

U.S. COMMISSION ON CIVIL RIGHTS

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COMMISSION MEETING

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FRIDAY,

OCTOBER 12, 2001

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WASHINGTON, D.C.

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The Commission convened at 9:30 a.m., in Room 540, 624 Ninth Street, N.W., Washington, D.C., Chairperson Mary Frances Berry, presiding.

PRESENT:

- MARY FRANCES BERRY, CHAIRPERSON
- CRUZ REYNOSO, VICE CHAIRPERSON
- CHRISTOPHER EDLEY, JR., COMMISSIONER
- YVONNE Y. LEE, COMMISSIONER
- ELSIE M. MEEKS, COMMISSIONER
- RUSSELL G. REDENBAUGH, COMMISSIONER
- ABIGAIL THERNSTROM, COMMISSIONER
- VICTORIA WILSON, COMMISSIONER

LESLIE R. JIN, STAFF DIRECTOR



STAFF PRESENT:

KIMBERLY ALTON
DAVID ARONSON
KI-TAEK CHUN
IVY DAVIS
BARBARA DELAVIEZ
TERRI DICKERSON
MICHAEL FOREMAN, Acting Deputy General Counsel
LATRICE FOSHEE
RACHAEL GOLDFARB
GEORGE M. HARBISON
PETER REILLY, Parliamentarian
KWANA ROYAL
AUDREY WIGGINS
DAVID WONG
AUDREY WRIGHT
MIREILLE ZIESENISS

COMMISSIONER ASSISTANTS PRESENT:

KRISTINA ARRIAGA
LAURA BATIE
SETH GROSSMAN
ELIZABETH OUYANG
CHARLOTTE PONTICELLI
KRISHNA TOOLSIE

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(9:43 a.m.)

CHAIRPERSON BERRY: Could we come to order,
please.

I. Approval of Agenda

CHAIRPERSON BERRY: Could I get a motion to
approve the agenda?

VICE CHAIRPERSON REYNOSO: So moved.

CHAIRPERSON BERRY: Could I get a second?

COMMISSIONER MEEKS: Second.

CHAIRPERSON BERRY: All in favor indicate by
saying aye.

(Ayes.)

Opposed?

(No response.)

So ordered.

II. Approval of Minutes of

September 14, 2001 Meeting

CHAIRPERSON BERRY: Could I get a motion to
approve the minutes of September 14, 2001?

COMMISSIONER THERNSTROM: So moved.

CHAIRPERSON BERRY: Could I get a second?

VICE CHAIRPERSON REYNOSO: Second.

CHAIRPERSON BERRY: All in favor indicate by
saying aye.

1 (Ayes.)

2 **III. Announcements**

3 CHAIRPERSON BERRY: Then there are
4 announcements. Congress has enacted House Joint Resolution
5 65 providing for continuing appropriations for the period
6 October 1st -- a continuing resolution.

7 Under the terms of the resolution, the
8 Commission is not authorized to obligate or commit funds
9 beyond the period of the resolution. There will be a
10 second one forthcoming before the first one expires,
11 obviously. So this is just to inform you that this has
12 happened.

13 We would like to also -- we want to introduce
14 some people, and I'll let Vice Chair Reynoso introduce his
15 new assistant.

16 VICE CHAIRPERSON REYNOSO: Yes. I have a new
17 assistant. Laura, why don't you stand up. Most of you
18 have met her apparently. Laura Batie, who is a recent U.C.
19 Davis graduate. We're very pleased to have her. Effie has
20 decided she wants to earn money.

21 (Laughter.)

22 CHAIRPERSON BERRY: Welcome. Welcome.

23 And do you want to introduce Seth Grossman,
24 who is your assistant, Vickie? Seth, stand up.

25 COMMISSIONER WILSON: Actually, I haven't met

1 Seth. Seth, I'm delighted to meet you.

2 (Laughter.)

3 This is Seth Grossman, my -- our new arrival.

4 Let's welcome him.

5 (Laughter.)

6 CHAIRPERSON BERRY: Okay. Thank you, Seth.

7 Happy to have you here.

8 Then, we want to -- Effie is not here, but
9 for the record we wish her a fond farewell. Oh, I didn't
10 know this.

11 VICE CHAIRPERSON REYNOSO: I should indicate,
12 actually, that Effie has gotten very close to a community
13 in Los Angeles, so when I moved to Davis she decided to
14 stay in Los Angeles, for the record. But she has gotten a
15 job paying her more than twice as much as we pay her. I
16 should state that.

17 (Laughter.)

18 CHAIRPERSON BERRY: Amazing. Absolutely
19 amazing.

20 Good morning, Commissioner Redenbaugh.

21 COMMISSIONER REDENBAUGH: Good morning. My
22 apology for my lateness.

23 CHAIRPERSON BERRY: That's all right.

24 And we would like to have Commissioner
25 Redenbaugh make the announcement concerning his assistant,

1 Charlie Ponticelli.

2 COMMISSIONER REDENBAUGH: Well, I am prepared
3 to answer that at this time.

4 (Laughter.)

5 It is with both sadness and pleasure that I
6 can report that Charlie has been pirated away from me. She
7 will become the Director of Educational Projects. Is that
8 right, Charlie? At the Heritage Foundation beginning
9 October 22nd.

10 CHAIRPERSON BERRY: Well, we want to thank
11 Charlie Ponticelli for all of her work during her time here
12 at the Commission, and to wish her well in her endeavors.
13 Thank you.

14 And we also want to introduce and welcome
15 Kenya Head, an intern working in the Office of Civil Rights
16 and Evaluation. She is from the University of Indiana. Is
17 she here? Welcome.

18 Thank you very much. Did I miss any
19 announcements, or does anybody else have any announcements
20 of anything?

21 The next item on the agenda is the Staff
22 Director's Report, and the first thing that we have -- we
23 have a Commission meeting calendar. Do people have copies
24 of this, or what's the story?

25 STAFF DIRECTOR JIN: Yes, they should have

1 copies of that. We have extra copies.

2 CHAIRPERSON BERRY: Okay. It says, "Listed
3 below for your review and approval is the proposed
4 calendar." And folks were asked to bring any conflicts
5 they had to this meeting. Does anyone have any conflicts
6 with any of these dates?

7 COMMISSIONER WILSON: I don't know about the
8 rest of you, but I'm not sufficiently organized to have a
9 2002 calendar. But, otherwise, it looks good to me.

10 VICE CHAIRPERSON REYNOSO: That means you
11 don't have any conflicts, right?

12 COMMISSIONER WILSON: That's exactly right.

13 (Laughter.)

14 CHAIRPERSON BERRY: Does anybody have any
15 conflicts that they know about that we need to change now?
16 I mean, conflicts may arise later. We understand that.
17 But for the moment, does anyone have any that they would
18 like to point out? Commissioner Meeks is desperately
19 looking at her --

20 COMMISSIONER MEEKS: I'm just glad to have it
21 because --

22 CHAIRPERSON BERRY: What?

23 COMMISSIONER MEEKS: I'm just glad to have
24 the calendar.

25 CHAIRPERSON BERRY: Oh, you're glad to have

1 it.

2 Okay. Well, for now, we will leave it like
3 this. I also forgot to announce that Michael Foreman, who
4 is a Senior Attorney in the Office of General Counsel, is
5 now Acting Deputy General Counsel and is in the interim,
6 since Eddie left, running that office. And Michael has
7 been here, so he's not new, but thank you very much,
8 Michael, for taking on that responsibility for this time.
9 We appreciate it.

10 Is there anything else, Staff Director, to
11 announce? Yes.

12 **IV. Staff Director's Report**

13 STAFF DIRECTOR JIN: Madam Chair, may I have
14 an opportunity to describe what we've been doing responding
15 to the events of September 11th, in terms of at the last
16 meeting the Commissioners kind of asked the staff to take a
17 fairly aggressive approach trying to deal with some of the
18 discrimination issues related to that. I'd like to have an
19 opportunity to perhaps just describe those efforts that
20 we've pursued.

21 CHAIRPERSON BERRY: Appreciate it. Go right
22 ahead.

23 STAFF DIRECTOR JIN: Okay. Thank you, Madam
24 Chair.

25 Like I said, I think at the last Commission

1 meeting, which, of course, was only a few days after the
2 tragic events of September 11th, the Commissioners talked
3 about various ways we could start addressing what was even
4 then becoming evident, that there was some discrimination
5 against Arab-Americans, Muslims, and people who are
6 perceived to be Arab-Americans, South Asian Americans, for
7 example.

8 And so I think the message that I took, and I
9 think the staff took, from that meeting was that the
10 Commissioners wanted us to explore different avenues we
11 could pursue in order to try to help address those issues.

12 And we've done several things in that regard.

13 One thing we've done is we sort of buttressed
14 our hotline to try to address -- take calls from affected
15 community people who believed that they were discriminated
16 against. Now, I think all of you know that the hotline is
17 nothing new. We've been doing that for a long time. It's
18 part of our mandate.

19 It's, in fact, in our Government Performance
20 and Results Act listed as a goal, that we need to assist
21 members of the public who seek information and advice about
22 protecting their civil rights. So we've been doing that
23 for quite a few years.

24 Essentially, what we do is we take the calls,
25 we determine if they need to be referred, or what are the

1 actions that are required, and then we take action on it.

2 And we publicize that to let people know that that service
3 did exist.

4 And as a result, I think we got quite a
5 significant increase in calls, and so what we did was we
6 created a new phone number specifically for those
7 situations, but basically it was the same kind of program
8 that we've been running in the past.

9 Additionally, we have created a separate site
10 on the home page specifically for issues flowing from
11 September 11th. We put our press release statements on
12 there. We've put on a new e-mail address regarding that.
13 We put last year -- the Commissioners might remember -- the
14 State Advisory Committee in Michigan adopted a report
15 dealing with Arab-Americans and discrimination, dealing in
16 part with trying to board airplanes and stuff like that,
17 but it was well beyond that. So we put -- we kind of
18 created a separate website for that.

19 And thirdly, the third component is we worked
20 with -- we've been working with our regional directors and
21 they with their advisory committees to see what we can do
22 in that regard. And each of the regional directors have
23 had extensive conversations with the advisory committees,
24 and while there's nothing specific to report yet, I think
25 we will be seeing some significant activities from some of

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1 the SACs in the future.

2 So that's just a brief summary, Madam Chair,
3 of some of the things that we've tried to do in response to
4 what we thought was a -- kind of a clear indication from
5 the Commissioners last meeting, that we should be doing
6 something.

7 CHAIRPERSON BERRY: Okay. Commissioner
8 Redenbaugh?

9 COMMISSIONER REDENBAUGH: What kind of
10 response have we had? I mean, I think what we're doing is
11 a very good idea. Do you have the numbers?

12 STAFF DIRECTOR JIN: We have some numbers. I
13 think --

14 CHAIRPERSON BERRY: Almost 500, wasn't it?

15 STAFF DIRECTOR JIN: Yes. I think we have --
16 as of earlier this week, we've gotten about 440, 450 calls
17 specifically relating to the issues from September 11th,
18 discrimination issues relating to September 11th.

19 COMMISSIONER REDENBAUGH: And of those 450 or
20 so, do you have any sense of how they divide between
21 discrimination and a threat to safety?

22 CHAIRPERSON BERRY: Yes.

23 STAFF DIRECTOR JIN: Yes. The --

24 CHAIRPERSON BERRY: Don't you have a report
25 --

1 STAFF DIRECTOR JIN: Yes. Where's our
2 report?

3 CHAIRPERSON BERRY: -- that you can hand out
4 to the Commissioners?

5 STAFF DIRECTOR JIN: We're going to hand out
6 a report today, I believe.

7 COMMISSIONER REDENBAUGH: Oh, okay.

8 STAFF DIRECTOR JIN: But basically, it's kind
9 of across the board. I mean, we -- as the Commissioners
10 know, you know, hate crimes and violence is -- because of
11 discrimination is part of our mission. But, of course, we
12 address a much broader mission. We deal with a lot of
13 immigration issues -- I mean, with a lot of discrimination
14 issues --

15 COMMISSIONER REDENBAUGH: Right.

16 STAFF DIRECTOR JIN: -- having to do with
17 education, employment, administration of justice, and so
18 forth. So we get across-the-board types of complaints.
19 And what we do is when we get calls that -- as we always
20 do, we get calls that really should be handled by another
21 agency, whether it be Equal Employment Opportunity
22 Commission, Department of Justice, Education, Health and
23 Human Services, we refer them to those agencies.

24 COMMISSIONER REDENBAUGH: Typically, the
25 Civil Rights Division?

1 STAFF DIRECTOR JIN: Yes. I mean, but I
2 think the -- again, Office of Rights Evaluation has been
3 doing this for quite a while. So, you know, they have a
4 pretty fine-tuned process in terms of, you know, perhaps
5 which cases that go to Justice should go to Civil Rights
6 Division, and which should maybe go somewhere else.

7 So they are basically just applying the same
8 kind of principles that they've been applying in the past.

9 COMMISSIONER REDENBAUGH: So they also, in
10 the cases where there's a threat to safety, would refer.
11 Where do you refer those?

12 STAFF DIRECTOR JIN: Those would go to
13 Department of Justice.

14 CHAIRPERSON BERRY: Terri is here if you want
15 her to answer the question.

16 STAFF DIRECTOR JIN: Yes. Terri, do you want
17 to elaborate on that?

18 CHAIRPERSON BERRY: She doesn't know what the
19 question was.

20 (Laughter.)

21 MS. DICKERSON: That hasn't stopped me
22 before, but --

23 (Laughter.)

24 CHAIRPERSON BERRY: The question was, where
25 do you refer -- how do you figure out how to refer things

1 to different agencies? And if there's a threat --
2 physical threat --

3 COMMISSIONER REDENBAUGH: Particularly where
4 there's a threat to safety.

5 CHAIRPERSON BERRY: -- where would you refer
6 that to?

7 MS. DICKERSON: We would -- let me make sure
8 -- I'm consulting with our complaints specialist, our civil
9 rights assistant. We refer those to the Department of
10 Justice. And what division in particular have we sent
11 those to? It would be the Assistant Attorney General's
12 Office for Civil Rights.

13 COMMISSIONER REDENBAUGH: Even if it's an
14 issue of safety?

15 MS. DICKERSON: Yes, that's what we've done.

16 COMMISSIONER EDLEY: They have hate crime
17 jurisdiction.

18 COMMISSIONER REDENBAUGH: Oh, they do.

19 COMMISSIONER EDLEY: Yes.

20 COMMISSIONER REDENBAUGH: Oh, okay. So,
21 then, the followup question, are the referring agencies --
22 Justice and EEOC and others -- are they responsive and
23 cooperative?

24 MS. DICKERSON: Yes. Yes, we -- it's always
25 been our practice to refer to agencies. If we misrefer

1 something, they let us know right away that we've sent it
2 to the wrong office. But I think we've been doing it for
3 so long now that's kind of the unusual situation, to get
4 something back that's been misreferred.

5 We did have aa couple of temporary people
6 helping us. We had to bring them on after it became
7 evident that the volume was --

8 COMMISSIONER REDENBAUGH: Was going to be so
9 much.

10 MS. DICKERSON: Yes.

11 COMMISSIONER REDENBAUGH: Yes.

12 MS. DICKERSON: Yes. And so there may have
13 been a few that initially -- they had a brief orientation
14 and then they were put to work on the phones, and they
15 consulted with staff to refer. But I didn't hear. I don't
16 recall getting complaints from agencies that we were
17 misreferring or anything.

18 COMMISSIONER REDENBAUGH: No, I wasn't
19 thinking about that. I was thinking more about, is it your
20 sense that the agencies are responding and using the
21 referrals well?

22 MS. DICKERSON: Yes, it is.

23 CHAIRPERSON BERRY: Has anyone gotten back to
24 you and said that when they called the agency they were
25 stiffed or nobody talked to them or that they had a

1 problem?

2 MS. DICKERSON: No, I don't -- I'm not aware
3 of that happening in any instance. No one has contacted --
4 no calls have contacted me in that regard.

5 COMMISSIONER REDENBAUGH: I'm interested in
6 this because my sense about this is that say --
7 discrimination of this type can be very time-sensitive.
8 You know, it's different than a long-standing employment
9 grievance, and particularly if there's a threat of violence
10 or safety. So --

11 MS. DICKERSON: Well, really, what happens
12 when we get a call of that nature, the first thing we ask
13 the caller is if they've called the local authorities, if
14 they've called immediately the police. And almost always
15 they have. I don't know of many people who called us
16 first. They would indicate to us if they have called the
17 local authorities, and then they sit and think about what
18 else it is they want to do, and often they call us.

19 So very often they've called the local
20 authorities. If they -- in the unusual case that they
21 hadn't, we would certainly say, "You need to call the
22 police first," and then we would also give them a referral
23 to the Department of Justice, Civil Rights Division.

24 COMMISSIONER REDENBAUGH: This is kind of a
25 touchy question, I think. Is it your sense that any of

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1 these callers are calling us because they were not fully
2 satisfied with their call to the local police?

3 MS. DICKERSON: There were some individuals
4 that I spoke with myself who felt that -- they didn't think
5 that the police were necessarily investigating it or giving
6 it the proper attention that they felt it should -- that
7 the incident deserved.

8 COMMISSIONER REDENBAUGH: And would this be
9 in the case of a discrimination rather than a threat to
10 safety?

11 MS. DICKERSON: Well, I guess for the
12 immediate situation the police would have come, and they
13 would have filed a report, just in terms of follow up to
14 try and find out who had committed the act, whether it was
15 -- you know, showing up at their property and, you know,
16 shouting at the family, or something like that, that they
17 at times didn't feel that the police had necessarily taken
18 those -- in terms of pursuing an investigation, they didn't
19 have the facts in terms of who had done it, who had
20 committed the act.

21 COMMISSIONER REDENBAUGH: Is it your sense
22 that we should do anything, investigate further yet, or
23 sort of wait and see what happens about local law
24 enforcement? And is there a law enforcement issue here?

25 MS. DICKERSON: Well, for our part, we

1 certainly refer them and encourage them to call the
2 Justice Department. It's in their authority to -- you
3 know, to continue to monitor, investigate these situations,
4 especially if law enforcement isn't properly responding.

5 And we encourage them to call, and we always
6 end the call giving them our name and telling them if
7 there's -- certainly, if there's any way that we can
8 further assist them, or if they feel that they didn't get
9 the help that they were looking for, that they should
10 recontact us, and we would see if there was another
11 referral that we might be able to make.

12 CHAIRPERSON BERRY: Terri, don't we --

13 COMMISSIONER REDENBAUGH: Thank you.

14 CHAIRPERSON BERRY: Excuse me. Terri, don't
15 we typically get complaints -- I know I get them in my
16 office -- hear from people later on who feel like, or at
17 least I do, that they didn't get a proper response, or
18 they'll say, "I filed something, you know, three years ago,
19 and nobody did anything," or two months ago, or whatever --

20 MS. DICKERSON: Yes.

21 CHAIRPERSON BERRY: -- and you follow up?
22 That happens.

23 MS. DICKERSON: Yes. That does happen.

24 CHAIRPERSON BERRY: And it might also be well
25 for us to think about at some point calling back all of the

1 people to see what their experience was, although they
2 know how to call us.

3 COMMISSIONER EDLEY: Or a sample.

4 CHAIRPERSON BERRY: Yes. Just to see and do
5 a little reporting back to us, Staff Director, Terri, on
6 what they said, you know, what happened, even if they
7 didn't call back. You've established that they know enough
8 to call back, and I know they know enough -- people know
9 enough to get in touch, because they do it.

10 But I think in this case it might be good to
11 just go back and do a little sampling to see what happened.

12 COMMISSIONER REDENBAUGH: It might inform us
13 if we need to do something more.

14 CHAIRPERSON BERRY: Right. And then we would
15 know what's going on.

16 COMMISSIONER REDENBAUGH: Yes.

17 CHAIRPERSON BERRY: So that would be good to
18 do, I think.

19 Commissioner Edley?

20 COMMISSIONER EDLEY: I want to associate
21 myself with what I sense to be at least perhaps a little
22 anxiety underlying Russell's line of questioning. I was
23 surprised to read this correspondence that we received
24 today between Les -- the Staff Director and the Civil
25 Rights Division.

1 I did not know until just now that when we
2 make a "referral" it sounds like it's basically telling the
3 caller, "Here's the phone number of the place you need to
4 call," somewhere else in the federal bureaucracy.

5 CHAIRPERSON BERRY: Right.

6 COMMISSIONER EDLEY: And I had assumed,
7 without knowing, that when we get a -- when we had a
8 referral it was much closer to the case work kind of
9 activity that a congressional office did, or that it -- at
10 a minimum, somebody on the Civil Rights Commission staff
11 would make the initial phone call to the Justice
12 Department, or kind of hold hands through the first step or
13 so of the -- of it.

14 And, obviously, we don't do that. I'm not --
15 I wouldn't say that we need to do that, but I think a
16 little bit of follow up of the sort that you just
17 suggested, Madam Chair, might at least just give us the
18 reassurance that we're doing all that we really need to do
19 in order to be providing an effective service.

20 CHAIRPERSON BERRY: You might know, though,
21 just for your information generally, as Commissioners, that
22 in the old days, back in the day when the Commission had
23 resources, the staff did exactly what you are suggesting.
24 They not only took the complaints and referred people, but
25 they would even call the agencies themselves and talk about

1 it.

2 They never betrayed the privacy of people
3 unless the people, you know, asked to. And that's one of
4 the things we have to be careful about, not giving out
5 people's names and phone numbers. But they did follow up,
6 and that office that Terri runs was much larger, had more
7 staff, had more people, and now we -- for years now we've
8 just simply used the procedure that Terri is describing,
9 and that's how it's done.

10 Vice Chair?

11 VICE CHAIRPERSON REYNOSO: Just a comment and
12 a concern. As of the time that the Staff Director's Report
13 was prepared, it does say that we had 228 complaints
14 relating directly apparently to discrimination against
15 Arab-Americans, Muslims, and others of that category.

16 My concern is that I had a discussion with
17 the local district attorney in San Diego County, in
18 Sacramento, because he heads up the Hate Crime Unit of the
19 District Attorney. And in California, the California law
20 on hate crimes is stronger than the federal law in some
21 respects, and the federal law stronger in other respects.

22 So I asked him if he ever referred cases to
23 the U.S. Attorney, if he -- after analysis he felt that the
24 federal law was stronger in that situation. He said he
25 did. I asked him, then, whether he ever received any

1 referrals from the U.S. Attorney. He said not once has
2 he ever received a referral from the U.S. Attorney.

3 So maybe we ought to check into state laws on
4 hate crimes. And if we get a complaint from California,
5 for example, one might refer them not only -- refer the
6 person not only to the Justice Department but maybe also to
7 the local district attorney or the Attorney General's
8 Office.

9 CHAIRPERSON BERRY: Commissioner Thernstrom?

10 COMMISSIONER THERNSTROM: I have a bunch of
11 questions, too, and share what I think was a little bit
12 between the lines in what Commissioner Edley said. I'm a
13 little bit concerned that somebody calling will be -- who
14 really needs to reach somebody will be, in fact, on a
15 detour to the place they eventually should land.

16 Does the Commission have caller ID that we
17 can -- so that we -- or does it record these phone
18 conversations? Is --

19 CHAIRPERSON BERRY: We don't record phone
20 conversations.

21 COMMISSIONER THERNSTROM: Yes.

22 CHAIRPERSON BERRY: Go ahead.

23 STAFF DIRECTOR JIN: I was just going to say
24 we -- at least during work hours, we have people dedicated
25 solely to answering these calls. So with the rare

1 exception of a few days early on where we got -- really
2 did get swamped with calls, I think at this point we're
3 pretty much answering most all of the calls during work
4 hours with a live person, real time.

5 And to the extent that somebody is on the
6 phone when another call comes in, and, therefore, that
7 kicks them to a voice mail, we call those back right away.

8 And if somebody calls in evenings or on weekends, we've
9 got a system up right now where we're calling back every
10 several hours to check.

11 And we don't call everybody back right away,
12 but if it looks like a situation where it needs immediate
13 attention, immediate referral, or something like that, then
14 we do call those back right away. Doesn't matter when,
15 doesn't matter if it's the evening, doesn't matter if it's
16 the weekend. So --

17 COMMISSIONER THERNSTROM: And is there some
18 -- would there be some problem in saying to a caller, "If
19 you don't mind, we would -- in light of the seriousness --
20 the potential seriousness of complaints, we would like to
21 record the phone conversation," so we have the exact --

22 CHAIRPERSON BERRY: In the District of
23 Columbia, it is illegal to record phone conversations
24 without their permission.

25 COMMISSIONER THERNSTROM: Even with

1 somebody's assent.

2 CHAIRPERSON BERRY: And let me just say this,
3 let me intervene to say this. My experience on this
4 Commission tells me that many of the people who call us
5 wouldn't call anybody else, and they wouldn't trust us if
6 we recorded them.

7 They call us, and any of you who have been
8 out to some of these SAC meetings know that there are lots
9 of people out there who don't even trust other law
10 enforcement people. They don't trust the FBI. They don't
11 trust -- you may -- we may argue about whether they should
12 or shouldn't, and reasonable people may have, you know,
13 different points of view about it.

14 But for myself, if Commissioners want to do
15 that, that's fine. But for myself, based on the experience
16 we've had with people over the past -- in the past, they
17 see us as a place they can come to talk freely to, to say
18 what they want to say. We're not making any judgments
19 about whether what they say is true, false, or indifferent.

20 We're giving them information they can either
21 use or not, if they want to. And then we do some tracking
22 of it, and that's how they see us. And the total openness
23 of the process is one reason why many people want to
24 contact the Commission.

25 Now, you could argue that it might be better

1 for us to ask if we can, but they might get -- some
2 people would get suspicious of us if we started talking
3 about recording them. Maybe I wouldn't. Maybe some of you
4 wouldn't. But they're the people -- the kind of people who
5 call us are very often very fragile, and they've had bad
6 experiences with almost every kind of anything. They're
7 marginal people in the society, and they come to us.

8 And so far the -- in our experience it has
9 worked better this way. Now, if the Commissioners -- and I
10 see Terri nodding her head. So if you want to maximize our
11 utility to those people, then you have to do it keeping in
12 mind -- put yourself in their shoes and not in your shoes
13 or the shoes of some law enforcement official or somebody
14 like that, and then think about it.

15 COMMISSIONER THERNSTROM: Well, ultimately,
16 if they distrust federal authorities, there's a limit to
17 the degree to which we can help them, since we don't
18 ourselves have law enforcement powers. And this brings me
19 to the correspondence with the Assistant Attorney General
20 for Civil Rights.

21 It was our practice in the past, as I
22 understand it, to at least, if we get complaints in
23 writing, to forward those to the Justice Department. Do I
24 understand correctly that we're not doing so now?

25 STAFF DIRECTOR JIN: No. No. We have

1 basically exactly the same practice we had before. I
2 mean, I think what's happening in this situation is that
3 even in the past, we've gotten a lot more I think phone
4 calls than written communications. But now, in this
5 situation, we're getting even a larger percentage of phone
6 calls, because I think there may be a sense of urgency,
7 like the Chair said, and I think Terri said also.

8 I think, traditionally, our normal use of the
9 hotline is we get a lot of letters from people who -- they
10 are frustrated with their interactions with the agencies.

11 COMMISSIONER REDENBAUGH: They've had this
12 problem for eight years or --

13 STAFF DIRECTOR JIN: Yes. And so they write
14 us and say, "Can you please do something." I mean,
15 obviously, this situation is not that. It's things are
16 happening kind of right away, and they either want to let
17 us know or they want to know what they can do.

18 Or to be honest, some people just call and
19 say -- you know, they kind of just want to talk. And we
20 also get some calls from people who feel that this is a
21 good thing you're doing, please keep doing it, and a few
22 calls that don't agree with what we're doing here.

23 So, right now, we -- you know, it's just an
24 incredibly high percentage of the communications is verbal.

25 COMMISSIONER THERNSTROM: But if we do get

1 written complaints, do we forward them as we --

2 STAFF DIRECTOR JIN: We work with the -- we
3 basically -- I mean, Terri can talk about the specific
4 process a little better than I, but basically we -- we
5 contact the caller to make sure that they want us to
6 forward it. And if so, then we do.

7 COMMISSIONER THERNSTROM: And there are, as I
8 understand, Excel spreadsheets with the information about
9 who has called, and so forth. Is that being forwarded to
10 --

11 CHAIRPERSON BERRY: No.

12 COMMISSIONER THERNSTROM: -- to Justice as
13 well? No?

14 CHAIRPERSON BERRY: We wouldn't forward
15 anyone's name and phone number to the Justice Department
16 without -- or anyone else. And this whole discussion is
17 focused on the Justice Department. To be clear, most of
18 the calls aren't about things -- isn't that right, Terri?
19 They go all over the map. They don't just go to the
20 Justice Department.

21 MS. DICKERSON: That's true, that they don't
22 just go to the Justice Department. That's right.

23 And just to add a little background -- I
24 asked how many referrals we've made on other issues to the
25 Justice Department since September 11th. And I believe

1 there have been 75. Was that the number? Yes, referrals
2 since September 11th on other issues.

3 I think perhaps the low number of written
4 referrals to the Justice Department reflects the fact that
5 most of the calls that came in on this hotline really were
6 telephone calls. I think we might have received maybe four
7 pieces of U.S. mail on this particular issue.

8 So there are a number of ways that we get
9 complaints. Some are telephone calls, some are written
10 complaints, and some are walk-in. We responded to 3,000
11 complaints last year. About 2,300 of them were written
12 complaints and letters, and only about 750 all year last
13 year were telephone calls.

14 And so this high volume of calls is a little
15 bit different than what we ordinarily had been
16 experiencing, and it could have just been the nature of
17 these particular concerns.

18 COMMISSIONER THERNSTROM: But as I understand
19 it, Mr. Boyd is asking for a record of the phone calls that
20 are relevant to the Justice Department. Is he receiving
21 that?

22 MS. DICKERSON: That hasn't been our
23 procedure, to share the logs at all. In fact, it was a
24 handwritten log until September 19th of last year when the
25 staff, on our own, just decided to write an Excel program

1 and to track them that way for our purposes.

2 And what that really tracks is the report
3 that the Commissioners get every month, which details how
4 many calls we received, how many were telephone, how many
5 were walk-in, how many were responded to, and what the
6 issues and bases were. And those are in the Staff
7 Director's report that gets generated and sent to the
8 Commissioners every month. So that's generally for our
9 internal reporting procedures that we have followed that.

10 CHAIRPERSON BERRY: Could I, in the interest
11 of time, let Commissioner Meeks ask a question? And I'll
12 come back to you, Commissioner Thernstrom.

13 COMMISSIONER MEEKS: So, one, just to
14 reiterate, people do not call us when they're in imminent
15 danger.

16 MS. DICKERSON: That doesn't seem to be the
17 --

18 COMMISSIONER MEEKS: Okay.

19 MS. DICKERSON: -- pattern at all.

20 COMMISSIONER MEEKS: So --

21 MS. DICKERSON: I myself at this time -- you
22 know, certainly the rest of OCRE, everyone who is answering
23 phone calls -- the analysts, the social scientists,
24 everyone. And that definitely was not the nature of the
25 calls.

1 COMMISSIONER MEEKS: Okay. So the purpose
2 of our complaint system, process, hotline is to just more
3 monitor the sort of activity that's going out relative to
4 threats and, you know, prejudice, racial mistreatment,
5 those sorts of things, rather than provide remedy to each
6 case, each person that calls?

7 MS. DICKERSON: I believe we do provide
8 assistance, and people often are very grateful to get the
9 referral, because they don't want to navigate the Federal
10 Government on their own. And we can give them the toll-
11 free number to call at the Department of Education, Office
12 of Civil Rights, and they are grateful to have that
13 opportunity and not to have to make 10 calls in order to
14 get to the right person.

15 COMMISSIONER MEEKS: So by referring them,
16 you're just giving them the number, and then they call.

17 MS. DICKERSON: That's right.

18 COMMISSIONER EDLEY: It's an information
19 service, not a problem-solving service.

20 MS. DICKERSON: Right.

21 COMMISSIONER EDLEY: I'm sorry for jumping
22 the queue. But I really think it might be useful to just
23 do some very simple little bit of study, just to make sure
24 that what we're actually offering is both effective and in
25 line with the expectations of the people who are calling.

1 I mean, if they're calling up expecting a
2 problem-solving service, and what they get is, "Here's the
3 toll-free number," maybe that's good enough. Maybe it's
4 not good enough. Maybe they are, in fact, calling over --
5 calling up -- I mean, I -- when you -- you made a very
6 strong statement, Madam Chair, about the lack of trust that
7 many of these callers may have in the federal bureaucracy
8 or in law enforcement generally, and I accept that.

9 But what concerns me is that, therefore, it
10 may be that they don't take the next step themselves and
11 call over to the Justice Department. Or it may be that
12 they take the next step but are easily deterred if they
13 don't get a warm response. And in frustration, they don't
14 bother to call us back to tell us it didn't work.

15 So I think if there were a simple way to do,
16 through a sample basis as you suggested, some sort of
17 study, just to confirm that we are doing the best we can
18 with our limited resources --

19 CHAIRPERSON BERRY: Well, I find this whole
20 conversation quite frustrating.

21 COMMISSIONER EDLEY: Well, that's because you
22 know much more about what the history of the practice --

23 CHAIRPERSON BERRY: Right.

24 COMMISSIONER EDLEY: -- has been than we do.

25 CHAIRPERSON BERRY: And the reason why I find

1 it frustrating is because the hotline does not hold
2 itself out or present itself as a problem-solving
3 mechanism. The way it was held out, and the way it was
4 announced, is that the Commission wants to know if
5 something is going on with you. Isn't that the way it's
6 put out?

7 And when the staff answers the phones, they
8 don't say, "We're going to call -- we're going to solve
9 your problem" or "what is it?" or "we're sending somebody
10 out to do this." As I understand it, and I've listened
11 very carefully, they make it very clear to people that
12 we're doing the same thing we always do on our hotline, and
13 we only have a hotline for this purpose because this is a
14 -- you know, an extraordinary situation, and there are
15 people calling, and it gives them some help, and that they
16 are so far -- and everyone I talk to everywhere I go is
17 very grateful that we made them -- let them know that there
18 was this place they could call and it was us; it was the
19 Commission. And they were happy to do so.

20 And the civil rights organizations are happy
21 about it. The folks out there are happy about it. And
22 they know we are not going to solve their problem, because
23 we don't have anything to solve -- any resources to solve
24 their problem. And that we will do some follow up, as the
25 Staff Director said. We already do some by calling some of

1 the people back to find out if anybody hooked up and did
2 anything for them. That happens already.

3 But I was suggesting we ought to do a little
4 sample study, so that Commissioners could see it and feel
5 confident that this kind of follow up was going on. But I
6 think it provides an enormous service. People are quite
7 grateful. Members of Congress have expressed their
8 gratitude on behalf of their constituents.

9 People around the country have expressed
10 their gratitude, so I think we ought to be proud that we're
11 doing this rather than worrying about whether it's helping
12 anybody. It sure is helping people more than -- and I also
13 think the focus on the Justice Department is misguided,
14 since, as I understand it, and I sat down there and
15 listened to some of it, most of the people who call up --
16 many of them who call up have complaints at, say, the
17 Education Department, some harassment of their kid at
18 school, that something happened with the teacher, something
19 -- or something that happened that's EEOC, because it was
20 on the job or something that happened that -- whatever.

21 And I think the Justice Department, and Mr.
22 Boyd -- his inquiry, as I can see and talking to the Staff
23 Director, they'd assume when they heard we've gotten 400
24 complaints or something they were all about hate crimes.
25 And they were wondering why nobody had, you know, alerted

1 them that these hate crimes, you know, had occurred, and
2 that was their concern, because they didn't understand
3 until the Staff Director told them that what this was was a
4 whole universe of discrimination and how it was being done.

5 I think that's what was going on, but I don't
6 mean to -- let's -- we only have about 10 minutes here.
7 Yes, Commissioner Thernstrom.

8 COMMISSIONER THERNSTROM: Well, obviously, I
9 too am concerned with -- along with Christopher Edley with
10 maximum effectiveness here. And I think, indeed, we all
11 are -- I mean, the hotline was -- I mean, I -- there is a
12 source of public confusion here. The hotline was widely
13 advertised, and undoubtedly there are many callers who
14 potentially think we are a problem-solving agency, which we
15 -- you know, obviously, we're not.

16 Now, I wonder in the spirit of what you have
17 suggested, what Christopher Edley has suggested, whether
18 the Commission -- the Commissioners could have an analysis
19 of the contacts, the calls, written complaints. Even if
20 they are few, I'd like to see the number that were hate
21 crimes, what falls into what category, and so that we could
22 have a much more focused discussion of how to be maximally
23 effective here.

24 CHAIRPERSON BERRY: Terri, I'm going to leave
25 this. But is it your impression that callers were left

1 confused about whether or not you were going to solve
2 their problem or --

3 MS. DICKERSON: I'd have to say across the
4 board I did not have that impression. And I think it's
5 important to comment that there isn't a typical caller, and
6 many people don't even want to give us their first name or
7 the state they're calling from, just because there may --
8 it may be an employment issue, where maybe they're being
9 harassed on the job and they don't necessarily want to give
10 out too much information.

11 And so they -- you know, we just try to
12 respond as best we can to get them a referral. And so --
13 and there may be people who just are expressing an opinion
14 and -- or there may be people who really are looking for a
15 referral. There is a large number of people who, if you
16 offer them a referral, they decline it. They really don't
17 want it. They just want to go through, what can I do about
18 this? What offices are there in the Federal Government
19 that respond to this? What's their enforcement authority?

20 And so -- and as well the -- even since
21 September 11th, most of the complaints that our office has
22 received and responded to have not had anything to do with
23 this incident. We get about 300 complaints a month anyway
24 typically, and those continue to be the great bulk of the
25 complaints that the office responds to.

1 CHAIRPERSON BERRY: We will get this report
2 that -- or a little analysis done that you can discuss with
3 the Commissioners, and we can talk about this some more
4 when that happens.

5 Yes, Commissioner Redenbaugh.

6 COMMISSIONER REDENBAUGH: Yes. I think,
7 particularly after listening to what Terri said, that the
8 anonymity of the callers is important to protect. And I
9 think you're right that they would be put off by recording.

10 So in the report that we get, I presume and
11 actually would request that the data be aggregated in a way
12 that we don't have names of particular callers. I'm sure
13 that was what you were thinking anyway.

14 CHAIRPERSON BERRY: Right.

15 COMMISSIONER REDENBAUGH: It might say 22-
16 year old male or --

17 CHAIRPERSON BERRY: Right.

18 COMMISSIONER THERNSTROM: That's fine. I'd
19 just like it broken down into, you know, categories and see
20 what we're getting here.

21 **V. State Advisory Committee Appointments**

22 CHAIRPERSON BERRY: Okay. We will do that,
23 and let's go to the next item on the agenda, which is the
24 State Advisory Committee Appointments for Alaska, Delaware,
25 Maine, Michigan, Missouri -- am I reading the wrong thing?

1 For Delaware, Maine, Michigan, Missouri, Montana, North
2 Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota,
3 Utah, Wisconsin, and Wyoming.

4 Some of you may know that we had a lot of
5 these backed up before Ivy Davis came to run the regional
6 programs. And since she came, they've been working hard to
7 try to straighten out these charters and get these
8 appointments made, which is why you're getting so many of
9 them.

10 And we said at the last meeting that we would
11 try to have a third of them this time, and a third the next
12 time, so that we can get this business cleared up and get
13 the SACs operating effectively where they are not. So
14 that's why you have all of these at the same time.

15 Could I get a motion to approve these?

16 COMMISSIONER REDENBAUGH: So moved.

17 CHAIRPERSON BERRY: Could I get a second?

18 COMMISSIONER WILSON: Second.

19 CHAIRPERSON BERRY: Discussion? Commissioner
20 Lee?

21 COMMISSIONER LEE: Thank you, Madam Chair. I
22 just want to bring out one general comment, which is an
23 ongoing discussion that some of us have whether we should
24 be in a position of approving the chairs of these SACs.
25 And I think we had a long-term discussion whether that

1 decision should be made by the committees because from
2 looking at these it's really difficult for me to see
3 whether these chairs have done a great job.

4 Some of them have new chairs, and there was
5 no explanation of why they were not reappointed as chairs,
6 whether they decided not to go ahead, or what. So I still
7 think that the chairpersonship should be left up to the SAC
8 members. That's number one, the general comment.

9 The second one is if we're going to approve
10 these, are we going to approve them separately, per SAC, or
11 as a --

12 CHAIRPERSON BERRY: Well, we just moved to do
13 them all together. But if people have objections to
14 particular ones, we can separate those out. Or if you'd
15 like to record your vote separately for one, we can do
16 that.

17 COMMISSIONER LEE: I'd like to take out
18 Wisconsin for separate discussion.

19 CHAIRPERSON BERRY: Is there any objection to
20 taking out Wisconsin, despite the motion to include all of
21 them?

22 COMMISSIONER REDENBAUGH: None.

23 CHAIRPERSON BERRY: So we will modify the
24 motion. There is no objection from the maker of the motion
25 of the seconder, right?

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1 COMMISSIONER REDENBAUGH: Right.

2 CHAIRPERSON BERRY: Okay. So Wisconsin will
3 be considered separately. Are there others that people
4 would -- yes?

5 STAFF DIRECTOR JIN: Madam Chair, may I just
6 make a clarification to something Commissioner Lee said?
7 The authority and responsibility for selecting the chairs
8 or for deciding on chairs is the Commission. So they have
9 to come up with recommendations, but, of course, if the
10 Commissioners do not want to accept them, that's --

11 CHAIRPERSON BERRY: No, no. Her point was
12 that she thinks that the SAC members should pick the chair,
13 which has been a long-standing view of Commissioner Lee's.

14 STAFF DIRECTOR JIN: i'm sorry. I apologize.

15 CHAIRPERSON BERRY: And not the -- now, if we
16 were to do that that way, we would have to change the regs.
17 And we've had a discussion before about whether we should
18 or should not do it that way, and it would require a longer
19 discussion than we're having here. But that was the point
20 you were making, right, Commissioner Lee?

21 COMMISSIONER LEE: Yes.

22 CHAIRPERSON BERRY: Any other -- yes,
23 Commissioner Redenbaugh.

24 COMMISSIONER REDENBAUGH: I'd like to hold
25 out Pennsylvania.

1 CHAIRPERSON BERRY: Pennsylvania. So if
2 there's no objection from the maker of the motion or the
3 seconder, then Pennsylvania will be considered separately.

4 COMMISSIONER LEE: In my package, I did not
5 get Alaska and Washington. So --

6 STAFF DIRECTOR JIN: Yes. No, Alaska,
7 Washington, and Nevada were not submitted.

8 COMMISSIONER LEE: Okay.

9 CHAIRPERSON BERRY: Okay. Is there any other
10 that we need to take out before we approve all the rest of
11 these? I assume we're approving them. All those in favor
12 -- yes, Commissioner?

13 COMMISSIONER EDLEY: Well, I wanted to raise
14 a -- I would -- has Commissioner Lee's been -- is that a
15 motion, or is that a -- what's the status? What are we --

16 CHAIRPERSON BERRY: No. She was saying, as I
17 understand it -- and I'll let her -- I didn't understand it
18 to be a motion. But if it is a motion -- is it a motion,
19 Commissioner Lee?

20 COMMISSIONER LEE: No. I just wanted to
21 bring that up as a -- every time when these things come up
22 I bring that up as a concern of mine.

23 CHAIRPERSON BERRY: It can be discussed if
24 you wish to discuss it, however briefly.

25 (Laughter.)

1 COMMISSIONER EDLEY: Why don't we put this
2 over again.

3 CHAIRPERSON BERRY: No, we need to approve
4 the SACs.

5 COMMISSIONER EDLEY: Yes, right. Okay. So,
6 then, let's discuss it. I mean, I -- I think I'm concerned
7 also about the chairs. And one -- but I think I may come
8 down slightly differently from Commissioner Lee. I mean,
9 one approach would be to say, let's make sure that the
10 members of the SAC think this is the right person to chair
11 and let them choose it.

12 Another approach would be let's have the
13 Commission know more about the chairs. I think I've raised
14 before the idea of having the nominee to be chair submit
15 some kind of a letter that he or she has written, not that
16 the Regional Director has written, that he or she has
17 written that will indicate -- that will be some way for us
18 to gauge both the expertise and the entrepreneurial
19 inclinations of that chair, what they plan to do over the
20 next year or two.

21 I guess my concern with Commissioner Lee's
22 approach is that it's difficult from these packages to know
23 enough about the members of a SAC to be sure that we should
24 have confidence in who the members of the SAC would select
25 to be chair.

1 I guess I'm thinking of it more whoever the
2 members of the SAC are, if we're confident that the chair
3 is terrific, then he or she will be able to get something
4 valuable to happen over the course of their term.

5 But on a going-forward basis, I'm certainly
6 prepared to just stand aside and vote for these. But on a
7 going-forward basis, I continue to be uncomfortable with
8 the SAC regional operation.

9 I'm prepared to make a motion of some sort,
10 if that's what's called for, but --

11 CHAIRPERSON BERRY: Why don't we -- if you're
12 prepared to go forward with these, why don't we vote on
13 these. And then if you want to make a motion, we could do
14 that after we figure out what we're doing with Pennsylvania
15 and Wisconsin.

16 COMMISSIONER EDLEY: Then, may I ask this,
17 that I will consult with a couple of other Commissioners
18 and perhaps draft a motion. Perhaps Commissioner Lee and I
19 can draft either alternative motions, or we can agree on
20 something to offer jointly.

21 And then, I don't know, could we do it by
22 notational voting? When is the next group going to come
23 forward?

24 CHAIRPERSON BERRY: The next meeting.

25 COMMISSIONER EDLEY: Well, then, could we do

1 something quickly by notational voting, so that if
2 there's going to be a new requirement or a new approach
3 with respect to chairs it can be in place before we're
4 asked to approve more slates?

5 CHAIRPERSON BERRY: If that is your will.
6 Vice Chair?

7 VICE CHAIRPERSON REYNOSO: Madam Chair, it
8 seems to me that, particularly in light of Commissioner
9 Lee's continuing concern, that we simply ought to put this
10 down on the agenda for a discussion where we can hear from
11 the staff, who meanwhile perhaps will have discussed this
12 with the regional offices, so we can be fully informed.

13 CHAIRPERSON BERRY: Why don't we do that next
14 time, and we will do it in the space that we used this time
15 for the hotline discussion.

16 (Laughter.)

17 We'll talk about Commissioner Lee's idea and
18 the Edley idea. And was there an idea you had, too,
19 Russell?

20 COMMISSIONER REDENBAUGH: Only to associate
21 myself with the Edley idea.

22 CHAIRPERSON BERRY: Okay. So we will talk
23 about this issue next time at the meeting. All right?

24 Now --

25 COMMISSIONER THERNSTROM: And if I join it,

1 he'll really have doubts.

2 CHAIRPERSON BERRY: It's like the time The
3 Wall Street Journal wrote an editorial saying I had done
4 something good.

5 (Laughter.)

6 Now, let's see. Why don't we, then -- could
7 I get a -- are you ready for the question on the main
8 motion, which is to vote for all of the ones that we listed
9 except Wisconsin and Pennsylvania. All in favor indicate
10 by saying aye.

11 (Ayes.)

12 Opposed?

13 (No response.)

14 So ordered.

15 Now, Pennsylvania and Wisconsin. Could we
16 get a motion -- are you asking that those be tabled,
17 Commissioner Lee, or what is your pleasure? Or do you --

18 COMMISSIONER LEE: If I can speak about
19 Wisconsin, one thing that troubles me about Wisconsin is
20 Wisconsin has become a very diverse state, especially
21 during the last decade. And I would like to see the SAC
22 members to be more representative of more emerging
23 communities, particularly the Hmong community which is
24 really not represented at all in most of our SACs in
25 southern Wisconsin.

1 So I'd like to take this opportunity to ask
2 the regional staff to make an extra effort to outreach to
3 that community and make sure that community is represented
4 in the SAC before --

5 CHAIRPERSON BERRY: Okay.

6 COMMISSIONER LEE: -- we vote on it.

7 CHAIRPERSON BERRY: So we will table
8 Wisconsin, if there's no objection. Without objection, so
9 ordered. Is there objection?

10 VICE CHAIRPERSON REYNOSO: No. Well, Madam
11 Chair, I just want to remind us that sometimes we've
12 approved the list so they can go on and operate, but with
13 the instructions or suggestions that they add somebody from
14 a given community.

15 CHAIRPERSON BERRY: Is there space to do
16 that, Ivy?

17 VICE CHAIRPERSON REYNOSO: For Wisconsin?

18 CHAIRPERSON BERRY: I mean, based on the SAC.
19 All right. Why don't we do that. Why don't we -- could
20 you move that, please, Commissioner Lee?

21 COMMISSIONER LEE: So moved.

22 CHAIRPERSON BERRY: So the motion is that
23 Wisconsin is approved with the understanding that the staff
24 will add someone from the Asian-American community, the
25 Hmong people, if possible, as indicated. Could I get a

1 second?

2 VICE CHAIRPERSON REYNOSO: Second.

3 CHAIRPERSON BERRY: All in favor indicate by
4 saying aye.

5 (Ayes.)

6 Opposed?

7 (No response.)

8 So ordered.

9 Commissioner Redenbaugh, what is your -- how
10 would you like to --

11 COMMISSIONER REDENBAUGH: Yes, mine is quite
12 similar, and I have to admit I'm really not up to speed on
13 this. But the Pennsylvania SAC looks not quite as balanced
14 politically as we strive for. Sometimes that's hard to
15 accomplish, I know.

16 So is there room on that SAC? I didn't --

17 CHAIRPERSON BERRY: Why don't we approve it
18 with the understanding, if you will move it, that the staff
19 will talk to your assistant, assuming you have one --

20 COMMISSIONER REDENBAUGH: Or they could talk
21 to me.

22 (Laughter.)

23 CHAIRPERSON BERRY: -- about -- or you about
24 if they -- you or your assistant about your concern and
25 come back with some recommendation.

1 COMMISSIONER REDENBAUGH: Yes. Because I
2 think I might even have a recommendation or two to make,
3 so, yes, with that understanding, so moved.

4 CHAIRPERSON BERRY: All right. Could I get a
5 second?

6 VICE CHAIRPERSON REYNOSO: Second.

7 CHAIRPERSON BERRY: All in favor indicate by
8 saying aye.

9 (Ayes.)

10 Opposed?

11 (No response.)

12 So ordered.

13 We're going to go to the briefing now, but
14 first I want to introduce Rachael Goldfarb, who is standing
15 in the back of the room next to Seth, who is a new
16 assistant in the Staff Director's office. I forgot to do
17 that when I was making the announcements.

18 We are now ready for the briefing. Yes,
19 Commissioner Thernstrom?

20 COMMISSIONER THERNSTROM: Can I just ask
21 briefly, Madam Chair, for your permission to distribute to
22 the members of the Commission two documents -- one, my --
23 Russell Redenbaugh and my explanation of why we voted as we
24 did on the poll vote on the education accountability
25 project; and, two, our joint answer to Lichtman's response

1 to us. I simply wanted to distribute these two documents
2 to Commission members.

3 CHAIRPERSON BERRY: You can do that, please.
4 Yes.

5 COMMISSIONER THERNSTROM: Thank you very
6 much.

7 CHAIRPERSON BERRY: And could the Staff
8 Director also distribute an article written by Richard
9 Rothstein in The New York Times, published on October 10th,
10 2001, which addresses the issues that are in the
11 Thernstrom/Redenbaugh memo concerning the education
12 briefing. So they should have that, and you should make
13 that available to anyone who is receiving the other
14 material.

15 COMMISSIONER THERNSTROM: I don't think -- I
16 don't think Rothstein knew what -- what we were saying, but
17 --

18 (Laughter.)

19 COMMISSIONER REDENBAUGH: Who did you tell?

20 **VII. Briefing on Boundaries of Justice:**

21 **Immigration Policies Post September 11th**

22 CHAIRPERSON BERRY: Okay. All right. We're
23 ready now, without objection, to go to the briefing. Could
24 we ask the panelists for the first briefing to come
25 forward? They are Mark Krikorian -- I'll introduce you

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