

U.S. COMMISSION ON CIVIL RIGHTS

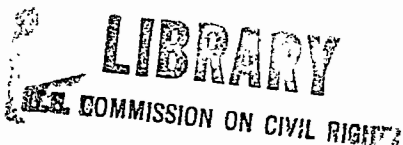
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MEETING

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Friday, September 14, 2001

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

PRESENT:

- MARY FRANCES BERRY, Chairperson .
- CRUZ REYNOSO, Vice Chairperson (Via Telephone)
- CHRISTOPHER EDLEY, JR., Commissioner
- YVONNE Y. LEE, Commissioner (Via Telephone)
- ELSIE M. MEEKS, Commissioner (Via Telephone)
- VICTORIA WILSON, Commissioner (Via Telephone)
- LESLIE R. JIN, Staff Director

STAFF PRESENT:

KIMBERLEY ALTON  
DAVID ARONSON  
KI-TAEK CHUN  
IVY DAVIS  
AMANDA DEADLY  
BARBARA DELAVIEZ  
MONIQUE DENNIS-ELMORE  
TERRI DICKERSON  
MEGAN FANNING  
MICHAEL FOREMAN  
RACHAEL GOLDFARB  
EDWARD A. HAILES, JR., General Counsel  
GEORGE M. HARBISON  
ELIZABETH KELLEY  
PAMELA MOYE  
PETER REILLY, Parliamentarian  
KWANA ROYAL  
EILEEN RUDERT  
MARCIA TYLER  
AUDREY WIGGINS  
DAVID WONG  
AUDREY WRIGHT  
MIREILLE ZIESENISS

COMMISSIONER ASSISTANTS PRESENT:

KRISTINA ARRIAGA  
SETH GROSSMAN  
CHARLOTTE PONTICELLI  
KRISHNA TOOLSIE  
EFFIE TURNBULL

A-G-E-N-D-A

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

9:30 A.M.

CHAIRPERSON BERRY: The meeting will come to order.

I. APPROVAL OF AGENDA

CHAIRPERSON BERRY: The first item on the agenda is the approval of the agenda.

Could I get a motion to approve the agenda?

MS. WILSON: So moved.

VICE CHAIRPERSON REYNOSO: Second.

CHAIRPERSON BERRY: The agenda, well I guess the briefing on environmental justice, which we've noted, has been canceled, is after the actual meeting. So we'll note that it has been canceled.

The other items are there, and we will consider what to do with them as we go along.

All those in favor indicate by saying "aye."

(A chorus of ayes.)

CHAIRPERSON BERRY: Opposed?

(No response.)

CHAIRPERSON BERRY: So ordered.

II. APPROVAL OF MINUTES

CHAIRPERSON BERRY: The next item is the approval of the minutes of the July 13, 2001 meeting. Can I get a motion?

1 VICE CHAIRPERSON REYNOSO: So moved.

2 CHAIRPERSON BERRY: Anyone, can I get a  
3 second?

4 COMMISSIONER MEEKS: Actually, wait, I did  
5 have -- oh, wait a minute. That's under the Staff  
6 Director's Report. Oh, no, it is in the minutes

7 Under the Staff Director's Report it says  
8 Commissioner Meeks announced that the -- Commission will  
9 hold a hearing in Rapid City. In fact, I announced that  
10 they did hold a meeting. It was the time before that --

11 CHAIRPERSON BERRY: They'd already done it?

12 COMMISSIONER MEEKS: Yes, they had, and I  
13 announced that they had.

14 CHAIRPERSON BERRY: Okay. That needs to be  
15 corrected.

16 Does anyone have any other corrections or  
17 additions to the minutes?

18 STAFF DIRECTOR JIN: Madam Chair, may I  
19 interrupt just for a second? I was asked to remind the  
20 Commissioners on the phone that before they speak, they  
21 should announce who they are so the court reporter -- so  
22 the reporter can identify them for the transcript.

23 CHAIRPERSON BERRY: Okay. All in favor,  
24 indicate by saying "aye."

25 (A chorus of ayes.)

1 CHAIRPERSON BERRY: Opposed?

2 (No response.)

3 CHAIRPERSON BERRY: No.

4 III. ANNOUNCEMENTS

5 CHAIRPERSON BERRY: Announcements are the  
6 next item.

7 First of all, let me say that the Commission  
8 is meeting and carrying on business as usual. All of our  
9 political officials have announced that to the extent  
10 possible, the Government should continue to operate and the  
11 Commission is part of the Government, so we're continuing  
12 to operate, although we understand why people can't get  
13 here to a meeting; people who haven't missed any meetings  
14 or who come all the time and are very diligent in their  
15 responsibilities as commissioners. Because of the national  
16 tragedy that has occurred, the disruption in transportation  
17 and everything else, that makes it impossible for people to  
18 move around. But we are carrying on the meeting.

19 The environmental briefing was canceled. The  
20 people who had to participate in it, some of them, had to  
21 come from out of town and would not have been able to be  
22 here anyway. And, so, we'll have to see what we do about  
23 that later on. We may just decide to educate ourselves  
24 about the issues and papers, and then consider whether  
25 we'll have a hearing. Because, as I understood,

1 Commissioner Wilson's idea in the first place was that if -  
2 - she wanted a hearing, as I recalled, on this subject. A  
3 hearing would permit us to compel the attendance of people  
4 who want it. And although it involves a lot of work, and  
5 maybe we can educate ourselves as the briefing would have  
6 done, and then move to that step so that we don't lose  
7 momentum on it. But it made sense to cancel it today, and  
8 we did.

9 We also issued a statement this week on what  
10 has happened this week, the events -- a press statement,  
11 which I issued. The Commission, as you already know, has a  
12 policy which says that we should not discriminate and  
13 harass people of particular religious or ethnic  
14 backgrounds, or based on race and the like just because  
15 some tragedy occurs. We issued a statement at the time of  
16 the Oklahoma City incident, we issued a statement and there  
17 was some cases of harassment of Asian Americans at various  
18 times that we have issued statements.

19 So consistent with that policy, we did issue  
20 a statement. It has not been -- I haven't seen it picked  
21 up anywhere yet, so we may have to try to get it into the  
22 hands of people who will pick it up.

23 I talked this morning to James Zogby, who is  
24 the Executive Director or President, or Chief of Staff to  
25 the National Arab American Anti-Discrimination Institute, I

1 think it's called. The Arab American Institute. And who  
2 has -- because I saw him on TV last night talking about it.  
3 I've seen him all over the media talking about these  
4 issues. And he was telling me about the number of  
5 complaints that have been received by the community  
6 everywhere, and the things that seem to be happening to  
7 people, as well as the outpouring of support that has come  
8 and wanted to talk about what the Commission might do to be  
9 helpful. And maybe when we finish the announcements and we  
10 get to the Staff Director's report, we can talk about what  
11 we might do about these issues.

12 The President, Mr. Bush, announced that we  
13 should have a national day of mourning and that people  
14 should on their lunch hour today, or at some point, attend  
15 religious services if that is what they wish to do, or in  
16 some other way memorialize their sentiments on this  
17 subject. People are memorializing their sentiments every  
18 hour, every minute all over this country about what  
19 happened.

20 The other announcement that I have to make is  
21 we have to say farewell to our general counsel, Eddie  
22 Hailes. Today is his last day at the Commission. He's  
23 been here 5 years working diligently, toiling in the  
24 vineyard of civil rights work. Before that at the NAACP.

25 He is a committed lawyer, and he worked very

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1 hard here on various projects including most recently the  
2 Florida voting right project where he did a tremendous job  
3 for us.

4 Now he's going to go work at the Advancement  
5 Project. Penda Hair has stolen him from us. And I will  
6 never forgive her. And she will suffer mightily from this -

7

8 COMMISSIONER EDLEY: Amen.

9 CHAIRPERSON BERRY: -- as will her entire  
10 family, including her husband and children.

11 COMMISSIONER EDLEY: For generations to come.

12 CHAIRPERSON BERRY: Yes. Yes. The sins of  
13 the fathers -- or whatever, anyway -- others.

14 But I wish Eddie all the best in the future,  
15 and I'm sure --

16 COMMISSIONER EDLEY: Can we vote on that? By  
17 a vote of three to two, we wish you every good --

18 CHAIRPERSON BERRY: Yes. And we wish you all  
19 the best, Eddie, in your future endeavors and we're very  
20 grateful to you. Hear, hear, I'm sure everyone agrees with  
21 me.

22 COMMISSIONER WILSON: Madam Chair?

23 CHAIRPERSON BERRY: Yes, Commissioner Wilson?

24 COMMISSIONER WILSON: Commissioner Wilson.

25 I just wanted to --

1 COMMISSIONER LEE: I'm on now.

2 CHAIRPERSON BERRY: Oh, thank you,  
3 Commissioner Lee.

4 COMMISSIONER LEE: Good morning.

5 ALL: Good morning.

6 COMMISSIONER WILSON: I just wanted to say  
7 how I -- I mean, I'm delighted for Eddie, but I'm just so  
8 sorry that I'm not going to be there to wish him farewell  
9 and to give him a kiss. He has been a -- it has been an  
10 amazing experience to work with him in terms of just at the  
11 level of his dedication and his humility.

12 CHAIRPERSON BERRY: Tell Dagmar to shut up,  
13 Vicky.

14 COMMISSIONER WILSON: I'm sorry.

15 CHAIRPERSON BERRY: Tell Dagmar to shut up.

16 COMMISSIONER WILSON: I'm not -- is Eddie on  
17 line?

18 CHAIRPERSON BERRY: Eddie's here, yes.

19 COMMISSIONER WILSON: You will have to come  
20 visit us at the Commission.

21 COMMISSIONER EDLEY: We can subpoena him, you  
22 know.

23 COMMISSIONER WILSON: Now we're talking.

24 CHAIRPERSON BERRY: Yes?

25 VICE CHAIRPERSON REYNOSO: Madam Chairman, I

1 was just wondering if it would be appropriate to invite  
2 Eddie back to the next meeting so we can personally say  
3 nice things about him.

4 CHAIRPERSON BERRY: I think that would be  
5 great. Eddie --

6 COMMISSIONER WILSON: I think so, too.

7 CHAIRPERSON BERRY: -- you're invited to come  
8 back to the next meeting if you can manage it. He said  
9 okay. So that in person people can say farewell to him and  
10 we can say formally what we'd like to say about your  
11 service that you've done here. Okay? All right.

12 The other announcements are the Commission's  
13 good work has been recognized -- Dagmar, go outside -- has  
14 been recognized. I made that up, I don't know if the dog's  
15 name is Dagmar. All right. Has been recognized by several  
16 groups recently. The U.S. Department of Health and Human  
17 Services gave the Commission a certificate of appreciation  
18 for its contribution toward the success of the immigrant  
19 access forum 2001.

20 Also, the Interdepartmental Task Force on  
21 Welfare Reform expresses its sincere thanks for the  
22 Commission giving them advice when asked for on the work  
23 that they were doing.

24 The Lawyers' Committee for Civil Rights Under  
25 Law recognized the Commission for extraordinary leadership

1 in investigating the disenfranchisement of minority  
2 citizens in Florida during the November 7, 2000  
3 presidential election at a ceremony on August 2nd.

4 The Immigrant Access Forum, this certificate  
5 was given to John Foster Dulles, Regional Director, for the  
6 work that he did helping them.

7 And as we approach the end of the fiscal  
8 year, I have to remind Commissioners and assistants, and I  
9 mean this, to submit estimates and vouchers for the hours  
10 you worked, traveled and other expenses through September  
11 30, 2001. If any Commissioner has difficulty doing this,  
12 they can get the assistance of -- and their assistant, they  
13 can get the assistance of the staff and the Staff  
14 Director's office will help them to prepare all the stuff  
15 that they need to prepare so that they don't have to worry  
16 about preparing it themselves.

17 And, Christopher, will you shut your mouth.  
18 You seem to -- yes, okay.

19 Anyway, I'm afraid you're going to, you know,  
20 grasp for breathe or something.

21 COMMISSIONER EDLEY: I'm afraid I'm going to  
22 be indicted. I'll need some help.

23 CHAIRPERSON BERRY: Yes. Anyone who needs  
24 help doing this, just say to people that you need help and  
25 they will do it, but we need to work this out.

1 This will include any expenses already  
2 incurred, but not yet claimed and any expenses expected to  
3 be incurred through September 30, 2001.

4 A memo with more detail on year end  
5 requirements will be sent to the Commissioners and  
6 assistants by September 17th.

7 September is Hispanic Heritage month. The  
8 Commission will be sending out a press release and the  
9 planning committee will be coming up with various programs  
10 all during this month.

11 The Alaska Advisory Committee held a forum at  
12 which Vice Chair Reynoso and Commissioner Lee and  
13 Commissioner Meeks attended on August 23rd and 24th in  
14 Anchorage. The SAC, I understand, will take additional  
15 testimony from Alaskan natives as part of the project on  
16 racial intolerance in Anchorage on October 25th if anyone  
17 else is interested in going or wants to be involved.

18 I want to thank the Commissioners who were  
19 able to go. We got good reports on your work. We read the  
20 press clippings. We will read the transcript with  
21 interest. And we even noticed that you were criticized for  
22 not having longer and longer forums. The Staff Director  
23 went as did the coordinator for regional programs, Ivy  
24 Davis. But you were criticized for not staying there and  
25 listening, and listening and listening. And you could have

1 stayed there for three weeks.

2 And I always think that it's good criticism  
3 when people say that they wanted more of you rather than  
4 less of you. So, you made a great contribution.

5 The Commission did this despite the fact that  
6 all those promises about giving us additional funds to do  
7 something in Alaska never came to pass. And I think it was  
8 worth doing. And I hope that those of you who went think  
9 that it was worth doing.

10 COMMISSIONER MEEKS: Yes. And I wonder if  
11 Commissioners know that the Governor after a week later or  
12 so decided not to appeal the Katie John case.

13 CHAIRPERSON BERRY: No, we didn't know that.

14 COMMISSIONER MEEKS: That was very important.

15 CHAIRPERSON BERRY: No. Okay.

16 The other thing we'd like to do is welcome  
17 and introduce the interns working with us in public  
18 affairs, Amanda Deadly, MacMurray College -- are they here?  
19 Jacksonville, Illinois. Megan Fanning, Richard Stockton  
20 College, Pomona, New Jersey. And Elizabeth Kelly, Xavier  
21 University of Ohio. All right.

22 Thank you very much for being here.

23 **IV. STAFF DIRECTOR'S REPORT**

24 CHAIRPERSON BERRY: The next item  
25 is the Staff Director's Report.

1 Before the Staff Director's Report, first of  
2 all, does anyone have any questions about things that are  
3 in the Staff Director's Report?

4 COMMISSIONER LEE: Madam Chair?

5 CHAIRPERSON BERRY: Yes, Commissioner Lee?

6 COMMISSIONER LEE: I don't know if you made  
7 this announcement -- recently issued a statement regarding  
8 Tuesday's tragedy as we normally have done.

9 CHAIRPERSON BERRY: Yes, we will -- we had  
10 talked about it a little bit and we said we would discuss  
11 it more now.

12 COMMISSIONER LEE: Okay.

13 CHAIRPERSON BERRY: As soon as we find out if  
14 anybody has any questions about the stuff that's in the  
15 Staff Director's Report, then we'll discuss that.

16 Does anyone have any questions about anything  
17 else in the Staff Director's Report?

18 COMMISSIONER LEE: Madam Chair?

19 CHAIRPERSON BERRY: Yes, Commissioner Lee?

20 COMMISSIONER LEE: I'd like to ask the Staff  
21 Director for an update regarding my earlier request to find  
22 out why the California and Arizona reports were postponed.

23 CHAIRPERSON BERRY: Okay.

24 COMMISSIONER LEE: Or canceled.

25 CHAIRPERSON BERRY: Staff Director?

1 STAFF DIRECTOR JIN: Yes, Commissioner Lee.  
2 I think you also raised the question about Idaho also.

3 COMMISSIONER LEE: Right.

4 STAFF DIRECTOR JIN: I had asked our Director  
5 of Regional Programs, Ivy Davis, to look into that for me.  
6 And I think that rather than to translate what she told  
7 me, I'm just going to ask her to report directly to the  
8 Commissioners, if that's all right.

9 CHAIRPERSON BERRY: That's fine.

10 MS. DAVIS: Good morning, Commissioner Lee.

11 COMMISSIONER LEE: Good morning.

12 VICE CHAIRPERSON REYNOSO: Good morning.

13 MS. DAVIS: I did make inquiry of the Western  
14 Regional Office to what the status and the reasons for the  
15 action on those particular reports, and I'll read to you  
16 what they indicated.

17 The Staff Report notes that the Arizona  
18 Project had been discontinued, and this was a project on  
19 employment practices in the Arizona Department of  
20 Transportation. A forum had been held in Phoenix, the  
21 issues identified impacted Hispanics and blacks. Following  
22 the forum a class action was filed by Hispanics and blacks.

23 The Director of the department is no longer there. The  
24 SAC Chair felt that no additional forum was necessary. The  
25 Western Regional Office will make inquires of state



1 officials when the SAC is in Phoenix on another upcoming  
2 forum.

3 The Western Regional Director indicated that  
4 he believed there was a correlation between the forum, the  
5 class action and the departure of the agency head.

6 With respect to California, the July Staff  
7 Director's Report noted that the project of selected civil  
8 rights issues in Orange County was discontinued. The SAC  
9 conducted one forum on civil rights issues effecting  
10 Hispanics. There was no expectation at that time that a  
11 report would be prepared. And the SAC Chair feels that the  
12 work done to date has been sufficient.

13 With respect to Idaho, the July Staff  
14 Director Report's noted that the project monitoring racial  
15 tensions in the Magic Valley area was discontinued. The  
16 SAC has determined that the source of these tensions is  
17 racial profiling conducted by police in Boise, and has  
18 decided to focus the review on Boise.

19 So, I think overall probably it would be  
20 better to say that the work, rather than those projects  
21 being discontinued, is that the work done on those projects  
22 has been uncompleted.

23 CHAIRPERSON BERRY: Okay.

24 COMMISSIONER LEE: Thank you.

25 CHAIRPERSON BERRY: All right. Anything else

1 before we -- let me -- yes?

2 COMMISSIONER MEEKS: This is Commissioner  
3 Meeks.

4 I know that there's a number of advisory  
5 committees to be rechartered. Do you know when those will  
6 be moving along?

7 CHAIRPERSON BERRY: I can let them respond if  
8 you want, I just had a conversation with the Staff Director  
9 about this a couple of times this week. And what I said  
10 was that the Commissioners have a great expectation that  
11 this will be finished and that I would like to have at  
12 least half of them come before us in October and the other  
13 half come in November so that they'll be finished.

14 STAFF DIRECTOR JIN: And we expect to meet  
15 those standards. We were hoping, actually, to get some up  
16 maybe as early as September with greater assistance by Ms.  
17 Davis, the new regional coordinator. And we have been  
18 working on this.

19 And like the Chair says, she spoke with me  
20 about it and I think that we need to get them called up  
21 here, and we plan to get half of them up here in October,  
22 the other half up here in November.

23 COMMISSIONER MEEKS: Thank you.

24 CHAIRPERSON BERRY: I expressed to the Staff  
25 Director my continued frustration over the question of the

1 constitution of the SACs and my frustration with expecting  
2 to receive suggestions from SACs about things we might do,  
3 and not getting any. And when things occur, not hearing  
4 anything or making sure that we have SACs that can be  
5 contributors to what we're doing, despite all the  
6 constraints.

7 And so I've expressed that frustration  
8 several times and said that at some point we're going to  
9 have to have another big discussion about the SACs, and I  
10 think the Staff Director heard me.

11 STAFF DIRECTOR JIN: I certainly did.

12 CHAIRPERSON BERRY: All right. Since I do  
13 that about once a week now.

14 Anyway, in October we expect to have half of  
15 them and in November the others.

16 If Commissioners have ideas about people who  
17 you think should be on the SACs in the state; in your state  
18 or somewhere that you know, you should give those ideas  
19 immediately to the Staff Director as they do this work of  
20 constituting.

21 As you know, the Regional Directors recommend  
22 these SAC members, that's the way it goes. But there's no  
23 reason for you not to put in names that you want to have  
24 vetted by them as they go through this process. And so  
25 that will come before us.

1                   There's some other business having to do with  
2                   SACs and recommendations that the Regional Directors made  
3                   when they were here meeting with Ivy and Les that we will  
4                   talk about at another time, we won't do it today. But it'll  
5                   take some consideration. Maybe we'll do it in October.

6                   The other thing I would like to do before we  
7                   discuss the -- if you will indulge me, and I should have  
8                   said this in the beginning, but I didn't. Forgot to do it.

9                   I would like us to dispose of items number V  
10                  and VI before we do the discussion of the tragedy that  
11                  occurred. It should be rather simple to do.

12                 What I would like us to do is we have to pass  
13                 the budget estimate, or we should pass the budget estimate,  
14                 which is a rather routine thing for us to do at this time,  
15                 and I will say why in a minute. And then I would like us  
16                 to table the recommendations for national electoral reform  
17                 until the October meeting so that we can then have the  
18                 presentation from Terri Dickerson at that time and come up  
19                 with our recommendations.

20                 Given what's going on in the country and the  
21                 changed time tables in the Congress, and on everything  
22                 else, there's no urgency about us doing these at this time  
23                 and Commissioners Thernstrom and Redenbaugh are not  
24                 present, and they're not on the phone.

25                 And so I would like us to table those until

1 the next time if there is no objection. And I would like  
2 to get a motion from someone that we do that, which we can  
3 discuss, and then I would like to pass the budget estimate,  
4 and then I would like to discuss the tragedy.

5 Is there anyone who objects to our proceeding  
6 in that way, or at least processing to try to proceed in  
7 that way?

8 (No response.)

9 CHAIRPERSON BERRY: Okay. Without objection  
10 then.

11 **V. RECOMMENDATIONS FOR NATIONAL ELECTORAL REFORM**

12 CHAIRPERSON BERRY: The recommendations to  
13 Congress for national election reform, could I get a  
14 motion, can we table this until next time?

15 COMMISSIONER EDLEY: So moved.

16 CHAIRPERSON BERRY: Could I get a second?

17 COMMISSIONER LEE: Second.

18 CHAIRPERSON BERRY: All right. Could we have  
19 some discussion? Is there anyone who would like to discuss  
20 whether we should discuss the issues, or whatever, or shall  
21 we just go ahead and do that?

22 COMMISSIONER MEEKS: I think we should go  
23 ahead and do it.

24 CHAIRPERSON BERRY: Okay.

25 All favor in indicate by saying "aye."

1 (A chorus of ayes.)

2 CHAIRPERSON BERRY: Opposed?

3 (No response.)

4 CHAIRPERSON BERRY: So ordered.

5 Perhaps between now and then, Terri may see  
6 fit to do some minor revisions here and there to what she  
7 has done in the briefing paper. And if that happens, she'll  
8 send us another one. The Staff Director shall give it to  
9 us.

10 That may happen, right?

11 STAFF DIRECTOR JIN: That's correct, Madam  
12 Chair.

13 CHAIRPERSON BERRY: Because people always  
14 look at things. I know everything I write I look at it  
15 again and I think, "My God, why did I write that? That is  
16 terrible." Needless to say, I do the same thing to my  
17 students.

18 Anyway, so you may get another paper. But we  
19 will get a presentation in October, and we can make some  
20 decisions about where we go on these issues next time.

21 VI. FY-2003 BUDGET ESTIMATE TO OMB

22 CHAIRPERSON BERRY: On the budget estimate,  
23 the reason why I said it's routine earlier, is because we  
24 always ask for more money than anyone's going to give us,  
25 and we always do that because that's how much we need. And

1 then they don't give it to us and then we go ahead and do  
2 the best we can with what we have. This has been a drill  
3 that we've been through for years, and I see no expectation  
4 -- I'm just speaking personally -- in the near future that  
5 that situation is going to change.

6           You know and keep up with the news as much as  
7 I do, so you know that there are all sorts of talks about  
8 budgets and appropriations, and the most likely thing  
9 that's going to happen this time is we'll get a continuing  
10 resolution, not just us but everybody in the government for  
11 a while. And that the budget numbers that we come up with,  
12 the discussion is always about should we ask for what we  
13 think we need or should we ask some figure that we think  
14 they'll give us. And where we've ended up for the last few  
15 years is we ask for what we think we need; and then they  
16 don't give it to us.

17           So on the budget estimate that you have  
18 before you, and George is here so if anybody wants to ask  
19 him anything, they can.

20           Hi, George.

21           The budget, as you can see, includes funding  
22 for all the various things we've proposed as well as  
23 additional money for the regions, which we could  
24 desperately use with this reconfiguration and this  
25 revitalization effort that is going on with the regions and

1 the SACs, and some money for our computerization and the  
2 LAN and all that stuff, communication stuff, and money for  
3 us to use for projects that come along that none of us  
4 predicted.

5 And we know that most of the projects that  
6 come along are things we didn't predict; that every year  
7 there's something that happens and we end up -- since we  
8 have to be flexible and we have to figure out how to  
9 respond to the need as it arises, we need that flexibility.

10 So the question is could we get a motion to  
11 approve the estimate as the staff has recommended it, and  
12 then we can discuss whether we want to change it or  
13 downscale it?

14 COMMISSIONER EDLEY: So moved.

15 CHAIRPERSON BERRY: Could I get a second?

16 VICE CHAIRPERSON REYNOSO: Seconded.

17 CHAIRPERSON BERRY: All right. Now, shall we  
18 have some discussion?

19 I could just downscale it willie-nillie or  
20 have some reason for doing it.

21 Yes, Commissioner Edley?

22 COMMISSIONER EDLEY: If I could just  
23 preliminarily just get an update on where our request for  
24 FY-02 stands in Congress? What was our request? What was  
25 our request to OMB? What was in the President's budget and

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1 where does it stand in the appropriation bills? We're in  
2 CJS, right?

3 CHAIRPERSON BERRY: Yes.

4 STAFF DIRECTOR JIN: I can answer part of  
5 that, but I'm going to ask Mr. Harbison to come and join us  
6 at the table for a bit, if he could.

7 Commissioner Edley, the President's request  
8 was a very slight amount beyond the 8.9 million that we  
9 have this year. Basically you incorporated a salary and  
10 expense factor, and so I think the request was for 9.016  
11 million, or something like that.

12 COMMISSIONER EDLEY: Our request had been?

13 STAFF DIRECTOR JIN: Our request had been,  
14 George, I think about 13, 14 million, something like that.

15 Is that correct?

16 MR. HARBISON: 13.4

17 COMMISSIONER EDLEY: Okay.

18 STAFF DIRECTOR JIN: Okay. George, maybe you  
19 can answer the rest of Commissioner Edley's questions?

20 COMMISSIONER EDLEY: Where does it stand now  
21 in the CJS bills?

22 MR. HARBISON: I think it has not gone to  
23 Committee. So all of the appropriations bills are still --

24 STAFF DIRECTOR JIN: If I understand  
25 correctly, the House has voted on it but the Senate has

1 not?

2 MR. HARBISON: Right.

3 COMMISSIONER EDLEY: What does the House bill  
4 contain for us?

5 MR. HARBISON: I don't know the exactly  
6 language.

7 CHAIRPERSON BERRY: Somebody here knows, so  
8 they're saying. So, could you answer?

9 COMMISSIONER EDLEY: It is the President's  
10 request? Okay.

11 This figure for regional programs, I guess  
12 I'm a little -- well, let me not be critical until I  
13 understand what it is, what it's for. But what is the -- I  
14 don't see it year-to-year. Do we have a year-to-year table  
15 in here?

16 MR. HARBISON: No, we do not.

17 COMMISSIONER EDLEY: Well, I guess -- I mean,  
18 I hate to sound like an OMB geek.

19 CHAIRPERSON BERRY: Well, that's what you  
20 are.

21 COMMISSIONER EDLEY: But I think it would be  
22 far more helpful to us if we were presented with the sort  
23 of table you give to OMB; here's what we have in the  
24 current fiscal year and here's what's in the request for  
25 '02, and here's what we're proposing for '03 so that we

1 could see on a line item basis what the proposed increases  
2 are.

3 So where are the major increases? It's in, I  
4 gather, the regional number or what's -- where are the  
5 biggest increases?

6 CHAIRPERSON BERRY: George, why don't you  
7 say.

8 MR. HARBISON: Major increases, actually  
9 there are increases across the board with the exception of  
10 -- but your major increases are in the region's  
11 headquarters and the projects.

12 CHAIRPERSON BERRY: And what is the year-to-  
13 year for the regions?

14 MR. HARBISON: The average to the regions run  
15 about \$2.5 to \$3 million.

16 COMMISSIONER EDLEY: Is the increase --

17 MR. HARBISON: No, that's their average,  
18 that's their average budget.

19 CHAIRPERSON BERRY: How much was it last  
20 year?

21 MR. HARBISON: The exact figure, I don't know  
22 about that. It was about \$2.9 million.

23 CHAIRPERSON BERRY: So from 2.9 to what in  
24 the request?

25 MR. HARBISON: 3.1

1 CHAIRPERSON BERRY: Okay. So that tells you.  
2 From about 3 to about 4?

3 COMMISSIONER EDLEY: Why?

4 MR. HARBISON: We're increasing staffing in  
5 the region.

6 COMMISSIONER EDLEY: I understand, but why?  
7 I mean, I want to associate myself with the Chair's  
8 frustration about what we're getting from the regions. I'm  
9 trying to figure out why I would put the increased  
10 resources in OCRE and the general counsel's office rather  
11 than the regions since when we have been on the whole, and  
12 I've only been on board for about 2 years I guess, but I've  
13 been underwhelmed with what we've been getting from the  
14 regions. And I would have felt that more -- you know, we  
15 can do work that has a regional focus and has a state-by-  
16 state focus with offices here.

17 So I'm just -- I don't mean to be  
18 argumentative, I'm just trying to understand the logic of  
19 the request.

20 I mean, we know fiscal times are tight and,  
21 presumably, if we have any expectation of having our  
22 request granted by the White House, much less the Congress,  
23 I assume that we have a very tight articulate presentation  
24 of the justification. So I was just asking for --

25 COMMISSIONER WILSON: Madam Chair?

1 CHAIRPERSON BERRY: Well, as soon as -- Yes,  
2 Vicky.

3 COMMISSIONER EDLEY: I'm done.

4 CHAIRPERSON BERRY: Commissioner Wilson?

5 COMMISSIONER WILSON: Oh, thank you. Thanks,  
6 Madam Chair.

7 In answer to Commissioner Edley's question,  
8 I'm not sure this is the answer but it seems to me when the  
9 regional directors have come to talk to us, they made it  
10 very clear that there were very few personnel to deal with  
11 very large expansions of territory and that that could be  
12 one of the reasons why we're so frustrated with the work  
13 that we're getting. So, it would seem to me that there is  
14 a certain logic in increasing the personnel.

15 MR. HARBISON: Madam Chair, may I comment.

16 CHAIRPERSON BERRY: Yes, you can in just a  
17 minute, but Vice Chair wants to say something. Vice Chair  
18 Reynoso?

19 VICE CHAIRPERSON REYNOSO: Thank you.

20 I've seen the work of the regional offices  
21 and the frustration of many of the state advisory  
22 committees who very often can not meet more than once a  
23 year or once every two years because there are not the  
24 resources for meeting and for staffing. So we can't really  
25 expect great work. In fact, I'm surprised at the amount of

1 work that they do do in light of those limited resources.  
2 If they had more resources, they could indeed meet more  
3 often and be more vigilant in terms of bringing those  
4 matters to our attention.

5 So I can understand the need for greater  
6 resources for the region.

7 COMMISSIONER LEE: Madam Chair, this is  
8 Yvonne.

9 CHAIRPERSON BERRY: Commissioner Lee?

10 COMMISSIONER LEE: I concur with what the  
11 Vice Chair has said. I think all of us have attended many  
12 SAC meetings and despite the fact that they have very  
13 limited staff, they've done an excellent job.

14 You know, the report -- you know, I've been  
15 frustrated with the inflow in coming because the staffs  
16 have been just pushed to the max. And furthermore, when  
17 certain members wanted to do really important projects to  
18 address current events or future events, where there's  
19 concern, they have no money to even hold a project -- so I  
20 do understand the need to expand the SAC activities.

21 So, it's one of those chicken and an egg  
22 thing, you know. Like the -- probably where it may not be  
23 up to the standards, but I do think that they need to have  
24 the resources necessary --

25 COMMISSIONER MEEKS: May I ask a question?

1 This is Commissioner Meeks.

2 CHAIRPERSON BERRY: Commissioner Meeks?

3 COMMISSIONER MEEKS: Within that line of  
4 regional -- does that include the bonds that the SACs have  
5 --

6 CHAIRPERSON BERRY: Yes. Yes, Commissioner  
7 Meeks.

8 Commissioner Edley?

9 COMMISSIONER EDLEY: I guess I want to  
10 clarify, I am all in favor of a substantial increase in SAC  
11 activity. I've been beating that drum consistently, and  
12 that's also why I'm interested in this effort to revisit  
13 the membership in the SACs and get as many active and  
14 entrepreneurial type people as we can to participate in the  
15 SACs.

16 Maybe what's at the core of my concern here  
17 is whether an agency as small as we are needs an elaborate  
18 regional structure as opposed to having headquarters relate  
19 directly to the SACs.

20 I mean, we've requested increases in SAC  
21 resources -- I'm sorry, regional resources over the last  
22 several budgets and have gotten nowhere with that. So, all  
23 the arguments that my fellow Commissioners are making have,  
24 obviously, fallen on deaf ears.

25 So what I'm trying to humbly suggest is that

1 maybe, you know, if we've lost this battle umpteen times,  
2 why do we keep fighting this particular battle as opposed  
3 to looking\_ for another strategy to get to the same goal,  
4 which is, I think, more support for the SACs, more activity  
5 by the SACs?

6 You know, apparently there's no champion for  
7 the regional structure on the appropriations committees  
8 that has been willing to press to see to it that we get it  
9 beefed up.

10 CHAIRPERSON BERRY: Well, let me try this,  
11 Christopher -- I mean Commissioner Edley and the rest of  
12 you.

13 Let me explain that there's no champion for  
14 the Civil Rights Commission, in the appropriations  
15 committees and the House. In fact, we have had  
16 Commissioners who have opposed funding increases for the  
17 Commission and who have publicly stated that they didn't  
18 think we should give them a funding increase period, year  
19 after year.

20 Since the Republicans took over the House we  
21 have not -- I'm just being candid. We've not gotten any  
22 increases. I don't expect us to get any as long as they  
23 are in control of the House. Fundamentally folks who  
24 disagree with the agenda that we have and the work that we  
25 do aren't likely to fund us. The only issue is whether

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1 they would cut our budget, not whether they'd ever give us  
2 any funding.

3 The second thing is, and we have not had  
4 people on the Senate side who were particularly favorable,  
5 too. That may or may not change this time, but there are  
6 other budget constraints that are going on.

7 So there's no champion, really, for -- not  
8 only is there no champion, as you know the Clinton  
9 Administration time-and-time again requested budget  
10 increases for us. They requested actual increases. And  
11 even in the White House when the deal went down at the end  
12 and people were giving away stuff, we were too small to get  
13 the kind of money. They'd usually end up putting it in  
14 enforcement -- I'm just being candid -- in the civil rights  
15 division because they thought that they could get more bang  
16 for the buck, and we had a lot of discussions about that.

17 So that we have done a good job with the  
18 resources we've had and deployed them. And I think the  
19 staff has done a wonderful job.

20 The question about the regions is slightly  
21 different. Knowing that, what I just said, is the case,  
22 the question is how do you get more work out of the regions  
23 that is good work consistent with everything else the  
24 Commission is doing, and where does that all fit?

25 So it's not just simply a question of trying

1 to persuade people that we need more money and maybe if we  
2 had a different strategy, they would give us more money.  
3 Maybe they would and maybe they wouldn't. And times will  
4 change and maybe we'll have champions, and that'll be  
5 great. But even champions need to have a good rational --

6 VICE CHAIRPERSON REYNOSO: Exactly.

7 CHAIRPERSON BERRY: -- of whatever they want  
8 to do.

9 VICE CHAIRPERSON REYNOSO: Right.

10 CHAIRPERSON BERRY: And I understand that.  
11 So let me approach the subject from a different direction.

12 What you suggest we have discussed before:  
13 Does it make sense to say that the regions, we don't need  
14 to increase the staff in the regional offices. What we  
15 need to do is have more of the work that is done by the  
16 SACs supported at headquarters.

17 In other words, you can have a regional  
18 representative, which is a model somebody said we should  
19 use, who is out there representing the agency at most  
20 meetings and all that, but you don't have a staff structure  
21 so the SACs could be given communications nowadays done  
22 directly here. Reports can be written here, they could be  
23 staffed here. We've even talked about how they ought to be  
24 able to have meetings, you know, with people sitting in if  
25 a staff member is required over the phone or video

1 conferencing, or something. And we've had that discussion.

2 We never got anywhere in particular with it.

3 COMMISSIONER WILSON: Madam Chair?

4 CHAIRPERSON BERRY: Yes.

5 COMMISSIONER WILSON: Commissioner Wilson.

6 Wouldn't the obvious response to that be that  
7 we're just putting more burden on the staff when they're  
8 already overburdened and we're already asking them to deal  
9 with other issues?

10 CHAIRPERSON BERRY: Right. Right,  
11 Commissioner Wilson. But what do you do if we adopted that  
12 strategy right here in the context of this budget  
13 discussion?

14 COMMISSIONER WILSON: Yes.

15 CHAIRPERSON BERRY: If we as Commissioners  
16 adopted the strategy of saying that the SACs would be  
17 supported by the staff of headquarters, the money that  
18 we're requesting in the budget that is going forward; the  
19 money that we're requesting in the budget, what is it \$1  
20 million, or whatever it is, 1.5, whatever it is more money,  
21 we would put it in headquarters, put more staff in OCRE,  
22 more staff in OCG and have them do the work of the reports  
23 and everything else rather than having people sitting out  
24 in wherever it is, you know, in Denver or whatever, do the  
25 work. And that would mean that our RDs would be

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1 representatives, they would travel, they would meet with  
2 people. Other agencies do this, have done it. I don't know  
3 if they're doing it now. Go around like Wellington Webb,  
4 used to be the representative in Denver for HHS.

5 VICE CHAIRPERSON REYNOSO: For HHS.

6 CHAIRPERSON BERRY: And he didn't really have  
7 a staff or anything. He's now the Mayor of Denver.

8 And other people. Eddie Bernice Johnson used  
9 to be the regional rep, she's a congresswoman from --

10 VICE CHAIRPERSON REYNOSO: Texas.

11 CHAIRPERSON BERRY: Down in Dallas.

12 There are those models out there. And if we  
13 chose to do that -- now we've had the staff here help with  
14 some of the reports. So we're already sort of doing some  
15 of that. How much more work could be done by the SACs?  
16 You could argue that they could do more work if you got the  
17 money and you configured it either way; by putting more  
18 staff out there.

19 Now, there was a time at the Commission when  
20 the Commission had a lot of money, a lot of money compared  
21 to what we have now, that the regions -- there were more  
22 regions because we had one in Seattle. There was one in  
23 New York. I guess I'm the only person who remembers that.

24 There was one in New York and they all had attorneys and  
25 they all had investigators and even OGC here had

1 investigators. Abby remembers this. And they all had folks  
2 and a staff, and they could do more reports, they could  
3 service the SACs better.

4 And I, as a matter of fact, in traveling  
5 around recently I've gone to meet with SAC members. If I  
6 happened to be someplace or other, I go have dinner with  
7 the SAC chair, whoever, to see what they think. And some of  
8 them, I've found, are people who want to do something but  
9 have been stymied because for two years they couldn't meet.

10 And they called and say "Can we have a meeting." And we'd  
11 say "No, there are no resources." They say, "Well, two  
12 years, there are a lot of issues out here, we can't meet?"

13  
14 Well, maybe we could ask for the money. We  
15 could try a different strategy hoping to find a champion.

16 Beefing up the staff here with the money, and  
17 we could choose to do that today. We could ask for the  
18 same money assuming that the SACs are going to be  
19 revitalized, you know, all this is going to be done going  
20 forward and we could ask for money in house here or out in  
21 the region.

22 COMMISSIONER EDLEY: Can I make a  
23 recommendation, Madam Chair?

24 CHAIRPERSON BERRY: Yes.

25 COMMISSIONER EDLEY: What if we approve the

1 dollar figure, the aggregate, and we approve the  
2 substantive goal of supporting increased activity by the  
3 SACs, but leave it to you working with the staff to figure  
4 out what are the particulars of; how it's presented to OMB  
5 need to be revised.

6 In other words, if you just think through  
7 what you think is the best strategy from a budget advocacy  
8 perspective and from a management perspective and if it  
9 means some sort of revision of the narrative explanation  
10 here, then you would do it. But at least at this meeting,  
11 we could approve the --

12 CHAIRPERSON BERRY: Overall?

13 COMMISSIONER EDLEY: We could approve the  
14 overall and that you working with the staff make some  
15 modification within. Would that give you the flexibility  
16 to continue to think along the lines you were just  
17 suggesting?

18 CHAIRPERSON BERRY: It would give me the  
19 flexibility, and I would welcome it and we could move  
20 along. But I would like to ask those who are on the phone  
21 one other question. Do they find it more appealing to  
22 think in terms of the model of having more stuff done in  
23 house here for any additional resources we may get or do  
24 they like the model better of trying to staff up more out  
25 there?

1 COMMISSIONER LEE: This Is Yvonne.

2 CHAIRPERSON BERRY: Commissioner Lee?

3 COMMISSIONER LEE: Yes. First of all, I  
4 think that we've turned up with several very high profile  
5 SACs, one like in Hawaii and Alaska and there are other  
6 places I couldn't remember.

7 CHAIRPERSON BERRY: Sonoma.

8 COMMISSIONER LEE: Yes. I think the staff  
9 when they go and present their budget to congressional  
10 members to make special visits to representatives from  
11 these states, because in some of these places some of the  
12 folks will say we didn't know your SACs exist anymore. So  
13 I think that they also need to be aware of the good work  
14 that SACs have done and can do. You know, some of these  
15 reports -- these high profile reports were done, in  
16 coordination with headquarters and they have done an  
17 excellent job assisting the regional staff.

18 And, you know, maybe this is a way to go that  
19 the headquarters --

20 CHAIRPERSON BERRY: Dagmar.

21 COMMISSIONER LEE: -- staffing the regions  
22 getting the report done on time and in a quality fashion.

23 So I would support getting some funding to  
24 the national office, at the same time getting some money to  
25 the regions. Because if you have no money to hold forums,

1 headquarters cannot do anything on these issues.

2 CHAIRPERSON BERRY: Yes. Okay.

3 Vice Chair?

4 VICE CHAIRPERSON REYNOSO: Yes. I think I  
5 concur with that, because they can strike that sort of a  
6 model that has been developing in part out of our  
7 frustration of getting the reports done with quality and  
8 with time. So we sort of have had an evolution towards that  
9 model.

10 But I would want to stress that the budgetary  
11 constraints have not just dealt with the reports and the  
12 timeliness and quality of it, but with the fact, as the  
13 Chair said, that the committees can't even meet sometimes  
14 because of lack of resources. So we still need more money  
15 in the regions so they can meet and do their work. And  
16 they're going to make a coordinated effort on the part of  
17 the central office with the folk that are directly  
18 responsible working with the local SACs to get reports out  
19 and make sure that all of the work and so on, I think,  
20 would be very good.

21 CHAIRPERSON BERRY: Okay. Alright. So we  
22 will then approve or get a motion to see if we approve the  
23 actual budget figure with the understanding that I will  
24 work with the staff along the lines that Christopher and  
25 the others of you who spoke who talked in terms of sort of



1 a mixed kind of model, and be more explicit in the budget  
2 summary in making the case for what it is we want in the  
3 hope that we will now find a champion. And keeping in mind  
4 Commissioner Lee's point, which was an excellent one, that  
5 what we ought to do is try to find a champion among those  
6 people who represent, whatever party they're in, those  
7 places where we've done these very excellent forums and  
8 reports that everybody all over the state is very excited  
9 about and see whether we can make any hay for others by  
10 using that as a resource.

11 So, could I get now -- are you ready for the  
12 question? All in favor, indicate by saying "aye."

13 (A chorus of ayes.)

14 CHAIRPERSON BERRY: Opposed?

15 (No response.)

16 CHAIRPERSON BERRY: So ordered.

17 **VII. STATEMENT ON TERRORISM**

18 CHAIRPERSON BERRY: Now what we will do is go  
19 back to the item on the events that have occurred this --  
20 today.

21 Now, I issued a statement, which I cannot  
22 find, that Commissioner Lee -- I issued a statement that  
23 said the following, it's short:

24 "The U.S. Commission on Civil Rights conveys  
25 its deepest sympathies to the victims of the heinous

1 terrorist attacks on the World Trade Center, the Pentagon  
2 and the four commercial airplanes.

3 The fundamental resiliency of our nation and  
4 its people has never been more evident than in the efforts  
5 of the thousands who are involved in the ongoing rescue  
6 efforts.

7 As America confronts these tragic  
8 circumstances, it is imperative that the situation is not  
9 compounded by expressions of religious or ethnic  
10 intolerance. The greatness of our nation rests on the  
11 exceptional diversity of religions, nationalities and  
12 ethnic backgrounds which characterizes its people. It will  
13 be a testament to our enduring strength when we embrace  
14 that diversity and resist the temptation to unfairly target  
15 the members of any ethnic or religious group.

16 The Commission hopes that law enforcement  
17 efforts will quickly bring to justice the individuals  
18 responsible for these acts of terrorism.

19 I issued that statement because we already  
20 have a policy and have issued such statements in the past,  
21 as you know, Commissioner Lee, Oklahoma City, some of the  
22 Asian harassment before that and other issues. And I  
23 thought that given what was happening in the country, it  
24 was essential to say something the other day.

25 I explained before you came in that I also

1 had some conversations with James Zogby about what has been  
2 happening to people who are either Arab Americans or  
3 Muslims, or who people think are Arab Americans or Muslims  
4 because they're not -- as you know as happens sometimes  
5 with Asian Americans, people attack people thinking they're  
6 somebody or other when they're not, which is just bad -- or  
7 worse.

8 So, we did that. And then the question is  
9 what else we can do to try to be helpful or to operate as a  
10 Civil Rights Commission concerned about civil rights issues  
11 at this juncture.

12 Someone suggested, I think it was  
13 Commissioner Edley, that we might have the SACs get  
14 involved.

15 I talked this morning to James Zogby. As a  
16 matter of fact, one of his requests was whether we could  
17 have the SACs, because he's very familiar with the Michigan  
18 SAC which has done some work. They've been very active  
19 before on a lot of issues. He wondered whether our regions  
20 and our state advisory committees might be a place where  
21 people could complain as another resource.

22 He explained that he had a meeting with Ralph  
23 Boyd, the Assistant Attorney General for Civil Rights,  
24 which was very positive. He hopes that some action will  
25 result, but that the responses were very, very positive in

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1 the meeting and he's encouraged that something will happen.

2 But he explained that the community has problems with the  
3 FBI in the same way that the native American Indians in  
4 South Dakota weren't too happy with the FBI, and people in  
5 a lot of communities because the FBI has arrested, in their  
6 view, them on many different occasions. So they didn't  
7 want to be forced to go to the FBI for whatever it is they  
8 were complaining about.

9 So they say that Mr. Boyd promised them some  
10 other route for trying to deal with their complaints. But  
11 they thought the Civil Rights Commission emphasizing the  
12 role we play and having SACs and the regional directors be  
13 very visible in terms of trying to get people's complaints,  
14 to talk, to be a voice for tolerance that would be very  
15 important. So I told him that I would discuss that with  
16 you, the Commission, this morning and see if we wanted to  
17 ask the SACs to do this or ask the regional directors  
18 keeping in mind what we just finished talking about their  
19 resources and all the rest of it.

20 VICE CHAIRPERSON REYNOSO: Madam Chair, this  
21 is Commissioner Reynoso.

22 CHAIRPERSON BERRY: Yes.

23 VICE CHAIRPERSON REYNOSO: At the UC Davis  
24 Law School where we've already scheduled a forum for Monday  
25 because many of our students who are Near Eastern or Arabic

1 background have already expressed concerns along those  
2 lines, I think that if we can coordinate it, it would be  
3 very good for the SACs to have some sort of mini-forum  
4 where folk could come to express their concerns.

5 The California legislature to get into its  
6 session on Thursday, I think it was, did an hour long  
7 program. It had invited various religious leaders  
8 including Muslims and so on, and it sounded to me -- I  
9 thought it was carried by radio -- like a very good effort  
10 along those lines.

11 So the more we can do to ensure that this  
12 country, as you indicated in your statement, Madam Chair,  
13 is a country made up of people who belong to many religions  
14 and ethnic groups, the more we can do something like that,  
15 the better off we are.

16 But the exact structure and so on, I can't--  
17 I don't have a very strong opinion, model for it, but I  
18 think the more we can do along those lines, the better.

19 COMMISSIONER LEE: Madam Chair?

20 CHAIRPERSON BERRY: Yes, Commissioner Lee?

21 COMMISSIONER LEE: I think your statement is  
22 excellent, and I would make a suggestion that you issue  
23 that statement on behalf of the Commission.

24 CHAIRPERSON BERRY: Yes, I did do it. I did  
25 issue it on behalf of the Commission.

1 COMMISSIONER LEE: Okay.

2 CHAIRPERSON BERRY: As a matter of policy, I  
3 am able to do that because it's already policy. However, I  
4 was thinking that after this meeting we might even do a  
5 stronger statement in some way.

6 COMMISSIONER LEE: Right.

7 CHAIRPERSON BERRY: And also we need to  
8 distribute it to -- like Jim said, he hadn't even gotten  
9 it. He didn't know that we had issued such a statement.  
10 So that people will be able to know that it's been done.  
11 Maybe I'll do an op-ed piece or something also about this  
12 issue.

13 COMMISSIONER LEE: Right. Right after the  
14 tragedy happened, the South Asian community had received a  
15 threat, a threatening phone call because many of them are  
16 Pakistanis. So the statement is really needed especially  
17 in ethnic communities.

18 Secondly, during various forums that we've  
19 had, one of those points has always been holding public  
20 officials accountable. And at the same time during this  
21 tragedy I've heard congressional leaders and folks in the  
22 media who call for caution not to scapegoat the entire  
23 community when people get frustrated and they hear. Maybe  
24 those efforts need to be recognized by the Commission, too.

25 I think Senators Feingold and Brownback made

1 a statement on the Floor urging people not to racial  
2 profile people because of the tragedy.

3 . . . Maybe in your statement you can be somewhat  
4 reflective calling for that caution, that sensitivity.

5 CHAIRPERSON BERRY: Who did you hear? It was  
6 Feingold and Brownback?

7 COMMISSIONER LEE: Feingold and Brownback.

8 CHAIRPERSON BERRY: Feingold?

9 COMMISSIONER LEE: Feingold and Brownback.

10 CHAIRPERSON BERRY: Okay.

11 COMMISSIONER LEE: I'm pretty sure.

12 CHAIRPERSON BERRY: We'll check.

13 COMMISSIONER LEE: And, you know, Peter  
14 Jennings also in his newscasts.

15 VICE CHAIRPERSON REYNOSO: Madam Chair?

16 CHAIRPERSON BERRY: Yes.

17 VICE CHAIRPERSON REYNOSO: Madam Chair, even  
18 if the major media doesn't pick up the Commission  
19 statement, I notice that very often local newspapers in the  
20 ethnic communities do pick up those statements. And I think  
21 that it's important for those ethnic oriented newspapers to  
22 let their readers know that in fact the federal government  
23 is interested in those matters and does support the notion  
24 that there is not to be this type of recent condemnation.

25 So even if just gets picked up by those more

1 or less regional newspapers, I think it's done some good.

2 CHAIRPERSON BERRY: Well, we will do that.  
3 But I'll also do another statement and I will put in it the  
4 commendations for those who have spoken out and who have  
5 said we should exercise caution. And I will have our folks  
6 get it not only to -- they'll get it to the ethnic press  
7 and the local press. But we'll get it to the major press,  
8 too. We'll make an effort to make sure that the folks who  
9 are covering this thing have it. I think that that's  
10 important to do.

11 And the --

12 COMMISSIONER WILSON: Madam Chair?

13 CHAIRPERSON BERRY: Yes.

14 COMMISSIONER WILSON: Commission Wilson.

15 I'm sure you've already done this, but is the  
16 statement on the web?

17 CHAIRPERSON BERRY: I don't know.

18 STAFF DIRECTOR JIN: No, it's not on yet.

19 COMMISSIONER WILSON: Well, that's the first  
20 place.

21 STAFF DIRECTOR JIN: We will do that.

22 CHAIRPERSON BERRY: Yes. So we need to do  
23 that.

24 Now, there's one other very sticky point that  
25 we need to resolve about this: Law enforcement.



1           Every time something happens that is a major  
2 disturbance and this, of course, go beyond anything else  
3 that has ever happened, we know that not only are  
4 particular communities targeted, but that law enforcement  
5 officials get in a position of sometimes harassing and  
6 abusing folks as they're trying to control the situation  
7 and they're trying to carry out their duties.

8           And it's always sticky because, of course, we  
9 always want to commend law enforcement officials for their  
10 efforts to maintain law, to do investigations, and that's  
11 what we want them to do. But at the same time we don't  
12 want them to harass people. And we face this every time we  
13 do police practices or anything else.

14           On this issue, this is not going away. I  
15 mean, this is for everything the political officials say,  
16 is that this is not going to be like some event is going to  
17 occur and the whole thing will disappear and we can all go  
18 back to whatever we were doing. And that means that the  
19 people who are at risk will continue to be at risk, and the  
20 problems are likely to get worse instead of better so that  
21 something has to be done.

22           I mean Zogby tells me that last night the car  
23 that he was riding home in from CNN after he had been on  
24 the television, or whatever station he was on, that he saw  
25 a Pakistani man, an elderly man, being pushed on the street

1 up against something and handcuffed and browbeaten. And  
2 that when they stopped, the driver of his car just happened  
3 to be a Pakistani, that the police officers came over and  
4 started harassing him and asking questions. Do you speak  
5 English, blah, blah, blah.

6 And so these things in their desire to try to  
7 do their jobs, which is what the law enforcement folks are  
8 trying to do, sometimes they can end up, you know,  
9 harassing or abusing people and one thing can lead to  
10 another and it can get out of control.

11 Now, I don't know what we say about that. I  
12 mean, on the one hand to commend people on. The other  
13 hand, we warn people that this can always be a  
14 complication.

15 VICE CHAIRPERSON REYNOSO: Madam Chair?

16 CHAIRPERSON BERRY: Yes, Vice Chair.

17 VICE CHAIRPERSON REYNOSO: I think in that  
18 regard, I was going to make a suggestion and I would like  
19 to expand it. And that is I was going to suggest that we  
20 be in touch with the PR people for the President just to  
21 make them conscious that as those few days have gone by,  
22 maybe the next time that he speaks to the nation, he ought  
23 to pick up on this theme. I think it would be very good.

24 CHAIRPERSON BERRY: I think he's --

25 VICE CHAIRPERSON REYNOSO: And second, I'd

1 like to make a suggestion that we be in touch directly with  
2 the FBI, because if the FBI issues the statement, then the  
3 local officials are far more apt to listen than if we issue  
4 a cautionary statement in that regard. So if we can  
5 convince the FBI Director to issue a statement and if we  
6 can convince the people around the President that he ought  
7 to pick up on this theme the next time he makes a remark, I  
8 think it would go far greater in penetration than if we  
9 make a statement.

10 CHAIRPERSON BERRY: Well, Mr. Bush did make  
11 such a statement. As a matter of fact, I had heard it and  
12 Charlie Ponticelli just gave us the paper which has it in  
13 it. And I had heard the statement he said. And Jim Zogby  
14 said he was very pleased at the statement that Mr. Bush had  
15 made. Mr. Ashcroft made one, but it wasn't as strong as  
16 the one that Mr. Bush made. And he urged Americans not to  
17 take out their frustrations and anger on Arab Americans or  
18 Muslims. So he did do that.

19 VICE CHAIRPERSON REYNOSO: I see.

20 CHAIRPERSON BERRY: It's worth reiterating.

21 But I don't know, what do we do about this  
22 sticky thing of law enforcement -- yes, Commissioner Edley?

23 COMMISSIONER EDLEY: I have a couple of  
24 suggestions.

25 On that specific one, putting aside whatever

1 PR public communications strategy there might be, and  
 2 that's all to the good I just don't have a particular view  
 3 about how to get that structured, I think there's some  
 4 legal issues related to law enforcement and national  
 5 security measures, as well as private practices and the  
 6 risks of very various forms of discrimination.

7 Let me back up a second. I think the right  
 8 way to think about this, or there's one way to think about  
 9 this, is to think back to World War II and ask ourselves  
 10 the question, had there been a Civil Rights Commission what  
 11 could that Commission have done to try to prevent the  
 12 unjust internment of Japanese Americans? What could that  
 13 Commission have done to try to raise public consciousness  
 14 about the dangers, legal and moral, of overreaching and  
 15 letting prejudices run free? And I don't know what the  
 16 answer to that question is, but I think it's worth  
 17 pondering because, as everyone is saying, this is going to  
 18 be with us for years and in a number of different context  
 19 from what happens to you when you have to present ID at an  
 20 airport to what happens to you when you have to go through  
 21 Customs or Immigration to come into the country, to what  
 22 happens to you with your local law enforcement, as to what  
 23 happens to you when you're applying for a job. I mean,  
 24 over and over again in countless context the question of  
 25 whether or not this battle against terrorism is going to

1 create an amplified discrimination in many context.

2 So, I think we need to think of this  
3 ourselves as a long term engagement for the Commission.

4 Now, that said, I think there are a lot of  
5 people in the country from law enforcement folks to  
6 employers who are going to be in need of guidance as to  
7 what the law requires in the way of avoiding discriminatory  
8 acts.

9 I saw on television an interview with the guy  
10 who runs the flight school in Florida. And he said that  
11 from now on -- he gets lot of foreign students. And he said  
12 from now on when he gets somebody from the Middle East he's  
13 going to fax their material over to the FBI just as a  
14 routine.

15 Now, is that discrimination of some sort?  
16 You know, but you can imagine lots of people, be they  
17 government officials or private individuals, be they  
18 admissions officers in universities taking it upon  
19 themselves to do things that we might think violate present  
20 law and violate good sense. Period, paragraph.

21 I think the EEOC and the Justice Department  
22 could -- we could ask them, we could call on them to go to  
23 work on producing some kind of guidelines, some kind of  
24 public information document, perhaps some amendment of  
25 Title VI regulations, whatever the strategies might be.

1 But I'm saying that we, the Commission, could call upon the  
2 key federal agencies to look at this question of what are  
3 the new risks, the renewed risks, the expanded or the  
4 heightened risks of violations of the anti-discrimination  
5 laws and to undertake clarifications of the law, public  
6 education on the requirements of the law in a long term way  
7 in order to try to reduce the risks of these added acts of  
8 discrimination.

9 So that's number one: I think we ought to  
10 call on federal law enforcement officials to do that.

11 A second thing is I think, again, viewing  
12 this as multi-month if not multi-year activity for us, we  
13 might think about calling on some thoughtful people to do  
14 some writing for us about this issue of balancing the  
15 national security interests with our anti-discrimination  
16 concerns, about lessons to be learned from things like  
17 Japanese internment, about strategies that could be used to  
18 monitor the risks of heightened discrimination. So what  
19 I'm suggesting is that perhaps we ought to ask the staff to  
20 think about whether or not some work of this sort might be  
21 commissioned by us as a way of making an investment in  
22 raising the quality of public discussion on these big  
23 issues.

24 And third and finally, I was in favor of  
25 having the SACs and/or the regional directors make contact

1 with the leaders of these communities in the states,  
2 various states. And that's a good thing to do. And in the  
3 first instance, they should certainly communicate our  
4 concerns and make sure that they understand your statement  
5 and the like.

6 But for them what is a more difficult  
7 question to answer. There needs to be a systematic  
8 collection of all of these incidents of what's going on.  
9 It needs to be systematically collected, compiled, analyzed  
10 so that someone would be able to describe to the nation how  
11 much discrimination, how much abuse is going on as we wage  
12 this battle against terrorism and protect ourselves from  
13 these sorts of threats.

14 Now, who is the right person and what's the  
15 right mechanism to do that systematic collection. Well, I  
16 don't think it's us given our limited resources. But it is  
17 our responsibility, I think, to try to see to it that it  
18 gets done by somebody.

19 So, again, maybe what we should do is ask the  
20 staff to think through and tell us what their answer is.  
21 Should it be the Community Relation Service using its  
22 network around the country working with civic groups to try  
23 to systematically collect and compile that information?  
24 Should it be the Civil Rights Division? should we ask for  
25 a supplemental appropriation so that we can do it? Should

1 it be some consortium of state human rights? I don't know  
2 what the right answer is in terms of the process and the  
3 mechanics, but I think it's something that staff could look  
4 at and then give us their recommendation about who are the  
5 right people to do it and what is it that we as a  
6 Commission could do to try to get it done, to try to make  
7 it happen.

8 CHAIRPERSON BERRY: Well, I think that the  
9 first thing is that the staff should find out what the  
10 Community Relation Service is doing. Because they're small  
11 too, and they don't have much money, but their mandate as I  
12 understand it, unless it's changed in the last couple of  
13 years, is to be conciliators. And they used to do reports  
14 all the time, because I used to use them on incidents that  
15 were happening in various places and their efforts to try  
16 to go out and conciliate. So we need to find out what  
17 they're doing.

18 And usually RDs in the past have operated in  
19 tandem with them. I don't know whether they're doing that  
20 now anymore, but they should be in consultation with them.

21  
22 I hear Ivy saying in the background that they  
23 are, so that's good. And they should be, and they should  
24 report to us on what's going on. Because my gut reaction  
25 is that CRS is the place that ought to be doing this job of



1 actually out on the ground conciliating and collecting  
2 information and data and passing it along. And RD's ought  
3 to be working with them, and our SACs and coordinating  
4 that. And until we get some other advice to do something  
5 else, why don't we simply say to our staff that that ought  
6 to be happening and they ought to make sure that it is.  
7 Unless somebody has an objection.

8 VICE CHAIRPERSON REYNOSO: Vice Chair.

9 CHAIRPERSON BERRY: Yes, Vice Chair?

10 VICE CHAIRPERSON REYNOSO: I think that the  
11 gathering of data is very important because there's such a  
12 tendency of denial in terms of anything negative that's  
13 happening in our country.

14 COMMISSIONER EDLEY: Exactly.

15 VICE CHAIRPERSON REYNOSO: That's probably  
16 very important.

17 Secondly, I just want to point out that  
18 somehow the description of the Near East of part of this  
19 world has been expanded. Because I heard concerns by  
20 Indians --

21 CHAIRPERSON BERRY: Yes.

22 VICE CHAIRPERSON REYNOSO: -- and people of  
23 Indian ancestry. I never knew that India was in the Near  
24 East, but somehow that they too apparently have come under  
25 harassment. So it's a large body of Americans that are

1 potentially coming under this type of fellow citizen or  
2 police type of heightened scrutiny and harassment. So I  
3 think it's very important.

4 CHAIRPERSON BERRY: Well, the history of all  
5 this is that that's what usually happens. People who look  
6 like or people think are, and they have no idea anyway  
7 because we have such a faulty knowledge as Americans of  
8 geography anyway, so we hardly know where anyplace is and  
9 where anybody came from.

10 One of my students yesterday who is Hispanic,  
11 Mexican he calls himself, was saying he needs to get a big  
12 sign to put in front of him to carry around saying "I'm  
13 Mexican," because people are harassing him because they  
14 thought he was an Arab. He was Arab-looking they said.  
15 They didn't know what that was, but that's what he was  
16 doing.

17 So, in any case, I think the statement now --  
18 so what we'll do is tell the staff, CRS, work with them,  
19 find out what they're doing, the data collection and all  
20 the rest of it, and the RDs out there with the SACs to the  
21 extent we can do it, is being another place where people  
22 can complain and getting the message out.

23 The statement, we will rewrite the statement  
24 and it will have several elements. It will commend those  
25 who have made statements and who have encouraged people.

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1 It will commend the President for his statement about the  
2 need to not harass people and discriminate against them.

3 It will say something about the law  
4 enforcement and their efforts, and the need to take care as  
5 we go forward on this.

6 And we will try to get this into all the  
7 right hands today.

8 And then the staff will consider  
9 Christopher's suggestion about getting someone to write a  
10 paper about this and what suggestions we might make.

11 Now, today if we want to or we can wait until  
12 the next time, make the suggestion to EEOC that they start  
13 thinking about guidelines. I don't know, is that something  
14 you wanted to do now or you wanted the staff to look into,  
15 or to what, Christopher? The one about trying to give  
16 guidance to --

17 COMMISSIONER EDLEY: I think we ought to do  
18 it. In other words, I would like us to instruct the staff  
19 to formulate such a memo for you to send over--

20 CHAIRPERSON BERRY: Okay.

21 COMMISSIONER EDLEY: -- calling on -- maybe  
22 to send it to the AG and the Chair of the EEOC asking them  
23 to put something together.

24 You know, I'm sitting here just thinking  
25 again about that example in Florida, and I don't-- you

1 know, I'm a Harvard law professor and I don't know what the  
2 legal answer. I don't know as a matter of current  
3 doctrine. That bothers me.

4 CHAIRPERSON BERRY: You mean that the flying  
5 school would --

6 COMMISSIONER EDLEY: Would automatically send  
7 somebody's information over to the FBI just because they  
8 look like -- just because they're from -- so I think  
9 there's a lot of murkiness here, and I think it'll take a  
10 couple of months to, obviously, produce any kind of a  
11 document of guidance. But I think that sending them  
12 something now saying we think you need to get on this  
13 would show that at least we're being forward thinking.

14 CHAIRPERSON BERRY: Well, coming from the  
15 presence of Philadelphia and Penn as opposed to Cambridge,  
16 I am also puzzled about it. But in terms of what I know  
17 legally, if there is a declaration of war, of course, all  
18 bets are off.

19 COMMISSIONER EDLEY: Right.

20 CHAIRPERSON BERRY: Because then people can  
21 do anything they want to almost -- almost to anyone  
22 including the bar is somewhat lowered as for what you can  
23 do in time of war. But, of course, we don't have a  
24 declaration of war, so that's a different situation.

25 And even in time of war, one wonders whether

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1 just because someone looks a certain way, they should  
2 somehow be harassed or have law enforcement officials  
3 sicked on them as a person.

4 So let's have the staff look into all these  
5 questions and try to come up with something for us.

6 Is the staff clear on what we're asking the  
7 staff to do?

8 STAFF DIRECTOR JIN: I think we are.

9 CHAIRPERSON BERRY: Great. Okay.

10 **VIII. FUTURE AGENDA ITEMS**

11 CHAIRPERSON BERRY: The only other thing I  
12 wanted to do today is to say that there's been discussion  
13 among the staff about holding -- now we're supposed to have  
14 in October -- which briefing is October, I forget?

15 STAFF DIRECTOR JIN: On Immigration.

16 CHAIRPERSON BERRY: Immigration briefing.  
17 And there's some talk among the staff about having a  
18 hearing on education issue as early, perhaps, as December.

19 We have not really gotten a proposal from them to act on.

20 The sense, they're talking about doing it as early as  
21 December.

22 I would like you to indicate so that they can  
23 go forward. This would be a hearing on education reform  
24 issues that are before the Congress. We had a briefing  
25 before about bilingual education, about vouchers and

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1 choice. You would recall that, all the issues that we  
2 discussed here. It would include high stakes testing, the  
3 issues that are in the bill that is being debated in  
4 Congress and that is in conference, I guess. And we don't  
5 know when the conference will be concluded, or what the  
6 time line is on it. But I like your overall approach for  
7 the idea of a hearing. We had talked before about having  
8 one. So that the staff may begin working to try to work  
9 one up. And then we can formally approve it once you get  
10 the proposal at the next meeting, if that's okay Staff  
11 Director. Or do you want it done between the meetings?

12 What would be better from the standpoint of  
13 OGC, since they're doing the hearing? It'll be better for  
14 us to get the proposal and approve it between the meetings  
15 and agree today that we would have notational voting to do  
16 so, or are you content to just wait until October in terms  
17 of the things OGC has to do to get ready for this?

18 MR. HAILES: I would say the sooner the  
19 better for the staff to get started on preparing for a  
20 hearing, especially with regard to the issue you mentioned.

21 I think just preparing background information  
22 that the staff can present to the Staff Director and then  
23 to the Commissioners, a proposal before the October  
24 meeting, that would give additional time to prepare.

25 CHAIRPERSON BERRY: Okay. All right.

1 Commissioner Edley?

2 COMMISSIONER EDLEY: Just a clarification,  
3 perhaps. I think to my mind the burning question is are  
4 there state school reform efforts afoot that may violate  
5 Title VI of the Civil Rights Act or other anti-  
6 discrimination statutes. And if so, what are the  
7 implications for federal enforcement and legislation.

8 CHAIRPERSON BERRY: Yes.

9 COMMISSIONER EDLEY: So my preference really  
10 would be that it be directed at one or more states as  
11 examples and to really determine whether some of the  
12 concerns, many of the concerns that I've certainly heard in  
13 the civil rights community about whether there's civil  
14 rights issues here, whether or not those concerns are  
15 valid.

16 CHAIRPERSON BERRY: Well, thank you for  
17 stating that that way, because when I stated it it was too  
18 general and it made it sound like the whole universe and  
19 the whole congressional legislation and so on. And what we  
20 mean is that all those issues are involved; the issues like  
21 high stake testing and so on, and the reforms are involved.

22 But what we'd be doing is looking at a couple of places,  
23 perhaps, where they are implementing things, which gives us  
24 a more manageable kind of hearing.

25 VICE CHAIRPERSON REYNOSO: Exactly.

1 CHAIRPERSON BERRY: And then directly talking  
2 about Title VI, since that's the civil rights statute that  
3 would be implicated, and perhaps other civil rights  
4 statutes.

5 COMMISSIONER EDLEY: That's right; the stuff  
6 when we get into it there may be --

7 CHAIRPERSON BERRY: The facilities may be  
8 implicated.

9 COMMISSIONER EDLEY: Right. Bilingual,  
10 whatever.

11 CHAIRPERSON BERRY: Bilingual, any of the other  
12 statutes that would be implicated in terms of violating the  
13 rights of folks as reform goes forward.

14 It's another one of those sticky things where  
15 everybody wants education to be good and they want better  
16 education, but they don't want it to be done in a way that  
17 doesn't benefit some kids and, in fact, discriminates  
18 against them.

19 So maybe what we should do is have the staff  
20 complete the proposal and send it to us, in light of what  
21 Eddie said, before the meeting and agree here today that we  
22 would vote on it notationally within a few days. Long  
23 enough to read it, depending on how long it is, we'll set a  
24 deadline for it, and have people call in their votes or fax  
25 in their votes, or email in their votes on that date.



1                    Could I get agreement? A motion that we do  
2 it notationally and get agreement that we do so?

3                    COMMISSIONER EDLEY: So moved.

4                    CHAIRPERSON BERRY: Could I get a second?

5                    COMMISSIONER MEEKS: Second.

6                    CHAIRPERSON BERRY: Any further discussion?

7 All those in favor indicate by saying "aye."

8                    (A chorus of ayes.)

9                    CHAIRPERSON BERRY: Opposed?

10                   (No response.)

11                   CHAIRPERSON BERRY: So ordered.

12                   Now, is there anything else that I've  
13 forgotten that we should be doing before I say we're  
14 finished? Because when the meeting is over, I don't want  
15 someone saying "Well, why didn't you raise the issue of so-  
16 and-so. You forgot to do this."

17                   VICE CHAIRPERSON REYNOSO: Madam Chair?

18                   CHAIRPERSON BERRY: Yes, please.

19                   VICE CHAIRPERSON REYNOSO: This is the Vice  
20 Chair.

21                   I just want to say that I respond to the  
22 report on the recommendations to Congress for national  
23 electoral reform to be a very good summary of things that  
24 need to be done.

25                   CHAIRPERSON BERRY: Yes. What I would like

1 to do, yes, we will. We will have Terri's briefing, which  
2 we all wait with baited breathe to have these great  
3 briefings from Terri and Mireille. They're quite a team  
4 here, you see.

5 And television, C-SPAN called up this week  
6 and said if we should come to your meetings, is Terri doing  
7 another briefing? And we said, "No, we don't think so."  
8 We're going to ask the Commissioners, but we probably in  
9 light of what happened put it off. And they said, "Ah,  
10 well, if Terri's not doing a briefing, then we won't be  
11 there." And I said besides, our colleagues won't be there.

12 They'll be over the phone. You won't get to see their  
13 reactions to Terri's briefing.

14 So, we'll have that next time and we'll have  
15 a report on what the lawyers and the regional director in  
16 Chicago think should be done there, if anything. And make  
17 some decisions at the next meeting about these subjects.

18 But I thought they did an excellent job, too,  
19 and I want to commend them. OCRE continues to do -- as OGC  
20 does, excellent work under very trying circumstances. And  
21 my only comment is we expect them to continue to do  
22 excellent work no matter how trying the circumstances.

23 COMMISSIONER EDLEY: But we expect more from  
24 OGC now that Eddie's leaves.

25 CHAIRPERSON BERRY: Right. Even more. Yes,

1 indeed.

2 All right. So, calendar. We need to get the  
3 Commissioners meeting dates for the next year. Because we  
4 have to set the calendar when? So in October people should  
5 tell us, is that what you're telling me?

6 STAFF DIRECTOR JIN: No, they'll be sent  
7 dates.

8 CHAIRPERSON BERRY: Between now and October?  
9 And we'll have to conclude what the calendar is. So we'll  
10 be thinking about that.

11 And the reminder of one last time if you  
12 haven't turned in your vouchers for your expenses and you  
13 need help in doing so, if you need help, please get in  
14 touch with the staff and ask them to help you. They will.

15 Ask the Staff Director, ask him, they will be happy to  
16 figure out a way to get it done because it needs to be  
17 done.

18 I will entertain a motion to adjourn.

19 COMMISSIONER MEEKS: So moved.

20 CHAIRPERSON BERRY: Second. No second?

21 COMMISSIONER EDLEY: Seconded.

22 CHAIRPERSON BERRY: None debatable.

23 All in favor indicate by saying "aye."

24 (A chorus of "ayes.")

25 CHAIRPERSON BERRY: So ordered.

1  
2  
3  
4

And take care all of you.

(Whereupon, at 10:58 the proceedings were  
adjourned.)