

U.S. COMMISSION ON CIVIL RIGHTS

+ + + +

MEETING

+ + + +

**UNEDITED**

THURSDAY,  
JULY 28, 2006

+ + + +

The Commission was convened in Room 540 of 624 Ninth Street, N.W., Washington, D.C. at 12:00 p.m., Gerald A. Reynolds, Chairperson, presiding.

PRESENT:

- GERALD A. REYNOLDS      Chairperson
- ABIGAIL THERNSTROM      Vice Chairman
- JENNIFER C. BRACERAS      Commissioner (via telephone)
- PETER N. KIRSANOW      Commissioner
- ASHLEY L. TAYLOR, JR.      Commissioner
- MICHAEL YAKI      Commissioner
- KENNETH L. MARCUS      Staff Director

STAFF PRESENT:

- DAVID BLACKWOOD
- TERESA BROOKS
- TYRO BEATTY
- CHRISTOPHER BYRNES
- DEBRA CARR, Associate Deputy Staff Director
- RANITA CARTER
- IVY DAVIS, Chief, Regional Programs Coordination Unit
- DEREK HORNE
- PATRICIA JACKSON, Chief, Budget and Finance
- SOCK-FOON MacDOUGALL
- TINALOUISE MARTIN, Director of Management
- EMMA MONROIG, Solicitor/Parliamentarian
- AUDREY WRIGHT

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

ORIGINAL

## COMMISSIONER ASSISTANTS PRESENT:

CHRISTOPHER JENNINGS

LISA NEUDER

KIMBERLY SCHULD, via telephone

RICHARD SCHMELCHEL

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

A-G-E-N-D-A

PAGE

I. Approval of Agenda . . . . . 4

II. Approval of Minutes of July 5, 2006 Meeting . . . . . 7

III. Management and Operations . . . . . 7

Fiscal Year 2008 Budget

Strategic Planning

Proposed Policy of Peer Review for Draft Reports

Proposed Regulation on Outside Employment

IV. State Advisory Committee Issues . . . . . 22

Recharter Package for Connecticut State Advisory Committee . . . . . 22

V. Program Planning . . . . . 26

Proposed Briefing on the United States Naval Academy's Use of Religious and Racial Preferences in Placement of Cadets with Local Sponsors

Briefing Report on Campus Anti-Semitism

Proposed Poster for Campus Anti-Semitism Public Education Campaign

VI. Staff Director's Report . . . . . 44

Adjourn

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

12:01 P.M.

CHAIRPERSON REYNOLDS: Okay, folks, we're going to start up now.

APPROVAL OF AGENDA

CHAIRPERSON REYNOLDS: The first item on the agenda is the approval of the agenda. May I have a motion to approve the agenda?

COMMISSIONER YAKI: I thought we were going to change one thing. Okay, then I'm fine with it.

CHAIRPERSON REYNOLDS: Okay. All in favor?

(Off the record comments.)

CHAIRPERSON REYNOLDS: All in favor?

(Chorus of ayes.)

CHAIRPERSON REYNOLDS: Any objections? Any abstentions? Okay, it is passed unanimously.

I move to amend the agenda to add a subitem labeled proposed August 2006 business meeting immediately after the subitem labeled proposed regulation on outside employment under the general item labeled management and operations. Oh, it's going to get complicated.

There will be a series of amendments.

1 Including one that is near and dear to your heart.

2 COMMISSIONER YAKI: Can't you just do it  
3 all at one time?

4 Do it as a package.

5 CHAIRPERSON REYNOLDS: That would be more  
6 difficult than this painful approach.

7 COMMISSIONER KIRSANOW: Second.

8 CHAIRPERSON REYNOLDS: Okay, all in favor,  
9 please say aye.

10 (Chorus of ayes.)

11 CHAIRPERSON REYNOLDS: Any objections,  
12 abstentions? It passes unanimously.

13 Okay, I move to amend the agenda to delete  
14 the item labeled announcements and have the discussion  
15 of the item labeled program planning and its  
16 associated subitems take place right after the State  
17 Advisory Committee Issues and have the discussion of  
18 the item labeled Staff Director's Report take place  
19 after Program Planning and its associated subitems,  
20 but before discussion of Future Agenda Items and this  
21 is purposefully convoluted so no one will object.

22 VICE CHAIRPERSON THERNSTROM: I don't even  
23 understand it.

24 (Laughter.)

25 CHAIRPERSON REYNOLDS: That's good. All

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 in favor, say aye, please.

2 (Chorus of ayes.)

3 CHAIRPERSON REYNOLDS: Any objections?

4 Okay, no abstentions. It passed unanimously.

5 Approval of the July 5, 2006 meeting  
6 minutes. May I have a motion?

7 COMMISSIONER KIRSANOW: I want to amend  
8 the agenda.

9 CHAIRPERSON REYNOLDS: Actually, you  
10 raised a good point.

11 COMMISSIONER KIRSANOW: I simply want to  
12 amend the agenda to include an item that I will rush  
13 to the Commission a document by Dr. Richard Sander  
14 related to the Commission that he and Professor  
15 Wentworth have proposed at the last meeting.

16 CHAIRPERSON REYNOLDS: We may not have  
17 time. We have a half an hour basically.

18 COMMISSIONER KIRSANOW: I have a proposal  
19 and I'm going to share it all with you by email.  
20 That's all I wanted to say.

21 CHAIRPERSON REYNOLDS: Okay, done deal.  
22 Also, I move that the recharter discussion with  
23 respect to the California SAC be tabled.

24 COMMISSIONER YAKI: Second.

25 CHAIRPERSON REYNOLDS: Okay, all in favor

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 say aye.

2 (Chorus of ayes.)

3 CHAIRPERSON REYNOLDS: Any in opposition?

4 Any abstentions? Okay. Passed unanimously.

5 APPROVAL OF THE JULY 5, 2006 MEETING MINUTES

6 CHAIRPERSON REYNOLDS: May I have a motion  
7 to approve the minutes of the July 5, 2006 meeting?

8 VICE CHAIRPERSON THERNSTROM: So moved.

9 COMMISSIONER YAKI: Second.

10 CHAIRPERSON REYNOLDS: All in favor?

11 (Chorus of ayes.)

12 CHAIRPERSON REYNOLDS: Any objections?

13 Any abstentions? Passes unanimously.

14 Okay, into the meat.

15 MANAGEMENT AND OPERATIONS

16 CHAIRPERSON REYNOLDS: Okay, the next item  
17 on the agenda is the consideration of the 2008 budget  
18 request from OMB. Pursuant to OMB guidance, the  
19 Commission is requesting a budget of \$8,992,000 for  
20 Fiscal year '08. By comparison, the Commission's  
21 appropriations for 2006 is \$8,932,439. The budget  
22 will incorporate our decisions from this year's  
23 planning meeting, current plans for '08 operations and  
24 projections from Agency managers.

25 Upon your approval, this budget will

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 become the basis for the Commission's 2008 budget  
2 request to OMB. May I have a motion to approve the  
3 budget?

4 VICE CHAIRPERSON THERNSTROM: So moved,  
5 but do we have any choice about this? I don't really  
6 get this.

7 COMMISSIONER YAKI: Our budget?

8 VICE CHAIRPERSON THERNSTROM: I don't get  
9 -- I mean we're voting on something that we don't have  
10 any choice but to say yes to.

11 CHAIRPERSON REYNOLDS: Okay, well,  
12 sometimes in life we don't have a choice. That was  
13 explained to me at the briefing earlier.

14 (Laughter.)

15 This is another example. So I have a  
16 second, all in favor?

17 (Chorus of ayes.)

18 CHAIRPERSON REYNOLDS: Any in opposition?

19 COMMISSIONER YAKI: I don't know. You are  
20 pretty emphatic about individual choices.

21 (Laughter.)

22 CHAIRPERSON REYNOLDS: I choose to support  
23 this. How about that?

24 COMMISSIONER YAKI: Do you whole heartedly  
25 choose to support it?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 CHAIRPERSON REYNOLDS: No, not  
2 wholeheartedly but ---

3 COMMISSIONER YAKI: I'm not too sure.  
4 Maybe I'll abstain. No, I'm just kidding.

5 CHAIRPERSON REYNOLDS: This motion passes  
6 unanimously.

7 Next up we have our strategic goals and  
8 objectives. The working group on strategic planning  
9 prepared a draft of these goals for our consideration  
10 which was distributed on July 20th. These goals and  
11 objectives will provide guidance to the working group  
12 on strategic planning and Commission staff as they  
13 continue congressional outreach, prepare appropriate  
14 metrics, prepare a proposed final strategic plan and  
15 work to integrate the preliminary strategic planning  
16 documents into our '08 budget submission which is due  
17 in September.

18 Commissioner Kirsanow, would you care to  
19 update the Commission?

20 COMMISSIONER KIRSANOW: First of all, I  
21 want to thank all the members of the working group,  
22 those who are here and not here, for their work in  
23 putting together this strategic plan. I think this  
24 captures precisely what not only the working group  
25 tried to accomplished, but what was the charge of the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 entire Commission as a whole after the first strategic  
2 plan had been sent back to us for revision.

3 You have them in front of you. I think  
4 you do, and they're self explanatory. They've been  
5 distilled. The strategic plan itself, as you know, is  
6 about 35 pages long. We've distilled down for your  
7 consideration the four goals and subcomponents to  
8 those goals that are the essence of the strategic  
9 plan. And the working group recommends passage or  
10 adoption of this strategic goal.

11 VICE CHAIRPERSON THERNSTROM: Was that  
12 unanimously --

13 COMMISSIONER KIRSANOW: I don't know. We  
14 didn't get a vote from Commissioner Melendez because  
15 he's not on the line. Does anyone know whether or not  
16 Commissioner Melendez is on board with this?

17 COMMISSIONER YAKI: He has not  
18 communicated --

19 COMMISSIONER KIRSANOW: Well, of those who  
20 participated there was unanimous agreement. That  
21 included Commissioner Braceras, Chairman Reynolds,  
22 myself.

23 VICE CHAIRPERSON THERNSTROM: So do we  
24 need a motion here?

25 CHAIRPERSON REYNOLDS: Commissioner

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Kirsanow, are you finished?

2 COMMISSIONER KIRSANOW: Yes.

3 CHAIRPERSON REYNOLDS: All right, I move  
4 that we approve the proposed strategic goals and  
5 objectives that were distributed to Commissioners on  
6 July 20th. Approval of this motion does not  
7 constitute approval of the strategic plan as these  
8 goals and objectives are preliminary.

9 Is there a second?

10 VICE CHAIRPERSON THERNSTROM: Second.

11 CHAIRPERSON REYNOLDS: Discussion?

12 COMMISSIONER YAKI: I feel I had no  
13 choice.

14 (Laughter.)

15 VICE CHAIRPERSON THERNSTROM: You don't.

16 CHAIRPERSON REYNOLDS: All right, all in  
17 favor say aye.

18 (Chorus of ayes.)

19 CHAIRPERSON REYNOLDS: Any in opposition?  
20 Any abstentions? The motion passes unanimously.

21 The next item is to establish a policy for  
22 Commissioner review of national office projects  
23 pursuant to the most recent set of GAO  
24 recommendations. I need a motion that with respect to  
25 national office projects the Commissioners will be

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 asked to review these projects from the project  
2 concept paper to draft report stages for several  
3 factors including the consistency with the project  
4 concept, proposal, outline and discovery plan, the  
5 existence of objectivity, the quality and breadth of  
6 the research, the strength of the reasoning and  
7 analysis, and the strength of the evidence supporting  
8 the findings, conclusions and recommendations.

9 This list of factors is not intended to be  
10 exhaustive. Commissioners have traditionally reviewed  
11 national office projects using these factors, so I've  
12 asked the Staff Director who has been doing, why do we  
13 have to waste time doing this, but he says that we  
14 should and I defer to his better judgment.

15 This motion shall formalize a policy what  
16 Commissioners have always done informally in practice,  
17 when reviewing national projects, is there a second?

18 VICE CHAIRPERSON THERNSTROM: Second.

19 CHAIRPERSON REYNOLDS: Discussion? All in  
20 favor?

21 (Chorus of ayes.)

22 CHAIRPERSON REYNOLDS: Any in opposition?  
23 Any abstentions?

24 The motion passes unanimously.

25 CHAIRPERSON REYNOLDS: The Staff Director

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 has recommended the adoption of a policy of peer  
2 review for national office reports. The GAO in its  
3 May 2005 report recommended that the Commission  
4 strengthen the objectivity and the integrity of the  
5 Commission's written work product. This peer-review  
6 policy would be included in our implementation plan in  
7 which we will submit to GAO by July 31, 2006. Under  
8 this peer-review process, a draft national office  
9 report would be reviewed to determine whether it is  
10 objective and academically sound.

11 The Commission plans to use a small  
12 balanced panel of either uncompensated state advisory  
13 committee members with appropriate skills and  
14 background aided by our new selection criteria which  
15 emphasizes social science, legal and statistical  
16 training and technical writing skills and/or  
17 compensated outside professionals working on an  
18 expedited time frame of up to one week to conduct the  
19 peer review. The extent to which peer-review  
20 recommendations were resolved may be considered by the  
21 Commissioners during their vote to approve the final  
22 draft report for publication.

23 This process would apply to national  
24 office statutory reports and other national office  
25 reports containing findings and recommendations.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Is there a second?

2 COMMISSIONER KIRSANOW: Could you repeat  
3 that?

4 (Laughter.)

5 CHAIRPERSON REYNOLDS: Is there a second?

6 COMMISSIONER KIRSANOW: Second.

7 CHAIRPERSON REYNOLDS: Discussion?  
8 Commissioner Yaki.

9 COMMISSIONER YAKI: A question about the  
10 peer review panels as they are selected. Is the goal  
11 of the peer review panel to be -- how shall I put  
12 this? Ideologically diverse for the purposes of  
13 reviewing the report or is simply going to be all the  
14 people who believe in what the report is saying to  
15 provide the report?

16 CHAIRPERSON REYNOLDS: Well, it's clear  
17 that whatever we do someone is going to be happy,  
18 someone around this table is going to be unhappy, but  
19 to answer your question, there will be a diversity of  
20 views, but --

21 COMMISSIONER KIRSANOW: What's the  
22 critical mass?

23 CHAIRPERSON REYNOLDS: This is eating up  
24 time here, folks.

25 VICE CHAIRPERSON THERNSTROM: I have a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 serious question. It's the same question as Michael  
2 Yaki's really. I am extremely concerned about the  
3 composition of these peer review panels, how they're  
4 going to be picked, how -- I mean how are we going to  
5 decide on who is really trained and scholarly?

6 CHAIRPERSON REYNOLDS: And a lot of the  
7 issues that we deal with, it seems to me that on  
8 certain pieces it makes sense, for example, did we get  
9 our facts right? Is our methodological approach  
10 sound.

11 VICE CHAIRPERSON THERNSTROM: We just had  
12 a panel in which nobody -- people couldn't agree on  
13 basic facts.

14 CHAIRPERSON REYNOLDS: Well, the point  
15 that I was making is that the subject matter that we  
16 deal with is controversial and there are different  
17 first principles and I see limited value in having our  
18 reports reviewed by so-called experts, but that's why  
19 we're having this conversation.

20 VICE CHAIRPERSON THERNSTROM: And what are  
21 we going to do with the reviews when they come in and  
22 they're, you know, shoddy pieces of work and -- or  
23 questionable to some of us, but not to others. This  
24 process it seems to me is a mine field.

25 CHAIRPERSON REYNOLDS: Well, I'm voting

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 no, so you can joint me.

2 VICE CHAIRPERSON THERNSTROM: Good, I'm  
3 voting no.

4 COMMISSIONER YAKI: I move to table.

5 CHAIRPERSON REYNOLDS: Table? Don't you  
6 want to vote against it?

7 COMMISSIONER YAKI: Sure.

8 CHAIRPERSON REYNOLDS: Okay, good.

9 (Laughter.)

10 STAFF DIRECTOR MARCUS: Mr. Chairman, may  
11 I speak to the issue of tabling, if that is a serious  
12 issue?

13 CHAIRPERSON REYNOLDS: No, it's not, it's  
14 not.

15 COMMISSIONER YAKI: I withdraw the motion  
16 to table.

17 CHAIRPERSON REYNOLDS: Okay, any other  
18 comments?

19 All in favor, please say aye.

20 (No response.)

21 All in opposition.

22 (Chorus of nos.)

23 CHAIRPERSON REYNOLDS: Okay, this motion  
24 fails and we have received -- the vote --

25 STAFF DIRECTOR MARCUS: May I make just an

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 observation, just for the information of the  
2 Commissioners. The reason that the motion had been  
3 put out is that this was one of your recommendations  
4 of the GAO. Our Corrective Action Plan is due on  
5 Monday. So if we are not doing a peer review, then  
6 the ramification of this vote is that we will have to  
7 indicate that we are not implementing in full and that  
8 there is at least one recommendation that we have  
9 declined.

10 VICE CHAIRPERSON THERNSTROM: That we have  
11 rejected.

12 STAFF DIRECTOR MARCUS: That's right.

13 VICE CHAIRPERSON THERNSTROM: We have  
14 rejected one of their recommendations.

15 STAFF DIRECTOR MARCUS: We have the  
16 authority to do that, but that will be the statement  
17 that we will have to make to GAO.

18 VICE CHAIRPERSON THERNSTROM: That's fine.

19 CHAIRPERSON REYNOLDS: We have accepted  
20 many of their recommendations and we've accepted them  
21 not because they made the suggestion but because what  
22 they suggested was sound and needed to be done. And  
23 in this particular case, that's not the case. So let  
24 the record reflect that there were five votes against  
25 the motion.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   Okay, the Commission, with the concurrence  
2 of the Office of Government Ethics is issuing these  
3 proposed regulations for employees of the Commission  
4 that would supplement the standards of ethical conduct  
5 for employees of the Executive Branch, issued by OGE.  
6 The first proposed regulation would require employees  
7 of the Commission to obtain prior approval before  
8 engaging in outside employment. The second proposed  
9 regulation would remove the Commission's existing  
10 conduct regulation which is inconsistent with OGE's  
11 standard and replace it with a reference to the  
12 current OGE standard.

13                   OGE published a new Executive Branch:  
14 Standards of Ethical Conduct regulation --

15                   VICE CHAIRPERSON THERNSTROM: Gerry, give  
16 us the bottom line here.

17                   CHAIRPERSON REYNOLDS: The bottom line is  
18 if you would like to -- if employees would like to get  
19 other employment while working here, they would have  
20 to get permitting from their supervisor. That is to  
21 ensure that their outside work is not having an  
22 adverse effect on their jobs here.

23                   VICE CHAIRPERSON THERNSTROM: Okay.

24                   COMMISSIONER TAYLOR: This would mirror  
25 what everybody else in Federal Government --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 VICE CHAIRPERSON THERNSTROM: Just you,  
2 Michael.

3 CHAIRPERSON REYNOLDS: Just the first  
4 piece.

5 And the second piece has to do with --  
6 apparently, our standards -- we want to make sure that  
7 our standards are consistent with the new regulations  
8 that have been issued by OGE. So that's the purpose  
9 of the second --

10 VICE CHAIRPERSON THERNSTROM: Fine.

11 CHAIRPERSON REYNOLDS: All in favor.

12 (Aye.)

13 CHAIRPERSON REYNOLDS: Would anyone like  
14 to join him?

15 COMMISSIONER YAKI: It doesn't apply to  
16 us.

17 CHAIRPERSON REYNOLDS: That's correct.

18 COMMISSIONER YAKI: Aye.

19 CHAIRPERSON REYNOLDS: Okay, the motion  
20 passes unanimously.

21 Okay, next item on the agenda is a motion  
22 to hold a Commission business meeting on August 18,  
23 2006. May I have a motion that the Commission hold a  
24 business meeting at its headquarters in Washington --

25 VICE CHAIRPERSON THERNSTROM: So moved.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 CHAIRPERSON REYNOLDS: Okay, is there a  
2 second?

3 COMMISSIONER KIRSANOW: Second.

4 CHAIRPERSON REYNOLDS: Discussion?  
5 Commissioner Yaki?

6 COMMISSIONER YAKI: Due to a Court thing  
7 where actually I'm a lawyer, I will not -- probably  
8 not be able to attend in person. And it is dubious  
9 that I will be able to attend via phone.

10 CHAIRPERSON REYNOLDS: Would you like to  
11 give me a proxy?

12 COMMISSIONER YAKI: Absolutely.

13 VICE CHAIRPERSON THERNSTROM: Will we at  
14 that meeting be able to cover the ground that we can't  
15 cover today?

16 (Off the record comments.)

17 VICE CHAIRPERSON THERNSTROM: That's not  
18 the notice that was sent out. It was an afternoon  
19 meeting.

20 STAFF DIRECTOR MARCUS: Oh, that was an  
21 afternoon -- I forgot. I thought that was the  
22 September meeting. No?

23 VICE CHAIRPERSON THERNSTROM: The  
24 September meeting is in Omaha.

25 STAFF DIRECTOR MARCUS: Right, but I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 thought that was in the afternoon.

2 VICE CHAIRPERSON THERNSTROM: No, it can't  
3 be.

4 CHAIRPERSON REYNOLDS: That was one of the  
5 options and we chose the 18th of August.

6 STAFF DIRECTOR MARCUS: I don't recall  
7 that, for the 18th it was 1 o'clock. Of course it's  
8 being said right now, so it could be set at 1 rather  
9 than 5.

10 VICE CHAIRPERSON THERNSTROM: I got some  
11 sort of notice that was an afternoon meeting. It  
12 can't be the Omaha one.

13 CHAIRPERSON REYNOLDS: Okay, but the  
14 question on the table though is do you believe that  
15 what we are unable to finish here today we'll be able  
16 to squeeze in the August business meeting.

17 STAFF DIRECTOR MARCUS: If it's from 1  
18 until 5, then I think we have a good chance of  
19 finishing everything that's left over from here. Now  
20 there are other things that I would hope to have ready  
21 for a vote then and whether we can get through all of  
22 that, all I can say is we'll do the best we can.

23 CHAIRPERSON REYNOLDS: Are folks amenable  
24 to starting earlier, to starting at 9 o'clock, if  
25 that's required?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 VICE CHAIRPERSON THERNSTROM: We can start  
2 earlier.

3 CHAIRPERSON REYNOLDS: And in fact, we'll  
4 have to finish this up at a later point, but I think  
5 that we need to consider starting at 9 --

6 VICE CHAIRPERSON THERNSTROM: Whatever.  
7 It's wrap things up.

8 CHAIRPERSON REYNOLDS: Okay, all right, we  
9 had our discussion. All in favor, please say aye.

10 (Chorus of ayes.)

11 CHAIRPERSON REYNOLDS: Any objections?  
12 Any abstentions? The motion passes unanimously.

13 STATE ADVISORY COMMITTEE ISSUES

14 CHAIRPERSON REYNOLDS: Okay, first up we  
15 have -- okay. There's a motion to recharter the  
16 Connecticut State Advisory Committee. Under the  
17 motion the Commission appoints the following  
18 individuals to that Committee, based on the  
19 recommendations of the Staff Director: Patrick  
20 Johnson, William Alpert, Darlene Alvarado-Canales,  
21 Lewis Andrews, Leroy Bailey, Brian Brown, Brian  
22 Freeman, Gerald Gunderson, Brian Langdon, Theophilus  
23 Meekins, David Metzger, Werner Oyandel, Farouk  
24 Rhymaun, Edward Sabaria and Karen Torre.

25 VICE CHAIRPERSON THERNSTROM: Excuse me,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Mr. Chairman. Wasn't there a motion to approve the --

2 CHAIRPERSON REYNOLDS: It's in here  
3 somewhere.

4 VICE CHAIRPERSON THERNSTROM: Okay, that  
5 came before the budget OMB.

6 CHAIRPERSON REYNOLDS: Hold on. Okay, I  
7 have it in a different order.

8 VICE CHAIRPERSON THERNSTROM: That's all  
9 right. That's fine.

10 CHAIRPERSON REYNOLDS: Okay, and finally  
11 Karen Torre. With this motion, the Commission  
12 appoints Patrick Johnson as chair of the newly  
13 rechartered Connecticut State Advisory Committee.  
14 These members will serve as uncompensated government  
15 employees and the Commission appreciates the hard work  
16 that they will no doubt contribute to the State  
17 Advisory Committee. Under this motion, the Commission  
18 authorizes the Staff Director to execute the  
19 appropriate paperwork for the appointment.

20 Is there a second.

21 VICE CHAIRPERSON THERNSTROM: Second.

22 CHAIRPERSON REYNOLDS: Discussion. All in  
23 favor, please say aye.

24 (Ayes.)

25 CHAIRPERSON REYNOLDS: Any opposition?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Abstentions.

2 Please let the record reflect that  
3 Commissioner Kirsanow abstains from the vote. And the  
4 remaining voted in favor.

5 In order to give an opportunity to anyone  
6 interested in providing information on the briefing we  
7 had this morning, the record should be kept open for  
8 30 days. Is there a second?

9 VICE CHAIRPERSON THERNSTROM: I second  
10 that, although I thought there was some discussion of  
11 more than that.

12 CHAIRPERSON REYNOLDS: During the  
13 discussion, I expect Commissioner Yaki to --

14 COMMISSIONER YAKI: I want 60 days.

15 CHAIRPERSON REYNOLDS: So there's a  
16 second. Discussion.

17 Commissioner Yaki?

18 COMMISSIONER YAKI: I want 60 days.

19 CHAIRPERSON REYNOLDS: Why?

20 COMMISSIONER YAKI: Because there's a lot  
21 of stuff.

22 VICE CHAIRPERSON THERNSTROM: He's going  
23 to do a document.

24 COMMISSIONER YAKI: There's a lot of  
25 stuff. I think that this is -- I think in terms of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 the number of people who are out there who we could  
2 outreach to, who might want to provide some of the  
3 studies that were talked about, at least four or five  
4 different studies were thrown out there. These people  
5 tend to want to polish it, make it prettier or  
6 whatever. That may -- reaching them, doing that,  
7 editing or whatever, probably more than 30 days.

8 VICE CHAIRPERSON THERNSTROM: I am going  
9 to ask the Staff director a question. We certainly  
10 want to have a completed document in published form,  
11 it seems to me before the argument in November on  
12 these two cases.

13 How does the 60 days affect that?

14 STAFF DIRECTOR MARCUS: Well, if we're  
15 getting complicated articles and materials in late  
16 September, trying to analyze them to get a final draft  
17 voted on against the argument in November --

18 VICE CHAIRPERSON THERNSTROM: Not  
19 possible.

20 STAFF DIRECTOR MARCUS: It would be  
21 difficult and I'm not sure that it's possible.

22 VICE CHAIRPERSON THERNSTROM: Is it  
23 possible if we have a 30-day window?

24 STAFF DIRECTOR MARCUS: With a 30 day we  
25 have a fighting shot at it.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 VICE CHAIRPERSON THERNSTROM: I mean,  
2 Commissioner Yaki, can't we get this stuff in 30 days?  
3 I don't want to cut off the marketplace of ideas here  
4 to close it, but 30 days is a long time.

5 COMMISSIONER YAKI: I want 60. Let's vote  
6 on it.

7 VICE CHAIRPERSON THERNSTROM: Let's vote  
8 on it.

9 CHAIRPERSON REYNOLDS: Any other comments?  
10 All in favor of the motion as read into the record,  
11 please say aye.

12 (Ayes.)

13 COMMISSIONER KIRSANOW: For 30 days?

14 VICE CHAIRPERSON THERNSTROM: That's  
15 correct.

16 CHAIRPERSON REYNOLDS: Objections?

17 COMMISSIONER YAKI: I oppose.

18 CHAIRPERSON REYNOLDS: Abstentions. The  
19 motion passes. Please let the record reflect that  
20 Commissioner Yaki voted against the motion.

21 COMMISSIONER YAKI: With extreme  
22 prejudice.

23 PROGRAM PLANNING

24 CHAIRPERSON REYNOLDS: As always. On July  
25 11th an article was published in The Washington Post

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 regarding the United States Naval Academy's use of  
2 questionnaires in which potential sponsors were asked  
3 their religious and racial preferences in connection  
4 with the placement of cadets. We thought this was a  
5 topic appropriate for briefing.

6 Staff Director, please describe the  
7 newspaper article and the concept paper on this topic  
8 that was sent to the Commissioners.

9 STAFF DIRECTOR MARCUS: Certainly, Mr.  
10 Chairman, and the article was sent around. Very  
11 briefly, it was disclosed that the Naval Academy has  
12 a program under which people in the Annapolis area are  
13 able to sponsor midshipmen to provide them a place to  
14 stay during their recreational hours. The paper  
15 reported that it was primarily for midshipmen to watch  
16 television. Sometimes the sponsors would have other  
17 amenities like swimming pools where the midshipmen  
18 would have an opportunity to enjoy recreational time.  
19 The questionnaire that is used by the Academy  
20 apparently asks for sponsoring families to indicate  
21 various preferences that they might have with respect  
22 to midshipmen.

23 Among the preferences, they're asked  
24 whether they would want midshipmen who were interested  
25 in various sports or smokers or nonsmokers or members

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 of one gender or the other and also whether they have  
2 a preference in the race of the midshipmen or of the  
3 religion of the midshipmen.

4 The indication of the article is that the  
5 Naval Academy takes this into account or tries to take  
6 this into account in order to place midshipmen with  
7 sponsoring families. There's not much of this that is  
8 in the literature. There is a questionnaire that has  
9 been on the internet which appears to have questions  
10 of this sort.

11 The Naval Academy currently has maintained  
12 that this is intended to help provide the minority  
13 midshipmen with mentors but it's not clear whether:  
14 that is the purpose and one of the issues in briefing  
15 is the reason for this policy, whether it is the  
16 policy and how it impacts midshipmen of various races  
17 and religions.

18 CHAIRPERSON REYNOLDS: I move to have the  
19 Staff conduct a briefing in Annapolis on the United  
20 States Naval Academy's use of religious and racial  
21 preferences in placement of cadets with local  
22 sponsors, as soon as feasible, in 2007. This briefing  
23 would be based on the concept paper that was  
24 distributed on July 21st. Is there a second?

25 VICE CHAIRPERSON THERNSTROM: Second.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 CHAIRPERSON REYNOLDS: Discussion?

2 Commissioner Yaki?

3 COMMISSIONER YAKI: I'm just concerned  
4 that we keep on adding briefings as we're pushing  
5 other briefings back.

6 CHAIRPERSON REYNOLDS: That is a concern  
7 that I share. But I guess the challenge is what do we  
8 do when we have these events unfold? Do we respond?

9 COMMISSIONER YAKI: I would say that two  
10 of the briefings that I proposed that were voted on  
11 and are scheduled also had -- were the result of  
12 events that had unfolded and yet they keep on getting  
13 pushed further and further back.

14 CHAIRPERSON REYNOLDS: Which ones are  
15 those?

16 COMMISSIONER YAKI: One was the Patriot  
17 Act one. The other one was the -- but the more  
18 important one was the domestic eavesdropping.

19 CHAIRPERSON REYNOLDS: Well, if I recall,  
20 we could not get a hold of --

21 COMMISSIONER YAKI: Forgetting about the  
22 Patriot Act, when we did the revote, for the next set  
23 of briefings, like for example, the domestic  
24 eavesdropping scored 9.5. It was in the top four, top  
25 five that was done that should be there among the top

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 five done in the next set. That also is timely. That  
2 also is very current. This comes along and it is  
3 timely and current, but it just bumps other ones back.

4 CHAIRPERSON REYNOLDS: Well, I propose  
5 that we have further discussion on whether this should  
6 be put into the queue, but not at this point though.

7 COMMISSIONER YAKI: When you say the words  
8 "as soon as feasible" that's what brought to mine.

9 CHAIRPERSON REYNOLDS: But we haven't  
10 selected a month yet. We haven't had further  
11 discussions.

12 Commissioner Thernstrom?

13 VICE CHAIRPERSON THERNSTROM: Clearly,  
14 those further discussions have to involve, once again,  
15 setting our priorities in terms of these briefings.  
16 I think we can't just kind of mindlessly bump things  
17 so that the rest of the briefings that have been  
18 scheduled are in the order they were before.

19 So Commissioner Yaki, it seems to me that  
20 question is -- will be, has to be on the table of the  
21 relative importance and the shelf life of various  
22 issues. You know, there are issues that don't need to  
23 be -- we don't need to decide immediately, but I'm not  
24 saying yours is one of them, but anyway, let us go  
25 through the priorities here once again.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   CHAIRPERSON REYNOLDS:       Commissioner  
2 Taylor?

3                   COMMISSIONER TAYLOR: I don't have the  
4 list of the briefings we've agreed upon and the  
5 schedule, but it's my sense that this is not, in my  
6 view, not as important as the other items we've  
7 already identified. It seems rather narrow.

8                   I would like to get some more information  
9 from the Academies, the Coast Guard Academy included  
10 which means about similar programs, but I don't sense  
11 this is something that's worthy of the full blown  
12 briefing and bumping what we currently have on the  
13 schedule.

14                  STAFF DIRECTOR MARCUS:       If I may,  
15 Commissioner Taylor, we've informally inquired in at  
16 least one of those academies that appears to be using  
17 similar criteria and I believe it's the Coast Guard.  
18 So apparently the Coast Guard is using a similar  
19 program. As for the Merchant Marine, I don't believe  
20 that we were able to determine that they are using  
21 that.

22                  COMMISSIONER TAYLOR: I would be in favor  
23 of sending them a request by asking them to submit in  
24 writing to us what exactly they're doing and what  
25 other policies they may have and whatever practices

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 they employ on this issue, but again, I don't -- it's  
2 not my sense at least without having the information  
3 in front of me that this is worthy of bumping that we  
4 currently have in the agenda.

5 CHAIRPERSON REYNOLDS: Why don't we vote  
6 on the motion in front of us with the understanding  
7 that we will have further discussions about whether  
8 this particular project should bump anything in 2007.

9 VICE CHAIRPERSON THERNSTROM: I don't  
10 understand voting on in it then. If we're -- if a  
11 question is open of whether we're going to have a  
12 briefing at all on this, then we should just table  
13 this motion.

14 I mean what you've just agreed to is to  
15 discuss the question of whether this is of sufficient  
16 importance to hold a briefing on.

17 COMMISSIONER TAYLOR: I have a substitute  
18 motion.

19 CHAIRPERSON REYNOLDS: Let's hear it.

20 COMMISSIONER TAYLOR: Perhaps we can  
21 gather the information I discussed from all the  
22 relevant academies and then put this motion back on  
23 the table. So that would be to table this motion --

24 VICE CHAIRPERSON THERNSTROM: Or not.

25 COMMISSIONER TAYLOR: Right, as we have

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 the additional information and then discuss whether or  
2 not this motion would be appropriate.

3 CHAIRPERSON REYNOLDS: Okay, well, since  
4 I read the motion into the record, I will accept your  
5 substitution.

6 All in favor?

7 (Chorus of ayes.)

8 CHAIRPERSON REYNOLDS: Any objections?  
9 The motion passes unanimously.

10 Next up, a report was produced by Staff  
11 reflecting Commissioner and panelists input on the  
12 briefing the Commission held on November 18, 2005 on  
13 campus anti-Semitism along with any concurring and:  
14 dissenting statements submitted by any Commissioner by  
15 August 11, 2006. This report was distributed in draft  
16 form to Commissioners on July 21st, 2006. It  
17 contained a summary of the discussion and public  
18 comments received. A summary of the responses to  
19 defame and degrade letters sent out pursuant to AI's  
20 1 through 6 and -- well, 1-6 and 7-1.

21 The Commission's findings and  
22 recommendations previously approved on April 3, 2006,  
23 and witness statements. May I have a motion to  
24 approve the publication of this campus anti-Semitism  
25 briefing report, together with any concurring or

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 dissenting statements received within two weeks of  
2 today?

3 COMMISSIONER TAYLOR: So moved.

4 CHAIRPERSON REYNOLDS: Is there a second?

5 VICE CHAIRPERSON THERNSTROM: I'll second  
6 it then.

7 CHAIRPERSON REYNOLDS: Discussion? All in  
8 favor?

9 (Chorus of ayes.)

10 CHAIRPERSON REYNOLDS: Any objections?

11 Let the record reflect that the Chairman abstains and  
12 the remaining Commissioners voted in favor of it.

13 On January 20, 2006, the Commissioners  
14 voted unanimously to have the Staff Director develop  
15 proposals to communicate with colleges about their  
16 rights and remedies when faced with anti-Semitic  
17 harassment. At that meeting, the Staff Director  
18 described some proposals for the public education  
19 campaign consistent with our funding constraints.  
20 These included an electronic document available on the  
21 Commission's website providing in-depth information on  
22 rights available to students under federal anti-  
23 discrimination laws and a poster to complement the  
24 website providing general information and directing  
25 students to the website for more detailed information.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Staff Director, will you please provide us  
2 with an update on what's happened with this campaign?

3 STAFF DIRECTOR MARCUS: Certainly, Mr.  
4 Chairman. As the Commissioners will see in the side  
5 of the room, we have a poster, a proposed poster which  
6 the Government Printing Office has prepared working in  
7 conjunction with the Office of Civil Rights Evaluation  
8 and Public Affairs Unit which is a suggestion for a  
9 part of the campaign. During a prior Commission  
10 meeting we discussed a proposal to have a combination  
11 -- several pages on our website which would provide  
12 information to students, as well as a poster that  
13 would be circulated which, among other things, would  
14 direct students to the website and let them know what  
15 is available there.

16 In addition to that, more recently, Staff  
17 has suggested that we consider looking into the  
18 possibility of a brochure also to provide further  
19 information, particularly with respect to the  
20 availability of information on our website. For now  
21 though, what is available is this proposed poster. As  
22 you can see, the main language on it "Hate has an  
23 Ally: Silence, speak out against anti-Semitism."

24 Now there are a couple of changes that I  
25 would recommend making and so I think part of the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 motion is to approve this with some changes. One is  
2 I think we need to add a word like "campus" perhaps  
3 "campus anti-Semitism." There's also the word "crime"  
4 in the small print, asking students to speak if  
5 they're aware of crimes and I think we need to broaden  
6 it so that it's not just about crime, but it is about  
7 college campuses.

8 Does anyone need me to read the small  
9 print at the bottom of the poster?

10 VICE CHAIRPERSON THERNSTROM: No, but I  
11 have a general comment here. The poster would be  
12 clearer if it's to students and it says silence is an  
13 ally of hate. It makes the point more directly, more  
14 simply. I think there are going to be students who  
15 are going to look at this and say what?

16 CHAIRPERSON REYNOLDS: Okay, any other --

17 STAFF DIRECTOR MARCUS: There is one other  
18 point I would make and I don't know if there needs to  
19 be discussion first of the Vice Chair's comment or if  
20 I should just continue with the update and then there  
21 could be discussion of the --

22 VICE CHAIRPERSON THERNSTROM: All right,  
23 I'm sorry.

24 CHAIRPERSON REYNOLDS: Let's take a look  
25 at the -- I can't read the --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   STAFF DIRECTOR MARCUS: I'll go up to the  
2 front and read the language at the bottom.

3                   And as I do this, I'd also like to thank  
4 Sock-Foon MacDougall and Manuel Alba for their good  
5 work in preparing this. "Hate has an Ally: Silence.  
6 Speak out against anti-Semitism. Ready to take  
7 action? We can help. To report an anti-Semitic crime  
8 against you or someone you know, call the U.S.  
9 Commission on Civil Rights at" and it provides a phone  
10 number for our complaint line, "or visit our website  
11 at" and it will provide a URL address.

12                   I indicated the change would be something  
13 like the following: "Ready to take action? We can  
14 help to report an anti-Semitic incident on your campus  
15 of the U.S. Commission on Civil Rights."

16                   CHAIRPERSON REYNOLDS: So the proposed  
17 changes, one would be deleting crime and replacing it  
18 with something broader.

19                   STAFF DIRECTOR MARCUS: That's right.  
20 Instead of crime, it would say "incident" and instead  
21 of simply saying "against you or someone you know" it  
22 would say "on your campus" and make some connection  
23 with colleges because this is a campus anti-Semitism  
24 public education campaign.

25                   CHAIRPERSON REYNOLDS: And as to Vice

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Chair Thernstrom's comment, well first, do the other  
2 Commissioners share Vice Chair Thernstrom's views?

3 VICE CHAIRPERSON THERNSTROM: It would be  
4 simpler to say "Hate is an ally of silence" or  
5 "Silence has an ally of hate" something a little more  
6 direct. Maybe I'm being an idiot, but I looked at  
7 this before I completely got it. It seems a little  
8 convoluted to me.

9 CHAIRPERSON REYNOLDS: Does anyone have  
10 strong feelings about this?

11 VICE CHAIRPERSON THERNSTROM: Maybe I was  
12 being a little thick headed.

13 CHAIRPERSON REYNOLDS: I guess one --  
14 (Off the record comments.)

15 CHAIRPERSON REYNOLDS: I guess my one  
16 comment is silence. It just fades into the background  
17 there and maybe this is just a function of my poor  
18 vision and maybe that was unintended. Maybe that's  
19 some type of effect, but in any event, I just make  
20 that comment. I'm not making any suggestions, I'm not  
21 suggesting any changes.

22 Okay, does Mr. Kirsanow realize that he is  
23 needed for a quorum?

24 STAFF DIRECTOR MARCUS: Is Commissioner  
25 Braceras on the line right now?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 VICE CHAIRPERSON THERNSTROM: And in two  
2 seconds, you're not going to have a Thernstrom to  
3 vote.

4 Let's get Kirsanow back.

5 CHAIRPERSON REYNOLDS: And then we can  
6 wind up.

7 COMMISSIONER BRACERAS: Hello? I'm here.

8 CHAIRPERSON REYNOLDS: Okay, good, we have  
9 a quorum.

10 (Laughter.)

11 COMMISSIONER BRACERAS: In about 15  
12 minutes I have to go to a different phone.

13 VICE CHAIRPERSON THERNSTROM: No, no, no.  
14 It will be done.

15 CHAIRPERSON REYNOLDS: Jennifer, right now  
16 we have the proposed anti-Semitism poster. You can't  
17 see it. I don't know if you were able --

18 COMMISSIONER BRACERAS: I saw it when it  
19 came over the computer.

20 STAFF DIRECTOR MARCUS: That's the one.

21 CHAIRPERSON REYNOLDS: We're just about to  
22 vote on it. Do you have any comments or concerns?

23 COMMISSIONER BRACERAS: No, I'm all set to  
24 approve it.

25 CHAIRPERSON REYNOLDS: Okay. All in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 favor?

2 (Ayes.)

3 CHAIRPERSON REYNOLDS: Is that an aye?

4 VICE CHAIRPERSON THERNSTROM: I'd like to  
5 see it a little changed, but whatever. Okay.

6 COMMISSIONER BRACERAS: What are your  
7 changes?

8 VICE CHAIRPERSON THERNSTROM: Instead of  
9 "Hate has an ally: silence" I'd rather have a more  
10 direct statement "Silence is an ally of hate." And a  
11 couple of students in the audience said basically --  
12 voted for my suggestion.

13 I just think it's --

14 CHAIRPERSON REYNOLDS: They have no choice  
15 in this matter.

16 (Laughter.)

17 VICE CHAIRPERSON THERNSTROM: I just think  
18 it's --

19 CHAIRPERSON REYNOLDS: What's involved in  
20 making a change in the poster at this point?

21 STAFF DIRECTOR MARCUS: I don't think  
22 there's going to be a problem. After all, there are  
23 some other changes we have to make. I think we've got  
24 one set of changes that they're contractually  
25 obligated to make with additional -- I think that we

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701



1 could get this done, either without any additional  
2 money or a very small amount.

3 CHAIRPERSON REYNOLDS: Does anyone object  
4 to Vice Chair Thernstrom's suggested revision?

5 COMMISSIONER BRACERAS: No.

6 CHAIRPERSON REYNOLDS: Okay --

7 STAFF DIRECTOR MARCUS: Just to be clear,  
8 the language would be "Silence is an ally of hate."

9 VICE CHAIRPERSON THERNSTROM: Yes.

10 CHAIRPERSON REYNOLDS: Okay, all in favor  
11 for the motion, as revised, including the Vice Chair's  
12 revisions, please say aye.

13 (Chorus of ayes.)

14 CHAIRPERSON REYNOLDS: Any objections?  
15 Yes? Very good. The motion passes unanimously.  
16 Thank you, folks. We covered everything in the  
17 agenda, except the Staff Director's report.

18 COMMISSIONER BRACERAS: Wait, hold on.  
19 How did we cover everything on the agenda? I thought  
20 I was being brought in at the beginning of the  
21 business meeting?

22 VICE CHAIRPERSON THERNSTROM: You didn't  
23 come in at the beginning of the business meeting.

24 COMMISSIONER BRACERAS: Why?

25 VICE CHAIRPERSON THERNSTROM: I don't

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 know.

2 COMMISSIONER BRACERAS: I've been sitting  
3 here at my desk all morning, waiting to be brought in.

4 STAFF DIRECTOR MARCUS: We thought you  
5 were in at one point.

6 VICE CHAIRPERSON THERNSTROM: We thought  
7 you were here for the briefing and we called on your  
8 for questions.

9 COMMISSIONER BRACERAS: I was not at that  
10 point.

11 CHAIRPERSON REYNOLDS: Well, Jennifer, I  
12 apologize.

13 COMMISSIONER BRACERAS: This is the first  
14 time I'm coming in, I mean the first time I'm coming  
15 in to participate in the business portion of the  
16 meeting.

17 CHAIRPERSON REYNOLDS: You weren't on for  
18 the briefing?

19 COMMISSIONER BRACERAS: I was on for part  
20 of the briefing. And then I had to go to take care of  
21 some things. So I hung up.

22 And I contacted Kim and asked her to plug  
23 me back into the beginning of the business meeting.

24 CHAIRPERSON REYNOLDS: I instructed Staff  
25 to call you before we began the business meeting and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 unfortunately, the individual that I spoke with is not  
2 present.

3 COMMISSIONER BRACERAS: That's fine.

4 STAFF DIRECTOR MARCUS: Commissioner  
5 Braceras, I am sorry. Staff had been under the  
6 impression that you were on the line, so I don't know  
7 what the snafu was and whether it was with the phone  
8 call --

9 COMMISSIONER BRACERAS: Did you have a  
10 quorum? Because I wasn't there.

11 CHAIRPERSON REYNOLDS: Yes, we did.

12 COMMISSIONER BRACERAS: Okay. And you  
13 were able to vote on everything you wanted to vote on.  
14 I just wanted the record to reflect that I did not  
15 vote on anything because I didn't -- in case you  
16 thought I did.

17 CHAIRPERSON REYNOLDS: Okay, let's be  
18 clear. Let the record reflect that Commissioner  
19 Braceras did not vote on -- she didn't vote on  
20 anything --

21 COMMISSIONER BRACERAS: Anything other  
22 than the poster. Although I would have liked to. I  
23 was prepared to discuss and vote on all of these  
24 things on the agenda. I've been sitting here waiting.

25 CHAIRPERSON REYNOLDS: Okay. Sorry about

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 that, Jennifer.

2 COMMISSIONER BRACERAS: That's all right.  
3 Maybe somebody can call me or send me an email and let  
4 me know how the vote turned out or if there's anything  
5 I need to know.

6 CHAIRPERSON REYNOLDS: Yes, Kim will give  
7 you a call.

8 COMMISSIONER BRACERAS: Okay.

9 STAFF DIRECTOR MARCUS: Are any of the  
10 Commissioners interested in a Staff Director's Report?  
11 We don't need a quorum for that. We have, I believe,  
12 four Commissioners to the extent that Commissioner  
13 Braceras is on.

14 COMMISSIONER KIRSANOW: Fine with me.

15 STAFF DIRECTOR'S REPORT

16 STAFF DIRECTOR MARCUS: Well, let me just  
17 provide you with a little bit of information. I'll  
18 make it a little bit briefer, but there may be some  
19 things that you'd be interested to know.

20 First of all, let me just publicly  
21 indicate as some of you know that we do now have a  
22 General Counsel who was just appointed, Mr. David  
23 Blackwood. David Blackwood joined the Agency as  
24 General Counsel on July 10. He was previously  
25 Associate Deputy Assistant Secretary for Enforcement

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 at the U.S. Department of Housing and Urban  
2 Development. He has over 20 years of experience in  
3 EEOC, HUD and other civil rights areas.

4 I'd also -- I'm not sure if Tyro Beatty is  
5 still here, but I'm pleased that we have a new  
6 Director of Human Resources who has just joined us  
7 July 10. He worked as Director of Human Resources for  
8 nine years for a company called NCG, Inc. He's also  
9 done work for the Department of the Navy and he was  
10 recently the head of a consulting firm he founded  
11 called Bizm, B-I-Z-M, Corporation. I'd also like to  
12 recognize that Mahad Juway has joined the Office of  
13 General Counsel as an Attorney Advisor on June 21.  
14 She was previously as associate with the law firm of  
15 Arent Fox.

16 Also, I would like to express our  
17 appreciation for the Department of Housing and Urban  
18 Development which in addition to giving us our new  
19 General Counsel, is also providing us with a detail of  
20 Fatima Johnson who is here in the Office of Staff  
21 Director for the summer, working both on the strategic  
22 planning and also on this briefing and associated  
23 briefing report. At the Office of Fair Housing and  
24 Equal Opportunity, she is the special assistant to the  
25 Deputy Assistant Secretary for Operations and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Management.

2 I'd also like to recognize some of the  
3 students in the back who weighed in, who have been  
4 serving as interns for the Office of the Staff  
5 Director and the Office of General Counsel in  
6 providing terrific research and analysis over the  
7 course of the summer. Eric Daleo is not here now, but  
8 he is a law student at Rutgers who served for quite  
9 some time. Ms. Bridget Fay has been here as a summer  
10 intern. She just finished her second year at  
11 Washington Lee University School of Law. Ryan Pardue  
12 is here. He is a summer intern now. He just finished  
13 his second year at Seton Hall Law School. Within  
14 Office of General Counsel, I believe we still have  
15 Adam Evans in the back. He's a law student at William  
16 and Mary School of Law. Mr. James Chiu, who provided  
17 input on the public education campaign, is a rising  
18 third year student at Georgetown University Law School  
19 and i think Ryan Kinder is also in the back here.  
20 He's with the Office of General Counsel this summer,  
21 second year law student at Wake Forest.

22 Second, I'd like to say just a word about  
23 the upcoming financial audit. As you know, we've just  
24 gotten a first full-scale audit we had from Williams  
25 and Adley. We've now been able this year to move

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 forward and get ready for our second full-scale audit.  
2 This time we were much more advanced in terms of  
3 getting the procurement done quickly, thanks to the  
4 work of Pam Dunston. In February, the Commission  
5 contracted with Walker and Company, LLP, to perform a  
6 full-scale audit of its financial statements. Walker  
7 and Company is a full service financial and advisory  
8 firm. Some of its clients include the Federal Transit  
9 Administration, the U.S. Department of Housing and  
10 Urban Development, the Corporation for National and  
11 Community Service and various Washington, D.C. law  
12 firms.

13 I'd also like to say a word about the OPM  
14 audit. I mentioned in a prior Staff Director's Report  
15 that the Office of Personnel Management conducted an  
16 audit of the Agency. This is a routine audit which it  
17 does every few years. The reason it's doing an audit  
18 of this agency is simply that we were on the list and  
19 hadn't been here in a few years. It completed its  
20 audit. It found a number of issues for which it had  
21 either recommended or required changes. In our  
22 assessment and our understanding of theirs, the number  
23 of items was not unusual, relative to other agencies,  
24 particularly with its size.

25 With respect to their recommended and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 required action items, we have developed a plan for  
2 addressing all of them. We have recently completed a  
3 response to that audit and we are in the process of  
4 implementing it. Some of the implementation is done.  
5 Some of it is under way.

6 Also, with respect to this year's budget,  
7 I have mentioned in prior meetings that while we as an  
8 Agency are typically very cash constrained, this  
9 fiscal year, as a result of some of the late hires,  
10 some of the people that I mentioned, for instance,  
11 came in late in the year, as well as senior staff  
12 departures, we are in a sound position. In fact,  
13 we're able as a result of lower than anticipated  
14 payroll expenses as a result of attrition, to make  
15 some additional purchases that haven't been on the  
16 budget. So for instance, we are prioritizing State  
17 Advisory Committee travel and travel by the regional  
18 staff for purposes of recruiting staff members. We  
19 are able to do that now over the course of the summer  
20 and early fall.

21 We're also looking at some technology  
22 purchases including computers and software, other  
23 equipment and furniture and we're able to provide some  
24 limited staff training that would otherwise not have  
25 been available.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)



1 I think I ought to say just a few words  
2 about a new AI-16 national project that we are  
3 planning to issue as part of our response to the GAO.  
4 Some of the key items were reduced to motions that we  
5 have -- that we have acted on over the course of the  
6 meeting today. I would want to focus in on a few  
7 issues though in the new AI.

8 First, Section 1B provides that we will  
9 ensure objectivity in national office work products  
10 and foundational documents, such as proposals,  
11 outlines and discovery plans and define objective as  
12 reflecting in consideration of varied and opposing  
13 views, opinions and perspectives.

14 Second, Section 14.03 creates criteria for  
15 the Staff Director to use when directing a program  
16 office to incorporate Commissioner comments into the  
17 draft report. This responds specifically to some  
18 comments made in the GAO audit. The criteria would  
19 include the following: they should be supported by  
20 the existing research, including any supplemental  
21 research which may be reasonably conducted within the  
22 existing time constraints, viewed as strengthening the  
23 quality and objectivity of the report consistent with  
24 the approved scope and purpose of the project as  
25 reflected in the Commissioner approved concept paper

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 proposal outlined, discovery plan and any subsequent  
2 modifications approved by the majority of the  
3 Commissioners and consistent with the structure and  
4 thrust of the report.

5 Third, Section 4.04 will create factors  
6 that Commissioners are asked to consider while  
7 reviewing reports and those are the factors that the  
8 Commission voted on today.

9 The AI would have also created a peer-  
10 review process that portion of the AI will be stripped  
11 out as a result of the vote taken today.

12 Those are my Staff Director's comments.  
13 I'd be happy to respond to any questions.

14 COMMISSIONER BRACERAS: I need to hang up  
15 at this time, but if somebody could email me or call  
16 me later in the day to debrief me on this meeting  
17 which I was not plugged into. I would appreciate  
18 that.

19 STAFF DIRECTOR MARCUS: I'll be happy to  
20 call you.

21 COMMISSIONER BRACERAS: Okay, all right,  
22 bye.

23 CHAIRPERSON REYNOLDS: Okay, there being  
24 no questions posed, the meeting is adjourned.

25 (Whereupon, at 12:56 p.m., the meeting was concluded.)

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701