: I don't know if there is
23 further discussion from the phones.

24 It sounds like none.

25 And, you know, thank you for bringing this

1 topic up, Commissioner Adams, because I do think it's
2 an important one. And I think that all of us have had
3 various conversations about compliance with providing
4 discovery requests or showing up to testify. And so
5 I don't think there is any disagreement on subpoenaing
6 where we need to subpoena and ensure that people show
7 up. So, thank you for bringing this discussion up.

8 Okay. So we are going to move on to our
9 last agenda item that we have on the docket.

10 We have our Acting Staff Director Marik
11 Xavier-Brier. We are going to now turn to you to
12 provide us the monthly Staff Director's report. So
13 the floor is yours.

14 IV. MANAGEMENT AND OPERATIONS

15 STAFF REPORT

16 MR. XAVIER-BRIER: Thank you, Madam Chair.
17 In the interest of time, I have nothing further to add
18 than what is already contained in the report. So,
19 please feel free to reach out and contact me if you
20 have any questions about something contained in the
21 report.

22 CHAIR GARZA: Okay. Well, thank you very
23 much. I appreciate you. I just want to say thank you
24 for you stepping up and taking on this role in the
25 Acting Staff Director role. We really appreciate all

1 you have done for the Office of Civil Rights
2 Evaluation and also what you are doing to keep this
3 place running. So, thank you.

4 Okay. Are there any questions from
5 Commissioners?

6 Okay. Well, that was our last agenda
7 item. So --

8 COMMISSIONER MAGPANTAY: Madam Chair?

9 CHAIR GARZA: Yes, Commissioner Magpantay.

10 COMMISSIONER MAGPANTAY: I think this was
11 a very productive meeting. And I believe next month
12 we have a briefing on the language access report. I
13 am very excited to have that.

14 The Commissioners approved a concept paper
15 and a planning document that called for a field
16 hearing, with the staff's discretion on where it could
17 be. I believe we had talked about Miami, New Jersey,
18 or Las Vegas. I trust the staff that they can figure
19 out where.

20 I do believe that a field hearing gives us
21 the ability to spotlight issues. In fact, the
22 subpoena power that we exercised in 2000 was also a
23 field hearing. Therefore, I am looking forward to
24 next month's meeting being a field briefing, which
25 will be duly noticed. And we'll find out where it is.

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IV. ADJOURNMENT

CHAIR GARZA: All right. Well, thank you. If there is nothing further, I can go ahead and adjourn us at 10:33 a.m. Eastern Time. Thank you to all and have a wonderful weekend.

(Whereupon, the above-entitled matter went off the record at 10:33 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Business Meeting

Before: U.S. Commission on Civil Rights

Date: 02-21-25

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.



Court Reporter

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