

## U.S. COMMISSION ON CIVIL RIGHTS

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## BUSINESS MEETING

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FRIDAY, APRIL 21, 2017

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The Commission convened in Suite 1150 at  
1331 Pennsylvania Avenue, Northwest, Washington, D.C.,  
at 10:00 a.m., Catherine Lhamon, Chair, presiding.

PRESENT:

CATHERINE E. LHAMON, Chair

PATRICIA TIMMONS-GOODSON, Vice Chair\*

DEBO P. ADEGBILE, Commissioner

GAIL HERIOT, Commissioner

PETER KIRSANOW, Commissioner\*

DAVID KLADNEY, Commissioner\*

KAREN NARASAKI, Commissioner

MICHAEL YAKI, Commissioner\*

MAURO MORALES, Staff Director

MAUREEN RUDOLPH, General Counsel

\* *Present via telephone*

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STAFF PRESENT:

ROBERT AMARTEY

LASHONDRA BRENSON

MARIK XAVIER-BRIER

ROI AINE CASTRO

BREANNA DAVIDSON, Intern, MWRO

PAMELA DUNSTON, Chief, ASCD

ALFREDA GREENE

DAVID MUSSATT, DIR., RPCU\*

WARREN ORR

MICHELE RAMEY

SARALE SEWELL

JUANDA SMITH

BRIAN WALCH

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART

ALEC DUELL

JASON LAGRIA

CARISSA MULDER

AMY ROYCE

RUKKU SINGLA

ALISON SOMIN

IRENA VIDULOVIC

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

2 (10:01 a.m.)

3 CHAIR LHAMON: This is the meeting of the  
4 U.S. Commission on Civil Rights. It's coming to order  
5 at 10:00 a.m. on April 21st, 2017. This meeting's  
6 taking place at our Commission's headquarters at 1331  
7 Pennsylvania Avenue, NW, Washington, D.C.

8 I'm Chair Catherine Lhamon. Present with  
9 me at this meeting are Commissioner Adegbile,  
10 Commissioner Heriot, Commissioner Narasaki. And I  
11 understand that on the phone are Vice Chair  
12 Timmons-Goodson, Commissioner Yaki, Commissioner  
13 Kladney, and Commissioner Kirsanow.

14 Could each of you say that you are present  
15 so that we know for sure that you are here?

16 VICE CHAIR TIMMONS-GOODSON: Good  
17 morning, this is Commissioner Timmons-Goodson. I am  
18 present.

19 CHAIR LHAMON: Thank you.

20 COMMISSIONER KLADNEY: This is Dave  
21 Kladney, I'm here.

22 CHAIR LHAMON: Thank you. Commissioners?

23 COMMISSIONER KIRSANOW: Kirsanow here.

24 CHAIR LHAMON: Thank you. Commissioner  
25 Yaki, are you here?

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1                   COMMISSIONER YAKI:     I am, especially  
2 because Commissioner Kirsanow's not there.

3                   CHAIR LHAMON:     Thank you.     So just a  
4 reminder to each of you who is on the phone, please state  
5 your name before speaking so that we can avoid confusion  
6 for the court reporter.    I'll just confirm that that was  
7 Commissioner Yaki speaking last.

8                   We have a quorum of the Commissioners  
9 present.    Is the court reporter present?

10                  COURT REPORTER:    I am.

11                  CHAIR LHAMON:     Thank you.     Is the Staff  
12 Director present?

13                  STAFF DIRECTOR MORALES:    I am present.

14                                   **I.    APPROVAL OF AGENDA**

15                  CHAIR LHAMON:     Thank you.     So this meeting  
16 now comes to order.    I'd like to discuss a couple of  
17 amendments to the agenda, but, first, is there a motion  
18 to approve the agenda so we can start that process?

19                  COMMISSIONER NARASAKI:    So moved.

20                  CHAIR LHAMON:     Thank you.     Is there a  
21 second?

22                  COMMISSIONER ADEGBILE:    Second.

23                  CHAIR LHAMON:     Great.     I move amend the  
24 agenda --

25                  COMMISSIONER KLADNEY:    Kladney here, I'll

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1 second.

2 CHAIR LHAMON: Thank you. We have two  
3 seconds now. I move to amend the agenda to add two items  
4 and remove one item. We would add first a discussion  
5 and vote on a statement titled "U.S. Commission on Civil  
6 Rights Urges Department of Justice to Use All Available  
7 Tools to Work with Police Departments to Ensure  
8 Constitutional Policing."

9 Second, a discussion and vote on a  
10 statement titled, "U.S. Commission on Civil Rights  
11 Expresses Concern with Immigrants' Access to Justice."

12 And we would remove an item that was voting  
13 on appointments to the Michigan State Advisory  
14 Committee, per the Staff Director's email earlier this  
15 week. Is there a second?

16 COMMISSIONER ADEGBILE: Second.

17 CHAIR LHAMON: Thank you.

18 VICE CHAIR TIMMONS-GOODSON:  
19 Timmons-Goodson, I second.

20 CHAIR LHAMON: Thank you. So if there are  
21 no further amendments, let's vote to approve the agenda  
22 as amended. All those in favor say "aye."

23 (Chorus of ayes.)

24 CHAIR LHAMON: Any opposed? Any  
25 abstentions?

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1 COMMISSIONER KIRSANOW: Kirsanow.

2 CHAIR LHAMON: Thank you. The motion  
3 passes. No Commissioner opposed, one Commissioner  
4 abstained, all others were in favor.

5 **II A. PROGRAM PLANNING**

6 **1. DISCUSSION AND VOTE ON CONSTITUTIONAL**  
7 **POLICING STATEMENT**

8 CHAIR LHAMON: So, turning to Program  
9 Planning, we have two amended agenda items today under  
10 Program Planning. First, we will discuss and vote on  
11 the statement regarding constitutional policing. I'll  
12 note here that Commissioner Adegbile is recused from  
13 this discussion and vote, and so will not be  
14 participating. Is that correct?

15 COMMISSIONER ADEGBILE: That's correct.

16 CHAIR LHAMON: Thank you. So I'll begin  
17 by reading the statement so we know what it is that we're  
18 voting on. It's titled, "U.S. Commission on Civil  
19 Rights Urges Department of Justice to Use All Available  
20 Tools to Work with Police Departments to Ensure  
21 Constitutional Policing."

22 The U.S. Commission on Civil Rights is  
23 deeply concerned by signals from the U.S. Department of  
24 Justice indicating that it does not intend to continue  
25 holding local police departments accountable for

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1 violating the rights of individuals as defined by the  
2 Constitution and other federal laws.

3 We call on the Attorney General to  
4 re-examine this course and continue to fulfill the  
5 Justice Department's mandate to protect the civil  
6 rights of all persons.

7 On March 31, 2017, the Attorney General  
8 issued a memorandum directing the Deputy Attorney  
9 General and the Associate Attorney General to  
10 "immediately review all Department activities to ensure  
11 they appropriately supported state, local, and tribal  
12 law enforcement."

13 The Commission is troubled that this action  
14 sends a message to communities across the country that  
15 reform agreements urgently needed, and in some  
16 instances, already agreed to by the respective police  
17 departments and municipalities involved, may be in  
18 jeopardy.

19 We commend Judge Bredar of the U.S.  
20 District Court for the District of Maryland for  
21 approving the Justice Department's consent decree with  
22 the Baltimore Police Department, and recognizing that  
23 "the time for expressing grave concerns has passed; and  
24 instead, the parties must now exercise the agreement as  
25 they promised they would."

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1           The Commission is also concerned that the  
2 Attorney General's memorandum points to a deeper  
3 misunderstanding of the federal government's role with  
4 respect to state and local law enforcement.

5           The memorandum included a list of  
6 principles by which the Department is expected to  
7 operate, including a declaration that "it is not the  
8 responsibility of the federal government to manage  
9 non-federal law enforcement agencies."

10           In 1994, Congress provided the Department  
11 of Justice with authority to bring pattern and practice  
12 investigations for systematic violations of  
13 constitutional rights within police departments.  
14 Since that time, the Department of Justice has opened  
15 a total of 69 formal investigations of police  
16 departments, averaging fewer than three per year.

17           Each investigation, negotiated agreement,  
18 and subsequent reforms were done with input from the  
19 local law enforcement agency and the surrounding  
20 community they affect.

21           These investigations addressed serious,  
22 systemic, deeply rooted, abusive practices that  
23 violated the Constitution and other federal laws. They  
24 have made for better policing in communities served by  
25 law enforcement.

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1           The Commission has recognized the value of  
2           the work done by the Civil Rights Division with its  
3           pattern and practice investigations, most recently with  
4           the Division's report on the law enforcement and  
5           municipal courts of Ferguson, Missouri in 2015.

6           In response to the investigation and  
7           findings made by the Division's report, the Commission  
8           is undertaking our own investigation to evaluate the  
9           problematic use of fines and fees in different  
10          jurisdictions around the country, as well as to examine  
11          the efficacy of the Justice Department's efforts to curb  
12          constitutional violations in this realm.

13          Advocates and experts from around the  
14          country attested to the relevance and necessity of the  
15          Justice Department's work under the express authority  
16          granted by Congress. The Division's report has spurred  
17          positive change in municipal jurisdictions around the  
18          country.

19          The Commission also received positive  
20          reports on the Justice Department's policing work from  
21          experts at the Commission's briefing on police use of  
22          force in April 2015.

23          Reports indicate that the DOJ is  
24          considering drastic cutbacks in the Office of  
25          Community-Oriented Policing Services, COPS, an office

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1 that has received praise from police departments around  
2 the country.

3 COPS assists police departments when the  
4 departments themselves invite the Department of Justice  
5 to collaborate with them in reviewing their policies and  
6 procedures, and assist them in better policing  
7 practices. Failing to appropriately fund any resource  
8 to ensure constitutional policing is a setback.

9 Chair Catherine E. Lhamon stated, "The  
10 Department of Justice should and must continue to work  
11 with local law enforcement and communities to remedy  
12 constitutional violations and repair damaged community  
13 relationships. Fair treatment and effective policing  
14 depend on the Department fulfilling its obligations in  
15 this continuous effort, using any and all tools at its  
16 disposal to achieve the fulfilment of civil rights."

17 That's the full statement. We can now  
18 discuss it. Are there any points other commissioners  
19 would like to make?

20 COMMISSIONER KIRSANOW: Kirsanow.

21 CHAIR LHAMON: Go ahead.

22 COMMISSIONER KIRSANOW: I think maybe we  
23 want to hold off on this. It sounds to me that this  
24 statement, it may be well-considered, but I think it's  
25 somewhat premature.

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1 I'm not sure how we can make the leap from  
2 saying that the Justice Department doesn't intend to  
3 continue holding local police departments accountable  
4 for violating the rights of individuals as defined by  
5 the Constitution when all they did was issue this  
6 memorandum that says they're going to review Department  
7 activities to ensure that they appropriately support  
8 state, local, and tribal law enforcement.

9 In addition to that, there's some, at least  
10 questionable, assertions of fact, one of which is that  
11 the consent decrees have made for better policing in  
12 communities served by law enforcement.

13 First of all, I'm not sure what that  
14 sentence means. I think almost every community is  
15 served by law enforcement. But beyond that, we cite  
16 Baltimore as being one of the cities subject to consent  
17 decree, and just this last year Baltimore had an  
18 extraordinary spike in crime, including the second  
19 highest rate of murder in its history. The same applies  
20 to Chicago, where we have 762 murders. And then just  
21 immediately adjacent to Ferguson, in St. Louis, we have  
22 an extraordinary spike in crime also. So maybe we want  
23 to hold off before issuing this statement.

24 CHAIR LHAMON: Thanks, Commissioner  
25 Kirsanow. I will point out that Baltimore's consent

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1 decree was only just entered this month. So the spike  
2 in crime that precedes it is unrelated to the entry of  
3 the consent decree.

4 In addition, the existence of a spike in  
5 crime does not necessarily indicate a failure of  
6 effective policing. It does indicate serious criminal  
7 justice concerns for the communities who live in those  
8 communities.

9 COMMISSIONER KIRSANOW: If I may respond,  
10 I did read the article here that's cited. And I'm not  
11 sure that this supports an assertion that these consent  
12 decrees necessarily provide for better policing. I'm  
13 open to that, but I'm not sure that this is evidence of  
14 that.

15 And I would also note that at least the  
16 investigation related to Baltimore began well before  
17 the spike in crime.

18 CHAIR LHAMON: Thank you. I think  
19 Commissioner Heriot wanted to comment?

20 COMMISSIONER HERIOT: Yeah. I intend to  
21 vote no on this motion. I think the first sentence, for  
22 example, is quite unfair. The Department of Justice  
23 has not indicated that it does not intend to continue  
24 holding local police departments accountable for  
25 violating the rights of individuals as defined by the

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1 Constitution and other federal laws.

2 What they have said is that they are taking  
3 a look at some of these consent decrees, which is a very  
4 different thing. So, in that sense, I agree with  
5 Commissioner Kirsanow that this is premature.

6 I also believe that -- and perhaps this is  
7 more important here -- the third paragraph of this  
8 statement tries to draw a line here. It says that the  
9 Department has said -- and it uses the word  
10 "declaration" here, actually -- but to quote the  
11 Department, "it is not the responsibility of the federal  
12 government to manage non-federal law enforcement  
13 agencies."

14 And this statement takes issue with that,  
15 saying that, indeed, there is a statute that gives the  
16 Department authority to bring pattern and practice  
17 investigations for systematic violations of  
18 constitutional rights.

19 And that's true, but I don't see those two  
20 statements as being in tension. There's a very large  
21 difference between managing local law enforcement and  
22 using the power that has been rightly given to the  
23 Department of Justice to bring pattern and practice  
24 investigations for systematic violations of  
25 constitutional rights.

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1           So those two statements are not in tension,  
2           and I think it's a big mistake and a misunderstanding  
3           of federalism to think that they are.           Also I  
4           just want to echo what Commissioner Kirsanow just said  
5           about the consent decree in Baltimore, and that is, it's  
6           not a question of when the consent decree was entered.  
7           It's a question of how the Baltimore Police Department  
8           has been adjusting its activities to go along with what  
9           the Department of Justice has been telling it that it  
10          needs to do, and that starts long before the judge  
11          actually enters the consent decree.

12           So I don't think it's a situation where you  
13          can say that the Department of Justice's activities have  
14          not influenced how the Baltimore Police Department  
15          conducts its activities. So I don't think you can say  
16          that it's unrelated to the spike in crime. It may or  
17          may not be. I don't think that we should be dismissing  
18          that as an issue that doesn't need to be looked at  
19          carefully. I think it really does. And so, again, I  
20          will be voting against this statement.

21           CHAIR LHAMON:       Thank you.       I don't  
22          disagree with you that the statements in the third  
23          paragraph should not be in tension. I believe that they  
24          are in tension because of the memorandum from the  
25          Attorney General. And that is, for me, a strong reason

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1 why it's important for us to issue this statement.

2 I'll ask if there are any other comments  
3 from other Commissioners?

4 VICE CHAIR TIMMONS-GOODSON: This is Vice  
5 Chair Timmons-Goodson. I support the statement. I  
6 intend to vote for it. I believe that we are properly  
7 commenting and expressing concerns on an issue  
8 extremely important for the day. And I think we ought  
9 to issue it.

10 CHAIR LHAMON: Thank you.

11 COMMISSIONER NARASAKI: I also intend to  
12 vote for it. During the hearings that we've had on the  
13 issue of police use of force and reform, we heard  
14 consistently that the Department of Justice's  
15 interventions have been very helpful to those who want  
16 to help push the cities to reform.

17 It gives them political support for the  
18 budget support they need in order to train officers  
19 sufficiently. So I believe that it's very clear that  
20 these consent decrees, which are very closely  
21 negotiated by both sides, and the cities and police  
22 departments are more than able to negotiate their  
23 interests. It's not that they're helpless in these  
24 discussions with the Department of Justice. So I think  
25 it's very important.

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1                   And my concern is that, while the statement  
2                   itself may be fairly narrow, there's a context in terms  
3                   of what the Attorney General has been saying on these  
4                   topics that I think make our concern clear, and better  
5                   to put the Department of Justice on notice about our  
6                   concerns now than after the fact.

7                   CHAIR LHAMON:    Thank you.    Any other  
8                   discussion on this motion?   Okay.   Do I have motion to  
9                   approve the statement regarding constitutional  
10                  policing?   Well, I will move.

11                  COMMISSIONER KLADNEY:   Kladney here.   I  
12                  so move.

13                  CHAIR LHAMON:    Okay.    Thank you.    Is  
14                  there a second?

15                  VICE CHAIR TIMMONS-GOODSON:   I'll second.

16                  CHAIR LHAMON:    Was that a second?   Okay.  
17                  Commissioner Heriot, how do you vote?

18                  COMMISSIONER HERIOT:   No.

19                  CHAIR LHAMON:    Commissioner Kirsanow?

20                  COMMISSIONER KIRSANOW:   No.

21                  CHAIR LHAMON:    Commissioner Kladney?

22                  COMMISSIONER KLADNEY:   Yes.

23                  CHAIR LHAMON:    Commissioner Narasaki?

24                  COMMISSIONER NARASAKI:   Yes.

25                  CHAIR LHAMON:    Commissioner Yaki?

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1 COMMISSIONER YAKI: Aye.

2 CHAIR LHAMON: Vice Chair  
3 Timmons-Goodson?

4 VICE CHAIR TIMMONS-GOODSON: Yes.

5 CHAIR LHAMON: And I vote yes. That's  
6 five votes yes, two votes no, one Commissioner recused,  
7 and no abstentions. Thank you.

8 **II A. PROGRAM PLANNING**

9 **2. DISCUSSION AND VOTE ON U.S. COMMISSION ON CIVIL**  
10 **RIGHTS URGES DEPARTMENT OF JUSTICE TO USE ALL AVAILABLE**  
11 **TOOLS TO WORK WITH POLICE DEPARTMENTS TO ENSURE**  
12 **CONSTITUTIONAL POLICING**

13 CHAIR LHAMON: So now we will discuss and  
14 vote on the statement regarding immigrants' access to  
15 justice. I'll also read this statement so we are clear  
16 about what we are voting on. The title is "U.S.  
17 Commission on Civil Rights Expresses Concern with  
18 Immigrants' Access to Justice."

19 The Commission is concerned that some of  
20 the most vulnerable individuals' access to justice is  
21 hindered by the recent actions of the federal  
22 government. The Commission urges Attorney General  
23 Sessions and Department of Homeland Security Secretary  
24 Kelly to consider the fair administration of justice  
25 when determining how and where they send Immigrations

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1 and Customs Enforcement, ICE, agents.

2 In the last few months, troubling reports  
3 have emerged of federal immigration agents following,  
4 confronting, and in some instances, arresting  
5 undocumented immigrants in state and local courthouses  
6 when some of those immigrants were seeking help from  
7 authorities and the local justice system.

8 For example, in Texas, ICE agents  
9 reportedly arrested a woman just after she obtained a  
10 protective order against her alleged abuser. In  
11 Colorado, video footage of ICE agents with an  
12 administrative arrest warrant waiting in a Denver  
13 courthouse was widely circulated. Similar reports  
14 have been made about courthouses in California,  
15 Washington, Arizona, and Oregon.

16 Stationing ICE agents in local courthouse  
17 instills needless additional fear and anxiety within  
18 immigrant's communities, discourages interacting with  
19 the judicial system, and endangers the safety of entire  
20 communities.

21 Courthouses are often the first places  
22 individuals interact with local governments. It is the  
23 site of resolution for not only criminal matters, where  
24 a victim might seek justice when she has been harmed or  
25 wronged, but also for resolution of civil matters,

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1 including family and custody issues, housing, public  
2 benefits, and numerous other aspects integral to an  
3 individual's life.

4 The chilling effect on witness and victims  
5 is already apparent. According to Denver City Attorney  
6 Kristin Bronson, four women dropped their cases of  
7 physical and violent assault for fear of being arrested  
8 at the courthouse and subsequently deported.

9 Bronson stated that the video footage of  
10 ICE officers waiting to make arrests at a Denver  
11 courthouse has "resulted in a high degree of fear and  
12 anxiety in our immigrant communities. And as a result,  
13 we have grave concerns here that they distrust the court  
14 system now and that we are not going to have continued  
15 cooperation of victims and witnesses."

16 The response from Attorney General  
17 Sessions and Secretary Kelly to these concerns is that  
18 local officials "have enacted policies that  
19 occasionally necessitate ICE officers and agents to  
20 make arrests at courthouses and other public places."  
21 And such policies "threaten public safety."

22 Contrary to this claim regarding  
23 jurisdictions that are refusing to hold individuals  
24 solely based on ICE detainer requests, it appears that  
25 these tactics have been deployed even where local law

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1 enforcement has indicated that they are willing to act  
2 in concert with federal immigration agents.

3 In El Paso County, Texas, for instance,  
4 Sheriff Richard Wiles signed a letter requiring his  
5 office to hold any individuals with an ICE detainer  
6 request. Despite this, ICE agents entered a courthouse  
7 in El Paso County to arrest a woman after she left the  
8 courtroom where she secured a protective order against  
9 her alleged abuser.

10 More importantly, even if this strategy  
11 were used exclusively in jurisdictions refusing to  
12 cooperate regarding enforcement of ICE detainers,  
13 studies have shown that public safety is in fact  
14 undermined when members of the community are fearful of  
15 local law enforcement, and therefore less likely to  
16 report crimes, make official statement to police, or  
17 testify in court.

18 In the words of California Supreme Court  
19 Chief Justice Tani G. Cantil-Sakauye, "courthouses  
20 should not be used as bait in the necessary enforcement  
21 of our country's immigration laws."

22 Chair Catherine E. Lhamon adds, "The fair  
23 administration of justice requires equal access to our  
24 courthouses. People are at their most vulnerable when  
25 they seek out the assistance of local authorities, and

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1 we are all less safe if individuals who need help do not  
2 feel safe to come forward."

3 That's the end of the statement. We can  
4 now discuss it, if there's any discussion.  
5 Commissioner Heriot?

6 COMMISSIONER HERIOT: I've got a question  
7 on this. I mean, is anyone else immune from arrest in  
8 courthouses? I've looked, you know, preliminarily at  
9 this issue, and I couldn't find anything to suggest that  
10 anybody else, for any other kind of law enforcement  
11 issue, would be immune in a courthouse.

12 So why would someone uniquely be immune if  
13 the problem is one of immigration law? That's what I  
14 don't understand about this statement.

15 CHAIR LHAMON: I suspect you don't find  
16 information about that because it is not the practice  
17 of police and law enforcement agencies to arrest people  
18 in courthouses.

19 COMMISSIONER HERIOT: Actually I did find  
20 it. There were quite a few sting operations operated  
21 out of courthouses.

22 CHAIR LHAMON: And were you finding news  
23 about that because it was newsworthy? Because it was  
24 unusual?

25 COMMISSIONER HERIOT: There was actually a

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1 lot of it. No, I don't think it was unusual. I think  
2 it was actually being publicized to give people a sense  
3 of, gosh, this can happen. And there was nothing to  
4 suggest that ordinarily people are immune from arrest  
5 in courthouses, nothing like that at all. So if you can  
6 point me to something that says that this is unusual,  
7 I'd love to see it.

8 CHAIR LHAMON: I think the fact that you're  
9 reading news about it suggests that it is unusual, but  
10 also --

11 COMMISSIONER HERIOT: No, I found quite a  
12 few news stories, and what was interesting about it was  
13 not that, oh goodness, this is unusual, but the fact that  
14 they were able to arrest a lot of people that way. It  
15 was actually a sting operation.

16 CHAIR LHAMON: To be clear, there's  
17 nothing in the statement that suggests that it is not  
18 lawful for ICE to do it. It is that the Commission has  
19 concerns --

20 COMMISSIONER HERIOT: Then that's my  
21 question. What is so unique about immigration law that  
22 makes you want to argue that this shouldn't be done in  
23 the case of immigration law, but it's okay in other  
24 situations?

25 CHAIR LHAMON: Commissioner Narasaki?

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1                   COMMISSIONER   KLADNEY:           Commissioner  
2           Heriot, Kladney here.   So, I think what the statement's  
3           main thrust is, is that we are hurting the judicial  
4           system in that witnesses to crimes are not appearing  
5           because they are under the threat of arrest, as well.  
6           And so this is undermining the judicial system as a  
7           whole.   Not a sting operation, which is set up by the  
8           police to capture wrongdoers.   So this undermining of  
9           the judicial system by keeping witnesses away from the  
10          courthouse is clearly hurting the community as a whole.  
11         And I think that's the gist of this statement.

12                   COMMISSIONER   HERIOT:        But, again, my  
13          question is, what's so unique about immigration laws  
14          with regard to this?   Why wouldn't you want the same  
15          rule for all things, and why wouldn't -- you know, if  
16          that isn't the case, then why are we making a special  
17          argument here?   Why are we engaging in special pleading  
18          here?

19                   CHAIR LHAMON:   Commissioner Narasaki.

20                   COMMISSIONER   NARASAKI:       Let's take the  
21          example of domestic violence.   There is lengthy  
22          documentation about the special vulnerability of  
23          immigrant women to abusers, who in fact hold over their  
24          head their immigration status as a way to keep them  
25          victimized.   And these are among the victims that we're

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1 concerned are not coming forward.

2 And so the challenge here is that you are  
3 allowing crimes to continue to happen because the  
4 victims themselves are not coming forward. And we're  
5 talking about, as you know, not a handful of people, but  
6 literally millions of people and their families who are  
7 made much more vulnerable, who are made -- not just  
8 domestic violence victims, but victims of home  
9 invasions and robberies. This is not helpful, as  
10 Commissioner Kladney notes, for everyone's public  
11 safety, not just the immigrants themselves. So that's  
12 why we are particularly looking at this situation.

13 COMMISSIONER HERIOT: But, again, as we  
14 saw in our fees and fines briefing, you know, arrest  
15 warrants are pretty common. There are a lot of them out  
16 there. It's not just for immigration cases.

17 It seems to me that if we have a  
18 long-standing history where there is no such immunity,  
19 then issuing a puny statement like this, that has not  
20 been researched, you know, not --- there's hardly  
21 anything to this. This is off the top of somebody's  
22 head. That strikes me as a deep error.

23 COMMISSIONER HERIOT: I will say that the  
24 statement has been researched and it is consistent with  
25 three state Supreme Court justices' request to the

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1 Department of Justice to date.

2 COMMISSIONER HERIOT: Looking up a few  
3 newspaper articles is not researching a legal topic.

4 CHAIR LHAMON: For what it's worth --

5 COMMISSIONER HERIOT: A legal topic  
6 requires a lot more than that.

7 CHAIR LHAMON: For what it's worth, your  
8 not having done the research does not mean the research  
9 has not been done. But go ahead, Commissioner  
10 Narasaki.

11 COMMISSIONER NARASAKI: So I was just  
12 going to say that I think that what's important to note  
13 here is that we are not making the argument that anyone  
14 should be immune. What we are saying is there's common  
15 sense, and it used to be the policy where people would  
16 be routinely arrested, immigrants.

17 And in fact that changed because of the documentation  
18 of the public safety risks and the risks to victims that  
19 were becoming very apparent.

20 So, this is not something that we just came  
21 up with right now. There was a change in policy several  
22 years ago for the very reasons that we are laying out.  
23 And we are suggesting that that policy should stay in  
24 place, instead of being changed back to where it's  
25 going.

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1                   CHAIR LHAMON:   And I believe one of the  
2 commissioners on the phone has been trying to get in.  
3 Is that Commissioner Kirsanow?

4                   COMMISSIONER KIRSANOW:   Yes, thank you,  
5 Madam Chair.   I concur with Commissioner Heriot.   I'd  
6 make a couple of observations.   First, we are creating  
7 somewhat of a protected class here, because it is in fact  
8 true that almost anyone who's out of lawful status,  
9 regardless of whether it pertains to immigration, it  
10 could be because someone has outstanding warrants,  
11 outstanding warrants for drug possession, outstanding  
12 warrants for traffic.   Whatever it may be, and as  
13 someone who spends a lot of time in courts, it's not just  
14 sting operations.   I've seen individuals arrested on a  
15 frequent basis because they've come into court for some  
16 reason, and then someone determines that, hey, there's  
17 an outstanding warrant on that particular person.

18                   That applies to Americans.   It applies to  
19 documented immigrants.   It applies to everybody.   And  
20 yet we have singled out a class because, for whatever  
21 reason, they are somehow insulated from the same type  
22 of treatment that everyone else is subjected to.

23                   In addition, our statement here says,  
24 "people are at their most vulnerable when they seek out  
25 these systems of local authority."   And the question

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1 is, what's the limiting principle? Does this only  
2 apply to courthouse appearances, or does it apply to  
3 other attempts to seek out help from authorities,  
4 whether it be at -- who knows -- the police station?  
5 Title agencies? The DMV? Or whether or not somebody  
6 goes to a public hospital? Are they then somehow  
7 insulated because we deemed that particular activity as  
8 essential to either the administration of justice or in  
9 assisting that particular individual in a time of need?

10 There are a lot of Americans who abuse  
11 people in domestic violence situations. We do not  
12 insulate them from that. And those Americans who are  
13 abused are very often abused by people who have  
14 outstanding warrants and will be otherwise subject to  
15 arrest if they appeared.

16 So I think that this is -- it is the case  
17 that this is a protected class. I think it's done  
18 because this is a political gesture, not anything that  
19 is supported by empirical evidence or the fair  
20 administration of the rule of law. So I'm going to be  
21 voting against it.

22 COMMISSIONER NARASAKI: I think  
23 Commissioner Kirsanow is misunderstanding the extent of  
24 what we are saying. We are not saying that someone who  
25 happens to be an immigrant should not be arrested at the

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1 courthouse if they've committed murder. What we are  
2 saying is they should not be taken for an immigration  
3 violation, which is a totally different animal.

4 So we're not saying that you can never be  
5 arrested if you're near a courthouse. We're just  
6 saying that ICE should not be active around courthouses,  
7 because it chills everyone's ability to participate in  
8 a justice system that we all need to work.

9 COMMISSIONER HERIOT: I think we do  
10 understand that, but that's making a --

11 COMMISSIONER KIRSANOW: Well,  
12 essentially, Commissioner, that makes my point.  
13 Because immigration has been set aside as a specific  
14 type of activity that we think is maybe more worthy of  
15 protection than someone who's in violation for some  
16 other reason.

17 So, someone may be subject to arrest, for  
18 example, because of outstanding warrants for a whole  
19 host of things. Why should those people be subject to  
20 arrest but somebody who is out of legal status because  
21 of an immigration violation be protected?

22 COMMISSIONER HERIOT: Let me just add one  
23 more thing here, and that is -- now that I think about  
24 it, I actually know a personal story where a very dear  
25 friend of mine walked into a police department to make

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1 a complaint about someone who was acting in a criminal  
2 manner towards him. And sure enough, there was an  
3 outstanding arrest warrant for my friend.

4 It was unfair and was inappropriate. He  
5 had not committed that crime. But they had to arrest  
6 him. This argument would seem to me to apply even more  
7 strongly to the notion of an illegal immigrant entering  
8 a police department to make a complaint, and yet is  
9 routine when people come in and make a complaint: if  
10 there's an outstanding arrest warrant they get  
11 arrested.

12 I think we want to know a whole lot more  
13 about how this would affect law enforcement before we  
14 single out a particular area of the law and say, "for  
15 this area of the law, we want to have special  
16 protections." I don't understand why that would be.

17 COMMISSIONER YAKI: This is Commissioner  
18 Yaki. May I speak?

19 CHAIR LHAMON: Yes.

20 COMMISSIONER YAKI: This debate  
21 highlights, I think, what the change in policy is that  
22 we are trying to deal with, which is the bootstrapping  
23 of the argument that pretty much anyone who is here in  
24 an undocumented status is, essentially, by their  
25 nature, having committed a crime.

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1           This is a distinct change in policy. This  
2 is where the statements of the president do not match  
3 the actions of his administration, especially of his  
4 attorney general. The notion that the first DACA  
5 individual was deported is another example of that.

6           But here, this is not about a sting  
7 operation to get people with very big and bad warrants  
8 out there. This is for people whose crime, such as it  
9 is, is being in this country, being deemed law-abiding,  
10 working, supporting their families, and they don't have  
11 status, a subject that everyone agrees there needs to  
12 be some discussion about, and some comprehensive  
13 resolution to, but which no one is willing to take the  
14 step and take legislative action to actually fix it.

15           So, in the meantime, we close a blind eye  
16 to -- turn a blind eye to the situation right now, which  
17 is that there is this increased enforcement going on,  
18 an increased tactic of intimidation, and you are  
19 actually allowing people who should be arrested to not  
20 be arrested if their accusers are not allowed to go to  
21 a police station or go to a courthouse to make a  
22 complaint, to do these sorts of things that benefit the  
23 greater society as a whole.

24           So this is a change. This is a problem.  
25 And I do support the statement.

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1                   COMMISSIONER     KLADNEY:           This     is  
2     Commissioner Kladney.     I will be voting for this  
3     statement, basically because the people that they are  
4     arresting at the courthouses that committed crimes,  
5     it's my understanding, most immigration violations are  
6     civil in nature.     And there's not the same public safety  
7     concern in this regard as there is with people who have  
8     warrants out for crimes of drug dealing or -- I don't  
9     think anybody argues with someone being arrested for a  
10    crime at a courthouse.

11                   But for a civil violation, and then  
12    undermining the judicial system by not allowing people  
13    to make complaints for their own safety, as well as  
14    witnesses to crimes, to enforce -- to help the judicial  
15    system come to a resolution in criminal cases as well  
16    as civil cases is very important.     And that's the reason  
17    I'll be supporting this statement.

18                   CHAIR LHAMON:     Any other discussion?  
19    Pete?

20                   COMMISSIONER HERIOT:     My understanding is  
21    that is a crime.     It's a misdemeanor, it's not a major  
22    crime.     But that's also true for a lot of arrest  
23    warrants.     I mean, that's what our report on detention  
24    facilities said, that this was in fact a misdemeanor.  
25    That's a crime.

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1                   COMMISSIONER KLADNEY:  If I may respond to  
2 Commissioner Heriot.  As I recall, the immigration  
3 violations are civil in nature because the person being  
4 accused of an immigration violation is not entitled to  
5 counsel.  The people we saw at the detention facility  
6 --

7                   COMMISSIONER HERIOT:  That's not the  
8 distinction.

9                   COMMISSIONER KLADNEY:  -- that were being  
10 deported -- if I may.  The people that we saw at the  
11 detention facility that were being deported, that was  
12 more like a jail -- the second facility, I forget the  
13 name of it -- were people who were found out after  
14 committing a criminal violation, and therefore were  
15 being deported.  That is the distinction.

16                  COMMISSIONER HERIOT:  No, you can have a  
17 civil proceeding here.  But that doesn't mean that it's  
18 not a crime.  Just like you can have a lawsuit for  
19 battery, a civil lawsuit, that doesn't mean that battery  
20 is not a crime.  It is.

21                  My understanding, and I remember citing the  
22 provisions in the code, was that, you know, this is a  
23 misdemeanor.  It is a crime.  It's not always -- they  
24 don't always use that procedure, but that doesn't mean  
25 that it's not a crime.

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1                   COMMISSIONER NARASAKI:  As someone who's  
2 worked on immigration law for 30 years, I can tell you  
3 that under the immigration code there are some things  
4 that are civil violations and some things that are  
5 criminal violations.  So they are not all criminal  
6 violations.  And even those that are criminal, aren't  
7 necessarily because they're particularly harmful to the  
8 public safety.

9                   CHAIR LHAMON:  Commissioner Kirsanow, I  
10 think you were trying to speak also.

11                   COMMISSIONER KIRSANOW:  Yeah, I'm just  
12 wondering, as I asked before, what's the limiting  
13 principle on this?  Does this also apply to police  
14 stations?  If someone walks into a police station to  
15 make a report and they may be in illegal status, are they  
16 insulated from arrest?  Or if someone calls in, and  
17 police are responding to a business or a home and the  
18 complainant is an illegal immigrant, are they then  
19 insulated from arrest?  How do we limit that?

20                   COMMISSIONER ADEGBILE:  As I read the  
21 statement, it does not purport to --

22                   VICE CHAIR TIMMONS-GOODSON:  This is  
23 Commissioner Timmons-Goodson.  I intend to vote for  
24 this.  This is a statement.  We're not trying to write  
25 a statute.  And it is an issue that we need to speak out

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1 on, and it appears to me that this discussion is part  
2 of what it is that we're trying to do: get people  
3 thinking and talking about this, and perhaps we can get  
4 some positive to come out of it.

5 We're not all going to agree on each issue,  
6 on each statement in our statement. This is an  
7 important issue. We need to speak out on it. I think  
8 we've done well, and I would call the question.

9 CHAIR LHAMON: Thank you, Vice Chair.  
10 Commissioner Adegbile was speaking also.

11 COMMISSIONER ADEGBILE: I was just  
12 responding to Commissioner Kirsanow. As I read the  
13 four corners of this statement, it doesn't purport --

14 COMMISSIONER KIRSANOW: Can you speak up a  
15 little?

16 VICE CHAIR TIMMONS-GOODSON: I'm unable to  
17 hear.

18 COMMISSIONER ADEGBILE: I'm sorry, I was  
19 having mic problems. As I read the four corners of this  
20 statement, it doesn't purport to speak to every context  
21 in which the policy judgment needs to be made about  
22 whether or not ICE should be seeking to enforce detainer  
23 orders.

24 It speaks to a specific context. That  
25 context was what motivated the extraordinary step of the

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1 Chief Justice of the California Supreme Court writing  
2 a letter to the Attorney General because of the  
3 centrality of enforcing this policy in courthouses and  
4 the role that courthouses play with respect to the rule  
5 of law.

6 Now, this statement does not create an  
7 immunity; it does not create a protected class. It  
8 speaks to the trade-offs of the policy judgment and  
9 using what the California Chief Justice called an  
10 expedient way of enforcing these detainer orders in  
11 courthouses.

12 This statement does not call for the  
13 statutes that require people to be held to not be  
14 enforced. It's focused on a specific scenario in which  
15 the trade-offs seem to be too grave to society.

16 CHAIR LHAMON: Having had this discussion,  
17 I now call the vote. Do I have a motion to approve the  
18 statement regarding immigrants' access to justice?

19 COMMISSIONER NARASAKI: So moved.

20 CHAIR LHAMON: Do we have a second?

21 COMMISSIONER ADEGBILE: Second.

22 CHAIR LHAMON: Commissioner Adegbile, how  
23 do you vote?

24 COMMISSIONER ADEGBILE: Aye.

25 CHAIR LHAMON: Commissioner Kirsanow?

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1 COMMISSIONER KIRSANOW: No.

2 CHAIR LHAMON: Commissioner Heriot?

3 COMMISSIONER HERIOT: No.

4 CHAIR LHAMON: Commissioner Kladney?

5 COMMISSIONER KLADNEY: Yes.

6 CHAIR LHAMON: Commissioner Narasaki?

7 COMMISSIONER NARASAKI: Yes.

8 CHAIR LHAMON: Commissioner Yaki?

9 COMMISSIONER YAKI: Aye.

10 CHAIR LHAMON: Vice Chair

11 Timmons-Goodson?

12 VICE CHAIR TIMMONS-GOODSON: Yes.

13 CHAIR LHAMON: And I vote yes. The motion  
14 passes, and there were two oppositions, no abstentions,  
15 and all others were in favor.

16 **II B. STATE ADVISORY COMMITTEES**

17 **1. Vote on Appointments to the Alaska**

18 **State Advisory Committee**

19 CHAIR LHAMON: Next on our agenda is a  
20 discussion of two state advisory committee appointments  
21 for slates to consider. I move that the Commission  
22 appoints the following individuals to the Alaska State  
23 Advisory Committee based on the recommendation of the  
24 Staff Director: Natalie Landreth, Robin Bronen, Nelson  
25 Godoy, Paula Haley, Cynthia Henry, John Hoffman, Judith

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1 Kleinfield, Gerald McBeath, Elizabeth Medicine Crow,  
2 Denise Morris, Marilyn Stewart, Margaret Stock, and  
3 Venus Woods.

4 With this motion, the Commission will also  
5 appoint Natalie Landreth as Chair of the Alaska State  
6 Advisory Committee. All of these members will serve as  
7 uncompensated government employees.

8 If the motion passes, the Commission will  
9 authorize the Staff Director to execute the appropriate  
10 paperwork for the appointments. Do I have a second for  
11 this motion?

12 COMMISSIONER ADEGBILE: Second.

13 CHAIR LHAMON: Thank you. Commissioner  
14 Adegbile, how do you vote?

15 COMMISSIONER ADEGBILE: Aye.

16 CHAIR LHAMON: Commissioner Kirsanow?

17 COMMISSIONER KIRSANOW: Yes.

18 CHAIR LHAMON: Commissioner Heriot?

19 COMMISSIONER HERIOT: Wait, did we have  
20 discussion?

21 CHAIR LHAMON: No. Did you want to  
22 discuss it?

23 COMMISSIONER HERIOT: I don't, but I want  
24 you to say --

25 COMMISSIONER NARASAKI: I have

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1 discussion.

2 CHAIR LHAMON: Oh, I'm sorry.  
3 Commissioner Narasaki, please proceed. We'll suspend  
4 the vote.

5 COMMISSIONER NARASAKI: I just wanted to  
6 thank the staff for their hard work on really recruiting  
7 some stellar individuals. I'm very much looking  
8 forward to those who have volunteered to serve.

9 I particularly want to appreciate one of  
10 the interns, Breanna Davidson, who our Staff Director,  
11 David Mussatt, feels we should recognize as she goes  
12 back off to school.

13 And then, finally, I did want to note,  
14 though, that I continue to be interested in trying to  
15 make sure that we have views on the SACs for people who  
16 are LGBTQ or are people with disabilities. And I would  
17 like to see more effort, collectively, with the  
18 Commissioners, in trying to recruit a richer pool from  
19 which our staff can select these slates.

20 CHAIR LHAMON: Thank you. Is there any  
21 other discussion while we are in mid-vote? Perfect.  
22 Thank you. Commissioner Heriot, how do you vote?

23 COMMISSIONER HERIOT: Yes.

24 CHAIR LHAMON: Commissioner Kladney?

25 COMMISSIONER KLADNEY: Yes.

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1 CHAIR LHAMON: Thank you. Commissioner  
2 Narasaki?

3 COMMISSIONER NARASAKI: Yes.

4 CHAIR LHAMON: Commissioner Yaki?

5 COMMISSIONER YAKI: Aye.

6 CHAIR LHAMON: Vice Chair  
7 Timmons-Goodson?

8 VICE CHAIR TIMMONS-GOODSON: Yes.

9 CHAIR LHAMON: And I vote yes. That makes  
10 unanimous approval, and the motion passes. No  
11 commissioners opposed or abstained.

## 12 II B. STATE ADVISORY COMMITTEES

### 13 2. Vote on Appointments to the Arizona

#### 14 State Advisory Committee

15 CHAIR LHAMON: I will, with the next  
16 motion, remember discussion before calling for the  
17 vote. So I now move that the Commission appoints the  
18 following individuals to the Arizona State Advisory  
19 Committee, based on the recommendations of the Staff  
20 Director: Lorena Van Assche, Rebekah Browder, Patty  
21 Ferguson-Bohnee, Ann Hart, Dana Kennedy, Adolfo  
22 Maldonado, Aaron Martin, Evangeline Nunez, Theresa  
23 Rassas, Jonathan Rose, Beverly Walker, Eric Yordy,  
24 David Kim, and Melissa Ho.

25 With this motion, the Commission will also

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1 appoint Lorena Van Assche as Chair of the Arizona State  
2 Advisory Committee. All of these members will serve as  
3 uncompensated government employees.

4 If the motion passes, the Commission will  
5 authorize the Staff Director to execute the appropriate  
6 paperwork for the appointments. Do I have a second for  
7 this motion?

8 COMMISSIONER ADEGBILE: Second.

9 CHAIR LHAMON: Thanks. So any discussion  
10 of this proposed state advisory committee? Okay.  
11 Commissioner Adegbile, how do you vote?

12 COMMISSIONER ADEGBILE: Aye.

13 CHAIR LHAMON: Commissioner Kirsanow?

14 COMMISSIONER KIRSANOW: Yes.

15 CHAIR LHAMON: Commissioner Heriot?

16 COMMISSIONER HERIOT: Yes.

17 CHAIR LHAMON: Commissioner Kladney?

18 COMMISSIONER KLADNEY: Yes.

19 CHAIR LHAMON: Commissioner Narasaki?

20 COMMISSIONER NARASAKI: Yes.

21 CHAIR LHAMON: Commissioner Yaki?

22 COMMISSIONER YAKI: Aye.

23 CHAIR LHAMON: Vice Chair  
24 Timmons-Goodson?

25 VICE CHAIR TIMMONS-GOODSON: Yes.

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1 CHAIR LHAMON: And I vote yes. Again, the  
2 motion passes via unanimous vote.

3 **II C. Presentation by**  
4 **Regional Programs Coordinator on Recent**  
5 **Accomplishments of SACs**

6 CHAIR LHAMON: So we will now hear, over  
7 the phone, from David Mussatt, Supervisory Chief of the  
8 Regional Programs Unit here at the Commission. David?  
9 David, if you're speaking, you're on mute.

10 COMMISSIONER YAKI: I thought I saw an  
11 email that said he couldn't attend today.

12 MR. MUSSATT: I'm on, hold on.

13 CHAIR LHAMON: Terrific. So we are ready  
14 for your presentation, David.

15 MR. MUSSATT: You can hear me now?

16 CHAIR LHAMON: Yes, we can, thank you.

17 MR. MUSSATT: I'm sorry, okay. Yes,  
18 Chairwoman Lhamon, Vice Chairwoman Timmons-Goodson,  
19 and Commissioners, it is my pleasure to speak with you  
20 today. The Staff Director had asked that I provide an  
21 update on the work of the agency's advisory committees  
22 and the status of the appointments to these committees.

23 The GSA method of quantifying success of  
24 federal advisory committees is by tracking the number  
25 of recommendations advisory committees make to an

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1 agency, and the number of those recommendations that are  
2 implemented.

3 Given this standard, our agency has  
4 achieved much success recently because, as you know, the  
5 Commissioner forwarded the Michigan SAC report on civil  
6 asset forfeitures to the Governor of Michigan, state  
7 legislative leadership, and the U.S. Department of  
8 Justice as recommended by the committee.

9 In addition, at the request of the Indiana  
10 Advisory Committee, the Commission forwarded their  
11 report on the school-to-prison pipeline to the  
12 Commissioner of the Indiana Department of Corrections,  
13 the Superintendent of the Indiana Department of Public  
14 Instruction, the Indiana State Senate Leadership, the  
15 acting Assistant Secretary for Civil Rights at the U.S.  
16 Department of Education, and the U.S. Department of  
17 Justice.

18 In addition, since I last presented to you  
19 in December, two advisory committees have submitted  
20 reports for your consideration. The Kansas Advisory  
21 Committee issued a report on voting rights in the state,  
22 and the SAC chair presented the report to you during your  
23 February meeting. The recommendations from that  
24 report are soon to be implemented, as well.

25 Also the Maine Advisory Committee issued

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1 its report on human trafficking this past March.

2 The Council reports to you that there were  
3 a number of reports and advisory memos that we  
4 anticipate will be published in the coming days, weeks,  
5 and months, including reports by the Ohio Advisory  
6 Committee on human trafficking, the Wisconsin Advisory  
7 Committee on hate crimes, and the California Advisory  
8 Committee on voting rights; as well as advisory memos  
9 by the District of Columbia Advisory Committee on human  
10 trafficking, the Connecticut Advisory Committee on  
11 solitary confinement, and the Nevada Advisory Committee  
12 on municipal fees and fines, which it hopes will be  
13 considered for inclusion in your statutory enforcement  
14 report.

15 As is now practiced, we hope that the Chairs  
16 or committee members from these committees will be  
17 scheduled to present their respective reports  
18 personally at an upcoming business meeting.

19 If these six reports are published this  
20 fiscal year as anticipated, our advisory committees  
21 will have presented you with ten reports for Fiscal Year  
22 2017.

23 I'd like to recognize the continued  
24 excellent work of the hundreds of advisory committee  
25 members in producing these reports. We ask a lot out

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1 of our advisory team members, who serve as volunteers.

2 And as these particular committees  
3 exemplify, they perform their duties with expertise,  
4 integrity, and true collaboration, even when the  
5 politics and ideologies of the members are quite  
6 different.

7 In addition, I want to recognize the  
8 Designated Federal Officers, DFOs, for the huge role  
9 they play in directing the drafting of these reports.  
10 As you know, it is difficult to work through committee,  
11 so the leadership support and technical skill the DFOs  
12 provide these committees in getting these reports out  
13 should not be underestimated.

14 Finally, I would also like to highlight  
15 that I believe the new focus the DFOs have placed on  
16 process, openness, and fostering committee engagements  
17 has proven to be extremely successful in getting  
18 advisory committees to achieve their mission better.

19 In addition to reports, a number of  
20 advisory committees have held public meetings to hear  
21 testimony on the importance of right topics within their  
22 jurisdictions, which will eventually lead to reports.

23 Since December, the Connecticut Advisory  
24 Committee held a meeting on solitary confinement; the  
25 Minnesota Advisory Committee held a meeting the state's

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1 implementation of President's Task Force on 21st  
2 Century Policing recommendations, which Commissioner  
3 Narasaki attended; the New York Advisory Committee held  
4 a meeting on the policies and practices of the New York  
5 Police Department, which Commissioners Kladney and  
6 Adebile attended; the Illinois Advisory Committee held  
7 a meeting on voting rights, which the Staff Director,  
8 Mauro Morales, attended; the Nevada Advisory Committee  
9 held a meeting on municipal fees and fines; and the South  
10 Dakota Advisory Committee held a meeting on the subtle  
11 effects of racism.

12 In addition, the Maryland Advisory  
13 Committee plans to have a meeting on municipal fees and  
14 fines and bail reform next week.

15 In addition to the work that DFOs do to help  
16 committees with meeting logistics and to do the outreach  
17 to create the agendas for these meetings, our support  
18 specialist team does an amazing job working with the  
19 DFOs, the committees themselves, as well as Pam and John  
20 in headquarters, to make sure these meetings run  
21 seamlessly. And they almost always run seamlessly, as  
22 those who've attended can attest.

23 I also note that advisory committees  
24 appreciate having commissioners present at these  
25 meetings. Your interest in their work is motivating

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1 and encouraging to them, and I've heard nothing but  
2 positive things from your involvement.

3           Regarding the advisory committee  
4 appointments, after the meeting today and the  
5 appointment of the Alaska and Arizona Advisory  
6 Committees, we have 39 committees appointed and 12  
7 committees left for re-appointments.

8           Along the way, we have significantly amped  
9 up our recruitment outreach, including reaching out to  
10 members of Congress for nominations. And our  
11 implementation of a team approach to recruitment,  
12 building collaboration between the DFOs, support  
13 specialists, interns, and of course the special  
14 assistants, has helped us move closer to accomplishing  
15 our goal of appointing all standing committees.

16           In addition, the use of the appointment  
17 spreadsheets has prevented these team efforts from  
18 turning into a tracking and coordination nightmare.

19           Although we continue to iron out the  
20 process of recruiting and getting the packages up and  
21 reviewed, I think we are on the right trajectory, and  
22 I continue to welcome input and ideas on how to continue  
23 to improve the process.

24           As Commissioner Narasaki mentioned, I want  
25 to give special thanks to Breanna Davidson, who is

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1 sitting here with me in Chicago; as our intern, she has  
2 worked tirelessly and thanklessly, for the most part,  
3 to recruit these diverse and talented committees since  
4 January.

5 Breanna is a second-year graduate student  
6 at the University of Southern California's School of  
7 Social Work, and she will be leaving us in two weeks;  
8 she'll be graduating. Her contributions have been  
9 invaluable to this process as well as her work on the  
10 upcoming New Mexico Advisory Committee report. So  
11 thank you, Breanna.

12 MS. DAVIDSON: Thank you.

13 MR. MUSSATT: Finally, as I mentioned  
14 earlier, I think it has become clear that the renewed  
15 focus on process, openness, and communication has been  
16 successful. This is reflected in the fact that, as of  
17 today, there have been 111 advisory committee meetings  
18 this fiscal year. That's nearly as many as all of last  
19 year.

20 And we've had approximately 170 members of  
21 the public attend these meetings. That's a  
22 conservative estimate, because we haven't actually  
23 tallied all of the participants of the briefings we've  
24 held in March.

25 But in addition, the rollout of the

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1 quarterly newsletter has proven to be a great value to  
2 the advisory committee members. As someone who has  
3 been around the agency long enough to remember the  
4 quarterly newsletter that was an actual piece of paper  
5 and not an electronic document, it is outstanding and  
6 wonderful to see that the agency is again publicly  
7 advertising the work of its advisory committees as part  
8 of the mission of the agency; so thank you all for that.  
9 And that's all I have to report on. Thank you.

10 CHAIR LHAMON: Thank you, David; to you, to  
11 the regional staff, to Breanna, and to all the state  
12 advisory committee volunteers, for your time and your  
13 effort in illuminating the issues that arise around the  
14 country.

15 As I think we all know, and it bears  
16 repeating, that the SACs are our eyes and ears on the  
17 ground across the country, and we depend on them to  
18 advise us on civil rights issues.

19 I'm very, very grateful, and I specifically  
20 grateful to you, David, and to the staff and to Breanna  
21 for moving us so far forward in such a short time, in  
22 appointing more of the state advisory committees.  
23 Thank you so much.

24 COMMISSIONER ADEGBILE: Can I just add --

25 COMMISSIONER KLADNEY: Madam Chair, if I

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1 may add, I would second your remarks and I would ask Mr.  
2 Mussatt to make sure that the state advisory committees  
3 know that the U.S. commission, our commission is behind  
4 them 100 percent in their efforts; I think they're doing  
5 a wonderful job. Thank you.

6 COMMISSIONER ADEGBILE: I'd like to add my  
7 thanks to the statements of my fellow commissioners, and  
8 say also that while the civil rights laws apply coast  
9 to coast, issues manifest themselves in different ways  
10 in different parts of the country.

11 And having people that are on the ground and  
12 able to assess, describe, and where necessary,  
13 recommend approaches to dealing with the vital civil  
14 rights issues in various parts of our country is  
15 integral to our work and informs our work.

16 And I'd like to add my thanks to everybody  
17 who helps to bring these SACs to us, and our volunteers  
18 across the country that give up their time to make sure  
19 that everybody can walk with dignity. Thank you.

20 CHAIR LHAMON: Go ahead, Commissioner  
21 Narasaki.

22 COMMISSIONER NARASAKI: I also want to add  
23 my thanks. As David noted, I was at the Minneapolis  
24 hearing this year, and last year I was in North Carolina  
25 for the hearing there. And I really want to commend our

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1 staff, as well; they do an outstanding job with very  
2 limited resources, and I want them to know we're aware  
3 that their resources are too limited, and we are working  
4 as hard as we can to try to improve that situation, and  
5 it is a priority for us.

6 CHAIR LHAMON: Thank you. So next we'll  
7 hear from Staff Director Mauro Morales for the monthly  
8 Staff Director's Report.

9 **II D. MANAGEMENT AND OPERATIONS**

10 **STAFF DIRECTOR'S REPORT**

11 STAFF DIRECTOR MORALES: Thank you, Madam  
12 Chair. In the interest of time, I really don't have  
13 anything more to add that's already contained in the  
14 report. I'm always available to discuss any questions  
15 or issues that Commissioners may have.

16 And what I'd like to do, just real briefly,  
17 I just want to do shout out, thank the staff, Pam Dunston  
18 and her team, Wanda and Michele, the work they've done  
19 to help coordinate this meeting this morning, and to  
20 make sure that our presentation that's coming will work  
21 well.

22 And I also want to really do another good  
23 shout out to Jeff Knishkowsky, who's on detail from USDA  
24 for us. And for Brian, on the work they did to help  
25 arrange the presentation and having these outstanding

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1 representatives from the U.S. Holocaust Museum come to  
2 give us this timely presentation.

3 So with that, that's all I have, unless any  
4 Commissioners have any questions for me. Thank you,  
5 Madam Chair.

6 CHAIR LHAMON: Do any commissioners have  
7 questions? Okay, hearing none, we promised we would  
8 start at 11:00, so why don't we take just a five-minute  
9 break, and come back to begin at 11:00.

10 (Whereupon, the above-entitled meeting  
11 went off the record at 10:55 a.m. and resumed at 11:02  
12 a.m.)

13 **II E. PRESENTATION BY DIANE F. AFOUMADO, PH.D.**  
14 **AND REBECCA ERBELDING, PH.D. FROM U.S. HOLOCAUST**  
15 **MUSEUM ON JOURNEY OF THE ST LOUIS: HOW JEWISH REFUGEES**  
16 **FLEEING THE NAZI REGIME WERE**  
17 **DENIED ENTRY BY THE U.S.**

18 CHAIR LHAMON: So now we'll turn to a  
19 historical presentation scheduled for today, which is  
20 the Journey of the St. Louis: How Jewish Refugees  
21 Fleeing the Nazi Regime Were Denied Entry by the U.S.  
22 Government. As some of you may know, April is  
23 recognized as Genocide Awareness and Prevention Month.  
24 The internationally-recognized date for Holocaust  
25 Remembrance Day, called Yom Hashoah in Hebrew, is this

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1 Monday, April 24th.

2 Congress has long encouraged all in the  
3 nation to commemorate the Days of Remembrance, and we  
4 are grateful to be joined today by two accomplished  
5 historians with the U.S. Holocaust Memorial Museum to  
6 do that.

7 The horrors of the Holocaust and the terror  
8 visited upon the Jewish people, along with several other  
9 targeted groups, should never be forgotten. A painful  
10 reality is that hostility to Jews because they are  
11 Jewish existed outside Nazi Germany at the time of the  
12 journey of the St. Louis.

13 And that journey tells a chapter in that  
14 odious tale. Today we honor the memory of those who  
15 perished in the Holocaust by hearing about the journey  
16 of the St. Louis; and we also honor their memory by  
17 ensuring that such horrors do not continue today.

18 Unfortunately, media reports abound with  
19 devastating images and videos of attacks on innocent  
20 civilians, very recently with news of the chemical  
21 bombings in Syria. The plight of refugees fleeing from  
22 the civil war in Syria weighs heavy on many minds, and  
23 rightfully so.

24 Those heavy weights -- of the Holocaust  
25 itself and contemporary stressors -- undergird my

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1 gratitude today to have Dr. Erbeling and Dr. Afoumado  
2 here with us to discuss the journey of the St. Louis,  
3 a German transatlantic liner filled with mostly Jewish  
4 refugees fleeing from the Nazi regime.

5 After most passengers were denied visas in  
6 Cuba, the ship sailed onward, hoping to find refuge here  
7 in the United States. Unfortunately for them, the U.S.  
8 did not heed their calls, and the ship ultimately made  
9 its way back to Europe.

10 Though most of the passengers were not  
11 forced to return to Germany, hundreds were still killed  
12 by the end of World War II.

13 Our first speaker, Dr. Rebecca Erbeling,  
14 has been an archivist and curator at the United States  
15 Holocaust Museum for 14 years, working with survivors,  
16 liberators, and historians to donate to and access the  
17 museum's vast holdings.

18 She has a BA in history and American studies  
19 from the University of Mary Washington, and an MA and  
20 PhD in American history from George Mason University.  
21 Her scholarly expertise is the U.S. during World War II,  
22 particularly government-sponsored rescue attempts  
23 related to the Holocaust, and she is working as a  
24 historian for the museum's upcoming exhibition,  
25 examining the role of Americans during the Holocaust.

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1 Her revised dissertation on the War Refugee  
2 Board will be published by Doubleday in the spring of  
3 2018, for which I congratulate you.

4 DR. ERBELDING: Thank you.

5 CHAIR LHAMON: Our second speaker, Dr.  
6 Diane Afoumado, is Chief of the Research and Reference  
7 Branch of the Holocaust Survivors and Victims Resource  
8 Center at the United States Holocaust Memorial Museum.

9 Formally Assistant Professor of  
10 contemporary history at the University of Paris and the  
11 Institute called Inalco in Paris, she worked for the two  
12 French commissions on compensation to Jewish victims.

13 She is the author of several books and other  
14 publications, including more than 20 articles related  
15 to the Holocaust. So thank you, Dr. Erbelding and Dr.  
16 Afoumado. Would you start, Dr. Erbelding?

17 DR. ERBELDING: Thank you. Thank you so  
18 much for having us this morning. For my brief talk, I'm  
19 going to provide the context of the refugee crisis in  
20 the 1930s; how the factors that influenced U.S. policy  
21 and the way that U.S. policy changed as events in Europe  
22 changed.

23 A refugee crisis never comes out of the  
24 blue, and American reaction to it doesn't either. It's  
25 always complicated, and in the exhibit that we're

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1 working on now at the museum, which will open next  
2 spring, we're really trying to bring our visitors back  
3 to the period, so that they're not judging with  
4 hindsight, but understanding the complicated factors  
5 that led to American reaction in that period.

6 The U.S. was only involved in World War I  
7 for a short period of time, and that brief interaction  
8 with Europe, of that whole experience, including the  
9 perceived failures of the Versailles Treaty, and the  
10 failed League of Nations -- from the American  
11 perspective -- it convinced Americans that we had done  
12 better when we stayed on our side of the Atlantic.

13 The country becomes deeply isolationist in  
14 the late teens and early '20s, to the point of signing  
15 a pact to outlaw war in the late 1920s. We pare down  
16 the military, and World War I is considered a mistake  
17 that United States should have avoided.

18 The country is still segregated; legally in  
19 places, by custom in others. Americans are very  
20 concerned about race and genetics. Many Americans  
21 accept eugenic science as truth, still; and believe that  
22 some races are genetically superior over others.

23 The red scares in the 1920s and '30s  
24 exacerbate a feeling that Jews are stereotypically  
25 linked with Communism. So this is a time of great

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1 racial strife, and also great anti-Semitism.

2           These factors, isolation after the World  
3 War I, a wide acceptance of racial theory, and  
4 anti-Semitism, lead to the Johnson-Reed Act of 1924.  
5 This act ended the idea that we all had in our heads of  
6 immigrants arriving at Ellis Island, waving at the  
7 Statue of Liberty, standing in line and presenting their  
8 papers.

9           From here on, there are numerical limits to  
10 the number of immigrants who are allowed to come into  
11 this country. It is limited to 150,000 people per year.  
12 Now in 1907, 20 years earlier, millions of people came  
13 in in a single year. Now it is limited to 150,000.

14           And due to the racial theories I mentioned,  
15 countries outside the western hemisphere have quotas.  
16 They have percentages of this 150,000, for people born  
17 in those countries who can come at any given year.  
18 They're called national origins quotas, and they remain  
19 in place until 1965.

20           The quota breakdown favors northern and  
21 Western Europe, people who were considered to be good  
22 immigrants. More than 50 percent of the quota slots  
23 were for people born in Great Britain or Ireland. And  
24 there are far fewer immigration opportunities for  
25 people who are in southern or Eastern Europe, who are

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1 considered racially, religiously, economically  
2 undesirable.

3 Some countries have quotas of only 100  
4 people per year, and many are barred entirely on racial  
5 grounds. You can be, at this point, too brown to enter  
6 the United States and become an immigrant.

7 The quotas are also maximums; they are not  
8 goals. And crucially, for understanding the history of  
9 the American response to the Holocaust, the State  
10 Department decides in Europe, or in your country,  
11 whether you can qualify for an immigration visa to the  
12 United States.

13 So you're not coming to Ellis Island and  
14 presenting your papers; you're doing all of that back  
15 in Europe. Once you have your visa, then you can come  
16 and immigrate. Crucially, also, the United States has  
17 no refugee policy. We only have an immigration policy.  
18 So people fleeing racial and religious persecution have  
19 to go through the same deliberate immigration steps as  
20 everyone else.

21 In 1929 the stock market crashes, five  
22 years after the new immigration acts, and the U.S. and  
23 a lot of the world descend into an economic depression.  
24 And as a result of that, President Herbert Hoover issues  
25 an instruction to State Department consular officials

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1 to deny immigration visas to anyone who was likely to  
2 become a public charge. Anyone who they perceived  
3 would, at any point, need any sort of assistance from  
4 the United States once they immigrated.

5 So if you did not have almost an indefinite  
6 stream of income, you were no longer eligible for a visa.  
7 Immigration numbers dropped significantly from the  
8 already low quotas after that.

9 In March 1933, Roosevelt takes the oath of  
10 office, and he promises his countrymen in his  
11 inauguration speech that the only thing they have to  
12 fear is fear itself.

13 And for Americans looking around at that  
14 time, that will ring hollow, because they're seeing 25  
15 percent unemployment, they're seeing great racial  
16 strife in this country, they are seeing a Europe that  
17 is descending into chaos that they want no part of.

18 Roosevelt is also more concerned about the  
19 economic depression than he is about Germany, and so are  
20 most Americans. In 1937, a new economic recession  
21 brings unemployment back up to 19 percent, even after  
22 the New Deal programs.

23 And problems overseas like the Spanish  
24 Civil War, Japanese aggression in Manchuria, the  
25 Italian invasion of Ethiopia; all of that just convinces

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1 Americans that we are right to stay on our side of the  
2 Atlantic, and not get involved in issues overseas.

3 But for thousands of people seeking refuge,  
4 the United States still represented a land of freedom  
5 and opportunity, and a land away from the persecutions  
6 that they knew at home. Throughout the 1930s, more than  
7 90,000 Germans, mostly Jews, remain on the waiting list  
8 to immigrate to the United States.

9 The State Department slowly begins to  
10 increase immigration. Roosevelt slowly liberalizes  
11 this, likely to become a public charge interpretation.  
12 But the quotas are very far from being filled.

13 In 1933 and '34, the first full quota year  
14 after the Nazis take power in Germany, only a little more  
15 than 4,000 visas are issued to Germans to come to the  
16 United States, out of a possible 25,957.

17 So we can talk for a minute about what is  
18 required to enter the United States, and whether we  
19 would consider that extreme vetting. Often, people  
20 ask, why don't Jews just leave? And the answer is, that  
21 it was very difficult to leave, and it was equally  
22 difficult to come.

23 Potential immigrants had to prove their  
24 identities with birth certificates, military discharge  
25 papers, passports. They had to show that they were good

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1 citizens. They had to have letters attesting to their  
2 moral character. They had to pass a medical exam with  
3 a State Department-approved physician.

4 And they still had to prove that they would  
5 not become a financial burden, which was very difficult,  
6 because the Nazis established severe taxes on anyone who  
7 wanted to emigrate, stripping you of your wealth. And  
8 then you had to prove to the country you wanted to  
9 immigrate to that you were wealthy enough to be able to  
10 make it in the new land.

11 All of these things had expiration dates;  
12 some, a few weeks, some, a few months. So if all of your  
13 paperwork did not line up, there are very serious  
14 ramifications for you.

15 The prominent American journalist Dorothy  
16 Thompson wrote in 1938, it's a fantastic commentary on  
17 the inhumanity of our times, that for thousands and  
18 thousands of people, a piece of paper with a stamp on  
19 it is the difference between life and death.

20 It is clear by 1938 that life in Germany is  
21 becoming unbearable for Jews. In March, Germany  
22 annexes Austria, bringing another 250,000 people under  
23 the Third Reich. Thousands wait outside the embassies  
24 every day to get on the waiting list. Roosevelt  
25 combines the German and Austrian quotas, but that still

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1 only means that 27,370 people can immigrate each year.

2 He also calls an international conference  
3 in Evian, France, hoping for an international solution  
4 to this international problem. 32 nations attend, but  
5 most say in very polite diplomatic language that they  
6 don't have a Jewish problem in their country, and they  
7 have no desire to import a Jewish problem into their  
8 country.

9 On November 9th and 10th, 1938, in response  
10 to the assassination of a minor German diplomat in  
11 Paris, the Nazis unleash a coordinated terror campaign  
12 throughout Germany, which we know as Kristallnacht.  
13 Hundreds of synagogues are burned, more than 30,000  
14 Jewish men and boys are arrested and sent to camps.

15 Kristallnacht is the largest sustained  
16 American news coverage about the persecution of the Jews  
17 between 1933 and '35. It is front page news for weeks,  
18 and this is only a day after mid-term congressional  
19 elections.

20 So it is a big deal in the United States,  
21 and you can see this is from mid-November: Nazis warn  
22 world Jews will be wiped out unless evacuated by  
23 democracies.

24 Roosevelt publicly condemns the  
25 Kristallnacht attacks. He summons our ambassador back

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1 from Berlin for consultation. He extends the  
2 permission for people who are here on visitors visas,  
3 on traveling visas, so that they don't have to go back  
4 to Germany.

5 That brings about 12 to 15,000 people here.  
6 Americans, though, are decidedly conflicted about the  
7 new refugee crisis. The situation in Europe is clearly  
8 getting worse for Jews, but most Americans are not sure  
9 they want to be a solution to the problem.

10 So there are two polls, both from November  
11 1938, right after Kristallnacht; they get at the crux  
12 of American response. 94 percent of Americans  
13 disapprove of Nazism; only 21 percent of people think  
14 that the U.S. should bring more Jewish immigrants into  
15 the country.

16 So there's a disconnect throughout this  
17 entire period, from '33 to the end of the war, between  
18 sympathy for the victims and the willingness for  
19 Americans to do something about it.

20 As I said, thousands joined the waiting  
21 list to immigrate to the U.S. Germany has the second  
22 largest quota of any nation in the world, and in 1939  
23 that quota is entirely filled. In 1940, 27,355 of the  
24 27,370 quota slots are filled. So the State  
25 Department, at this point, is maxing out the quota for

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1 Germans and Austrians, most of whom are Jewish at this  
2 time.

3 The war has not even begun yet, and people  
4 elsewhere are getting very nervous. In Romania, for  
5 example, the waiting list to come to the United States  
6 is 43 years long.

7 Americans are polled on another important  
8 question related to the refugee crisis. They're asked,  
9 if you were a member of Congress, would you open the  
10 doors to a larger number of European refugees? And only  
11 nine percent of Americans say yes. Americans are  
12 united by very little except for their desire not to  
13 increase immigration to America.

14 Congress could change immigration law, but  
15 even members of FDR's own Democratic Party are against  
16 enlarging the quotas. Many more bills are introduced  
17 to tighten the quotas than there are to reduce them.

18 Robert Reynolds, a Democrat from North  
19 Carolina, wrote to his fellow citizens in a constituent  
20 letter in March 1939, that, quote, all the nations of  
21 impoverished Europe wish to dump their political,  
22 economic, and undesired minorities upon us. Write to  
23 your senators and to your congressmen to aid me in  
24 putting legislation on the statute books which will shut  
25 off immigration entirely during this period of

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1 unemployment and hardship and distress for young and old  
2 among our people. And furthermore, to expel from this  
3 country the alien propagandists, the habitual criminal,  
4 and the alien diseased or insane.

5 This is the context in which the St. Louis  
6 sails. I'm going to continue my overview of the U.S.  
7 and Jewish refugees up until where the war begins, but  
8 I want to kind of peg this moment so that when Diane  
9 speaks about the St. Louis as an example, you'll  
10 understand the context.

11 So as Reynolds speaks and as the St. Louis  
12 sails, newspapers are reporting that Europe is on the  
13 verge of war. And when war breaks out on September 1st,  
14 1939, 90 percent of Americans want to stay neutral.

15 One of Reynolds' refrains, even the idea of  
16 bringing German refugee children to the U.S. was that  
17 America's children are America's problem, Europe's  
18 children are Europe's problem. We need to stay on our  
19 side of the Atlantic and let Europe deal with its  
20 problems.

21 In the first few months of World War II,  
22 some in Western Europe call it the phony war. There  
23 isn't a lot of fighting after the British and the French  
24 evacuate Dunkirk. There's very little fighting until  
25 May 1940, when Germany invades the Netherlands,

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1 Belgium, and France.

2 That puts a lot of fear into the American  
3 people because many Americans had been to France, and  
4 had seen the Eiffel Tower. And so images of Adolph  
5 Hitler standing on top of the Eiffel Tower is a very  
6 scary thing for Americans, and they start to realize  
7 that we might get dragged into this war against our will.

8 And Americans begin to worry that we are  
9 vulnerable too; not just if Nazi Germany decides to  
10 invade, because we didn't have a very large standing  
11 army, but we also might be vulnerable from the inside.  
12 There might be a fifth column of spies and saboteurs  
13 seeking to bring us down from the inside.

14 In June 1940, as France is falling, 93  
15 percent of Americans think that Nazi Germany has either  
16 already begun to organize a fifth column and put sleeper  
17 agents in the U.S., or they're not sure about that.

18 The FBI begins to receive thousands of tips  
19 per day from people who suspect that their neighbors  
20 might be spies. Popular magazines have articles like  
21 this, Hitler's Slave Spies, which say that refugees  
22 coming may have their families back home -- the Nazis  
23 may have their families hostages back home, in exchange  
24 for the newly arrived Jewish refugees committing acts  
25 of spying and sabotage.

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1           So when the State Department puts in  
2 additional security screening in the name of national  
3 security, very few people complain about this. The  
4 country is very afraid.

5           By this point in time, though, for a  
6 refugee, the ship ticket is the most important part of  
7 getting out of Europe. If you've gathered all your  
8 paperwork, you still need that ship ticket. And the  
9 war, which has both increased regulation from the United  
10 States and made it more difficult as war progresses and  
11 armies invade, making it more difficult for you to  
12 physically get out, the ship ticket, the actual escape  
13 becomes the most difficult thing.

14           The museum has done a lot of new research  
15 about ships carrying Jewish refugees during this  
16 period, and we've found that between January 1st, 1939  
17 and July 15th, 1941, more than 750 ships, carrying over  
18 71,000 self-identified Jewish refugees arrive in New  
19 York harbor.

20           There's a perception in the public that the  
21 St. Louis is the only ship sailing, and in reality, the  
22 St. Louis is an anomaly. There are people who are  
23 making it through this very complicated system, despite  
24 all the barriers.

25           Once war begins, as you can see, passenger

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1 ships get removed from service. Whereas ten ships a  
2 week carrying refugees are arriving in New York in  
3 January 1939, by 1941, it's down to two. And they're  
4 leaving from Lisbon; they're not leaving from Hamburg  
5 or Rotterdam or Antwerp anymore.

6 So you have to physically escape Nazi  
7 territory, buy a very expensive ship ticket for one of  
8 the two ships trying to cross the Atlantic through the  
9 submarine warfare and still navigating our very  
10 difficult State Department system.

11 In December 1940, the State Department  
12 cancels the waiting list because there are so few ships.  
13 So if you have a ticket and you have all your paperwork  
14 in order, you can have a visa to the United States.

15 At the end of June 1941, everything  
16 changes. World War II is nearly two years old at that  
17 point, and the United States is still not involved. But  
18 staying out seems less and less likely. The country has  
19 a peacetime draft; the renewal of the peacetime draft  
20 in September 1941 passes with one vote. It passes  
21 Congress 203 to 202. So it shows you that through this  
22 period, the U.S. is still very isolationist, Congress  
23 is still very isolationist.

24 On June 22nd, 1941, the Nazis invade the  
25 Soviet Union and begin the mass murder of the Jews. At

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1 the beginning of that month, the State Department sent  
2 a cable to consulates in Europe instructing them that  
3 no visas should be issued to anyone in Nazi-occupied  
4 territory.

5 The U.S. closes our consulates in Nazi  
6 territory in July 1941, and we order the Nazis to close  
7 all of their consulates here, fearing that there were  
8 spies among them.

9 In October 1941, the Nazis make emigration  
10 illegal from their territory. Calculations are  
11 difficult for a number of reasons, including that  
12 refugees is not a fixed category at this time. But the  
13 museum estimated that between 180 and 220,000 refugees  
14 do come to the United States between 1933 and 1945.

15 So we have a terrible record until and  
16 unless you compare it with the rest of the world. We  
17 actually bring in more refugees, despite everything  
18 that I just said, more refugees than any other country  
19 in the world in this period.

20 CHAIR LHAMON: Thank you very much. Dr.  
21 Afoumado?

22 DR. AFOUMADO: Thank you very much. So  
23 like Rebecca said, it was very hard to get all the papers  
24 to board a ship, and all the companies at that time,  
25 whether they were German or in the U.K. or France,

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1 basically took advantage of this. They increased the  
2 prices of their tickets, and this is the German company  
3 and the St. Louis belonged to that German company, the  
4 HAPAG Company.

5 So when the St. Louis passengers got all the  
6 documents they needed to have Cuban documents in order  
7 to immigrate to Cuba. What they needed was a landing  
8 permit; and this is not a visa, per se. If they had had  
9 visas, they would have disembarked in Cuba, probably.  
10 But they had landing permits.

11 Legally, they bought those documents;  
12 those documents were actually sold by the Cuban  
13 consulate in Germany. And they bought all the legal  
14 documents, so we're talking about legal immigration  
15 here, of families. And you're going to see some  
16 photographs later.

17 But those documents were actually sold by  
18 the Cuban consulate, and behind the Cuban consulate was  
19 some sort of traffic organized by the Secretary of  
20 Immigration in Cuba, Manuel Benitez, Jr. There was no  
21 need to remember his name, because his name is not really  
22 important, except for the St. Louis and I will tell you  
23 more about this later.

24 So when the St. Louis sails, the St. Louis'  
25 journey is very short. It's only a month in history,

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1 but it's emblematic of what happened at that time.  
2 Rebecca mentioned all the refugees and all the Jews on  
3 those boats, the St. Louis basically carried more than  
4 95 percent Jews on board.

5 But this was not an exception. Most of  
6 those companies at that time had a lot of Jews on board  
7 when they could escape from Europe. And you have to  
8 bear in mind that after the Kristallnacht, this the  
9 largest immigration, it's more than 50 percent of the  
10 Jewish immigration outside the Reich. But it was  
11 really, really complicated to get on any boat at that  
12 time.

13 All the countries that attended the Evian  
14 Conference in 1938 basically closed their doors  
15 officially to the refugees, so the only countries that  
16 remained possible legally were Cuba and Shanghai. When  
17 you are a German Jew, this is not your primary ideal  
18 country where you want to go, but this the only country  
19 where you can go.

20 So when the St. Louis left Hamburg in May  
21 1939, we're talking about families on the St. Louis;  
22 we're talking about legal immigration here, not illegal  
23 immigration. We have families on board of the St.  
24 Louis. The youngest passenger was born in January  
25 1939, and so was just a few months old.

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1                   And the oldest passenger was born in the  
2                   1880s. So we're talking about legal immigration of  
3                   people who left everything behind; they cannot take much  
4                   with them. So what some of them did, they actually  
5                   bought cameras. And this is not just an anecdote; this  
6                   is the reason why we have so many photographs of the St.  
7                   Louis passengers on board.

8                   And you also have to imagine that, looking  
9                   at this picture, this is a page of the list of passengers  
10                  on the St. Louis; and by boarding the St. Louis, those  
11                  people are jumping into a different world, into a world  
12                  of luxury.

13                  They have experienced persecution since  
14                  1933, so they cannot work, they cannot use a phone booth,  
15                  they cannot go to the swimming pool. And by boarding  
16                  the St. Louis, they are stepping into a world of luxury.  
17                  The St. Louis was one of the most beautiful boats at that  
18                  time, you can almost imagine the Titanic with a decor  
19                  of the 1030s.

20                  So what is important for the passengers is  
21                  that some of them were actually arrested during  
22                  Kristallnacht, some men. And they were exceptionally  
23                  released on the condition that they would never, never  
24                  return to Germany. So you can imagine the atmosphere  
25                  on the St. Louis; it's not very easy to relax, but thanks

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1 to the captain, Gustav Schroeder, and his crew, the  
2 passengers are going to be able to relax until they  
3 arrive in Cuba.

4 The reason why they are able to relax is  
5 because the captain -- I have to say a few words about  
6 him -- I would describe him as a romantic German of the  
7 19th century, somehow. He fought during World War I;  
8 he was a war prisoner during World War I. He speaks  
9 seven languages and he loves Germany. He really loves  
10 German culture, and he hates what the Nazis are doing  
11 to his country.

12 So on board, he is really the captain, and  
13 he gathers the crew and he says, we have more than 95  
14 percent Jews on board for this journey, and on the boat  
15 it is out of the question to implement the Nazi laws  
16 against the Jews. So we're going to treat the  
17 passengers like any other passengers on a cruise. And  
18 if someone has a problem with this, well, you're free  
19 to leave. None of the crew actually disembarks.

20 So the passengers, little by little, are  
21 going to be able to enjoy the journey on the St. Louis.  
22 Some of them, like I said, were actually arrested during  
23 the Kristallnacht and were in concentration camps.  
24 This one, for example, Werner Lenneberg, was arrested  
25 and sent to Dachau. This is his prisoner card in

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1 Dachau. And he's doing the best he can to enjoy the  
2 journey on the St. Louis. I mean, he enjoyed with a  
3 little question mark.

4 This is a photograph of another passenger,  
5 posing with this two sons, Siegfried Chraplewski, who  
6 actually, when the St. Louis returned to Europe, ended  
7 up in Buchenwald. He was released after the war, and  
8 eventually made it to the U.S. in '41.

9 But you can imagine what the journey is for  
10 those people. They were trying to make the best they  
11 could on the St. Louis. There are about 200 children  
12 on the St. Louis, and I really like this photograph with  
13 the swimming pool, because the youngest children  
14 probably don't even know how to swim; just because they  
15 Jews could not go to swimming pools in Germany, they were  
16 not allowed in swimming pools. So there on the St.  
17 Louis, they can enjoy swimming.

18 So when the St. Louis arrives in Havana,  
19 Cuba, this is where everything gets more complicated.  
20 Again, bear in mind that this is legal immigration; they  
21 have all the documents to disembark in Cuba, but they  
22 cannot disembark.

23 And the reason why they cannot is actually  
24 a political crisis. The Cuban President, Federico  
25 Laredo Bru -- again, his name is not really remembered

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1 by any historians because he is not really famous -- but  
2 he has difficulty in establishing his power in his own  
3 government.

4 He is destabilized somehow by some people  
5 within the government, and especially the Secretary of  
6 Immigration, Manuel Benitez, Jr., who made a lot of  
7 money out of the traffic by selling landing permits to  
8 refugees and passengers who want to go to Cuba.

9 And Manuel Benitez, Jr. actually made two  
10 mistakes; the first one is that he did not share the  
11 money with the president, and the second one is that it  
12 was actually supported by the main opponent of the  
13 president, Batista, who was already in the political  
14 scene in the 1930s.

15 So the St. Louis passengers cannot  
16 disembark; they don't know anything about the situation  
17 in Cuba. And in order to re-establish his power, the  
18 Cuban president promulgated a decree, the very same day  
19 that the St. Louis actually left Hamburg.

20 This has nothing to do with the St. Louis  
21 passengers; it is to put an end to the traffic of the  
22 landing permits sold by the Secretary of Immigration.  
23 So the decree is to put an end to immigration, to legal  
24 immigration, in Cuba.

25 The situation in Cuba is getting more and

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1 more complicated. When the passengers cannot  
2 disembark and basically no one tells them anything.  
3 The only thing they heard was, manana, which means,  
4 tomorrow. So they think that they will disembark  
5 tomorrow, the day after. They don't understand,  
6 because they could legally disembark in Cuba.

7 At this point, the American-Jewish Joint  
8 Distribution Committee mandates Lawrence Berenson, who  
9 is the head of the Cuban Chamber of Commerce in the U.S.,  
10 and who knows a lot about the Cuban political scene and  
11 he is mandated by the JDC to try to negotiate with the  
12 Cuban authorities. But he misunderstands, somehow,  
13 the situation and he thinks that it is just a money  
14 question.

15 So he's trying to bargain with the Cuban  
16 authorities, but the Cuban president is really  
17 determined to put an end to the traffic.

18 And Cecilia Razovsky is also someone who is  
19 really involved in helping the refugees, and she's  
20 trying to help as well, but to no avail.

21 On the right-hand side, you see a  
22 photograph of the captain of the St. Louis, Gustav  
23 Schroeder. He also helped and he's putting on civilian  
24 clothes and trying to negotiate with the Cuban  
25 authorities, as well. So he's basically considering

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1 the passengers as his passengers, and he's trying to do  
2 the best he can to help them.

3 So the passengers are on the boat; they're  
4 looking at Havana. For German Jews, they've never seen  
5 palm trees, they've never seen exotic fruits, for  
6 example. And you see all those little boats driving  
7 around the St. Louis; those boats were rented by family  
8 members or friends of the passengers on the St. Louis  
9 who were already in Cuba, and they tried to communicate  
10 with the passengers on the different decks.

11 But no one can really disembark at this  
12 point. The St. Louis received the order to leave the  
13 Cuban waters on June 2nd, because more than 734 people  
14 on the St. Louis had registered on the American quota  
15 list that Rebecca already mentioned.

16 So Cuba is just a waiting place for them.  
17 So it means that the moment that their number comes up  
18 -- it could be a question of days, weeks, months, or  
19 years -- but Cuba is not the final destination for 734  
20 passengers out of 937.

21 So the captain of the St. Louis decides to  
22 sail along the shore of the United States, and here they  
23 are in front of Miami. So this is when it becomes  
24 somehow an American story.

25 There were a lot of different levels of

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1 responses; Rebecca mentioned the response from the U.S.  
2 Government, but there were also interesting responses  
3 from the newspapers and interesting responses from  
4 American citizens, as well.

5 So the St. Louis is very well-known and very  
6 well reported upon by American newspapers. It is  
7 actually published front page between May 28th and June  
8 28th, it's on the front page of 26 newspapers across 20  
9 states of the United States, 115 times.

10 So it's really published front page. All  
11 the newspapers in the U.S. from the east coast to the  
12 west coast talk about the St. Louis, publish something  
13 about the St. Louis. They mostly reproduce factual  
14 information from the Associated Press. They are not  
15 very critical about what is going on, but they actually  
16 report on the St. Louis.

17 The only article that is somehow critical  
18 was published by the Washington Post, and it says  
19 substantially something like, there are a lot of refuges  
20 for birds and nature in the U.S., but there is absolutely  
21 no refuge for 907 refugees.

22 So this is the response, and the newspapers  
23 are covering the whole story. And it becomes a symbol,  
24 already, in 1939. There is a very interesting response  
25 from the American citizens, as well.

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1           At the National Archives, you can find 233  
2 letters or telegrams sent by American citizens, both  
3 Jewish and non-Jewish -- mostly non-Jewish -- to  
4 Roosevelt, to the State Department, and to Roosevelt's  
5 wife, begging the Government to let them in, begging the  
6 Government to let the St. Louis passengers in.

7           I should say the St. Louis refugees,  
8 because the moment that they are refused in Cuba,  
9 basically their status changed from legal immigrants to  
10 refugees, without moving an inch.

11           All those letters and telegrams use  
12 different reasons; it could be religious reasons or  
13 historical reasons that this country is a country of  
14 immigration. There are also some letters from  
15 teenagers; especially one moving letter from a  
16 14-year-old girl who says, I don't have good grades at  
17 school, but I'm a human being and I'm human. And I would  
18 like you to let them in or to actually let them on an  
19 island that belongs to the United States.

20           So all those telegrams and letters received  
21 a very formal letter saying that we have the immigration  
22 law and we cannot make an exception. This is basically  
23 what the letters are when it's a response to the  
24 telegrams.

25           The only telegram that doesn't receive any

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1 response from the government was actually sent by the  
2 committee on board of the St. Louis, the passengers  
3 committee, begging the U.S. to accept at least the women  
4 and children, about 400 people. This telegram did not  
5 receive any response.

6 So the St. Louis has to go back to Europe,  
7 and the St. Louis was supposed to go back to Europe with  
8 American passengers on a cruise to Europe, but of  
9 course, the passengers are going back. So you can  
10 imagine what the atmosphere is on board, at this point.

11 It's not exactly the same atmosphere as the  
12 first journey out to Cuba. Although all the newspapers  
13 are very much afraid of a mutiny on board, this is not  
14 exactly what the captain is afraid of. He's afraid of  
15 suicides on board, because a lot of people don't want  
16 to go back to Germany, and some others, the ones who were  
17 already in concentration camps, cannot go back to  
18 Germany.

19 So at this point, the negotiations in Cuba  
20 have failed, so it's completely over. The American  
21 Jewish Joint Distribution Committee mandates its  
22 representative in Europe, Morris Troper, who is based  
23 in Paris, who has very little time to negotiate with some  
24 countries in Europe. And those four countries are  
25 France, Belgium, the Netherlands and the U.K.

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1           It's really difficult for those countries  
2           -- I'm not talking about the U.K., but mostly the  
3           countries that border Germany or are very close to  
4           Germany -- because they have already received a lot of  
5           refugees across the border, both legal and illegal  
6           refugees. So they have already accepted a lot of them.

7           So Morris Troper, at some point, plays some  
8           sort of poker game, and he says to the representatives  
9           of those countries, well, some countries have already  
10          accepted the some refugees.

11          At this point, it's not true at all. No  
12          country has accepted any refugees. But he doesn't have  
13          much choice. So eventually, the four countries  
14          accepted the refugees. I just want to mention that  
15          France offered to accept them all, but saying, we would  
16          like some other countries to do it, as well.

17          And I'm not saying that because I'm French  
18          because what the France did to the passengers afterward,  
19          there's no reason to be proud of this.

20          The St. Louis goes to Antwerp and from  
21          Antwerp, the passengers are actually dispersed in four  
22          countries. This is a photograph of Morris Troper and  
23          his wife, who are welcomed on board of the St. Louis by  
24          the children and who wrote them a beautiful letter  
25          saying, if roses grew on the St. Louis you would have

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1 received the largest bouquet of roses.

2 The letter that you can see on the slide was  
3 written by the captain of the St. Louis to Morris Troper,  
4 to thank him for his involvement and his role in the St.  
5 Louis story.

6 So this is the dispersion of the St. Louis  
7 passengers more or less equally. It was a lot of  
8 negotiations, but it was more or less equally. And when  
9 the St. Louis passengers arrive in Europe, they are in  
10 those four countries. But we are in June 1939; so we  
11 are very close to war.

12 So basically, they are in those four  
13 countries with no documentation at all, because they had  
14 legal documentation to go to Cuba. But they don't have  
15 any documentation to work in those four countries.

16 So they need to be helped mostly by the  
17 Jewish organizations that take care of them. But at the  
18 beginning of the war, when the war breaks out, those  
19 passengers -- or refugees -- are in the same position  
20 as any other refugees who cross the borders with those  
21 countries. And I'm not talking about the U.K., but I'm  
22 talking about France, Belgium, and Poland.

23 Some St. Louis passengers who could have  
24 been free in Cuba ended up in some concentration camps  
25 or in some internment camps. And I say concentration

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1 camps because Gurs is one of them, in the south of  
2 France.

3 The regime in Gurs was so harsh that some  
4 of these stories consider them concentration camp and  
5 not an internment camp. Here you can see Rudolf  
6 Goldreich on the St. Louis and later on in Gurs  
7 internment camp.

8 There is another passenger, Maurice, who  
9 ended up in several internment camps in France, as well;  
10 Gurs, des Milles, and St. Cyrien in the south of  
11 France. He was somehow lucky enough to make it to the  
12 U.S. in November of 1941.

13 But not all the passengers were that lucky.  
14 Here we have two beautiful photographs of Ilse Karliner.  
15 She is on the left-hand side. You can see her talking  
16 to other passengers on the St. Louis. And on the  
17 right-hand side, you can see her. The whole family was  
18 a family of two daughters and two brothers and their  
19 parents. They ended up in France, and the children were  
20 actually separated.

21 You can see her in one of the children's'  
22 homes in France. Later on she was arrested and deported  
23 to Auschwitz from France on November 6th, 1942 and  
24 murdered in Auschwitz.

25 So some of those passengers knew exactly

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1 the same fate as other refugees in Europe. For example,  
2 out of 937 passengers on the St. Louis, 231 perished  
3 during the Holocaust and were deported from Europe.

4 Like I said, out of the 900 passengers, 734  
5 had affidavits to immigrate to the U.S.; the U.S. was  
6 the final destination of those passengers. When the  
7 St. Louis returned to Germany, it was actually bombed  
8 by the Royal Air Force in 1944 and almost completely  
9 destroyed.

10 And you can also think about what happened  
11 to the captain, because the St. Louis belonged to the  
12 HAPAG Company, and the HAPAG was nationalized by the  
13 Reich in 1934. So the captain was anti-Nazi, like I  
14 said, but he was not so much in trouble after the war;  
15 at some point he was, but not so much.

16 And he was rewarded in 1957 by West Germany;  
17 a medal for his help and involvement in the St. Louis  
18 story, two years before he passed away.

19 And in 1993, he was posthumously awarded  
20 the Righteous Among the Nations by Yad Vashem. It was  
21 something exceptional because usually Yad Vashem honors  
22 people who helped Jews during the war; this was a little  
23 bit before the war. But because of his involvement, Yad  
24 Vashem decided to honor the captain.

25 And those are not exactly links, but

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1 photographs of the website. If you want to know more  
2 about the St. Louis, you have many, many pages on our  
3 website.

4 And it's not only about the story of the St.  
5 Louis, but also about the fate of some of the passengers.  
6 We had a project at a museum by two of my colleagues who  
7 tracked down all the passengers of the St. Louis and they  
8 found them.

9 And when we received an amazing collection  
10 at the museum in 2007, which is the International  
11 Tracing Service, we have basically documents about  
12 almost all the passengers in that collection; so we can  
13 even go further to trace down their fate. Thank you.

14 CHAIR LHAMON: Thank you, Dr. Afoumado;  
15 and thank you both. I now invite my fellow  
16 commissioners to ask any questions they may have for our  
17 speakers.

18 VICE CHAIR TIMMONS-GOODSON: This is Vice  
19 Chair Timmons-Goodson, and I have just been spellbound  
20 by all that I've heard. I thank our speakers for coming  
21 in and providing such a tremendous presentation and  
22 opportunity to learn.

23 I guess, as I was listening I kept thinking  
24 about how some would say history repeats itself. And  
25 we are very much living in times that remind me so much

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1 of what I heard.

2 So the obvious question to me was, what  
3 lessons, if any, would our speakers suggest that the  
4 leaders of this country and its people might learn from  
5 this past experience?

6 DR. ERBELDING: That's a very difficult  
7 question, because it's hard to pull lessons -- and the  
8 more that you drill down into the specifics of things,  
9 the more you recognize differences between now and then.

10 But this history is really about, to me,  
11 immigration in the United States has always been  
12 challenged by people's economic concerns, national  
13 security concerns, possibly known or unknown racism;  
14 and you hear that rhetoric today too.

15 And so if someone is very concerned about  
16 what happened, looking back, is very concerned about  
17 what happened in the 1930s, they can think about what  
18 our reaction is today when we hear the same rhetoric.

19 CHAIR LHAMON: Thank you.

20 COMMISSIONER KLADNEY: Madam Chair,  
21 Kladney here.

22 CHAIR LHAMON: Go ahead.

23 COMMISSIONER KLADNEY: I'd like to ask a  
24 question. I'm not sure I heard this, but I think you  
25 said the U.S. still has no refugee policy?

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1 DR. ERBELDING: No. The United States had  
2 no refugee policy until after World War II. So after  
3 World War II, we did and do have a refugee policy now.

4 And that is one of the main differences  
5 between now and then, is that there is a system,  
6 supposedly, to deal with people who are being persecuted  
7 for racial and religious reasons.

8 And back then, you had to go through the  
9 same immigration system. There was no other line to get  
10 into.

11 COMMISSIONER KLADNEY: Thank you.

12 CHAIR LHAMON: Commissioner Adegbile?

13 COMMISSIONER ADEGBILE: Do you understand  
14 the refugee policy to have changed the fundamental  
15 balancing of interests? That is to say, it seems to me  
16 that nations are always thinking about what is a limit.

17 And sometimes they're thinking about it for  
18 reasons that some of us may think are legitimate, and  
19 at other times for reasons that go to animus or other  
20 things that don't reach our better angels.

21 I'm wondering if, even in the context of a  
22 refugee policy, that balancing changes in some way to  
23 animate the concern about humanity and the persecution  
24 that they face, or whether the calculus remains like the  
25 earlier pre-refugee time?

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1 DR. ERBELDING: Obviously, U.S. refugee  
2 policy changes over time and the limits change.  
3 Historically, U.S. concern for refugees' writ large has  
4 always been tied to national geopolitical goals. So we  
5 are much more willing to take refugees when there's  
6 another reason, anti-communism or people that have  
7 helped us fight a war.

8 There's usually another reason for it other  
9 than strict humanitarian goals. And so that has  
10 historically always been a challenge, even within a  
11 refugee policy. But you're right; it's always about  
12 limits.

13 CHAIR LHAMON: Commissioner Narasaki.

14 COMMISSIONER NARASAKI: Thank you for your  
15 presentation, it was very fascinating. So what was the  
16 general feeling about Jews in the U.S. at that time, and  
17 how well-organized or not was the community? What were  
18 they doing at the time in terms of advocacy around these  
19 issues?

20 DR. ERBELDING: Franklin Roosevelt  
21 famously complained that there was no Jewish Pope, and  
22 he wished that there would be one, because the Jewish  
23 community is split in a lot of ways.

24 There is a kind of German-Jewish population  
25 that had historically been here for much longer than

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1 recent immigrants from eastern Europe, who were more  
2 socialist, communist, labor organizers, as opposed to  
3 the old school, wealthier German-Jewish population.

4 And so there's a split in tactics in how  
5 they're addressing the threat of Nazism, and how they're  
6 -- they're both in favor of helping refugees, but their  
7 tactics in how they're doing that changes.

8 I'm sorry, I forgot the first part of your  
9 question.

10 COMMISSIONER NARASAKI: Was there a level  
11 of animus --

12 DR. ERBELDING: Oh. Yes, very much so.  
13 Yes. Anti-Semitism is booming in the 1920s and '30s.  
14 It's drummed up by people like Father Charles Coughlin,  
15 who is a Catholic priest with a nationalized radio show,  
16 who railed about the Jews and money, and was very  
17 popular.

18 At one point during the war, Jews are seen  
19 as one of the greatest -- not threats to the nation, but  
20 people we should be concerned about watching.

21 Roosevelt is frequently criticized for  
22 being too pro-Jewish. They say he's secretly Rosenfeld  
23 or Rosenveltdt, trying to make his name sound more  
24 Jewish.

25 The fear that he has too many Jewish

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1 advisors; and any effort -- I mean, Frances Perkins, the  
2 Secretary of Labor, goes out on a limb in several points,  
3 trying to advocate for increased immigration, for more  
4 refugees, and the INS fell under the Department of  
5 Labor.

6 So she felt like she could advocate for  
7 this. And she is accused immediately of being secretly  
8 Jewish, that that's the only reason that she might want  
9 to help people.

10 So we still had a lot of hotels and golf  
11 courses and things that were gentiles-only; and there  
12 was slang for it at the time too.

13 CHAIR LHAMON: Another?

14 COMMISSIONER NARASAKI: Yes, just one more  
15 follow-up. So the Commission -- we've been hearing  
16 some concerns about anti-Semitism now, and the rise of  
17 hate crimes in the community. I realize this may not  
18 be in your bailiwick, but I'm wondering if the museum  
19 has been tracking that concern?

20 DR. AFOUMADO: Well, we have a division  
21 that is actually working on contemporary anti-Semitism,  
22 so we are very much aware of this. We follow this not  
23 only in the U.S., but around the world, so we know about  
24 anti-Semitic propaganda. We know what type of  
25 anti-Semitic speech is given somewhere. So we follow

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1 that quite seriously and quite closely.

2 CHAIR LHAMON: Thank you. Commissioner  
3 Heriot?

4 COMMISSIONER HERIOT: I just wanted to  
5 thank you, thank you because that was fascinating. I  
6 agree with the Vice Chair that history repeats itself,  
7 and you have to be alert for that. There's also, of  
8 course, the equal and opposite notion that generals are  
9 always fighting the last war.

10 And our best defense against making  
11 mistakes, I believe, is a greater knowledge of history.  
12 And that is why I thank you.

13 CHAIR LHAMON: Any other questions? So I  
14 share my fellow commissioners' thanks to you for this  
15 astounding presentation, and for continuing to make  
16 history live for us, both in your presentation to us and  
17 in your work at the museum. Thank you very, very much  
18 for coming and joining us today.

19 I also want to thank our staff who helped  
20 to bring you; Dr. Jeff Knishkowsky, who is instrumental  
21 for us, and for Staff Director and Brian Walch and our  
22 entire ACSD team for their efforts in making today's  
23 presentation possible. This was very moving and very  
24 helpful to us as a commission, so I thank you. And if  
25 there are no further items, I now adjourn the meeting

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1 of the Commission at 11:55 a.m. Thank you.

2 (Whereupon, the meeting in the  
3 above-entitled matter was adjourned at 11:55 a.m.)

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