

COMMISSION MEETING  
Friday, December 16, 2005  
Rayburn House Office Building, Room 2226  
Washington, D.C. 20515  
9:00 a.m.

AGENDA

- I. Approval of Agenda
- II. Approval of Minutes of November 18, 2005 Meeting
- III. Announcements
- IV. State Advisory Committees
  - Working Group on SAC Reform
  - Arizona SAC Report
- V. Program Planning
  - Voting Rights Act: FY 2006 Statutory Report
  - Campus Anti-Semitism
- VI. Briefing Reports
  - Voting Rights Act Briefing Report
  - Campus Anti-Semitism Briefing
- VII. Future Briefings
  - Minority Categorization in the Census
- VIII. Commission Briefing: Disparity Studies
  - Introductory Remarks by Chairman
  - Speakers' Presentations
  - Questions by Commissioners and Staff Director
- IX. Staff Director's Report
- X. Future Agenda Items

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**U.S. COMMISSION ON CIVIL RIGHTS**

**MINUTES**

**November 18, 2005**

The monthly meeting of the U.S. Commission on Civil Rights was convened at 9:30 a.m., EDT in Room 540 of the U.S. Commission on Civil Rights, 624 Ninth Street, N.W., Washington D.C., Vice Chair Abigail Thernstrom presiding. Commissioners Jennifer C. Braceras, Peter N. Kirsanow (via telephone), Arlan D. Melendez, Ashley L. Taylor and Michael Yaki (via telephone) were present.

Also in attendance were: Staff Director Kenneth L. Marcus, Assistant Staff Director Terri Dickerson, Associate Deputy Staff Director Debra Carr, John Blakeley, Christopher Byrnes, Pamela Dunston, Patricia Jackson, Seth Jaffe, TinaLousie Martin, Sock-Foon McDougall, Emma Monroig, Aonghas St. Hilaire, Audrey Wright, and Mireille Zieseniss.

Commissioner Assistants in attendance included: Christopher Jennings, Lisa Neuder and Kimberly Schuld.

**APPROVAL OF THE AGENDA**

A motion to approve the agenda, made by Commissioner Yaki, was approved unanimously. The motion provided that agenda item labeled "Length of SAC Terms" be removed from the agenda.

**APPROVAL OF THE MINUTES**

The October 31, 2005 minutes were approved unanimously on a motion made by Commissioner Melendez, as amended by Commissioner Braceras. The motion provided for the removal of the word "monthly" before the word "meeting" in the first sentence.

**ANNOUNCEMENTS**

Vice Chair Thernstrom announced that November is National American Indian and Alaska Native Heritage Month dedicated to recognizing the inter-tribal cultures and achievements of American Indians and Alaska Natives. Vice Chair Thernstrom announced that November marks the 22<sup>nd</sup> and 16<sup>th</sup> anniversaries, respectively, of Fred Korematsu's petition to overturn his WWII conviction for violating curfew and evacuation orders directed at Americans of Japanese decent and President George H.W. Bush's signing a law requiring the payment of \$20,000 to each surviving Japanese American internee. Vice Chair Thernstrom announced that November marked the 30<sup>th</sup> anniversary of the Individuals With Disabilities and Education Act. Vice Chair

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Thernstrom announced that George Harbison, the Commission's Director of Human Resources and former Chief of the Budget and Finance Division, retired after 34 years of federal service.

### COMMISSION BRIEFING: CAMPUS ANTI-SEMITISM

The briefing began with introductory remarks by Vice Chair Thernstrom concerning the importance of the consideration of the steps Universities have taken, or have not taken, to ensure that their students are able to receive an education in a nondiscriminatory environment. Gary Tobin, the President of the Institute for Jewish and Community Research delivered a presentation entitled: *Anti-Semitism & Anti-Israelism in Higher Education.* Susan B. Tuchman, Esq., the Director of the Center for Law and Justice at the Zionist Organization of America delivered a presentation and submitted a written statement of her remarks focusing on, among other things, alleged incidents of anti-Semitism on the campus of the University of California at Irvine. Sarah Stern, Esq., the Director of the Office of Governmental and Public Affairs for the American Jewish Congress, delivered a presentation and submitted a written statement focusing on, among other things, alleged incidents of anti-Semitism on the campus of Columbia University. After the presentations, the Commissioners and the Staff Director asked questions of the panelists. The Staff Director thanked Commission staff for its hard work in putting the briefing together. Commissioner Braceras requested that the Commission include in the agenda for the next Commission meeting a discussion and possible vote on the whether the Commission should publish and disseminate materials informing students of their rights regarding anti-Semitic harassment in colleges and universities. The Commission unanimously passed a motion (5-0, Commissioner Kirsanow was no longer present) made by Commissioner Braceras, to include in the record of the briefing, a statement submitted by the Anti-Defamation League to the Commission on the topic of campus anti-Semitism as well as a letter from Alan Brinkley, the Provost of Columbia University declining the Commission's invitation to be part of today's panel.

### STAFF DIRECTOR'S REPORT

The Staff Director supplemented his written Staff Director's Report with additional remarks concerning management and operations. The Staff Director reported that a new travel policy addressing approximately nine recommendations from the GAO was issued in form of Administrative Instruction 3-14. The Staff Director urged all staff members and the Commissioners to review the policy. The Staff Director reported that the Commission requested, and the Office of Management and Budget has agreed to perform a program assessment and rating tool for the Commission in 2006. The Staff Director indicated that this request will address another GAO recommendation while the purpose of the program review is to identify weaknesses in Commission programs and to assist in the planning process. The Staff Director reported that the Commission, as part of the strategic planning process, solicited input from various stakeholders including congressional committees. The Staff Director reported that the previous mid-December deadline for submission of a draft strategic plan to be put to a vote of the Commission, might have to be revisited based on one congressional committee's deadline for providing

an updated draft strategic plan to the committee in mid-December. The Staff Director reported that the audit by Parker Whitfield that was originally supposed to be completed by November 2004 is nearly one year overdue. The Staff Director reported that the current work period ends at the end of this month and will not be extended further. The Staff Director reported that the firm of Williams Adley & Company has been retained to conduct an audit of the Commission for fiscal year 2005 and that audit has been delayed, in part, because of the delay in the completion of the fiscal year 2004 audit. The Staff Director reported that OMB has granted the Commission a 60-day extension, until January 15, 2006, on our performance and annual report requirement which includes a requirement to provide an audit. The Staff Director reported that the OMB has required that the Commission provide a corrective action plan by mid-February describing how the Commission intends to address any weaknesses identified by Williams Adley. The Staff Director reported that the Commission is delighted to have GSA on board as the Commission's new full services accounting services provider for fiscal year 2006, however, he noted that he would not be surprised if the results of the audit for fiscal year 2005 will reflect a lack of controls that the Commission had previously.

### **MANAGEMENT AND OPERATIONS**

The Commissioners unanimously passed a motion (5-0) made by Commissioner Taylor to post on the Commission's website, at the earliest practicable time, the Commission's September 30<sup>th</sup>, 2005 report detailing recent Commission reforms and issued to the Senate Committee on Appropriations pursuant to a report for Commerce, Justice and Science for fiscal year 2006. Commissioner Braceras read the following statement from Chairman Reynolds: I have decided to appoint Vice Chair Abigail Thernstrom and Commissioner Ashley Taylor to sit on the U.S. Elections Assistance Commission Board of Advisors. According to the Elections Assistance Commission's regulations as well as the past practice of this Commission, it is appropriate that the Chairman make these appointments. The Board of Advisors consists of 37 members drawn from various national associations and government agencies who play a role as volunteers in the implementation of the Help America Vote Act. The Board members serve for two-year terms and may be reappointed. I have every confidence that Vice Chair Thernstrom and Commissioner Taylor will be effective representatives of the Commission and that their expertise and knowledge will enable them to contribute significantly to the Elections Assistance Commission.

### **STATE ADVISORY COMMITTEE ISSUES**

The Commission unanimously passed (5-0) a motion made by Commissioner Taylor, as amended by Vice Chair Thernstrom as well as Commissioners Braceras and Yaki stating that the Commission will establish the following policy, which will supersede all prior and inconsistent policies previously adopted: The Commission will continue its process whereby Commissioners vote to publish the State Advisory Committee reports, however, when the Commission votes on whether to publish a State Advisory Committee report, Commissioners may consider evaluating the quality and substance of said report. The Commission will not, however, attempt to engage in any undue influence regarding the

content of the State Advisory Committee reports, including the findings and recommendations. All published reports will be made available to the public. Any report not published by the Commission shall be made available to the public with a disclaimer indicating that the document does not reflect the views of a majority of the Commission. Reports not accepted for publication will be listed in the Commission Catalog of Publications and on the Commission website, and will be available by request, but not accessible via a link as a PDF. Finally, after adoption on this policy, the Staff Director shall ensure that it is in compliance with FACA, and if not, report back to the Commission in a timely manner. The Commission unanimously passed (5-0) a motion made by Commissioner Braceras to accept the New Mexico State Advisory Committee report [The Farmington Report: Civil Rights for Native Americans 30 Years Later] for publication. The Commission unanimously passed (5-0) a motion made by Commissioner Melendez to table consideration of whether to accept the Arizona State Advisory Committee report [Civil Rights Along the U.S./Mexico Border: A Need for Immigration Reform] for publication.

### **FUTURE BRIEFINGS**

The Commission unanimously passed (5-0) a motion made by Vice Chair Thornstrom to schedule the previously approved briefing concerning the Native Hawaiian Government Reorganization Act for Friday, January 20, 2006. The Commission unanimously passed (5-0) a motion made by Commissioner Taylor to hold the previously approved briefing concerning the findings of UCLA Law Professor Richard H. Sander in his article, *A Systematic Analysis of Affirmative Action in American Law Schools*, 57 Stan. L. Rev. 367 (2004) on Friday, June 16, 2006. The briefing would feature Professor Sander and at least one other academic expert in the subject matter of Professor Sander's article who can provide a contrary viewpoint.

### **FUTURE AGENDA ITEMS**

The meeting was adjourned at 1:32 p.m., EDT.

## **Motion for 12/16/05 Commission Meeting**

- One Month Delay Implementing GAO Recommendations

I move that the Commission extend, by one month, to mid-February 2006, implementation of GAO and OPM recommendations contained in reports issued from 1997 through April 6, 2005. I so move, because of the Commission's accommodation of the House Judiciary Committee's request that the Commission submit a revised draft Strategic Plan to Judiciary Committee staff on December 12<sup>th</sup>. The Commission is currently awaiting comments from the Committee, and in order to give appropriate time for Congressional comment, the Commission will be unable to vote on a new Strategic Plan until the January 20<sup>th</sup> Commission meeting, at the earliest. After approval of the new Strategic Plan, it will take at least one month to implement the GAO and OPM recommendations. In the event that cooperation with Congress should require any further extensions we ask that the Staff Director keep us apprised.

## **Motion for 12/16/05 Commission Meeting**

- Motion to Publish AZ SAC Report

This is a motion to accept for publication a report from a State Advisory Committee. Specifically, I move that the U.S. Commission on Civil Rights accept for publication the Arizona State Advisory Committee report, *Civil Rights Along the U.S./Mexico Border: A Need for Immigration Reform*.

## **Motion for 12/16/05 Commission Meeting**

- Motion for Amending Scope of FY 2006 National Report on the Voting Rights Act

I move to amend the scope of the work to be performed for the Commission's previously approved FY 2006 national report on reauthorization of the temporary provisions of the Voting Rights Act. Specifically, I move to eliminate the work formerly assigned to the Office of Civil Rights Evaluation under the previously approved scope of this project. This limitation is necessary to ensure that the Commission can submit timely findings and recommendations to Congress now that Congress has expedited reauthorization of the Voting Rights Act. The motion will not affect the work already performed by the Office of General Counsel for the report, namely a study of the Department of Justice's enforcement of the Act's Section 5 pre-clearance requirement and the language minority provisions of Section 203 and Section 204.



**Motion to Establish Timeline for FY 2006 National Report on the Voting Rights Act**

I move that Commissioners submit comments, suggestions, and revisions on the work already performed by the Office of General Counsel on the previously approved FY 2006 national report on reauthorization of the temporary provisions of the Voting Rights Act to the Office of the Staff Director by close of business, Friday, December 30, 2005. I also move that the Office of the Staff Director prepare a revised report incorporating these comments, suggestions, and revisions for submission to Commissioners on Monday, January 9, 2006.

**Motion for 12/16/05 Commission Meeting**

- Develop Campus Anti-Semitism Public Education Materials

Mr. Chairman, I move that the Staff Director develop a proposal to communicate with college students about their rights and remedies when faced with anti-Semitic harassment.

**Motion for 12/16/05 Commission Meeting**

- Keeping Open the Record for Campus Anti-Semitism Briefing

I move that the Commission keep open the record from the November 18, 2005, briefing on Campus anti-Semitism until December 31, 2005. This will enable staff to complete the defame and degrade process and to admit the additional statements received from outside organizations.

## **Motion for 12/16/05 Commission Meeting**

- Findings & Recommendations From the Campus Anti-Semitism Briefing

I move that the Commission approve the following findings and recommendations arising from the November 18, 2005, Commission briefing on Campus anti-Semitism:

### “Findings

1. Many college campuses throughout the United States continue to experience incidents of anti-Semitism. This is a serious problem which warrants further attention. While incidents of threatened bodily injury, physical intimidation or property damage are now rare, they have been alleged on some campuses. On other campuses, students have alleged patterns of threatening or intimidating behavior, derogatory remarks, vandalism, and use of Swastikas and other symbols of hatred or bigotry. When severe, persistent or pervasive, this behavior may constitute a hostile environment for students in violation of Title VI of the Civil Rights Act of 1964.
2. On many campuses, anti-Israeli or anti-Zionist propaganda has been disseminated that includes traditional anti-Semitic elements, including age-old anti-Jewish stereotypes and defamation. This has included, for example, anti-Israel literature that perpetuates the medieval anti-Semitic blood libel of Jews slaughtering children for ritual purpose, as well as anti-Zionist propaganda that exploits ancient stereotypes of Jews as greedy, aggressive, overly powerful, or conspiratorial. Such

propaganda should be distinguished from legitimate discourse regarding foreign policy. Anti-Semitic bigotry is no less morally deplorable when camouflaged as anti-Israelism or anti-Zionism.

3. Substantial evidence suggests that many university departments of Middle East studies provide one-sided, highly polemical academic presentations and some may repress legitimate debate concerning Israel. This would include, for example, any program in which a student is told that her voice may not be heard in a discussion of Middle East politics on the ground that she has ethnic Jewish physical characteristics.
4. Many college students do not know what rights and protections they have against anti-Semitic behavior, particularly in light of the recent policy shift by the U.S. Department of Education's Office for Civil Rights ("OCR"). OCR's new policy is an important advance, which should be communicated to the students whom it is intended to protect.
5. More data are required to determine the full extent of this problem. The federal government currently gathers important data regarding hate crimes, including hate crimes perpetrated at educational institutions. The Department of Education's Office of Postsecondary Education, for example, requires recipient institutions to report on serious incidents. This reporting, however, is insufficient, insofar as educational institutions are not currently required to report many categories, such as vandalism, that do not involve bodily injury.

## Recommendations

1. OCR should protect college students from anti-Semitic and other discriminatory harassment by vigorously enforcing Title VI against recipients that deny equal educational opportunities to all students. University leadership should affirm their commitment to equal educational opportunity, including ensuring that students are not subjected to a hostile environment on the basis of race, national origin or religion.
2. University leadership should ensure that students are protected from actions that could engender a hostile environment in violation of federal law. In addition, university leadership should set a moral example by denouncing anti-Semitic and other hate speech, while safeguarding all rights protected under the First Amendment and under basic principles of academic freedom.
3. University leadership should ensure that all academic departments, including departments of Middle East studies, maintain academic standards, respect intellectual diversity, and ensure that the rights of all students are fully protected. Federal grant-making institutions should exercise appropriate oversight to ensure that federal funds are not used in a manner that supports discriminatory conduct.
4. OCR should conduct a public education campaign to inform college students of the rights and protections afforded to them under federal

civil rights laws, including the right of Jewish students to be free from anti-Semitic harassment. The U.S. Commission on Civil Rights will support this campaign by producing and disseminating materials to inform students of these rights.

5. Congress should direct the U.S. Department of Education's Office of Postsecondary Education ("OPE") to collect and report data on a broader range of anti-Semitic and other hate crimes that take place at postsecondary institutions. For all degree-granting institutions, OPE should collect and report data for all hate crime categories reported by the Federal Bureau of Investigation under the Hate Crimes Statistics Act, 28 U.S.C. 534 note. At a minimum, OPE's categories should be expanded to include simple assault, intimidation and vandalism. In addition, OPE should collect and report data by category of prejudice as well as category of crime."

**Motion for 12/16/05 Commission Meeting**

- Authorizing Staff Director to Send a Letter Containing Findings & Recommendations From the Campus Anti-Semitism Briefing

I move that the Commission authorize the Staff Director write and send a letter to appropriate officials outlining the Commission's findings and recommendations, approved by the Commission, arising from the November 18, 2005 Commission briefing on Campus anti-Semitism, together with any concurring or dissenting statements received from any Commissioner by December 23, 2005.



**Motion for 12/16/05 Commission Meeting**

- Briefing on Racial Categorization in Census 2010

I move to have staff conduct a briefing on the use of racial categories in Census 2010 on Friday, March 10, 2006. The briefing will be based on the concept paper distributed on Friday, December 9, 2005.

## **Racial Categorization in the 2010 Census**

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This briefing will examine the legal and policy implications of the racial categories that will be used in Census 2010. After the 1990 census, the Office of Management and Budget (OMB) established an interagency committee to discuss and recommend racial categories for use in the census. The Census Bureau administered Census 2000 based on the committee's recommendations of five racial/ethnic categories (White (Not of Hispanic Origin), Hispanic, Black, American Indian or Alaska Native, Asian or Pacific Islander), as well as allowing respondents to check more than one selection to indicate a multi-racial identity. OMB later provided rules for federal agencies using the responses for civil rights compliance and monitoring, general program administrative and grant reporting, and statistical reporting. For one, the rules directed federal agencies to allocate a response to the minority race when responses combine one minority race and white. Furthermore, the rules directed agencies to allocate responses that include two or more minority races as follows: (1) If the enforcement action is in response to a complaint, allocate to the race that the complainant alleges the discrimination was based on and (2) if the enforcement action requires assessing disparate impact or discriminatory patterns, analyze the patterns based on alternative allocations to each of the minority groups.

**Scope:** The Commission will seek information to address the following issues:

- Usefulness of current racial categories on Census 2010
- Usefulness of alternative or no racial categories on Census 2010
- Legal and policy implications of OMB guidance to federal agencies on allocation of multiple race responses

**Methodology:** The Commission will host a briefing to address the above issues. Speakers may include but are not limited to the following:

- Speaker from the Office of Management and Budget, Statistical Policy Office
- Speakers from the Census Bureau
- Speaker from Committee on Government Reform, U.S. House of Representatives
- Speaker from think tanks such as the Center for Population Research and Census and the Brookings Institution
- Speakers from advocacy organizations such as the American Civil Rights Initiative
- Academics with expertise on racial categorization issue
  - Kenneth Prewitt, Carnegie Professor of Public Affairs, School of International and Public Affairs at Columbia University
  - Sharon Lee, Professor of Sociology, Portland State University

The briefing would last approximately 90 minutes to two hours, with four to five speakers allotted 10 to 15 minutes each, and the remaining time allotted for questions and answers. Projected out-of-pocket costs would range from approximately \$2,800 to \$3,600.

# STAFF DIRECTOR'S REPORT

October 24 – November 25, 2005

## CONGRESSIONAL UNIT

### OSD/CAU Activities

**Report Distributed:** On October 24, the Commission distributed printed copies of the OCRE report, *Funding Federal Civil Rights Enforcement: The President's 2006 Request*, to Congress.

**Plan Submitted:** On October 27, the Commission submitted a five-year draft strategic plan to Congress for comment.

**Report Submitted:** On October 31, after clearance by OMB, the Commission submitted its FY 2005 IG Act report to Congress. The report summarized audit activity at the Commission over the past fiscal year, as well as remedial actions taken by the Commission addressing audit recommendations.

**Report Submitted:** On November 2, the Commission filed its Integrity Act report for fiscal year 2004 to the Executive and Legislative Branches. This report should have been filed prior to the transition.

**Response to Congressional Inquiry:** On November 15, the Commission responded to correspondence from Congressman Richard Pombo (R-CA), requesting that the Commission respond to an alleged civil rights complaint from one of his constituents.

**Meeting with House Authorizing Staff:** On November 16, at the Staff Director and Commission staff met with staff of the House Judiciary Committee and Subcommittee on the Constitution concerning the Commission's new draft strategic plan.

## OFFICE OF GENERAL COUNSEL

### OGC Program Activities

**Minority Classifications in the Census:** The Commission approved this project as an FY06 report for OGC. At the August meeting the report was converted into a briefing. OGC is currently conducting research for this briefing.

**Review of Elementary and Secondary School Desegregation:** The Commission approved this project for OGC as the Commission's statutory report for FY07. The office is currently working on phase one (detailed outline and discovery plan) of the new Working Group on Reform procedures for Commission reports.

### OGC Legal Counsel Activities

**Proposed Regulation Governing Membership on State Advisory Committees:** The proposed regulation prepared by OGC and approved by a majority of Commissioners appeared in the Federal Register on November 4. OGC has received several comments during the 30-day notice and comment period which closed December 5.

## PUBLIC AFFAIRS UNIT

**Press Relations:** During the reporting period, the briefing on anti-Semitic allegations on College campuses was the predominant source of Commission-related news. The Commission issued press releases publicizing details about the briefing.

## OFFICE OF CIVIL RIGHTS EVALUATION

**Complaints Processing:** During the reporting period, OCRE received 134 written complaints, 0 congressional complaints, 1 walk-in complaint, 20 E-mail complaints, 5 facsimile complaint, and 102 telephone complaints. In total, staff processed 262 complaints during the reporting period. As of November 25, 2005.

Staff completed the FY 2005 Annual Complaints Report. OCRE staff received and processed 3,006 complaints during the fiscal cycle including 980 telephonic, 1,541 written, 341 E-mail, 66 facsimile, 69 walk-in, and 9 congressional, one percent more than the previous. Of the 3,006 complaints received, staff referred 1,106 (37 percent) to enforcement agencies. DOJ received 81 percent, EEOC received 13 percent of all referrals. The majority of complaints received were from New York, California, Pennsylvania, Texas, and Virginia, respectively. Most complaints received were from inmates (30 percent). The most frequent issues were administration of justice and police misconduct.

## Civil Rights Studies

**Disparity Studies as Evidence of Discrimination in Federal Contracting Briefing:** Staff organized a panel of four speakers for the December 16 briefing on disparity studies: Dr. George LaNoue, Professor of Political Science, University of Maryland, Baltimore County, and Director, Project on Civil Rights and Public Contracting; Dr. Constance Citro, Director, Committee on National Statistics, the National Academies of Science; Professor David G. Blanchflower, Department of Economics, Dartmouth College; and Mr. Roger Clegg, Esq., Center for Equal Opportunity. Dr. Citro agreed to appear on condition that she will comment only in text of the findings of the recent National Academy of Sciences study that she directed. On Nov. 30, Dr. Blanchflower asked to withdraw because of a conflicting court date.

Staff are making travel arrangements for the panelists and preparing a briefing book for the Commissioners. The background information will include the prepared statements of Dr. LaNoue, Dr. Citro, and Mr. Clegg, and a working paper Dr. Blanchflower coauthored on the effects of affirmative action programs in one industry.

**Educational Effectiveness of Historically Black Colleges and Universities Briefing:** Staff is rewriting the original research project concept paper to reflect a briefing rather than a written report. Staff is also compiling a briefing book.

## OFFICE OF MANAGEMENT

### **Administrative Services and Clearinghouse Division**

**New Hire:** This reporting period staff interviewed and selected an applicant to fill the vacancy for the division's Administrative Support Assistant position. This position had been vacant since early June 2005.

**Website Management:** Staff sent approximately 10 requests to GPO for updating our website this reporting period.

Also, staff attended a meeting at GPO along with the Acting Chief of PAU to discuss adding a virtual press room. At that meeting several other changes were discussed to make our website more user friendly. For example, organizing subheadings related to contact information and what the agency is about under one subheading entitled "About Us.

**APD:** Staff is working on installation of new computer equipment and software upgrades in headquarters. Staff worked with the contractor to: 1. resolve issue with preloaded software on new pc's; 2. install and test several workstations with the new pc equipment; and 3. deployment of computers and software upgrades throughout headquarters.

Staff is also working on monitoring numerous suspicious emails which we have been receiving. So far we have not had any virus or other known damage to the integrity of the agency LAN.

Lastly, to assist in saving the agency money, staff is being trained to handle some duties that have been previously handled by the contractor.

**Printing:** Staff has coordinated with OSD and GPO to complete the cover design and printing of the Stagnation of the Black Middle Class report. The report is now at the printer. The publication should be received in time to be distributed at the December Commission meeting.

**Library Statistics:** The library staff received 344 telephone inquiries. They completed 68 simple reference requests and performed 35 research projects of various sizes. An additional 93 research requests were completed utilizing automated search services.

**Publication Statistics:** A total of 256 written requests were received this period; 608 publications were mailed and 54 different publications were requested; and one congressional request was received for publications this reporting period. *Getting Uncle Sam to Enforce Your Civil Rights, Compilation of Civil Rights Laws, Federal Procurement After Adarand, and Catalog of Publications* were our most requested publications. Currently, there are 25 requests for publications in process.

### **Budget and Finance Division**

**Administrative Payments:** USCCR began using GSA's new travel system 1 December 2005. All travel authorizations and vouchers should be entered in the new automatic system for processing.

### **Human Resources Division**

**Staffing:** The vacancy announcement for the Budget Analyst position in the Budget and Finance Division was posted, applications were screened and a Merit Promotion Certificate was issued to the selecting official of qualified candidates. A selection was made for the Human Resources Assistant position in the Office of Management and the Administrative Support Assistant in ASCD.

**REGION I**  
**EASTERN REGIONAL OFFICE**

**MAINE**

*Current SAC Project:* Racial and Ethnic Profiling and Harassment in Maine

*Project Proposal to SAC:* 9/03

*Project Proposal Approved by OSD:* 11/24/03

*Forum Held:* 4/6/04

*Status:* Report has been approved by SAC members and has undergone affected agency, legal sufficiency, and defame and degrade review.

*Last SAC Meeting:* 5/23/05 (conference call)

*Projected Next SAC Meeting:* To be determined

*Projected Activities in Next 12 Months:* The report, *Racial and Ethnic Profiling and Harassment in Maine*, is currently under review for incorporation of comments from legal sufficiency and defame and degrade reviews. Following the release of the report, the Committee will further explore the option of working with the Massachusetts SAC to produce a multi-SAC, New England-focus fact-finding study on educational provisions by state government for the Limited-English-Proficient learner. The Massachusetts SAC held a briefing and heard testimony on the subject at its April 6, 2004 forum. Information gathered from the briefing and testimony will form the basis of the study, which will update the already collected information and extend the focus to other New England states, which have a history of sharing educational policy ideas with Massachusetts.

**RHODE ISLAND**

*Current SAC Project:* The Disparate Treatment of Minority Youth in Rhode Island (tentative title)

*Status:* The rechartered committee unanimously decided its next project would be an investigation into youth and education. Two subcommittees were created to consider (1) disparities in education and (2) disparities within the justice system.

*Last SAC Meeting:* 11/15/05

*Projected Next SAC Meeting:* January 24 2005.

*Projected Activities in Next 12 Months:* The committee met in November and began planning for a Fall 2006 briefing on its new project. Subcommittee members plan to hold monthly meetings to discuss prospective panelists.

**VERMONT**

*Current SAC Project:* Racism in Vermont Communities

*Proposal Approved by SAC:* 11/01

*Proposal to HQ:* 12/20/01

*Proposal Approved by OSD:* 3/19/02

*Town Hall Meetings Held:* 11/20/02 (Burlington), 2/14/03 (using six VT Interactive TV sites), and 4/9/03 (Montpelier)

*Report Approved for Publication by Commissioners:* 10/17/03

*Report Released: 10/30/03*

*Status: Current activity is being reassessed.*

*Last SAC Meeting: 06/28/05*

*Projected Next SAC Meeting: December 7, 2005.*

*Projected Activities in Next 12 Months: The committee conducted a conference call briefing with Stacie Blake who presented information on growing problems for refugees and immigrants in Vermont. The committee voted to draft a statement of concern about the issue and to meet with local and state legislators to determine whether the committee should conduct a more detailed inquiry into issues regarding refugees and immigrants in Vermont.*

**REGION III**  
**MIDWESTERN REGIONAL OFFICE**

**OHIO**

*Current SAC Project: Hate Crimes in Ohio Revisited*

*Project Proposal Approved by SAC: 3/20/03*

*Project Proposal Approved by OSD: 10/7/03*

*Fact Finding Meetings: 11/24-25/03*

*Date for Report Approval by SAC: 09/16/05*

*Target Date for Report Review by HQ: 11/05*

*Last SAC Meeting: 09/16/05 (conference call)*

Commission Approved re-charter 11/04.

The Committee members met on September 16, 2005, and unanimously approved of the report, "Hate Crime in Ohio Revisited." Committee members agreed to a number of cosmetic and substantive changes prior to approval. In addition, Committee members voted unanimously to have regional staff research two future topics: voting rights issues in Ohio and civil rights issues confronting immigrant communities in Ohio. Regional staff is to report back to the SAC its initial findings and recommendations for which topic to pursue.

*Projected Next SAC Meeting: To be determined.*

*Projected Activities in Next 12 Months: Press conference to release the report. Planning meeting.*

**REGION V**  
**ROCKY MOUNTAIN REGIONAL OFFICE**

**COLORADO**

*Current SAC Project: Confronting Discrimination in Reservation Border Town Communities*

*Regional Project Proposal Approved by SAC: 3/26/04*

*Target Date for Community Forum: to be determined*

*Status: The Advisory Committee will coordinate its planning activities with the Colorado Indian Affairs Commission and the Colorado Civil Rights Commission in order to move the project forward in southwestern New Mexico. The proposed forum in Cortez will be postponed until adequate resources are available.*

*Last SAC Meeting: 9/16/05.*

*Projected Next SAC Meeting: to be determined.*

*Projected Activities in Next 12 Months: Preparation for implementation of regional project.*

*Other: The Regional Director participated in the November meeting of the Colorado Civil Rights Commission held in Denver. Discussions focused on partnering with that agency in responding to issues in Fort Collins, Pueblo, Durango, Greeley, and Boulder.*

The Regional Director served as a panel member at a public forum on civil rights sponsored by the Pueblo Human Relations Commission on November 16, 2005.

*Civil Rights Developments: Following a series of racist incidents on the campus of the University of Colorado at Boulder, a student-led organization promoting cultural diversity made several demands of the administration, including mandatory diversity training for all faculty and staff, and developing a class on diversity to be required for all students. The white supremacist group National Vanguard affirmed that it is responsible for distributing racist flyers on campus. The organization's leaders told a local newspaper that it has a strong student presence in Boulder.*

## **MONTANA**

*Current SAC Project: Confronting Discrimination in Reservation Border Town Communities*

*Regional Project Proposal Approved by SAC: 5/19/04*

*Target Date for Community Forum: to be determined.*

*Status: Plans for implementation of the regional project will be modified for fiscal year 2006, and a public forum will be postponed until adequate resources are available.*

*Last SAC Meeting: 5/26/05 (telephonic).*

*Projected Next SAC Meeting: to be determined.*

*Projected Activities in the Next 12 Months: Collaborate with the Wyoming SAC on combining efforts for the regional project.*

*Civil Rights Developments: A study conducted by Montana People's Action (released October 2005) reveals problems within the Billings Police Department that lead to distrust and fear among residents of the Southside neighborhood. The study alleges that the police department is known for racial profiling, discrimination, and demeaning treatment of low-income residents. Montana People's Action began dialogue with the department to share recommendations for solutions.*

## **NEW MEXICO**

*Current SAC Project: Confronting Discrimination in Reservation Border Town Communities*

*Regional Project Proposal Approved by SAC: March 18, 2003, revised*

*Target Date for Community Forum: 4/30/04, Farmington, NM (completed)*

*Report Approved by SAC: March 2005 (completed)*

*Target Date for Report Review by HQ: April 2005 (completed)*

*Status: At its meeting on November 18, the Commission voted to approve for publication the Advisory Committee's report, *The Farmington Report: Civil Rights for Native Americans 30 Years Later*.*



*Last SAC Meeting: 8/29/05*

*Projected Next SAC Meeting:* Press conference in Farmington (subject to Staff Director approval).

*Projected Activities in Next 12 Months:* Public release of the Farmington report; meetings with officials in Farmington and Navajo Nation to discuss implementation of report recommendations.

*Other:* RMRO staff consulted with SAC members regarding civil rights issues at the U.S./Mexico border.

## **NORTH DAKOTA**

*Current SAC Project:* Confronting Discrimination in Reservation Border Town Communities

*Regional Project Proposal Approved by SAC: 5/25/04*

*Target Date for Community Forum:* to be determined

*Status:* Plans for implementation of the regional project will be modified for fiscal year 2006, and a public forum will be postponed until adequate resources are available.

*Last SAC Meeting: 5/19/05 (telephonic)*

*Projected Next SAC Meeting:* to be determined.

*Projected Activities in Next 12 Months:* to be determined.

*Civil Rights Developments:* The Turtle Mountain Band of Chippewa (Belcourt) has applied for a grant of up to \$12.4 million from the Minneapolis-based Northwest Area Foundation to reduce poverty in the region. The goal is to reduce unemployment by 20 percent over the next decade. The unemployment rate on the reservation is 70 percent.

## **SOUTH DAKOTA**

*Current SAC Project:* Confronting Discrimination in Reservation Border Town Communities

*Regional Project Proposal Approved by SAC: 11/05/03*

*Target Date for Community Forum:* to be determined

*Status:* Plans for implementation of the regional project will be developed and submitted to the Staff Director, based on budget guidance for FY 2006. The advisory committee may collaborate with the North Dakota Committee in order to produce cost savings.

*Last SAC Meeting: 5/12/05 (telephonic).* The committee discussed future plans for its project and reviewed methods for enhancing communications.

*Projected Next SAC Meeting:* to be determined.

*Projected Activities in Next 12 Months:* There will be preparations for implementation of the regional project.

*Civil Rights Developments:* The Charles Mix County Commission met to discuss redrawing its county commissioner districts to comply with a federal court ruling. Based on a lawsuit alleging that the present system harms the voting rights of American Indians, a federal judge ruled that the present districts contain a deviation in population that is too large and ordered the revisions.

**REGION VI**  
**WESTERN REGIONAL OFFICE**

**ALASKA**

*Current SAC Project:* Follow-up to *Racism's Frontier: The Untold Story of Discrimination and Division in Alaska*. Staff received additional responses to inquiries and is conducting further follow-up.

*Last SAC Meeting:* September 28, 2005, Regional Chair teleconference; September 29, 2005 SAC teleconference.

*Projected Next SAC Meeting:* To be scheduled for January, 2006.

*Projected Activities in Next 12 Months:* Follow-up to Native Alaskan issues report. The SAC is participating in the nine-state study on hate crime reporting in the region.

**HAWAII**

*Current SAC Project:* The SAC is considering as its next project a publication of civil rights issue papers from community leaders throughout the Islands.

*Last SAC Meeting:* September 28, 2005, Regional Chair teleconference; September 30, SAC teleconference.

*Projected Next SAC Meeting:* To be scheduled.

*Projected Activities in Next 12 Months:* The SAC is considering a review of the civil rights concerns of non-Native Hawaiian minorities in the Islands, including racial tensions in Honolulu public schools. The SAC is participating in the nine-state study on hate crime reporting in the region.

**NEVADA**

*Current SAC Project:* # 1 The SAC has proposed a project to gather information on and evaluate the status of civil rights enforcement in Nevada.

*Status:* The SAC subcommittees (education, employment, housing and the administration of justice) are collecting data on those issues.

*Last SAC Meeting:* May 6, SAC teleconference; September 28, 2005, Regional Chair teleconference.

*Projected Next Meeting:* The SAC plans a December 16, 2005 teleconference meeting.

*Projected Activities in Next 12 Months:* Ongoing review of the Nevada Equal Rights Commission, its mandate and activities, as part of a broader study on the status of civil rights in the state. The SAC is participating in the nine-state study on hate crime reporting in the region.

November 28, the SAC chairperson addressed the Japanese American Citizen's League, Las Vegas Chapter providing a brief overview of the structure and operations of the Commission and the duties and responsibilities of the SACs. Copies of the Commission publication, *Getting Uncle Sam to Enforce Your Civil Rights* were distributed to the 30 attendees.

WASHINGTON

*Current SAC Project:* The SAC is considering sponsoring a conference on Native American health care issues. The draft proposal was briefly discussed at the May 12 meeting, and members voted to table the measure.

**Last SAC Meeting:** A teleconference meeting was held May 12, 2005; September 28, 2005, Regional Chair teleconference.

*Projected Next SAC Meeting:* The SAC is planning a December 15 teleconference meeting.

*Projected Activities in Next 12 Months:* The SAC is reviewing Indian health care issues and police-community relations in Seattle. The SAC is participating in the nine-state study on hate crime reporting in the region.

Attachment A

**U.S. COMMISSION ON CIVIL RIGHTS  
OFFICE OF CIVIL RIGHTS EVALUATION  
COMPLAINT REPORT**

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REPORTING MONTH: November 2005  
BREAKDOWN OF COMPLAINTS PROCESSED

<u>By subject</u>		<u>By basis of complaint</u>	
Employment	10	Race and ethnic origin	5
Housing	0	Black	18
Education	0	Hispanic	2
Federal programs	12	American Indian/Alaskan Native	1
Administration of justice	18	Asian	0
Voting	3	Other national origin, race	2
Health care	0	Religion	2
Human rights	0	Sex	0
Police brutality	10	Disability	13
Public accommodations	1	Age	0
Hate crimes	1	Inmates	70
Other	81	Sexual harassment	0
No jurisdiction	73	Reprisal	1
Unknown	5	Basis not stated	3
Affirmative Action	0	Unknown	6
Police Misconduct	25	Other	139
Prisoners' Rights	20		
Prison Conditions	11		
Backlog at the beginning of reporting period			0
New complaints received in month:			
Correspondence (regular):			134
Congressional:			0
Walk-ins:			1
Authentic telephone calls:			102
E-mail:			20
Facsimile			5
Total new complaints:			262
Total workload:			262
Total complaints processed in month:			262
Total backlog of telephone calls:			0
Total backlog of written complaints:			0
Miscellaneous complaints processed, referral not necessary			75

**U.S. COMMISSION ON CIVIL RIGHTS  
OFFICE OF CIVIL RIGHTS EVALUATION**

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REPORTING MONTH: November 2005

REFERRAL AGENCIES FOR CORRESPONDENCE

Department of Agriculture.....	0
Department of Defense.....	0
Department of Education.....	0
Department of Health and Human Services.....	0
Department of Housing and Urban Development.....	0
Department of Justice.....	74
Attorney General's Office.....	0
Federal Bureau of Investigation.....	0
Department of Labor.....	0
Department of State.....	0
Department of Transportation.....	0
Department of the Treasury	
Internal Revenue Service.....	0
Customs Service.....	0
Department of Veterans Affairs.....	0
Environmental Protection Agency.....	0
Equal Employment Opportunity Commission.....	10
Executive Office of U.S. Trustees.....	0
Federal Communications Commission.....	0
Federal Trade Commission.....	0
Merit Systems Protection Board.....	0
National Labor Relations Board.....	0
Small Business Administration.....	0
Postal Service.....	0
Other agencies, State and non-Federal.....	2

**U.S. COMMISSION ON CIVIL RIGHTS  
OFFICE OF CIVIL RIGHTS EVALUATION  
COMPLAINT BREAKDOWN BY STATE**

**(WRITTEN & TELEPHONE COMPLAINTS)**

REPORTING MONTH: November 2005

ALABAMA .....	3	MONTANA .....	0
ALASKA .....	0	NEBRASKA .....	0
ARIZONA .....	2	NEVADA .....	3
ARKANSAS .....	2	NEW HAMPSHIRE .....	0
CALIFORNIA .....	20	NEW JERSEY .....	5
COLORADO .....	3	NEW MEXICO .....	1
CONNECTICUT .....	1	NEW YORK .....	36
DELAWARE .....	1	NORTH CAROLINA .....	14
DISTRICT OF COLUMBIA .....	3	NORTH DAKOTA .....	1
FLORIDA .....	4	OHIO .....	8
GEORGIA .....	2	OKLAHOMA .....	0
HAWAII .....	1	OREGON .....	2
IDAHO .....	1	PENNSYLVANIA .....	31
ILLINOIS .....	2	RHODE ISLAND .....	0
INDIANA .....	5	SOUTH CAROLINA .....	1
IOWA .....	2	SOUTH DAKOTA .....	0
KANSAS .....	2	TENNESSEE .....	6
KENTUCKY .....	5	TEXAS .....	23
LOUISIANA .....	1	UTAH .....	0
MAINE .....	0	VERMONT .....	0
MARYLAND .....	6	VIRGINIA .....	26
MASSACHUSETTS .....	3	WASHINGTON .....	1
MICHIGAN .....	4	WEST VIRGINIA .....	1
MINNESOTA .....	2	WISCONSIN .....	1
MISSISSIPPI .....	1	WYOMING .....	0
MISSOURI .....	1	OUTSIDE USA .....	0
		NO STATE* .....	25

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\* Generally, e-mail complaints do not indicate a state.



**Attachment B**

**PERSONNEL REPORT**

October 24, 2005 through November 25, 2005

Permanent appointments .....46

Intermittent schedules..... 7

**Accessions**

**Program Staff**

**Support Staff**

None

**Separations**



**Program Staff**

George Harbison

**Support Staff**

