Subject: FOIA Request #2024-34
Date: Friday, March 22, 2024 at 3:51:32 PM Eastern Daylight Time
From: Cody Bowler
To: FOIA

EXTERNAL SENDER

Hello Ms. Pintado,

I am emailing you regarding your FOIA request, #2024-34. I have reviewed the documents found responsive to your request and have determined that no redactions or withholdings were necessary. A total of one hundred and eighty-seven (187) documents were found responsive to your request. Our agency considers the delivery of these files a full grant. The responsive documents can be found at this link:
https://securisync.intermedia.net/us2/s/RD6zagWCyvUME3AVqAmQEO0011ef58

I will send a separate follow-up email containing the password necessary to access the files.

If you wish to appeal this decision, you may do so electronically to the Staff Director of the Commission. In the event of an appeal, we kindly request that you confer with us prior to filing such an appeal. To electronically appeal, submit an email that sets out your appeal in full to foia@usccr.gov. Please write "Freedom of Information Act Appeal" and the assigned identifier in the subject line. As required by 45 CFR § 704.1(g), your appeal must be electronically transmitted within 90 days of the date of this response to your request. Please include a copy of this written response, a statement of the circumstances, and reasons or arguments in support of disclosure pursuant to 45 C.F.R. § 704.1(g).

I would like to thank you once more for your patience during this process.

Sincerely,

Cody Bowler
Government Information Specialist
Office of the General Counsel
U.S. Commission on Civil Rights
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425
cbowler@usccr.gov

This message, including attachments, is confidential and may contain information protected by the attorney-client privilege or work product doctrine. If you are not the addressee, any disclosure, copying, distribution, or use of the contents of this message are prohibited. If you have received this email in error, please destroy it and notify me immediately. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

ATTACHMENT 1A.

AI 1-6 Section 18

SECTION 18. FINAL REVISION OF NATIONAL OFFICE REPORTS AND COMMISSION REVIEW

.01 If defame and degrade procedures must be implemented the project team, in consultation with staff attorneys, makes appropriate changes in response to the comments received or, where suitable, add the comments as an appendix to the report.

.02 The assigned office sends the revised draft report to the Staff Director. This draft incorporates all applicable editorial, legal, and affected agency revisions. Before forwarding the report to the Staff Director, the assigned office completes its section(s) of the appropriate checklist form for forwarding along with the revised draft report.

.03 After completing the final review of the revised draft report, the Staff Director documents this review by completing his/her section(s) of the checklist. The Staff Director submits the proposed final draft report and the checklist to an external reviewer as described in Section 19 below.

.04 The Staff Director will confirm that the external reviewer has reviewed the report and the checklist and has completed the certification on the bottom of the appropriate national office report checklist. If the report is ready for final draft distribution, the Staff Director will submit the report to the Commissioners as the proposed final draft report, along with the completed report checklist. A copy of the proposed final draft report will also be returned to the assigned office to be maintained in the project file. The assigned office maintains a record of the changes it made as a result of the Commissioners' review.

.05 It appears there is no subsection .05, so this should be renumbered.

.06 The Staff Director will determine (before transmitting the report to the Commissioners) if any changes should be made to the assigned office's follow-up plan.

.07 The proposed final draft report, incorporating any revisions made as a result of the Staff Director's review, is submitted to the Commissioners for a vote. For a report to become an official report of the Commission, it must be approved by a majority vote of the Commissioners.

(a) Nothing in this policy is intended to alter previously approved policies regarding the posting and release of reports to the public or on the agency Website.

(b) Nothing in this policy rule requires that a proposed final draft be submitted for an up or down vote in its entirety. If the staff or a majority of the Commission deems it appropriate, the Commission may sever the document for purposes of discussion and

AMERICAN OVERSIGHT

voting. Only portions of the report that receive a majority vote become part of the final Commission document.

~~(c) Commissioners wishing to submit a statement of dissent may indicate their intention to do so after the vote approving the report has been taken. At that time, the Commissioner(s) will make arrangements with the Staff Director as to the date such dissent will be submitted. Nothing in this policy prohibits the integration of a dissenting statement within the body of the report, so long as the Staff Director and the author of the dissenting statement agree to use this format. All dissenting statements that are provided in a timely fashion and that comply with applicable federal law and Commission policy will either be included as an attachment to the report or integrated into the body of the final report.~~

(d) After the Commission has approved the report (including its findings and recommendations), Commissioners may submit statements to be included with the report. From the date of approval, Commissioners will have thirty (30) days to submit statements. After the Staff Director distributes all Commissioner statements, Commissioners will have thirty (30) days to submit rebuttals. If three Commissioners agree that an opportunity for surrrebuttal is warranted, Commissioners will have ten (10) days to submit surrebuttals after notifying the Staff Director and other Commissioners of their intent to invoke an opportunity for subrebuttal. The three Commissioners shall notify the Staff Director and other Commissioners of their intention to invoke the surrebuttal period no more than three (3) days after the Staff Director has distributed rebuttals.

(e) Commissioners who are financially recused from working on the topic of a report should notify the Designated Agency Ethics Officers and should not participate in any portion of the project. The Staff Director will denote recusal in the written report by (1) placing an asterisk (*) beside the recused Commissioner(s) name when listing members of the Commission and (2) placing text at the bottom of the page explaining that the asterisk denotes recusal. Commissioners wishing to abstain should notify the Staff Director during the vote approving the report. The Staff Director will denote abstention in the written report by (1) placing a carat (^) beside the abstained Commissioner(s) name when listing members of the Commission and (2) placing text at the bottom of the page explaining that the carat denotes abstention.

.08 The timing of each of the stages describing Commissioner involvement is intended to be flexible and may be conducted by notational vote (project concept approval, background and planning, discovery, first draft report and final report).

.09 After Commissioner review and approval of a report, the project team in the assigned office makes any necessary revisions and oversees copy editing before submitting the report to the Staff Director for final approval. If there are any substantive changes made to the report subsequent to Commissioner review, such changes must be provided to the Commissioners for further review before the final report is published. Any editorial changes made to the report after Commissioner review will be documented in the project file.

AMERICAN OVERSIGHT

.10 If substantial changes affecting the legal thrust of the report are made as a result of Commissioner review they must undergo an expedited legal sufficiency review.

AMERICAN OVERSIGHT

Date : 4/22/2023 1:03:38 PM
From : "J. Christian Adams" jadams@usccr.gov
To : "Christian Adams" adams@electionlawcenter.com
Subject : Fw: Docs for April Business Meeting
Attachment : DRAFT AI 1-6 Section 18.docx;

From: Alexis Fragosa
Sent: Wednesday, April 19, 2023 9:37 AM
To: Mauro Morales; David Ganz; Marik Xavier-Brier
Cc: Commissioners; CommissionerAssistants
Subject: Re: Docs for April Business Meeting

Good morning Mauro,

Please also add the attached draft of AI 1-6 Section 18 to the April Business Meeting Securisync folder, which reflects proposed revisions to Section 18(c) governing Commission review of reports.

Thank you.

From: Alexis Fragosa
Sent: Wednesday, April 19, 2023 9:23:37 AM
To: Mauro Morales; David Ganz; Marik Xavier-Brier
Cc: Commissioners; CommissionerAssistants
Subject: Docs for April Business Meeting

Good morning Mauro,

Please add the attached Crime Victims Briefing Report Planning Documents to the April Business Meeting Securisync folder in anticipation of a vote to approve the same on Friday.

The Commissioners received these documents as part of their ongoing negotiations yesterday, but I wanted to be sure they were placed in the folder before our normal deadline of 48 hours before the meeting (i.e. Wednesday, April 19 at 12 p.m. EST), in accordance with current practice.

Thank you!

Alexis I. Fragosa
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further

AMERICAN OVERSIGHT

distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

The Commission will update its 2008 statutory enforcement report, *Enforcing Religious Freedom in Prison*.[1] This report will examine whether prisoners' religious freedom rights are being protected and enforced in accord with constitutional and statutory provisions. The constitutional and federal statutory provisions implicated are the First Amendment, the Civil Rights of Institutionalized Persons Act of 1980 (CRIPA)[2], the Religious Freedom Restoration Act of 1990 (RFRA)[3], the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)[4], and the Prison Litigation Reform Act (PLRA).[5] This report will fulfill the requirements of a statutory enforcement report.

As the Commission wrote in its 2008 report:

> Prisoners in federal and state institutions retain certain religious exercise rights under the Constitution and statutes including the Religious Land Use and Institutionalized Persons Act (RLUIPA), the Religious Freedom Restoration Act (RFRA), and the Civil Rights of Institutionalized Persons Act (CRIPA). Many states have similar provisions in their state constitutions and in state law modeled on RFRA. These rights must be balanced with the legitimate concerns of prison officials, including cost, staffing, and, most importantly, prison safety and security. Reconciling these rights and concerns can be a significant challenge for penal institutions, as well as the courts.[6]

The Commission will examine the Bureau of Prisons' adherence to RFRA and the Department of Justice's enforcement of RLUIPA. It will also study how well state prison officials understand and fulfill their obligations under RLUIPA. The Commission will accomplish this by sending surveys to state and federal prison wardens and other officials (such as chaplains) and by holding a briefing in Washington, D.C.

The Commission has not issued a report on protecting the civil rights of religious persons since its 2016 report, *Peaceful Coexistence: Reconciling Nondiscrimination Principles with Civil Liberties*.[7] *Enforcing Religious Freedom in Prison* is the only statutory enforcement report examining civil rights protections for religious practice that the Commission has issued in the past eighteen years. The time is ripe to revisit this issue.

RLUIPA was enacted seven years before the Commission issued *Enforcing Religious Freedom in Prison*. RLUIPA has now been in force for twenty-two years. Have prison administrators become

---

[1] U.S. Commission on Civil Rights, ENFORCING RELIGIOUS FREEDOM IN PRISON, Sept. 24, 2008, [HYPERLINK "https://www.usccr.gov/reports/2008/enforcing-religious-freedom-prison"].
[2] 42 U.S.C. § 1997.
[3] 42 U.S.C. § 2000bb.
[4] 42 U.S.C. § 20000cc.
[5] 42 U.S.C. § 1997e.
[6] *Id.* at xiii.
[7] U.S. Commission on Civil Rights, PEACEFUL COEXISTENCE: RECONCILING NONDISCRIMINATION PRINCIPLES WITH CIVIL LIBERTIES, Sept. 7, 2016, [HYPERLINK "https://www.usccr.gov/reports/2016/peaceful-coexistence-reconciling-nondiscrimination-principles-civil-liberties"].

AMERICAN OVERSIGHT

more or less cognizant of their duties under RLUIPA during that time? Are prisoners more or less likely to be able to practice their religion than they were in 2007?[8]

The Commission's report will include an analysis of cases alleging religious discrimination in prison. For *Enforcing Religious Freedom in Prison*, the Commission analyzed cases between 2001-2006. This report will analyze cases between 2006-2023. As in the 2008 report, relevant cases will be analyzed and included in the report. Information collected on cases will include:

- Year litigation was initiated
- The location (state and judicial circuit) in which the case took place
- Whether the plaintiff was *pro se*
- Whether the United States was a party
- The sex of the plaintiff
- The religion of the plaintiff
- The basis of the plaintiff's complaint, nature of the religious request, or practice that was allegedly impinged
- The defendant's proffered reason for denial of the prisoner's request/complaint
- The outcome of the case

OCRE will use analyze this information to determine whether there are any visible trends in these cases. Are more RLUIPA cases filed by members of certain religions? What accommodations are usually at issue? Are any types of requests increasing, at least as can be determined through available cases? Are certain types of requests more likely to be denied today than ten years ago, or vice versa? How many RLUIPA cases are filed each year?

There have been other changes since 2008 that may have affected prisoners' ability to practice their faith in prison. When the Commission studied religious exercise in prison, the United States was dealing with the immediate aftermath of 9/11 and the wars in Afghanistan and Iraq. At that time, DOJ and prison officials were quite concerned about Islamic radicalization in prison. Has the threat of radicalization receded after the U.S.'s withdrawal from Iraq and Afghanistan? Have other types of radicalization become more common in the past sixteen years?

The COVID-19 pandemic is another event that warrants the Commission's attention to religious freedom in prison. The pandemic interrupted religious exercise throughout society. As part of attempts to limit the spread of COVID-19, state and local governments imposed restrictions on religious congregations' ability to gather. Prisons also faced severe challenges in dealing with COVID-19 due to the inherent nature of congregate living.

At least some prisoners faced restrictions on their religious exercise during the pandemic. For example, the Archdiocese of Milwaukee sued the Wisconsin Department of Corrections for banning all volunteer clergy from visiting prisoners for over a year.[9] In Midgeville, Georgia, the

---

[8] 2007 was the last year studied by the Commission, although the report was issued in 2008.

[9] Archdiocese of Milwaukee v. Wisconsin Department of Corrections, Case No. 21CV157, Jefferson County Circuit Court, May 7, 2021, *available at* [HYPERLINK "https://will-law.org/wp-content/uploads/2021/05/Combined-Summons-and-Complaint-5-7-21.pdf"]; Archdiocese of Milwaukee v. Wisconsin Department of Corrections, Case

AMERICAN OVERSIGHT

chaplain of the Baldwin State Prison asked a longtime clergy volunteer to assist him with chaplaincy work.[10] The volunteer was unable to do so due to COVID-19 restrictions. The chaplain himself then became ill from COVID-19, leaving the entire prison without clergy for several weeks.[11]

What religious restrictions did prisoners face due to COVID-19 mitigation efforts? How widespread were these restrictions? Did restrictions vary between federal and state prisons? Have those restrictions been modified or removed since the end of the pandemic? What lessons can be learned or processes put in place to mitigate these curtailments of religious practice during outbreaks of disease in prisons?

Additionally, the Supreme Court has had an increasing number of RLUIPA cases involving prisoners on its docket since *Enforcing Religious Freedom* was published.[12] How have these cases affected how RLUIPA is enforced or what accommodations prisons must allow?

These questions, along with the questions asked by the Commission during its original investigation of RLUIPA compliance, will be included in the survey sent to prison wardens, chaplains, and other appropriate prison officials.

The Commission will hold a briefing in Washington, D.C. Witnesses will include representatives of the Department of Justice, the Bureau of Prisons, chaplains, religious liberty organizations, and prisoners rights groups.

No. 21CV157, Jefferson County Circuit Court, July 14, 2022, *available at* [HYPERLINK "https://will-law.org/wp-content/uploads/2022/07/WIDOC-2022-07-14-Memorandum-Decision.pdf"].

[10] John Gomez, The Pandemic's Effect on the Efficacy of Chaplaincy at the Baldwin State Prison (April 12, 2022)(unpublished D.Min. thesis, Liberty University), *available at* [HYPERLINK "https://digitalcommons.liberty.edu/cgi/viewcontent.cgi?article=4606&context=doctoral"]

[11] *Id.*

[12] *See* Sossamon v. Texas, 563 U.S. 277 (2011); Holt v. Hobbs, 574 U.S. 352 (2015); 136 S.Ct. 930 (2016)(Alito, J., dissenting from denial of certiorari); Murphy v. Collier, 139 S.Ct. 1475 (2019)(Mem.); Guttierez v. Saenz, 141 S.Ct. 127 (2020)(Mem.); Dunn v. Smith, 141 S.Ct. 725 (2021)(Mem.); Ramirez v. Collier, 142 S.Ct. 1264 (2022).

AMERICAN OVERSIGHT

Date : 10/24/2023 2:01:41 PM
From : "J. Christian Adams" jadams@usccr.gov
To : "Christian Adams" adams@electionlawcenter.com
Subject : Fw: Review of Enforcing Religious Freedom in Prison Paper
Attachment : RLUIPA concept paper.docx;

From: Mauro Morales
Sent: Tuesday, October 24, 2023 1:31 PM
To: David Ganz; Marik Xavier-Brier
Cc: Commissioners; CommissionerAssistants
Subject: Review of Enforcing Religious Freedom in Prison Paper

David and Marik

I am requesting that you give Commissioners a brief review in 24 hours on the feasibility and legal sufficiency of the report offered by Commissioner Kirsanow that I have attached. On Friday, Commissioners stated that OCRE should commence preliminary work on papers they discussed during the business meeting. It appeared that Commissioners are considering the adoption of this paper for a report in 2024. Since staff has not provided input, I believe it would helpful for Commissioners to hear from OGC and OCRE. I believe Commissioners should understand any issues they may encounter if they adopt this as a USCCR report. Thank you.

Mauro Morales
Staff Director
USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Concept Paper Proposal:

Commissioner's Name:
Date:

Special Assistant's Name:

Statutory Enforcement Report

Briefing Report *(Please see additional information requested below)*

Potential for Either *(Please see additional information requested below)*
(circle one)

Summary of Concept Topic:

Federal Jurisdictional basis? **Yes** **No**
(circle one)

If so, what basis? *(Circle all that apply)* **42 U.S.C. § 1975a**

Color
Race
Religion
Sex
Age
Disability
National Origin
Administration of Justice
Voting Rights

For Statutory Enforcement Report topics only

Which Executive Branch agency does it involve?
Explain how the topic monitors Federal civil rights enforcement efforts in the United States:

AMERICAN OVERSIGHT

Concept Paper Planning Timeline

Task	Office Responsible	Date
Commissioners/SAs submit topics to Staff Director	Commissioners/SAs	Friday, April 5, 2024
Initial Jurisdictional Review Due	OGC	Friday, April 26, 2024
Budget and Logistics Review Due	OM	Friday, April 26, 2024
OCRE Initial Feasibility Review Due	OCRE	Friday, April 26, 2024
Staff review and feedback due to Commissioners	Staff Director	Friday, April 26, 2024
Commissioners submit their TOP THREE briefing report topics and TOP TWO Statutory report topics	Commissioners/SAs to submit to Chair/Chair SA	Thursday, May 16, 2024
Circulate ranking of topics to all Commissioners/SAs	Staff Director	Friday, May 17, 2024
Commissioners submit final concept papers with Staff comments and Commissioner input to Staff for review	Commissioners/SAs	Friday, June 7, 2024
Staff review on revised concept papers due	OGC / OCRE / OM	Friday, June 21, 2024
Finalize concept papers	Commissioners/SAs	Friday, July 5, 2024
Vote on FY 2025 briefing reports	Commissioners	Friday July 19, 2024
Vote on FY 2025 Statutory Enforcement Report	Commissioners	Friday July 19, 2024

AMERICAN OVERSIGHT

Date : 1/22/2024 1:45:16 PM
From : "J. Christian Adams" jadams@usccr.gov
To : "Christian Adams" adams@electionlawcenter.com
Subject : Fw: Project Planning Schedule for 2025 Commission Reports
Attachment : FY 2024 '25 Concept Paper Planning Timeline.docx;Concept Paper Proposal template.docx;image001.gif;image002.gif;

From: Mauro Morales
Sent: Friday, January 19, 2024 11:59 AM
To: Commissioners
Cc: CommissionerAssistants; ExecutiveStaff
Subject: Project Planning Schedule for 2025 Commission Reports

Commissioners and SAs,

With the start of the new year, OCRE and I believe it would be prudent to begin project planning for USCCR's 2025 reports. While 2025 seems like a long way off, we need to be diligent to keep on track and fulfill our mission of conducting investigations and publishing reports in a timely manner. OCRE is currently working on three reports: two briefing reports (Racial Disparities in Crime Victimization and Religious Freedoms in Prisons) and the 2024 Statutory Enforcement Report on Facial Recognition Technology.

Over the past couple of years we have gotten away from our previous process when it comes to determining projects for the upcoming year. This has caused significant delays in OCRE's process to produce reports and reduced the number of reports that USCCR has been able to publish. With the hope of getting back to a set schedule for report planning, we thought it would be beneficial to share two documents with you.

In the past, USCCR utilized a project timeline that was agreed upon and used by Commissioners and Staff and allowed sufficient time to research, draft, and review the reports. Please see the attached proposed schedule that lays out the process and procedures for developing and voting upon concept papers for 2025. As you will see, the first deadline for submitting report topics will be due on April 5, 2024. I have attached a template that was used by some SAs and Commissioners to aid in the development of the initial paper topics. For this initial review, please provide at a minimum a summary of the topic you're proposing and jurisdictional basis. Providing this information will allow staff time to review the topic for initial feasibility, jurisdictional, budget, and logistical needs.

After the staff has reviewed the topics, Commissioners will then submit their top 3 choices for briefing reports and top 2 choices for the statutory enforcement

AMERICAN OVERSIGHT

report. Once those topics are ranked, then Commissioners can revise these proposals and staff will provide a more in-depth review. These reviews will be circulated to all Commissioners and concept papers will be finalized and prepared for a vote. As you will see on the attached timeline, the vote for the 2025 statutory enforcement and briefing reports will be in July if these other timelines can be met.

We hope these documents will clarify and prove helpful for undertaking the renewal of procedures to develop and review commissioner proposed concept papers as well as establish a workable schedule for future reports.

Please contact me or Marik Xavier-Brier with any questions you may have on 2025 concept papers.

Mauro Morales
Staff Director
U.S. Commission on Civil Rights
P: 202-376-7796| F: 202-376-7672
Mmorales@usccr.gov
http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:

#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 5/19/2023 10:50:46 AM
From : "J. Christian Adams" jadams@usccr.gov
To : "Christian Adams" adams@electionlawcenter.com
Subject : Fw: [EXTERNAL] Commission meeting

From: Rochelle Mercedes Garza
Sent: Wednesday, May 17, 2023 3:13 PM
To: Kirsanow, Peter; Rochelle Garza; Mondaire Jones; Victoria Frances Nourse; Glenn D. Magpantay
Cc: Gail Heriot; J. Christian Adams; Stephen Gilchrist; Carissa Mulder; Thomas Simuel; John Mashburn; Alexis Fragosa
Subject: Re: [EXTERNAL] Commission meeting

Dear Commissioners,

I am disappointed to hear that this is the disposition of our colleagues on the other side. I was hopeful that an agreement could be reached through the hard work of the Special Assistants that were discussing a compromise just prior to receiving this email. However, I still believe we can find a solution.

As such, I propose that we have a meeting between two individuals of each caucus during the business meeting to see if we can find some middle ground. I'll request a recess at the top of the business meeting in order to accomplish this. Please let me know if the Republican caucus is amenable to this and who'll represent your caucus in that meeting. Commissioner Nourse will join me to represent our caucus.

Sincerely,

Rochelle M. Garza
Chair-Designee, U.S. Commission on Civil Rights

From: Kirsanow, Peter <pkirsanow@Beneschlaw.com>
Sent: Tuesday, May 16, 2023 2:28:18 PM
To: Rochelle Mercedes Garza; Rochelle Garza; Mondaire Jones; Victoria Frances Nourse; Glenn D. Magpantay
Cc: Gail Heriot; J. Christian Adams; Stephen Gilchrist; Carissa Mulder; Thomas Simuel; John Mashburn; Alexis Fragosa
Subject: [EXTERNAL] Commission meeting

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

AMERICAN OVERSIGHT

Dear Colleagues:

I am writing in regard to our Thursday meeting. I understand that our special assistants spoke yesterday regarding negotiations for Chair and Vice Chair. Although I appreciate their efforts to reach an agreement, our caucus will not vote to confirm Commissioners Garza and Nourse as Chair and Vice Chair without a majority vote in support of our original position.

When Commissioners Garza and Nourse were nominated for these positions, we asked for two simple things that had *already been agreed to*: 1) pledging to always uphold the right of all Commissioners to have thirty days for statements, thirty days for rebuttals, and ten days for surrebuttals; 2) a briefing report on the effect of crime on victims of crime. As members of the conservative caucus have said multiple times, the first item benefits all Commissioners (and has been the Commission's practice for over a decade). The concept paper on the victims of crime was approved last year, and then the discovery documents were voted down - after the anti-Asian racism discovery documents had been approved.

Rather than agreeing to these two simple requests, Chair and Vice-Chair, Commissioners Garza and Nourse conditioned support for the statement and rebuttal policy on the Commission approving findings and recommendations on reports, made substantive changes to the crime victims discovery documents, and sought to end our use of Commission letterhead. You have now put additional items on the table other than their nominations. This is regressive bargaining, it is a bad practice, and it shows a lack of good faith.

Our position remains what it was: 1) pledges to always vote to uphold 30-30-10 and inserting the policy into the Administrative Instructions where it should have been placed ten years ago; 2) approval of the crime victims discovery documents as is, except for updating the timeline to reflect this later date of approval. Absent approval of those two items as the first item of business on Thursday, we will be voting against Commissioners Garza and Nourse's nominations.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 5/16/2023 12:48:46 PM
From : "J. Christian Adams" jadams@usccr.gov
To : "Christian Adams" adams@electionlawcenter.com
Subject : Fw: [EXTERNAL] What's wrong with forgiveness. Why Jesus never said to forgive your enemy.

From: Mauro Morales
Sent: Tuesday, May 16, 2023 12:48 PM
To: J. Christian Adams; Mondaire Jones; Peter Kirsanow; Glenn D. Magpantay; Cadams@usccr.gov; Stephen Gilchrist
Subject: RE: [EXTERNAL] What's wrong with forgiveness. Why Jesus never said to forgive your enemy.

Commissioners.

We apologize for the annoyance. When we became aware of this email address legalfreedomandrights4all@yahoo.com it was blocked on usccr.gov. Unfortunately, IT has informed us that once in a while such addresses may breakthrough. It cannot block all yahoo.com because CCR receives valid email from that domain. We remain vigilant in preventing such emails.

Mauro Morales
Staff Director
USCCR

From: J. Christian Adams <jadams@usccr.gov>
Sent: Tuesday, May 16, 2023 12:41 PM
To: Mauro Morales <mmorales@usccr.gov>; Mondaire Jones <mjones@usccr.gov>; Peter Kirsanow <pkirsanow@usccr.gov>; Glenn D. Magpantay <gmagpantay@usccr.gov>; Cadams@usccr.gov; Stephen Gilchrist <sgilchrist@usccr.gov>
Subject: Re: [EXTERNAL] What's wrong with forgiveness. Why Jesus never said to forgive your enemy.

Does anyone know who this email is from? Is it from staff? I have gotten 5 or 6 emails from the same person. Is there something (spam filter) if this sort of thing is not internal to stop flurries of emails like this from coming through if it is not an internal email?

From: Lirine Kristaua <legalfreedomandrights4all@yahoo.com>
Sent: Monday, May 15, 2023 12:55:42 PM
To: Mauro Morales; Mondaire Jones; Peter Kirsanow; Glenn D. Magpantay; J. Christian Adams; Cadams@usccr.gov; Stephen Gilchrist; David Mussatt
Subject: [EXTERNAL] What's wrong with forgiveness. Why Jesus never said to forgive your enemy.

AMERICAN OVERSIGHT

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

Forgiveness Myths vs Truths. Have you heard the 25 Myths on forgiveness ? What's wrong with forgiveness. Why Jesus never said to forgive your enemy.

MORE CONTENT AT LINK BELOW.

https://whatswrongwithforgiveness.wordpress.com/

Why Jesus never said to forgive your enemy and why the whole world thinks He did!

by James Scott Berry

1. Myth: Holding on to "unforgiveness" in your heart will make you angry and bitter.

Truth: Holding on to unforgiveness in your heart can NEVER make you angry or bitter because you are already bitter from the moment you get hurt and do not rely on God's grace. Unforgiveness cannot and does not ever lead you there. You are ALREADY there. It is always the opposite. Bitterness makes you unwilling to forgive. (Hebrews 12:15)

2. Myth: Forgiveness is as much for you as it is for your offender because "Forgiveness" is defined as: releasing oneself (letting go) of anger or revenge
Truth: Forgiveness is NEVER for you and, biblically, it NEVER means "letting go of anger and bitterness." If it did, then we could unbiblically separate forgiveness and reconciliation, which many do.
3. Myth: To forgive means to let go of a grudge or let go of anger and bitterness

Truth: To forgive means to lift off, remove, send away, leave behind, forsake, put away, or "divorce" the sin and guilt from the person (as in removing chains or handcuffs from them, not from ourselves.) In certain non-egregious circumstances (Colossians 3 and Ephesians 4), it means to overlook the sin without the necessity of repentance, not to overlook the person.

AMERICAN OVERSIGHT

4. Myth: We can aphiemi/forgive someone whether they want forgiveness or not

Truth: Neither God nor we can remove the chains of sin of someone who loves their sin or denies that they are chained and guilty of sin.

5. Myth: Forgiveness is the conduit through which we release anger and bitterness.

Truth: Meekness (trust and mourning to God) is the conduit through which we release anger and bitterness. (Matthew 11:29)

6. Myth: You must forgive all offenders 70 x 7 (Matthew 18:22).

Truth: Jesus always commanded that we forgive ONLY repentant offenders who have done teshuva.

7. Myth: If you do not forgive all offenders, God will not forgive you.

Truth: This is a lie and stupid concept. God Himself does not forgive all offenders. He only forgives those enemies who come to Him in repentance, acknowledging sin, and begging for removal of sin.

8. Myth: Forgiveness does not mean that an offender is no longer guilty, accountable, or that we must be reconciled.

Truth: Yes it does. These things are exactly what Biblical forgiveness DOES mean.

9. Myth: Forgiveness and reconciliation are separable concepts.

Truth: God never separates forgiveness and reconciliation. He is always

reconciled with the person whose sin He forgives. Biblical forgiveness always results in some degree of reconciliation.

10. Myth: It is never wrong to forgive. Forgiveness should never be considered a sin.

Truth: Disobedience to God's clear command is always a sin. Jesus never says to first forgive an unrepentant brother of his sin but to:

AMERICAN OVERSIGHT

A. First rebuke him

B. Treat him "like a heathen" if he remains unrepentant,

If we skip or fail to do either, we are unloving and sinning against Jesus' command. Paul says to put some out of the church, not to forgive!

11. Myth: Jesus forgave His enemies on the Cross.

Truth: Jesus prayed for His enemies not because He was forgiving them, but because He could not invite them to Paradise nor forgive their unconfessed sin.

Jesus ***offered forgiveness*** of sin to one thief and He invited him to Paradise. But Jesus ***did not request forgiveness*** for him.

Jesus ***requested forgiveness*** of sin of His father for the Roman Soldiers, but Jesus ***did not offer forgiveness*** to them; He did not speak to them, He did not invite them to Paradise, He did not reconcile with them, He did not save them nor justify them. He prayed for the soldiers because, as He taught, *"No man can come to me, except the Father which hath sent me draw him: John 6:44*

12. Myth: You must forgive everyone because you do not know what is in their hearts

Truth: True remorse is easy to see and impossible to hide.

13. Myth: If you are angry and bitter it means that you are unforgiving.

Truth: No it does not. It means that you do not believe God allowed your offender to hurt you. You are not trusting God, mourning to God, being meek, and loving your enemy. (Hebrews 12:15)

14. Myth : Paul teaches to forgive the same way Jesus teaches to forgive

Truth: The word Paul uses (Charizomai) for "forgive" and the word Jesus most often uses for "forgive" (Aphiemi) have two different meanings and CANNOT be interchanged.

AMERICAN OVERSIGHT

15. Myth: The Lord's Prayer: If we do not forgive all those who trespass against us, God will not forgive us!
Truth: God forgives only the sin of those trespassers who admit they are in debt and beg for release of their debt, just as He commands us to do. The world is full of billions of trespassers whose sins God does not forgive.

16. Myth: God always forgives people, so we must always forgive people

Truth: God never forgives anyone. He never forgives people, He only forgives sin from people. (He forgives people OF THEIR SIN.) Throughout the Bible, the direct object of God's forgiveness is never a person, but is always the sin of the person.

17. Myth: God commands us to not be hateful or not hold a grudge by forgiving our offenders.

Truth: God commands us to not be hateful or not hold a grudge by rebuking and loving our offender, and trusting Him, never by forgiving an unrepentant offender. (Leviticus 19:17-19)

18. Myth: Forgiveness means we should be at peace and move on

Truth: Never. Forgiveness only means to remove or send away the guilt and sorrow of sin from the offender who is begging and to be reconciled with them.

19. Myth: Forgiveness means we should not desire vengeance.

Truth: We should desire God's justice and vengeance, not our own. We should also pray that God's mercy and forgiveness would come to those enemies to whom He has promised His vengeance. To not desire God's retribution and justice on the rapist, murderers, pedophiles, torturers, etc., is to allow evil to continue to harm innocent people. Love wants what is best. Forgiveness is often not best for us or for others. (Romans 12:19)

20. Myth: You will never be free from anger unless you forgive your offender.

Truth: We are freed from anger when we trust God is in control (it is He who allowed my offender to hurt me) and by mourning our hurt and loss to God. This leads to meekness, which is being free form anger and bitterness because we have faith in God's goodness and power.

AMERICAN OVERSIGHT

Removal (forgiveness) is only for the sin of the offender when they want their sin removed (forgiven).

21. Myth: We should always forgive our children as the Prodigal son was forgiven by his father.

Truth: The prodigal son was forgiven for one reason, he came home repentant. Had the prodigal son come home arrogant, successful, with prostitutes and drug addicts in his entourage, his father would have never allowed him to set foot on his property. (There are many times that we should charizomai (overlook) the smaller, non-egregious offenses of our children just as God does for us!)

22. Myth: Joseph forgave his brothers.

Truth: Joseph was harsh on his brothers out of love and a desire to bring them to teshuva (repentance). He put them in prison, accused them of being spies, bound Simon before their eyes, sent for Benjamin only and not his father, accused them of thievery, and waited many years before he actually brought them to acknowledgement of guilt. He finally forgave their sin when he saw in them a desire to be free from their guilt.

23. Myth: Jesus forgave the paralytic before he repented

Truth: Scripture makes it very obvious that Jesus discerned in the paralytic a very burdened and repentant heart, not someone who wanted to be healed so he could go sin some more. (Matthew 9:2) Discerning the hearts of the Pharisees, Jesus did not offer them forgiveness. (Mark 2:8)

24. Myth: Stephen forgave those who stoned him

Truth: Stephen prayed for mercy on those stoning him because he knew and believed the vengeance and charges of God, not forgiveness, were coming on his persecutors. He begged God for mercy on them. For forgiveness to take place, there must be an interaction and a transaction between offended and offender. Stephen did not even speak to his persecutors, let alone have any interaction or transaction with them. He simply did what Jesus told all of us to do: "Pray for them which despitefully use you and persecute you." Matthew 5:44

AMERICAN OVERSIGHT

25. Myth: Jesus forgave the woman caught in adultery before she repented

Truth: Most people believe this because they are unaware of the Jewish laws and culture of teshuva.

Chapter 2 The Purpose of Forgiveness

Myth ***God forgives people, therefore we must also forgive people.***

Truth: ***God forgives sin, God does not forgive people.***

God saves people, God does not save sin.

The Direct Object of Forgiveness

One day I came across an article on the internet discussing some issues of forgiveness. The author, Greek scholar Ardel Caneday, had expressed similar sentiment as my own about forgiveness. I contacted him to ask his opinion about the Greek words concerning forgiveness.

What I learned in that conversation was something I had never heard in twenty-eight years of discussing forgiveness issues with scholars across the country. "According to Bible," Mr. Caneday explained, "God never 'forgives' anyone! He forgives sin, not people. And we are command to do the same."

"But," I asked him, "what about "Father forgive ***them***," or "Forgive one ***another*** as God in Christ Jesus hath forgive ***you***," or, if ye forgive ***men***..."

Mr. Caneday explained that in every verse in the New Testament Greek where the word "forgive" is used with a personal pronoun, the ***direct object*** of forgiveness is ***never the person. The direct object of forgiveness is always sin***. The person (personal pronoun) is always in the dative case, meaning that "people" are always the ***indirect object.*** and the **sin** is ***always the direct object***. While we are certainly affected by God's forgiveness of our sin (being saved and set free) it is our sin that is forgiven (removed or sent away), not us directly.

On the surface, this may seem like just a matter of semantics. But it is one of the most insidious deceptions to plague Christianity. Because of the English translation of the Greek phrases, we have believed that forgiveness is an act done directly to a person or an action done to and for us and for our benefit.

AMERICAN OVERSIGHT

The purpose of forgiveness is never to remove, send away, or lift away people. Nor is the purpose of forgiveness to remove, send away, or lift away our anger and bitterness from our heart. The purpose of forgiveness is to remove, send away, or lift away the sin and burden of debt from a person who wants to be free and reconciled: free from the debt and reconciled to us.

The concept that forgiveness is for us to "not hold onto anger and bitterness" is perhaps the hardest for us to overcome. We believe that we are forgiving "people" because we think that the attitude of humility and love and freedom from hate and resentment must come from forgiveness. It simply is not true.

We have also believed that Jesus prayed "Father forgive ***them,"*** that Paul said to "forgive one another as God in Christ hath forgiven you," and that Jesus said "Forgive us our debts as we forgive our debtors," etc.

The problem is that the Bible *does* say exactly those things in English. Unfortunately, that is not what the original Greek text is saying. The Greek language, with its dative case endings, shows us that God and we are to forgive sin, not sinners. In addition, as you will continue to see throughout the Bible, "forgiving" a person does not even make logical sense.

Applying Forgiveness: The Object Lesson

In Greek, even if the direct object, sin, is not mentioned, it is understood. Similarly, we might say:

Mike catches the ball with his *glove*.

or

Mike catches with his **glove**.

The Greek language of the New Testament always uses this concept when speaking of forgiveness. The confusion is that Greek uses no preposition (i.e., *with*) to indicate the dative case when the direct object is dropped.

God forgives/removes your sin from you. God forgives/removes (from) you (your sin).

This truth becomes clearer when we use the correct definitions of the verbs for forgive: to lift off, up, or away, to send away, to cover, etc. These are action verbs that can only be for sin, not for people.

Aphiemi also means Divorce!

AMERICAN OVERSIGHT

Aside from "lift away" or "let off" (remove) or "send away," the verb aphiemi also means to *divorce, leave, forsake, abandon, and neglect.* While these words seem strange to our ears in connection to forgiveness, it is not the Greek language, but our interpretation and teaching that have been so strange.

No one in the New Testament prays "God forgive me!" It actually makes much more sense to realize that God never **forgives *us*** but our ***sin***. For example:

God does not cast us into the sea, God casts our sin into the sea.
God does not divorce us, God divorces our sin from us.
God does not cover us, He covers our sin (He atones for our sin)
God does not take us off, He takes our sin off of us.
God does not send us away, He sends our sin away from us.
God does not remove us, He removes our sin from us.
God does not overlook us, He overlooks our sin.
God does not forsake us, He forsakes our sin.
God does not forgive us, He forgives our sin.
We are not forgiven, we are saved.
Our sins are not saved, they are sent away; our sins are forgiven!

We are not forgiven (taken off, sent away), but we are freed and released (saved) by having our sins taken off and sent away from us. In like manner, we are never actually forgiving people, we are forgiving the *sin, guilt, and accountability* of people.

Churches throughout the world consistently teach that we can forgive *a person* whether or not they want their sins forgiven. But if the object of forgiveness is to remove the sin itself, then how can we remove/forgive the sin if they do not want it removed? We have a problem if they do not want us to "take off" their sin from them. If they will not admit that they have any sin, then we cannot remove it from them. ***If someone is not burdened and tormented by sin and guilt, it is impossible to forgive, send away, or relieve them of any torment or guilt!***

How to Get Rid of the Gorilla of Bitterness Without Forgiveness

How to get rid of the gorilla of Bitterness Without Forgiveness:
Trusting, Mourning, and Yielding

A. Identify the real struggle: Where does bitterness come from?

1. **My struggle is not really with the person and their offense to me.**
2. **My struggle is accepting that God has allowed the evil to come into my life.**
3. **My struggle is to believe that God can use my offender and the offense to mold me into the loving and powerful character of Christ.**

AMERICAN OVERSIGHT

4. My struggle is to get rid of the gorilla of bitterness so that he does not shatter my faith or destroy my relationship to God.
5. My struggle is to believe that God will repay my offender as He promises (Romans 12:19), then to beg Him for mercy on my offender (Matthew 5:44) and to LOVE my enemy.!

B. ***Respond to the Grace of God.*** The gorilla of bitterness springs upon us and holds us captive when we fail to respond to God's grace – the power He gives us to believe and obey him.

See to it that no one comes short of the grace of God; that no root of bitterness springing up causes trouble, and by it many be defiled; **Hebrews 12:15**

1. Bitterness does not come from failing to respond correctly to our enemy but from failing to respond humbly and meekly to the grace of God.

a. When we respond correctly to God's grace with faith

b. THEN we WILL respond correctly with love toward our offender unrepentant offender and with forgiveness (removal of sin and guilt) to our repentant offender.

2. We never get rid of the gorilla of anger and bitterness by forgiving first (removing handcuffs, debt, and burden of sin or overlooking and offence), but by:

a. Trusting God
b. Mourning to God (Crying out to God)
c. Yielding to God (Meekness)
d. Loving our offender

C. ***Define your actions:*** To define "unforgiveness" as "not releasing anger, or "not letting go of bitterness," or "holding a grudge" is stupid. It is the same as saying:

1. Not releasing anger will make you angry2. Not letting go of bitterness will make you bitter

3. Holding a grudge will make you hold grudges.

These are nonsensical definitions!

Truth:

1. Not trusting God will make you angry!

2. Not mourning to God will make you bitter!

3. Not rejoicing in God and not believing that He allowed the evil and offense in my life and that He can use it to mold me into the character of

AMERICAN OVERSIGHT

Christ will leave you hopelessly floundering in your relationship to God and others.

4. Not being filled with and exhibiting the fruit of the Spirit (love, meekness, forbearance, etc) will make you hold a grudge! (Galatians 5:22-23)

Forgiveness, like rebuke, is not a fruit of the spirit. But both are needed only at specific times as a result of love and meekness.

A Ridiculous Concept:

am angry, vehement, hateful, murderous. I have a gorilla of bitterness on my back.
f I see the person, I will kill him.
am still violently bitter, but as I approach to kill him with a knife in one hand, I also carry a gift in the other – the key of forgiveness.
As I get closer, the big gorilla on my back holds one wrist and tries to make me stab my offender. The gorilla also holds the other wrist, pulling it back so that I cannot use the key of forgiveness to unlock my offenders chains.
don't want to obey God, I don't believe God, I don't believe His Word, I don't trust Him to work this out for my good. Though I am still very angry, rather than using the knife, I struggle against the gorilla of bitterness and reach out with the key of forgiveness and unlock my offenders handcuffs of sin.
Suddenly, the gorilla of bitterness jumps off, I drop the knife and I am not bitter any more.

Even in this unrealistic story of having a gorilla on your back, it would be even more ridiculous to suggest, as we do, that you get rid of the Gorilla by removing someone's handcuffs or by "forgiving for my own benefit!"

Does the Gorilla leave because you struggle to work your way over to your offender to give a gift? Does your interaction with the other person even have anything to do with getting rid of the gorilla?

God's forgiveness, and his command that we forgive as He does, always requires an interaction and a transaction. There is no such thing as forgiving for ones-self or bitterness-releasing forgiveness in the Kingdom of God. That is mans, and Satan's, made up, confusing, and unbiblical concept.

A Correct Concept:

We don't get rid of the Gorilla of Bitterness by giving something to our unrepentant offender, but by:

The short version: simply turning to God, trusting God, and obeying God in meekness and love.

The long version:

AMERICAN OVERSIGHT

decide that I am tired of bitterness controlling me.
decide to let go of my pride, my arrogance, my lack of faith, my distrust, and my disobedience.
decide that, while I may hate the evil that God allowed to happen, I ***will*** mourn to God trust God to work His good and eternal purpose in my life.
Therefore, I will hope in Him and rejoice even in the midst of my sorrow. I will obey Him. I will live in the bigger picture of life. (***Though he slay me, yet I will trust Him….Job 13:15)***
Mourning to God, trusting Him and becoming meek, I am then willing to put off anger and believe God who promises to be angry and vengeful on my behalf. (Romans 12:19)
Therefore, I decide I had better be like Jesus on the cross and love and pray for my enemies because I believe that the wrath of God is sure.
can offer my offender a gift of freedom from his sorrow and guilt if he if he truly exhibits sorrow and guilt. (The actual transaction is forgiveness, not the offer of a transaction).
My anger and bitterness is removed ***not*** because I first offer or give the gift, but because I first yield to God.
f my offender does not want to be free (forgiven) of his chains, I can still remain full of love even though I cannot forgive (remove) his chains of guilt and sin from him.

Jesus never said we should not have enemies. He said we WILL have enemies and offenders. If you forgive your enemy or offender, then you have no enemy or offender for you have removed and wiped away all offenses and reasons for being your enemy. They exist no longer, at least by God's definition and examples. We should train to ATTACK our enemy with the weapons Jesus gives us: Love, do good, bless, pray for, turn the other cheek, go the extra mile, etc!!!

MORE CONTENT AT LINK BELOW.

https://whatswrongwithforgiveness.wordpress.com/

Have you heard the 25 Myths on forgiveness ? What's wrong with forgiveness. Why Jesus never said to forgive your enemy.

Forgiveness Myths vs Truths. Truth makes free.

AMERICAN OVERSIGHT

MMorales@usccr.gov
MJones@usccr.gov
PKirsanow@usccr.gov
GMagpantay@usccr.gov
JAdams@usccr.gov
Cadams@usccr.gov
SGilchrist@usccr.gov
dmussatt@usccr.gov

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 4/18/2023 3:14:09 PM
From : "Christian Adams" a@electionlawcenter.com
To : "pkirsanow@Beneschlaw.com" pkirsanow@Beneschlaw.com
Cc : "gheriot@me.com" gheriot@me.com, "gheriot@usccr.gov" gheriot@usccr.gov, "sgilchrist@usccr.gov" sgilchrist@usccr.gov, "thegilchristassociates@gmail.com" thegilchristassociates@gmail.com, "CMulder@usccr.gov" CMulder@usccr.gov, "carissa.mulder@gmail.com" carissa.mulder@gmail.com, "tsimuel@usccr.gov" tsimuel@usccr.gov, "tjsimuel32@gmail.com" tjsimuel32@gmail.com, "jkmash@comcast.net" jkmash@comcast.net, "afragosa.usccr@gmail.com" afragosa.usccr@gmail.com, "afragosa@usccr.gov" afragosa@usccr.gov, "jadams@usccr.gov" jadams@usccr.gov
Subject : [EXTERNAL] Re: Call with Garza

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

Jargon! How exciting. I can talk now.

---- On Tue, 18 Apr 2023 14:42:43 -0400 **pkirsanow@Beneschlaw.com** wrote ----

I relayed our position to Garza : 1) 30-30-10 incorporated into an AI/ state on the record to uphold same if anyone attempts to repeal; 2) approve as a package crime victims planning documents, etc., along with a DC briefing and a field briefing. 3) Must be approved as a package--no division of motions.; 3) Commitment by Wednesday evening.

She made some vaguely conciliatory noises and said she'd take it back to her caucus. If I heard her correctly she said she wants to honor the crime victims planning documents but needs to see a discovery plan. She emphasized we shouldn't be holding the nominations hostage and hoped we would attend the meeting which was properly noticed--- "We have a job to do for the American people."

We should have a brief caucus call: I can make myself available at 5:00pm EDT today or tomorrow anytime before 3:00pm EDT.

AMERICAN OVERSIGHT

UNITED STATES COMMISSION ON CIVIL RIGHTS

1331 PENNSYLVANIA AVENUE , NW, WASHINGTON, DC 20425 www.usccr.gov

VIA ELECTRONIC MAIL
[HYPERLINK "mailto:mmorales@usccr.gov"]

October 24, 2023

Staff Director Mauro Morales
U.S. Commission on Civil Rights
1331 Pennsylvania, NW, Suite 1150
Washington, D.C. 20425

Re: The U.S. Commission on Civil Rights Communications Relating to the Federal Response to Anti-Asian Racism Report

Dear Staff Director Morales:

We are writing to alert you to an erroneous infographic relating to the Commission's most recent report titled "The Federal Response to Anti-Asian Racism" published on the Commission's website and several social media outlets, including Instagram, X (formerly Twitter), and LinkedIn.

The infographic is titled "Key Recommendations for Action" from the U.S. Commission on Civil Rights and is attached for your reference. Of the eight "recommendations" it lists, only ***one*** was approved by the Commission majority. It states:

Data & Reporting:

- The FBI should require local law enforcement to submit crime data, or in lieu of that, Congress should make submission mandatory, or consider a range of options to expand implementation
- Federal civil rights agencies should be required to collect and report critical data related to civil rights enforcement and the Attorney General to annually publish the data.
- Law enforcement agencies should improve data collection, requiring the tracking and reporting of both hate incidents and hate crimes, and ensuring forms are easy to mark an incident or crime as suspected hate incident or crime.

AMERICAN OVERSIGHT

UNITED STATES COMMISSION ON CIVIL RIGHTS

1331 PENNSYLVANIA AVENUE , NW, WASHINGTON, DC 20425 www.usccr.gov

Training & Partnerships:

- The Justice Department should provide safety training and workshops in the respective languages of targeted communities, expand federal funding for community advocacy groups fighting hate crimes, and codify the role of the language access coordinator into federal law to ensure that all individuals have equal access to justice and access to federal programs and benefits regardless of language access.
- ***Prosecutors and law enforcement should vigorously investigate and prosecute hate crimes and harassment against Asian Americans.***
- Increased investment in the strengthening and expansion of local networks will enable victims to have ready access to community-based places where they can report attacks, receive support services, and take safety training and workshops in their own languages.

Civil Rights Protections:

- Title II of the Civil Rights Act should be expanded to include retail stores and other businesses where discrimination occurs to protect employees and customers from bias-based discrimination and harassment.

We are deeply concerned that media which falsely represents the work of the Commission was published so widely and we request it's immediate deletion from any and all websites and social media outlets. In addition, an immediate correction should be published which replaces this erroneous infographic with the accurate "findings and recommendations" which can be found on page 195 of the final [HYPERLINK "https://www.usccr.gov/files/2023-09/fy-2023-se-report_0.pdf"]. They are as follows:

Findings

- A major impediment to understanding the severity and magnitude of hate crimes against persons of Asian descent is the lack of comprehensive data. Without mandatory national data collection and training law enforcement on how to accurately identify and report hate crimes, preventing these crimes is substantially challenging.
- The transition to the NIBRS data collection has been slow for some agencies: for 2021, the number of participating agencies within the FBI hate crime database was 11,834, compared to the 15,138 participating agencies for 2020 data, and many of the agencies that have not submitted 2021 data are the largest jurisdictions.

AMERICAN OVERSIGHT

UNITED STATES COMMISSION ON CIVIL RIGHTS

1331 PENNSYLVANIA AVENUE , NW, WASHINGTON, DC 20425 www.usccr.gov

Recommendations

- Prosecutors and law enforcement should vigorously investigate and prosecute hate crimes and harassment against Asian Americans.
- First responders should be provided with training aimed at teaching a clear understanding of what constitutes a hate crime in their jurisdiction.
- Federal, state, and local law enforcement agencies and victim services need to identify critical deficiencies in Limited English Proficient (LEP) programs for individuals who need language assistance.

Further, we are certain that you will agree that it is imperative that we as a Commission prevent the dissemination of false and misleading publications relating to Commission business in the future. Therefore, we request a written response explaining how this inaccurate infographic was approved for publication when the "Findings and Recommendations" approved by the Commission are memorialized not only on page 195 of the report but also in the transcript of the July Business Meeting.

We appreciate your leadership and assistance in correcting this error and look forward to receiving your response.

Sincerely,

Commissioner Peter Kirsanow

Commissioner Gail Heriot

Commissioner J. Christian Adams

Commissioner Stephen Gilchrist

cc: Commissioner Rochelle Garza – [HYPERLINK "mailto:rgarza@usccr.gov"]
Commissioner Mondaire Jones – [HYPERLINK "mailto:mjones@usccr.gov"]
Commissioner Glenn Magpantay – [HYPERLINK "mailto:gmagpantay@usccr.gov"]

Commissioner Victoria Nourse – [HYPERLINK "mailto:vnourse@usccr.gov"]

AMERICAN OVERSIGHT

UNITED STATES COMMISSION ON CIVIL RIGHTS

1331 PENNSYLVANIA AVENUE , NW, WASHINGTON, DC 20425 www.usccr.gov

David Ganz – [HYPERLINK "mailto:dganz@usccr.gov"]

AMERICAN OVERSIGHT

Date : 10/24/2023 1:58:53 PM
From : "J. Christian Adams" jadams@usccr.gov
To : "Christian Adams" adams@electionlawcenter.com
Subject : Fw: Letter to Mauro re infographic
Attachment : Letter to MM re Infographic 20231013 (AIF).docx;

From: Alexis Fragosa
Sent: Tuesday, October 24, 2023 12:04 PM
To: Gail Heriot; Gail Heriot; pkirsanow@beneschlaw.com; Peter Kirsanow; stephen gilchrist; Stephen Gilchrist; Christian Adams; J. Christian Adams
Cc: Thomas Simuel; John Mashburn; Carissa Mulder
Subject: Letter to Mauro re infographic

Dear all,

Please see the attached letter. If you have any comments or revisions, please let me know.

I will attach the infographic to the final pdf of the letter.

Here is a link to a fact sheet published with the same erroneous info as the infographic: https://www.usccr.gov/files/2023-09/aa_report_sept2023_fact_sheet.pdf

Alexis I. Fragosa
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law,

AMERICAN OVERSIGHT

regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 5/19/2023 10:52:13 AM
From : "J. Christian Adams" jadams@usccr.gov
To : "Christian Adams" adams@electionlawcenter.com
Subject : Fw: Agenda Reminder for May 18th Business Meeting
Attachment : image001.gif;image002.gif;

From: Mauro Morales
Sent: Wednesday, May 10, 2023 2:22 PM
To: Commissioners
Cc: CommissionerAssistants; ExecutiveStaff; Carissa Mulder
Subject: RE: Agenda Reminder for May 18th Business Meeting

Commissioners,

During the last business meeting Commissioners requested time to negotiate an agreement on the proposed AI 1-6 and the Victims of Crimes timeline and discovery plan. Carissa's email indicates that a compromise has not been reached. The President, as the head of the Executive Branch, has legal authority to direct the actions of agencies, such as USCCR, and their employees. Since Commissioners could not mutually agree on an agenda, the only item for the agenda is the President's request to designate a Chair and Vice Chair for the Commission. The President has not rescinded his request so requiring a vote is appropriate and in order. I would point out that there is a possibility that Commissioners can reach an agreement between now and the date of the meeting on Thursday, May 18th. As is always the case, Commissioners may add or remove items to the agenda by majority vote. Commissioners can still amend the agenda to reflect any agreements they reach.

I hope this information is useful. Thank you.

Mauro Morales
Staff Director
U.S. Commission on Civil Rights
P: 202-376-7796| F: 202-376-7672
Mmorales@usccr.gov
http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:
#USCCR

AMERICAN OVERSIGHT

From: Carissa Mulder <CMulder@usccr.gov>
Sent: Wednesday, May 10, 2023 11:13 AM
To: Mauro Morales <mmorales@usccr.gov>; Commissioners <Commissioners@usccr.gov>
Cc: CommissionerAssistants <CommissionerAssistants@usccr.gov>; ExecutiveStaff <ExecutiveStaff@usccr.gov>
Subject: Re: Agenda Reminder for May 18th Business Meeting

Good morning, Mauro,

Commissioners Kirsanow, Heriot, Gilchrist, and Adams asked me to convey the following points:

1. You previously stated that in the absence of a chair, a majority of the Commission must agree to the inclusion of an item on the agenda. A majority of the Commission has not agreed to put the Chair and Vice-Chair nominations on the agenda.
2. The nominations for Chair and Vice-Chair were already voted down.
3. If the Chair and Vice-Chair nominations are on the agenda, they will be voted down again unless the conservative commissioners receive the assurances they have requested.

Thank you,

Carissa

From: Mauro Morales
Sent: Monday, May 8, 2023 11:27:15 AM
To: Commissioners
Cc: CommissionerAssistants; ExecutiveStaff
Subject: Agenda Reminder for May 18th Business Meeting

Commissioners,

I want to follow up on an email I sent on April 26th and remind commissioners to please submit your agreed-upon agenda by noon on May 10th in order to meet the requirement of posting the agenda for the public on the website and Federal Register 8 days prior to a Commission meeting. By mutually agreeing upon the agenda items, Commissioners are in no way committing themselves to voting in favor of those items. Failure to reach an agreement will leave only the request of President Joseph Biden for a vote on the Chair and Vice Chair of the Commission as the sole agenda item.

AMERICAN OVERSIGHT

As is always the case, Commissioners may add or remove items to the agenda by majority vote during the meeting.

Thank you.

Mauro Morales
Staff Director
U.S. Commission on Civil Rights
P: 202-376-7796| F: 202-376-7672
Mmorales@usccr.gov
http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:

#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law,

AMERICAN OVERSIGHT

regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 10/25/2023 4:00:49 PM
From : "Christian Adams" a@electionlawcenter.com
To : "gheriot@usccr.gov" gheriot@usccr.gov
Cc : "pkirsanow@beneschlaw.com" pkirsanow@beneschlaw.com, "afragosa@usccr.gov" afragosa@usccr.gov, "gheriot@me.com" gheriot@me.com, "pkirsanow@usccr.gov" pkirsanow@usccr.gov, "thegilchristassociates@gmail.com" thegilchristassociates@gmail.com, "sgilchrist@usccr.gov" sgilchrist@usccr.gov, "jadams@usccr.gov" jadams@usccr.gov, "CMulder@usccr.gov" CMulder@usccr.gov, "jmashburn@usccr.gov" jmashburn@usccr.gov, "tsimuel@usccr.gov" tsimuel@usccr.gov
Subject : Re: [EXTERNAL] RE: Letter to MM re Crime Victims Briefing

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

Ok then if Stephen is good with it I am.

---- On Wed,25 Oct 2023 22:54:45 -0400 **gheriot@usccr.gov** wrote ----

Looks good to me too.

Gail Heriot
Professor of Law
University of San Diego

> On Oct 25, 2023, at 12:38 PM, Kirsanow, Peter <pkirsanow@beneschlaw.com> wrote:
>
> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.
>
> Good letter. I have no changes.

Peter N. Kirsanow
Partner | Labor & Employment
Benesch Friedlander Coplan & Aronoff LLP

t: 216.363.4481 | m: 216.789.8735
pkirsanow@Beneschlaw.com | www.beneschlaw.com
127 Public Square, Suite 4900, Cleveland, OH 44114

Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice

As of August 1, 2023 our new address is 127 Public Square, Suite 4900, Cleveland, OH 44114. Please update your records accordingly.

AMERICAN OVERSIGHT

From: Alexis Fragosa <afragosa@usccr.gov>
Sent: Wednesday, October 25, 2023 12:22 PM
To: Gail Heriot <gheriot@me.com>; Gail Heriot <gheriot@usccr.gov>; Kirsanow, Peter <pkirsanow@Beneschlaw.com>; Peter Kirsanow <pkirsanow@usccr.gov>; stephen gilchrist <thegilchristassociates@gmail.com>; Stephen Gilchrist <sgilchrist@usccr.gov>; Christian Adams <a@electionlawcenter.com>; J. Christian Adams <jadams@usccr.gov>
Cc: Carissa Mulder <CMulder@usccr.gov>; John Mashburn <jmashburn@usccr.gov>; Thomas Simuel <tsimuel@usccr.gov>
Subject: Letter to MM re Crime Victims Briefing

Please see the attached letter. I look forward to receiving your comments and revisions.

Thank you.

Alexis I. Fragosa

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 5/18/2023 5:44:12 PM
From : "J. Christian Adams" jadams@usccr.gov
To : "Christian Adams" adams@electionlawcenter.com
Subject : Fw: Request for Agenda Item in June (or July) Bussiness Meeting

---

From: J. Christian Adams
Sent: Thursday, May 18, 2023 5:43 PM
To: Rochelle Mercedes Garza; Kirsanow, Peter; Rochelle Garza; Mondaire Jones; Victoria Frances Nourse; Glenn D. Magpantay
Cc: Gail Heriot; Stephen Gilchrist; Carissa Mulder; Thomas Simuel; John Mashburn; Alexis Fragosa
Subject: Request for Agenda Item in June (or July) Bussiness Meeting

Mr. Morales:

I am asking that something be added to the agenda at the next business meeting.

I, along with a number of commissioners, discussed how helpful and positive it would be if the Commission had the opportunity to meet and be introduced to all of the staff who work at the Commission. With COVID, and virtually a brand new Commission, we do not have a very good idea of who is who and the sorts of things they are interested in. In short, we'd like to meet everybody and hear about their work.

My request is that at the next (June) or July business meeting we put on the agenda an opportunity for the employees to introduce themselves and share with us a bit about their work. I'd like to hear from each of them even briefly so we can understand who is who as a Commission. It needn't be a report or complicated, but it sure would be nice to see the people doing all the work, even if just once.

It might take some time but it would be invaluable and surely better spent than the time today. There are folks serving in capacities we would never get a chance to meet. I understand that everyone is not always there on the day we meet but it seems a month or two is adequate to coordinate a single day where everyone is together. Certainly two months would be.

The saying is "Better Together" and that seems especially true with 6 new commissioners.

Even if this takes an hour, it seems an hour well spent. The business meeting seems the most efficient way to meet everyone in one place and hear about their

AMERICAN OVERSIGHT

work however best you might structure it.

Thanks,
J. Christian Adams
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 10/4/2023 12:52:53 PM
From : "J. Christian Adams" jadams@usccr.gov
To : "Christian Adams" adams@electionlawcenter.com
Subject : Fw: EAC Board of Advisors: USCCR Appointments
Attachment : image001.png;

From: David Ganz
Sent: Tuesday, October 3, 2023 2:25 PM
To: Commissioners; CommissionerAssistants
Cc: Mauro Morales
Subject: EAC Board of Advisors: USCCR Appointments

Dear Commissioners and SAs,

It has been brought to our attention that the Commission's current appointments to the U.S. Election Assistance Commission's (EAC) Board of Advisors will expire in November 2023. EAC is an independent, bipartisan commission whose mission is to help election officials improve the administration of elections and help Americans participate in the voting process. To learn more about the EAC, please see https://www.eac.gov/about. As required by 52 USC § 20944, EAC has a Board of Advisors, which is constituted as an advisory committee under FACA. To learn more about the EAC Board of Advisors, please see https://www.eac.gov/about/board_of_advisors. By law, Board of Advisors members serve 2-year terms and USCCR has authority to appoint to members to the Board of Advisors. *See* id.

Previously, USCCR appointed Cleta Mitchell on November 3, 2021, and Jenny Carroll was appointed on November 29, 2021. The foregoing dates were received from EAC's Office of General Counsel. The current USCCR-appointed members' terms are expiring November 2023. We respectfully request that you commence consideration of your new appointments to EAC's Board of Advisors. Many thanks,

David

David Ganz
General Counsel, Office of the General Counsel
U.S. Commission on Civil Rights
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425
(202) 839-7255

This message, including attachments, is confidential and may contain information protected by the attorney-client privilege or work product doctrine. If you are not the addressee, any disclosure, copying, distribution, or use of the contents of this message are prohibited. If you have received this email in error, please destroy it and notify me immediately. This message may contain Controlled

AMERICAN OVERSIGHT

Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.



Established as an independent, bipartisan, fact-finding federal agency, our mission is to inform the development of national civil rights policy and enhance enforcement of federal civil rights laws. We pursue this mission by studying alleged deprivations of voting rights and alleged discrimination based on race, color, religion, sex, age, disability, or national origin, or in the administration of justice. We play a vital role in advancing civil rights through objective and comprehensive investigation, research, and analysis on issues of fundamental concern to the federal government and the public.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 3/30/2023 5:01:49 PM
From : "Christian Adams" a@electionlawcenter.com
To : "afragosa@usccr.gov" afragosa@usccr.gov
Cc : "gheriot@usccr.gov" gheriot@usccr.gov, "gheriot@me.com" gheriot@me.com, "thegilchristassociates@gmail.com" thegilchristassociates@gmail.com, "jadams@usccr.gov" jadams@usccr.gov, "jmashburn@usccr.gov" jmashburn@usccr.gov, "tsimuel@usccr.gov" tsimuel@usccr.gov, "CMulder@usccr.gov" CMulder@usccr.gov, "pkirsanow@beneschlaw.com" pkirsanow@beneschlaw.com, "pkirsanow@usccr.gov" pkirsanow@usccr.gov
Subject : [EXTERNAL] Re: Fwd: Waters in the fridge

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

He is out of line. This is an example where the commission is the commission, and he is angry.

---- On Thu, 30 Mar 2023 16:49:33 -0400 **afragosa@usccr.gov** wrote ----

> Please see Mauro's email below.
>
> Commissioner Adam, John, Carissa and I met with a Parliamentary delegation from Georgia today at the Commission HQ. We supplied the guests with water bottles.
>
> I emailed Pam advising that we had used some of the bottles and the refrigerator needed to be replenished. I copied Mauro to that email.
>
> His angry email to me below.
>
> First, I just want to apologize for sending the email to Mauro. I did not realize that he apparently didn't know about this meeting and I didn't know we weren't permitted to share the water with guests. I feel stunned by his response and embarrassed. I regret sending that email.
>
> Second, I need some guidance on how to respond since I did not set up the meeting and lack the information he is requesting.
>
> Thank you.
>
> Alexis
>
> Begin forwarded message:
>
> **From:** Alexis Fragosa <afragosa@usccr.gov>
> **Date:** March 30, 2023 at 4:38:21 PM EDT
> **To:** Carissa Mulder <CMulder@usccr.gov>
> **Subject: Fwd: Waters in the fridge**

AMERICAN OVERSIGHT

Begin forwarded message:

From: Mauro Morales <mmorales@usccr.gov>
Date: March 30, 2023 at 4:17:37 PM EDT
To: Alexis Fragosa <afragosa@usccr.gov>
Cc: Pamela Dunston <Pdunston@usccr.gov>, TinaLouise Martin <tmartin@usccr.gov>, Angelia Rorison <arorison@usccr.gov>, John Ratcliffe <jratcliffe@usccr.gov>
Subject: RE: Waters in the fridge

Alexis,

Do I understand your email correctly? We had visitors from the Country of Georgia? How many attended? Who arranged such a meeting? Why wasn't ASCD or my office informed?

We always coordinate such international meetings with the State Department and our office of outreach and public engagement. It is part of our requirement contained our strategic plan to conduct public outreach. If we do not know about it, we cannot acknowledge such meetings in our PAR. We have very strict security protocols for the office. Non-agency Individuals are not allowed in the agency suites without being escorted at all times. Lastly, the water Pam placed in the refrigerator was for agency staff because of the fact our water and ice machines are broken. They are not intended to be handed out to guests. When Commissioner Garza came with her family on Friday, I personally paid for and provided her and her family with bottles of water for their comfort.

Mauro Morales
Staff Director
USCCR

-----Original Message-----
From: Alexis Fragosa <afragosa@usccr.gov>
Sent: Thursday, March 30, 2023 3:04 PM
To: Pamela Dunston <Pdunston@usccr.gov>
Cc: Mauro Morales <mmorales@usccr.gov>
Subject: Waters in the fridge

Pam,

AMERICAN OVERSIGHT

Thank you so much for supplying the water bottles in the fridge.

There were plenty to share with our friends visiting from the country of Georgia.

However, with such a large delegate there are very few left left in the Pantry fridge.

Do we have more in the office? If not perhaps we can order more bottles.

Thank you!

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 4/11/2023 12:27:40 PM
From : "Christian Adams" a@electionlawcenter.com
To : "'Alexis Fragosa'" afragosa@usccr.gov, "pkirsanow@beneschlaw.com" pkirsanow@beneschlaw.com, "'Peter Kirsanow'" pkirsanow@usccr.gov, "'Gail Heriot'" gheriot@me.com, "'Gail Heriot'" gheriot@usccr.gov, "'J. Christian Adams'" jadams@usccr.gov, "'stephen gilchrist'" thegilchristassociates@gmail.com, "'Stephen Gilchrist'" sgilchrist@usccr.gov
Cc : "'Thomas Simuel'" tsimuel@usccr.gov, "'John Mashburn'" jmashburn@usccr.gov, "'Carissa Mulder'" CMulder@usccr.gov
Subject : [EXTERNAL] RE: Caucus meeting

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

I can ONLY this afternoon. Can NOW as a matter of fact.

From: Alexis Fragosa <afragosa@usccr.gov>
Sent: Tuesday, April 11, 2023 12:20 PM
To: pkirsanow@beneschlaw.com; Peter Kirsanow <pkirsanow@usccr.gov>; Gail Heriot <gheriot@me.com>; Gail Heriot <gheriot@usccr.gov>; J. Christian Adams <jadams@usccr.gov>; Christian Adams <a@electionlawcenter.com>; stephen gilchrist <thegilchristassociates@gmail.com>; Stephen Gilchrist <sgilchrist@usccr.gov>
Cc: Thomas Simuel <tsimuel@usccr.gov>; John Mashburn <jmashburn@usccr.gov>; Carissa Mulder <CMulder@usccr.gov>
Subject: Caucus meeting

Hello,

Gail proposes that we meet this afternoon, Wednesday after noon or Thursday anytime for a caucus zoom to discuss the chair nomination.

Please advise if/when you are available to join a caucus zoom.

Thank you.

Alexis I. Fragosa

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any

AMERICAN OVERSIGHT

other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 4/26/2023 4:06:39 PM
From : "Christian Adams" a@electionlawcenter.com
To : "pkirsanow@Beneschlaw.com" pkirsanow@Beneschlaw.com
Cc : "gheriot@usccr.gov" gheriot@usccr.gov, "gheriot@me.com" gheriot@me.com, "thegilchristassociates@gmail.com" thegilchristassociates@gmail.com, "sgilchrist@usccr.gov" sgilchrist@usccr.gov, "jadams@usccr.gov" jadams@usccr.gov, "carissa.mulder@gmail.com" carissa.mulder@gmail.com, "CMulder@usccr.gov" CMulder@usccr.gov, "tjsimuel32@gmail.com" tjsimuel32@gmail.com, "tsimuel@usccr.gov" tsimuel@usccr.gov, "jkmash@comcast.net" jkmash@comcast.net, "jmashburn@usccr.gov" jmashburn@usccr.gov, "afragosa@usccr.gov" afragosa@usccr.gov, "afragosa.usccr@gmail.com" afragosa.usccr@gmail.com
Subject : [EXTERNAL] Re: Heather M on crime

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

I agree with every word. I am less worried about Harvard than murder. I was walking around Harlem yesterday and I felt sad about what various policies there are doing to crush the American dream there. And it was Malcom X Blvd.

---- On Wed, 26 Apr 2023 15:47:25 -0400 **pkirsanow@Beneschlaw.com** wrote ----

All

We've played very nice with the progressives (both iterations) in trying to get a crime victims briefing. Although I prefer to be optimistic, I expect that there will be absolutely no way in the world they'll ever go along with a briefing on this. I'm hopeful Mondaire and/or Glenn will go along, but hope's not a strategy. The fact that black juveniles are ***100X more likely*** to be homicide victims than white juveniles will not change their position because they know any honest examination will show that their idiotic policies substantially contribute to the disparity.

We have a tendency to play nice and resort to sterile academic dialogue in dealing with these matters—and as a result, we frequently lose. This issue is too important to lose. For that reason, I'd like our SAs to prepare a brief using the data contained in Heather's piece below, along with any other literature (including the FBI UCR) to make an irrefutable case that this is the most important civil rights issue of the day (Screw *SFFA v. Harvard.*

AMERICAN OVERSIGHT

Nobody died because they didn't get into Harvard).

The brief should be ruthless as well as persuasive. It is unforgiveable that we can't get a hearing on this topic. The audience for the brief is, of course, our fellow commissioners, but more importantly, our Oversight people as well as media. We want Oversight to ask the Commission what the hell the hold-up is. It should also be written in a way that compels, e.g., House Judiciary to take up the topic and call commissioners as witnesses—both on the substantive matter of racial disparities in crime as well as the procedural roadblocks the progressives have erected.

We'll continue to work Mondaire and Glenn in the meantime.

https://www.city-journal.org/article/on-race-and-crime-a-counterfactual-narrative

--

AMERICAN OVERSIGHT

Date : 4/18/2023 3:13:09 PM
From : "Christian Adams" a@electionlawcenter.com
To : "pkirsanow@Beneschlaw.com" pkirsanow@Beneschlaw.com
Cc : "gheriot@me.com" gheriot@me.com, "gheriot@usccr.gov" gheriot@usccr.gov, "sgilchrist@usccr.gov" sgilchrist@usccr.gov, "thegilchristassociates@gmail.com" thegilchristassociates@gmail.com, "CMulder@usccr.gov" CMulder@usccr.gov, "carissa.mulder@gmail.com" carissa.mulder@gmail.com, "tsimuel@usccr.gov" tsimuel@usccr.gov, "tjsimuel32@gmail.com" tjsimuel32@gmail.com, "jkmash@comcast.net" jkmash@comcast.net, "afragosa.usccr@gmail.com" afragosa.usccr@gmail.com, "afragosa@usccr.gov" afragosa@usccr.gov, "jadams@usccr.gov" jadams@usccr.gov
Subject : [EXTERNAL] Re: Call with Garza

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

Sorry, I am in a deposition in Lansing MICH all day Wed.

---- On Tue, 18 Apr 2023 14:50:33 -0400 **pkirsanow@Beneschlaw.com** wrote ----

Call-in: 866-384-2383

Passcode: 216-363-4481

From: Kirsanow, Peter
Sent: Tuesday, April 18, 2023 2:43 PM
To: Gail Heriot <gheriot@me.com>; Gail Heriot <gheriot@usccr.gov>; Stephen Gilchrist <sgilchrist@usccr.gov>; stephen gilchrist <thegilchristassociates@gmail.com>; Carissa Mulder <CMulder@usccr.gov>; Christian Adams <a@electionlawcenter.com>; Carissa Mulder <carissa.mulder@gmail.com>; Thomas Simuel <tsimuel@usccr.gov>; Thomas Simuel <tjsimuel32@gmail.com>; John Mashburn <jkmash@comcast.net>; Alexis Fragosa <afragosa.usccr@gmail.com>; Alexis Fragosa <afragosa@usccr.gov>; J. Christian Adams <jadams@usccr.gov>
Subject: Call with Garza

I relayed our position to Garza : 1) 30-30-10 incorporated into an AI/ state on the record to uphold same if anyone attempts to repeal; 2) approve as a package crime victims planning documents, etc., along with a DC briefing and a field briefing. 3) Must be approved as a package--no division of motions.; 3) Commitment by Wednesday evening.

AMERICAN OVERSIGHT

She made some vaguely conciliatory noises and said she'd take it back to her caucus. If I heard her correctly she said she wants to honor the crime victims planning documents but needs to see a discovery plan. She emphasized we shouldn't be holding the nominations hostage and hoped we would attend the meeting which was properly noticed--- "We have a job to do for the American people."

We should have a brief caucus call: I can make myself available at 5:00pm EDT today or tomorrow anytime before 3:00pm EDT.

AMERICAN OVERSIGHT

Crime Victims Report Outline

I. **Executive Summary**

II. **Chapter 1: Introduction**
   a. Context and Background
      i. Why the Commission took on this issue (voted-upon Concept Paper)
      ii. Brief summary of report methodology, including briefing, testimony received and other key sources of information; and brief summary of OCRE research and methodology
   b. Overview of the federal government's role in addressing civil rights issues in criminal justice, including the fair administration of justice
      i. Department of Justice Civil Rights Division
      ii. Enforcement of Title VI of Civil Rights Act of 1964
      iii. Role of Attorney Generals and Deputy Attorneys Generals in coordinating the fair administration of justice
   c. Crime data collected by the federal government
      i. UCR
      ii. NIBRS
      iii. NCVS
   d. Crime data collected by state and local governments

III. **Chapter 2: Crime Trends 2017 – 2022**
   a. Overall trends at the national level 2017-2022
      i. Recent crime spikes
   b. Overview of selected jurisdictions[1]
      i. Denver
      ii. Houston
      iii. Memphis
      iv. Milwaukee
      v. Seattle
   c. Demographics of victims of violent crime in selected jurisdictions from 2017-present, assessed through DOJ, state and local agencies, such as:
      1. Race
      2. Ethnicity
      3. Sex
   d. Impacts on crime victims and crime victimization
      i. Discussion of any disparities in how violent crime trends may have impacted individuals and communities
   e. Additional trends seen 2017-2021

[1] Jurisdiction selection required the submission of NIBRS data to DOJ for the selected study period.

AMERICAN OVERSIGHT

i. Lockdowns and re-openings, policing (e.g., staffing, community mistrust), changes in law, economic strife, increasing mental health and substance use issues.

IV. Chapter 3: Federal, State, and Local Response to Current Violent Crime and Victimization Issues

a. Issues in federal collection of crime data
    i. Transition from UCR to NIBRS on January 1, 2021
        1. Challenges for local agencies
        2. Challenges in crime measurement
b. Federal, state, and local initiatives (i.e., policies, programs, funding) aimed at addressing violent crime impact disparities, for example:
    i. Crime Victims Fund
    ii. FBI Victim Assistance Program
    iii. Crime Victim Assistance Grant Program (VOCA)
    iv. State and Local Assistance Programs
c. Assessment of shortcomings in federal data collection regarding victims of crime (if any) and potential areas for improvement
    i. Best practices for improved data collection
    ii. Possible solutions and recommendations in reducing disparities among victims of crime

AMERICAN OVERSIGHT

Crime Victims Timeline

I. Pre-Briefing	
OCRE circulates draft of discovery plan, outline, and timeline to lead SA's	Wednesday, October 19, 2022
Lead SA's provide feedback to OCRE	Wednesday, October 26, 2022
OCRE circulates draft of discovery plan, outline, and timeline to Commissioners and SAs	Monday, October 31, 2022
Commissioners and SAs provide feedback to OCRE on draft of discovery plan, outline, and timeline	Monday, November 7, 2022
OCRE submits finalized discovery plan, outline, and timeline to Commissioners and SAs	Monday, November 14, 2022
Vote on discovery plan, outline, and timeline	**Friday, November 18, 2022**
OCRE request panelist recommendations for virtual briefing and briefing book recommendations	Monday, November 28, 2022
Commissioners & SAs submit names for potential panelists to OCRE	Monday, December 12, 2022
OCRE submits Interrogatory questions to OGC	Monday, January 23, 2023
OGC provides formatted Interrogatories to OCRE	Monday, February 6, 2023
OCRE circulates Interrogatories to Commissioners and SAs	Wednesday, February 8, 2023
Commissioners and SAs provide feedback on Interrogatories	Wednesday, February 15, 2023
OGC sends Interrogatories	Tuesday, February 21, 2023
Interrogatories due	Monday, March 27, 2023
OCRE finalizes list of panelists	Friday, March 31, 2023
Send invites out to potential panelists	Monday, April 3, 2023
Briefing Book due to SAs and Commissioners	Wednesday, April 19, 2023
1st Briefing HQ (Virtual or In-person TBD)	**Friday, May 19, 2023**
End of public comment period	Monday, June 19, 2023
2nd Briefing (Field)	**Friday, July 21, 2023**
End of public comment period	Monday, August 21, 2023
II. Review of Report Drafts and Comments	
Initial Draft to Commissioners	**Friday, June 2, 2023**
Commissioners' Comments Due Back to OCRE	Friday, June 30, 2023
2nd draft to Commissioners	**Friday, August 25, 2023**
Commissioners' Comments Due Back to OCRE	Monday, September 18, 2023

AMERICAN OVERSIGHT

Send Report for LSR	**Monday, September 25, 2023**
LSR Due	Friday, October 6, 2023
LSR incorporated	Friday, October 13, 2023
Send report for Affected Agency Review	**Monday, October 16, 2023**
Affected Agency Review Due	Friday, November 17, 2023
III. Final Report and Vote	
Disseminate report to Commissioners for vote	**Monday, December 4, 2023**
Commissioner vote on report	**Friday, December 15, 2023**
IV. Post-Vote	
Commissioners statements due	Monday, January 15, 2024
Commissioners rebuttals due	Thursday, February 15, 2024
Commissioner surrebuttals due	Thursday, February 29, 2024
OCRE circulates formatted version for Commissioner edits	Monday, March 11, 2024
Commissioner edits due	Monday, March 18, 2024
OCRE provides embargoed version	Friday, March 22, 2024
OCRE provides version for website upload	Tuesday, March 26, 2024
Publication	Thursday, March 28, 2024

AMERICAN OVERSIGHT

Crime Victims Report Research Plan

From November 2022 to May 2023, OCRE staff will seek information through a variety of sources (e.g., interrogatories, empirical research, qualitative and quantitative data, briefing testimony, and outreach to government officials, scholars, public policy experts, victims of violent crime, and community stakeholders) to gain an understanding of the U.S. Department of Justice (DOJ) data collection on violent crime and victimizations and what that data may show regarding increases in crime affecting minority communities. OCRE staff will also examine what additional state and local data may show regarding increases in crime affecting minority communities that are not captured by federal level data.

OCRE will focus its data-gathering in the following areas:

- The role of the federal government in addressing civil rights issues and the administration of justice in the criminal justice arena
    - Enforcement of Title VI of the Civil Rights Act of 1964
- Types of crime data collected by DOJ
    - Federal Bureau of Investigation (FBI)
        - Uniform Crime Reports (UCR)
        - National Incident-Based Reporting System (NIBRS)
    - Bureau of Justice Statistics
        - National Crime Victimization Survey (NCVS)
- Transition from UCR to NIBRS on January 1, 2021
    - Challenges for local agencies
    - Challenges in crime measurement
- Examination of violent crime in selected cities: Denver, Houston, Memphis, Milwaukee, Seattle
    - Trends in violent crime from 2017-2021
        - Homicide, rape/sexual assault, robbery, assault
    - Demographics of victims of homicide and other violent crimes, assessed through DOJ victimization data, as well as supplemental state and local law enforcement data, for example:
        - Race
        - Ethnicity
        - Sex
    - Discussion of potential disparities in how violent crime trends have impacted individuals and communities
- Additional trends seen in 2017-2021
    - Lockdowns and re-openings, policing (e.g., staffing, community mistrust), changes in law, economic strife, increasing mental health and substance use issues, particularly in young adults

AMERICAN OVERSIGHT

- Federal, state, and local initiatives (i.e., policies, programs, funding) aimed at addressing violent crime impact disparities, for example:
    - Crime Victims Fund
    - FBI Victim Assistance Program
    - Crime Victim Assistance Grant Program (VOCA)
    - State and Local Assistance Programs
- Assessment of shortcomings in federal data collection (if any) regarding victims of crime and potential areas for improvement

OCRE will accomplish this research by:

- Holding briefings before the Commission with panels of expert witnesses (including government officials, scholars, public policy experts, victims of crime, community stakeholders, etc.) who can provide information, data, insight and context into the racial and ethnic disparities of impacts from the increase in violent crime, and methods government can take to address the issue
- Holding a public comment period during the New York City field briefing where members of the community can testify about their experiences
- Examining publicly available data, research, and information from interrogatories regarding federal programs and funding provided to state and local entities regarding the increase in violent crime.
- Working with OGC to send Interrogatories and Document Requests to Dep't of Justice/FBI, state, and local jurisdictions
- Collecting and analyzing reports and additional testimony
- Examining relevant information from a variety of independent sources (e.g., academic journals, research organizations, public policy organizations)
- Examining the data/reports/work product of federal agencies, advocates, public policy organizations, and community stakeholders

Proposed Briefing Panels for Hearings

1. Department of Justice
    a. FBI
    b. BJS
    c. Other government officials
2. Outside Testimony
    a. State or local law enforcement representation
    b. Criminologists
    c. Public policy experts
    d. Community stakeholders (representing and/or serving impacted persons)
    e. Victims of violent crime
3. Public comment period

AMERICAN OVERSIGHT

Date : 4/22/2023 1:19:38 PM
From : "J. Christian Adams" jadams@usccr.gov
To : "Christian Adams" adams@electionlawcenter.com
Subject : Fw: Crime Victims Planning Documents
Attachment : Crime Victims Chapter Outline_11.14.22.docx;Crime Victims Timeline_11.14.22.docx;OCRE Crime Victims Research Plan_11.14.22.docx;image001.jpg;

From: Norma Cantu
Sent: Tuesday, November 15, 2022 11:53 AM
To: J. Christian Adams; Kirsanow, Peter
Cc: Juana Silverio
Subject: FW: Crime Victims Planning Documents

Dear Commissioner Adams,
As co-lead for the briefing report on Crime Victims, I am writing to set up a time to talk at your earliest convenience about the documents circulated by OCRE yesterday. The attached contain proposed changes to sites for data collection and to the timeline. If you are not available, I would be able to explore the impact of the proposed changes with Commissioner Kirsanow.
Please call me at 210-380-6380.
Best,
Norma

From: Marik Xavier-Brier <mxavierbrier@usccr.gov>
Sent: Monday, November 14, 2022 2:50 PM
To: Commissioners <Commissioners@usccr.gov>; CommissionerAssistants <CommissionerAssistants@usccr.gov>
Cc: Julie Grieco <jgrieco@usccr.gov>; Mauro Morales <mmorales@usccr.gov>
Subject: Crime Victims Planning Documents

Good afternoon,

Please find the attached planning documents for the Crime Victims report in preparation for Friday's vote. If you have any questions, please let me know.

Best,
Marik

Marik Xavier-Brier, Ph.D. (he/him)
Director, Office of Civil Rights Evaluation
U.S. Commission on Civil Rights
mxavierbrier@usccr.gov

AMERICAN OVERSIGHT

65 YEARS OF CIVIL RIGHTS

RESEARCH COLLABORATION ADVANCEMENT

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Crime Victims Report Outline

I. **Executive Summary**

II. **Chapter 1: Introduction**

- a. Context and Background
  - i. Why the Commission took on this issue (voted-upon Concept Paper)
  - ii. Brief summary of report methodology, including briefing, testimony received and other key sources of information; and brief summary of OCRE research and methodology
- b. Overview of the federal government's role in addressing civil rights issues in criminal justice, including the fair administration of justice
  - i. Department of Justice Civil Rights Division
  - ii. Enforcement of Title VI of Civil Rights Act of 1964
  - iii. Role of Attorney Generals and Deputy Attorneys Generals in coordinating the fair administration of justice
- c. Crime data collected by the federal government
  - i. UCR
  - ii. NIBRS
  - iii. NCVS
- d. Crime data collected by state and local governments

III. **Chapter 2: Crime Trends 2017 – 2022**

- a. Overall trends at the national level 2017-2022
  - i. Recent crime spikes
- b. Overview of selected jurisdictions[1]
  - i. Denver
  - ii. Houston
  - iii. Memphis
  - iv. Milwaukee
  - v. Seattle
- c. Demographics of victims of violent crime in selected jurisdictions from 2017-present, assessed through DOJ, state and local agencies, such as:
  1. Race
  2. Ethnicity
  3. Sex
- d. Impacts on crime victims and crime victimization
  - i. Discussion of any disparities in how violent crime trends may have impacted individuals and communities
- e. Additional trends seen 2017-2021

[1] Jurisdiction selection required the submission of NIBRS data to DOJ for the selected study period.

AMERICAN OVERSIGHT

USCCR-24-0046-A-000063

i. Lockdowns and re-openings, policing (e.g., staffing, community mistrust), changes in law, economic strife, increasing mental health and substance use issues.

IV. Chapter 3: Federal, State, and Local Response to Current Violent Crime and Victimization Issues

a. Issues in federal collection of crime data
    i. Transition from UCR to NIBRS on January 1, 2021
        1. Challenges for local agencies
        2. Challenges in crime measurement
b. Federal, state, and local initiatives (i.e., policies, programs, funding) aimed at addressing violent crime impact disparities, for example:
    i. Crime Victims Fund
    ii. FBI Victim Assistance Program
    iii. Crime Victim Assistance Grant Program (VOCA)
    iv. State and Local Assistance Programs
c. Assessment of shortcomings in federal data collection regarding victims of crime (if any) and potential areas for improvement
    i. Best practices for improved data collection
    ii. Possible solutions and recommendations in reducing disparities among victims of crime

AMERICAN OVERSIGHT

Crime Victims Report Research Plan

From November 2022 to May 2023, OCRE staff will seek information through a variety of sources (e.g., interrogatories, empirical research, qualitative and quantitative data, briefing testimony, and outreach to government officials, scholars, public policy experts, victims of violent crime, and community stakeholders) to gain an understanding of the U.S. Department of Justice (DOJ) data collection on violent crime and victimizations and what that data may show regarding increases in crime affecting minority communities. OCRE staff will also examine what additional state and local data may show regarding increases in crime affecting minority communities that are not captured by federal level data.

OCRE will focus its data-gathering in the following areas:

- The role of the federal government in addressing civil rights issues and the administration of justice in the criminal justice arena
    - Enforcement of Title VI of the Civil Rights Act of 1964
- Types of crime data collected by DOJ
    - Federal Bureau of Investigation (FBI)
        - Uniform Crime Reports (UCR)
        - National Incident-Based Reporting System (NIBRS)
    - Bureau of Justice Statistics
        - National Crime Victimization Survey (NCVS)
- Transition from UCR to NIBRS on January 1, 2021
    - Challenges for local agencies
    - Challenges in crime measurement
- Examination of violent crime in selected cities: Denver, Houston, Memphis, Milwaukee, Seattle
    - Trends in violent crime from 2017-2021
        - Homicide, rape/sexual assault, robbery, assault
    - Demographics of victims of homicide and other violent crimes, assessed through DOJ victimization data, as well as supplemental state and local law enforcement data, for example:
        - Race
        - Ethnicity
        - Sex
    - Discussion of potential disparities in how violent crime trends have impacted individuals and communities
- Additional trends seen in 2017-2021
    - Lockdowns and re-openings, policing (e.g., staffing, community mistrust), changes in law, economic strife, increasing mental health and substance use issues, particularly in young adults

AMERICAN OVERSIGHT

- Federal, state, and local initiatives (i.e., policies, programs, funding) aimed at addressing violent crime impact disparities, for example:
    - Crime Victims Fund
    - FBI Victim Assistance Program
    - Crime Victim Assistance Grant Program (VOCA)
    - State and Local Assistance Programs
- Assessment of shortcomings in federal data collection (if any) regarding victims of crime and potential areas for improvement

OCRE will accomplish this research by:

- Holding briefings before the Commission with panels of expert witnesses (including government officials, scholars, public policy experts, victims of crime, community stakeholders, etc.) who can provide information, data, insight and context into the racial and ethnic disparities of impacts from the increase in violent crime, and methods government can take to address the issue
- Holding a public comment period during the New York City field briefing where members of the community can testify about their experiences
- Examining publicly available data, research, and information from interrogatories regarding federal programs and funding provided to state and local entities regarding the increase in violent crime.
- Working with OGC to send Interrogatories and Document Requests to Dep't of Justice/FBI, state, and local jurisdictions
- Collecting and analyzing reports and additional testimony
- Examining relevant information from a variety of independent sources (e.g., academic journals, research organizations, public policy organizations)
- Examining the data/reports/work product of federal agencies, advocates, public policy organizations, and community stakeholders

Proposed Briefing Panels for Hearings

1. Department of Justice
    a. FBI
    b. BJS
    c. Other government officials
2. Outside Testimony
    a. State or local law enforcement representation
    b. Criminologists
    c. Public policy experts
    d. Community stakeholders (representing and/or serving impacted persons)
    e. Victims of violent crime
3. Public comment period

AMERICAN OVERSIGHT

Crime Victims Timeline

I. Pre-Briefing	
~~OCRE circulates draft of discovery plan, outline, and timeline to lead SA's~~	~~Wednesday, October 19, 2022~~
~~Lead SA's provide feedback to OCRE~~	~~Wednesday, October 26, 2022~~
~~OCRE circulates draft of discovery plan, outline, and timeline to Commissioners and SAs~~	~~Monday, October 31, 2022~~
~~Commissioners and SAs provide feedback to OCRE on draft of discovery plan, outline, and timeline~~	~~Monday, November 7, 2022~~
~~OCRE submits finalized discovery plan, outline, and timeline to Commissioners and SAs~~	~~Monday, November 14, 2022~~
Vote on discovery plan, outline, and timeline	**Friday, April 21, 2023**
OCRE request panelist recommendations for virtual briefing and briefing book recommendations	Monday, May 1, 2023
Commissioners & SAs submit names for potential panelists to OCRE	Monday, May 15, 2023
**in original timeline, this period included Christmas, so 2 weeks were lost due to holidays that are unnecessary to lose in this timeline, so 42 day gap vs. 28 day gap*	
OCRE submits Interrogatory questions to OGC	Monday, June 12, 2023
OGC provides formatted Interrogatories to OCRE	Monday, June 26, 2023
OCRE circulates Interrogatories to Commissioners and SAs	Wednesday, June 28, 2023
Commissioners and SAs provide feedback on Interrogatories	Wednesday, July 5, 2023
OGC sends Interrogatories	Tuesday, July 11, 2023
Interrogatories due	Monday, August 14, 2023
OCRE finalizes list of panelists	Friday, August 18, 2023
Send invites out to potential panelists	Monday, August 21, 2023
Briefing Book due to SAs and Commissioners	Wednesday, Sept. 6, 2023
1st Briefing HQ (Virtual or In-person TBD)	**Friday, Oct. 6, 2023**
End of public comment period	Monday, Nov. 6, 2023
2nd Briefing (Field)	**Friday, Dec. 8, 2023**
End of public comment period	Monday, Jan. 8, 2024
II. Review of Report Drafts and Comments	
Initial Draft to Commissioners	**Friday, Nov. 3, 2023**
Commissioners' Comments Due Back to OCRE	Friday, Dec. 1, 2023
2nd draft to Commissioners	**Friday, Jan. 26, 2024**

AMERICAN OVERSIGHT

Commissioners' Comments Due Back to OCRE	Monday, Feb. 19, 2024
Send Report for LSR	**Monday, Feb. 26, 2024**
LSR Due	Friday, March 8, 2024
LSR incorporated	Friday, March 15, 2024
Send report for Affected Agency Review	**Monday, March 18, 2024**
Affected Agency Review Due	Friday, April 19, 2024
III. Final Report and Vote	
Disseminate report to Commissioners for vote	**Monday, May 6, 2024**
Commissioner vote on report	**Friday, May 17, 2024**
IV. Post-Vote	
Commissioners statements due	Monday, June 17, 2024
Commissioners rebuttals due	Thursday, July 18, 2024
Commissioner surrebuttals due	Thursday, Aug. 1, 2024
OCRE circulates formatted version for Commissioner edits	Monday, Aug. 12, 2024
Commissioner edits due	Monday, Aug. 19, 2024
OCRE provides embargoed version	Friday, Aug. 23, 2024
OCRE provides version for website upload	Tuesday, Aug. 27, 2024
Publication	Thursday, Aug. 29, 2024

AMERICAN OVERSIGHT

ATTACHMENT 1A.

AI 1-6 Section 18

SECTION 18. FINAL REVISION OF NATIONAL OFFICE REPORTS AND COMMISSION REVIEW

.01 If defame and degrade procedures must be implemented the project team, in consultation with staff attorneys, makes appropriate changes in response to the comments received or, where suitable, add the comments as an appendix to the report.

.02 The assigned office sends the revised draft report to the Staff Director. This draft incorporates all applicable editorial, legal, and affected agency revisions. Before forwarding the report to the Staff Director, the assigned office completes its section(s) of the appropriate checklist form for forwarding along with the revised draft report.

.03 After completing the final review of the revised draft report, the Staff Director documents this review by completing his/her section(s) of the checklist. The Staff Director submits the proposed final draft report and the checklist to an external reviewer as described in Section 19 below.

.04 The Staff Director will confirm that the external reviewer has reviewed the report and the checklist and has completed the certification on the bottom of the appropriate national office report checklist. If the report is ready for final draft distribution, the Staff Director will submit the report to the Commissioners as the proposed final draft report, along with the completed report checklist. A copy of the proposed final draft report will also be returned to the assigned office to be maintained in the project file. The assigned office maintains a record of the changes it made as a result of the Commissioners' review.

.05 It appears there is no subsection .05, so this should be renumbered.

.06 The Staff Director will determine (before transmitting the report to the Commissioners) if any changes should be made to the assigned office's follow-up plan.

.07 The proposed final draft report, incorporating any revisions made as a result of the Staff Director's review, is submitted to the Commissioners for a vote. For a report to become an official report of the Commission, it must be approved by a majority vote of the Commissioners.

(a) Nothing in this policy is intended to alter previously approved policies regarding the posting and release of reports to the public or on the agency Website.

(b) Nothing in this policy rule requires that a proposed final draft be submitted for an up or down vote in its entirety. If the staff or a majority of the Commission deems it appropriate, the Commission may sever the document for purposes of discussion and

AMERICAN OVERSIGHT

voting. Only portions of the report that receive a majority vote become part of the final Commission document.

~~(c) Commissioners wishing to submit a statement of dissent may indicate their intention to do so after the vote approving the report has been taken. At that time, the Commissioner(s) will make arrangements with the Staff Director as to the date such dissent will be submitted. Nothing in this policy prohibits the integration of a dissenting statement within the body of the report, so long as the Staff Director and the author of the dissenting statement agree to use this format. All dissenting statements that are provided in a timely fashion and that comply with applicable federal law and Commission policy will either be included as an attachment to the report or integrated into the body of the final report.~~

(d) After the Commission has approved the report (including its findings and recommendations), Commissioners may submit statements to be included with the report. From the date of approval, Commissioners will have thirty (30) days to submit statements. After the Staff Director distributes all Commissioner statements, Commissioners will have thirty (30) days to submit rebuttals. If three Commissioners agree that an opportunity for surrrebuttal is warranted, Commissioners will have ten (10) days to submit surrebuttals after notifying the Staff Director and other Commissioners of their intent to invoke an opportunity for subrebuttal. The three Commissioners shall notify the Staff Director and other Commissioners of their intention to invoke the surrebuttal period no more than three (3) days after the Staff Director has distributed rebuttals.

(e) Commissioners who are financially recused from working on the topic of a report should notify the Designated Agency Ethics Officers and should not participate in any portion of the project. The Staff Director will denote recusal in the written report by (1) placing an asterisk (*) beside the recused Commissioner(s) name when listing members of the Commission and (2) placing text at the bottom of the page explaining that the asterisk denotes recusal. Commissioners wishing to abstain should notify the Staff Director during the vote approving the report. The Staff Director will denote abstention in the written report by (1) placing a carat (^) beside the abstained Commissioner(s) name when listing members of the Commission and (2) placing text at the bottom of the page explaining that the carat denotes abstention.

.08 The timing of each of the stages describing Commissioner involvement is intended to be flexible and may be conducted by notational vote (project concept approval, background and planning, discovery, first draft report and final report).

.09 After Commissioner review and approval of a report, the project team in the assigned office makes any necessary revisions and oversees copy editing before submitting the report to the Staff Director for final approval. If there are any substantive changes made to the report subsequent to Commissioner review, such changes must be provided to the Commissioners for further review before the final report is published. Any editorial changes made to the report after Commissioner review will be documented in the project file.

AMERICAN OVERSIGHT

.10 If substantial changes affecting the legal thrust of the report are made as a result of Commissioner review they must undergo an expedited legal sufficiency review.

AMERICAN OVERSIGHT

ATTACHMENT 1B.

MEMORANDUM OF UNDERSTANDING

Statements, Rebuttals, Surrebuttals

The undersigned Commissioners agree that during their tenure on the U.S. Commission on Civil Rights they will always vote in favor of upholding the current policy on Commissioner statements, rebuttals, and surrebuttals (as adopted on November 19, 2010) and that they always vote against any motion to limit the time allotted for statements, rebuttals and surrebuttals in a particular case unless all Commissioners who plan to write such statements, rebuttals or surrebuttals agree to such a limitation.

AMERICAN OVERSIGHT

Date : 4/22/2023 1:09:00 PM
From : "J. Christian Adams" jadams@usccr.gov
To : "Christian Adams" adams@electionlawcenter.com
Cc : "Christian Adams" adams@electionlawcenter.com
Subject : Fw: Draft Administrative Instruction and Crime Victims Planning Documents
Attachment : Crime Victims Planning Documents.pdf;DRAFT AI 1-6 Section 18 + MOU re 30-30-10.docx.pdf;

From: Alexis Fragosa
Sent: Tuesday, April 18, 2023 8:12 PM
To: Commissioners; CommissionerAssistants
Cc: rochelle.garza@gmail.com
Subject: Draft Administrative Instruction and Crime Victims Planning Documents

Dear Commissioners,

Attached for your reference are the following documents, which relate to the ongoing negotiations between the progressive and conservative caucuses:

(1) DRAFT Administrative Instruction 1-6 Section 18 and a Memorandum of Understanding regarding the 30-30-10 policy relating to Commission Review of Reports

(2) Crime Victims Briefing Report Planning Documents which includes, (i) Chapter Outline, (ii) Research Plan, (iii) Timeline

RE: Draft AI 1-6 Section 18
On
November 19, 2010, the Commission majority voted to approve a written rule whereby each Commissioner would have 30 days from the date a final Commission report was approved to submit a statement, 30 days from the statement submission deadline to submit a rebuttal
and 10 days from the rebuttal submission deadline to submit a surrebuttal. The proposed rule, which was circulated in writing to the Commissioners and Staff Director, was not codified and added to the Administrative Instructions by the General Counsel at the time as it should have been. The proposed revisions to Section 18 codify the rule approved by the Commission majority in November 2010.

RE: Crime Victims Briefing Report Planning Documents
The three documents included in the Planning Documents
pdf attached to this email reflect work completed by Commission Staff (OCRE) in the fall of 2022. The Outline and Research plan are OCRE's final drafts. Both were uploaded into the Securisync folder in November 2022 in anticipation of a vote on these documents for the November Business Meeting. The Timeline (Section III of the attached Planning Documents pdf) is also identical to the Timeline in Securisync insofar as the individual line

AMERICAN OVERSIGHT

items are the same. Because the Planning Documents were not approved in November 2022 as expected, the dates for each individual deadline listed have been updated to reflect approval of the Crime Victims Briefing Report Planning Documents on April 21, 2023 and a publication date of August 29, 2024. This updated timeline takes into consideration
the time needed to research and draft the report, to hold a briefing, and to review the report before final publication.

Please let us know if you have any questions, relating
to the attached documents. We look forward to reaching a mutually acceptable agreement.

Thank you.

Alexis I. Fragosa
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 3/21/2023 6:48:41 PM
From : "J. Christian Adams" jadams@usccr.gov
To : "Christian Adams" adams@electionlawcenter.com
Subject : Fw: [EXTERNAL] High-Level Delegation of Georgian Parliament Staffers Next Week March 27-30 - Attention Mauro Albert Morales and Staff
Attachment : image001.png;

From: Madanick, Lewis <lmad@coil.gov>
Sent: Tuesday, March 21, 2023 11:34 AM
To: J. Christian Adams
Cc: Public Affairs
Subject: [EXTERNAL] High-Level Delegation of Georgian Parliament Staffers Next Week March 27-30 - Attention Mauro Albert Morales and Staff

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

Dear Christian,

Greetings from the Congressional Office for International Leadership (COIL), a legislative branch agency that support Congress with its foreign policy oversight function. I hope that this note finds all well with you.

COIL will be hosting an important and timely delegation of top staffers from the Parliament of Georgia next week (March 27-30). It would be great if they could have a meet with members of the U.S. Commission on Civil Rights as they have made such a request a priority for their visit as they work out their Parliamentary procedures and civil rights policies.

Due to the recent tensions between the United States and Georgia and the ongoing war of aggression carried out by Russia in Ukraine (and in Georgia since 2008) hosting this delegation is an excellent way to inform key Members of Congress (and Staff leaders) about the situation in Georgia and to help the permanent and stable staff of the Georgian Parliament to effectively legislate and improve the lives of the country's citizens and its national security.

Please let me know if Members of the Commission are available next week to meet with this delegation of emerging Georgian leaders. All my best, Lewis

Lewis Madanick
Senior Program Manager
Congressional Office for International Leadership
CONGRESSIONAL OFFICE FOR INTERNATIONAL LEADERSHIP
Cell: 202-297-2128

AMERICAN OVERSIGHT

lmad@coil.gov
www.coil.gov

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 5/23/2023 4:05:01 PM
From : "Christian Adams" a@electionlawcenter.com
To : "CMulder@usccr.gov" CMulder@usccr.gov
Cc : "afragosa@usccr.gov" afragosa@usccr.gov, "gheriot@me.com" gheriot@me.com, "gheriot@usccr.gov" gheriot@usccr.gov, "pkirsanow@usccr.gov" pkirsanow@usccr.gov, "pkirsanow@beneschlaw.com" pkirsanow@beneschlaw.com, "thegilchristassociates@gmail.com" thegilchristassociates@gmail.com, "sgilchrist@usccr.gov" sgilchrist@usccr.gov, "jadams@usccr.gov" jadams@usccr.gov, "jmashburn@usccr.gov" jmashburn@usccr.gov, "tsimuel@usccr.gov" tsimuel@usccr.gov
Subject : [EXTERNAL] Re: David Mussatt finally responded to my email RE SACs

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

wow. we should hear from 3 a meeting. I am confident Glenn and MJ would agree and be votes 5 and 6. Another way to make the Commission the Commission.

---- On Tue, 23 May 2023 15:52:03 -0400 **CMulder@usccr.gov** wrote ----

It also depends on whether a SAC chair is available that day. Maybe we should pick three (we can have more than one SAC presentation, if all the chairs are available) and see what happens. I think we may have already had presentations on some of the 2022 reports. I can check last year's transcripts.

From: Alexis Fragosa
Sent: Tuesday, May 23, 2023 3:48:13 PM
To: Gail Heriot; Gail Heriot; Peter Kirsanow; pkirsanow@beneschlaw.com; stephen gilchrist; Stephen Gilchrist; Christian Adams; J. Christian Adams
Cc: John Mashburn; Carissa Mulder; Thomas Simuel
Subject: David Mussatt finally responded to my email RE SACs

Hello All,

I finally received an email from David Mussatt - he is in charge of the SACs. Please see his email below:

Hi Alexis,

Sorry for the delay as I am on travel this week.

We are always happy to have Advisory Committee Chairs able to present to the Commission. Unfortunately, I do not control the Commission agenda so I can't answer your question. In the past, I would arrange for Advisory Committee Chair

AMERICAN OVERSIGHT

presentations when asked by the Commission Chair (or her SA) in conjunction with Mauro. I am cc'ing Mauro if you have questions or want more details.

Go well,
David

It looks like the chair selects which SAC reports are presented before the commission. Since we have no chair, I propose that we select one or more reports and request a presentation. If we have a majority then it will go on the agenda. I'm very curious to see how our colleagues in the progressive caucus respond to such a request.

Here is a list of the most recent reports:

Mental Healthcare in the Texas Juvenile Justice System
May 16, 2023

The Civil Rights Implications of Algorithms
April 6, 2023

Interim Memo: Indigent Legal Services for Criminal Defendants in Maine
April 5, 2023

The Civil Rights Implications of Algorithms in Connecticut
February 16, 2023

Iowa Advisory Committee Report on Examining Employment Discrimination and Administrative Closures
February 14, 2023

IDEA Compliance and Implementation in Arkansas Schools
January 25, 2023

Minnesota Advisory Committee Report on Civil Rights Implications of Policing
December 20, 2022

Examining Equal Access to Post-Secondary Education in Illinois
December 5, 2022

Seizing Property: Civil Asset Forfeiture in South Carolina
November 29, 2022

Interim Memorandum on Access to Voting in Tennessee
November 15, 2022

Civil Asset Forfeiture and its Impact on Communities of Color in Georgia
November 9, 2022

AMERICAN OVERSIGHT

Interim Memorandum on Mental Health Care within the Texas Juvenile Justice System
October 17, 2022

Water Affordability in Maryland
July 27, 2022

Civil Rights and Fair Housing in Illinois
June 29, 2022

Massachusetts Advisory Committee Interim Memo on Civil Asset Forfeiture
June 6, 2022

Memo on Civil Asset Forfeiture in South Carolina
May 2, 2022

Zoning Practices in Connecticut
April 11, 2022

Racial Discrimination and Eviction Policies and Enforcement in New York
March 10, 2022

Digital Equity as a Civil Right in Maine
January 20, 2022

Barriers to Accountability for Law Enforcement Officers' Use of Excessive Force in Washington State
January 19, 2022

Please let me know if you favor any of the reports listed above for a presentation.

Thank you.

Alexis I. Fragosa
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law,

AMERICAN OVERSIGHT

regulation, or Government-wide policy.

AMERICAN OVERSIGHT

STATUTORY ENFORCEMENT REPORT CONCEPT PAPER:

The New Exclusion Act: The Re-Emerging Rise of, and Federal Response to, Anti-Asian Racism in America

Commissioner Michael Yaki
United States Commission on Civil Rights
September 12, 2022

I. Introduction

This will be the first USCCR study of the complexities of anti-Asian racism, its roots in varied communities, and which makes recommendations on how best to address them. Our members opened the door to such more detailed inquiry when they issued "The U.S. Commission on Civil Rights Expresses Concern Over Growing Anti-Asian Racism and Xenophobia Amid the COVID-19 Outbreak on March 20, 2020[1] and "U.S. Commission on Civil Rights Unanimously Issues Recommendations to Secure Nondiscrimination in the COVID-19 Pandemic Context, and Specifically to Address Anti-Asian Racism and Xenophobia" on May 8, 2020.[2]

This follow-up project will examine federal enforcement through the Civil Rights Act of 1964,[3] the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act,[4] and other federal statutes, Executive Orders, and regulations, as Commission resources may permit, addressing issues of race, color, national origin, administration of justice, and religion related to the rising reports of anti-Asian and Asian American violence and discrimination in the United States as reported since 2019, the year prior to the onset of the COVID-19 pandemic.[5] To set these

---

[1] USCCR, *The U.S. Commission on Civil Rights Expresses Concern Over Growing Anti-Asian Racism and Xenophobia Amid the COVID-19 Outbreak on March 20, 2020,* March 20, 2020, https://www.usccr.gov/press/2020/03-20-Racism-and-Coronavirus-Stmt.pdf.
[2] USCCR, *U.S. Commission on Civil Rights Unanimously Issues Recommendations to Secure Nondiscrimination in the COVID-19 Pandemic Context, and Specifically to Address Anti-Asian Racism and Xenophobia*, May 8, 2020, https://www.usccr.gov/press/2020/05-08-Anti-Asian-Discrimination.pdf.
[3] Civil Rights Act of 1964, 42 U.S.C. §§ 2000d-2000d-4.
[4] Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, 2009, 18 U.S.C. § 249.
[5] *See, e.g.,* ADL, *Reports of Anti-Asian Assaults, Harassment, and Hate Crimes Rise as Coronoavirus Spreads,* June 18, 2020, https://www.adl.org/blog/reports-of-anti-asian-assaults-harassment-and-hate-crimes-rise-as-coronavirus-spreads; Erin Donaghue, *2,120 hate incidents against Asian Americans reported during coronavirus pandemic,* CBS News, July 2, 2020, https://www.cbsnews.com/news/anti-asian-american-hate-incidents-up-racism/; Anna Purna Kambhampaty, *"I Will Not Stand Silent." 10 Asian Americans Reflect on Racism During the Pandemic and the Need for Equality,* Time, June 25, 2020, https://time.com/5858649/racism-coronavirus/; Anh Do, *"You started the corona!" As anti-Asian hate incidents explode, climbing past 800, activists push for aid,* Los Angeles Times, July 5, 2020, https://www.latimes.com/california/story/2020-07-05/anti-asian-hate-newsom-help; Alex Ellerback, *Over 30 percent of Americans have witnessed COVID-19 bias against Asians, poll says,* NBC News, April 28, 2020,

AMERICAN OVERSIGHT

examinations into context, the project will examine the historical and current stages of non-Asian America's relationship with, and beliefs about, Asian immigrants and Asian Americans.

II. Background

Asian people first began to immigrate, at least in recent centuries, into what would become this this country in 1750, before its birth, with the entry of Filipinos into what would become Louisiana over fifty years later.[6] Larger numbers of Asians emigrated from China as laborers during the California Gold Rush, beginning in 1848.[7] In that year, there were 400 Chinese on the mainland; by 1852, that number was 25,000. Mostly male, many came to work in the gold fields, save money and return home. However, increasing numbers stayed and began working other occupations, including opening businesses to serve their growing community. While here, they were forced to live in crowded, segregated communities in the localities where their labor was utilized. By the 1880 census, over 100,000 Chinese were living on the west coast.

In the 1860s, the first wave of Japanese immigration began to come to Hawaii and the west coast of the mainland. Like the Chinese, Japanese were sought as cheap labor. By 1911, 400,000 Japanese men and women had settled in the United States or its territories.

The depression of the 1870s and continued economic malaise sparked resentment and anger towards these communities that the white majority believed were competing for their jobs and economic livelihood. Legal backlash began not long thereafter. For example, the federal "Act to Execute Certain Treaty Stipulations Relating to Chinese," widely known as the Chinese Exclusion Act of 1882, barred Chinese people from entry into the United States, and precluded those already in this country from achieving naturalized citizenship, for ten years.[8]

Racial violence was always prevalent during this time, but it received national attention in 1885 when in Rock Springs, Wyoming, at least 30 Chinese miners were brutally killed by a white mob. Anti-Chinese violence spread throughout Washington and Oregon during this period.

The 1892 federal "Act to Prohibit the Coming of Chinese Persons into the United States," known as the Geary Act, added ten more years to the Chinese Exclusion Act and demanded that Chinese people in the United States keep federally-issued certificates of residence on their persons at risk of deportation following hard labor.[9] The Geary Act survived U.S. Supreme Court scrutiny.[10] In

---

https://www.nbcnews.com/news/asian-america/over-30-americans-have-witnessed-covid-19-bias-against-asians-n1193901; *and* Tracy Jan, *Asian American doctors and nurses are fighting racism and the coronavirus,* The Washington Post, May 19, 2020, https://www.washingtonpost.com/business/2020/05/19/asian-american-discrimination/.

[6] C.N. Le, *The First Asian Americans,* Asian Nation, July 23, 2020, http://www.asian-nation.org/first.shtml#sthash.NZCtpqAp.dpbs.

[7] Ibid.

[8] An Act to Execute Certain Treaty Stipulations Relating to Chinese, Pub. L. 47-376, 22 Stat. 214 (1882). *See also* Office of the Historian, Foreign Service Institute, *Chinese Immigration and the Chinese Exclusion Acts,* (undated), https://history.state.gov/milestones/1866-1898/chinese-immigration; *and* History, *Chinese Exclusion Act*, updated Sept. 13, 2019, https://www.history.com/topics/immigration/chinese-exclusion-act-1882.

[9] An Act to Prohibit the Coming of Chinese Persons into the United States, Pub. L. 52-80, 27 Stat. 25 (1892).

[10] Fong Yue Ting v. United States, 149U.S. 698, 13 S.Ct. 1016, 37 Led. 905 (1893).

AMERICAN OVERSIGHT

1902[11] and in 1904,[12] the United States extended the Chinese Exclusion Act to permanently outlaw Chinese, Hawaiian, and Filipino immigration. The federal Immigration Act of 1924 diminished opportunities for Hindu people, Middle Easterners, and Japanese people to enter the United States at all.[13]

Official acts incorporating bias against Asians were not confined to immigration laws. The prejudice against Asian immigrants and the first generation of Asian Americans could be found in other arenas. Yick Wo v. United States[14] was the first case to test the equal protection clause of the 14th Amendment. U.S. v. Wong Kim Ark[15] firmly established the right of birthright citizenship also guaranteed by the 14th amendment citizenship clause. Both arose because of outright anti-Asian discrimination.

Some states, including California, passed laws limiting or restricting the right of Asian immigrants to own land.[16] It took the U.S. Supreme Court in Oyama v California[17] to again invoke the Equal Protection Clause of the 14th Amendment to strike down these laws.

The legacy of racism and its consequences led to the most infamous example of legally sanctioned, domestic racial profiling in the 20th century: the forced relocation and confinement of over 100,000 Japanese Americans at the beginning of 1942 by the United States government.[18] Despite the presence of large German and Italian American populations on the east coast during the second World War, there was never any serious consideration of mass incarceration orders affecting them.

The federal government did not begin to undo many of these restrictions until passing laws such as "An Act to repeal the Chinese Exclusion Acts, to establish quotas, and for other purposes," known as the Magnuson Act of 1943,[19] and the McCarran-Walter Act of 1952, which allowed Japanese immigrants to become naturalized U.S. citizens.[20] Over forty years after the fact, Congress passed the Civil Liberties Act of 1988 which apologized to, and compensated, the

---

[11] *See, e.g.,* Jeremiah W. Jenks and W. Jett Lauck, *The Chinese Exclusion Law of 1902*, The Immigration Problem, New York: Funk & Wagnalls Company, 1912, pp. 319-320; *and* Clark L. Alejandrino, A History of the 1902 Chinese Exclusion Act: American Colonial Transmission and Deterioration of Filipino-Chinese Relations, 2003.

[12] *See, e.g.,* Immigration History, *Extension of the Chinese Exclusion Act (1904),* Immigration and Ethnic History Society, 2019.

[13] An Act to limit the immigration of aliens into the United States, and for other purposes, Pub.L. 68-139, 43 Stat, 153 (1924).

[14] Yick Wo v. United States, 118 U.S. 356 (1886).

[15] U.S. v. Wong Kim Ark, 169 U.S. 649 (1898).

[16] California Alien Land Law of 1913 *and* Alien Property Initiative Act of 1920, Stats. 1921, p. lxxxiii, as amended; 1 Deering's Gen. Laws, Act 261).

[17] Oyama v. California, 332 U.S. 633 (1948).

[18] Executive Order 9066, *Resulting in the Relocation of Japanese*, February 19, 1942, https://www.archives.gov/historical-docs/todays-doc/?dod-date=219. *See also, e.g.,* Educator Resources, *Japanese-American Internment During World War 11*, National Archives, (undated), https://www.archives.gov/education/lessons/japanese-relocation.

[19] An Act to repeal the Chinese Exclusion Acts, to establish quotas, and for other purposes, December 17, 1943, 8 U.S.C. ch. 7, §§ 262-297 & 299. *See also, e.g.,* History, *Chinese Exclusion Act*, updated Sept. 13, 2019, https://www.history.com/topics/immigration/chinese-exclusion-act-1882.

[20] Immigration and Nationality Act of 1952, 8 U.S.C. ch. 12 (also known as the McCarran-Walter Act of 1952).

AMERICAN OVERSIGHT

surviving victims of the internment. The Hate Crimes Statistics Act began the process of collecting data on hate crimes on the basis of ethnicity and nationality in 1990.

Since the U.S. began allowing Chinese and other Asians to immigrate and made them eligible for naturalization, the road to societal integration for them and for post-1848 immigrants and their descendants has been very challenging. In the most recent era, beginning with the rise of the "model minority" myth,[21] the killing of Vincent Chin,[22] today's attempts to limit legal immigration that benefits Asian American communities,[23] and "Kung Flu" and other scapegoating during the COVID-19 pandemic,[24] the nation has seen a steady and now significant rise in anti-Asian stereotyping.[25]

The net impact is that Asian Americans and Asians in their home countries are operating under the *de facto* limitations of a new Exclusion Act. A close inquiry into the federal response to the recent and evolving concerns is timely, necessary, and well within the Commission's jurisdiction concerning matters, as cited above, involving race, color, national origin, administration of justice, and religion.[26]

III. Subjects for Examination

This project will provide an overview of the historical root causes of anti-Asian racism in America, how anti-Asian racism is perceived by communities, and whether it is enforced or recognized by the justice system. It will, through interviews with organizations that are representative of the diversity within the Asian American community,[27] and review of sociological and other academic studies, examine the unique circumstances of the subgroupings of the Asian American community by places of physical and/or cultural origin,[28] the recently-immigrated and the long-standing Asian American components of the communities, and the individual and collective stereotypes that each has confronted in their past and present.

---

[21] Margaret Sims, *"Model minority" myth hides the economic realities of many Asian Americans,"* Urban Institute, May 3, 2017, https://www.urban.org/urban-wire/model-minority-myth-hides-economic-realities-many-asian-americans.

[22] Frances Kai-Hwa Wang, *Who Is Vincent Chin? The History and Relevance of a 1982 Killing,* NBC News, June 15, 2017, https://www.nbcnews.com/news/asian-america/who-vincent-chin-history-relevance-1982-killing-n771291.

[23] Hong Yaobin, *Trump's restrictions on Chinese students stifle American companies, universities: U.S. Expert,* CTGN, June 7, 2020, https://news.cgtn.com/news/2020-06-07/Trump-s-bans-on-Chinese-students-stifle-U-S-firms-colleges-expert-R7NlyafvgY/index.html.

[24] *See, e.g.,* Alexia Fernandez Campbell, Alex Ellerbeck, *Federal Agencies are doing little about the rise in anti-Asian hate,* NBC News, April 18, 2020, https://www.nbcnews.com/news/asian-america/federal-agencies-are-doing-little-about-rise-anti-asian-hate-n1184766.

[25] *See, e.g.,* n. 5 *supra.*

[26] 42 U.S.C. 1975d.

[27] These subgroupings include origin from countries such as China, Japan, the Philippines, or countries from areas such as Southeast Asia, South Asia, and the Pacific Islands.

[28] *See, e.g.*, Social and Demographic Trends, *The Rise of Asian Americans,* Pew Research Center, June 19, 2012, https://www.pewsocialtrends.org/2012/06/19/the-rise-of-asian-americans/.

AMERICAN OVERSIGHT

This investigation will also focus upon the extent to which federal enforcement, or lack thereof, of statutes,[29] Executive Orders,[30] regulations, policies, and programs created since the post-WWII era that attempt and appear either to reduce or exacerbate anti-Asian racism under the Commission's jurisdiction over issues related to race, color, national origin, administration of justice, and religion.[31] As staff resources may permit, the project shall attempt to determine instances in which government failure to act constituted or constitutes implicit policy which affected or affects Asian Americans. The extent of sources of authority and the time period covered shall be determined by the availability of Commission resources.

The project will examine federal statistics related to these issues from 2019 through the date of the project, and the methodologies utilized in compiling such numbers. Relevant federal statutes include the Hate Crimes Statistics Act of 1990[32] and the Campus Hate Crimes Right to Know Act of 1997.[33] The report will discuss the apparent outcomes, as measured in part by available statistical analysis and other measures, of federal enforcement, or the lack thereof, on behalf of Asians and Asian Americans. The most likely federal agencies to examine are the Departments of Justice, Health and Human Services, Homeland Security, Citizenship and Immigration Services, and the FBI. Staff may identify additional agencies.

The current attack on family-based immigration can be seen as a direct assault on Asian Americans, who have fought for family reunification as a fundamental principle of American immigration law. The usage of anti-Asian slurs with regard to the pandemic is another. Indeed, as above, since the pandemic, the number of anti-Asian racists incidents has gone up dramatically.[34] As has been seen, just being Chinese-perceived, notwithstanding the actual ethnicity or origin of an Asian American, can result in violent or deadly consequences.[35]

Finally, and most importantly, we will look to the representative communities to define what they believe, see, or define as bias against their communities.

To narrow the focus of this inquiry, the Commission will examine the issue of anti-Asian bias in five representative states in terms of overall population and geographic dispersion: California, New York, Hawaii, Texas, and Illinois, which all have significant Asian-American populations, and significant sub-groupings of same. [36] The Commission will hold field briefings in areas with

---

[29] *See, e.g.*, the Civil Rights Act of 1964 (*see* n. 2 *supra*) and the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, 2009 (*see* n.3 *supra*).

[30] *See, e.g.*, Executive Order 9066 (*see* n. 17 *supra)*; The White House, *Proclamation on the Suspension of Entry as Nonimmigrants of Certain Students and Researchers from the People's Republic of China*, May 29, 2020, https://www.whitehouse.gov/presidential-actions/proclamation-suspension-entry-nonimmigrants-certain-students-researchers-peoples-republic-china/; *and* Executive Order 13515, *Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs,* Oct. 14, 2009, https://obamawhitehouse.archives.gov/the-press-office/executive-order-asian-american-and-pacific-islander-community.

[31] *See* n. 3, *supra.*

[32] Hate Crime Statistics Act of 1990, 28 U.S.C. § 534.

[33] Campus Hate Crimes Right to Know Act of 1997, 20 U.S.C. § 1092(f)(1)(F)(ii).

[34] *See* n. 5, *supra.*

[35] *See* n. 1, *supra,* n. 2, *supra,* and n. 22, *supra.*

[36] If, from a resource standpoint, we must limit the communities within the Asian American population, I would suggest focusing, first, on the largest – those of Chinese, Japanese, Indian, Filipino, Korean, and Vietnamese heritage.

AMERICAN OVERSIGHT

significant Asian-American populations and increases in anti-Asian bias; for example, San Francisco has seen a 567% increase in anti-Asian hate crimes reported in 2021,[37] and New York City saw a 361% increase.[38]

IV. Proposed Panels for the Briefing

The Commission shall conduct field briefings in San Francisco and New York City in the normal course of its investigations. Allowances shall be made for witnesses who are unable, due to family or health reasons, to testify virtually. If significant concerns are identified during the planning process, then the Commission may hold a virtual briefing or briefings on the most appropriate internet platform(s) as identified and implemented by staff. This issue shall remain open to discussion between staff and Commissioners for as long as possible during the planning process, with the health and safety of all involved Commissioners, staff, and all participants being of paramount concern.

A. Historical and Contemporary Social Science Scholars: set the social science framework, including differences among ethnic components of the non-monolithic Asian American community and other identified issues, for the Commission's inquiry.

B. Community representatives: inform the Commission from a variety of perspectives about their experiences with bias/racism, and their recommendations regarding federal, state, and local enforcement or lack thereof related to Asian American civil rights.

C. Legal Scholars: establish the past and current legal framework of, and their opinions about, specific issues.

D. Federal/State/Local Officials: educate the Commission about enforcement issues, best practices, and their own experiences.

E. Public Comments

---

[37] Annabelle Timsit, *San Francisco police mark 567% increase in anti-Asian hate-crime reports in 2021,* The Washington Post, Jan. 26, 2022, *https://www.washingtonpost.com/nation/2022/01/26/anti-asian-hate-crime-san-francisco-covid/*

[38] Kimmy Yan, *NYPD reports 361 percent increase in anti-Asian hate crimes since last year,* NBC News, Dec. 21, 2021, *https://www.nbcnews.com/news/asian-america/nypd-reports-361-percent-increase-anti-asian-hate-crimes-last-year-rcna8427*

AMERICAN OVERSIGHT

VIA ELECTRONIC MAIL

rgarza@usccr.gov
mjones@usccr.gov
gmagpantay@usccr.gov
vnourse@usccr.gov
gheriot@usccr.gov
jadams@usccr.gov
sgilchrist@usccr.gov

April 13, 2023

Commissioner Rochelle Garza
Commissioner Mondaire Jones
Commissioner Glenn Magpantay
Commissioner Victoria Nourse
Commissioner Gail Heriot
Commissioner J. Christian Adams
Commissioner Stephen Gilchrist

U.S. Commission on Civil Rights
1331 Pennsylvania, NW, Suite 1150
Washington, D.C. 20425

Re: Federal Response to Anti-Asian Racism Briefing, March 24, 2023

Dear Colleagues,

As you are aware, Staff Director Mauro Morales interrupted the March 24, 2023 briefing on "*The Federal Response to Anti-Asian Racism in the United States*" asserting that Commissioners were prohibited from discussing the topic of the discriminatory impact of race preferences in college admissions on Asians. As the most senior member of the Commission and the acting Chair of the briefing, however, it is incumbent upon me to clarify that notwithstanding Staff Director Morales' position, the Staff Director has no statutory authority to interrupt Commission proceedings, or to exercise any authority over the "Commission as a Whole" or over individual commissioners to limit their discussions or inquiries.

When he interrupted the March 24, 2023 briefing, Staff Director Morales stated:

> "I am going to assert **my authority** under **45 CFR 701.11** – and I want to remind all Commissioners that they voted for the concept paper on Hate Crimes Against Asian Americans on September 16, 2022, transcript page 40, research timeline voted on October 21, transcript page 32, an amendment to add admissions of Asian American status to colleges and universities failed by a vote on September 16. A conversation point of testimony today is limited to the four corners contained in the concept paper. So, I am going to submit the concept paper and the timeline for the record. So, thank you."[1]

(Emphasis added).

[1] The transcript for the March 24 briefing on the Federal Response to Anti-Asian Racism has not been circulated. This quote was transcribed from the C-SPAN recording of the briefing which can be found here: https://www.c-span.org/video/?526927-1/us-commission-civil-rights-holds-briefing-anti-asian-racism

AMERICAN OVERSIGHT

The Staff Director's reliance upon 45 CFR 701.11 to establish his authority over Commission proceedings is baseless because this rule applies to the chair of the meeting – not to the staff director.

The Rule states:

> **§ 701.11 Commission meetings – duties of the Chairperson.**
>
> **(a)** At a meeting of the Commission in each calendar year, the Commission shall, by vote of the majority, adopt a schedule of Commission meetings for the following calendar year.
>
> **(b)** In addition to the regularly scheduled meetings, it is the responsibility of the Chairperson to call the Commission to meet in a special open meeting at such time and place as he or she shall deem appropriate; provided however, that upon the motion of a member, and a favorable vote by a majority of Commission members, a special meeting of the Commission may be held in the absence of a call by the Chairperson.
>
> **(c) The Chairperson, after consulting with the Staff Director, shall establish the agenda for each meeting**. The agenda at the meeting of the Commission may be modified by the addition or deletion of specific items upon the motion of a Commissioner and a favorable vote by a majority of the members.
>
> **(d)** In the event that after consulting with the members of the Commission and consideration of the views of the members the Chairperson determines that there are insufficient substantive items on a proposed meeting agenda to warrant holding a scheduled meeting, the Chairperson may cancel such meeting.
>
> See https://www.law.cornell.edu/cfr/text/45/701.11 (Emphasis added).

The rule does not empower the staff director to set the agenda or to moderate a meeting or briefing. In fact, it specifically empowers the Chair (or in this case, the acting chair) to set the agenda and to call the meeting.

At the beginning of the meeting it was made clear that as the most senior member of the Commission that I would serve as the acting chair and consequently I called the briefing to order and moderated the briefing in accordance with my duty.

Staff Director Morales is not a commissioner of this Commission and therefore, unqualified to serve as Chair or acting Chair. Pursuant to 45 CFR 701.11, the staff director may offer some guidance in advance of the briefing to set its agenda. I can confirm that Staff Director Morales did offer a suggested agenda based upon OCRE's organization of each panel of the briefing.

The rule does not confer authority upon the staff director to amend the agenda after a briefing has been called to order, and it certainly does not permit a staff director to intervene to limit Commissioner questions or panelist testimony. Staff Director Morales improperly and

AMERICAN OVERSIGHT

inappropriately asserted himself as an authority over the acting Chair and the Commission as a whole.

Beyond the fact that Staff Director erroneously relied upon 45 CFR 701.11 to justify his interruption of Commission proceedings, Staff Director Morales also claimed that the testimony during the briefing must be limited in scope in accordance with the approved concept paper, what he described as the "four corners contained in the concept paper."

But the approved concept paper proposes a broad examination of discrimination against Asian Americans, with a focus on the pandemic period (2020-2022). The following topics are specifically included – all of which can be seen as encompassing racial discrimination against Asian Americans in academic admissions:

- "This follow-up project will examine federal enforcement through the Civil Rights Act of 1964, … and other federal statutes, Executive Orders, and regulations, as Commission resources may permit, addressing issues of race, color, national origin, administration of justice, and religion related to the rising reports of anti-Asian and Asian American violence and discrimination in the United States as reported since 2019, the year prior to the onset of the COVID-19 pandemic." (Concept Paper, p 1) (Emphasis added).

- "To set these examinations into context, the project will examine the historical and current stages of non-Asian America's relationship with, and beliefs about, Asian immigrants and Asian Americans." (Concept Paper, pp 1-2) (Emphasis added).

- "This project will provide an overview of the historical root causes of anti-Asian racism in America, how anti-Asian racism is perceived by communities, and whether it is enforced or recognized by the justice system. It will, through interviews with organizations that are representative of the diversity within the Asian American community, and review of sociological and other academic studies, examine the unique circumstances of the subgroupings of the Asian American community by places of physical and/or cultural origin, the recently immigrated and the long-standing Asian American components of the communities, **and the individual and collective stereotypes that each has confronted in their past and present**. (Concept Paper, p 4) (Emphasis added).

- This investigation will also focus upon the extent to which federal enforcement, or lack thereof, of statutes, Executive Orders, regulations, policies, and programs created since the post-WWII era that attempt and appear either to reduce or exacerbate anti-Asian racism under the Commission's jurisdiction over issues related to race, color, national origin, administration of justice, and religion. **As staff resources may permit, the project shall attempt to determine instances in which government failure to act constituted or constitutes implicit policy which affected or affects Asian Americans**. The extent of sources of authority and the time period covered shall be determined by the availability of Commission resources. (Concept Paper, p 5) (Emphasis added).

AMERICAN OVERSIGHT

- The report will discuss the apparent outcomes, as measured in part by available statistical analysis and other measures, of federal enforcement, or the lack thereof, on behalf of Asians and Asian Americans. (Concept Paper, p 5) (Emphasis added).

- **Finally, and most importantly, we will look to the representative communities to define what they believe, see, or define as bias against their communities**. (Concept Paper, p 5) (Emphasis added).

Although the motion to make explicit the concept paper's implicit inclusion of the discriminatory impact of race preferences on admissions upon Asian Americans failed with four Commissioners voting in favor and four against, there was also no vote or amendment by the Commission to explicitly exclude anti-Asian bias in educational admissions from the scope of the concept paper.[2] Therefore, although there is no legal authority conveyed upon the staff director to limit briefing testimony, even if there was such an authority, the topic of the discriminatory impact of race preferences in admissions upon Asian Americans clearly falls within the parameters of the concept paper approved by the Commission.

I hope this explanation of 45 CFR 701.11 and the contents of the concept paper approved by the Commission clarifies that (1) Staff Director Morales incorrectly interrupted Commissioner Magpantay's line of questioning during the third panel of the March 24 briefing and (2) that no staff director has the authority to limit panelist testimony or the discussion or the inquiries of individual Commissioners or the Commission as a whole. Intentionally limiting testimony to exclude inconvenient facts and opinions, as Staff Director Morales did, undermines the purpose of the Commission's fact-finding mission.

Please let me know if you have any questions about this issue or would like to discuss it further.

Sincerely,

Peter Kirsanow
Commissioner

Attachment

[2] I was disappointed that the failure of the motion would mean that the research of the Commission staff would not focus equally on race-preferential admissions. But no one argued and I am confident no one thought this would magically amend what was already in the concept paper.

AMERICAN OVERSIGHT

Date : 4/17/2023 11:02:05 AM
From : "J. Christian Adams" jadams@usccr.gov
To : "a@electionlawcenter.com" a@electionlawcenter.com
Subject : Fw: [EXTERNAL] Staff Director's Assertion of Authority
Attachment : Letter to Commissioners re SD assertion of authority at briefing 4.12.2023.pdf;Anti Asian racism concept paper Yaki 2022 09 12 FINAL.pdf;

From: Kirsanow, Peter <pkirsanow@Beneschlaw.com>
Sent: Thursday, April 13, 2023 10:40 AM
To: Rochelle Mercedes Garza; Mondaire Jones; Glenn D. Magpantay; Victoria Frances Nourse; Gail Heriot; Stephen Gilchrist; J. Christian Adams
Subject: [EXTERNAL] Staff Director's Assertion of Authority

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

Good morning all. Kindly see attached.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

CONGRESSIONAL OFFICE FOR
INTERNATIONAL
LEADERSHIP

Parliamentary Staffers from Georgia
March-April 2023

Koba Grialashvili, Chief of Staff, Human Rights and Civil Integration Committee. Mr. Grialashvili is charged with planning and analyzing the Committee`s legislative work and managing staff and the analytical material they produce. With the increased Constitutional authority of the Georgian Parliament due to the country recently became a parliamentary republic, Mr. Grialashvili is looking to gain knowledge regarding the legislative processes of the U.S. Congress, forms of cooperation between the legislative body and civil society, and public engagement in the decision-making process. He is also eager to learn about the effective oversight of laws of the Congress.

Diana Khomeriki, Chief Specialist, Speaker of the Parliament. Ms. Khomeriki provides analytical and informational assistance to the Speaker of the Parliament of Georgia on international affairs. She is working to prepare and communicate democratic reforms that are part of the EU-Georgia Association Agreement and EU recommendations. Ms. Khomeriki represents the Speaker at the Parliamentary Standing Council of Open Governance and Permanent Gender Equality Council. She is looking to gain knowledge of the U.S. legislative and governance systems and practices and to learn about the U.S. experience of promoting youth engagement in parliamentary activities.

Denis Saluqvadze, Chief Specialist, Committee on Environmental Protection and Natural Resources. Mr. Saluqvadze supports the law-making process of the committee. He is involved in the preparation of draft bills of an environmental nature, legal analysis, and he supports to the Committee`s oversight mechanisms. Mr. Saluqvadze is looking to gain knowledge of the U.S. strategy on climate change, environmental affairs, and sustainable development.

Nino Basiladze, Leading Specialist, Legal Issues Committee. Ms. Basiladze is charged with drafting bills, drafting laws and legislative proposals initiated by citizens of Georgia, and providing legal assistance to the members of the Committee. Ms. Basiladze is seeking to learn about the legislative processes of the U.S. Congress, in including the proposing, drafting, and passing of bills. Ms. Basiladze is looking for the best practices of legislative work for the development of the Committee`s legislative efforts.

Mariam Khurtsidze, Senior Specialist, Sector Economy, and Economic Policy Committee. Ms. Khurtsidze is responsible for preparing and finalizing draft bills. She prepares informational and analytical documents for the Committee. She is actively involved in analyzing annual reports of the bodies of Georgian Governmental bodies. Ms. Khurtsidze is looking to gain overall knowledge of American democracy, learn about U.S. legislative processes, and to observe the activities of different interest groups in the U.S. legislative processes.

Sofia Chqareuli (Facilitator), Chief Specialist, International Relations Office of the Parliament of Georgia.

AMERICAN OVERSIGHT

DRAFT

CONGRESSIONAL OFFICE FOR INTERNATIONAL LEADERSHIP

Washington, DC Orientation Seminar
Open World Program- Staff Members of Parliament of Georgia
March 27-30

Monday, March 27

12:10 p.m. Delegation arrives at Washington Dulles International Airport on Turkish Airlines Flight #187 from Istanbul and will be transported to the Capitol Hill Hotel (200 C Street, SE, Washington, DC 20003; Tel: 202-543-6000). You will be met at the airport by an Open World Program/American Councils staff member who will also assist with your hotel check-in.

6:15 p.m. Meet in the hotel lobby for dinner at Hawk 'n' Dove with COIL Senior Program Manager Lewis Madanick

Tuesday, March 28

6:00-
8:30 a.m. Complimentary breakfast provided at the hotel

8:30 a.m. Meet in hotel lobby to walk to the Library of Congress Madison Building. You will be joined by a delegation of Members of Parliament from the country of Armenia for some of the morning program.

9:00 a.m. Welcome to Washington
Ms. Jane Sargus, Executive Director, Congressional Office for International Leadership, West Dining Room, Madison Building (with MPs from Armenia)

9:15-
10-15 a.m. Meet with Stephen Dagadakis, Head, Congressional Programs and Communications Office, and Cory Welt, Analyst, Congressional Research Service, CRS, LM-316, 202-707-2615, sdagadakis@crs.loc.gov

10:30 -
11:30 a.m. How the United States Congress Works
Mr. Matt Glassman, Senior Fellow, Government Affairs Institute, Georgetown University, CRS

AMERICAN OVERSIGHT

DRAFT

11:45 a.m.	Lunch, West Dining Room (with MPs from Armenia)
1:00 p.m.	Meeting with Dr. Steven Shrage, Chief of Staff and Michael Hikari Cecire, Sr. Policy Advisor, U.S. Helsinki Commission, 234 FHOB, 202-226-4293/202-923-5028, michael.cecire@mail.house.gov
2:30 p.m.	Meeting with William B. Cable, Chief Clerk and Team (including counsel Kelly Selesnick and Dominique Mortimer), Senate Select Committee on Ethics, 220 SHOB/202-224-2018/william_cable@ethics.senate.gov
3:45 p.m.	Depart for a city tour of Washington D.C.: Stops will include the Lincoln Memorial and the White House. Please wear comfortable shoes.
6:00 p.m.	Reception for the Summit for Democracy Legislative Track, Madison Hall, James Madison Memorial Building of the Library of Congress, 101 Independence Ave., SE

Dinner on own

Wednesday, March 29

HDP Summit for Democracy 10 am-5:30 pm in CVC Auditorium (Legislative Track)

6:00-8:30 a.m.	Complimentary breakfast provided at the hotel
8:30 a.m.	Meet in the hotel lobby to walk to the U.S. Capitol. Please bring your passport with you. Liquids (water, perfume, etc.) and food are prohibited in the Capitol.
9:00-10:30 a.m.	Tour of the U.S. Capitol
10:45 am	Meeting with Matthew McGhie (and other Staff), Sr. Counsel, U.S. Senate Office of the Legislative Counsel, DSOB 620 (come to DSOB 668 South end 6th Floor), 202-224-6461, matt_mcghie@slc.senate.gov
12:00 p.m.	Meeting with Catherine Szpinder, Chief Administrative Officer of the U.S. House of Representatives, joined by The House Sergeant at Arms William McFarland and Clerk of the House Cheryl L. Johnson, HB-28, The Capitol, 202-225-5555, 202-774-4440, [HYPERLINK "mailto:samantha.hagerty@mail.house.gov"] (Administrative Specialist)
1:30 p.m.	Working Lunch with Staff of Senate Foreign Relations Committee, TBD, Amy English, Foreign Policy Adviser, Senator Jeanne Shaheen, 202-224-2841, amy_english@shaheen.senate.gov
3:00 p.m.	Meet with Tim Monahan, Operations Director, Speaker of the House and Elliot Smith, Deputy Director of Oversight, House Administration Committee, H-327, The Capitol, 202-225-1193, 202-809-2361, elliot.smith@mail.house.gov

AMERICAN OVERSIGHT

DRAFT

4:30 p.m.	Meet with Jonathan Lief Hayes, Pearson Fellow, Office of U.S. Senator Richard J. Durbin, Majority Whip, Location HSOB 711, 202-224-8534, j[HYPERLINK "mailto:onathan_hayes@senate.durbin.gov"]
6:30 p.m.	Dinner at Harvest Tide Steakhouse Restaurant, joined by Senior Counselor of the Embassy of Georgia Paata Patashvili (Leg. Affairs) and Phil Kiko, Principal, William and Jensen PLLC, former Chief Administrative Officer (CAO) of the U.S. House of Representatives, 212 7th Street, SE, 20003, 202-733-1691

Thursday, March 30

6:00- 10:00 a.m.	Complimentary breakfast provided at the hotel
9:30 a.m.	Meeting with Warren Burke (Senior Counsel), Brenna Marie Gautum (Assistant Counsel) and Noah Wofsy (Deputy Legislative Counsel), House Office of Legislative Counsel, 337 FHOB, 202-225-6060, noah.wolfsy@mail.house.gov
11:00 a.m.	Meeting with Cyrus Artz (and other staff), Republican Staff Director, U.S. House Committee on Education and Labor, Subcommittee Room, RHOB 2261 (or 2176 need to confirm), 202-225-4527, Cyrus Artz, cyrus.artz@mail.house.gov
12:00 p.m.	Lunch TBD
1:00 p.m.	Meeting with Parliamentarian of the House Jason Smith, H-209/210 - The Capitol, Matthew Kowalewski, 202-225-7373, Matthew Kowaleswki2@mail.house.gov
2:30 p.m.	Meeting with J. Christian Adams and staff, U.S. Commission on Civil Rights. 1331 Pennsylvania Avenue, NW, Suite 1150, USCCR Conference Room, [HYPERLINK "mailto:(202) 236-2617"], [HYPERLINK "mailto:jadams@usccr.gov"] (John Mashburn)
5:30 p.m.	Board American Councils/Open World Transportation for transportation to National Airport for American Airlines flight #5559 departing at 7:45 p.m. for Norfolk, VA, where you will be met by your hosts with Norfolk Sister Cities.

Safe travels!

AMERICAN OVERSIGHT

Date : 3/27/2023 2:02:30 PM
From : "J. Christian Adams" jadams@usccr.gov
To : "a@electionlawcenter.com" a@electionlawcenter.com
Subject : Fw: [EXTERNAL] High-Level Delegation of Georgian Parliament Staffers Next Week March 27-30 - Attention Mauro Albert Morales and Staff
Attachment : March 27 Georgia MP Staffer DCO Agenda.doc;2023-Parliamentary Staffers from Georgia Combined Short Bios.docx;image001.png;

From: John Mashburn
Sent: Monday, March 27, 2023 1:12 PM
To: J. Christian Adams
Cc: Carissa Mulder
Subject: FW: [EXTERNAL] High-Level Delegation of Georgian Parliament Staffers Next Week March 27-30 - Attention Mauro Albert Morales and Staff

See attached list of delegates.

I found this listing in the US code where the Congressional Office for International Leadership was established: https://www.law.cornell.edu/uscode/text/2/1151

2 U.S. Code § 1151 - Congressional Office for International Leadership

- U.S. Code

Notes

(a)Establishment

(1)In general

There is established in the legislative branch of the Government an office to be known as the "Congressional Office for International Leadership" (the "Office").

From: "Madanick, Lewis" <lmad@coil.gov>
Date: Monday, March 27, 2023 at 12:55 PM
To: John Mashburn <jmashburn@usccr.gov>
Cc: Sopho Chkareuli <schkareuli@parliament.ge>
Subject: FW: [EXTERNAL] High-Level Delegation of Georgian Parliament Staffers Next Week March 27-30 - Attention Mauro Albert Morales and Staff

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

ya go. I have copied the group's facilitator Sopho as the group specifically requested this meeting. All my best, Lewis

AMERICAN OVERSIGHT

From: Madanick, Lewis
Sent: Monday, March 27, 2023 12:17 PM
To: 'J. Christian Adams' <jadams@usccr.gov>
Cc: Adolat Salikhova <asalikhova@americancouncils.org>; John Mashburn <jmashburn@usccr.gov>; Carissa Mulder <CMulder@usccr.gov>
Subject: RE: [EXTERNAL] High-Level Delegation of Georgian Parliament Staffers Next Week March 27-30 - Attention Mauro Albert Morales and Staff

That is awesome. We will see you then!! Lewis

From: J. Christian Adams <jadams@usccr.gov>
Sent: Monday, March 27, 2023 11:51 AM
To: Madanick, Lewis <lmad@coil.gov>
Cc: Adolat Salikhova <asalikhova@americancouncils.org>; John Mashburn <jmashburn@usccr.gov>; Carissa Mulder <CMulder@usccr.gov>
Subject: Re: [EXTERNAL] High-Level Delegation of Georgian Parliament Staffers Next Week March 27-30 - Attention Mauro Albert Morales and Staff

CAUTION: This email message has been received from an external source. Please use caution when opening attachments, or clicking on links.

Our staff has secured the USCCR Conference room for us at 2:30. I have a hard departure time at 3:20 so I hope that will be enough time.

Christian Adams

From: Madanick, Lewis <lmad@coil.gov>
Sent: Monday, March 27, 2023 7:31:22 AM
To: J. Christian Adams
Cc: Adolat Salikhova; John Mashburn; Carissa Mulder
Subject: RE: [EXTERNAL] High-Level Delegation of Georgian Parliament Staffers Next Week March 27-30 - Attention Mauro Albert Morales and Staff

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

If not, I can find a spot in the LoC for us. The delegation has asked if you would provide a general overview of the commission; how it is managed/organized, how the staff is appointed/term; their role in the development and implementing human rights legislation and human rights policies, what oversight functions they have, their goals and challenges, and their participation in the legislative processes.

Meeting with Parliamentarian of the House Jason Smith, H-209/210 - The Capitol, Matthew Kowalewski, 202-225-7373, Matthew Kowaleswki2@mail.house.gov

Meeting with J. Christian Adams and staff, U.S. Commission on Civil Rights. 1331 Pennsylvania Avenue, NW, Suite 1150, (202) 376-7700, jadams@usccr.gov

AMERICAN OVERSIGHT

Board American Councils/Open World Transportation for transportation to National Airport for American Airlines flight #5559 departing at 7:45 p.m. for Norfolk, VA, where you will be met by your hosts with Norfolk Sister Cities.

On 26 Mar 2023, at 15:02, Madanick, Lewis <lmad@coil.gov> wrote:
What to cover? Lewis
Sent from my iPhone

Begin forwarded message:
From: "J. Christian Adams" <jadams@usccr.gov>
Date: March 25, 2023 at 12:41:01 PM EDT
To: "Madanick, Lewis" <lmad@coil.gov>
Cc: Adolat Salikhova <asalikhova@americancouncils.org>, John Mashburn <jmashburn@usccr.gov>, Carissa Mulder <CMulder@usccr.gov>
Subject: Re: [EXTERNAL] High-Level Delegation of Georgian Parliament Staffers Next Week March 27-30 - Attention Mauro Albert Morales and Staff

CAUTION: This email message has been received from an external source. Please use caution when opening attachments, or clicking on links.

Yes, where would I go? What would I need to be prepared for??

From: J. Christian Adams <jadams@usccr.gov>
Sent: Saturday, March 25, 2023 12:40 PM
To: Madanick, Lewis <lmad@coil.gov>
Cc: Adolat Salikhova <asalikhova@americancouncils.org>; John Mashburn <jmashburn@usccr.gov>; Carissa Mulder <CMulder@usccr.gov>
Subject: Re: [EXTERNAL] High-Level Delegation of Georgian Parliament Staffers Next Week March 27-30 - Attention Mauro Albert Morales and Staff

CAUTION: This email message has been received from an external source. Please use caution when opening attachments, or clicking on links.

Yes, where would I go? What would I need to be prepared for??

From: Madanick, Lewis <lmad@coil.gov>
Sent: Friday, March 24, 2023 7:08:37 AM
To: J. Christian Adams
Cc: Adolat Salikhova
Subject: RE: [EXTERNAL] High-Level Delegation of Georgian Parliament Staffers Next Week March 27-30 - Attention Mauro Albert Morales and Staff

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

that is what we will plan for.
There is a chance I need to push back to 3:00. Does this work? Do you have that flexibility? Lewis

AMERICAN OVERSIGHT

From: J. Christian Adams <jadams@usccr.gov>
Sent: Thursday, March 23, 2023 10:07 AM
To: Madanick, Lewis <lmad@coil.gov>
Subject: Re: [EXTERNAL] High-Level Delegation of Georgian Parliament Staffers Next Week March 27-30 - Attention Mauro Albert Morales and Staff

CAUTION: This email message has been received from an external source. Please use caution when opening attachments, or clicking on links.

Sure. March 30 works. Please keep me advised.

From: Madanick, Lewis <lmad@coil.gov>
Sent: Wednesday, March 22, 2023 9:03:18 AM
To: J. Christian Adams
Cc: Adolat Salikhova
Subject: RE: [EXTERNAL] High-Level Delegation of Georgian Parliament Staffers Next Week March 27-30 - Attention Mauro Albert Morales and Staff

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

to plan this meeting would be Thursday afternoon, March 30. Would this work for you (as I have to plan transport)? Is this where we would come to meet you:

U.S. Commission on Civil Rights
1331 Pennsylvania Ave., NW, Suite 1150
Washington, DC 20425

Also, can you provide the best phone contact info.

All my best, Lewis

From: J. Christian Adams <jadams@usccr.gov>
Sent: Tuesday, March 21, 2023 6:48 PM
To: Madanick, Lewis <lmad@coil.gov>
Subject: Re: [EXTERNAL] High-Level Delegation of Georgian Parliament Staffers Next Week March 27-30 - Attention Mauro Albert Morales and Staff

CAUTION: This email message has been received from an external source. Please use caution when opening attachments, or clicking on links.

Happy to. What day? That makes a difference for me.

From: Madanick, Lewis <lmad@coil.gov>
Sent: Tuesday, March 21, 2023 11:34:16 AM
To: J. Christian Adams
Cc: Public Affairs
Subject: [EXTERNAL] High-Level Delegation of Georgian Parliament Staffers Next Week March 27-30 - Attention Mauro Albert Morales and Staff

AMERICAN OVERSIGHT

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

Greetings from the Congressional Office for International Leadership (COIL), a legislative branch agency that support Congress with its foreign policy oversight function. I hope that this note finds all well with you.

COIL will be hosting an important and timely delegation of top staffers from the Parliament of Georgia next week (March 27-30). It would be great if they could have a meet with members of the U.S. Commission on Civil Rights as they have made such a request a priority for their visit as they work out their Parliamentary procedures and civil rights policies.

Due to the recent tensions between the United States and Georgia and the ongoing war of aggression carried out by Russia in Ukraine (and in Georgia since 2008) hosting this delegation is an excellent way to inform key Members of Congress (and Staff leaders) about the situation in Georgia and to help the permanent and stable staff of the Georgian Parliament to effectively legislate and improve the lives of the country's citizens and its national security.

Please let me know if Members of the Commission are available next week to meet with this delegation of emerging Georgian leaders. All my best, Lewis

Lewis Madanick
Senior Program Manager
Congressional Office for International Leadership
CONGRESSIONAL OFFICE FOR INTERNATIONAL LEADERSHIP
Cell: 202-297-2128
lmad@coil.gov
www.coil.gov

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 4/28/2023 3:04:06 PM
From : "Christian Adams" a@electionlawcenter.com
To : "pkirsanow@Beneschlaw.com" pkirsanow@Beneschlaw.com
Cc : "gheriot@me.com" gheriot@me.com, "gheriot@usccr.gov" gheriot@usccr.gov, "thegilchristassociates@gmail.com" thegilchristassociates@gmail.com, "sgilchrist@usccr.gov" sgilchrist@usccr.gov, "jadams@usccr.gov" jadams@usccr.gov, "CMulder@usccr.gov" CMulder@usccr.gov, "carissa.mulder@gmail.com" carissa.mulder@gmail.com, "tjsimuel32@gmail.com" tjsimuel32@gmail.com, "jkmash@comcast.net" jkmash@comcast.net, "jmashburn@usccr.gov" jmashburn@usccr.gov, "afragosa.usccr@gmail.com" afragosa.usccr@gmail.com, "afragosa@usccr.gov" afragosa@usccr.gov
Subject : [EXTERNAL] Re: FW: USCCR Weekly News Round-Up Apr. 22-28
Attachment : 1.jpg;

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

Funny I know Senators saw it. I even heard from a parish priest I know in Arlington that he had seen it. They must have better news feess than the staffer who works for the Staff Director.

---- On Fri, 28 Apr 2023 14:32:54 -0400 **pkirsanow@Beneschlaw.com** wrote ----

---

From: Carissa Mulder <CMulder@usccr.gov>
Sent: Friday, April 28, 2023 2:24 PM
To: Kirsanow, Peter <pkirsanow@Beneschlaw.com>
Subject: Fw: USCCR Weekly News Round-Up Apr. 22-28

Shockingly, the Daily Wire article did not make it in the weekly news roundup.

From: Hyung Kim
Sent: Friday, April 28, 2023 2:14 PM
To: USCCR AGENCYWIDE; Commissioners
Subject: USCCR Weekly News Round-Up Apr. 22-28

Good Afternoon,

AMERICAN OVERSIGHT

Please see the following recent news alerts (from Apr 22 – 28, 2023) regarding the U.S. Commission on Civil Rights and its Advisory Committees.

- Government Technology - **Connecticut Committee Issues Report on Implications of Algorithms**

https://www.govtech.com/products/connecticut-committee-issues-report-on-implications-of-algorithms

- CT Examiner - **CT Seeks Stricter AI Regulations After Federal Report Suggests Algorithm Bias**

https://ctexaminer.com/2023/04/26/ct-seeks-stricter-ai-regulations-after-federal-report-suggests-algorithm-bias/

- CT News Junkie - **Shedding Light on Algorithms: Civil Rights Advocates and Lawmakers Call for Changes to Connecticut's FOI Laws to Address AI Bias Concerns**

https://ctnewsjunkie.com/2023/04/25/shedding-light-on-algorithms-civil-rights-advocates-and-lawmakers-call-for-changes-to-connecticuts-foi-laws-to-address-ai-bias-concerns/

- Hartford Courant - **CT government AI use can have bias, civil rights implications, needs greater transparency**

https://www.courant.com/2023/04/25/report-ct-government-ai-use-can-have-bias-civil-rights-implications-needs-greater-transparency/

- Fox 61 - **Lawmakers push for more transparency in the use of artificial intelligence**

https://www.fox61.com/article/news/politics/lawmakers-transparency-artificial-intelligence/520-00e3c065-7361-46e3-968c-766e5725a29b

- The Inter-Mountain - **Panelists discuss discipline disparities**

https://www.theintermountain.com/news/local-news/2023/04/panelists-discuss-discipline-disparities/

Thank you,

AMERICAN OVERSIGHT

Joe Kim

Public Affairs Assistant

U.S. Commission on Civil Rights

1331 Pennsylvania Ave., NW, Suite 1150

Washington, DC 20425

hkim@usccr.gov

www.usccr.gov

65 YEARS OF CIVIL RIGHTS
RESEARCH
COLLABORATION
ADVANCEMENT

Follow us on Twitter and Facebook

Established in 1957 by the Civil Rights Act, the Commission is the only independent, bipartisan federal agency charged with advising the President and Congress on civil rights matters. Our 56 state and territory Advisory Committees offer a broad perspective on civil rights concerns at state and local levels.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 1/9/2024 8:39:53 AM
From : "J. Christian Adams" jadams@usccr.gov
To : "Christian Adams" adams@electionlawcenter.com
Subject : Fw: [EXTERNAL] Transaction Report Reminder

From: USCCR_Ethics@HRworx.com <USCCR_Ethics@HRworx.com>
Sent: Monday, January 1, 2024 1:31 AM
To: J. Christian Adams
Subject: [EXTERNAL] Transaction Report Reminder

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

Dear Christian Adams,
Just a reminder that if you had any qualifying transactions this month, you need to file a monthly OGE 278T Transaction Report. Here is a summary of which transactions must be reported on a monthly basis:

Any purchase, sale, or exchange of stocks, bonds, commodities, futures, or other forms of securities owned or acquired by the employee, his or her spouse, or dependent children the when the amount of the transaction exceeds $1,000.

Exclusions: You do NOT have to file a monthly report for the following transactions:

1. Real property
2. Excepted investment funds (including most mutual funds)
3. Underlying holdings of an excepted investment fund, a qualified blind or diversified trust, or an excepted trust
4. Treasuries
5. Life insurance and annuities
6. Cash accounts
7. Assets in a retirement system under Title 5, United States Code (including TSP)
8. Assets in any other retirement system maintained by the United States for officers or employees of the United States

In order to file your OGE 278T, click on the link: https://fd.intelliworxit.com/client/ and login using your email address as your username (jadams@usccr.gov). You may request a temporary password through the system if you have forgotten yours. (I cannot create or access passwords for you.)
No response to this email is necessary if you have nothing to report.

AMERICAN OVERSIGHT

Please feel free to contact me if you have any questions.
Regards,

Pilar McLaughlin
Assistant Designated Agency Ethics Officer
Senior Attorney Advisor
Office of the General Counsel
U.S. Commission on Civil Rights
Phone#: (703) 855-8866
Email: pmclaughlin@usccr.gov
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 2/8/2023 8:52:48 AM
From : "J. Christian Adams" jadams@usccr.gov
To : "Christian Adams" adams@electionlawcenter.com
Subject : Fw: USCCR Weekly News Round-Up Jan 27 - Feb 3
Attachment : image001.jpg;

From: Hyung Kim
Sent: Friday, February 3, 2023 12:45 PM
To: USCCR AGENCYWIDE; Commissioners; mondaire@gmail.com
Subject: USCCR Weekly News Round-Up Jan 27 - Feb 3

Good Afternoon,

Please see the following recent news alerts (from Jan 27 – Feb 3, 2023) regarding the U.S. Commission on Civil Rights.

- The Progressive Magazine – Laboring Under Discrimination
https://progressive.org/magazine/laboring-under-discrimination-stetler/

- The Hill - Confronting the unfair limitations of civil rights in Puerto Rico
https://thehill.com/opinion/civil-rights/3833376-confronting-the-unfair-limitations-of-civil-rights-in-puerto-rico/

- The Westerly Sun - Connecticut needs safeguards for agency algorithms
https://www.thewesterlysun.com/news/stonington/panel-connecticut-needs-safeguards-for-agency-algorithms/article_7275b523-e36d-5389-a2d7-004653871de9.html

Thank you,

Joe Kim
Public Affairs Assistant
U.S. Commission on Civil Rights
1331 Pennsylvania Ave., NW, Suite 1150
Washington, DC 20425
hkim@usccr.gov
www.usccr.gov

65 YEARS OF CIVIL RIGHTS
RESEARCH
COLLABORATION
ADVANCEMENT

Follow us on Twitter and Facebook

AMERICAN OVERSIGHT

Established in 1957 by the Civil Rights Act, the Commission is the only independent, bipartisan federal agency charged with advising the President and Congress on civil rights matters. Our 56 state and territory Advisory Committees offer a broad perspective on civil rights concerns at state and local levels.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 4/11/2023 12:43:15 PM
From : "Christian Adams" a@electionlawcenter.com
To : "'Alexis Fragosa'" afragosa@usccr.gov, "'Kirsanow, Peter'" pkirsanow@Beneschlaw.com, "'Peter Kirsanow'" pkirsanow@usccr.gov, "'Gail Heriot'" gheriot@me.com, "'Gail Heriot'" gheriot@usccr.gov, "'J. Christian Adams'" jadams@usccr.gov, "'stephen gilchrist'" thegilchristassociates@gmail.com, "'Stephen Gilchrist'" sgilchrist@usccr.gov
Cc : "'Thomas Simuel'" tsimuel@usccr.gov, "'John Mashburn'" jmashburn@usccr.gov, "'Carissa Mulder'" CMulder@usccr.gov
Subject : RE: [EXTERNAL] RE: Caucus meeting

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

I am now.

From: Alexis Fragosa <afragosa@usccr.gov>
Sent: Tuesday, April 11, 2023 12:40 PM
To: Christian Adams <a@electionlawcenter.com>; 'Kirsanow, Peter' <pkirsanow@Beneschlaw.com>; Peter Kirsanow <pkirsanow@usccr.gov>; 'Gail Heriot' <gheriot@me.com>; Gail Heriot <gheriot@usccr.gov>; J. Christian Adams <jadams@usccr.gov>; 'stephen gilchrist' <thegilchristassociates@gmail.com>; Stephen Gilchrist <sgilchrist@usccr.gov>
Cc: Thomas Simuel <tsimuel@usccr.gov>; John Mashburn <jmashburn@usccr.gov>; Carissa Mulder <CMulder@usccr.gov>
Subject: Re: [EXTERNAL] RE: Caucus meeting

Pete, are you available now?

Gail and I are on a zoom call and we can easily add in additional participants.

From: Christian Adams <a@electionlawcenter.com>
Sent: Tuesday, April 11, 2023 12:34:43 PM
To: Alexis Fragosa; 'Kirsanow, Peter'; Peter Kirsanow; 'Gail Heriot'; Gail Heriot; J. Christian Adams; 'stephen gilchrist'; Stephen Gilchrist
Cc: Thomas Simuel; John Mashburn; Carissa Mulder
Subject: RE: [EXTERNAL] RE: Caucus meeting

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

From: Alexis Fragosa <afragosa@usccr.gov>
Sent: Tuesday, April 11, 2023 12:34 PM
To: Kirsanow, Peter <pkirsanow@Beneschlaw.com>; Peter Kirsanow

AMERICAN OVERSIGHT

<pkirsanow@usccr.gov>; Gail Heriot <gheriot@me.com>; Gail Heriot <gheriot@usccr.gov>; J. Christian Adams <jadams@usccr.gov>; Christian Adams <a@electionlawcenter.com>; stephen gilchrist <thegilchristassociates@gmail.com>; Stephen Gilchrist <sgilchrist@usccr.gov>
Cc: Thomas Simuel <tsimuel@usccr.gov>; John Mashburn <jmashburn@usccr.gov>; Carissa Mulder <CMulder@usccr.gov>
Subject: Re: [EXTERNAL] RE: Caucus meeting

Is anyone available this evening? Perhaps 6 p.m. EST or later?

From: Kirsanow, Peter <pkirsanow@Beneschlaw.com>
Sent: Tuesday, April 11, 2023 12:28:40 PM
To: Alexis Fragosa; Peter Kirsanow; Gail Heriot; Gail Heriot; J. Christian Adams; Christian Adams; stephen gilchrist; Stephen Gilchrist
Cc: Thomas Simuel; John Mashburn; Carissa Mulder
Subject: [EXTERNAL] RE: Caucus meeting

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

From: Alexis Fragosa <afragosa@usccr.gov>
Sent: Tuesday, April 11, 2023 12:20 PM
To: Kirsanow, Peter <pkirsanow@Beneschlaw.com>; Peter Kirsanow <pkirsanow@usccr.gov>; Gail Heriot <gheriot@me.com>; Gail Heriot <gheriot@usccr.gov>; J. Christian Adams <jadams@usccr.gov>; Christian Adams <a@electionlawcenter.com>; stephen gilchrist <thegilchristassociates@gmail.com>; Stephen Gilchrist <sgilchrist@usccr.gov>
Cc: Thomas Simuel <tsimuel@usccr.gov>; John Mashburn <jmashburn@usccr.gov>; Carissa Mulder <CMulder@usccr.gov>
Subject: Caucus meeting

Hello,

Gail proposes that we meet this afternoon, Wednesday after noon or Thursday anytime for a caucus zoom to discuss the chair nomination.

Please advise if/when you are available to join a caucus zoom.

Thank you.

AMERICAN OVERSIGHT

Alexis I. Fragosa

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 5/19/2023 10:51:28 AM
From : "J. Christian Adams" jadams@usccr.gov
To : "Christian Adams" adams@electionlawcenter.com
Subject : Fw: Docs for May Business Meeting
Attachment : image001.gif;image002.gif;

From: Mauro Morales
Sent: Thursday, May 11, 2023 1:07 PM
To: Commissioners
Cc: Commissioners; CommissionerAssistants
Subject: RE: Docs for May Business Meeting

Commissioners,

Several documents were forwarded to me yesterday with a request to add them to the Commissioner's folder. The addition of these documents would be inappropriate because they are not part of the current agenda. Absence any mutual agreement from all Commissioners, any changed to the agenda will have to be made by a majority vote during the meeting. If I receive notification prior to May 18th that a mutual agreement has been reached by all Commissioners to amend the agenda then I will be happy to upload the documents to the Commissioner's Folder. Otherwise, documents should be circulated directly to all Commissioners informing them to expect a motion(s) to be offered during the meeting for their discussion and vote.

Thank you.

Mauro Morales
Staff Director
U.S. Commission on Civil Rights
P: 202-376-7796| F: 202-376-7672
Mmorales@usccr.gov
http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:
#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further

AMERICAN OVERSIGHT

distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

OGE Form 278-T (June 2012)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Executive Branch Personnel PUBLIC FINANCIAL DISCLOSURE REPORT:
Periodic Transaction Report

Filer's Name *(Print Last, First, and Middle Initial)*	Title of Position for Which Filing	Department or Agency	
Certification: I CERTIFY that the statements I have made on this form and any attachments are true, complete, and correct to the best of my knowledge.	**Signature of the Filer**	**Date** *(Month, Day, Year)*	**Notice of Extension** ☐ Check if granted. Indicate number of days:

Signature of Intermediate Reviewing Official *(if required by agency)*	Date *(Month, Day, Year)*	Agency Use Only	OGE Use Only

Signature of Agency's Final Reviewing Official	Date *(Month, Day, Year)*	Comments of Reviewing Officials
Signature of Reviewing Official at U.S. Office of Government Ethics *(if required)*	**Date** *(Month, Day, Year)*	

Transactions

Report any purchase, sale, or exchange by you of stocks, bonds, commodity futures, and other securities if the amount of the transaction exceeded $1,000. You do not need to report: (1) mutual funds and other excepted investment funds; (2) certificates of deposit, savings or checking accounts, and money market accounts; (3) U.S. Treasury bills, notes, and bonds; (4) Thrift Savings Plan accounts; (5) real property; (6) transactions involving securities owned by your spouse or dependent child, provided you are not also an owner of the securities; and (7) transactions that are solely by and between you, your spouse or dependent child.

Deadlines

You must file your report within **30 days** of when you receive **notification of a transaction** but not later than 45 days after the transaction. These deadlines do not apply to any voluntary additional disclosures you make. See the instructions.

	Identification of Assets	Transaction Date *(Mo./Day/Yr.)*	Notification Received More Than 30 Days Ago*	Transaction Type (x)			Amount of Transaction (x)											
				Purchase	Sale	Exchange	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000**	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000
Ex.	Central Airlines Co.	10/1/12		X					X								
Ex.	BMSL Propulsion, Inc.	9/4/12	X	X				X									
1																	
2																	
3																	
4																	
5																	
6																	

AMERICAN OVERSIGHT

2023 Annual Ethics Training For Commissioners

Presented by the
Office of the General Counsel
USCCR

Designated Agency Ethics Official – David Ganz
Assistant Designated Agency Ethics Official – Pilar Velasquez McLaughlin

AMERICAN OVERSIGHT

Purpose of Ethics Rules

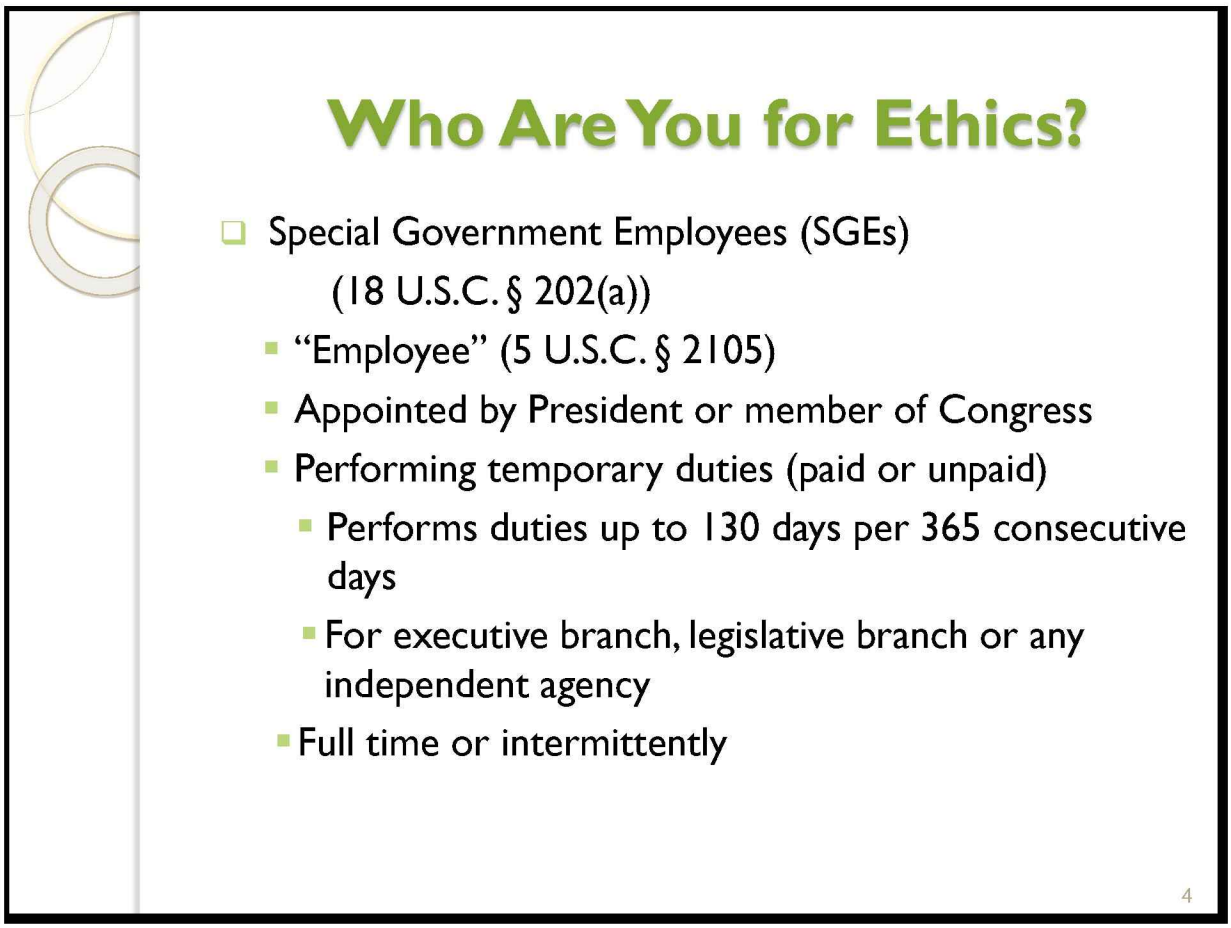
- To ensure that the public does not lose confidence in the integrity of the federal government and avoid the perception that government employees use public office for personal gain.
- Commission regulations make the executive branch ethics rules apply to all Commission employees. *See* 45 C.F.R. § 706.1.

AMERICAN OVERSIGHT

Annual Ethics Training Agenda

- Status of Commissioners
- Standards of Conduct
- Financial Conflicts
  - Financial Disclosure Forms & STOCK Act
- Other Standards of Conduct and Criminal Laws (18 U.S.C.)
- Gifts
- Impartiality (appearances & representation)
- Misuse of position
- Outside activities
- Seeking employment
- Hatch Act (Political Activities)

AMERICAN OVERSIGHT



Congress created the SGE category in 1962 when it revised the criminal conflict of interest statutes. Congress recognized the need to apply appropriate conflict of interest restrictions to experts, consultants, and other advisers who serve the Government on a temporary basis. On the other hand, Congress also determined that the Government cannot obtain the expertise it needs if it requires experts to forego their private professional lives as a condition of temporary service. Since 1962, the SGE category has been used in a number of statutes and regulations as a means of tailoring the applicability of some restrictions.

AMERICAN OVERSIGHT

Standards of Conduct (5 C.F.R. Part 2635)

- Applicable to ALL EMPLOYEES
- Conflicting Financial Interests (§§ 2635.401 - 2635.403)
- Gifts (from outside sources or employees) (§§ 2635.201 - 2635.206) (§§ 2635.301 - 2635.304)
- Impartiality (§§ 2635.501 - 2635.503)
- Misuse of Position (§§ 2635.701 - 2635.705)
- Outside Activities (§§ 2635.801 - 2635.809)
- Seeking Other Employment(§§ 2635.601 - 2635.607)
- https://www.law.cornell.edu/cfr/text/5/part-2635

AMERICAN OVERSIGHT

Conflicting Financial Interests

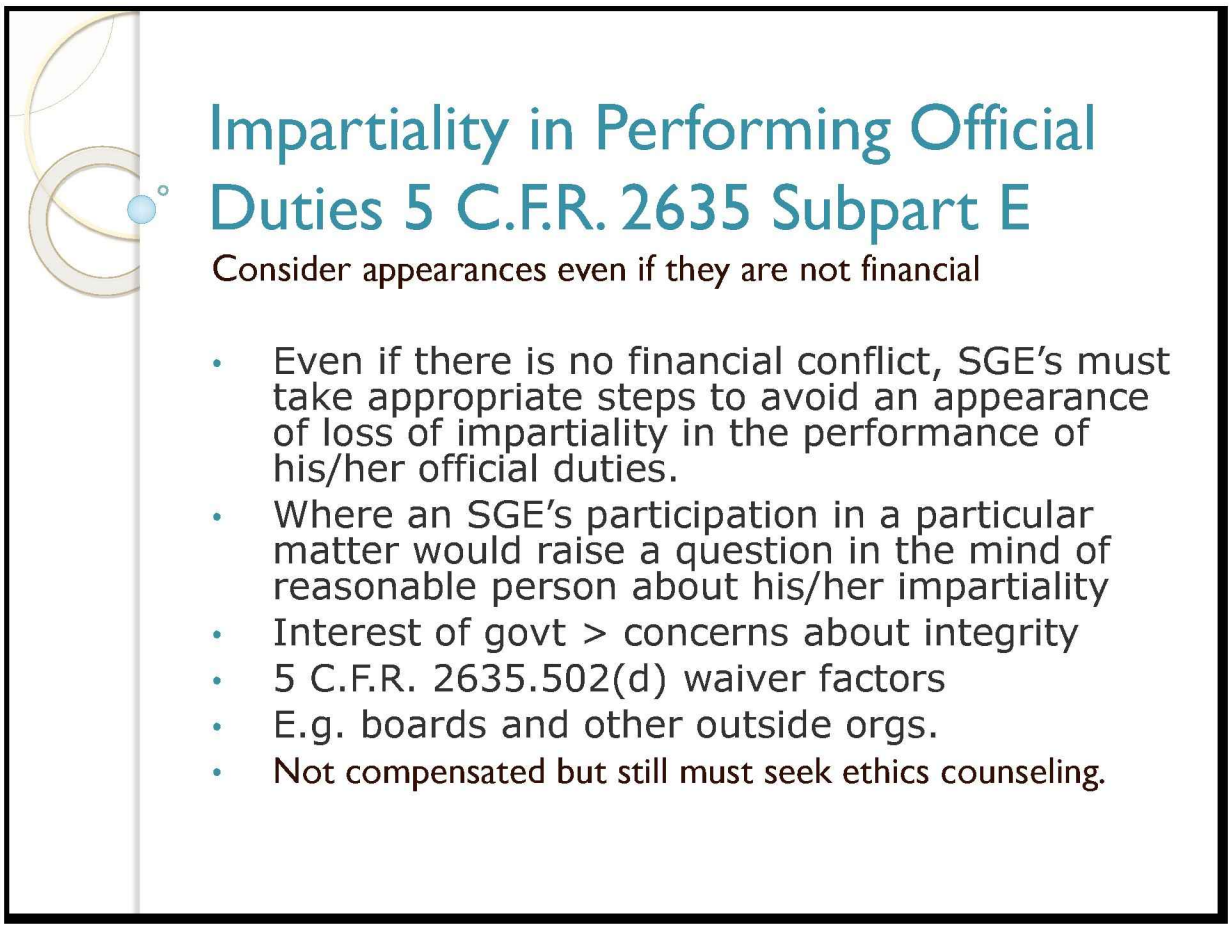
- 18 U.S.C. § 208
- Federal employee may not
  - Participate personally and substantially
    - (decide, approve, recommend, or advise)
  - In an official capacity
  - In any particular matter with
    - A direct and predictable effect on financial interests
    - Or on financial interests imputed to employee
- *See also* 5 C.F.R. §§ 2635.401- 2635.403 https://www.law.cornell.edu/cfr/text/5/part-2635/subpart-D

AMERICAN OVERSIGHT

Which financial interests?

- Imputed relationships are:
- Yours
- Spouse
- Minor children
- General partners
- Entities for which you are officer, director, trustee, general partner, or employee
- Entities negotiating or promising you future non-federal employment

AMERICAN OVERSIGHT



Agency designee may authorize the employee to participate when the interest of the government in the employee's participation outweighs the concerns about the integrity of the agency's programs and operations. This comes up a lot at the Commission because of SGE's participation on boards and other outside orgs.

AMERICAN OVERSIGHT

Resolving Financial Conflicts

- Notify and consult with an Ethics Official
- Usually, the best remedy is to recuse/disqualify self from the conflicts matter
- Potential of waiver due to being SGE

AMERICAN OVERSIGHT

Identifying Financial Conflicts – Tools & Laws:

1. Financial Disclosure Forms
2. Stop Trading on Congressional Knowledge Act (STOCK Act)

- Statutory requirement to file public financial disclosure form (278e) and contents of form. See 5 U.S.C. app. § 101-105.
- On April 4, 2012, President Obama signed into law the Stop Trading on Congressional Knowledge Act of 2012, Pub. L. No. 112-105 (2012) (STOCK Act).
- Section 6 of the STOCK Act adds new subsection 103(l) to the Ethics in Government Act of 1978, 5 U.S.C. app. 4, § 101 et seq. (EIGA). Section 103(l) of EIGA requires that not later than 30 days after receiving notification of any transaction required to be reported under subsection 102(a)(5)(B) of EIGA, but in no case later than 45 days after such a transaction, a covered employee must file a report of the transaction. These transactions are reported via the 278-T form.
- Penalties for not filing include $200 fee.

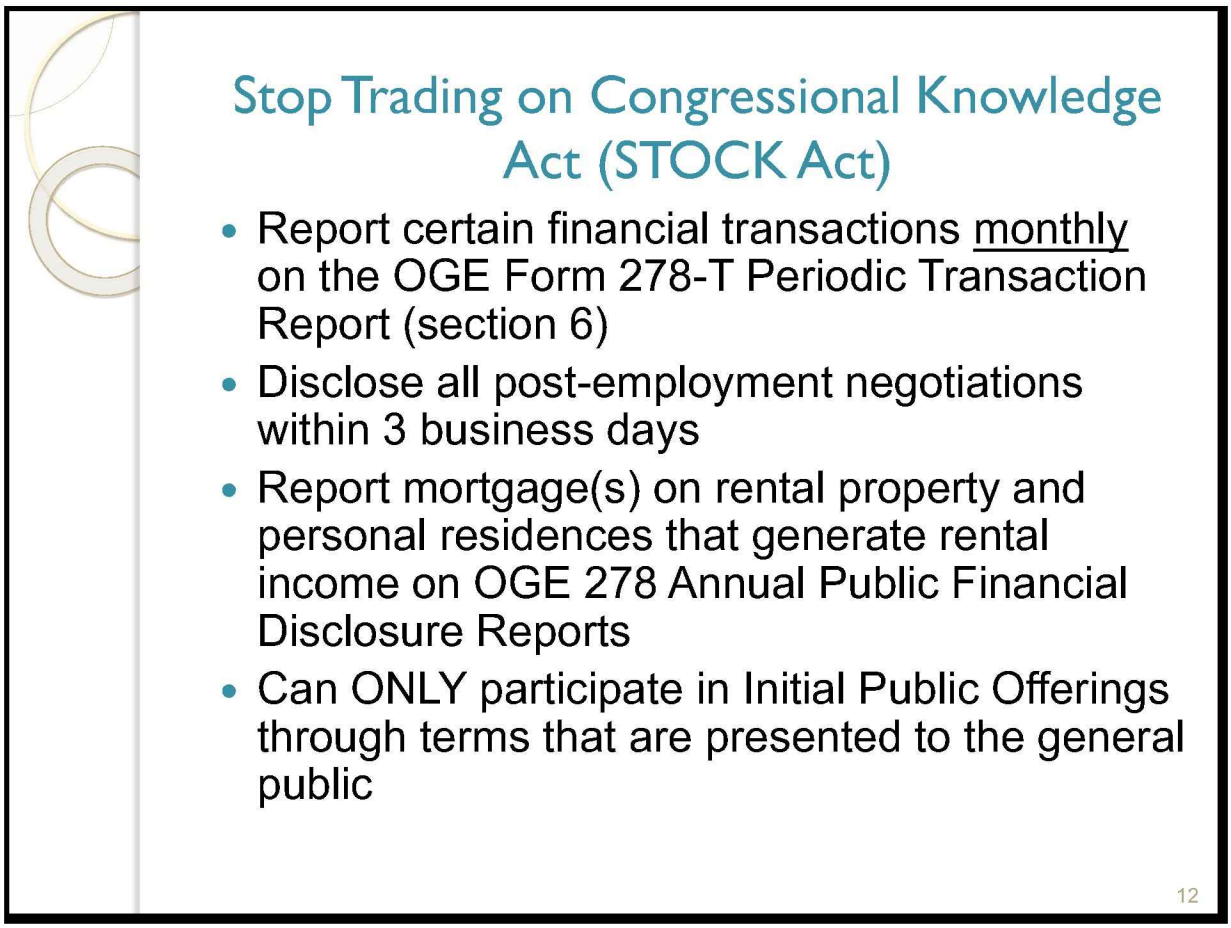
10

AMERICAN OVERSIGHT

Review and Certification of OGE Form 278e

- Typically, due mid-May
- Looking for potential financial conflicts.
- Ethics officials compare and reconcile the report against the previous report, if any. Make sure that the current report accounts for all the entries that carried over from the last report. Note any that do not.
  - Please utilize the notes section in FDOnline to assist this review.

AMERICAN OVERSIGHT



Omit mortgages secured by personal residences unless the personal residence generates rental income.

AMERICAN OVERSIGHT

OGE Form 278-T (June 2012)
5 C.F.R. Part 2634
U.S. Office of Government Ethics

Executive Branch Personnel PUBLIC FINANCIAL DISCLOSURE REPORT:
Periodic Transaction Report

Filer's Name *(Print Last, First, and Middle Initial)*	**Title of Position for Which Filing**	**Department or Agency**	
Certification: I CERTIFY that the statements I have made on this form and any attachments are true, complete, and correct to the best of my knowledge.	**Signature of the Filer**	**Date** *(Month, Day, Year)*	**Notice of Extension** ☐ Check if granted Indicate number of days:

Signature of Intermediate Reviewing Official *(if required by agency)*	**Date** *(Month, Day, Year)*	**Agency Use Only**	**OGE Use Only**
Signature of Agency's Final Reviewing Official	**Date** *(Month, Day, Year)*	**Comments of Reviewing Officials**	
Signature of Reviewing Official at U.S. Office of Government Ethics *(if required)*	**Date** *(Month, Day, Year)*		

Transactions

Report any purchase, sale, or exchange by you of stocks, bonds, commodity futures, and other securities if the amount of the transaction exceeded $1,000. You do not need to report: (1) mutual funds and other excepted investment funds; (2) certificates of deposit, savings or checking accounts, and money market accounts; (3) U.S. Treasury bills, notes, and bonds; (4) Thrift Savings Plan accounts; (5) real property; (6) transactions involving securities owned by your spouse or dependent child, provided you are not also an owner of the securities; and (7) transactions that are solely by and between you, your spouse or dependent child.

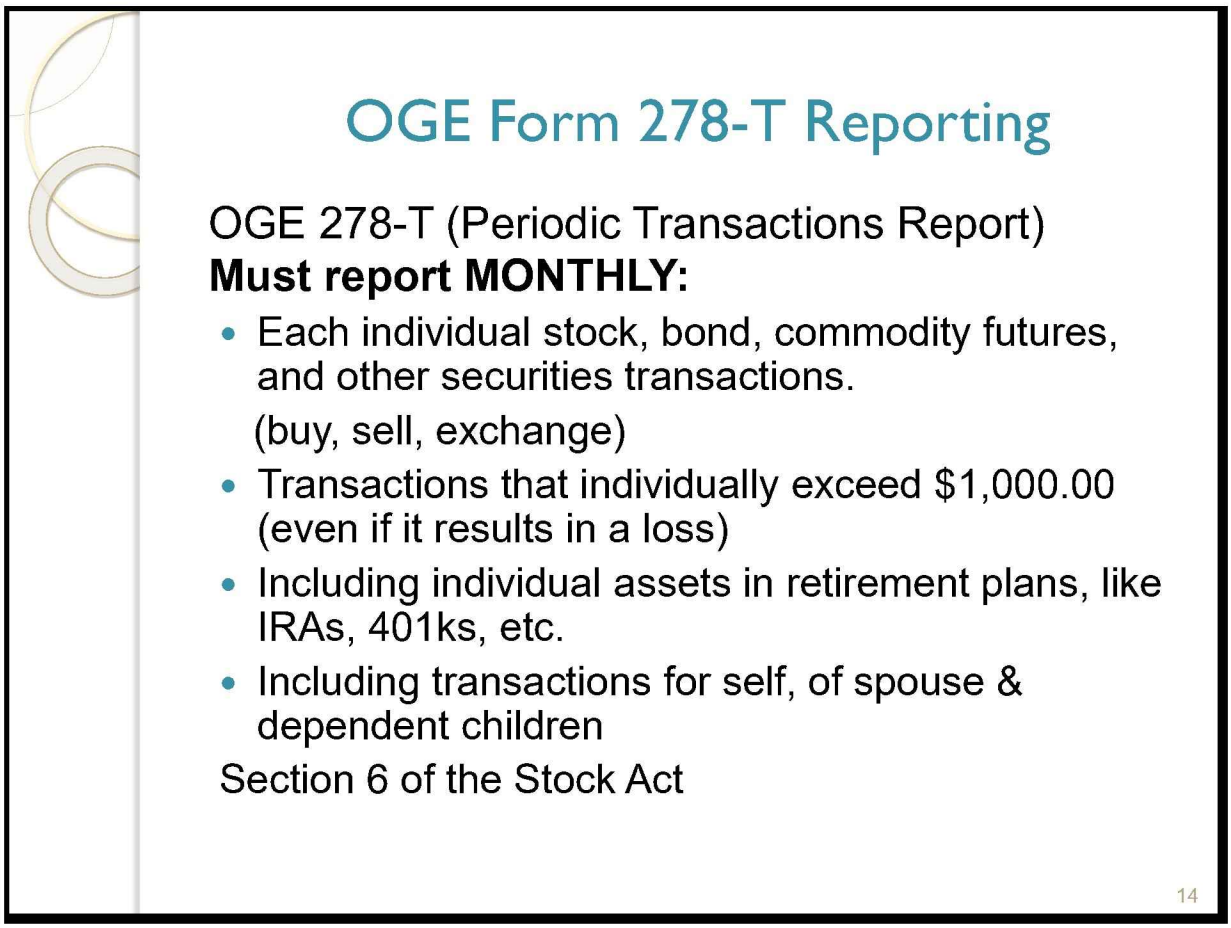
Deadlines

You must file your report within **30 days** of when you receive **notification of a transaction** but not later than 45 days after the transaction. These deadlines do not apply to any voluntary additional disclosures you make. See the instructions.

	Identification of Assets	Transaction Date *(Mo./Day/Yr.)*	Notification Received More Than 30 Days Ago*	Transaction Type (x)			Amount of Transaction (x)											
				Purchase	Sale	Exchange	$1,001 - $15,000	$15,001 - $50,000	$50,001 - $100,000	$100,001 - $250,000	$250,001 - $500,000	$500,001 - $1,000,000	Over $1,000,000**	$1,000,001 - $5,000,000	$5,000,001 - $25,000,000	$25,000,001 - $50,000,000	Over $50,000,000
Ex.	Central Airlines Co.	10/1/12		X					X									
Ex.	BMSL Propulsion, Inc.	9/4/12	X	X				X										
1																		
2																		
3																		
4																		
5																		
6																		

TRANSACTIONS REPORT

AMERICAN OVERSIGHT



If you file the 278(e), which you all of the Commissioners do, you are required to report certain transactions monthly on the 278-T form. This covers individual stocks, bonds, commodity futures, and other securities transactions (nut NOT widely diversified mutual funds, ETF, or TSP). Applies even if your broker buys/sells under blanket authority. You have an obligation to review the statements you receive from from your financial manager to determine whether a periodic transaction must be reported.

AMERICAN OVERSIGHT

OGE Form 278-T Reporting

- MUST file OGE Form 278-T in the month following the transaction. Specifically, 30 days after notification of transaction BUT no later than 45 days after transaction has occurred
- File OGE 278T form via FD-Online electronic system (contact agency ethics officials to generate the form for you)
- $200 late filing penalty per transaction

15

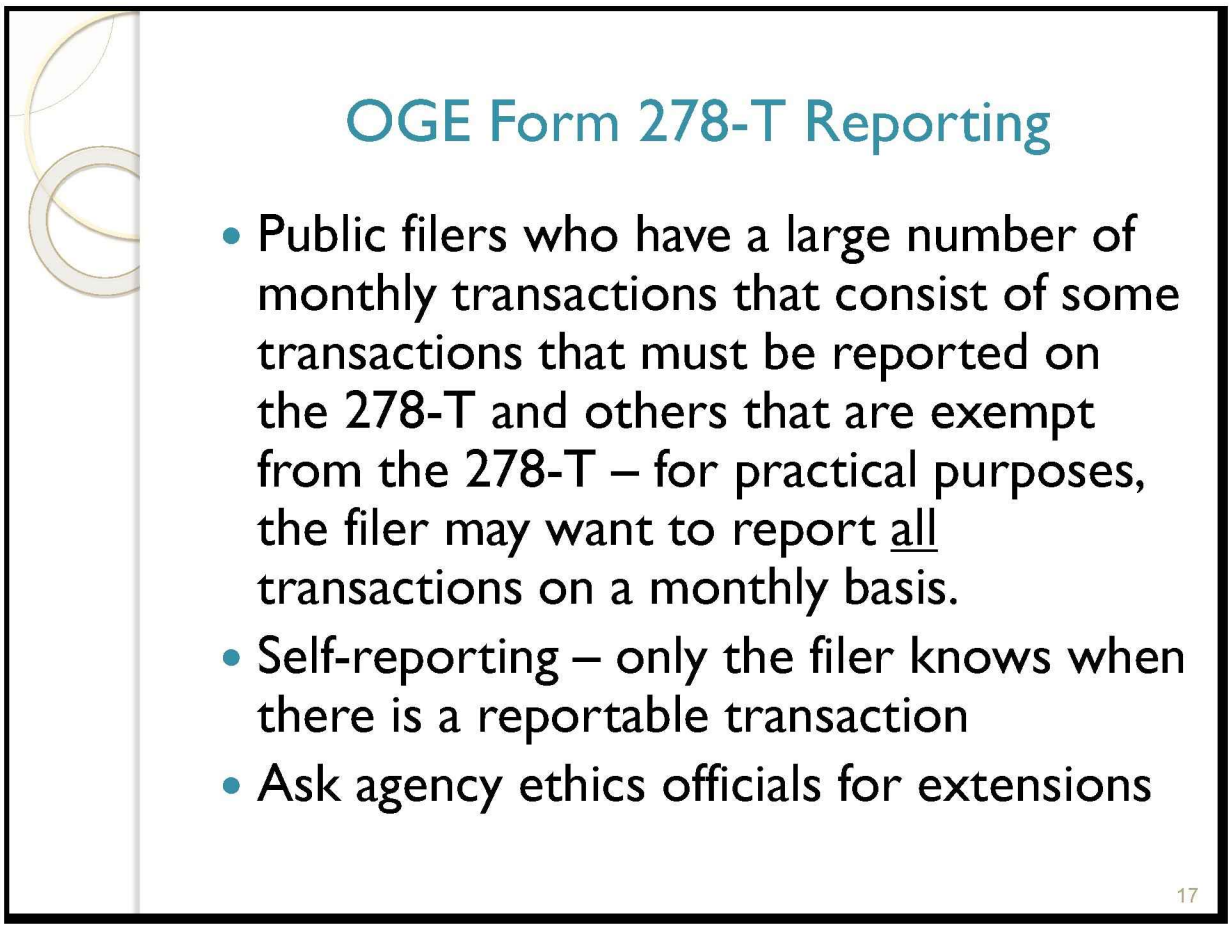
Add example:

AMERICAN OVERSIGHT

OGE Form 278-T Reporting

- You do NOT need to report the following transactions:
  - Solely between you, your spouse, or dependent child
  - Real estate
  - Mutual funds or ETF
  - Certified deposits
  - Life insurance and annuities
  - Treasury bills, U.S. notes, bonds, or cash accounts
  - Thrift Savings Plans
  - Holdings in qualified blind trusts or qualified diversified or excepted trust.

AMERICAN OVERSIGHT



The DAEO has the authority to give extensions. Please request an extension before the report due date.

AMERICAN OVERSIGHT

OGE Form 278-T Reporting

- New Entrant filers need to report transactions on an OGE 278-T within 30 days of their appointment date
- Termination filers should include all transactions that occurred within 30 days of filing the termination report on the final 278 report and do not file a separate 278-T report.

AMERICAN OVERSIGHT

Knowledge Check

Knowledge Check Instructions - on the next few pages, you will be provided the opportunity to check your understanding of the information presented about the Privacy Act and its primary features and definitions.

For all Knowledge Checks, please **click the "Ctrl" button and left click (if viewing in full screen mode "Ctrl" button not required)** on the BEST answer to the question.

If you have **clicked** the **correct** answer, proceed to the next question or slide.

If you have **clicked** the **incorrect answer**, click the  icon and you will be redirected back to the Knowledge Check question in order to try again.

AMERICAN OVERSIGHT

Question 1

Commissioner Dale Cooper is a partner at a law firm that regularly represents plaintiffs in lawsuits against alleged police brutality under Section 1983 for violations of civil rights. USCCR Commissioners are voting on a concept paper related to a proposal to study police brutality. Under the OGE's 5 C.F.R. 2635 Subpart E's appearance of impartiality regulations, can Commissioner Cooper vote on the concept paper?

A. No, because he has an actual conflict of interest and he must recuse himself.

B. No, because a there is an appearance of a conflict and he must recuse himself.

C. No, because Commissioner Harry S. Truman considers that there is a conflict.

D. Yes, because Cooper has thought about it and does not consider that there is a conflict and thus he can vote on the concept paper.

AMERICAN OVERSIGHT

A. Incorrect.

Unless Commissioner Cooper's law firm is representing the Plaintiff in a case that is discussed in the USCCR Report, the Report cannot constitute an actual conflict of interest involving specific parties under the OGE regulation.

Click here  to return to the question and try again.

AMERICAN OVERSIGHT

B. Incorrect.

There is not an appearance of a conflict of interest without a particular matter involving specific parties or a covered relationship under 5 CFR § 2635.502 simply because an employee's official duties in her federal position are similar to her private ventures.

Click here to return to the question and try again.

AMERICAN OVERSIGHT

C. Incorrect

If there is not a covered relationship or a particular matter involving specific parties, then even if Truman's belief that there is a conflict is reasonable, there is not still not an appearance or actual conflict or § 2635.502.

Click here  to return to the question and try again.

AMERICAN OVERSIGHT

D. Correct!

Under § 2635.502(a) when there is no covered relationship or particular matter involving specific parties, the employee makes the determination as to whether there is an appearance issue rather than a reasonable third party.

Please continue to the next slide.

AMERICAN OVERSIGHT

Other Standards of Conduct and Crimes

- Gifts
  - From outside sources
  - Between employees
- Impartiality
  - Appearances
  - Representation against U.S.
- Misuse of Official Position
- Teaching / Writing / Speaking
- Social Media
- Seeking Non-Federal Employment

AMERICAN OVERSIGHT

Financial Crimes: Bribery

- 18 U.S.C. § 201
  - Seeking, receiving, or agreeing to accept
  - Anything of value (for self or others)
  - In return for helping commit a fraud on U.S.,
  - OR doing/omitting an act as part of official duty

AMERICAN OVERSIGHT

Gifts

- Gifts are virtually anything of value
- Generally, issues related to gifts arise in two situations: gifts from outside sources and gifts exchanged between employees.

AMERICAN OVERSIGHT

Gifts From Outside Sources

5 C.F.R. § 2635.201-206

- May not solicit or accept gifts:
  - Based on official position, or
  - Coming from a "prohibited source."
    - A prohibited sources is any person who seeks official action or business with USCCR, conducts activities regulated by USCCR, or has interests that may be substantially affected by how employee performs official duties
    - Example: a company bidding for a USCCR IT contract would be a prohibited source.

AMERICAN OVERSIGHT

Gifts From Outside Sources cont.

- Some general exceptions, i.e., may accept gifts that don't influence official acts if:
  - Valued $20 or less per occasion (not over $50 per year from a single source)
  - Based on personal relationship
  - Free attendance from sponsor at widely attended gatherings (WAGs)
  - Refreshments, meals, coffee, etc.

https://www.law.cornell.edu/cfr/text/5/part-2635/subpart-B

AMERICAN OVERSIGHT

Gifts Between Employees

5 C.F.R. § 2635.301-.304

- No gifts to official superior
- May not accept gifts from lower-paid employee
- Exceptions:
  - "Occasional Basis" - valued $10 or less; shared food or refreshments; personal hospitality in home
    - Covers birthdays, holidays where gifts are normally exchanged, etc.
  - "Special Infrequent Occasion of Personal Significance" (individual or group gifts – may solicit voluntary contributions)
    - Covers marriage, retirements, departures, etc.

https://www.law.cornell.edu/cfr/text/5/part-2635/subpart-C

AMERICAN OVERSIGHT

Knowledge Check

Knowledge Check Instructions - on the next few pages, you will be provided the opportunity to check your understanding of the information presented about the Privacy Act and its primary features and definitions.

For all Knowledge Checks, please **click the "Ctrl" button and left click (if viewing in full screen mode "Ctrl" button not required)** on the BEST answer to the question.

If you have **clicked** the **correct** answer, proceed to the next question or slide.

If you have **clicked** the **incorrect answer**, click the  icon and you will be redirected back to the Knowledge Check question in order to try again.

AMERICAN OVERSIGHT

Question 2

Commissioner Laura Palmer is expecting a baby next month and her Special Assistant Bob would like to give her a baby carriage that retails for $349. Can Commissioner Palmer accept the gift?

A. Yes.
B. No.

AMERICAN OVERSIGHT

A. Correct!

A gift appropriate to the occasion may be given to an official superior or accepted from a subordinate or other employee receiving less pay:

(1) In recognition of infrequently occurring occasions of personal significance such as marriage, illness, or the birth or adoption of a child; or

(2) Upon occasions that terminate a subordinate-official superior relationship, such as retirement, resignation, or transfer.

Since the occasion is in recognition of the Commissioner's baby, the gift is permissible.

5 CFR § 2635.304 - Exceptions. | CFR | US Law | LII / Legal Information Institute (cornell.edu)

Please continue to slide 35

AMERICAN OVERSIGHT

B. Incorrect.

Click here to return to the question and try again.

AMERICAN OVERSIGHT

Representation

It's not uncommon for SGE's to hold outside positions that involve representation of others and/or organizations while being employed by the Government. For example, an SGE might want to seek a grant or contract from the Government while being employed as an SGE. Or an SGE may want to represent an organization in court.

Two conflicts of interest statutes impose related **restrictions on outside activities of SGEs**, particularly activities involving the **representation of others before the Government**.

Let's look at each of these statutes.

AMERICAN OVERSIGHT

Impartiality: Representation

- Must appear impartial to a reasonable person in performing official duties (5 C. F. R. § 2635.501-.503)
- Generally, regular federal employees may not accept pay for or engage in representing another in a claim against the United States or that the U.S. has an interest in.
  - 18 U.S.C. §§ 203, 205
- These rules are more flexible for SGEs.
- Commissioners are only barred from such representations for:
  - "Particular matters" involving "specific parties"
  - For which they participated personally and substantially in their official capacity, or
  - Where the matters are pending at the USCCR

36

Section 203 and 205 have to do with representing someone else or receiving compensation for representation in matter against the federal government or in a matter where the U.S. is a party of has a substantial interest. The general rule for regular federal government employees, is that they are prohibited. There are a few narrow exceptions for representation of certain family members and representation of other in personnel or disciplinary proceedings.

AMERICAN OVERSIGHT

Representation

18 U.S.C. § 203 – Compensation to Members of Congress, officer, and others in matters affecting the Government.

Prohibits **Federal employees** from:

- Seeking or accepting **compensation** for:
  - Representing another
  - Performing **services in support** of **representation**, or
  - Receiving money from anyone else's representation
- Before a Federal department, agency or court (not Congress)
- In matters where the U.S. is a party or has a direct and substantial interest

AMERICAN OVERSIGHT

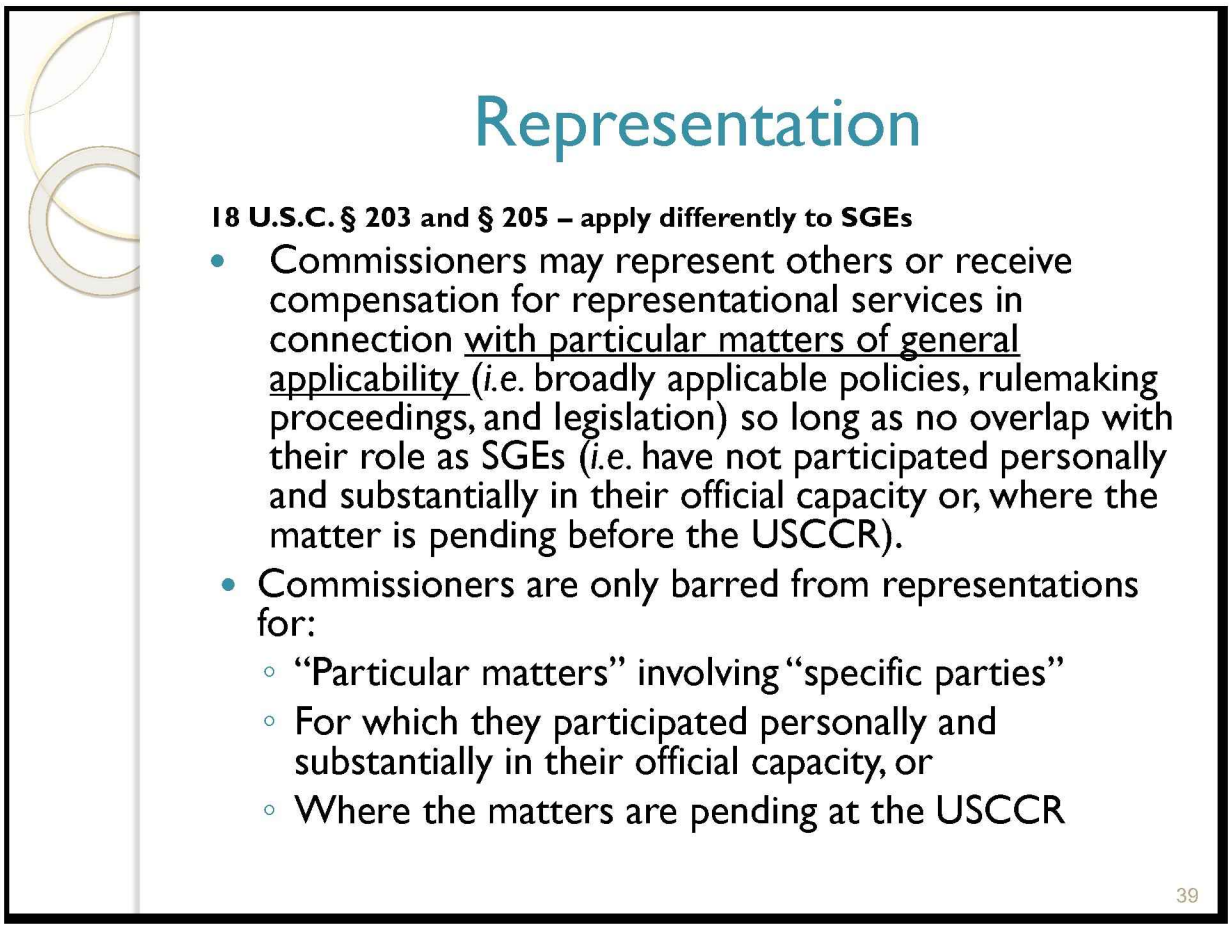
Representation

18 U.S.C. § 205 – Activities of Officer and employees in claims against and other matters affecting the Government.

Prohibits **Federal employees** from:

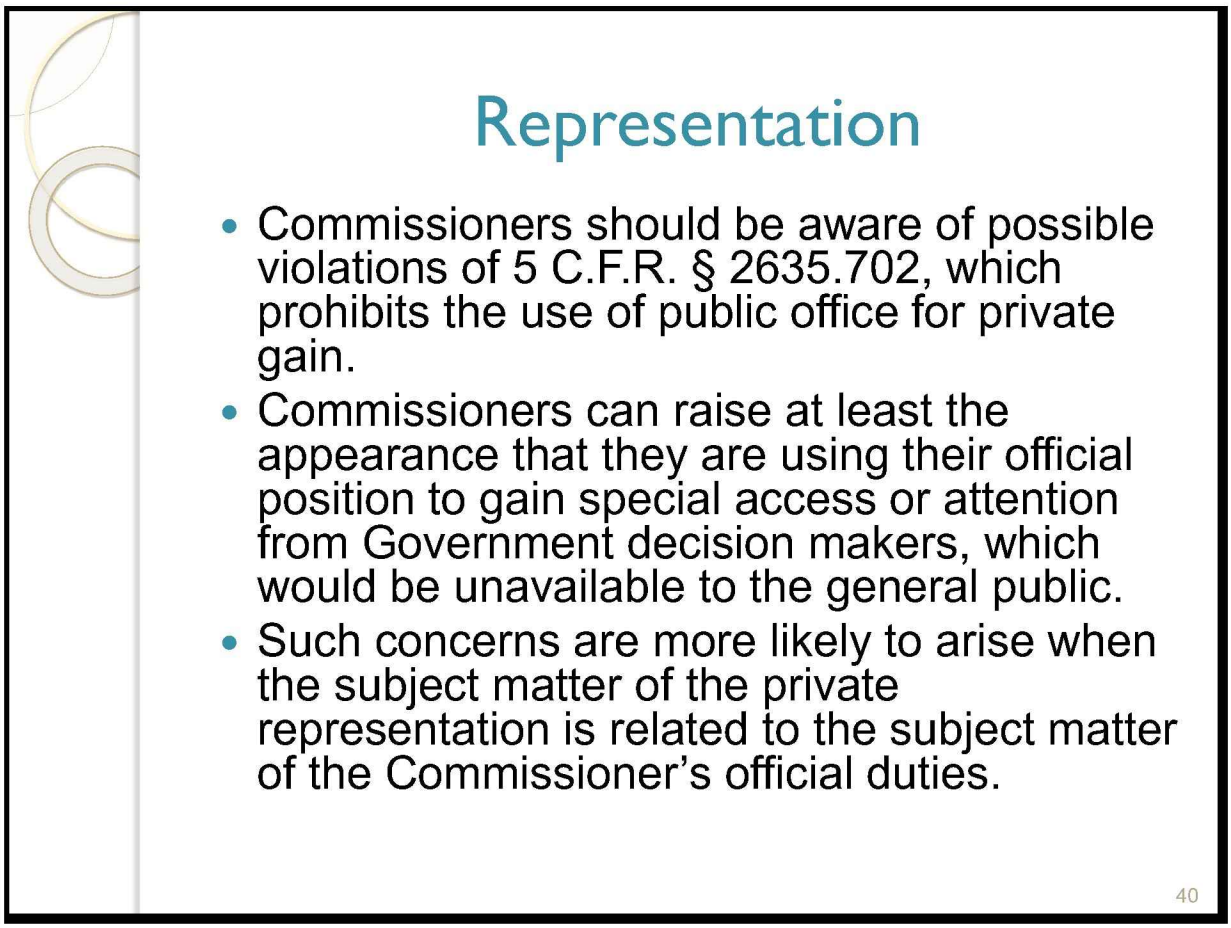
- **Prosecuting or assisting** in the prosecution of a **claim** against the U.S. or receiving a gratuity or share of a claim in return for assisting in prosecuting such claim, or
- **Representing another (with or without compensation)**
  - Before a Federal department, agency or court (not Congress)
  - In matters where the U.S. is a party or has a substantial interest

AMERICAN OVERSIGHT



The Commission's work infrequently involves specific party matters and usually is of "general applicability." For those in private practice or hold other outside positions where this may come up, for this to impact your practice, there has to be some overlap with a specific issues and specific parties before the Commission. However, there have been a handful of instances in Commission reports and concept papers where Commissioners was recused from a vote on a concept paper or sections of a report where they represented a party mentioned in one of the Commission's report.

AMERICAN OVERSIGHT



(E.g. appearance that an SGE made certain contacts through government connections for the benefit for an outside organization). These are addressed on a case-by-case basis.

AMERICAN OVERSIGHT

Knowledge Check

Knowledge Check Instructions - on the next few pages, you will be provided the opportunity to check your understanding of the information presented about the Privacy Act and its primary features and definitions.

For all Knowledge Checks, please **click the "Ctrl" button and left click (if viewing in full screen mode "Ctrl" button not required)** on the BEST answer to the question.

If you have **clicked** the **correct** answer, proceed to the next question or slide.

If you have **clicked** the **incorrect answer**, click the  icon and you will be redirected back to the Knowledge Check question in order to try again.

AMERICAN OVERSIGHT

Question 3

Commissioner James Hurley is a private attorney. May Hurley represent Walmart in district court in an appeal of a NLRB's finding that Walmart committed an unfair labor practice?

A. Yes

B. No

C. Yes, but he may not receive compensation

AMERICAN OVERSIGHT

A. Correct!

Hurley may represent Walmart against the federal government because he did not participate personally and substantially in the unfair labor proceeding at NLRB as he works at USCCR.

Please continue to slide 46

AMERICAN OVERSIGHT

B. Incorrect

Click here  to return to the question and try again.

AMERICAN OVERSIGHT

C. Incorrect

Where Hurley receives pay is not relevant in making a determination under Section 205.

Click here  to return to the question and try again.

AMERICAN OVERSIGHT

Misuse of Official Position

5 C.F.R. §§ 2635.701-.705

- You may not use your official position for private gain
  - This prohibition includes paid or unpaid endorsements, and acts for the gain of family, personal friends, and related businesses
  - You may not use your title or position to imply Commission or government sanction of your private activities
  - You must avoid appearing as if your official duties have benefited financially your friends, relatives, business relations, and yourself

AMERICAN OVERSIGHT

Misuse of Official Position

- You may not use nonpublic information gained in your official capacity to benefit financially yourself or anyone else.

Examples:

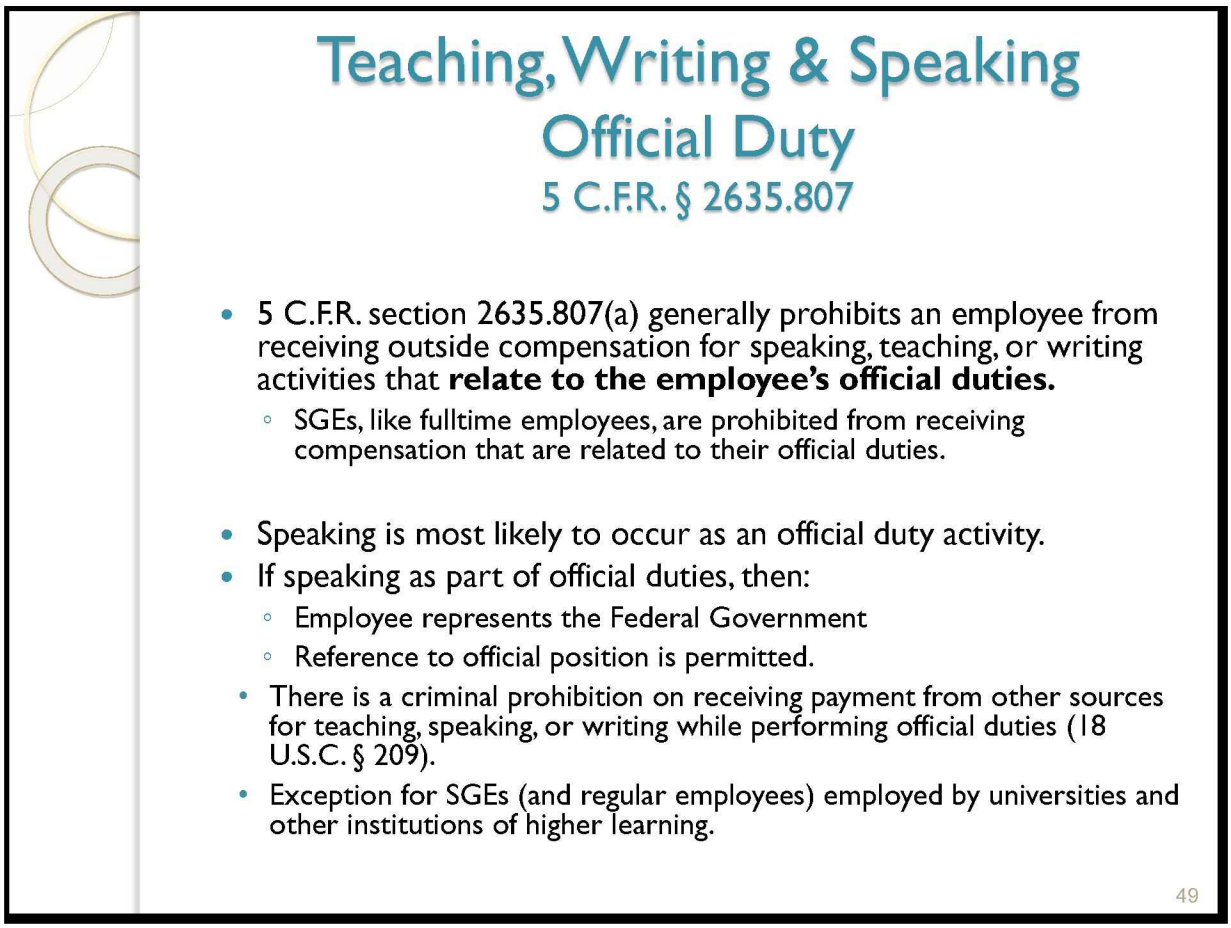
- No stock trades on nonpublic information
- No nonpublic tips to bid on projects
- No knowing disclosure of nonpublic information

AMERICAN OVERSIGHT

Misuse of Official Position

- You may not use government property for non-Commission business, and
- You must use official duty time to perform official duties.
  - This means you may not conduct private activities in your government office, using government supplies, or with the help of your Special Assistant.

AMERICAN OVERSIGHT



Relatedness test. Activities are related to an employee's official duties if: activity performed as part of employee's official duties, if invitation to engage was extended because of the employee's position instead of their subject matter expertise, if the invitation was extended by someone with interests that may be affected substantially by the employee's duties, or if the activity draws on nonpublic information the employee gained through the employee's government services.

AMERICAN OVERSIGHT

Teaching, Writing & Speaking

Official Duty

- Per AI 9-1, the Chair and Staff Director are the designated official spokespersons for the Commission
- Individual Commissioners may speak publicly on substantive civil rights topics and matters upon with the Commission has opined, so long as they make clear they are speaking in their individual capacities and not for the Commission
- Important because we don't want to confused the public as to the Commission's official position

AMERICAN OVERSIGHT

Teaching, Writing, & Speaking

Outside Activity/Personal Capacity

- Personal capacity is:
  - Activity undertaken outside of Commission work, on non-duty time, and using non-Commission resources.
  - If compensated, the pay must from a non-governmental source.

AMERICAN OVERSIGHT

Teaching, Writing, Speaking
Outside Activity/Personal Capacity

- When engaging in these private activities, take care to differentiate your words from official government positions
  - Don't use government title or role to promote these activities
  - Use private resources during non-duty hours
  - Give disclaimer that your thoughts are your own, and do not represent government
  - In a biographical sketch, you may mention official position if given with other bio information and no more prominent than the rest

AMERICAN OVERSIGHT

Internet and Social Media

- Social Media: an umbrella term referring to internet-based services that permit users to create, share, re-purpose, and publish informational content
  - Examples: Facebook, Twitter, LinkedIn, etc.
- Social media websites require users to affirmatively join, and typically ask users to create a uniquely identifiable profile
  - personal accounts, may include official title

AMERICAN OVERSIGHT

Internet and Social Media

- Risk of using personal accounts to publicize Commission business: blurring lines between private and official government content
- USCCR has official social media accounts. Official position of USCCR comes from these accounts
- When on duty, do not use social media connected to partisan political activities, even on private accounts

AMERICAN OVERSIGHT

Seeking Employment

- As SGEs, Commissioners may have outside employment
- This outside employment may change
- When negotiating for new employment, must notify ethics officials (for purposes of potential conflicts) and if accept employment, sign revised ethics letter

AMERICAN OVERSIGHT

Knowledge Check

Knowledge Check Instructions - on the next few pages, you will be provided the opportunity to check your understanding of the information presented about the Privacy Act and its primary features and definitions.

For all Knowledge Checks, please **click the "Ctrl" button and left click (if viewing in full screen mode "Ctrl" button not required)** on the BEST answer to the question.

If you have **clicked** the **correct** answer, proceed to the next question or slide.

If you have **clicked** the **incorrect answer**, click the  icon and you will be redirected back to the Knowledge Check question in order to try again.

AMERICAN OVERSIGHT

Question 4

Chair Ronette Polaski received a book deal for $10,000 to write about the inner workings and 'drama' of the Commission. To the extent she can remember, can she accept the deal?

A. Yes. Ronette may accept the invitation because the First Amendment guarantees her free speech.

B. No.

C. Yes. As Chair, Ronette is the official spokesperson who the Commission and can therefore talk about anything she pleases.

AMERICAN OVERSIGHT

A. Incorrect

Despite the First Amendment, by taking a paid position as a USCCR Commissioner, Chair Pulaski has subjected herself to certain restrictions.

Click here to return to the question and try again.

AMERICAN OVERSIGHT

B. Correct!

5 CFR § 2635.807 prohibits outside teaching, speaking, or writing for compensation if it draws substantially on ideas or official data that are nonpublic information such as inner agency workings and internal, nonpublic 'drama.'

Continue to slide 61.

AMERICAN OVERSIGHT

C. Incorrect

5 CFR § 2635.807 does not distinguish between the Chair or other positions and applies to all employees equally.

Click here to return to the question and try again.

AMERICAN OVERSIGHT

Hatch Act

5 U.S.C. §§ 7321-7326

- This statute limits the political activity of all Executive-branch employees (except the President and the V.P.)
- For Commissioners, you must observe the limitations when you are ***on duty***, including your social media use
  - Note that this prohibition is different for your Special Assistant

AMERICAN OVERSIGHT

Hatch Act

- "On Duty" prohibition
  - 5 U.S.C. 7324(a); 5 C.F.R. 734.305
- No political activity when:
  - On duty;
  - In room or building used for official duties;
  - Wearing insignia for office or position; or
  - Using vehicle owned or leased by government, own vehicle in official duties, or otherwise making use of government property

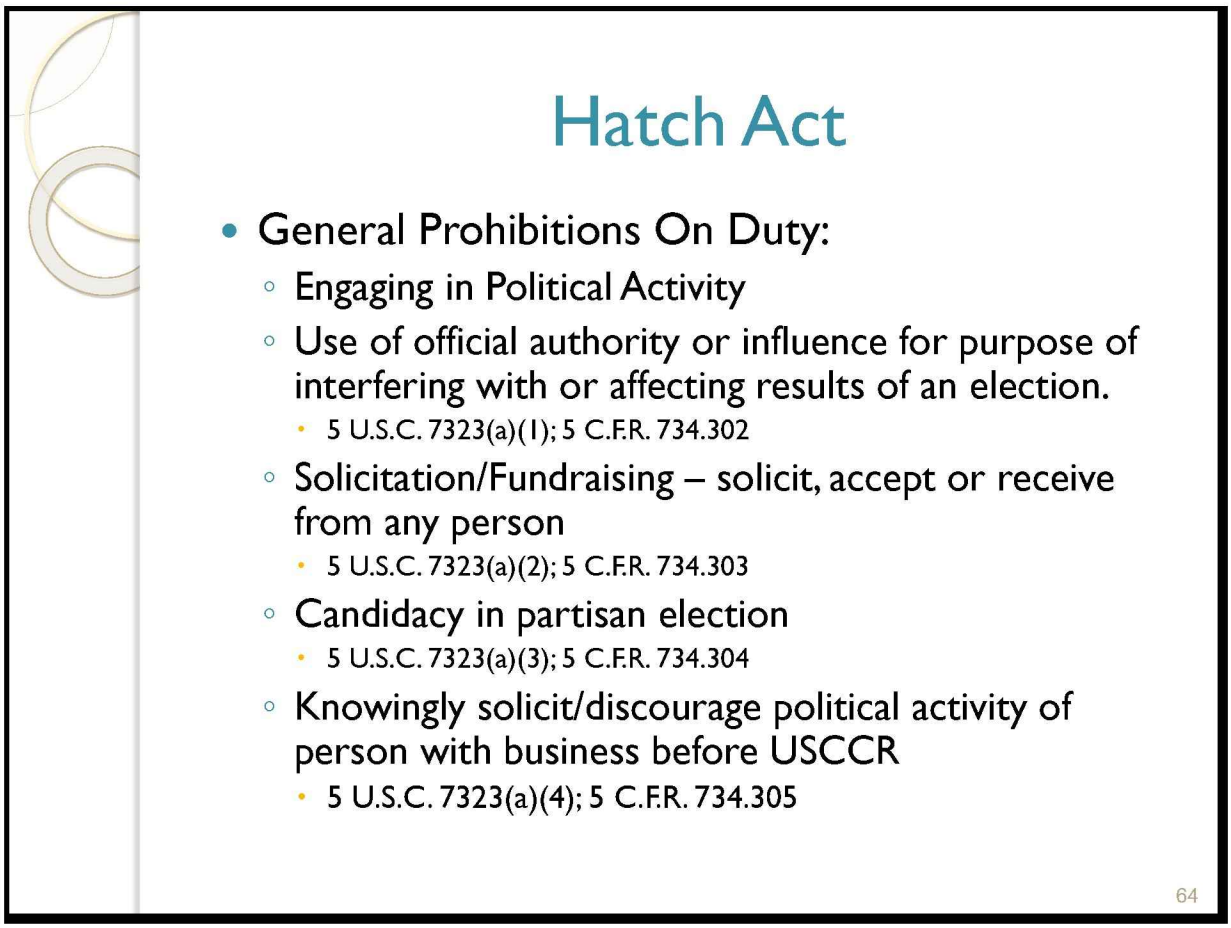
AMERICAN OVERSIGHT

Hatch Act

- What is "political activity"? 5 C.F.R. 734.101
- Activity directed toward
  - The success or failure of a
    - Political party,
    - Candidate for partisan office, or
    - Partisan political group

- Note: This does not prohibit discussion of issues or policy positions, even issues generally associated with a particular political party
  - e.g., gun control, climate change, a ballot initiative, immigration, etc.

AMERICAN OVERSIGHT



SGEs are bound by the same rules as regular federal government employees, however, the following rules apply only to SGEs while serving the government, i.e. on duty.

AMERICAN OVERSIGHT

Hatch Act

- The four general prohibitions in the Hatch Act apply to Commissioners ***only*** when they are **on duty**
- While on duty:
  - May not engage in political activity
  - May not use government property for political activity, even while off duty
  - May not direct/solicit your S.A. or other subordinate to do so, even on a volunteer, unpaid basis while S.A. is off duty and not on government property.

AMERICAN OVERSIGHT

Hatch Act

- While off duty:
  - May run for office in partisan election
  - May engage in political fundraising, but may not solicit funds from subordinates (or peers) at place of employment
  - May speak at partisan political events, but may not advertise or give special prominence to your federal office or employment.

AMERICAN OVERSIGHT

Knowledge Check

Knowledge Check Instructions - on the next few pages, you will be provided the opportunity to check your understanding of the information presented about the Privacy Act and its primary features and definitions.

For all Knowledge Checks, please **click the "Ctrl" button and left click (if viewing in full screen mode "Ctrl" button not required)** on the BEST answer to the question.

If you have **clicked** the **correct** answer, proceed to the next question or slide.

If you have **clicked** the **incorrect answer**, click the  icon and you will be redirected back to the Knowledge Check question in order to try again.

AMERICAN OVERSIGHT

Question 5

Commissioner Laura Palmer, looking for new challenges, declares for the Republican Primary to run for a Senate Seat in Illinois. Can she do this under the Hatch Act?

A. No, she a federal employee and cannot run for partisan political office.

B. Yes.

AMERICAN OVERSIGHT

A. Incorrect.

5 CFR § 734.601 provides that an employee who works on an irregular or occasional basis or is a special Government employee as defined in 18 U.S.C. 202(a) is subject to the provisions of the Hatch Act only when he or she is on duty. Click here to return to the question and try again.

AMERICAN OVERSIGHT

B. Correct!

While Laura is off duty, as an SGE, she can run for partisan political office, but cannot not use her official title when engaging in off-duty political activity by, for example, including their Commission title in the signature block of a political fundraising letter. Doing so gives the appearance that she is acting in an official capacity and, therefore, on duty.

Please continue to the next slide.

AMERICAN OVERSIGHT

Safe Harbor Rule

5 C.F.R. § 2635.107

- Employees should seek advice from an agency ethics official.
- No disciplinary actions for violations will be taken against an employee who:
  - Engaged in conduct in good faith reliance upon the advice of an agency ethics official
  - Provided that the employee, in seeking such advice, made full disclosure of all relevant facts and circumstances.

AMERICAN OVERSIGHT

Safe Harbor Rule

- But if the employee's conduct violates a criminal statute, reliance on the advice of an agency ethics official cannot ensure that the employee will not be prosecuted under that statute.

- Good faith reliance on the advice of an agency ethics official is a factor that may be taken into account by the Department of Justice in the selection of cases for prosecution.

AMERICAN OVERSIGHT

Ethics at U.S. Commission on Civil Rights

- The Designated Agency Ethics Official
  - David Ganz – dganz@usccr.gov
- The Assistant Designated Agency Ethics Official
  - Pilar Velasquez McLaughlin – Pmclaughlin@usccr.go
- Seek ethics advice whenever you have a question about ethical rules and responsibilities!

AMERICAN OVERSIGHT

Standards of Ethical Conduct for Employees in the Executive Branch

5 C.F.R. Part 2635

Subpart A - General Provisions (§§ 2635.101 - 2635.107)
Subpart B - Gifts From Outside Sources (§§ 2635.201 - 2635.206)
Subpart C - Gifts Between Employees (§§ 2635.301 - 2635.304)
Subpart D - Conflicting Financial Interests (§§ 2635.401 - 2635.403)
Subpart E - Impartiality in Performing Official Duties (§§ 2635.501 - 2635.503)
Subpart F - Seeking Other Employment (§§ 2635.601 - 2635.607)
Subpart G - Misuse of Position (§§ 2635.701 - 2635.705)
Subpart H - Outside Activities (§§ 2635.801 - 2635.809)
Subpart I - Related Statutory Authorities (§§ 2635.901 - 2635.902)

AMERICAN OVERSIGHT

Ethics Authorities Links

- **Statutes**
  - https://www.oge.gov/Web/oge.nsf/Resources/Compilation+of+Federal+Ethics+Laws
- **14 General Principles**
  - https://www.oge.gov/web/oge.nsf/0/B97C62717328457B852585B6005A180D/$FILE/14%20General%20Priniciples.pdf
- **Agency Supplemental Regulations**
  - eCFR :: 5 CFR Part 7801 -- Supplemental Standards of Ethical Conduct for Employees of the United States Commission on Civil Rights
- **Compilation of Federal Ethics Laws**
  - https://www.oge.gov/Web/oge.nsf/Resources/Compilation+of+Federal+Ethics+Laws

AMERICAN OVERSIGHT

Date : 12/4/2023 12:17:04 PM
From : "J. Christian Adams" jadams@usccr.gov
To : "Christian Adams" adams@electionlawcenter.com
Subject : Fw: Annual Ethics Training - Due December 31, 2023
Attachment : Annual Ethics Training for Commissioners 2023 FINAL FORMATTED.pptx;image001.gif;image002.gif;image003.png;

From: Pilar McLaughlin
Sent: Thursday, November 30, 2023 1:57 PM
To: Rochelle Mercedes Garza; Victoria Frances Nourse; Stephen Gilchrist; J. Christian Adams; Mondaire Jones; Glenn D. Magpantay; Peter Kirsanow; Gail Heriot
Cc: Mauro Morales; David Ganz; Sheryl Cozart; Cody Bowler
Subject: Annual Ethics Training - Due December 31, 2023

Dear Commissioners:

It is once again time for annual federal ethics training! As you know, the Commission takes very seriously its obligation to ensure that its officials and employees comply with federal ethics regulations, including the annual training requirement required for public filers contained in5 C.F.R. § 2638.308.

Please review the attached PowerPoint training and complete the knowledge checks within the training (note, your answers will not be recorded and there is no minimum passing score). Next, certify that you have completed the training by replying to this email with the date of completion.

Please complete the annual ethics training by December 31, 2023, as required by OGE regulations and policy.

Kind regards,

OCG Team

Pilar Velasquez McLaughlin
Senior Counsel, Office of the General Counsel
U.S. Commission on Civil Rights
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425
https://www.usccr.gov/

Email: pmclaughlin@usccr.gov

Follow Us on Twitter & Facebook:



AMERICAN OVERSIGHT

#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

Established as an independent, bipartisan, fact-finding federal agency, our mission is to inform the development of national civil rights policy and enhance enforcement of federal civil rights laws. We pursue this mission by studying alleged deprivations of voting rights and alleged discrimination based on race, color, religion, sex, age, disability, or national origin, or in the administration of justice. We play a vital role in advancing civil rights through objective and comprehensive investigation, research, and analysis on issues of fundamental concern to the federal government and the public.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

UNITED STATES COMMISSION ON CIVIL RIGHTS

1331 PENNSYLVANIA AVENUE , NW, WASHINGTON, DC 20425 www.usccr.gov

VIA ELECTRONIC MAIL
[HYPERLINK "mailto:mmorales@usccr.gov"]

October 24, 2023

Staff Director Mauro Morales
U.S. Commission on Civil Rights
1331 Pennsylvania, NW, Suite 1150
Washington, D.C. 20425

Re: The U.S. Commission on Civil Rights Communications Relating to the Federal Response to Anti-Asian Racism Report

Dear Staff Director Morales:

We are writing to alert you to an erroneous infographic relating to the Commission's most recent report titled "The Federal Response to Anti-Asian Racism" published on the Commission's website and several social media outlets, including Instagram, X (formerly Twitter), and LinkedIn.

The infographic is titled "Key Recommendations for Action" from the U.S. Commission on Civil Rights and is attached for your reference. Of the eight "recommendations" it lists, only ***one*** was approved by the Commission majority. It states:

Data & Reporting:

- The FBI should require local law enforcement to submit crime data, or in lieu of that, Congress should make submission mandatory, or consider a range of options to expand implementation
- Federal civil rights agencies should be required to collect and report critical data related to civil rights enforcement and the Attorney General to annually publish the data.
- Law enforcement agencies should improve data collection, requiring the tracking and reporting of both hate incidents and hate crimes, and ensuring forms are easy to mark an incident or crime as suspected hate incident or crime.

AMERICAN OVERSIGHT

UNITED STATES COMMISSION ON CIVIL RIGHTS

1331 PENNSYLVANIA AVENUE , NW, WASHINGTON, DC 20425 www.usccr.gov

Training & Partnerships:

- The Justice Department should provide safety training and workshops in the respective languages of targeted communities, expand federal funding for community advocacy groups fighting hate crimes, and codify the role of the language access coordinator into federal law to ensure that all individuals have equal access to justice and access to federal programs and benefits regardless of language access.
- ***Prosecutors and law enforcement should vigorously investigate and prosecute hate crimes and harassment against Asian Americans.***
- Increased investment in the strengthening and expansion of local networks will enable victims to have ready access to community-based places where they can report attacks, receive support services, and take safety training and workshops in their own languages.

Civil Rights Protections:

- Title II of the Civil Rights Act should be expanded to include retail stores and other businesses where discrimination occurs to protect employees and customers from bias-based discrimination and harassment.

We are deeply concerned that media which falsely represents the work of the Commission was published so widely and we request it's immediate deletion from any and all websites and social media outlets. In addition, an immediate correction should be published which replaces this erroneous infographic with the accurate "findings and recommendations" which can be found on page 195 of the final [HYPERLINK "https://www.usccr.gov/files/2023-09/fy-2023-se-report_0.pdf"]. They are as follows:

Findings

- A major impediment to understanding the severity and magnitude of hate crimes against persons of Asian descent is the lack of comprehensive data. Without mandatory national data collection and training law enforcement on how to accurately identify and report hate crimes, preventing these crimes is substantially challenging.
- The transition to the NIBRS data collection has been slow for some agencies: for 2021, the number of participating agencies within the FBI hate crime database was 11,834, compared to the 15,138 participating agencies for 2020 data, and many of the agencies that have not submitted 2021 data are the largest jurisdictions.

AMERICAN OVERSIGHT

UNITED STATES COMMISSION ON CIVIL RIGHTS

1331 PENNSYLVANIA AVENUE , NW, WASHINGTON, DC 20425 www.usccr.gov

Recommendations

- Prosecutors and law enforcement should vigorously investigate and prosecute hate crimes and harassment against Asian Americans.
- First responders should be provided with training aimed at teaching a clear understanding of what constitutes a hate crime in their jurisdiction.
- Federal, state, and local law enforcement agencies and victim services need to identify critical deficiencies in Limited English Proficient (LEP) programs for individuals who need language assistance.

Further, we are certain that you will agree that it is imperative that we as a Commission prevent the dissemination of false and misleading publications relating to Commission business in the future. Therefore, we request a written response explaining how this inaccurate infographic was approved for publication when the "Findings and Recommendations" approved by the Commission are memorialized not only on page 195 of the report but also in the transcript of the July Business Meeting.

We appreciate your leadership and assistance in correcting this error and look forward to receiving your response.

Sincerely,

Commissioner Peter Kirsanow

Commissioner Gail Heriot

Commissioner J. Christian Adams

Commissioner Stephen Gilchrist

cc: Commissioner Rochelle Garza – [HYPERLINK "mailto:rgarza@usccr.gov"]
Commissioner Mondaire Jones – [HYPERLINK "mailto:mjones@usccr.gov"]
Commissioner Glenn Magpantay – [HYPERLINK "mailto:gmagpantay@usccr.gov"]

Commissioner Victoria Nourse – [HYPERLINK "mailto:vnourse@usccr.gov"]

AMERICAN OVERSIGHT

UNITED STATES COMMISSION ON CIVIL RIGHTS

1331 PENNSYLVANIA AVENUE , NW, WASHINGTON, DC 20425 www.usccr.gov

David Ganz – [HYPERLINK "mailto:dganz@usccr.gov"]

AMERICAN OVERSIGHT

Date : 10/24/2023 1:59:03 PM
From : "J. Christian Adams" jadams@usccr.gov
To : "Christian Adams" adams@electionlawcenter.com
Subject : Fw: Letter to Mauro re infographic
Attachment : Letter to MM re Infographic 20231013 (AIF).docx;

From: J. Christian Adams
Sent: Tuesday, October 24, 2023 1:58 PM
To: Christian Adams
Subject: Fw: Letter to Mauro re infographic

From: Alexis Fragosa
Sent: Tuesday, October 24, 2023 12:04 PM
To: Gail Heriot; Gail Heriot; pkirsanow@beneschlaw.com; Peter Kirsanow; stephen gilchrist; Stephen Gilchrist; Christian Adams; J. Christian Adams
Cc: Thomas Simuel; John Mashburn; Carissa Mulder
Subject: Letter to Mauro re infographic

Dear all,

Please see the attached letter. If you have any comments or revisions, please let me know.

I will attach the infographic to the final pdf of the letter.

Here is a link to a fact sheet published with the same erroneous info as the infographic: https://www.usccr.gov/files/2023-09/aa_report_sept2023_fact_sheet.pdf

Alexis I. Fragosa
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is

AMERICAN OVERSIGHT

prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 2/10/2023 8:55:41 AM
From : "J. Christian Adams" jadams@usccr.gov
To : "Christian Adams" adams@electionlawcenter.com

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 5/19/2023 9:36:39 AM
From : "J. Christian Adams" jadams@usccr.gov
To : "Christian Adams" adams@electionlawcenter.com
Subject : Fw: Request for Agenda Item in June (or July) Bussiness Meeting

---

From: Glenn D. Magpantay
Sent: Friday, May 19, 2023 9:23 AM
To: J. Christian Adams; Rochelle Mercedes Garza; Kirsanow, Peter; Rochelle Garza; Mondaire Jones; Victoria Frances Nourse
Cc: Gail Heriot; Stephen Gilchrist; Carissa Mulder; Thomas Simuel; John Mashburn; Alexis Fragosa
Subject: Re: Request for Agenda Item in June (or July) Bussiness Meeting

I too support Commission Adams's request.
Also, happy to break this up over 2 or 3 meetings to allow for more time for questions.
Glenn

From: J. Christian Adams
Sent: Thursday, May 18, 2023 5:43:54 PM
To: Rochelle Mercedes Garza; Kirsanow, Peter; Rochelle Garza; Mondaire Jones; Victoria Frances Nourse; Glenn D. Magpantay
Cc: Gail Heriot; Stephen Gilchrist; Carissa Mulder; Thomas Simuel; John Mashburn; Alexis Fragosa
Subject: Request for Agenda Item in June (or July) Bussiness Meeting

Mr. Morales:

I am asking that something be added to the agenda at the next business meeting.

I, along with a number of commissioners, discussed how helpful and positive it would be if the Commission had the opportunity to meet and be introduced to all of the staff who work at the Commission. With COVID, and virtually a brand new Commission, we do not have a very good idea of who is who and the sorts of things they are interested in. In short, we'd like to meet everybody and hear about their work.

My request is that at the next (June) or July business meeting we put on the agenda an opportunity for the employees to introduce themselves and share with us a bit about their work. I'd like to hear from each of them even briefly so we can understand who is who as a Commission. It needn't be a report or complicated, but it sure would be nice to see the people doing all the work, even if

AMERICAN OVERSIGHT

just once.

It might take some time but it would be invaluable and surely better spent than the time today. There are folks serving in capacities we would never get a chance to meet. I understand that everyone is not always there on the day we meet but it seems a month or two is adequate to coordinate a single day where everyone is together. Certainly two months would be.

The saying is "Better Together" and that seems especially true with 6 new commissioners.

Even if this takes an hour, it seems an hour well spent. The business meeting seems the most efficient way to meet everyone in one place and hear about their work however best you might structure it.

Thanks,
J. Christian Adams
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 3/30/2023 5:02:58 PM
From : "Christian Adams" a@electionlawcenter.com
To : "afragosa@usccr.gov" afragosa@usccr.gov
Cc : "gheriot@usccr.gov" gheriot@usccr.gov, "gheriot@me.com" gheriot@me.com, "thegilchristassociates@gmail.com" thegilchristassociates@gmail.com, "jadams@usccr.gov" jadams@usccr.gov, "jmashburn@usccr.gov" jmashburn@usccr.gov, "tsimuel@usccr.gov" tsimuel@usccr.gov, "CMulder@usccr.gov" CMulder@usccr.gov, "pkirsanow@beneschlaw.com" pkirsanow@beneschlaw.com, "pkirsanow@usccr.gov" pkirsanow@usccr.gov
Subject : [EXTERNAL] Re: Fwd: Waters in the fridge

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

my first reaction: Tell him to telephone me if he wants answers:703-963-8611, if Gail says to.

---- On Thu, 30 Mar 2023 16:49:33 -0400 **afragosa@usccr.gov** wrote ----

> Please see Mauro's email below.
>
> Commissioner Adam, John, Carissa and I met with a Parliamentary delegation from Georgia today at the Commission HQ. We supplied the guests with water bottles.
>
> I emailed Pam advising that we had used some of the bottles and the refrigerator needed to be replenished. I copied Mauro to that email.
>
> His angry email to me below.
>
> First, I just want to apologize for sending the email to Mauro. I did not realize that he apparently didn't know about this meeting and I didn't know we weren't permitted to share the water with guests. I feel stunned by his response and embarrassed. I regret sending that email.
>
> Second, I need some guidance on how to respond since I did not set up the meeting and lack the information he is requesting.
>
> Thank you.
>
> Alexis
>
> Begin forwarded message:
>
> **From:** Alexis Fragosa <afragosa@usccr.gov>
> **Date:** March 30, 2023 at 4:38:21 PM EDT
> **To:** Carissa Mulder <CMulder@usccr.gov>
> **Subject: Fwd: Waters in the fridge**

AMERICAN OVERSIGHT

Begin forwarded message:

From: Mauro Morales <mmorales@usccr.gov>
Date: March 30, 2023 at 4:17:37 PM EDT
To: Alexis Fragosa <afragosa@usccr.gov>
Cc: Pamela Dunston <Pdunston@usccr.gov>, TinaLouise Martin <tmartin@usccr.gov>, Angelia Rorison <arorison@usccr.gov>, John Ratcliffe <jratcliffe@usccr.gov>
Subject: RE: Waters in the fridge

Alexis,

Do I understand your email correctly? We had visitors from the Country of Georgia? How many attended? Who arranged such a meeting? Why wasn't ASCD or my office informed?

We always coordinate such international meetings with the State Department and our office of outreach and public engagement. It is part of our requirement contained our strategic plan to conduct public outreach. If we do not know about it, we cannot acknowledge such meetings in our PAR. We have very strict security protocols for the office. Non-agency Individuals are not allowed in the agency suites without being escorted at all times. Lastly, the water Pam placed in the refrigerator was for agency staff because of the fact our water and ice machines are broken. They are not intended to be handed out to guests. When Commissioner Garza came with her family on Friday, I personally paid for and provided her and her family with bottles of water for their comfort.

Mauro Morales
Staff Director
USCCR

-----Original Message-----
From: Alexis Fragosa <afragosa@usccr.gov>
Sent: Thursday, March 30, 2023 3:04 PM
To: Pamela Dunston <Pdunston@usccr.gov>
Cc: Mauro Morales <mmorales@usccr.gov>
Subject: Waters in the fridge

Pam,

AMERICAN OVERSIGHT

Thank you so much for supplying the water bottles in the fridge.

There were plenty to share with our friends visiting from the country of Georgia.

However, with such a large delegate there are very few left left in the Pantry fridge.

Do we have more in the office? If not perhaps we can order more bottles.

Thank you!

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 3/27/2023 2:09:53 PM
From : "J. Christian Adams" jadams@usccr.gov
To : "Christian Adams" adams@electionlawcenter.com
Subject : Fw: Three Questions before next business meeting

From: J. Christian Adams
Sent: Monday, March 27, 2023 2:08 PM
To: Mauro Morales
Cc: John Mashburn
Subject: Three Questions before next business meeting

Mauro:
I had a couple of items that I would like some information about. I did not want to blindside you at the next business meeting about them, so I hoped having time to look into it would help get an answer. You always kindly offer to speak to Commissioners when you give your report if they have questions.

First, could you detail the plans for having future business meetings at the Commission meeting room? I understand that there were technical hurdles. What are they? Could the Commissioners please get an update on the particular steps yet to be taken, please?

Second, how much funding has the Commission spent to utilize National Press Club facilities over the last two years? Preferably I'd appreciate invoices sent or payment amounts to NPC in that time. This is important because I'd like to see the other side of the ledger as it relates to the technical issues I asked about above.

Third, is there a plan to get the photographs and biographical information taken, prepared and posted (including at the Commission entrance itself) for the Commissioners appointed in the last couple of months? It has taken over two years for this task for Commissioner Gilchrist and myself, and I hope the new Commissioners have a different experience. How long will it take to complete all of this?

Again, I didn't want to ask you about this unexpectedly at the next business meeting. I would appreciate if you could report back to me before the next one. Thanks.

J. Christian Adams
Commissioner

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only

AMERICAN OVERSIGHT

for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 1/18/2023 8:29:25 AM
From : "J. Christian Adams" jadams@usccr.gov
To : "a@electionlawcenter.com" a@electionlawcenter.com
Subject : Fw: [EXTERNAL] OGE 278 Public Finanicial Disclosure Report - Annual

---

From: USCCR_Ethics@HRworx.com <USCCR_Ethics@HRworx.com>
Sent: Monday, January 9, 2023 2:27 PM
To: J. Christian Adams
Subject: [EXTERNAL] OGE 278 Public Finanicial Disclosure Report - Annual

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

Dear Christian,

Important Note: This invitation may only be used to access the agency's automated financial disclosure program by the above designated filer.

You are in an official position that requires you to complete an annual OGE 278 Public Financial Disclosure Report. You must report financial information regarding you, your spouse, and any dependents for the previous calendar year. To access the automated financial disclosure program, please click the following link and follow the instructions: Filer Website. https://fd.intelliworxit.com/client/.

After you finished entering your data in the automated program, you will be prompted to submit your form to complete the process. The action of submitting the form generates an electronic signature certifying that the information you provided on the form is true, complete, and correct to the best of your knowledge. The form is then transmitted to the U.S. Commission on Civil Rights Ethics Official.

Your form is due by 05/15/2023.

Questions should be directed to me, as the Commission's Alternate Designated Agency Ethics Official or David Ganz, the Designated Agency Ethics Official.

Thank you,
Pilar McLaughlin
Alternate Designated Agency Ethics Official
Senior Attorney Advisor
Office of the General Counsel
U.S. Commission on Civil Rights
Phone#: (703) 855-8866

AMERICAN OVERSIGHT

Email: pmclaughlin@usccr.gov
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 4/11/2023 12:34:43 PM
From : "Christian Adams" a@electionlawcenter.com
To : "'Alexis Fragosa'" afragosa@usccr.gov, "'Kirsanow, Peter'" pkirsanow@Beneschlaw.com, "'Peter Kirsanow'" pkirsanow@usccr.gov, "'Gail Heriot'" gheriot@me.com, "'Gail Heriot'" gheriot@usccr.gov, "'J. Christian Adams'" jadams@usccr.gov, "'stephen gilchrist'" thegilchristassociates@gmail.com, "'Stephen Gilchrist'" sgilchrist@usccr.gov
Cc : "'Thomas Simuel'" tsimuel@usccr.gov, "'John Mashburn'" jmashburn@usccr.gov, "'Carissa Mulder'" CMulder@usccr.gov
Subject : RE: [EXTERNAL] RE: Caucus meeting

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

No here. Sorry.

From: Alexis Fragosa <afragosa@usccr.gov>
Sent: Tuesday, April 11, 2023 12:34 PM
To: Kirsanow, Peter <pkirsanow@Beneschlaw.com>; Peter Kirsanow <pkirsanow@usccr.gov>; Gail Heriot <gheriot@me.com>; Gail Heriot <gheriot@usccr.gov>; J. Christian Adams <jadams@usccr.gov>; Christian Adams <a@electionlawcenter.com>; stephen gilchrist <thegilchristassociates@gmail.com>; Stephen Gilchrist <sgilchrist@usccr.gov>
Cc: Thomas Simuel <tsimuel@usccr.gov>; John Mashburn <jmashburn@usccr.gov>; Carissa Mulder <CMulder@usccr.gov>
Subject: Re: [EXTERNAL] RE: Caucus meeting

Is anyone available this evening? Perhaps 6 p.m. EST or later?

From: Kirsanow, Peter <pkirsanow@Beneschlaw.com>
Sent: Tuesday, April 11, 2023 12:28:40 PM
To: Alexis Fragosa; Peter Kirsanow; Gail Heriot; Gail Heriot; J. Christian Adams; Christian Adams; stephen gilchrist; Stephen Gilchrist
Cc: Thomas Simuel; John Mashburn; Carissa Mulder
Subject: [EXTERNAL] RE: Caucus meeting

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

Available today between 3-3:30 EDT; tomorrow after 12; Thurs. after 2

From: Alexis Fragosa <afragosa@usccr.gov>
Sent: Tuesday, April 11, 2023 12:20 PM
To: Kirsanow, Peter <pkirsanow@Beneschlaw.com>; Peter Kirsanow <pkirsanow@usccr.gov>; Gail Heriot <gheriot@me.com>; Gail Heriot <gheriot@usccr.gov>; J. Christian Adams <jadams@usccr.gov>; Christian Adams <a@electionlawcenter.com>; stephen gilchrist <thegilchristassociates@gmail.com>; Stephen Gilchrist <sgilchrist@usccr.gov>

AMERICAN OVERSIGHT

Cc: Thomas Simuel <tsimuel@usccr.gov>; John Mashburn <jmashburn@usccr.gov>; Carissa Mulder <CMulder@usccr.gov>
Subject: Caucus meeting

Hello,

Gail proposes that we meet this afternoon, Wednesday after noon or Thursday anytime for a caucus zoom to discuss the chair nomination.

Please advise if/when you are available to join a caucus zoom.

Thank you.

Alexis I. Fragosa

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 4/5/2023 12:53:35 PM
From : "Christian Adams" a@electionlawcenter.com
To : "'Alexis Fragosa'" afragosa@usccr.gov, "'Gail Heriot'" gheriot@me.com, "'Peter Kirsanow'" pkirsanow@beneschlaw.com, "'Peter Kirsanow'" pkirsanow@usccr.gov, "'Gail Heriot'" gheriot@usccr.gov, "'J. Christian Adams'" jadams@usccr.gov, "'John Mashburn'" jmashburn@usccr.gov, "'Carissa Mulder'" CMulder@usccr.gov, "'Thomas Simuel'" tsimuel@usccr.gov, "'Stephen Gilchrist'" sgilchrist@usccr.gov, "thegilchristassociates@gmail.com" thegilchristassociates@gmail.com
Subject : [EXTERNAL] RE: Drinks with the New Commissioners Thursday, April 20

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

I will either be in Lansing doing a deposition or at the Heritage Foundation celebration.

From: Alexis Fragosa <afragosa@usccr.gov>
Sent: Wednesday, April 5, 2023 12:50 PM
To: Gail Heriot <gheriot@me.com>; Peter Kirsanow <pkirsanow@beneschlaw.com>; Peter Kirsanow <pkirsanow@usccr.gov>; Gail Heriot <gheriot@usccr.gov>; J. Christian Adams <jadams@usccr.gov>; John Mashburn <jmashburn@usccr.gov>; Carissa Mulder <CMulder@usccr.gov>; Thomas Simuel <tsimuel@usccr.gov>; Stephen Gilchrist <sgilchrist@usccr.gov>; thegilchristassociates@gmail.com; a@electionlawcenter.com
Subject: Drinks with the New Commissioners Thursday, April 20

Dear Commissioners,

It may be a good idea to meet the new commissioners informally over drinks on Thursday, April 20 before the Friday business meeting.

Please let me know if you are available and if you would like to attend.

Thank you.

Alexis I. Fragosa

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 4/26/2023 5:06:13 PM
From : "Christian Adams" a@electionlawcenter.com
To : "jmashburn@usccr.gov" jmashburn@usccr.gov
Subject : [EXTERNAL] Re: FW: Dividing a Question - Opposite takes

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

yep

---- On Wed, 26 Apr 2023 16:27:48 -0400 **jmashburn@usccr.gov** wrote ----

This is all the answer I think we are going to get.

From: Mauro Morales <mmorales@usccr.gov>
Date: Wednesday, April 26, 2023 at 4:25 PM
To: John Mashburn <jmashburn@usccr.gov>
Subject: Re: Dividing a Question - Opposite takes

Thanks.

Sent from my iPhone

> On Apr 26, 2023, at 3:00 PM, John Mashburn <jmashburn@usccr.gov> wrote:
>
> Mauro – Cmnr Adams asked me to forward this exchange from the April 30, 2021 USCCR Business Meeting in which Cmnr Yaki (as the Acting Co-Chair of the meeting with Cmnr Kirsanow) stated that Adegbile's motion to divide the question – i.e. a motion from Cmnr Kirsanow that bundled several items together with the motion to approve Cantu as Chair -- was "self-executing" and then Yaki divided Kirsanow's motion automatically without taking a vote on dividing the question. This was one of several instances over the last 2 years when Cmnrs tried to combine several issues together and either Cmnr Yaki, Adegbile, or Kladney insisted that the issues be divided, with the Chair then automatically agreeing to divide the question without taking a vote on any

AMERICAN OVERSIGHT

of the motions to divide (votes which would have failed 4-4 if taken).

You and the General Counsel in all that time never weighed in or disagreed with the Chair not taking a vote on motions to divide. Now, when our Cmnrs asked for the question to be divided, you "ruled" last week that it is subject to a vote -- even though motions to divide a question have not been subject to a vote by Cmnrs for the past 2 years.

Specifically, when Yaki was co-chairing the April 30, 2021 mtg, during which Cmnr Cantu was approved as chair, Cmnr Kirsanow proposed an Omnibus motion to adopt proposed AIs and approve Cantu as Chair as part of a single motion. Cmnr Adegbile then called for severing the issues and this is what Yaki said:

> a motion to sever, under Robert's Rules, is a privileged motion that is non-debatable and is -- well, it's self-executing.

Cmnr Heriot disagreed that it was self-executing and Yaki insisted it was. Adams later asked what Robert Rules number covered it, Yaki said he would find it later and proceeded ahead to divide and and to conduct individual votes on the parts. Cantu later (after being approved as Chair) came back later in the meeting and said'

CHAIR CANTU: I understand that. By the way, the rule on dividing a question into subparts was 27.1.

Full exchange on issue attached.

So, in the future, will motions to divide a question require a vote of the Cmnrs or not?

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further

AMERICAN OVERSIGHT

distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

<Dividing the Question.docx>

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 6/9/2023 6:44:32 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Alexis Fragosa" afragosa@usccr.gov, "Gail Heriot" gheriot@me.com, "Gail Heriot" gheriot@usccr.gov, "Peter Kirsanow" pkirsanow@usccr.gov, "pkirsanow@beneschlaw.com" pkirsanow@beneschlaw.com, "stephen gilchrist" thegilchristassociates@gmail.com, "Stephen Gilchrist" sgilchrist@usccr.gov, "Christian Adams" a@electionlawcenter.com, "J. Christian Adams" jadams@usccr.gov, "Eli Shmidman (Comm. Kirsanow Intern)" eshmidman@usccr.gov
Cc : "Thomas Simuel" tsimuel@usccr.gov, "Carissa Mulder" CMulder@usccr.gov
Subject : Re: Side by Side Crime Victims Research Plan and Side by Side Crime Victim Chapter Outline

~~Additional trends seen 2017-2021 i. Lockdowns and re-openings, policing (e.g., staffing, community mistrust), changes in law, economic strife, increasing mental health and substance use issues.~~

They took this out but did not include my comment about it, so the comment does not show in Alexis' side by side:

> This change removes any requirement to look at other issues that might have contributed to increases in crime and the impact those crime increases would have had on victims -- such as lockdowns, policing issues such as staffing issues (defunding), community mistrust of the police, changes in law, economic strife, and increasing mental health or substance abuse issues, etc. The change also again re-emphasizes a focus on data collection procedures and not the impact of increases in crime on victims.

From: Alexis Fragosa <afragosa@usccr.gov>
Date: Friday, June 9, 2023 at 6:19 PM
To: gheriot <gheriot@me.com>, Gail Heriot <gheriot@usccr.gov>, Peter Kirsanow <pkirsanow@usccr.gov>, "Kirsanow, Peter" <pkirsanow@beneschlaw.com>, thegilchristassociates <thegilchristassociates@gmail.com>, Stephen Gilchrist <sgilchrist@usccr.gov>, a <a@electionlawcenter.com>, "J. Christian Adams" <jadams@usccr.gov>, "Eli Shmidman (Comm. Kirsanow Intern)" <eshmidman@usccr.gov>
Cc: Thomas Simuel <tsimuel@usccr.gov>, John Mashburn <jmashburn@usccr.gov>, Carissa Mulder <CMulder@usccr.gov>
Subject: Side by Side Crime Victims Research Plan and Side by Side Crime Victim Chapter Outline

Dear all

Please find the following documents attached:

AMERICAN OVERSIGHT

(1) Side by Side Crime Victims Research Plan - compares the our version (November 2022) to Dem June 8 version. The left column is the Dem June 8 Version (copied and pasted from "Compared 5 Research Plan" doc. Their additions are highlighted in YELLOW. The right column is OUR Nov 8 version with Dem deletions highlighted in RED. John's comments and Irena's Comments are on the right hand side of the doc.

(2) "Compared 5 Research Plan" - Sent by Comm. Garza June 8

(3) Side by Side Crime Victims Chapter Outline - compares the our version (November 2022) to Dem June 8 version. The left column is the Dem June 8 Version (copied and pasted from "Compared 4 Chapter Outline" doc. Their additions are highlighted in YELLOW. The right column is OUR Nov 8 version with Dem deletions highlighted in RED. John's comments and Irena's Comments are on the right hand side of the doc.

(4) "Compared 4 Chapter Outline" - Sent by Comm. Garza June 8

(5) Side by Side Timeline - Reflects the Original NOVEMBER 2022 dates, their June 2023 version and our last offer May 2023.

Please let me know if you have any questions.

Thank you.

Alexis I. Fragosa

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled

AMERICAN OVERSIGHT

Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 11/21/2023 10:20:45 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "a@electionlawcenter.com" a@electionlawcenter.com
Subject : Re: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024
Attachment : 1.gif;2.gif;

I can fill it out and send it in for you.

From: Christian Adams <a@electionlawcenter.com>
Sent: Tuesday, November 21, 2023 9:16:11 PM
To: John Mashburn
Subject: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

i am travelling. Do i have to do this??

---- On Wed,22 Nov 2023 05:01:55 -0500 **jmashburn@usccr.gov** wrote ----

FYI - not sure you saw this since it was sent to your Cmn email. It is supposed to be completed with an electronic signature and sent back via email by close of business tomorrow.

Gail has an issue with it saying staff are to make all efforts to investigate, research, and PUBLISH the two reports. She wants our folks to add the following notation to the ballot: " 'Publish' means publish In connection with our usual procedures which require commission approval."

I think we should wait until they send a non-ambiguous version of the ballot. It's not like waiting til next week will make that big of a difference and not sure our 4 folks amending the language unilaterally will have any authority behind it.

Also, the Dec 15 business meeting will be by phone and not in person.

From: Mauro Morales
Sent: Tuesday, November 21, 2023 6:56:57 PM
To: Commissioners
Cc: CommissionerAssistants; ExecutiveStaff; Essence Perry
Subject: USCCR Notational Ballot on two Reports for 2024

Commissioners,

Pursuant to the request of Chair Garza, I have attached a notational ballot for your consideration. I have also attached the two reports you are voting to approve. I have been informed that pursuant to previous communication, the Chair has

AMERICAN OVERSIGHT

waived prior notice. Because of the Thanksgiving holiday, the ballot should be returned by 5 pm on Friday, November 24thth.

Please recall that Thursday the 23rd is a Federal holiday. Thank you.

Mauro Morales

Staff Director

U.S. Commission on Civil Rights

P: 202-376-7796| F: 202-376-7672

Mmorales@usccr.gov

http://usccr.gov/

1331 Pennsylvania Avenue, NW Suite 1150

Washington D.C. 20425

Follow Us on Twitter & Facebook:



#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 7/20/2023 7:55:49 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Carissa Mulder" CMulder@usccr.gov, "Alexis Fragosa" afragosa@usccr.gov, "Christian Adams" a@electionlawcenter.com
Cc : "stephen gilchrist" thegilchristassociates@gmail.com, "Gail Heriot" gheriot@me.com, "Peter Kirsanow" pkirsanow@Beneschlaw.com, "Christian Adams" adams@electionlawcenter.com, "Thomas Simuel" tsimuel@usccr.gov, "Blackburn, Bessie Sue" bsblackburn1@liberty.edu
Subject : Re: [EXTERNAL] RE: Caucus Breakfast

I also did not see any email saying it was going to happen - or that the other side had agreed to Mauro's proposal.

From: Carissa Mulder
Sent: Thursday, July 20, 2023 7:52:58 PM
To: John Mashburn; Alexis Fragosa; Christian Adams
Cc: stephen gilchrist; Gail Heriot; Peter Kirsanow; Christian Adams; Thomas Simuel; Blackburn, Bessie Sue
Subject: RE: [EXTERNAL] RE: Caucus Breakfast

Are we actually going to have the presentations? As I remember, Mauro said he was willing to do it if all Commissioners agreed, and Irena never said her caucus was ok with it. I may have missed an email there somewhere, though.

From: John Mashburn <jmashburn@usccr.gov>
Sent: Thursday, July 20, 2023 7:48 PM
To: Alexis Fragosa <afragosa@usccr.gov>; Christian Adams <a@electionlawcenter.com>
Cc: stephen gilchrist <thegilchristassociates@gmail.com>; Gail Heriot <gheriot@me.com>; Carissa Mulder <CMulder@usccr.gov>; Peter Kirsanow <pkirsanow@Beneschlaw.com>; Christian Adams <adams@electionlawcenter.com>; Thomas Simuel <tsimuel@usccr.gov>; Blackburn, Bessie Sue <bsblackburn1@liberty.edu>
Subject: Re: [EXTERNAL] RE: Caucus Breakfast

When were they going to tell us that?!

From: Alexis Fragosa
Sent: Thursday, July 20, 2023 7:44:58 PM
To: Christian Adams
Cc: stephen gilchrist; Gail Heriot; Carissa Mulder; Peter Kirsanow; Christian Adams; John Mashburn; Thomas Simuel; Blackburn, Bessie Sue
Subject: Re: [EXTERNAL] RE: Caucus Breakfast

FYI: We're supposed to have staff presentations tomorrow after the meeting.

> On Jul 20, 2023, at 7:29 PM, Christian Adams <a@electionlawcenter.com> wrote:
>
> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

AMERICAN OVERSIGHT

I didn't get one, which bizarrely indicates that somehow she thinks I am the impediment.

From: stephen gilchrist <thegilchristassociates@gmail.com>
Sent: Thursday, July 20, 2023 7:24 PM
To: Gail Heriot <gheriot@me.com>
Cc: Carissa Mulder <CMulder@usccr.gov>; Peter Kirsanow <pkirsanow@beneschlaw.com>; Christian Adams <adams@electionlawcenter.com>; John Mashburn <jmashburn@usccr.gov>; Thomas Simuel <tsimuel@usccr.gov>; Alexis Fragosa <afragosa@usccr.gov>; Blackburn, Bessie Sue <bsblackburn1@liberty.edu>
Subject: Re: Caucus Breakfast

Gail I just received an fyi text from Garza indicating her desire to continue negotiations with you and Pete tomorrow.

On Thu, Jul 20, 2023, 6:53 PM Gail Heriot <gheriot@me.com> wrote:

> I got a text message from Rochelle a little while ago. She wanted to talk to me tomorrow. I agreed to talk to her tomorrow after our breakfast and before the meeting. Did she contact others too?
>
> Gail
>
> Gail Heriot
> Professor of Law
> University of San Diego
>
> > On Jul 20, 2023, at 4:05 PM, Carissa Mulder <CMulder@usccr.gov> wrote:
> >
> > Hi everyone,
> >
> > I wanted to let you know that I made a reservation for us tomorrow at Cafe du Parc. It's under my name. Our intern Bess Blackburn will be joining us.
> >
> > See you soon!
> >
> > Carissa

AMERICAN OVERSIGHT

> This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
> <mime-attachment.ics>

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 5/26/2023 8:45:38 AM
From : "Christian Adams" a@electionlawcenter.com
To : "'John Mashburn'" jmashburn@usccr.gov, "pkirsanow@Beneschlaw.com" pkirsanow@Beneschlaw.com, "gheriot@me.com" gheriot@me.com, "adams@electionlawcenter.com" adams@electionlawcenter.com
Cc : "carissa.mulder@gmail.com" carissa.mulder@gmail.com, "afragosa.usccr@gmail.com" afragosa.usccr@gmail.com, "jkmash@comcast.net" jkmash@comcast.net
Subject : [EXTERNAL] RE: Comparisons Outline and Research Plan

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

Whatever we can to get the train moving on our tracks.

From: John Mashburn <jmashburn@usccr.gov>
Sent: Thursday, May 25, 2023 5:56 PM
To: pkirsanow@Beneschlaw.com; gheriot@me.com; 'adams@electionlawcenter.com' <adams@electionlawcenter.com>
Cc: carissa.mulder@gmail.com; afragosa.usccr@gmail.com; jkmash@comcast.net
Subject: FW: Comparisons Outline and Research Plan

As per the meeting last Thursday May 18 with Garza and Nourse, I have attached comparisons between the original docs OCRE submitted for the Nov. 18, 2022 meeting (which were not approved then) and the docs submitted as counterproposals (evidently by OCRE itself based on what Garza and Nourse said) for the May 18, 2023 meeting.

I attached Word versions. If you have a PC at home the Word version should be OK to use – you might have to turn the Track changes on once you open the doc and turn off format/ink change tracking. Word for PC when you compare docs will show both deletions from the Nov. docs (in red) and insertions into the Nov. doc (in green) from the OCRE's newest counterproposal on the same page in the same doc -- and with the comments (in yellow) off to one side. Mac will only show you insertions OR deletions on a page (but not both at the same time,) the comments will be off to one side whether the deletions or insertions are showing.

I inserted a lot of comments in the doc comparisons -- basically to the effect that the counterproposal docs from OCRE transform this report into one about the "efficacy of data collection" about crime at the federal level. The report would no longer look at the disproportionate impact on minority communities and victims from increases in crime.

Crime victims and experts who can testify about the impact of crime on victims and minorities are no longer able to be witnesses. Experts who can talk about shortcomings in how federal data is collected and the bias in that data collection process against minorities, etc. are the only witnesses allowed. All this really pops out when you can see the deletions and insertions on the same page.

As to the Timeline, OCRE's last Nov. 2022 was 1 year, 4 months, 10 days from Discovery Docs approval to final Publication, my Timeline for last week was 1 yr, 4 months, 8 days –

AMERICAN OVERSIGHT

WITH 2 HEARINGS in each timeline. OCRE's Timeline for last week's Bus. Mtg – with just 1 hearing – was 1 year, 6 months and 2 days from Discovery Doc approval until final publication. That put publication after the Nov. 2024 election.

Are these OK to send to Garza, Nourse, and Irena?

From: John Mashburn <jmashburn@usccr.gov>
Sent: Thursday, May 25, 2023 4:09 PM
To: jkmash@comcast.net
Subject: Comparisons Outline and Research Plan

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 4/24/2023 1:11:04 PM
From : "Christian Adams" a@electionlawcenter.com
To : "'Kirsanow, Peter'" pkirsanow@Beneschlaw.com, "'stephen gilchrist'" thegilchristassociates@gmail.com, "'Carissa Mulder'" CMulder@usccr.gov
Cc : "'Gail Heriot'" gheriot@me.com, "'Alexis Fragosa'" afragosa@usccr.gov, "'Thomas Simuel'" tsimuel@usccr.gov, "'John Mashburn'" jmashburn@usccr.gov
Subject : [EXTERNAL] RE: Caucus Zoom?

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

That is a fantastic idea. If you look at the designation letter – it provides a helpful telephone number to the person at WHP/EOP that is responsible for the pick. I am all in on this. I'll even volunteer to call the White House to deliver the message, if that is seen as productive.

From: Kirsanow, Peter <pkirsanow@Beneschlaw.com>
Sent: Monday, April 24, 2023 12:52 PM
To: stephen gilchrist <thegilchristassociates@gmail.com>; Carissa Mulder <CMulder@usccr.gov>
Cc: Gail Heriot (gheriot@me.com) <gheriot@me.com>; Christian Adams <a@electionlawcenter.com>; Alexis Fragosa <afragosa@usccr.gov>; Thomas Simuel <tsimuel@usccr.gov>; John Mashburn <jmashburn@usccr.gov>
Subject: RE: Caucus Zoom?

Would like to address:

1. The stalemate involving Chair/ Vice Chair nominations and 30-30-10/ Crime victims;

2. The Staff Director

It's only been 2 meetings, but Mondaire and Glenn don't seem to be especially obstinate or unreasonable.

It's worth an effort to attempt to persuade Glenn and/or Mondaire to vote in favor of our two conditions. It likely will require a moderate lift, i.e., letting the WH know (perhaps by way of Mondaire telling his appointing authorities) that we'll vote for Mondaire as Chair and Glen as Vice Chair if nominated.

Plus, the attempt itself will be entertaining and revealing.

From: stephen gilchrist <thegilchristassociates@gmail.com>
Sent: Monday, April 24, 2023 12:16 PM
To: Carissa Mulder <CMulder@usccr.gov>
>; Christian Adams <a@electionlawcenter.com>; Alexis Fragosa <afragosa@usccr.gov>; Thomas Simuel <tsimuel@usccr.gov>; John Mashburn <jmashburn@usccr.gov>
Subject: Re: Caucus Zoom?

AMERICAN OVERSIGHT

I can

On Mon, Apr 24, 2023, 11:48 AM Carissa Mulder <CMulder@usccr.gov> wrote:

> Hi everyone,
>
> Are you available for a brief caucus Zoom on Tuesday at 2?
> This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 11/22/2023 11:08:15 AM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : Fw: Corrected Notational Ballot

Mauro's take on the wording of the notational ballot.

From: Mauro Morales
Sent: Wednesday, November 22, 2023 11:05:22 AM
To: Alexis Fragosa
Cc: Commissioners; CommissionerAssistants; ExecutiveStaff
Subject: RE: Corrected Notational Ballot

Alexis,

This is unnecessary and redundant. This language has been consistently used in numerous notational vote ballots. She need not be concerned because at no time in my tenure in almost nine years as the Staff Director has a report been published without the vote of Commissioners. Rest assured there is no confusion on the part of staff that pursuant to tradition, statute, Code of Federal Regulations and our AI's that a report may be issued or "published" based solely on their uniliteral decision. Nevertheless, we appreciate the Commissioner's effort to be helpful. We acknowledge the note she is adding to her ballot. Thank you for your assistance at clarity.

Sincerely,

Mauro

From: Alexis Fragosa <afragosa@usccr.gov>
Sent: Tuesday, November 21, 2023 8:58 PM
To: Mauro Morales <mmorales@usccr.gov>
Cc: Gail Heriot <gheriot@usccr.gov>
Subject: Re: Corrected Notational Ballot

Thank you, Mauro.

Commissioner Heriot is concerned with the inclusion of the term "publish" and adds the following language to her ballot: *The term "publish" means to publish the report in connection with our usual procedures which require Commission approval.*

I apologize for not flagging this earlier today and for any confusion that may result as a consequence of this revision.

AMERICAN OVERSIGHT

Thanks, again.

Alexis

From: Glenn D. Magpantay
Sent: Tuesday, November 21, 2023 7:40:29 PM
To: Mauro Morales; Commissioners
Cc: CommissionerAssistants; ExecutiveStaff; Essence Perry
Subject: Re: Corrected Notational Ballot

I vote Yea. See attached.

Commissioner Magpantay

From: Mauro Morales
Sent: Tuesday, November 21, 2023 7:12:19 PM
To: Commissioners
Cc: CommissionerAssistants; ExecutiveStaff; Essence Perry
Subject: Corrected Notational Ballot

Commissioners,

Please use this attached ballot. This ballot contains the correct date of November 24th for return of the ballot. Discard the previous ballot you were sent it has the incorrect date of November 22nd.

I apologize for any confusion. Please contact me if you have any questions.

Mauro Morales

Staff Director

AMERICAN OVERSIGHT

USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 10/12/2023 4:34:04 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : FW: Commission Update
Attachment : image001.gif;image002.gif;image003.gif;image004.gif;image005.gif;image006.gif;

Can you do Thursday next week 2:30 – 3 pm?

From: Yvesner Zamar <yzamar@usccr.gov>
Date: Thursday, October 12, 2023 at 3:39 PM
To: John Mashburn <jmashburn@usccr.gov>
Subject: Re: Commission Update

Thursday October 18, 2023 from 2:30 PM – 3 PM. Please confirm.

--
Yvesner Zamar | Special Assistant to Chair Rochelle M. Garza
Pronounced: EVE-NER

United States Commission on Civil Rights
1331 Pennsylvannia Ave, NW Suite 1150
Washington, DC 20425
USCCR Website | 202-376-7700
Follow Us on Twitter & Facebook:

#USCCR

From: John Mashburn <jmashburn@usccr.gov>
Date: Thursday, October 12, 2023 at 2:20 PM
To: Yvesner Zamar <yzamar@usccr.gov>
Subject: Re: Commission Update

Cmnr Adams can do one of the Thursday times.

From: Yvesner Zamar <yzamar@usccr.gov>
Date: Thursday, October 12, 2023 at 11:43 AM
To: "CommissionerAssistants@usccr.gov" <CommissionerAssistants@usccr.gov>
Cc: Commissioners <Commissioners@usccr.gov>, Mauro Morales <mmorales@usccr.gov>
Subject: Re: Commission Update

Chair's Availability for one on ones next week.

Tuesday October 16

- Flexible until 5:00

AMERICAN OVERSIGHT

Wednesday October 17

- 9 AM - Noon
- 2 PM – 4 PM
- 7:30 PM – 8 PM

Thursday October 18

- 11 AM - 12:30 PM
- 2 PM - 3:30 PM
- 6 PM - 8 PM

--

Yvesner Zamar | Special Assistant to Chair Rochelle M. Garza
Pronounced: EVE-NER

United States Commission on Civil Rights
1331 Pennsylvannia Ave, NW Suite 1150
Washington, DC 20425
USCCR Website | 202-376-7700
Follow Us on Twitter & Facebook:



#USCCR

From: Yvesner Zamar <yzamar@usccr.gov>
Date: Wednesday, October 11, 2023 at 3:18 PM
To: CommissionerAssistants <CommissionerAssistants@usccr.gov>
Cc: Commissioners <Commissioners@usccr.gov>, Mauro Morales <mmorales@usccr.gov>
Subject: Commission Update

Greetings Fellow SAs & Commissioners,

On behalf of the Chair, I wanted to send this email update to everyone.

In this email:

I. One on Ones w/ Chair
II. October Meeting Update
III. November Meeting Update
IV. Monthly All SA Meetings

I. **One on Ones w/ Chair**

As Chair of the Commission, my boss would like to foster a working environment that promotes camaraderie, collaboration, and communication among all the commissioners and their special assistants. As a result, she would like to would like to request your availability for a 15-to-30-minute

AMERICAN OVERSIGHT

telephonic meeting with your commissioner to discuss their priorities and goals. Your input is invaluable in shaping the direction of our work and the success of the Commission as a whole and we look forward to hearing from you. **Please send me three time slots over the week that your commissioner is available to meet.**

II. **October Meeting Update**

The October 20, 2023 meeting is next week. Please make sure you make all accommodations for your commissioners as it is Howard Homecoming and hotel availability may be limited. **Following the October meeting, the Chair has invited David Mussatt, Supervisory Chief, Regional Programs Unit, to give Commissioners the opportunity to learn about the status of SACs and the slate creation process.**

III. **November Meeting Update**

As you all may be aware, Congress passed a bill to fund the government until November 17, 2023. Therefore, our November meeting and crime victims panel will be on as scheduled even if Congress in unable to pass a funding bill. Furthermore, OPM guidance allows for your boss to travel back home after the meeting in the event of a shut down (see below), but there would be delays in getting their reimbursements until funding is resumed.

Official OPM Guidance:

Q. 9: At the time of an appropriations lapse, an employee who is funded through a lapsed appropriation is on temporary duty assignment away from the employee's normal duty station.

A. 9: Employees who are notified to return home should do so as soon as practicable. **When an employee returns promptly, the travel expenses that the employee incurs in the return are properly-incurred obligations of the agency (as part of the agency's orderly-shutdown activities), and the agency will reimburse these travel costs after appropriations are enacted and are available for that purpose**. *See* https://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/guidance-for-shutdown-furloughs.pdf

IV. **Monthly All SA Meetings**

In the same spirit as my boss, I would like to foster the same level of effectiveness and communication among the special assistants. As such, I would like to host a monthly meeting All SA meeting on the **first Wednesday of every month at 11 AM**. Please let me know if that works for you or if you want a different proposed time.

Best,

--

Yvesner Zamar | Special Assistant to Chair Rochelle M. Garza
Pronounced: EVE-NER

AMERICAN OVERSIGHT

United States Commission on Civil Rights
1331 Pennsylvannia Ave, NW Suite 1150
Washington, DC 20425
USCCR Website | 202-376-7700
Follow Us on Twitter & Facebook:

#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 12/22/2023 1:53:23 PM
From : "Christian Adams" a@electionlawcenter.com
To : "jmashburn@usccr.gov" jmashburn@usccr.gov
Subject : [EXTERNAL] Re: Fw: DEADLINE TODAY: Notational Ballot on Planning Documents for 2024 Reports
Attachment : 1.gif;2.gif;

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

me too. AYE.

---- On Fri,22 Dec 2023 21:51:10 -0500 **jmashburn@usccr.gov** wrote ----

FYI - reminder about notational ballot on concept paper planning documents due today.

Kirzanow, Heriot and Gilchrist are voting "aye" for both sets of planning documents for Facial Recognition Technology and Religious Liberty in Prisons compliance.

From: Yvesner Zamar
Sent: Friday, December 22, 2023 9:50:39 AM
To: CommissionerAssistants
Subject: DEADLINE TODAY: Notational Ballot on Planning Documents for 2024 Reports

Good Morning & Happy Holidays!

As I have told @Carissa Mulder and @Irena Vidulovic privately, I greatly appreciate all their work and coordination with OCRE to make sure that we as a Commission are fulfilling our duties. They put us in a great position to have two paper topics approved and now we have planning documents for each paper ready to be voted upon. Before we all head out for the holidays, I wanted to send a reminder to get your Commissioners vote submitted so the work can continue on both of these efforts.

Please submit your Commissioner's ballot for the planning documents.

Best,

AMERICAN OVERSIGHT

--

Yvesner Zamar | Special Assistant to Chair Rochelle M. Garza

Pronounced: EVE-NER

United States Commission on Civil Rights

1331 Pennsylvannia Ave, NW Suite 1150

Washington, DC 20425

USCCR Website | 202-376-7700

Follow Us on Twitter & Facebook:



#USCCR

From: Mauro Morales <mmorales@usccr.gov>
Date: Wednesday, December 20, 2023 at 11:13 AM
To: Commissioners <Commissioners@usccr.gov>
Cc: CommissionerAssistants <CommissionerAssistants@usccr.gov>, ExecutiveStaff <ExecutiveStaff@usccr.gov>
Subject: Notational Ballot on Planning Documents for 2024 Reports

Commissioners,

Pursuant to the request of Chair Garza, I have attached a notational ballot for your consideration and vote. I have also attached the planning documents for the 2024 report on FRT and the 2024 report on RLUIPA for your review and approval. I have been informed that pursuant to previous communication, the Chair has waived prior notice. Because of the Christmas holiday,

AMERICAN OVERSIGHT

the ballot should be returned by 5 pm on Friday, December 22nd.

Please recall that Monday the 25th is the Christmas holiday.
Thank you.

Mauro Morales

Staff Director

U.S. Commission on Civil Rights

P: 202-376-7796| F: 202-376-7672

Mmorales@usccr.gov

http://usccr.gov/

1331 Pennsylvania Avenue, NW Suite 1150

Washington D.C. 20425

Follow Us on Twitter & Facebook:



#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the

AMERICAN OVERSIGHT

sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 7/20/2023 7:27:28 PM
From : "Christian Adams" a@electionlawcenter.com
To : "'Gail Heriot'" gheriot@me.com, "'Carissa Mulder'" CMulder@usccr.gov
Cc : "pkirsanow@beneschlaw.com" pkirsanow@beneschlaw.com, "'Christian Adams'" adams@electionlawcenter.com, "'stephen gilchrist'" thegilchristassociates@gmail.com, "'John Mashburn'" jmashburn@usccr.gov, "'Thomas Simuel'" tsimuel@usccr.gov, "'Alexis Fragosa'" afragosa@usccr.gov, "'Blackburn, Bessie Sue'" bsblackburn1@liberty.edu
Subject : [EXTERNAL] RE: Caucus Breakfast

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

No

From: Gail Heriot <gheriot@me.com>
Sent: Thursday, July 20, 2023 6:54 PM
To: Carissa Mulder <CMulder@usccr.gov>
Cc: pkirsanow@beneschlaw.com; Christian Adams <adams@electionlawcenter.com>; stephen gilchrist <thegilchristassociates@gmail.com>; John Mashburn <jmashburn@usccr.gov>; Thomas Simuel <tsimuel@usccr.gov>; Alexis Fragosa <afragosa@usccr.gov>; Blackburn, Bessie Sue <bsblackburn1@liberty.edu>
Subject: Re: Caucus Breakfast

I got a text message from Rochelle a little while ago. She wanted to talk to me tomorrow. I agreed to talk to her tomorrow after our breakfast and before the meeting. Did she contact others too?

Gail

Gail Heriot
Professor of Law
University of San Diego

> On Jul 20, 2023, at 4:05 PM, Carissa Mulder <CMulder@usccr.gov> wrote:
>
> Hi everyone,
>
> I wanted to let you know that I made a reservation for us tomorrow at Cafe du Parc. It's under my name. Our intern Bess Blackburn will be joining us.

AMERICAN OVERSIGHT

See you soon!

Carissa

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
<mime-attachment.ics>

AMERICAN OVERSIGHT

Date : 3/27/2023 11:37:06 AM
From : "Christian Adams" a@electionlawcenter.com
To : "'John Mashburn'" jmashburn@usccr.gov, "'Carissa Mulder'" CMulder@usccr.gov, "'Christian Adams'" adams@electionlawcenter.com
Subject : RE: [EXTERNAL] RE: Georgia delegation

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

I can ONLY meet at 2. I had something arise that I need to be OUT by 315. Not movable.

From: John Mashburn <jmashburn@usccr.gov>
Sent: Monday, March 27, 2023 11:31 AM
To: Christian Adams <a@electionlawcenter.com>; Carissa Mulder <CMulder@usccr.gov>; 'Christian Adams' <adams@electionlawcenter.com>
Subject: Re: [EXTERNAL] RE: Georgia delegation

Carissa got the conference room at USCCR reserved for Thursday from 2 - 5 pm

---

From: Christian Adams <a@electionlawcenter.com>
Sent: Monday, March 27, 2023 10:32:15 AM
To: Carissa Mulder; 'Christian Adams'; John Mashburn
Subject: RE: [EXTERNAL] RE: Georgia delegation

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

From: Carissa Mulder <CMulder@usccr.gov>
Sent: Monday, March 27, 2023 10:23 AM
To: Christian Adams <a@electionlawcenter.com>; 'Christian Adams' <adams@electionlawcenter.com>; John Mashburn <jmashburn@usccr.gov>
Subject: Re: [EXTERNAL] RE: Georgia delegation

It looks like they want to meet you on Thursday at 2:30.

From: Christian Adams <a@electionlawcenter.com>
Sent: Monday, March 27, 2023 10:21:56 AM
To: Carissa Mulder; 'Christian Adams'; John Mashburn
Subject: [EXTERNAL] RE: Georgia delegation

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

AMERICAN OVERSIGHT

From: Carissa Mulder <CMulder@usccr.gov>
Sent: Monday, March 27, 2023 9:49 AM
To: Christian Adams <adams@electionlawcenter.com>; John Mashburn <jmashburn@usccr.gov>
Subject: Georgia delegation

Hi Christian,

I read the emails about the delegation from Georgia. Is there anything you would like John and I to do to prepare for the meeting?

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Crime Victims Data Discrimination Report Outline

Commented [JM1]: This and other changes to the Outline and Research Plan change the report from the one negotiated last fall with Chair Cantu and OCRE regarding the impact of crime increases on minority groups AND problems with federal crime data collection efforts into a report on JUST the problems with federal crime data collection efforts.

I. **Executive Summary**

II. **Chapter 1: Introduction**
   a. Context and Background
      i. Why the Commission took on this issue (voted-upon Concept Paper)
      ii. Brief summary of report methodology, including briefing, testimony received and other key sources of information; and brief summary of OCRE research and methodology
   b. Overview of the federal government's role in addressing civil rights issues in criminal justice, including the fair administration of justice
      i. Department of Justice Civil Rights Division
      ii. Enforcement of Title VI of Civil Rights Act of 1964
      iii. Role of Attorney Generals and Deputy Attorneys Generals in coordinating the fair administration of justice

III. **Chapter 2: Differences and overlap, including but not limited to, definitions of crime, purpose, methodology, cooperation, in crime data collection systems used by different U.S. federal government agencies and state and local reporting processes:**
   a. National Incident-Based Reporting System (NIBRS)
   b. National Crime Victimization Survey (NCVS)
   c. National Violent Death Reporting System (NVDRS)
   d. Crime data collected by state and local governments and their required or optional reporting processes to the U.S. Federal government.
   e. Benefits of integrating, or increased, cooperation between U.S. Federal agencies in crime data collection

Commented [JM2]: *Note that the UCR (Uniform Crime Reporting) System is left out even though it was the predecessor for reporting crime prior to NIBRS beginning in 2021, so since study period is 2017 to the present, UCR needs to be included to cover data from 2017-2020.*

IV. **Chapter 3: Crime Trends 2017 – the most recent federal government data sets available**
   a. Overall trends at the national level 2017-to the most recent federal government data sets available
      i. Recent crime data trends from 2017
   b. Overview of selected jurisdictions as directed by OCRE[1]
   c. Demographics of victims of violent crime in selected jurisdictions from 2017-present, assessed through DOJ, state and local agencies, such as:
      i. Race
      ii. Ethnicity

Commented [JM3]: Looking at recent "crime data trends" is not the same as looking at recent crime increases or "spikes." Again, the changes make the focus on the data collection, not on what the data say.

[1] Jurisdiction selection required the submission of NIBRS data to DOJ for the selected study period.

[]

AMERICAN OVERSIGHT

iii. Sex
iv. Age
v. Gender

d. Impacts on crime victimization data
   i. Discussion of any disparities in how violent crime trends affect groups covered by anti-discrimination laws

V. Chapter 4: Comparison of Local, State, and Federal crime databases and collection systems and reporting procedures
Chapter 5: Federal, State, and Local Response to Current Violent Crime and Victimization Issues

a. Federal role in victim services and any disparities in services for groups covered by the anti-discrimination laws
b. Federal, state, and local initiatives (i.e., policies, programs, funding) aimed at addressing violent crime impact disparities, for example:

1. Crime Victims Fund
2. FBI Victim Assistance Program
3. Crime Victim Assistance Grant Program (VOCA)
4. State and Local Assistance Programs
5. Use of alternatives to incarceration and other rehabilitation efforts
6. Possible solutions and recommendations in reducing disparities among victims of crime based on the categories protected by anti-discrimination laws

[]

Commented [JM5]: Again, the focus is on the data collection process only, not on what the data say about who is being victimized by crime .

Commented [JM6]: All Americans are covered by the anti-discrimination laws. This change takes any focus off of impacts on individuals or specific communities at the local level -- and puts the focus on the national/nationwide impact on groups.

Commented [JM8]: This change again focuses on disparities in providing services by the federal government only to certain groups and not services for all American crime victims, and does not require looking at state/local services for victims for possible shortcomings. It also again implies that all Americans are not covered by the anti-discrimination laws.

Commented [JM10]: Alternatives to incarceration and rehabilitation were encompassed in the section proposed to be deleted regarding "Additional Trends seen 2017-2021." If they are going to be examined as to whether they can be used to decrease crime, then they also need to be looked at for the inverse, which is whether the use of such alternatives have been seen to correspond with increases in crime.

AMERICAN OVERSIGHT

Crime Victims Report Research Plan

From May 2023 to December 2023, OCRE staff will seek information through a variety of sources (e.g., interrogatories, empirical research, qualitative and quantitative data, briefing testimony, and outreach to government officials, scholars, public policy experts, victims of violent crime, and community stakeholders) to gain an understanding of the U.S. (DOJ and CDC) data collection on violent crime and victimizations and what that data may show regarding disparate impacts affecting minority communities. OCRE staff will also examine what additional state and local crime data may show regarding how it affects minority communities that is not captured by federal level data.

OCRE will focus its data-gathering in the following areas:

- The role of the federal government in addressing civil rights issues and the administration of justice in the criminal justice arena
- Enforcement of Title VI of the Civil Rights Act of 1964
- Types of crime data collected by DOJ and CDC
- Federal Bureau of Investigation (FBI)
    - Uniform Crime Reports (UCR)
    - National Incident-Based Reporting System (NIBRS)
- Bureau of Justice Statistics
    - National Crime Victimization Survey (NCVS)
- CDC data
    - National Violent Death Reporting System
- Transition from UCR to NIBRS on January 1, 2021
- Challenges for local agencies
- Challenges in crime measurement
- Examination of violent crime data from selected cities where data was filed in NIBRS: Denver, Memphis, Milwaukee, Seattle
- Trends in violent crime from 2017-2023
    - Homicide, rape/sexual assault, robbery, assault
- Demographics of victims of homicide and other violent crimes, assessed through DOJ and CDC victimization data, as well as supplemental state and local law enforcement data, for example:
    - Race
    - Ethnicity
    - Sex
    - Age

[]

Commented [JM1]: Gaining "an understanding of data collection on violent crime and victimizations regarding disparate impacts" from the data collecting process is not the same as gaining an understanding of what the federal data collected says about "increases in crime affecting minority communities." Looking at state/local data for bias effects on minority communities that is not captured/collected by federal data is NOT the same as looking for what unique state/local data say about increases in crime.

Commented [JM2]: Examination of violent crime data filed with just NIBRS in the studied cities is different than examining violent crime in those cities. Cities selected last fall were all NIBRS cities that were large whereas OCRE's initially proposed list only included small/medium size cities which was not indicative of national trends. Houston was specifically negotiated into the list of cities to be studied -- but has now been deleted, even though it is the largest city in the list.

AMERICAN OVERSIGHT

- Gender

- Discussion of potential disparities in how violent crime trends have a disparate impact on groups protected by the anti-discrimination laws
- Discussion of the use of authorized alternatives to incarceration and other rehabilitation efforts
- Federal, state, and local initiatives (i.e., policies, programs, funding) aimed at addressing criminal victimization to determine any disparate impact on groups protected by the anti-discrimination laws, for example:
- Crime Victims Fund
- FBI Victim Assistance Program
- Crime Victim Assistance Grant Program (VOCA)
- State and Local Assistance Programs
- Assessment of shortcomings in federal data collection (if any) regarding criminal victimization of groups protected by the anti-discrimination laws.

OCRE will accomplish this research by:

- Examining publicly available data, research, and information from interrogatories regarding federal programs and funding provided to state and local entities to deter crime and whether these funds have a disparate impact on groups protected by the discrimination laws.
- Working with OGC to send Interrogatories and Document Requests to Dep't of Justice/FBI, state, and local jurisdictions
- Collecting and analyzing reports and additional testimony
- Examining relevant information from a variety of independent sources (e.g., academic journals, research organizations, public policy organizations)
- Examining the data/reports/work product of federal agencies, advocates, public policy organizations, and community stakeholders
- Holding a briefing before the Commission with panels of expert witnesses (including government officials, scholars, public policy experts, community stakeholders, etc.) who can provide information, data, insight, and context into the efficacy of crime data collection by U.S. federal and State agencies. Ascertain if the data collection methodology and implementation discriminates on the basis of race and ethnicity leading to disparate impact.

Proposed Briefing Panel

1. Department of Justice
   a. FBI
   b. BJS
   c. Other government officials
2. Outside Testimony

[]

Commented [JM3]: Again, all Americans are protected by the anti-discrimination laws while this new language implies only some groups are protected by such laws. It also puts the focus on groups from a national perspective and takes it off individuals and individual communities.

Commented [JM5]: Alternatives to incarceration and rehabilitation were encompassed in the section proposed to be deleted regarding "Additional Trends seen 2017-2021." If they are going to be examined as to whether they can be used to decrease crime, then they also need to be looked at for the inverse, which is whether the use of such alternatives have been seen to correspond with increases in crime.

Commented [JM6]: Again, all Americans are protected by the anti-discrimination laws while this new language implies only some groups are protected by such laws. The change also narrows the scope to only examining victim assistance programs and leaves out other possible programs targeted at reducing crime in disproportionately impacted communities.

Commented [JM7]: Again, all Americans are protected by the anti-discrimination laws while this new language implies only some groups are protected by such laws. This change also narrows the focus to just data collection regarding "victimization of groups," and not individual victims of crime or victimization of specific communities.

Commented [JM10]: Again, all Americans are protected by the anti-discrimination laws while this new language implies only some groups are protected by such laws. This change also takes the focus off whether or not federal funding was provided to counter increases in crime and moves it to examining whether the funding itself and its distribution (and not crime) has had a disparate impact on various groups.

AMERICAN OVERSIGHT

a. State or local law enforcement representation
b. Criminologists
c. Public policy experts
d. Community stakeholders (representing and/or serving impacted persons)

3. Public comment period

[]

AMERICAN OVERSIGHT

Crime Victims Timeline

I. Pre-Briefing	
OCRE circulates draft of discovery plan, outline, and timeline to lead SA's	Wednesday, October 19, 2022
Lead SA's provide feedback to OCRE	Wednesday, October 26, 2022
OCRE circulates draft of discovery plan, outline, and timeline to Commissioners and SAs	Monday, October 31, 2022
Commissioners and SAs provide feedback to OCRE on draft of discovery plan, outline, and timeline	Monday, November 7, 2022
OCRE submits finalized discovery plan, outline, and timeline to Commissioners and SAs	Monday, November 14, 2022
Vote on discovery plan, outline, and timeline	**Friday, November 18, 2022**
OCRE request panelist recommendations for virtual briefing and briefing book recommendations	Monday, November 28, 2022
Commissioners & SAs submit names for potential panelists to OCRE	Monday, December 12, 2022
OCRE submits Interrogatory questions to OGC	Monday, January 23, 2023
OGC provides formatted Interrogatories to OCRE	Monday, February 6, 2023
OCRE circulates Interrogatories to Commissioners and SAs	Wednesday, February 8, 2023
Commissioners and SAs provide feedback on Interrogatories	Wednesday, February 15, 2023
OGC sends Interrogatories	Tuesday, February 21, 2023
Interrogatories due	Monday, March 27, 2023
OCRE finalizes list of panelists	Friday, March 31, 2023
Send invites out to potential panelists	Monday, April 3, 2023
Briefing Book due to SAs and Commissioners	Wednesday, April 19, 2023
1st Briefing HQ (Virtual or In-person TBD)	**Friday, May 19, 2023**
End of public comment period	Monday, June 19, 2023
2nd Briefing (Field)	**Friday, July 21, 2023**
End of public comment period	Monday, August 21, 2023
II. Review of Report Drafts and Comments	
Initial Draft to Commissioners	**Friday, June 2, 2023**
Commissioners' Comments Due Back to OCRE	Friday, June 30, 2023
2nd draft to Commissioners	**Friday, August 25, 2023**
Commissioners' Comments Due Back to OCRE	Monday, September 18, 2023

Commented [JM1]: **Original Nov. 2022 OCRE Timeline: 1 year, 4 months, 10 days** -- with 2 hearings, the total time from vote on discovery (11/18/22) until publication (03/28/2024) was 1 year, 4 months and 10 days.

Conservative Caucus May 2023 Updated Timeline: 1 year, 4 months, 8 days -- with 2 hearings, and based on original OCRE Timeline, the total time from vote on discovery (5/18/2023) until publication (09/26/2024) is 1 year, 4 months and 8 days.

OCRE May 2023 Updated Timeline: 1 year, 6 months, 2 days -- with just 1 hearing vs. 2, the total time from vote on discovery (5/18/2023) until publication (11/20/2024) is 1 year, 6 months and 2 days. So, even with just 1 hearing instead of 2, this new timeline is almost 2 months longer than the original OCRE timeline from Nov. 2022 to get the report done.

AMERICAN OVERSIGHT

Send Report for LSR	**Monday, September 25, 2023**
LSR Due	Friday, October 6, 2023
LSR incorporated	Friday, October 13, 2023
Send report for Affected Agency Review	**Monday, October 16, 2023**
Affected Agency Review Due	Friday, November 17, 2023
III. Final Report and Vote	
Disseminate report to Commissioners for vote	**Monday, December 4, 2023**
Commissioner vote on report	**Friday, December 15, 2023**
IV. Post-Vote	
Commissioners statements due	Monday, January 15, 2024
Commissioners rebuttals due	Thursday, February 15, 2024
Commissioner surrebuttals due	Thursday, February 29, 2024
OCRE circulates formatted version for Commissioner edits	Monday, March 11, 2024
Commissioner edits due	Monday, March 18, 2024
OCRE provides embargoed version	Friday, March 22, 2024
OCRE provides version for website upload	Tuesday, March 26, 2024
Publication	Thursday, March 28, 2024

AMERICAN OVERSIGHT

Date : 5/25/2023 5:55:48 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "pkirsanow@Beneschlaw.com" pkirsanow@Beneschlaw.com, "gheriot@me.com" gheriot@me.com, "'adams@electionlawcenter.com'" adams@electionlawcenter.com
Cc : "carissa.mulder@gmail.com" carissa.mulder@gmail.com, "afragosa.usccr@gmail.com" afragosa.usccr@gmail.com, "jkmash@comcast.net" jkmash@comcast.net
Subject : FW: Comparisons Outline and Research Plan
Attachment : Compared 4 Crime Victims Chapter Outline_11.14.22.docx;Compared 5 Research Plan .docx;Compared Timeline.docx;

As per the meeting last Thursday May 18 with Garza and Nourse, I have attached comparisons between the original docs OCRE submitted for the Nov. 18, 2022 meeting (which were not approved then) and the docs submitted as counterproposals (evidently by OCRE itself based on what Garza and Nourse said) for the May 18, 2023 meeting.

I attached Word versions. If you have a PC at home the Word version should be OK to use – you might have to turn the Track changes on once you open the doc and turn off format/ink change tracking. Word for PC when you compare docs will show both deletions from the Nov. docs (in red) and insertions into the Nov. doc (in green) from the OCRE's newest counterproposal on the same page in the same doc -- and with the comments (in yellow) off to one side. Mac will only show you insertions OR deletions on a page (but not both at the same time,) the comments will be off to one side whether the deletions or insertions are showing.

I inserted a lot of comments in the doc comparisons -- basically to the effect that the counterproposal docs from OCRE transform this report into one about the "efficacy of data collection" about crime at the federal level. The report would no longer look at the disproportionate impact on minority communities and victims from increases in crime.

Crime victims and experts who can testify about the impact of crime on victims and minorities are no longer able to be witnesses. Experts who can talk about shortcomings in how federal data is collected and the bias in that data collection process against minorities, etc. are the only witnesses allowed. All this really pops out when you can see the deletions and insertions on the same page.

As to the Timeline, OCRE's last Nov. 2022 was 1 year, 4 months, 10 days from Discovery Docs approval to final Publication, my Timeline for last week was 1 yr, 4 months, 8 days – WITH 2 HEARINGS in each timeline. OCRE's Timeline for last week's Bus. Mtg – with just 1 hearing – was 1 year, 6 months and 2 days from Discovery Doc approval until final publication. That put publication after the Nov. 2024 election.

Are these OK to send to Garza, Nourse, and Irena?

From: John Mashburn <jmashburn@usccr.gov>
Sent: Thursday, May 25, 2023 4:09 PM
To: jkmash@comcast.net

AMERICAN OVERSIGHT

Subject: Comparisons Outline and Research Plan

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

DISSENTING STATEMENT OF COMMISSIONER ADAMS

I voted in favor of this report because I share the Commission's conviction that prosecutors and law enforcement officials should vigorously investigate and prosecute crimes against all Americans. This Commission was stalled for months because an insufficient number of Commissioners shared my view.

Our attention turns after this report to how the undeniable spike in crime over the last few years affected minority communities in a significant way. These two reports - this one and the forthcoming report on the crime increase – should, in my view be viewed as complementary. There are some refinements that I would like to see in our methodology, as I outline below. Though I voted for this report, it has significant faults. I dissent to document my concerns about its methodology, assumptions, and omissions.

Methodological Concerns

Information Quality Concerns: Federal Data Policy Has Impaired Local Crime Reporting

The report correctly identifies a major impediment to understanding the severity and magnitude of hate crimes against persons of Asian descent: a lack of comprehensive and reliable data.

While this deficiency has many causes, the report properly draws attention to the FBI's transition to the National Incident-Based Reporting System (NIBRS) in January 2021.[1] This transition has slowed the compilation and reporting of data by state and local agencies, due to a significant reduction in participating local agencies. In 2021, 11,834 such agencies participated in the FBI's hate crimes database. This is a 22% decrease from 2020, where 15,138 agencies submitted such data.

Furthermore, many of the agencies that did not submit data to NIBRS in 2021 were among the largest jurisdictions in the country.

Information Quality Concern: Potential Barriers to Reporting AAPI Hate Crimes

The report also notes that first responders, including law enforcement officers, are often insufficiently trained to identify hate crimes. Local law enforcement officials, therefore, may over or under-report the number of hate crimes occurring in their jurisdictions because they lack a clear understanding of what constitutes a hate crime.

Moreover, because many AAPI victims of such crimes may have limited English language proficiency, they may be less likely to initiate reports with law enforcement officials. As the report makes clear, the U.S. Department of Justice has only recently launched language assistance and related outreach programs to assist local and state law enforcement in serving victims with limited English proficiency.

---

[1] Commission report at 15, footnote 52 (Federal Bureau of Investigation, "Crime Data Explorer," [HYPERLINK "https://cde.ucr.cjis.gov/LATEST/webapp/" \l "/pages/explorer/crime/hate-crime"].).

AMERICAN OVERSIGHT

Therefore, additional reasons exist to question the completeness of crime statistics presented to the Commission.

This lack of objective data has apparently contributed to the Commission's decision to award undue weight to self-reported statistics collected by non-profits that conflate "hate incidents" with "hate crimes." Hate incidents are not hate crimes. Discourtesy, boorish behavior, rudeness and even misdirected anger may be unsettling, but they are usually not crimes.

Naturally, I also agree with the reports finding that prosecutors and law enforcement should vigorously investigate and prosecute violations of federal criminal laws. As I have written about extensively for more than a decade, that is sadly not the case. There is no subset of Americans who enjoy protection from racially motivated attacks while other Americans do not. Sadly, some continue to be vociferous opponents of equal enforcement of the law in this regard.

Deficiencies in statistics considered by the Commission

The Commission's report relies overwhelmingly on information from the non-profit group Stop AAPI Hate, which the report presents as a neutral, impartial organization. It is not. This group enjoys support (financial and otherwise) from a number of outside organizations that I consider unreliable and extraordinarily biased, to the point of compromising any hope of objectivity.

Potential bias aside, the Commission's report has adopted Stop AAPI Hate's flawed methodology. That organization has generated much alarm about targeted Asian hate crimes by publishing "self-reports" of "hate incidents" by victims.

Hate incidents are not hate crimes.

"Hate incidents are inherently subjective and often involve speech or the expression of opinion alone. While hate crimes are clearly defined by the FBI as "a traditional offense like murder, arson, or vandalism with an added element of bias," the U.S. Department of Justice defines "hate incidents" as acts that do not rise to the level of a crime, including:

- "Name calling, using racial, ethnic, or other slurs to identify someone, or using degrading language;
- Insults;
- Displaying hateful material on your own property;
- Posting hate material that does not result in property damage;
- Distribution of materials with hate messages in public places."

The Commission's report relies on "hate incident" reports from Stop AAPI Hate. It should not. For example, it reported the number of total incidents was 10,905, but the overwhelming majority of the incidents did not meet the legal definition of a hate crime and 69.8 percent were verbal statements, not actual physical violence.

AMERICAN OVERSIGHT

In other words, Stop AAPI Hate has created a false equivalency between non-violent "hate incidents" violent hate crimes, and invoked a specter of violence regardless of the facts. Indeed, at least 58% of incidents reported to the non-profit took place in New York or California, where violent crimes against Asian Americans would surely make national news.

It is unfortunate that the Commission has accepted Stop AAPI Hate's invitation to exploit the true threat of hate crimes by diluting the problem with reports of bad behavior, rudeness and idiots that don't treat other people with the respect they deserve.

This increasing coarseness in our nation has many causes. A government cannot impose civility. Our constitutional traditions of liberty and free speech leave no room for policing rudeness and stupidity. More adherence to the Golden Rule, to treat others the way one wishes to be treated, would go a long way to reducing these so-called "hate incidents." As shared values like the Golden Rule vanish from our culture, there will be many more incidents of rudeness and offense for Stop AAPI Hate to add to their catalog. Their current dossier contains evidence of a fractured culture, and very little of actual crimes.

Stop AAPI Hate and its affiliates have improperly conflated criticism of the Chinese government with hate crimes

In addition to allowing Stop AAPI Hate to conflate hate crimes and hate incidents, the Commission applied insufficient rigor in determining whether self-reports documented hateful speech in the first place.

Witness testimony to the Commission made much of terms that were in common use throughout 2020 to describe the COVID-19 virus. The virus was commonly referred to with neutral geographic terms, such as "the Wuhan Virus." This Commission is overly credulous in accepting Stop AAPI Hate's categorization of such terms as "hate incidents."

As Commissioner Heriot, in footnote 20 of her Dissenting Statement states:

> "There is a long history behind naming diseases for the place they were thought to be first detected—the Spanish Flu, the Asian Flu, Rocky Mountain Spotted Fever, Lyme (Connecticut) Disease, African Sleeping Sickness, West Nile Disease, Lassa (Nigeria) Fever, Middle East Respiratory Syndrome (MERS), Argentine Hemorrhagic Fever, Pontiac (Michigan) Fever, Rift Valley Fever, Marburg (Germany) Virus Disease. Ebola is named for a river in the Democratic Republic of the Congo. Zika is named for a forest in Uganda. Tularemia (or rabbit fever) is named for Tulare County, California."

Ponder the poor American Legion who will forever be associated with the 1976 outbreak at their convention in Philadelphia that killed twenty-nine Legionnaires. It is undisputed that COVID originated in China one way or another, and there is nothing controversial is speaking the truth, whether the Chinese government and their advocates say otherwise.

AMERICAN OVERSIGHT

Stop AAPI Hate, for example, ignores these basic historical facts. I am alarmed that witnesses and commissioners alleged (and the report accepted) that official government responses to actions of the Peoples Republic of China are a pretext for discrimination against Chinese Americans.

Nonsense. In the fullness of time, we have learned that criticism of the regime and its coverup of the facts regarding COVID has, to the contrary, been wildly inadequate. The lack of transparency, endemic to authoritarian regimes like China's, led to the world only learning facts about the early outbreak of COVID years later.

After one Commissioner inaccurately stated that the Texas state legislature was considering a ban on "Chinese Americans" owning property, Dr. Russell Jeung, a professor of Asian-American studies at San Francisco State University and co-founder of Stop AAPI Hate stated that "policies implemented at the state level, at the local level, [and] at school boards" sanction "further violence" against AAPI individuals and therefore encourage hate crimes directed at this population. (Jeung did not explain how school boards could prohibit anyone from owning property.)

Testimony that legislative responses to the actions of the People's Republic of China encourages hate crimes against Asians is one of many instances that has led me to conclude that Stop AAPI Hate uses the threat of hate crimes to deflect from valid criticism of the Chinese communists. Why?

Beyond the testimony of Stop AAPI Hate witnesses to the Commission, the group's *modus operandi* supports my conclusion. This group appears to categorize references to COVID-19's geographic origins as "hate incidents" worthy of inclusion in its database of self-reports. Then it uses such incidents to paint a picture of Asian Americans under the threat of violence – despite the fact that Stop AAPI Hate admits that nearly 70% of the "hate incidents" reported to the group during its first few months of operation were comprised of verbal harassment – verbal harassment which can include merely calling COVID-19 "the Wuhan virus."

Furthermore, such attempts to deflect scrutiny of the geographic origin of the virus obscure the Chinese government's very real role in suppressing information about the virus.

This sounds more like a campaign to suppress criticism of one of the most authoritarian regimes on the planet, not something that should be a legitimate concern of this Commission.

Omissions in the Commission's Report

However, most of the faults I found with the report are related to what was omitted, rather than what was included in the report.

The Commission gathered insufficient information to prevent attacks against Americans of Asian descent

AMERICAN OVERSIGHT

Throughout hearings, the Commission displayed a marked lack of curiosity about the perpetrators of hate crimes targeted at Asian Americans. Hate crimes can have many causes, and a major study in the American Journal of Criminal Justice that analyzed 1992-2014 NIBRS data found support for the "minority-specific model" of crime, which posits that hate crimes against different racial minority groups are likely to show significant differences.[2] There is a clear need for analysis of NIBRS data after 2014, which would shed light on the many sociological and economic factors that may contribute to hate crimes in the United States.

In my opinion, the Commission showed nearly as much interest in testimony about how criticism of the PRC regime results in violence against Asian Americans as it did in the details of actual hate crimes suffered by AAPI individuals in the United States.

Understanding such details seems to me to be critical to preventing further violence. Deflecting criticism from the Chinese regime seems a task few would want to undertake, yet the Commission managed to find two witnesses to do so, both of whom made statements that I find questionable.

Similarly, the Commission chose to ignore expert opinions on crime prevention. For instance, Charles Lehman, a crime analyst from the Manhattan Institute, stated in both his written and oral testimony that:

> "[t]he best way to combat hate crime is not by targeting hate, e.g. through education or content moderation, but to target crime through aggressive law enforcement… [h]ate crime offenders are like other criminals, as opposed to being specialists in hate crime. The data bear this out, one survey of convicted hate crime offenders found that 87 percent had a prior conviction, including 60 percent with violent conviction… [t]he Criminal Justice System, including the Federal Criminal Justice System, is well equipped to combat hate as crime."

He went into much detail as to why this is the case, but his views and arguments on this specific point, which was his main point, are nowhere included the report -- and the cites attributed to him in the report addressed issues that were wholly unrelated to the main points in his testimony.

This raises issues internal to the operation of the Commission, namely elevating some testimony and disappearing other testimony.

---

[2] Yan Zhang, Lening Zhang, Francis Benton. Hate Crimes against Asian Americans. *American Journal of Criminal Justice* Vol. 47, p. 441-461 (2022).

AMERICAN OVERSIGHT

Commission Staff Improperly Prevented Commissioners From Exploring Other Incidents of Bias against Asian Americans

Similarly, internal procedures within the Commission stonewalled inquiry into other incidents of bias against Asian Americans.

At the Commission's September 2023 Business Meeting, the Commission voted unanimously for the original concept paper for this report. The Commission had previously rejected proposals from Commissioner Kirsanow to develop concept papers that would explore anti-Asian bias in academic admissions. I and other Commissioners who share Commissioner Kirsanow's interest in this subject voted for this concept paper because its proposal included key phrases that by their text encompassed discrimination against Asian Americans in academic admissions. These key phrases in the concept paper were [*emphasis added*]:

- "This follow-up project will examine federal enforcement through the Civil Rights Act of 1964, ... and other federal statutes, Executive Orders, and regulations, as Commission resources may permit, addressing issues of race, color, national origin, administration of justice, and religion related to the rising reports of anti-Asian and Asian American violence and discrimination in the United States as reported since 2019, the year prior to the onset of the COVID-19 pandemic." [Concept Paper page 1]

- "To set these examinations into context, the project will examine the historical and current stages of non-Asian America's relationship with, and beliefs about, Asian immigrants and Asian Americans." [Pages 1-2]

- "This project will provide an overview of the historical root causes of anti-Asian racism in America, how anti-Asian racism is perceived by communities, and whether it is enforced or recognized by the justice system. It will, through interviews with organizations that are representative of the diversity within the Asian American community, and review of sociological and other academic studies, examine the unique circumstances of the subgroupings of the Asian American community by places of physical and/or cultural origin, the recently immigrated and the long-standing Asian American components of the communities, **and the individual and collective stereotypes that each has confronted in their past and present**. [page 4]

- This investigation will also focus upon the extent to which federal enforcement, or lack thereof, of statutes, Executive Orders, regulations, policies, and programs created since the post-WWII era that attempt and appear either to reduce or exacerbate anti-Asian racism under the Commission's jurisdiction over issues related to race, color, national origin, administration of justice, and religion. **As staff resources may permit, the project shall attempt to determine instances in which government failure to act constituted or constitutes implicit policy which affected or affects Asian Americans**. The extent of

AMERICAN OVERSIGHT

sources of authority and the time period covered shall be determined by the availability of Commission resources. [page 5]

- The report will discuss the apparent outcomes, as measured in part by available statistical analysis and other measures, of federal enforcement, or the lack thereof, on behalf of Asians and Asian Americans. [page 5]

- **Finally, and most importantly, we will look to the representative communities to define what they believe, see, or define as bias against their communities**. [page 5]

These phrases were instrumental in garnering support from Commissioner Gilchrist, Commissioner Heriot, Commissioner Kirsanow, and myself. Yet, somehow along the way, ideological intransience prevented the fulfillment of this stated objective. The intransience drifted into farce at our hearing where presided over by Commissioner Kirsanow as de facto acting chair, Staff Director Morales interrupted the proceedings to shut down Commissioner Magpantay's questions to a witness by claiming some vague authority derived from 45 CFR 701.11 -- which merely states that a Chair will set an agenda for a meeting "after consulting with the Staff Director" – in order to prohibit further discussion of Anti-Asian bias in academic admissions.

Director Morales stated that witness testimony is limited to the "four corners of the concept paper" and that an amendment to explicitly add Anti-Asian bias in academic admissions to the concept paper had been defeated. Just as his authority to intervene was tenuous (at best), so was his characterization of the "four corners of the concept paper" as well as the purpose of the amendment that was defeated.

After the anti-Asian bias concept paper passed in September with this language in it, it became apparent, after garnering the votes from our side of the Commission based on the language he had provided, that the Commissioner who was the original proponent of the Anti-Asian concept paper did not want the Commission report to include the issue of Anti-Asian bias in academic admissions – despite what the text of the paper as passed said.

Commissioner Kirsanow then offered an amendment to make explicit what was implicit in the text of the September concept paper, and was the basis for garnering our four votes, that Anti-Asian bias in academic admissions was an issue encompassed by the text of the concept paper as passed. Although that amendment was defeated by a 4-4 vote, it does not alter the chartering document. That document would never have been approved by the Commission if it had not included phrases encompassing anti-Asian bias.

Director Morales lacks any authority to prevent Commissioners from questioning witnesses. He lacks authority to interpret the scope of a concept paper passed by the Commission. Even in the absence of a chair, his position as Staff Director does not confer authority to unilaterally direct Commission business.

AMERICAN OVERSIGHT

Director Morales's intervention prevented the Commission from executing its charge to "look to the representative communities to define what they believe, see, or define as bias against their communities." Witnesses from California – one of the states identified by Stop AAPI Hate as a hotspot for "hate incidents" – testified that "persistent discrimination against Asian American students in education, justified under the names of diversity, equity, and race-based affirmative action is much more salient and consequential form of anti-Asian discrimination."

Other commission witnesses falsely stated that the majority of Asian Americans support affirmative action. Professor Jeung stated that "Asian Americans support affirmative action," when polling, in fact, shows that 76% of all Asian adults oppose the use of race in college admissions decisions.[3] Such ideologically motived fairy tales should have led the Commission to give additional weight to the testimony of the many Asian American and Pacific Islanders who testified to this Commission about the pervasive anti-Asian discrimination that occurs in academic admissions.

None of the written and oral testimony, or lines of inquiry about this issue was covered or mentioned in the report, but it should have been. Therefore, this dissent documents several omissions that I find germane to the stated purpose of this concept paper.

Remarks from Former Assistant Attorney General for Civil Rights, Eric Dreiband

The following exchange between Commissioner Magpantay and former Assistant Attorney General for Civil Rights Eric Dreiband proceeded as follows at the hearing [*emphasis added*] – up until the moment the Staff Director essentially shut the hearing down:

> COMMISSIONER MAGPANTAY: What is an Asian?
>
> MR. DREIBAND: What is an Asian? Asians typically refer to people whose ancestry or national origin is from the continent of Asia.
>
> COMMISSIONER MAGPANTAY: The reason why is that it is a very large and diverse community, which some segments encounter poverty, limitations on proficiency, and I'm just curious in the court papers if it is recognized the nuance and diversity that we seek in America, like our schools should be – you know, skin color, whatever, but there is a diversity of experience and insights, isn't there, within the Asian community?

[3] Pew Research https://www.pewresearch.org/race-ethnicity/2023/06/08/asian-americans-hold-mixed-views-around-affirmative-action/

AMERICAN OVERSIGHT

MR. DREIBAND: Well, of course there is, and that's why this whole notion of grouping populations of people together the way many colleges, and universities, and other institutions today are doing as, quote, Asians, I think is shameful, disgraceful, and illegal.

So, yes, there is a huge range of diversity among people whose ancestry is from Asia, among people who are from East Asia, or South Asia, or various part of Asia, and I think it's horrible that our institutions in this country today treat these individuals as if they are part of some monolithic group and then subject them to pervasive discrimination.

And it's even worse because we're talking typically about 18-year-old children who are applying to further their education at colleges and universities throughout this country, many of whom come from very poor families, many of whom are first generation arrivals to this country, and they are lumped together and disadvantaged by Ivy League institutions, by all kinds of institutions in this country, and it is a total disgrace in my opinion, and it's illegal, and immoral, and wrong, and should stop.

COMMISSIONER MAGPANTAY: And that's in your papers?

MR. DREIBAND: What?

COMMISSIONER MAGPANTAY: And that's in your papers, your litigation papers, yes?

MR. DREIBAND: Well, yeah, in the cases that I mentioned, yes, we made those allegations, yes.

COMMISSIONER MAGPANTAY: Thank you.

Remarks from Diane Yap, founding member of the Friends of Lowell Foundation

Diane Yap, a prominent activist who has opposed attempts to reduce the number of Asian students at magnet high schools in San Francisco, testified in support of both Mr. Dreiband's and Mr. Lehman's viewpoints about anti-Asian Hate Crimes and Bias[4] as follows [*emphasis added*]:

"Even at Harvard, an Asian applicant with a 25 percent chance of getting in would have a 95 percent chance if he were only able to check the African American box instead. Nothing else about him would have to change.

The role of the government is not and should not be to put the thumb on the scale in order to produce racially proportionate outcomes. The goal should not be equal outcomes or equity but rather equal opportunity. The government's role is to ensure that no one faces discrimination on the basis of race.

[4] See discussion of Mr. Lehman's testimony at page X.

AMERICAN OVERSIGHT

On the matter of hate crimes, that means better crime prevention generally in the form of increased police presence, surveillance of hotspots, predictive policing, and especially imprisonment of repeat offenders.

On the issue of affirmative action, that means recognizing that such policies discriminate against Asians in favor of objectively less qualified applicants. If you believe that underrepresented groups deserve special help, then you also believe that there are overrepresented groups that deserve to be discriminated against. These are inextricably linked, and the latter is clearly unconstitutional.

If the Supreme Court bans race-based affirmative action, it is the duty of the government to enforce the ban as vigorously as it once enforced Brown v. Board of Education."

Ms. Yap was only cited once in the report, a shameful omission by the original drafters. Worse, the lone mention was only to recite a specific incident of Anti-Asian violence that she mentioned, and nothing was cited related to her views regarding Anti-Asian bias, hate crimes, or her opinions on how to combat them. Such bias in drafting Commission has to end, one way or another.

Remarks from Wenyuan Wu, Executive Director, Californians for Equal Justice

Ms. Wenyuan Wu, a community organizer in California, shared the views of other witnesses that anti-Asian Hate Crime is best targeted by increasing efforts to reduce crime in general, and that bias against Asians in academic admissions has a larger impact on the broader AAPI community than hate crimes or hate incidents. She testified that:

"Number one, criminal incidents targeting Asian Americans are egregious and must be addressed in the context of rising threats to public safety in general.

Number two, framing anti-Asian hate crimes in a narrative of systemic racism or systemic inequity misleads the public on methodological and moral grounds.

Number three, persistent discrimination against Asian American students in education, justified under the names of diversity, equity, and race-based affirmative action is much more salient and consequential form of anti-Asian discrimination."

In short, when we situate crimes targeting Asian Americans in the broad context of increases in violent crimes and decreases in the capacity of law enforcement to adequately address crimes, the wave of Asian hate is part and parcel of general crime patterns.

Last but not least, if policymakers and observers are serious about identifying and tackling discrimination against Asian Americans, they must confront the elephant in the room: systemic

AMERICAN OVERSIGHT

and ongoing anti-Asian discrimination in education through the practice of race-conscious admissions.

Racial preferences for the so-called under-represented minority students at elite colleges come almost entirely at the expense of Asian Americans.

[T]o reduce violence targeting Asian Americans, policymakers should devise solutions to improve public safety and support law enforcement.

On the other hand, if public policy decisionmakers are committed to combating discrimination and bias against Americans of Asian descent, they should not ignore the prevalence of race-conscious education policies, which disproportionately harm Asian American students.

Ms. Wenyuan Wu's viewpoints, comments and statistics, either in her written or oral testimony, were not cited anywhere in the report.

Remarks by Lee Cheng, Co-Founder of the Asian American Legal Foundation

Lee Cheng, provided written and oral testimony that buttressed the view that anti-Asian Hate Crime is best targeted by increasing efforts to reduce crime in general, and that bias against Asians in academic admissions has a larger impact on the overall Asian community than hate crimes or hate incidents. He testified:

"The traditional racism based on racial animus has been joined by an ugly cousin, racist discrimination and violence that is supposedly benign. Most notably in recent years, reportedly benign discrimination helped advance redistributionist equity efforts seems to have supplanted ignorance-based animus as the source of institutionalized discrimination against Asian Americans…

The same attitudes exclude Asian Americans de facto, if not officially, from being recruited under DEI programs in employment or other business contexts as well as for a growing number of governmental programs.

But the horrifying surge of violence that Asian Americans face in the present appears only to be driven partly by racism by both Whites and non-Whites... The answer lies in deterring and stopping crime in bad acts and bad actors and not to focus only on things called hate crimes. Focusing on hate misses the forest for the trees… Logically the increase in violent crimes against Asian Americans is predominantly due to a surge in violent crime overall, particularly in large American cities…

As previously mentioned, the majority of crimes against Asian Americans and shocking and dismaying images of brutality that we see daily are not apparently caused by racial animus but are largely due to changes in criminal justice. We've heard from Dr. Wu earlier that restorative

AMERICAN OVERSIGHT

> justice initiatives in states like California have resulted in -- in the release of tens of thousands of convicted felons and the decriminalization or downgrading of many crimes previously considered and prosecuted as felonies…
>
> The focus of criminal justice reform appears to be on those who commit crimes and the race of those who commit crimes at the expense of the rights of victims and the families of all communities… In the criminal justice arena, the gathering and reporting of crime statistics have been overhauled to focus on hate crimes, masking the increase in violent crimes that actually drives the increased violence against Asian Americans and everyone…
>
> In my opinion, the proper role of the federal government is to uphold the dearly won constitutional protections for individuals to avoid discrimination based on immutable characteristics. Of late, the government has not only abdicated that duty but facilitated injustice. A high profile example of the educational context involves the decision by the current administration to have the Solicitor General's Office support Harvard's bogus claim that its admissions policies do not discriminate against Asian Americans."

Like Wenyuan Wu, Mr. Cheng was disappeared by the drafters of the report and thus his policy statements, in either his written or oral testimony, are not cited anywhere in the report.

No Ms. Wu, no mention of COVID origins, and no mention of Mr. Cheng. The report airbrushes away inconvenient figures out of the report.

The airbrushing gets worse.

Testimony of Devon Westhill, General Counsel of the Center for Equal Opportunity and former Assistant Secretary for Civil Rights at the U.S. Department of Agriculture.

Such airbrushing is not limited to AAPI witnesses. Noted civil rights expert Devon Westhill was also disappeared out of the report like all the other opinions and events that are uncomfortable to the drafters. Never mind that Westhill was the former Assistant Secretary for Civil Rights at the U.S. Department of Agriculture and President and General Counsel of the Center for Equal Opportunity. In his written and oral testimony, Westhill argued that the federal government's current focus on equity "makes the federal government one of the great purveyors of discrimination against Asian Americans..." He stated:

> "My invitation to participate in this briefing [regarding the Federal Response to Anti-Asian Racism in the United States] requested I address the federal response to anti-Asian racism in the United States. Sadly, as I lay out, the federal government is one of the great purveyors of discrimination against Asian Americans and other accomplished ethnic groups in this country via its equity agenda…

AMERICAN OVERSIGHT

My primary concern today is how the federal government regards the civil rights of Asian Americans and that of other Americans who, as a result of their racial or ethnic identity, are treated differently, contrary to the American guarantee of equal protection under the law…

Just last month, and we heard earlier today in this briefing, President Biden signed yet another EO on advancing government-wide equity. Vice President Kamala Harris expressed on her official Twitter account her thoughts behind the motivation for the directive, quote, "America is the promise of equity and justice for all. Today, President Biden signed an executive order that puts our nation one step closer to achieving that promise," end quote. It was a telling admission that the current administration has perhaps less commitment to our pledge of allegiance's promise of liberty and justice for all.

Indeed, Vice President Harris' change in terminology comports with the Biden Administration equity fixation. In fact, in the most recent EO, for example, equity is mentioned 63 times, but liberty gets no mention at all...

The currently fashionable term "equity" is not contained in our civil rights laws and one might question to seek to investigate given that equity initiatives target federally protected classes whether equity initiatives might frustrate or impede civil rights protection and enforcement. Indeed, equity is not synonymous with equality…

The federal government's equity agenda appears to consist of identifying disparities in outcomes and attempt[ing] to close them by preferential treatment based on race or other immutable characteristics such as ancestral lineage. That's immoral, it's illegal, and it's undeniable that the federal government has put forward massive efforts to deliver on it. Equity is not equality…

The insistence that we must produce equal outcomes among groups defined by skin color, national origin, or gender perverts the American understanding of justice based on individual rights as achievable only by substituting authoritarian methods that trample those rights, and there is no good reason to believe that people or groups of people should even all end up in the same place as Vice President Kamala Harris has said.

This brings me to my main point. Asian Americans are a disfavored group under the equity regime because of their success. Equity initiatives, as discussed, seek to reach proportional outcomes for groups…

So, in a system where outcomes must reflect proportionality, Asian Americans can occupy only their proportional share, approximately seven percent. Achieving equitable outcomes means both providing preferences to artificially inflate the proportion of and lowering standards for certain groups, and also bringing down other over-represented races like Asian Americans to their proportion of the population.

AMERICAN OVERSIGHT

> These are the two sides of the same equity coin. Neither side can be satisfied without violating federal civil rights laws or the constitutional principle of equal protection under the law since both require divvying us up by race."

Disappeared, all of it. Like Ms. Wu and Mr. Cheng, Mr. Westhill is never mentioned in the report and thus his warnings about the danger the government's focus on "equity" vs. "equality" in federal policy poses to Asian Americans is not found in the report – despite the report being labeled "The Federal Response to Anti-Asian Racism in the United States." His opinion did not match the views of the drafters, and were thus disappeared.

The Report Does Not Accurately Reflect The Testimony Reviewed by the Commission

The numbers don't lie. "Stop AAPI Hate" was mentioned or cited over 100 times, Witnesses affiliated with the group were also disproportionately cited (John Yang 22, Jo Ann Yoo 18, Manjusha Kulkarni 18, William Scott 14, Cynthia Choi 10, Orlando Martinez 9, Jennifer Wu 8, Brian Levin 6, and Michael Yaki 5). Stop AAPI Hate and its allies are referenced so often, that they might as well have written this report. Consider the troubling views toward free speech of the organization's representatives, I am afraid the report choses the wrong lead to follow.

On the other side of the ledger, Eric Dreiband was cited 9 times (mostly for his past service at DOJ, not for any of his views or opinions in his testimony to the Commission), Charles Lehman was mentioned or cited 8 times, Diane Yap 2, Wenyuan Wu 0, Lee Cheng 0, and Devin Westhill 0.

We get it. To any objective reader, it is obvious the report is not objective. But that's par for the course around the Commission. Future Commissioners should take note. So should Congress. Fundamental changes are long overdue around here. This body is not functioning as an impartial and useful fact finder as much as it is an organ for the prevailing orthodoxy on the far left. That's a shame, because Civil Rights can easily be a bipartisan issue if basic principles of equality and an adherence to objective fact finding are followed.

I would urge Congress to these questions, along with all the other questions this Commission has invited.

Final remarks

This report embodies several troubling patterns in the operations of the USCCR. As discussed, Staff Director Morales improperly limited the scope of Commissioner questioning. This is not the first time that Director Morales has asserted non-existent authority to undermine Commissioners statutory authority.

AMERICAN OVERSIGHT

The report also shows a lack of interest in the experiences of crime victims in the United States. Commissioners disregard the identities of perpetrators of violent crime, and proven solutions for crime reduction, while treating verbal comments as equivalent to violent crime. Even more disturbingly, the report implicitly affirms Stop Asian Hate's troubling assertions that criticism of the actions of the Chinese government plays a role in spinning up hate crimes.

It is my hope that the Commissions' forthcoming report on crime victims may address some of the omissions and oversights in this report.

AMERICAN OVERSIGHT

Date : 8/13/2023 8:44:23 AM
From : "Christian Adams" a@electionlawcenter.com
To : "'John Mashburn'" jmashburn@usccr.gov
Subject : [EXTERNAL] FW: Christian Adams final Asian
Attachment : Christian Adams final Asian.docx;

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

Here is my final edit. Spent tons of time on this. PLEASE ensure there are no typos. try not to change anything unless a word is missing or something.

AMERICAN OVERSIGHT

Date : 7/28/2023 3:13:49 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : Re: [EXTERNAL] RE: 2024 Business Meeting Calendar

It's about 96 degrees in Tampa – feels like 106, so I will be sweating already when I get there. Ocean water temperature is almost 102 degrees.

From: a <a@electionlawcenter.com>
Date: Friday, July 28, 2023 at 2:23 PM
To: John Mashburn <jmashburn@usccr.gov>
Subject: RE: [EXTERNAL] RE: 2024 Business Meeting Calendar

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

.

From: John Mashburn <jmashburn@usccr.gov>
Sent: Friday, July 28, 2023 1:39 PM
To: Christian Adams <a@electionlawcenter.com>
Subject: Re: [EXTERNAL] RE: 2024 Business Meeting Calendar

I will be right over. Have heard nothing about Aug. 18. Will ask.

From: a <a@electionlawcenter.com>
Date: Friday, July 28, 2023 at 1:21 PM
To: John Mashburn <jmashburn@usccr.gov>
Subject: [EXTERNAL] RE: 2024 Business Meeting Calendar

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

.

The dates are fine.

I am more worried about cancelling Aug 18.

From: John Mashburn <jmashburn@usccr.gov>
Sent: Friday, July 28, 2023 1:20 PM
To: Christian Adams <a@electionlawcenter.com>
Subject: FW: 2024 Business Meeting Calendar

Gilchrist and heriot have said OK to these dates, including Magpantay's non-Friday date in Nov. 2024. Kirsanow has noy said OK as yet. Hard to project out so far, but thought I would remind you.

AMERICAN OVERSIGHT

FYI – as a reminder I am in Tampa for my daughter's wedding tomorrow.

From: Irena Vidulovic <ividulovic@usccr.gov>
Date: Thursday, July 20, 2023 at 1:53 PM
To: "CommissionerAssistants@usccr.gov" <CommissionerAssistants@usccr.gov>
Subject: 2024 Business Meeting Calendar

Team,

The staff has proposed business meeting calendar for 2024 below. I don't know if your bosses have gotten a chance to review the dates for scheduling conflicts. Commissioner Magpantay has provided conflicts for the following business meeting days:
Conflict with Friday June 14. **Available** all other Fridays in June.
Conflict Friday November 8. **Available** Nov. 15 or 22 (*which are non Friday dates*)

Please let me know if we could find alternate days that work for everyone and or if we should provide more time for Commissioner review and have this calendar voted upon as a notational vote soon after tomorrow's business meeting?

Thoughts?

Staff Proposed 2024 Business Meeting Days
Friday, January 19
Friday, February 23
Friday, March 22
Friday, April 19
Friday, May 17
Friday, June 14
Friday, July 19
Friday, August 16
Friday, September 20
Friday, October 18
Friday, November 8
Friday, December 13

Thanks,

AMERICAN OVERSIGHT

Irena

Irena Vidulovic
Special Assistant to Commissioner Mondaire Jones
U.S. Commission on Civil Rights
M: 202-591-9969
ividulovic@usccr.gov
http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:
TwiFB
#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 1/5/2023 9:52:48 AM
From : "Christian Adams" a@electionlawcenter.com
To : "jmashburn@usccr.gov" jmashburn@usccr.gov
Subject : Re: FW: [EXTERNAL] Caucus letter re: Rcial Affinity Group in Chicago

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

uea

---- On Thu, 05 Jan 2023 09:17:19 -0500 **jmashburn@usccr.gov** wrote ----

Pete is asking if other Cmnrs would like to join with him on this letter. I think you should.

From: Carissa Mulder <carissa.mulder@gmail.com>
Date: Wednesday, January 4, 2023 at 3:19 PM
To: Alexis Fragosa <afragosa.usccr@gmail.com>, John Mashburn <jkmash@comcast.net>, Thomas Simuel <tjsimuel32@gmail.com>
Cc:
>, John Mashburn <jmashburn@usccr.gov>, Thomas Simuel <tsimuel@usccr.gov>
Subject: [EXTERNAL] Caucus letter

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

Pete is going to send the attached letter to the Francis Parker school in Chicago. He asked me to circulate it to the rest of our caucus to see if any other commissioners would be interested in signing it. Please let me know!

AMERICAN OVERSIGHT

--

Carissa B. Mulder

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 5/26/2023 8:46:57 AM
From : "Christian Adams" a@electionlawcenter.com
To : "'John Mashburn'" jmashburn@usccr.gov, "pkirsanow@Beneschlaw.com" pkirsanow@Beneschlaw.com, "gheriot@me.com" gheriot@me.com, "adams@electionlawcenter.com" adams@electionlawcenter.com
Cc : "carissa.mulder@gmail.com" carissa.mulder@gmail.com, "afragosa.usccr@gmail.com" afragosa.usccr@gmail.com, "jkmash@comcast.net" jkmash@comcast.net
Subject : [EXTERNAL] RE: Comparisons Outline and Research Plan

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

There is no way OCRE made these heavy changes on their own. These are too substantive to have been done without Commissioner or SD input.

From: John Mashburn <jmashburn@usccr.gov>
Sent: Thursday, May 25, 2023 5:56 PM
To: pkirsanow@Beneschlaw.com; gheriot@me.com; 'adams@electionlawcenter.com' <adams@electionlawcenter.com>
Cc: carissa.mulder@gmail.com; afragosa.usccr@gmail.com; jkmash@comcast.net
Subject: FW: Comparisons Outline and Research Plan

As per the meeting last Thursday May 18 with Garza and Nourse, I have attached comparisons between the original docs OCRE submitted for the Nov. 18, 2022 meeting (which were not approved then) and the docs submitted as counterproposals (evidently by OCRE itself based on what Garza and Nourse said) for the May 18, 2023 meeting.

I attached Word versions. If you have a PC at home the Word version should be OK to use – you might have to turn the Track changes on once you open the doc and turn off format/ink change tracking. Word for PC when you compare docs will show both deletions from the Nov. docs (in red) and insertions into the Nov. doc (in green) from the OCRE's newest counterproposal on the same page in the same doc -- and with the comments (in yellow) off to one side. Mac will only show you insertions OR deletions on a page (but not both at the same time,) the comments will be off to one side whether the deletions or insertions are showing.

I inserted a lot of comments in the doc comparisons -- basically to the effect that the counterproposal docs from OCRE transform this report into one about the "efficacy of data collection" about crime at the federal level. The report would no longer look at the disproportionate impact on minority communities and victims from increases in crime.

Crime victims and experts who can testify about the impact of crime on victims and minorities are no longer able to be witnesses. Experts who can talk about shortcomings in how federal data is collected and the bias in that data collection process against minorities, etc. are the only witnesses allowed. All this really pops out when you can see the deletions and insertions on the same page.

AMERICAN OVERSIGHT

As to the Timeline, OCRE's last Nov. 2022 was 1 year, 4 months, 10 days from Discovery Docs approval to final Publication, my Timeline for last week was 1 yr, 4 months, 8 days – WITH 2 HEARINGS in each timeline. OCRE's Timeline for last week's Bus. Mtg – with just 1 hearing – was 1 year, 6 months and 2 days from Discovery Doc approval until final publication. That put publication after the Nov. 2024 election.

Are these OK to send to Garza, Nourse, and Irena?

From: John Mashburn <jmashburn@usccr.gov>
Sent: Thursday, May 25, 2023 4:09 PM
To: jkmash@comcast.net
Subject: Comparisons Outline and Research Plan

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 11/22/2023 10:22:17 AM
From : "John Mashburn" jmashburn@usccr.gov
To : "a@electionlawcenter.com" a@electionlawcenter.com
Subject : Re: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024
Attachment : 1.gif;2.gif;

Heriot and Kirsanow have sent their ballots in voting yea but with Gail's proposed phrase added to their ballots.

It is due Friday, not today.

From: Christian Adams <a@electionlawcenter.com>
Sent: Tuesday, November 21, 2023 10:22:20 PM
To: John Mashburn
Subject: Re: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

wait

---- On Wed,22 Nov 2023 06:20:45 -0500 **jmashburn@usccr.gov** wrote ----

I can fill it out and send it in for you.

From: Christian Adams <a@electionlawcenter.com>
Sent: Tuesday, November 21, 2023 9:16:11 PM
To: John Mashburn
Subject: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

i am travelling. Do i have to do this??

---- On Wed,22 Nov 2023 05:01:55 -0500 **jmashburn@usccr.gov** wrote ----

FYI - not sure you saw this since it was sent to your Cmn email. It is supposed to be completed with an electronic signature and sent back via email by close of business tomorrow.

Gail has an issue with it saying staff are to make all efforts to investigate, research, and PUBLISH the two reports. She wants our folks to add the following notation to the ballot: " 'Publish' means publish In connection with our usual procedures which require commission approval."

I think we should wait until they send a non-ambiguous version of the ballot.

AMERICAN OVERSIGHT

It's not like waiting til next week will make that big of a difference and not sure our 4 folks amending the language unilaterally will have any authority behind it.

Also, the Dec 15 business meeting will be by phone and not in person.

From: Mauro Morales
Sent: Tuesday, November 21, 2023 6:56:57 PM
To: Commissioners
Cc: CommissionerAssistants; ExecutiveStaff; Essence Perry
Subject: USCCR Notational Ballot on two Reports for 2024

Commissioners,

Pursuant to the request of Chair Garza, I have attached a notational ballot for your consideration. I have also attached the two reports you are voting to approve. I have been informed that pursuant to previous communication, the Chair has waived prior notice. Because of the Thanksgiving holiday, the ballot should be returned by 5 pm on Friday, November 24thth.

Please recall that Thursday the 23rd is a Federal holiday. Thank you.

Mauro Morales
Staff Director
U.S. Commission on Civil Rights
P: 202-376-7796| F: 202-376-7672
Mmorales@usccr.gov
http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:



#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law,

AMERICAN OVERSIGHT

regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 4/24/2023 11:49:46 AM
From : "Christian Adams" a@electionlawcenter.com
To : "'Gail Heriot'" gheriot@me.com, "'Carissa Mulder'" CMulder@usccr.gov
Cc : "'Peter Kirsanow'" pkirsanow@beneschlaw.com, "'stephen gilchrist'" thegilchristassociates@gmail.com, "'Alexis Fragosa'" afragosa@usccr.gov, "'Thomas Simuel'" tsimuel@usccr.gov, "'John Mashburn'" jmashburn@usccr.gov
Subject : [EXTERNAL] RE: Caucus Zoom?

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

Sorry I am in meetings in New York City.

From: Gail Heriot <gheriot@me.com>
Sent: Monday, April 24, 2023 11:49 AM
To: Carissa Mulder <CMulder@usccr.gov>
Cc: Peter Kirsanow <pkirsanow@beneschlaw.com>; stephen gilchrist <thegilchristassociates@gmail.com>; Christian Adams <a@electionlawcenter.com>; Alexis Fragosa <afragosa@usccr.gov>; Thomas Simuel <tsimuel@usccr.gov>; John Mashburn <jmashburn@usccr.gov>
Subject: Re: Caucus Zoom?

Yes.

Gail Heriot
Professor of Law
University of San Diego

> On Apr 24, 2023, at 8:48 AM, Carissa Mulder <CMulder@usccr.gov> wrote:
>
> Hi everyone,
>
> Are you available for a brief caucus Zoom on Tuesday at 2?
> This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 12/20/2023 12:25:39 PM
From : "Christian Adams" a@electionlawcenter.com
To : "jmashburn@usccr.gov" jmashburn@usccr.gov
Subject : [EXTERNAL] Re: Fw: Notational Ballot on Planning Documents for 2024 Reports
Attachment : 1.gif;2.gif;

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

ok

---- On Wed,20 Dec 2023 19:55:39 -0500 **jmashburn@usccr.gov** wrote ----

Want to make sure you saw this. They made some changes to both Facial Recognition and Religious Liberty proposals the conservative SAs suggested and we are OK voting yes.

From: Mauro Morales
Sent: Wednesday, December 20, 2023 11:13:18 AM
To: Commissioners
Cc: CommissionerAssistants; ExecutiveStaff
Subject: Notational Ballot on Planning Documents for 2024 Reports

Commissioners,

Pursuant to the request of Chair Garza, I have attached a notational ballot for your consideration and vote. I have also attached the planning documents for the 2024 report on FRT and the 2024 report on RLUIPA for your review and approval. I have been informed that pursuant to previous communication, the Chair has waived prior notice. Because of the Christmas holiday, the ballot should be returned by 5 pm on Friday, December 22nd.

Please recall that Monday the 25th is the Christmas holiday. Thank you.

Mauro Morales

Staff Director

U.S. Commission on Civil Rights

AMERICAN OVERSIGHT

P: 202-376-7796| F: 202-376-7672

Mmorales@usccr.gov

http://usccr.gov/

1331 Pennsylvania Avenue, NW Suite 1150

Washington D.C. 20425

Follow Us on Twitter & Facebook:



#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 11/1/2023 10:43:30 AM
From : "Christian Adams" a@electionlawcenter.com
To : "'Carissa Mulder'" CMulder@usccr.gov, "pkirsanow@beneschlaw.com" pkirsanow@beneschlaw.com, "'Gail Heriot'" gheriot@usccr.gov, "'Christian Adams'" adams@electionlawcenter.com, "'stephen gilchrist'" thegilchristassociates@gmail.com
Cc : "'Alexis Fragosa'" afragosa@usccr.gov, "'Thomas Simuel'" tsimuel@usccr.gov, "'John Mashburn'" jmashburn@usccr.gov
Subject : [EXTERNAL] RE: Statement on campus anti-semitism

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

I can imagine wailing there "hasn't been enough time to consider the draft language."

From: Carissa Mulder <CMulder@usccr.gov>
Sent: Wednesday, November 1, 2023 10:25 AM
To: pkirsanow@beneschlaw.com; Gail Heriot <gheriot@usccr.gov>; Christian Adams <adams@electionlawcenter.com>; stephen gilchrist <thegilchristassociates@gmail.com>
Cc: Alexis Fragosa <afragosa@usccr.gov>; Thomas Simuel <tsimuel@usccr.gov>; John Mashburn <jmashburn@usccr.gov>
Subject: Statement on campus anti-semitism

Hi everyone,

Pete asked me to circulate this statement on campus antisemitism for your feedback. He hopes the full Commission might be willing to issue the statement, but if not, he would like to issue it on behalf of our caucus.

Thank you,

Carissa

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 6/1/2023 2:01:44 PM
From : "Christian Adams" a@electionlawcenter.com
To : "'Carissa Mulder'" CMulder@usccr.gov, "pkirsanow@beneschlaw.com" pkirsanow@beneschlaw.com, "'Gail Heriot'" gheriot@usccr.gov, "'stephen gilchrist'" thegilchristassociates@gmail.com, "'Christian Adams'" adams@electionlawcenter.com
Cc : "'John Mashburn'" jmashburn@usccr.gov, "'Thomas Simuel'" tsimuel@usccr.gov, "'Alexis Fragosa'" afragosa@usccr.gov
Subject : [EXTERNAL] RE: Briefing topics for next year

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

While I like the Transgender athletes one, it may cause issues in obtaining a 5th.

From: Carissa Mulder <CMulder@usccr.gov>
Sent: Thursday, June 1, 2023 12:44 PM
To: pkirsanow@beneschlaw.com; Gail Heriot <gheriot@usccr.gov>; stephen gilchrist <thegilchristassociates@gmail.com>; Christian Adams <adams@electionlawcenter.com>
Cc: John Mashburn <jmashburn@usccr.gov>; Thomas Simuel <tsimuel@usccr.gov>; Alexis Fragosa <afragosa@usccr.gov>
Subject: Briefing topics for next year

Good afternoon, everyone:

Pete would like to know what briefing topics you would like to propose for next year, and how you prioritize them. His preferred topics are listed below in descending order of priority:

Transgender athletics and Title IX

Post-SFFA v. Harvard admissions landscape

Update Effect of Illegal Immigration on Black Unemployment report

Thanks!

Carissa

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the

AMERICAN OVERSIGHT

individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 8/2/2023 9:38:47 PM
From : "Christian Adams" a@electionlawcenter.com
To : "'John Mashburn'" jmashburn@usccr.gov
Subject : [EXTERNAL] RE: Cancellation of August 18th USCCR Business Meeting
Attachment : image001.gif;image002.gif;

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

She never asked ME!

From: John Mashburn <jmashburn@usccr.gov>
Sent: Wednesday, August 2, 2023 9:13 PM
To: Christian Adams <a@electionlawcenter.com>
Subject: Fw: Cancellation of August 18th USCCR Business Meeting

---

From: Mauro Morales
Sent: Monday, July 31, 2023 12:48:26 PM
To: Commissioners
Cc: CommissionerAssistants; ExecutiveStaff
Subject: Cancellation of August 18th USCCR Business Meeting

Commissioners,

Chair Garza has informed me that after consultation with Commissioners she has been informed that a number of you have scheduling conflicts in August. As a consequence, she has decided that it is in the best interest of the Commission to cancel the Commission business meeting scheduled for August 18th. Commissioners can plan to attend the next business meeting in person scheduled for the Commission headquarters on Friday, September 22nd at 10:00 am

Chair Garza has also informed me that she working to confirm the 2024 Business Calendar dates and once it is finalized, we will circulate it for a notional vote. Lastly, Chair Garza will be reaching out to you on additional topics for the September 22nd business meeting which may include the consideration of SAC slates, presentations of SAC reports from Connecticut and Texas among other items she is reviewing. Thank you.

Sincerely,

Mauro Morales
Staff Director
U.S. Commission on Civil Rights
P: 202-376-7796| F: 202-376-7672
Mmorales@usccr.gov
http://usccr.gov/

AMERICAN OVERSIGHT

1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:



#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 6/28/2023 4:02:51 PM
From : "Christian Adams" a@electionlawcenter.com
To : "jmashburn@usccr.gov" jmashburn@usccr.gov
Cc : "pkirsanow@Beneschlaw.com" pkirsanow@Beneschlaw.com, "gheriot@me.com" gheriot@me.com, "thegilchristassociates@gmail.com" thegilchristassociates@gmail.com, "carissa.mulder@gmail.com" carissa.mulder@gmail.com, "tjsimuel32@gmail.com" tjsimuel32@gmail.com, "afragosa.usccr@gmail.com" afragosa.usccr@gmail.com
Subject : [EXTERNAL] Re: FW: Thank you to those who attended the brown bag lunch with the summer interns

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

SO INCREDIBLE. A farce.

---- On Wed, 28 Jun 2023 15:31:21 -0400 **jmashburn@usccr.gov** wrote ----

So, it is OK for the USCCR interns to "hear from the staff about each office's role and responsibilities," but not the Commissioners??

From: Sheryl Cozart <sccozart@usccr.gov>
Date: Wednesday, June 28, 2023 at 2:13 PM
To: Headquarters <Headquarters@usccr.gov>
Subject: Thank you to those who attended the brown bag lunch with the summer interns

Hi all,

Thank you to the summer interns and the staff who were able to join us for the brown bag lunch. **It was great to hear from the staff about each office's role and responsibilities, and I hope the interns found it as valuable as I did**.

AMERICAN OVERSIGHT

Sheryl Cozart

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 3/27/2023 11:30:51 AM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com, "Carissa Mulder" CMulder@usccr.gov, "'Christian Adams'" adams@electionlawcenter.com
Subject : Re: [EXTERNAL] RE: Georgia delegation

Carissa got the conference room at USCCR reserved for Thursday from 2 - 5 pm

---

From: Christian Adams <a@electionlawcenter.com>
Sent: Monday, March 27, 2023 10:32:15 AM
To: Carissa Mulder; 'Christian Adams'; John Mashburn
Subject: RE: [EXTERNAL] RE: Georgia delegation

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

OK. Yes. I like USCCR offices.

From: Carissa Mulder <CMulder@usccr.gov>
Sent: Monday, March 27, 2023 10:23 AM
To: Christian Adams <a@electionlawcenter.com>; 'Christian Adams' <adams@electionlawcenter.com>; John Mashburn <jmashburn@usccr.gov>
Subject: Re: [EXTERNAL] RE: Georgia delegation

It looks like they want to meet you on Thursday at 2:30.

From: Christian Adams <a@electionlawcenter.com>
Sent: Monday, March 27, 2023 10:21:56 AM
To: Carissa Mulder; 'Christian Adams'; John Mashburn
Subject: [EXTERNAL] RE: Georgia delegation

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

Crud. When is that?

From: Carissa Mulder <CMulder@usccr.gov>
Sent: Monday, March 27, 2023 9:49 AM
To: Christian Adams <adams@electionlawcenter.com>; John Mashburn <jmashburn@usccr.gov>
Subject: Georgia delegation

Hi Christian,

I read the emails about the delegation from Georgia. Is there anything you would like John and I to do to prepare for the meeting?

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you

AMERICAN OVERSIGHT

have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 6/29/2023 9:22:30 AM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : Fw: Commission Adam's Payments
Attachment : John Adams - LVCH24250 - TA0004PEK.pdf;
FYI

From: John Ratcliffe
Sent: Thursday, June 29, 2023 8:36:11 AM
To: John Mashburn
Cc: TinaLouise Martin
Subject: Commission Adam's Payments

John,

I'm sorry I didn't get back to you sooner. I just go back from leave. It looks like Commission Adams was not paid for his travel to Puerto Rico. We have resent the invoice to our paying office last week. Commission Adams should receive reimbursement soon.

Thanks,
John Ratcliffe
Chief, Budget and Finance Division
U.S. Commission on Civil Rights

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Crime Victims Data Discrimination Report Outline

Commented [JM1]: This and other changes to the Outline and Research Plan change the report from the one negotiated last fall with Chair Cantu and OCRE regarding the impact of crime increases on minority groups AND problems with federal crime data collection efforts into a report on JUST the problems with federal crime data collection efforts.

I. **Executive Summary**

II. **Chapter 1: Introduction**
   a. Context and Background
      i. Why the Commission took on this issue (voted-upon Concept Paper)
      ii. Brief summary of report methodology, including briefing, testimony received and other key sources of information; and brief summary of OCRE research and methodology
   b. Overview of the federal government's role in addressing civil rights issues in criminal justice, including the fair administration of justice
      i. Department of Justice Civil Rights Division
      ii. Enforcement of Title VI of Civil Rights Act of 1964
      iii. Role of Attorney Generals and Deputy Attorneys Generals in coordinating the fair administration of justice

III. **Chapter 2: Differences and overlap, including but not limited to, definitions of crime, purpose, methodology, cooperation, in crime data collection systems used by different U.S. federal government agencies and state and local reporting processes:**
   a. National Incident-Based Reporting System (NIBRS)
   b. National Crime Victimization Survey (NCVS)
   c. National Violent Death Reporting System (NVDRS)
   d. Crime data collected by state and local governments and their required or optional reporting processes to the U.S. Federal government.
   e. Benefits of integrating, or increased, cooperation between U.S. Federal agencies in crime data collection

Commented [JM2]: *Note that the UCR (Uniform Crime Reporting) System is left out even though it was the predecessor for reporting crime prior to NIBRS beginning in 2021, so since study period is 2017 to the present, UCR needs to be included to cover data from 2017-2020.*

IV. **Chapter 3: Crime Trends 2017 – the most recent federal government data sets available**
   a. Overall trends at the national level 2017-to the most recent federal government data sets available
      i. Recent crime data trends from 2017
   b. Overview of selected jurisdictions as directed by OCRE[1]
   c. Demographics of victims of violent crime in selected jurisdictions from 2017-present, assessed through DOJ, state and local agencies, such as:
      i. Race
      ii. Ethnicity

Commented [JM3]: Looking at recent "crime data trends" is not the same as looking at recent crime increases or "spikes." Again, the changes make the focus on the data collection, not on what the data say.

[1] Jurisdiction selection required the submission of NIBRS data to DOJ for the selected study period.

[]

AMERICAN OVERSIGHT

iii. Sex
iv. Age
v. Gender

d. Impacts on crime victimization data
   i. Discussion of any disparities in how violent crime trends affect groups covered by anti-discrimination laws

V. Chapter 4: Comparison of Local, State, and Federal crime databases and collection systems and reporting procedures
Chapter 5: Federal, State, and Local Response to Current Violent Crime and Victimization Issues

a. Federal role in victim services and any disparities in services for groups covered by the anti-discrimination laws
b. Federal, state, and local initiatives (i.e., policies, programs, funding) aimed at addressing violent crime impact disparities, for example:

1. Crime Victims Fund
2. FBI Victim Assistance Program
3. Crime Victim Assistance Grant Program (VOCA)
4. State and Local Assistance Programs
5. Use of alternatives to incarceration and other rehabilitation efforts
6. Possible solutions and recommendations in reducing disparities among victims of crime based on the categories protected by anti-discrimination laws

[]

Commented [JM5]: Again, the focus is on the data collection process only, not on what the data say about who is being victimized by crime .

Commented [JM6]: All Americans are covered by the anti-discrimination laws. This change takes any focus off of impacts on individuals or specific communities at the local level -- and puts the focus on the national/nationwide impact on groups.

Commented [JM8]: This change again focuses on disparities in providing services by the federal government only to certain groups and not services for all American crime victims, and does not require looking at state/local services for victims for possible shortcomings. It also again implies that all Americans are not covered by the anti-discrimination laws.

Commented [JM10]: Alternatives to incarceration and rehabilitation were encompassed in the section proposed to be deleted regarding "Additional Trends seen 2017-2021." If they are going to be examined as to whether they can be used to decrease crime, then they also need to be looked at for the inverse, which is whether the use of such alternatives have been seen to correspond with increases in crime.

AMERICAN OVERSIGHT

Crime Victims Report Research Plan

From May 2023 to December 2023, OCRE staff will seek information through a variety of sources (e.g., interrogatories, empirical research, qualitative and quantitative data, briefing testimony, and outreach to government officials, scholars, public policy experts, victims of violent crime, and community stakeholders) to gain an understanding of the U.S. (DOJ and CDC) data collection on violent crime and victimizations and what that data may show regarding disparate impacts affecting minority communities. OCRE staff will also examine what additional state and local crime data may show regarding how it affects minority communities that is not captured by federal level data.

OCRE will focus its data-gathering in the following areas:

- The role of the federal government in addressing civil rights issues and the administration of justice in the criminal justice arena
- Enforcement of Title VI of the Civil Rights Act of 1964
- Types of crime data collected by DOJ and CDC
- Federal Bureau of Investigation (FBI)
    - Uniform Crime Reports (UCR)
    - National Incident-Based Reporting System (NIBRS)
- Bureau of Justice Statistics
    - National Crime Victimization Survey (NCVS)
- CDC data
    - National Violent Death Reporting System
- Transition from UCR to NIBRS on January 1, 2021
- Challenges for local agencies
- Challenges in crime measurement
- Examination of violent crime data from selected cities where data was filed in NIBRS: Denver, Memphis, Milwaukee, Seattle
- Trends in violent crime from 2017-2023
    - Homicide, rape/sexual assault, robbery, assault
- Demographics of victims of homicide and other violent crimes, assessed through DOJ and CDC victimization data, as well as supplemental state and local law enforcement data, for example:
    - Race
    - Ethnicity
    - Sex
    - Age

[]

Commented [JM1]: Gaining "an understanding of data collection on violent crime and victimizations regarding disparate impacts" from the data collecting process is not the same as gaining an understanding of what the federal data collected says about "increases in crime affecting minority communities." Looking at state/local data for bias effects on minority communities that is not captured/collected by federal data is NOT the same as looking for what unique state/local data say about increases in crime.

Commented [JM2]: Examination of violent crime data filed with just NIBRS in the studied cities is different than examining violent crime in those cities. Cities selected last fall were all NIBRS cities that were large whereas OCRE's initially proposed list only included small/medium size cities which was not indicative of national trends. Houston was specifically negotiated into the list of cities to be studied -- but has now been deleted, even though it is the largest city in the list.

AMERICAN OVERSIGHT

- Gender

- Discussion of potential disparities in how violent crime trends have a disparate impact on groups protected by the anti-discrimination laws
- Discussion of the use of authorized alternatives to incarceration and other rehabilitation efforts
- Federal, state, and local initiatives (i.e., policies, programs, funding) aimed at addressing criminal victimization to determine any disparate impact on groups protected by the anti-discrimination laws, for example:
- Crime Victims Fund
- FBI Victim Assistance Program
- Crime Victim Assistance Grant Program (VOCA)
- State and Local Assistance Programs
- Assessment of shortcomings in federal data collection (if any) regarding criminal victimization of groups protected by the anti-discrimination laws.

OCRE will accomplish this research by:

- Examining publicly available data, research, and information from interrogatories regarding federal programs and funding provided to state and local entities to deter crime and whether these funds have a disparate impact on groups protected by the discrimination laws.
- Working with OGC to send Interrogatories and Document Requests to Dep't of Justice/FBI, state, and local jurisdictions
- Collecting and analyzing reports and additional testimony
- Examining relevant information from a variety of independent sources (e.g., academic journals, research organizations, public policy organizations)
- Examining the data/reports/work product of federal agencies, advocates, public policy organizations, and community stakeholders
- Holding a briefing before the Commission with panels of expert witnesses (including government officials, scholars, public policy experts, community stakeholders, etc.) who can provide information, data, insight, and context into the efficacy of crime data collection by U.S. federal and State agencies. Ascertain if the data collection methodology and implementation discriminates on the basis of race and ethnicity leading to disparate impact.

Proposed Briefing Panel

1. Department of Justice
   a. FBI
   b. BJS
   c. Other government officials
2. Outside Testimony

[]

Commented [JM3]: Again, all Americans are protected by the anti-discrimination laws while this new language implies only some groups are protected by such laws. It also puts the focus on groups from a national perspective and takes it off individuals and individual communities.

Commented [JM5]: Alternatives to incarceration and rehabilitation were encompassed in the section proposed to be deleted regarding "Additional Trends seen 2017-2021." If they are going to be examined as to whether they can be used to decrease crime, then they also need to be looked at for the inverse, which is whether the use of such alternatives have been seen to correspond with increases in crime.

Commented [JM6]: Again, all Americans are protected by the anti-discrimination laws while this new language implies only some groups are protected by such laws. The change also narrows the scope to only examining victim assistance programs and leaves out other possible programs targeted at reducing crime in disproportionately impacted communities.

Commented [JM7]: Again, all Americans are protected by the anti-discrimination laws while this new language implies only some groups are protected by such laws. This change also narrows the focus to just data collection regarding "victimization of groups," and not individual victims of crime or victimization of specific communities.

Commented [JM10]: Again, all Americans are protected by the anti-discrimination laws while this new language implies only some groups are protected by such laws. This change also takes the focus off whether or not federal funding was provided to counter increases in crime and moves it to examining whether the funding itself and its distribution (and not crime) has had a disparate impact on various groups.

AMERICAN OVERSIGHT

a. State or local law enforcement representation
b. Criminologists
c. Public policy experts
d. Community stakeholders (representing and/or serving impacted persons)

3. Public comment period

[]

AMERICAN OVERSIGHT

Crime Victims Timeline

I. Pre-Briefing	
OCRE circulates draft of discovery plan, outline, and timeline to lead SA's	Wednesday, October 19, 2022
Lead SA's provide feedback to OCRE	Wednesday, October 26, 2022
OCRE circulates draft of discovery plan, outline, and timeline to Commissioners and SAs	Monday, October 31, 2022
Commissioners and SAs provide feedback to OCRE on draft of discovery plan, outline, and timeline	Monday, November 7, 2022
OCRE submits finalized discovery plan, outline, and timeline to Commissioners and SAs	Monday, November 14, 2022
Vote on discovery plan, outline, and timeline	**Friday, November 18, 2022**
OCRE request panelist recommendations for virtual briefing and briefing book recommendations	Monday, November 28, 2022
Commissioners & SAs submit names for potential panelists to OCRE	Monday, December 12, 2022
OCRE submits Interrogatory questions to OGC	Monday, January 23, 2023
OGC provides formatted Interrogatories to OCRE	Monday, February 6, 2023
OCRE circulates Interrogatories to Commissioners and SAs	Wednesday, February 8, 2023
Commissioners and SAs provide feedback on Interrogatories	Wednesday, February 15, 2023
OGC sends Interrogatories	Tuesday, February 21, 2023
Interrogatories due	Monday, March 27, 2023
OCRE finalizes list of panelists	Friday, March 31, 2023
Send invites out to potential panelists	Monday, April 3, 2023
Briefing Book due to SAs and Commissioners	Wednesday, April 19, 2023
1st Briefing HQ (Virtual or In-person TBD)	**Friday, May 19, 2023**
End of public comment period	Monday, June 19, 2023
2nd Briefing (Field)	**Friday, July 21, 2023**
End of public comment period	Monday, August 21, 2023
II. Review of Report Drafts and Comments	
Initial Draft to Commissioners	**Friday, June 2, 2023**
Commissioners' Comments Due Back to OCRE	Friday, June 30, 2023
2nd draft to Commissioners	**Friday, August 25, 2023**
Commissioners' Comments Due Back to OCRE	Monday, September 18, 2023

Commented [JM1]: **Original Nov. 2022 OCRE Timeline: 1 year, 4 months, 10 days** -- with 2 hearings, the total time from vote on discovery (11/18/22) until publication (03/28/2024) was 1 year, 4 months and 10 days.

Conservative Caucus May 2023 Updated Timeline: 1 year, 4 months, 8 days -- with 2 hearings, and based on original OCRE Timeline, the total time from vote on discovery (5/18/2023) until publication (09/26/2024) is 1 year, 4 months and 8 days.

OCRE May 2023 Updated Timeline: 1 year, 6 months, 2 days -- with just 1 hearing vs. 2, the total time from vote on discovery (5/18/2023) until publication (11/20/2024) is 1 year, 6 months and 2 days. So, even with just 1 hearing instead of 2, this new timeline is almost 2 months longer than the original OCRE timeline from Nov. 2022 to get the report done.

AMERICAN OVERSIGHT

Send Report for LSR	**Monday, September 25, 2023**
LSR Due	Friday, October 6, 2023
LSR incorporated	Friday, October 13, 2023
Send report for Affected Agency Review	**Monday, October 16, 2023**
Affected Agency Review Due	Friday, November 17, 2023
III. Final Report and Vote	
Disseminate report to Commissioners for vote	**Monday, December 4, 2023**
Commissioner vote on report	**Friday, December 15, 2023**
IV. Post-Vote	
Commissioners statements due	Monday, January 15, 2024
Commissioners rebuttals due	Thursday, February 15, 2024
Commissioner surrebuttals due	Thursday, February 29, 2024
OCRE circulates formatted version for Commissioner edits	Monday, March 11, 2024
Commissioner edits due	Monday, March 18, 2024
OCRE provides embargoed version	Friday, March 22, 2024
OCRE provides version for website upload	Tuesday, March 26, 2024
Publication	Thursday, March 28, 2024

AMERICAN OVERSIGHT

Date : 5/30/2023 1:08:58 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Rochelle Mercedes Garza" rgarza@usccr.gov, "Victoria Frances Nourse" vnourse@usccr.gov, "Peter Kirsanow" pkirsanow@usccr.gov, "Gail Heriot" gheriot@usccr.gov, "Mondaire Jones" mjones@usccr.gov, "Glenn D. Magpantay" gmagpantay@usccr.gov, "adams@electionlawcenter.com" adams@electionlawcenter.com, "Stephen Gilchrist" sgilchrist@usccr.gov
Cc : "Irena Vidulovic" ividulovic@usccr.gov, "Carissa Mulder" CMulder@usccr.gov, "Thomas Simuel" tsimuel@usccr.gov, "Alexis Fragosa" afragosa@usccr.gov
Subject : OCRE Crime Victim Nov. 2022 Discovery Docs Redlined with OCRE May 2023 Counterproposal Changes
Attachment : Compared 4 Crime Victims Chapter Outline_11.14.22.docx;Compared 5 Research Plan .docx;Compared Timeline.docx;

As per the meeting on Thursday May 18 with Cmnrs Garza, Nourse, Kirsanow, and Heriot (during the delay in that day's business meeting,) I have attached a redline of the original docs that OCRE submitted for the Nov. 18, 2022 business meeting on the Crime Victims report, with the changes from the docs submitted as a Counterproposal (evidently by OCRE itself) for the May 18, 2023 business meeting regarding Crime Victims. (Despite the compromise last fall to do both the Anti-Asian Discrimination and the Crime Victim reports, the discovery docs for the Crime Victim report were not approved 4-4 at the Nov. 2022 meeting even though the docs for the Anti-Asian Discrimination report had been approved 7-1 at the previous Oct. 2022 business meeting.)

I have attached Word versions of the redline docs -- after opening them it might be necessary to turn the Track changes ON to see the deletions and insertions to the original OCRE Nov. 2022 docs from the OCRE May 2023 counterproposal docs. "Word for PC" should show deletions and insertions from/to the original Nov. docs (strike throughs set in red; underlined set in green) from the OCRE's May 2023 counterproposal together on the same page -- with comments (in yellow) off to one side.

The counterproposal docs from OCRE transform this report into one solely about the "efficacy of data collection" about crime at the federal level. The counterproposal would no longer (as the concept paper originally intended) look at the disproportionate impact on minority communities and victims from increases in crime. The compromise from last Nov. between the two caucuses was that the Crime Victim report would look at both – the impact on crime victims AND the efficacy of federal crime data collection. The latest counterproposal from OCRE undoes the compromise from last fall to only look at the "efficacy of crime data collection."

For instance, under the May 2023 counterproposal crime victims and experts who can testify about the impact on crime on victims and minorities are no longer allowed to be witnesses. Experts who can talk about shortcomings in how federal data is collected and the bias in that data collection process against minorities, etc. are the only witnesses allowed.

As to the Timeline, OCRE's timeline last Nov. 2022 was 1 year, 4 months, 10 days from Discovery Docs approval to final Publication, our Timeline for May 18 (based on November

AMERICAN OVERSIGHT

Timeline) was 1 yr, 4 months, 8 days – WITH 2 HEARINGS in each of those timelines. OCRE's Timeline for last week's Bus. Mtg – with just 1 hearing – was 1 year, 6 months and 2 days from Discovery Doc approval until final publication.

Any questions please let me know.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 10/12/2023 12:52:44 PM
From : "Christian Adams" a@electionlawcenter.com
To : "'John Mashburn'" jmashburn@usccr.gov
Subject : [EXTERNAL] RE: Commission Update
Attachment : image001.gif;image002.gif;image003.gif;image004.gif;

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

How? Phone? Or does she come to my office?

I know people who use these sorts of discussions in a way other than the way advertised. But I'm happy to talk. Thursday is ideal. I can make other days work.

From: John Mashburn <jmashburn@usccr.gov>
Sent: Thursday, October 12, 2023 12:49 PM
To: Christian Adams <a@electionlawcenter.com>
Subject: FW: Commission Update

Garza is looking to have 15-30mminute one on one conversations with each of the Cmnrs at the following times next week to discuss each of the Cmnrs "priorities and goals."

Is there a time below that you can talk with her, if you are interested?

From: Yvesner Zamar <yzamar@usccr.gov>
Date: Thursday, October 12, 2023 at 11:43 AM
To: "CommissionerAssistants@usccr.gov" <CommissionerAssistants@usccr.gov>
Cc: Commissioners <Commissioners@usccr.gov>, Mauro Morales <mmorales@usccr.gov>
Subject: Re: Commission Update

Chair's Availability for one on ones next week.

Tuesday October 16
- Flexible until 5:00

Wednesday October 17
- 9 AM - Noon
- 2 PM – 4 PM
- 7:30 PM – 8 PM

Thursday October 18
- 11 AM - 12:30 PM
- 2 PM - 3:30 PM
- 6 PM - 8 PM

--
Yvesner Zamar | Special Assistant to Chair Rochelle M. Garza

AMERICAN OVERSIGHT

Pronounced: EVE-NER

United States Commission on Civil Rights
1331 Pennsylvannia Ave, NW Suite 1150
Washington, DC 20425
USCCR Website | 202-376-7700
Follow Us on Twitter & Facebook:



#USCCR

From: Yvesner Zamar <yzamar@usccr.gov>
Date: Wednesday, October 11, 2023 at 3:18 PM
To: CommissionerAssistants <CommissionerAssistants@usccr.gov>
Cc: Commissioners <Commissioners@usccr.gov>, Mauro Morales <mmorales@usccr.gov>
Subject: Commission Update

Greetings Fellow SAs & Commissioners,

On behalf of the Chair, I wanted to send this email update to everyone.

In this email:

I. One on Ones w/ Chair
II. October Meeting Update
III. November Meeting Update
IV. Monthly All SA Meetings

I. **One on Ones w/ Chair**

As Chair of the Commission, my boss would like to foster a working environment that promotes camaraderie, collaboration, and communication among all the commissioners and their special assistants. As a result, she would like to would like to request your availability for a 15-to-30-minute telephonic meeting with your commissioner to discuss their priorities and goals. Your input is invaluable in shaping the direction of our work and the success of the Commission as a whole and we look forward to hearing from you. **Please send me three time slots over the week that your commissioner is available to meet.**

II. **October Meeting Update**

The October 20, 2023 meeting is next week. Please make sure you make all accommodations for your commissioners as it is Howard Homecoming and hotel availability may be limited. **Following the October meeting, the Chair has invited David Mussatt, Supervisory Chief, Regional Programs Unit, to give Commissioners the opportunity to learn about the status of SACs and the slate creation process.**

AMERICAN OVERSIGHT

III. **November Meeting Update**

As you all may be aware, Congress passed a bill to fund the government until November 17, 2023. Therefore, our November meeting and crime victims panel will be on as scheduled even if Congress in unable to pass a funding bill. Furthermore, OPM guidance allows for your boss to travel back home after the meeting in the event of a shut down (see below), but there would be delays in getting their reimbursements until funding is resumed.

Official OPM Guidance:

Q. 9: At the time of an appropriations lapse, an employee who is funded through a lapsed appropriation is on temporary duty assignment away from the employee's normal duty station.

A. 9: Employees who are notified to return home should do so as soon as practicable. **When an employee returns promptly, the travel expenses that the employee incurs in the return are properly-incurred obligations of the agency (as part of the agency's orderly-shutdown activities), and the agency will reimburse these travel costs after appropriations are enacted and are available for that purpose**. *See* https://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/guidance-for-shutdown-furloughs.pdf

IV. **Monthly All SA Meetings**

In the same spirit as my boss, I would like to foster the same level of effectiveness and communication among the special assistants. As such, I would like to host a monthly meeting All SA meeting on the **first Wednesday of every month at 11 AM**. Please let me know if that works for you or if you want a different proposed time.

Best,

--

Yvesner Zamar | Special Assistant to Chair Rochelle M. Garza
Pronounced: EVE-NER

United States Commission on Civil Rights
1331 Pennsylvannia Ave, NW Suite 1150
Washington, DC 20425
USCCR Website | 202-376-7700
Follow Us on Twitter & Facebook:
#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled

AMERICAN OVERSIGHT

Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 10/12/2023 2:19:35 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : Re: [EXTERNAL] RE: Commission Update
Attachment : image001.gif;image002.gif;image003.gif;image004.gif;

By phone

From: a <a@electionlawcenter.com>
Date: Thursday, October 12, 2023 at 12:52 PM
To: John Mashburn <jmashburn@usccr.gov>
Subject: [EXTERNAL] RE: Commission Update

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

How? Phone? Or does she come to my office?

I know people who use these sorts of discussions in a way other than the way advertised. But I'm happy to talk. Thursday is ideal. I can make other days work.

From: John Mashburn <jmashburn@usccr.gov>
Sent: Thursday, October 12, 2023 12:49 PM
To: Christian Adams <a@electionlawcenter.com>
Subject: FW: Commission Update

Garza is looking to have 15-30mminute one on one conversations with each of the Cmnrs at the following times next week to discuss each of the Cmnrs "priorities and goals."

Is there a time below that you can talk with her, if you are interested?

From: Yvesner Zamar <yzamar@usccr.gov>
Date: Thursday, October 12, 2023 at 11:43 AM
To: "CommissionerAssistants@usccr.gov" <CommissionerAssistants@usccr.gov>
Cc: Commissioners <Commissioners@usccr.gov>, Mauro Morales <mmorales@usccr.gov>
Subject: Re: Commission Update

Chair's Availability for one on ones next week.

Tuesday October 16

- Flexible until 5:00

Wednesday October 17

- 9 AM - Noon
- 2 PM – 4 PM
- 7:30 PM – 8 PM

Thursday October 18

AMERICAN OVERSIGHT

- 11 AM - 12:30 PM
- 2 PM - 3:30 PM
- 6 PM - 8 PM

--

Yvesner Zamar | Special Assistant to Chair Rochelle M. Garza
Pronounced: EVE-NER

United States Commission on Civil Rights
1331 Pennsylvannia Ave, NW Suite 1150
Washington, DC 20425
USCCR Website | 202-376-7700
Follow Us on Twitter & Facebook:



#USCCR

From: Yvesner Zamar <yzamar@usccr.gov>
Date: Wednesday, October 11, 2023 at 3:18 PM
To: CommissionerAssistants <CommissionerAssistants@usccr.gov>
Cc: Commissioners <Commissioners@usccr.gov>, Mauro Morales <mmorales@usccr.gov>
Subject: Commission Update

Greetings Fellow SAs & Commissioners,

On behalf of the Chair, I wanted to send this email update to everyone.

In this email:

I. One on Ones w/ Chair
II. October Meeting Update
III. November Meeting Update
IV. Monthly All SA Meetings

I. **One on Ones w/ Chair**

As Chair of the Commission, my boss would like to foster a working environment that promotes camaraderie, collaboration, and communication among all the commissioners and their special assistants. As a result, she would like to would like to request your availability for a 15-to-30-minute telephonic meeting with your commissioner to discuss their priorities and goals. Your input is invaluable in shaping the direction of our work and the success of the Commission as a whole and we look forward to hearing from you. **Please send me three time slots over the week that your commissioner is available to meet.**

II. **October Meeting Update**

AMERICAN OVERSIGHT

The October 20, 2023 meeting is next week. Please make sure you make all accommodations for your commissioners as it is Howard Homecoming and hotel availability may be limited. **Following the October meeting, the Chair has invited David Mussatt, Supervisory Chief, Regional Programs Unit, to give Commissioners the opportunity to learn about the status of SACs and the slate creation process.**

III. **November Meeting Update**

As you all may be aware, Congress passed a bill to fund the government until November 17, 2023. Therefore, our November meeting and crime victims panel will be on as scheduled even if Congress in unable to pass a funding bill. Furthermore, OPM guidance allows for your boss to travel back home after the meeting in the event of a shut down (see below), but there would be delays in getting their reimbursements until funding is resumed.

Official OPM Guidance:

Q. 9: At the time of an appropriations lapse, an employee who is funded through a lapsed appropriation is on temporary duty assignment away from the employee's normal duty station.

A. 9: Employees who are notified to return home should do so as soon as practicable. **When an employee returns promptly, the travel expenses that the employee incurs in the return are properly-incurred obligations of the agency (as part of the agency's orderly-shutdown activities), and the agency will reimburse these travel costs after appropriations are enacted and are available for that purpose**. *See* https://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/guidance-for-shutdown-furloughs.pdf

IV. **Monthly All SA Meetings**

In the same spirit as my boss, I would like to foster the same level of effectiveness and communication among the special assistants. As such, I would like to host a monthly meeting All SA meeting on the **first Wednesday of every month at 11 AM**. Please let me know if that works for you or if you want a different proposed time.

Best,

--

Yvesner Zamar | Special Assistant to Chair Rochelle M. Garza
Pronounced: EVE-NER

United States Commission on Civil Rights
1331 Pennsylvannia Ave, NW Suite 1150
Washington, DC 20425
USCCR Website | 202-376-7700
Follow Us on Twitter & Facebook:



AMERICAN OVERSIGHT

#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 6/10/2023 4:00:47 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Gail Heriot" gheriot@me.com, "a@electionlawcenter.com" a@electionlawcenter.com, "Alexis Fragosa" afragosa@usccr.gov, "Carissa Mulder" CMulder@usccr.gov, "J. Christian Adams" jadams@usccr.gov, "Peter Kirsanow" pkirsanow@beneschlaw.com, "Stephen Gilchrist" sgilchrist@usccr.gov, "Thomas Simuel" tsimuel@usccr.gov, "Peter Kirsanow" pkirsanow@usccr.gov, "Gail Heriot" gheriot@usccr.gov
Cc : "carissa.mulder@gmail.com" carissa.mulder@gmail.com, "jkmash@comcast.net" jkmash@comcast.net, "thegilchristassociates@gmail.com" thegilchristassociates@gmail.com, "tjsimuel32@gmail.com" tjsimuel32@gmail.com, "afragosa.usccr@gmail.com" afragosa.usccr@gmail.com
Subject : Re: [EXTERNAL] Question

No on both.

Yaki substituted the Anti-Asian concept paper for his earlier Climate Change paper (which we had been considering for a couple months prior) about a week before the votes on both papers at the September 16 Bus. Mtg., and refused to make any changes to it. Similarly he refused to make any changes to the Anti-Asian discovery docs prior to the Oct. 21 Bus. Mtg. -- and then himself offered an amendment (circulated I recall the Tuesday before the Friday meeting in Oct.) to add San Francisco as a field hearing site to the Anti-Asian discovery docs timeline. Cmnr Kirsanow then offered a motion at the Oct Bus. Mtg. to add a field hearing in NYC for the Crime Victim report..

On 6/10/23, 3:27 PM, "Gail Heriot" <gheriot@me.com> wrote:

*** STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution. ***

Question for the Special Assistants (or whoever remembers): was Yaki's concept paper subject to the same (or a similar) editing process as the crime victims concept paper? Was the discovery plan subject to scrutiny and compromise in the way the crime victims plan was? Or did they just sail through as written?

Gail

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 3/1/2023 11:57:00 AM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : FW: [EXTERNAL] Paycheck8: JOHN KINNEY MASHBURN - T&A has been submitted.

Just resending as a reminder.

On 2/27/23, 3:00 PM, "paycheck@gdcii.com" <paycheck@gdcii.com> wrote:

*** STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution. ***

This message is to inform you that JOHN KINNEY MASHBURN has submitted the T&A Report for Pay Period 4 and that it is now assigned to JOHN CHRISTIAN ADAMS for Review and Approval. Log into Paycheck8 so you can view and take action on the T&A.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 11/21/2023 10:22:20 PM
From : "Christian Adams" a@electionlawcenter.com
To : "jmashburn@usccr.gov" jmashburn@usccr.gov
Subject : Re: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024
Attachment : 1.gif;2.gif;

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

wait

---- On Wed,22 Nov 2023 06:20:45 -0500 **jmashburn@usccr.gov** wrote ----

I can fill it out and send it in for you.

From: Christian Adams <a@electionlawcenter.com>
Sent: Tuesday, November 21, 2023 9:16:11 PM
To: John Mashburn
Subject: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

i am travelling. Do i have to do this??

---- On Wed,22 Nov 2023 05:01:55 -0500 **jmashburn@usccr.gov** wrote ----

FYI - not sure you saw this since it was sent to your Cmn email. It is supposed to be completed with an electronic signature and sent back via email by close of business tomorrow.

Gail has an issue with it saying staff are to make all efforts to investigate, research, and PUBLISH the two reports. She wants our folks to add the following notation to the ballot: " 'Publish' means publish In connection with our usual procedures which require commission approval."

I think we should wait until they send a non-ambiguous version of the ballot. It's not like waiting til next week will make that big of a difference and not sure our 4 folks amending the language unilaterally will have any authority behind it.

Also, the Dec 15 business meeting will be by phone and not in person.

From: Mauro Morales
Sent: Tuesday, November 21, 2023 6:56:57 PM
To: Commissioners
Cc: CommissionerAssistants; ExecutiveStaff; Essence Perry

AMERICAN OVERSIGHT

Subject: USCCR Notational Ballot on two Reports for 2024

Commissioners,

Pursuant to the request of Chair Garza, I have attached a notational ballot for your consideration. I have also attached the two reports you are voting to approve. I have been informed that pursuant to previous communication, the Chair has waived prior notice. Because of the Thanksgiving holiday, the ballot should be returned by 5 pm on Friday, November 24thth.

Please recall that Thursday the 23rd is a Federal holiday. Thank you.

Mauro Morales
Staff Director
U.S. Commission on Civil Rights
P: 202-376-7796| F: 202-376-7672
Mmorales@usccr.gov
http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:

#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

Date : 3/1/2023 12:01:19 PM
From : "Christian Adams" a@electionlawcenter.com
To : "'John Mashburn'" jmashburn@usccr.gov
Subject : RE: [EXTERNAL] Paycheck8: JOHN KINNEY MASHBURN - T&A has been submitted.

*** STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution. ***

I checked on Monday and I had no pending timesheets. Done now.

-----Original Message-----
From: John Mashburn <jmashburn@usccr.gov>
Sent: Wednesday, March 1, 2023 11:57 AM
To: Christian Adams <a@electionlawcenter.com>
Subject: FW: [EXTERNAL] Paycheck8: JOHN KINNEY MASHBURN - T&A has been submitted.

Just resending as a reminder.

On 2/27/23, 3:00 PM, "paycheck@gdcii.com" <paycheck@gdcii.com> wrote:

*** STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution. ***

This message is to inform you that JOHN KINNEY MASHBURN has submitted the T&A Report for Pay Period 4 and that it is now assigned to JOHN CHRISTIAN ADAMS for Review and Approval. Log into Paycheck8 so you can view and take action on the T&A.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 11/21/2023 9:16:11 PM
From : "Christian Adams" a@electionlawcenter.com
To : "jmashburn@usccr.gov" jmashburn@usccr.gov
Subject : [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024
Attachment : 1.gif;2.gif;

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

i am travelling. Do i have to do this??

---- On Wed,22 Nov 2023 05:01:55 -0500 **jmashburn@usccr.gov** wrote ----

FYI - not sure you saw this since it was sent to your Cmn email. It is supposed to be completed with an electronic signature and sent back via email by close of business tomorrow.

Gail has an issue with it saying staff are to make all efforts to investigate, research, and PUBLISH the two reports. She wants our folks to add the following notation to the ballot: " 'Publish' means publish In connection with our usual procedures which require commission approval."

I think we should wait until they send a non-ambiguous version of the ballot. It's not like waiting til next week will make that big of a difference and not sure our 4 folks amending the language unilaterally will have any authority behind it.

Also, the Dec 15 business meeting will be by phone and not in person.

From: Mauro Morales
Sent: Tuesday, November 21, 2023 6:56:57 PM
To: Commissioners
Cc: CommissionerAssistants; ExecutiveStaff; Essence Perry
Subject: USCCR Notational Ballot on two Reports for 2024

Commissioners,

Pursuant to the request of Chair Garza, I have attached a notational ballot for your consideration. I have also attached the two reports you are voting to approve. I have been informed that pursuant to previous communication, the Chair has waived prior notice. Because of the Thanksgiving holiday, the ballot should be returned by 5 pm on Friday, November 24thth.

AMERICAN OVERSIGHT

Please recall that Thursday the 23rd is a Federal holiday. Thank you.

Mauro Morales

Staff Director

U.S. Commission on Civil Rights

P: 202-376-7796| F: 202-376-7672

Mmorales@usccr.gov

http://usccr.gov/

1331 Pennsylvania Avenue, NW Suite 1150

Washington D.C. 20425

Follow Us on Twitter & Facebook:



#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 10/12/2023 12:49:03 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : FW: Commission Update
Attachment : image001.gif;image002.gif;image003.gif;image004.gif;

Garza is looking to have 15-30mminute one on one conversations with each of the Cmnrs at the following times next week to discuss each of the Cmnrs "priorities and goals."

Is there a time below that you can talk with her, if you are interested?

From: Yvesner Zamar <yzamar@usccr.gov>
Date: Thursday, October 12, 2023 at 11:43 AM
To: "CommissionerAssistants@usccr.gov" <CommissionerAssistants@usccr.gov>
Cc: Commissioners <Commissioners@usccr.gov>, Mauro Morales <mmorales@usccr.gov>
Subject: Re: Commission Update

Chair's Availability for one on ones next week.

Tuesday October 16

- Flexible until 5:00

Wednesday October 17

- 9 AM - Noon
- 2 PM – 4 PM
- 7:30 PM – 8 PM

Thursday October 18

- 11 AM - 12:30 PM
- 2 PM - 3:30 PM
- 6 PM - 8 PM

--

Yvesner Zamar | Special Assistant to Chair Rochelle M. Garza
Pronounced: EVE-NER

United States Commission on Civil Rights
1331 Pennsylvannia Ave, NW Suite 1150
Washington, DC 20425
USCCR Website | 202-376-7700
Follow Us on Twitter & Facebook:



#USCCR

From: Yvesner Zamar <yzamar@usccr.gov>
Date: Wednesday, October 11, 2023 at 3:18 PM

AMERICAN OVERSIGHT

To: CommissionerAssistants <CommissionerAssistants@usccr.gov>
Cc: Commissioners <Commissioners@usccr.gov>, Mauro Morales <mmorales@usccr.gov>
Subject: Commission Update

Greetings Fellow SAs & Commissioners,

On behalf of the Chair, I wanted to send this email update to everyone.

In this email:

I. One on Ones w/ Chair
II. October Meeting Update
III. November Meeting Update
IV. Monthly All SA Meetings

I. **One on Ones w/ Chair**

As Chair of the Commission, my boss would like to foster a working environment that promotes camaraderie, collaboration, and communication among all the commissioners and their special assistants. As a result, she would like to would like to request your availability for a 15-to-30-minute telephonic meeting with your commissioner to discuss their priorities and goals. Your input is invaluable in shaping the direction of our work and the success of the Commission as a whole and we look forward to hearing from you. **Please send me three time slots over the week that your commissioner is available to meet.**

II. **October Meeting Update**

The October 20, 2023 meeting is next week. Please make sure you make all accommodations for your commissioners as it is Howard Homecoming and hotel availability may be limited. **Following the October meeting, the Chair has invited David Mussatt, Supervisory Chief, Regional Programs Unit, to give Commissioners the opportunity to learn about the status of SACs and the slate creation process.**

III. **November Meeting Update**

As you all may be aware, Congress passed a bill to fund the government until November 17, 2023. Therefore, our November meeting and crime victims panel will be on as scheduled even if Congress in unable to pass a funding bill. Furthermore, OPM guidance allows for your boss to travel back home after the meeting in the event of a shut down (see below), but there would be delays in getting their reimbursements until funding is resumed.

Official OPM Guidance:
Q. 9: At the time of an appropriations lapse, an employee who is funded through a lapsed appropriation is on temporary duty assignment away from the employee's normal duty station.

AMERICAN OVERSIGHT

A. 9: Employees who are notified to return home should do so as soon as practicable. **When an employee returns promptly, the travel expenses that the employee incurs in the return are properly-incurred obligations of the agency (as part of the agency's orderly-shutdown activities), and the agency will reimburse these travel costs after appropriations are enacted and are available for that purpose.** *See* https://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/guidance-for-shutdown-furloughs.pdf

IV. **Monthly All SA Meetings**

In the same spirit as my boss, I would like to foster the same level of effectiveness and communication among the special assistants. As such, I would like to host a monthly meeting All SA meeting on the **first Wednesday of every month at 11 AM**. Please let me know if that works for you or if you want a different proposed time.

Best,

--

Yvesner Zamar | Special Assistant to Chair Rochelle M. Garza
Pronounced: EVE-NER

United States Commission on Civil Rights
1331 Pennsylvannia Ave, NW Suite 1150
Washington, DC 20425
USCCR Website | 202-376-7700
Follow Us on Twitter & Facebook:



#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 7/28/2023 2:23:35 PM
From : "Christian Adams" a@electionlawcenter.com
To : "'John Mashburn'" jmashburn@usccr.gov
Subject : RE: [EXTERNAL] RE: 2024 Business Meeting Calendar

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

Forget about today. It's better to come by Saturday instead. I've also got weeding you can do Saturday.

From: John Mashburn <jmashburn@usccr.gov>
Sent: Friday, July 28, 2023 1:39 PM
To: Christian Adams <a@electionlawcenter.com>
Subject: Re: [EXTERNAL] RE: 2024 Business Meeting Calendar

I will be right over. Have heard nothing about Aug. 18. Will ask.

From: a <a@electionlawcenter.com>
Date: Friday, July 28, 2023 at 1:21 PM
To: John Mashburn <jmashburn@usccr.gov>
Subject: [EXTERNAL] RE: 2024 Business Meeting Calendar

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

.

The dates are fine.

I am more worried about cancelling Aug 18.

From: John Mashburn <jmashburn@usccr.gov>
Sent: Friday, July 28, 2023 1:20 PM
To: Christian Adams <a@electionlawcenter.com>
Subject: FW: 2024 Business Meeting Calendar

Gilchrist and heriot have said OK to these dates, including Magpantay's non-Friday date in Nov. 2024. Kirsanow has noy said OK as yet. Hard to project out so far, but thought I would remind you.

FYI – as a reminder I am in Tampa for my daughter's wedding tomorrow.

AMERICAN OVERSIGHT

From: Irena Vidulovic <ividulovic@usccr.gov>
Date: Thursday, July 20, 2023 at 1:53 PM
To: "CommissionerAssistants@usccr.gov" <CommissionerAssistants@usccr.gov>
Subject: 2024 Business Meeting Calendar

Team,

The staff has proposed business meeting calendar for 2024 below. I don't know if your bosses have gotten a chance to review the dates for scheduling conflicts. Commissioner Magpantay has provided conflicts for the following business meeting days:
Conflict with Friday June 14. **Available** all other Fridays in June.
Conflict Friday November 8. **Available** Nov. 15 or 22 (*which are non Friday dates*)

Please let me know if we could find alternate days that work for everyone and or if we should provide more time for Commissioner review and have this calendar voted upon as a notational vote soon after tomorrow's business meeting?

Thoughts?

Staff Proposed 2024 Business Meeting Days
Friday, January 19
Friday, February 23
Friday, March 22
Friday, April 19
Friday, May 17
Friday, June 14
Friday, July 19
Friday, August 16
Friday, September 20
Friday, October 18
Friday, November 8
Friday, December 13

Thanks,
Irena

Irena Vidulovic
Special Assistant to Commissioner Mondaire Jones
U.S. Commission on Civil Rights
M: 202-591-9969
ividulovic@usccr.gov

AMERICAN OVERSIGHT

http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:
TwiFB
#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 4/11/2023 12:34:43 PM
From : "Christian Adams" a@electionlawcenter.com
To : "'Alexis Fragosa'" afragosa@usccr.gov, "'Kirsanow, Peter'" pkirsanow@Beneschlaw.com, "'Peter Kirsanow'" pkirsanow@usccr.gov, "'Gail Heriot'" gheriot@me.com, "'Gail Heriot'" gheriot@usccr.gov, "'J. Christian Adams'" jadams@usccr.gov, "'stephen gilchrist'" thegilchristassociates@gmail.com, "'Stephen Gilchrist'" sgilchrist@usccr.gov
Cc : "'Thomas Simuel'" tsimuel@usccr.gov, "'John Mashburn'" jmashburn@usccr.gov, "'Carissa Mulder'" CMulder@usccr.gov
Subject : RE: [EXTERNAL] RE: Caucus meeting

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

No here. Sorry.

From: Alexis Fragosa <afragosa@usccr.gov>
Sent: Tuesday, April 11, 2023 12:34 PM
To: Kirsanow, Peter <pkirsanow@Beneschlaw.com>; Peter Kirsanow <pkirsanow@usccr.gov>; Gail Heriot <gheriot@me.com>; Gail Heriot <gheriot@usccr.gov>; J. Christian Adams <jadams@usccr.gov>; Christian Adams <a@electionlawcenter.com>; stephen gilchrist <thegilchristassociates@gmail.com>; Stephen Gilchrist <sgilchrist@usccr.gov>
Cc: Thomas Simuel <tsimuel@usccr.gov>; John Mashburn <jmashburn@usccr.gov>; Carissa Mulder <CMulder@usccr.gov>
Subject: Re: [EXTERNAL] RE: Caucus meeting

Is anyone available this evening? Perhaps 6 p.m. EST or later?

From: Kirsanow, Peter <pkirsanow@Beneschlaw.com>
Sent: Tuesday, April 11, 2023 12:28:40 PM
To: Alexis Fragosa; Peter Kirsanow; Gail Heriot; Gail Heriot; J. Christian Adams; Christian Adams; stephen gilchrist; Stephen Gilchrist
Cc: Thomas Simuel; John Mashburn; Carissa Mulder
Subject: [EXTERNAL] RE: Caucus meeting

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

Available today between 3-3:30 EDT; tomorrow after 12; Thurs. after 2

From: Alexis Fragosa <afragosa@usccr.gov>
Sent: Tuesday, April 11, 2023 12:20 PM
To: Kirsanow, Peter <pkirsanow@Beneschlaw.com>; Peter Kirsanow <pkirsanow@usccr.gov>; Gail Heriot <gheriot@me.com>; Gail Heriot <gheriot@usccr.gov>; J. Christian Adams <jadams@usccr.gov>; Christian Adams <a@electionlawcenter.com>; stephen gilchrist <thegilchristassociates@gmail.com>; Stephen Gilchrist <sgilchrist@usccr.gov>

AMERICAN OVERSIGHT

Cc: Thomas Simuel <tsimuel@usccr.gov>; John Mashburn <jmashburn@usccr.gov>; Carissa Mulder <CMulder@usccr.gov>
Subject: Caucus meeting

Hello,

Gail proposes that we meet this afternoon, Wednesday after noon or Thursday anytime for a caucus zoom to discuss the chair nomination.

Please advise if/when you are available to join a caucus zoom.

Thank you.

Alexis I. Fragosa

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Chapter Outline
Fiscal Year 2024 Statutory Report
Working Title: Facial Recognition Technology and Civil Rights

EXECUTIVE SUMMARY

CHAPTER 1: Introduction to Facial Recognition Technology

A. Brief introduction to the history and development of Artificial Intelligence Technology

   a. What is AI?
   b. How is AI being developed?
   c. How is AI being utilized?
   d. Legal background and constitutional protections regarding AI utilization
      i. Are best practices being developed for training programs?

B. Facial recognition technology (FRT)

   a. What is facial recognition technology and how does it work?
   b. Who are the main developers of this technology?
   c. How are people identified using face recognition?
   d. What are the most common forms of facial recognition technology?
   e. What are the emerging civil rights concerns regarding the use of FRT? For instance:
      i. Ethical concerns
      ii. Racial discrimination
      iii. Issues with privacy and transparency
      iv. Adherence to Responsible AI principles

CHAPTER 2: The Use of Facial Recognition Technology by the Federal Government

A. HUD

   a. How are FRT being utilized by the agency?
   b. How does HUD make decisions regarding the risks and benefits of using FRT in various applications?
   c. Are there civil rights issues emerging from how this agency is utilizing these technologies?
   d. Does the agency have policies, trainings, guidelines in place regarding their utilization?
      i. What on-the-job or apprenticeships, classroom-style training, or online courses are employees and contractors using regarding FRT?
      ii. Are there training, procurement, policy, and process guardrails put in place by HUD to reduce the risk that their acquisition and use of FRT did not violate civil rights laws?
   e. Has HUD developed best practices or guidances in their utilization of FRT?

AMERICAN OVERSIGHT

i. Do these guidelines demonstrate a sufficient understanding of the possible risks to make informed decisions about acquiring this technology to ensure that individuals' civil rights are not being violated?
ii. Do these guidelines demonstrate a sufficient understanding of the civil rights risks and how to ameliorate if violations occur?

B. DOJ

a. How are FRTs being utilized?
b. How does DOJ make decisions regarding the risks and benefits of using FTC in various applications (e.g., law enforcement)?
c. Are there civil rights issues emerging from how this agency is utilizing these technologies?
d. Does the agency have policies, trainings, guidelines in place regarding their utilization?
    i. What on-the-job or apprenticeships, classroom-style training, or online courses are employees and contractors using regarding FRT?
    ii. Are there training, procurement, policy, and process guardrails put in place by DOJ to reduce the risk that their acquisition and use of FRT did not violate civil rights laws?
e. Has DOJ developed best practices or guidances in their utilization of FRT?
    i. Do these guidelines demonstrate a sufficient understanding of the possible risks to make informed decisions about acquiring this technology to ensure that individuals' civil rights are not being violated?
    ii. Do these guidelines demonstrate a sufficient understanding of the civil rights risks and how to ameliorate if violations occur?

C. DHS

a. How are FRTs being utilized?
b. How does DHS make decisions regarding the risks and benefits of using FRT in various applications?
c. Are there civil rights issues emerging from how this agency is utilizing these technologies?
d. Does the agency have policies, trainings, guidelines in place regarding their utilization?
    i. What on-the-job or apprenticeships, classroom-style training, or online courses are employees and contractors using regarding FRT?
    ii. Are there training, procurement, policy, and process guardrails put in place by DHS to reduce the risk that their acquisition and use of FRT did not violate civil rights laws?
e. Has DHS developed best practices or guidances in their utilization of FRT?
    i. Do these guidelines demonstrate a sufficient understanding of the possible risks to make informed decisions about acquiring this technology to ensure that individuals' civil rights are not being violated?
    ii. Do these guidelines demonstrate a sufficient understanding of the civil rights risks and how to ameliorate if violations occur?

AMERICAN OVERSIGHT

CHAPTER 3: Federal Government's Role and Efforts Ensuring Civil Rights Protections

A. Strategies of how the federal government has been involved in guiding the process for creating face recognition technology, through such mechanisms as:
    a. Security surveillance
    b. Cybersecurity
    c. Domestic law enforcement
    d. Physical security

B. Challenges and privacy concerns surrounding facial image collection and how the data processes and stores images
    a. Privacy concerns about image storage by private and public sector entities
    b. Privacy concerns about the use of images by private and public sector entities
    c. Have agencies developed best practices or guidances in the federal usage of FRTs and deep learning technologies more broadly; do these guidelines demonstrate sufficient mastery of the underlying technology to make informed decisions about risk management?

C. Best practices identified by private industries, academic institutions, and researchers to promote the development of FRT and ensure civil rights protections are upheld

D. Discussion of proposed and/or passed legislation regarding the federal government's use of these technologies

AMERICAN OVERSIGHT

USCCR-24-0046-A-000326

OCRE Research Plan
Fiscal Year 2024 Statutory Report

Working Title: Facial Recognition Technology and Civil Rights

OCRE staff will conduct a comprehensive investigation into the federal government's development and utilization of facial recognition technology (FRT). OCRE will accomplish this by surveying empirical research studies, gathering data and statistics from public sources, legislators, and civil rights advocates, and conducting formal and informal outreach to federal agencies, community stakeholders, and government officials.

To inform the report, OCRE will also send formal interrogatories to targeted federal agencies to collect data, information, policies, and any guidances regarding their utilization and protocols involving FRTs. OCRE will focus on the U.S. Department of Housing and Urban Development (HUD), U.S. Department of Homeland Security (DHS), and U.S. Department of Justice (DOJ). To gain a deeper understanding of the technology, there will also be two site visits to FRT developers in Silicon Valley.[1] These visits will consist of two SAs and/or Commissioners from the Democratic caucus and two SAs and/or Commissioners from the Republican caucus.[2] OCRE will work with the lead SA to determine the specific companies.

OCRE plans to examine the current state of Facial Recognition Technology used by federal agencies. The report's primary focus will evaluate how federal agencies meet their obligations under civil rights laws and policies in their use of FRT with an eye towards identifying gaps in law and policy. The data gathering for the report will center around the following areas:

1. How is FRT developed, specifically are there best practices and standards guiding how the industry trains a deep learning system to recognize faces? Do these practices and standards effectively consider possible civil rights risks that may emerge through the federal utilization of this technology?
2. Do FRT developers have a set of responsible AI principles that are made publicly available? Do these developers implement these principles into concrete actions?
3. Are there mechanisms in place that the FRT developers use to minimize civil rights risks on both the technology level and the application level?
4. What are the most widely used instances on how DOJ, DHS, and HUD use facial recognition technology for law enforcement, border security and housing activities?
5. What were the training, procurement, policy, and process guardrails put in place by DOJ, DHS, and HUD to reduce the risk that their acquisition and use of FRT would violate civil rights laws?
6. Determine what civil rights concerns are emerging due to the use of FRT by federal agencies.

---

[1] These visits are contingent upon budgetary approval.
[2] In order for the information gathered at these visits to be incorporated into the report, both must be completed prior to April 1, 2024.

AMERICAN OVERSIGHT

7. How effective has the federal government been in using its regulatory, legislation, policy, and purchasing powers to set standards for FRT developers? Has the federal government effectively been able to establish clear guidelines and ethical standards regarding the use of facial recognition technology?

OCRE will accomplish this research by:

1. OCRE aims to examine:
    a. Current federal laws and policies regarding Face Recognition Technology regulation in the United States.
    b. The processes for acquiring and using FRT by DOJ, DHS, and HUD and associated civil rights concerns.
    c. Whether any state laws that have passed in the past several years regarding the use of FRT are applicable to how DOJ, DHS, and HUD have utilized these technologies.
2. OCRE intends to carry out an initial inquiry into how DOJ, DHS, and HUD utilize FRT within their organizations and the potential implications for privacy and civil liberties. OCRE will accomplish this by:
3. Determining how DOJ, DHS, and HUD make decisions regarding the risks and benefits of using FRT in various applications (e.g., law enforcement, border security, and housing-related decision-making)
4. Examining whether DOJ, DHS, and HUD offer on-the-job training or apprenticeships, classroom-style training, or online courses on the use of FRT.
    a. Investigating what the data show regarding challenges arising from federal use of FRT such as violations of law, policy, and other negative outcomes.
    b. Exploring if agencies have developed best practices or guidances in the federal usage of FRT (e.g., do these guidelines demonstrate a sufficient understanding of the underlying technology to make informed decisions about risk management?).
5. OCRE's investigation will inquire:
    a. How do DHS, DOJ, and HUD utilize FRT currently?
    b. In what way do these agencies plan to use FRT, such as monitoring public areas for security purposes, identifying suspects in criminal investigations, or other various mechanisms?
    c. Are there civil rights concerns regarding how these agencies are deploying these technologies?
    d. How do DHS, DOJ, and HUD go about implementing the development of these laws and processes?
    e. What are the best practices these agencies have used in creating FRT protocols?
    f. Are federal agencies developing effective policies to ensure individuals' civil rights are being upheld?

Proposed Briefing Panel for Hearing

Panel 1: State of Technology and Civil Rights Concerns

AMERICAN OVERSIGHT

- Academics, technology civil rights advocates, technologists
- National Academy of Sciences
- GAO + CRS
- FRT Vendors with the largest government contracts
- FRT Engineers + social scientist/philosophers employed by FRT companies
- FRT developer / legal counsel from FRT company

Panel 2: Responsive Federal Policies

- Members of Congress (who have introduced AI/FRT legislation or sit on the appropriate committees)
- DHS representatives from internal agencies using FRT
    - ADP or IASP official
    - CBP official
- HUD Representatives
    - HUD official that manages the Emergency/Natural Disaster and Safety/Security grant
    - HUD Public Housing official or Public Housing Authority from a locality
- DOJ Representative from internal agencies using FRT
    - FBI official

Panel 3: Best Practices

- Academics and advocates
- Social Scientists and Ethicists
- Civil rights organizations
- Attorneys who have represented victims of wrongful FRT identification
- NIST

AMERICAN OVERSIGHT

SE FRT Timeline

I. Pre-Briefing	
OCRE circulates draft of discovery plan, outline, and timeline to lead SA's	Friday, Dec. 1, 2023
Lead SA's provide feedback to OCRE	Wednesday, Dec. 6, 2023
OCRE circulates draft of discovery plan, outline, and timeline to Commissioners and SAs	Friday, Dec. 8, 2023
Vote on discovery plan, outline, and timeline	**Friday, Dec. 15, 2023**
OCRE request panelist recommendations for briefing and briefing book recommendations	Monday, Dec. 18, 2023
Commissioners & SAs submit names for potential panelists to OCRE	Friday, January 12, 2023
OCRE submits Interrogatory questions to OGC	Monday, January 22, 2024
OGC provides formatted Interrogatories to OCRE	Wednesday, January 31, 2024
OCRE circulates Interrogatories to Commissioners and SAs	Friday, February 2, 2024
Commissioners and SAs provide feedback on Interrogatories	Friday, February 9, 2024
OGC sends Interrogatories	Monday, February 12, 2024
Interrogatories due	Friday, March 15, 2024
OCRE finalizes list of panelists	Friday, January 26, 2024
Send invites out to potential panelists	Monday, January 29, 2024
Briefing Book due to SAs and Commissioners	Thursday, February 8, 2024
Briefing	**Friday, March 8, 2024**
End of public comment period	Monday, April 8, 2024
II. Review of Report Drafts and Comments	
1st Draft to Commissioners	**Monday, April 8, 2024**
Commissioners' Comments Due Back to OCRE	Monday, April 22, 2024
2nd draft to Commissioners	**Monday, May 6, 2024**
Commissioners' Comments Due Back to OCRE	Monday, May 20, 2024
Send Report for AAR	**Friday, May 24, 2024**
AAR due	Friday, June 21, 2024
Send Report for LSR	**Monday, June 3, 2024**
LSR Due	Monday, June 17, 2024

AMERICAN OVERSIGHT

III. Final Report and Vote	
Disseminate report to Commissioners for vote	**Friday, July 5, 2024**
Commissioner vote on report	**Friday, July 12, 2024**
IV. Post-Vote	
Commissioners statements due	Monday, August 12, 2024
Commissioners rebuttals due	Tuesday, September 10, 2024
Commissioner surrebuttals due	Thursday, September 19, 2024
OCRE circulates formatted version for Commissioner edits	Friday, September 20, 2024
Commissioner edits due	Tuesday, September 24, 2024
OCRE provides version for website upload	Thursday, September 26, 2024
OCRE provides embargoed version	Friday, September 27, 2024
Publication	Monday, September 30, 2024

AMERICAN OVERSIGHT

2024 Religious Freedom in Prisons Timeline

I. Pre-Briefing	
Vote on planning documents	**Friday, Dec. 22, 2023**
OCRE request panelist recommendations for briefing and briefing book recommendations	Monday, Jan. 22, 2024
Commissioners & SAs submit names for potential panelists to OCRE	Thursday, Feb. 22, 2024
OCRE submits Interrogatory questions to OGC	Monday, February 12, 2024
OCRE circulates Interrogatories to Commissioners and SAs	Monday, February 26, 2024
Commissioners and SAs provide feedback on Interrogatories	Monday, March 11, 2024
OGC sends Interrogatories	Friday, March 15, 2024
Interrogatories due	Monday, April 15, 2024
Send invites out to potential panelists	Monday, April 15, 2024
Briefing Book due to SAs and Commissioners	Wednesday, April 17, 2024
Briefing	Friday, May 17, 2024
End of public comment period	Monday, June 17, 2024
II. Review of Report Drafts and Comments	
Initial Draft to Commissioners	Monday, June 3, 2024
Commissioners' Comments Due Back to OCRE	Wednesday, July 3, 2024
2nd draft to Commissioners	Monday, August 5, 2024
Commissioners' Comments Due Back to OCRE	Thursday, September 6, 2024
Send Report for LSR	Monday, October 7, 2024
LSR Due	Monday, September 21, 2024
Send report for Affected Agency Review	Monday, October 28, 2024
Affected Agency Review Due	Friday, November 22, 2024
III. Final Report and Vote	
Disseminate report to Commissioners for vote	Friday, December 6, 2024
Commissioner vote on report	Friday, December 13, 2024
IV. Post-Vote	
Commissioners statements due	Monday, January 13, 2025

AMERICAN OVERSIGHT

Commissioners rebuttals due	Thursday, February 13, 2025
Commissioner surrebuttals due	Monday, February 24, 2025
OCRE circulates formatted version for Commissioner edits	Tuesday, February 25, 2025
Commissioner edits due	Monday, March 3, 2025
OCRE provides embargoed version	Friday, March 7, 2025
OCRE provides version for website upload	Tuesday, March 11, 2025
Publication	Wednesday, March 12, 2025

AMERICAN OVERSIGHT

Chapter Outline
Working Title: Religious Freedoms in Prisons

EXECUTIVE SUMMARY

CHAPTER 1: Introduction and Overview

A. Overview of the 2008 Report and Purpose of Update

   a. Methodology
   b. Data collection and dissemination issues
   c. Explanation of the grievance process
   d. Role of federal government in overseeing constitutional rights of individuals who are incarcerated

B. Discussion of religious needs and accommodations afforded to individuals who are incarcerated
   a. Purpose of RFRA and RLUIPA
   b. Religious Diversity in prisons
   c. Rights and roles of religious leaders and faith-based organizations to access individuals who are incarcerated
   d. Federal enforcement of religious rights of those who are incarcerated

C. Legal and Constitutional Background
   a. First Amendment
   b. Civil Rights of Institutionalized Persons Act of 1980
   c. Religious Freedom Restoration Act of 1993
   d. Religious Land Use and Institutionalized Persons Act of 2000
   e. State Religious Freedom Restoration Acts
   f. Prison Litigation Reform Act

CHAPTER 2: Prisoners' Free Exercise Claims

A. Incidents of alleged religious discrimination
   a. Grievances filed in the sample of federal prisons (2017-2023)
      i. Nature of grievance
      ii. Bases of complaint
      iii. U.S. participation in litigation and representation status of litigants
      iv. Outcome of cases
   b. Grievances filed in the sample of state prisons (2017-2023)
      i. Nature of grievance
      ii. Bases of complaint
      iii. Outcome of cases
   c. Grievances filed in the sample of county jails (2017-2023)
      i. Nature of grievance
      ii. Bases of complaint
      iii. Outcome of cases

   d. Grievances filed with the U.S. Commission on Civil Rights (2020-2023)

AMERICAN OVERSIGHT

i. Nature of grievance
ii. Bases of complaint

B. COVID-19 impacts

a. Analysis of COVID-19 restrictions and impact on religious freedoms
b. Factors to consider in protecting inmates' religious freedoms during future outbreaks

C. Security Considerations and Stakeholder Views

a. Institution Security and National Security Considerations and Their Impact on Prisoners' Free Exercise
b. Views of Prison Officials Regarding Accommodation of Inmates' Religion
c. Views of Nonprofits Regarding Religious Accommodation in Prison

CHAPTER 3: Department of Justice's Enforcement of Prisoners' Free Exercise Rights & Judicial Actions

A. Department of Justice's Civil Rights Division
   a. Special Litigation Section
      i. Role, Authority, and Responsibility regarding religious rights of individuals who are incarcerated
      ii. Section's enforcement activity
   b. Department of Justice's Office of Justice Programs
      i. Office of Civil Rights
B. Federal Bureau of Prisons
   a. BOP's role, authority, and responsibilities for religious issues in federal prisons
   b. Training, protocols, policies on religious accommodation and discrimination for religious leaders and prison staff

AMERICAN OVERSIGHT

OCRE Research Plan

Working Title: Religious Freedom in Prisons

OCRE staff will update the Commission' s 2008 *Enforcing Religious Freedom in Prison* report. This report will examine whether prisoners' religious freedom rights are being protected and enforced in accord with constitutional and statutory provisions. OCRE will accomplish this by sending interrogatory and document requests to federal prisons, state prisons, and county jails. This sample will be determined through a social scientific methodological framework in collaboration with the lead Special Assistant. OCRE will also collect information from empirical research studies where available and attempt to gather data and statistics from public sources such as legislators and civil rights advocates, and conduct formal and informal outreach to federal agencies, community stakeholders, and government officials where appropriate.

OCRE will also review the number and types of religious discrimination grievances that were filed by individuals who are incarcerated to federal and state courts from 2017-2023. This analysis will include:

- Year litigation was initiated
- The location (state and judicial circuit) in which the case took place
- Whether the plaintiff was *pro se*
- Whether the United States was a party
- The sex of the plaintiff
- The religion of the plaintiff (e.g., Christianity, Islam, Judaism, Hinduism, Buddhism, Native American spirituality, African traditional religions, Aboriginal spiritualities)
- The basis of the plaintiff's complaint, nature of the religious request, or practice that was allegedly impinged
- The defendant's proffered reason for denial of the prisoner's request/complaint
- The outcome of the case

In addition, OCRE will also review complaints and grievances sent to the U.S. Commission on Civil Rights from 2020-2023. The analysis will include:

- Year complaint was sent to USCCR
- Whether complaint was referred to the Justice Department
- The sex of the plaintiff
- The religion of the plaintiff (e.g., Christianity, Islam, Judaism, Hinduism, Buddhism, Native American spirituality, African traditional religions, Aboriginal spiritualities)
- The basis of the plaintiff's complaint, nature of the religious request, or practice that was allegedly impinged

OCRE will analyze this information to determine whether there are any visible trends in these cases. For instance:

- Are more RLUIPA cases filed by members of certain religions?

AMERICAN OVERSIGHT

- What accommodations are usually at issue?
- Are any types of requests for religious practices (e.g., dietary, faith practices, etc.) increasing over the study's period, at least as can be determined through available cases?
- Are certain types of requests more likely to be denied today than in 2008, or vice versa?
- How many RLUIPA cases are filed each year?
- Are more complaints filed in federal prisons, state prisons, or county jails?

The report's primary focus will be on providing an update to the 2008 report to try and determine the state of religious freedoms in prisons and if prison officials have become more or less adherent to RFRA and RLUIPA duties since the initial report. Specifically, OCRE will examine the Bureau of Prisons' adherence to RFRA, state prisons and county jails adherence to RLUIPA, and the Department of Justice's enforcement of RLUIPA.

AMERICAN OVERSIGHT

December 20, 2023

MEMORANDUM

TO: CHAIR & COMMISSIONERS

FROM: Mauro Morales, Staff Director
SUBJECT: Notational Vote to Approve the planning documents (research plan, outline, and timeline) for both the 2024 Statutory Enforcement Report on Facial Recognition Technology and Civil Rights (FRT) and a Briefing Report to update the Commission's 2008 report, "Enforcing Religious Freedom in Prison" (RLUIPA)

At the request of Chair Rochelle Garza, this memorandum serves as the ballot for the Commission to vote to approve acceptance of the planning documents (research plan, outline, and timeline) for both the 2024 Statutory Enforcement Report on Facial Recognition Technology and Civil Rights (FRT) and a Briefing Report to update the Commission's 2008 report, "Enforcing Religious Freedom in Prison" (RLUIPA). The planning documents for the reports are attached for your consideration and vote.

This notational vote is in accordance with Administrative Instructions 1-7.

MOTION

The U.S. Commission on Civil Rights approves the acceptance of the planning documents (research plan, outline, and timeline) for both 2024 Statutory Enforcement Report on Facial Recognition Technology and Civil Rights (FRT) and a Briefing Report to update the Commission's 2008 report, "Enforcing Religious Freedom in Prison." (RLUIPA), as attached.

Please be advised that your ballot must be submitted by 5pm ET on December 22, 2023, to the Office of the Staff Director indicating “accept,” “reject,” or “abstain” along with either a handwritten or electronic signature for the ballot to be valid.

AMERICAN OVERSIGHT

Accept _____

Reject _____

Abstain _____

_____ _____

Commissioner Signature* Date

***In order for your vote to be counted, you must submit a .pdf copy of your signed, completed ballot by 5pm ET on December 22, 2023, via email to: [HYPERLINK "mailto:mmorales@usccr.gov"].**

AMERICAN OVERSIGHT

Date : 12/22/2023 1:51:10 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : Fw: DEADLINE TODAY: Notational Ballot on Planning Documents for 2024 Reports
Attachment : USCCR Notational Ballot - 2024 Planning Documents for the SE report on FRT and Briefing Report on Religous Freedom.doc;RLUIPA Research Plan 12.19.23.docx;Religious Freedoms Timeline 12.19.23.docx;RLUIPA Outline 12.19.23.docx;FRT Timeline 12.19.23.docx;FRT Chapter Outline 12.19.23.docx;FRT Research Plan 12.19.23.docx;image001.gif;image002.gif;

FYI - reminder about notational ballot on concept paper planning documents due today.

Kirzanow, Heriot and Gilchrist are voting "aye" for both sets of planning documents for Facial Recognition Technology and Religious Liberty in Prisons compliance.

From: Yvesner Zamar
Sent: Friday, December 22, 2023 9:50:39 AM
To: CommissionerAssistants
Subject: DEADLINE TODAY: Notational Ballot on Planning Documents for 2024 Reports

Good Morning & Happy Holidays!

As I have told @Carissa Mulder and @Irena Vidulovic privately, I greatly appreciate all their work and coordination with OCRE to make sure that we as a Commission are fulfilling our duties. They put us in a great position to have two paper topics approved and now we have planning documents for each paper ready to be voted upon. Before we all head out for the holidays, I wanted to send a reminder to get your Commissioners vote submitted so the work can continue on both of these efforts.

Please submit your Commissioner's ballot for the planning documents.

Best,

--
Yvesner Zamar | Special Assistant to Chair Rochelle M. Garza
Pronounced: EVE-NER

United States Commission on Civil Rights
1331 Pennsylvannia Ave, NW Suite 1150
Washington, DC 20425
USCCR Website | 202-376-7700
Follow Us on Twitter & Facebook:

#USCCR

AMERICAN OVERSIGHT

From: Mauro Morales <mmorales@usccr.gov>
Date: Wednesday, December 20, 2023 at 11:13 AM
To: Commissioners <Commissioners@usccr.gov>
Cc: CommissionerAssistants <CommissionerAssistants@usccr.gov>, ExecutiveStaff <ExecutiveStaff@usccr.gov>
Subject: Notational Ballot on Planning Documents for 2024 Reports

Commissioners,

Pursuant to the request of Chair Garza, I have attached a notational ballot for your consideration and vote. I have also attached the planning documents for the 2024 report on FRT and the 2024 report on RLUIPA for your review and approval. I have been informed that pursuant to previous communication, the Chair has waived prior notice. Because of the Christmas holiday, the ballot should be returned by 5 pm on Friday, December 22nd.

Please recall that Monday the 25th is the Christmas holiday. Thank you.

Mauro Morales
Staff Director
U.S. Commission on Civil Rights
P: 202-376-7796| F: 202-376-7672
Mmorales@usccr.gov
http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:
#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 5/30/2023 10:38:19 AM
From : "Christian Adams" a@electionlawcenter.com
To : "'Alexis Fragosa'" afragosa.usccr@gmail.com, "'Kirsanow, Peter'" pkirsanow@beneschlaw.com
Cc : "'Carissa Mulder'" carissa.mulder@gmail.com, "'John Mashburn'" jmashburn@usccr.gov, "gheriot@me.com" gheriot@me.com, "adams@electionlawcenter.com" adams@electionlawcenter.com, "jkmash@comcast.net" jkmash@comcast.net
Subject : [EXTERNAL] RE: Comparisons Outline and Research Plan

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

Please, yes, circulate, move this along.

From: Alexis Fragosa <afragosa.usccr@gmail.com>
Sent: Tuesday, May 30, 2023 10:30 AM
To: Kirsanow, Peter <pkirsanow@beneschlaw.com>
Cc: Carissa Mulder <carissa.mulder@gmail.com>; Christian Adams <a@electionlawcenter.com>; John Mashburn <jmashburn@usccr.gov>; gheriot@me.com; adams@electionlawcenter.com; jkmash@comcast.net
Subject: Re: Comparisons Outline and Research Plan

We received an email from Irena this morning:

Dear John,

Hope you had a lovely Memorial weekend. I am adding Carissa and Alexis to the chain for collaboration, input and planning purposes. Also wanted to give everyone a quick updated the the rest of the SA's for Commissioners are yet to be onboarded so we wait on that front.

John please let me know when you will have an opportunity to provide the overlay of the document with the original proposal and the new updated proposal from staff and the Dem caucus. I think the next steps once you email me should be to set up a meeting with OCRE that we have previewed with Marik after the May business meeting and go over the discovery materials that include ASCD and OMB input.

Look forward to hearing from you and setting up meetings and time to discuss.

Thank you,
Irena

Is everyone on board with John circulated the redline he created?

Are we okay with OCRE weighing in again? Thoughts on Irena's suggestion?

> On May 26, 2023, at 12:01 PM, Kirsanow, Peter <pkirsanow@beneschlaw.com> wrote:
>
> Probably, but old until Tues. please. I want to take a closer look. Thanks.

AMERICAN OVERSIGHT

Peter N. Kirsanow
Partner | Labor & Employment
Benesch Friedlander Coplan & Aronoff LLP

t: 216.363.4481 | m: 216.789.8735
pkirsanow@Beneschlaw.com | www.beneschlaw.com
200 Public Square, Suite 2300, Cleveland, OH 44114-2378

Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice

---

From: Carissa Mulder <carissa.mulder@gmail.com>
Sent: Friday, May 26, 2023 11:32 AM
To: Christian Adams <a@electionlawcenter.com>
Cc: John Mashburn <jmashburn@usccr.gov>; Kirsanow, Peter <pkirsanow@Beneschlaw.com>; gheriot@me.com; adams@electionlawcenter.com; afragosa.usccr@gmail.com; jkmash@comcast.net
Subject: Re: Comparisons Outline and Research Plan

Pete and Gail - since you are the ones most involved in the negotiations, are you ok with John sending these docs to Garza, Nourse, and Irena?

On Fri, May 26, 2023 at 9:13 AM Carissa Mulder <carissa.mulder@gmail.com> wrote:

> They really, really do not want to hear from victims of crime. The original concept paper included "victims of crime" as briefing witnesses in two places (along with stakeholders, experts, etc.). They struck "victims of crime" in both places. So we can hear about alternatives to incarceration for criminals (which they added), but not from the victims of the criminals.
>
> On Fri, May 26, 2023 at 8:47 AM Christian Adams <a@electionlawcenter.com> wrote:
>
> > There is no way OCRE made these heavy changes on their own. These are too substantive to have been done without Commissioner or SD input.
> >
> > ---
> >
> > **From:** John Mashburn <jmashburn@usccr.gov>
> > **Sent:** Thursday, May 25, 2023 5:56 PM
> > **To:** pkirsanow@Beneschlaw.com; gheriot@me.com; 'adams@electionlawcenter.com' <adams@electionlawcenter.com>
> > **Cc:** carissa.mulder@gmail.com; afragosa.usccr@gmail.com; jkmash@comcast.net
> > **Subject:** FW: Comparisons Outline and Research Plan
> >
> > As per the meeting last Thursday May 18 with Garza and Nourse, I have attached comparisons between the original docs OCRE submitted for the Nov. 18, 2022 meeting (which were not approved then) and the docs submitted as counterproposals (evidently by OCRE itself based on what Garza and Nourse said) for the May 18, 2023 meeting.
> >
> > I attached Word versions. If you have a PC at home the Word version should be OK to use – you might have to turn the Track changes on once you open the doc and turn off format/ink change tracking. Word for PC when you compare docs will show both deletions from the Nov. docs (in red) and insertions into the Nov. doc (in green) from the OCRE's newest counterproposal on the same page in the same doc -- and with the comments (in yellow) off to one side. Mac will only show you insertions OR deletions on a page (but not both at the same time,) the comments will be off to one side whether the deletions or insertions are showing.

AMERICAN OVERSIGHT

I inserted a lot of comments in the doc comparisons -- basically to the effect that the counterproposal docs from OCRE transform this report into one about the "efficacy of data collection" about crime at the federal level. The report would no longer look at the disproportionate impact on minority communities and victims from increases in crime.

Crime victims and experts who can testify about the impact of crime on victims and minorities are no longer able to be witnesses. Experts who can talk about shortcomings in how federal data is collected and the bias in that data collection process against minorities, etc. are the only witnesses allowed. All this really pops out when you can see the deletions and insertions on the same page.

As to the Timeline, OCRE's last Nov. 2022 was 1 year, 4 months, 10 days from Discovery Docs approval to final Publication, my Timeline for last week was 1 yr, 4 months, 8 days – WITH 2 HEARINGS in each timeline. OCRE's Timeline for last week's Bus. Mtg – with just 1 hearing – was 1 year, 6 months and 2 days from Discovery Doc approval until final publication. That put publication after the Nov. 2024 election.

Are these OK to send to Garza, Nourse, and Irena?

From: John Mashburn <jmashburn@usccr.gov>
Sent: Thursday, May 25, 2023 4:09 PM
To: jkmash@comcast.net
Subject: Comparisons Outline and Research Plan

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

--
Carissa B. Mulder

--
Carissa B. Mulder

AMERICAN OVERSIGHT

Date : 6/8/2023 6:36:00 PM
From : "Christian Adams" a@electionlawcenter.com
To : "pkirsanow@Beneschlaw.com" pkirsanow@Beneschlaw.com
Cc : "carissa.mulder@gmail.com" carissa.mulder@gmail.com, "jmashburn@usccr.gov" jmashburn@usccr.gov, "gheriot@usccr.gov" gheriot@usccr.gov, "thegilchristassociates@gmail.com" thegilchristassociates@gmail.com, "CMulder@usccr.gov" CMulder@usccr.gov, "jkmash@comcast.net" jkmash@comcast.net, "tjsimuel32@gmail.com" tjsimuel32@gmail.com, "afragosa.usccr@gmail.com" afragosa.usccr@gmail.com, "gheriot@me.com" gheriot@me.com, "sgilchrist@usccr.gov" sgilchrist@usccr.gov, "afragosa@usccr.gov" afragosa@usccr.gov, "tsimuel@usccr.gov" tsimuel@usccr.gov, "pkirsanow@usccr.gov" pkirsanow@usccr.gov
Subject : [EXTERNAL] RE: Request for Discussion on Crime Victims Discovery Plan
Attachment : 2.jpg;1.jpg;

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

"Jurisprudence was tarred as racist, as if laws against shoplifting, looting, smash-and-grab, car-jacking, and arson were created only by elite white men who never had the need to steal or loot and who therefore made silly, arbitrary laws against them."

Victor Davis Hanson today.

https://www.independent.org/news/article.asp?id=14500

---- On Thu, 08 Jun 2023 16:37:29 -0400 **pkirsanow@Beneschlaw.com** wrote ----

I have a window tomorrow at noon.

If that doesn't work, Monday after noon

Peter N. Kirsanow
Partner | Labor & Employment
Benesch Friedlander Coplan & Aronoff LLP

t: 216.363.4481 | m: 216.789.8735
pkirsanow@Beneschlaw.com | www.beneschlaw.com
200 Public Square, Suite 2300, Cleveland, OH 44114-2378

Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice

Please note that effective August 1, 2023 our new address will be 127 Public Square, Suite 4900, Cleveland, OH 44114. Please update your records accordingly.

From: Carissa Mulder <carissa.mulder@gmail.com>
Sent: Thursday, June 8, 2023 4:31 PM
To: Kirsanow, Peter <pkirsanow@Beneschlaw.com>

AMERICAN OVERSIGHT

Cc: John Mashburn <jmashburn@usccr.gov>; Gail Heriot <gheriot@usccr.gov>; Christian Adams <a@electionlawcenter.com>; stephen gilchrist <thegilchristassociates@gmail.com>; Carissa Mulder <CMulder@usccr.gov>; John Mashburn <jkmash@comcast.net>; Thomas Simuel <tjsimuel32@gmail.com>; Alexis Fragosa <afragosa.usccr@gmail.com>; Gail Heriot <gheriot@me.com>; Stephen Gilchrist <sgilchrist@usccr.gov>; Alexis Fragosa <afragosa@usccr.gov>; Thomas Simuel <tsimuel@usccr.gov>;; Peter Kirsanow <pkirsanow@usccr.gov>
Subject: Re: Request for Discussion on Crime Victims Discovery Plan

Pete, are you free for a caucus Zoom tomorrow or Monday?

On Thu, Jun 8, 2023 at 4:27 PM Kirsanow, Peter <pkirsanow@beneschlaw.com> wrote:

> Thanks John
>
> Peter N. Kirsanow
> Partner | Labor & Employment
> Benesch Friedlander Coplan & Aronoff LLP
> t: 216.363.4481 | m: 216.789.8735
> pkirsanow@Beneschlaw.com | www.beneschlaw.com
> 200 Public Square, Suite 2300, Cleveland, OH 44114-2378
>
> Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice
>
> ***Please note that effective August 1, 2023 our new address will be 127 Public Square, Suite 4900, Cleveland, OH 44114. Please update your records accordingly.***
>
> ---
>
> **From:** John Mashburn <jmashburn@usccr.gov>
> **Sent:** Thursday, June 8, 2023 4:24 PM
> **To:** Gail Heriot <gheriot@usccr.gov>; Christian Adams <a@electionlawcenter.com>; Kirsanow, Peter <pkirsanow@Beneschlaw.com>; stephen gilchrist <thegilchristassociates@gmail.com>; Carissa Mulder <CMulder@usccr.gov>; Carissa Mulder <carissa.mulder@gmail.com>; John Mashburn <jkmash@comcast.net>; Thomas Simuel <tjsimuel32@gmail.com>; Alexis Fragosa <afragosa.usccr@gmail.com>; Gail Heriot <gheriot@me.com>; Stephen Gilchrist <sgilchrist@usccr.gov>; Alexis Fragosa <afragosa@usccr.gov>; Thomas Simuel <tsimuel@usccr.gov>; Peter Kirsanow <pkirsanow@usccr.gov>
> **Subject:** Re: Request for Discussion on Crime Victims Discovery Plan
>
> A quick review shows that the timeline is the same one from OCRE that I was sent (and forwarded to our folks) yesterday. The Research Plan and the Outline are 99+% verbatim the counterproposal docs they sent around before the May 18 Bus. Meeting. The few changes are things like changing the Outside Testimony list to include "Community Stakeholder Organizations" instead of just "Community Stakeholders" – which of course limits the list even more to just including their folks as opposed to ours. "Victims of Crimes" are still not included as possible witnesses.
>
> ---
>
> **From:** Gail Heriot <gheriot@usccr.gov>
> **Date:** Thursday, June 8, 2023 at 3:56 PM
> **To:** a <a@electionlawcenter.com>, "Kirsanow, Peter" <pkirsanow@beneschlaw.com>, thegilchristassociates <thegilchristassociates@gmail.com>, Carissa Mulder <CMulder@usccr.gov>, Carissa Mulder <carissa.mulder@gmail.com>, John Mashburn <jkmash@comcast.net>, Thomas Simuel <tjsimuel32@gmail.com>, Alexis Fragosa

AMERICAN OVERSIGHT

<afragosa.usccr@gmail.com>, gheriot <gheriot@me.com>, Stephen Gilchrist <sgilchrist@usccr.gov>, John Mashburn <jmashburn@usccr.gov>, Alexis Fragosa <afragosa@usccr.gov>, Thomas Simuel <tsimuel@usccr.gov>, Peter Kirsanow <pkirsanow@usccr.gov>
Subject: Fwd: Request for Discussion on Crime Victims Discovery Plan

This just in:

Gail Heriot

Professor of Law

University of San Diego

Begin forwarded message:

> **From:** Rochelle Mercedes Garza <rgarza@usccr.gov>
> **Date:** June 8, 2023 at 12:40:56 PM PDT
> **To:** "Kirsanow, Peter" <pkirsanow@beneschlaw.com>, Peter Kirsanow <pkirsanow@usccr.gov>, Gail Heriot <gheriot@usccr.gov>
> **Cc:** Victoria Frances Nourse <vnourse@usccr.gov>, Victoria Nourse <Victoria.Nourse@law.georgetown.edu>
> **Subject: Request for Discussion on Crime Victims Discovery Plan**
>
> Commissioners,
>
> I hope you are well.
>
> I appreciate the work we put in the last time we met on getting to an affirmative vote by your caucus on President Biden's designation of myself as Chair of USCCR and Commissioner Nourse as Vice Chair.
>
> As you both noted at our last business meeting, we are close to finding agreement. To that end, I'm attaching the redlined version of the Crime Plan that we asked the SAs to work on. I appreciate the work they did on this, but moving forward, I'd like for us to discuss this Commissioner to Commissioner, so we can resolve this without any confusion.
>
> I propose we meet for at least an hour tomorrow afternoon between 1PM ET and 4PM ET to discuss. If you would let me know your preference for a time, I can circulate a zoom link. Please come with questions on the documents attached so we can have a productive conversation.
>
> I appreciate your attention to this matter.

AMERICAN OVERSIGHT

Sincerely,

Commissioner Rochelle M. Garza

Chair-Designee, U.S. Commission on Civil Rights

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

--

Carissa B. Mulder

AMERICAN OVERSIGHT

Date : 6/30/2023 3:19:53 PM
From : "Christian Adams" a@electionlawcenter.com
To : "jmashburn@usccr.gov" jmashburn@usccr.gov
Subject : [EXTERNAL] Re: FW: Commission Adam's Payments

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

i just want my airfare paid

---- On Fri, 30 Jun 2023 13:18:43 -0400 **jmashburn@usccr.gov** wrote ----

FYI

From: John Ratcliffe <jratcliffe@usccr.gov>
Date: Friday, June 30, 2023 at 12:56 PM
To: John Mashburn <jmashburn@usccr.gov>
Cc: TinaLouise Martin <tmartin@usccr.gov>
Subject: RE: Commission Adam's Payments

John,

Besides the payment below. I have no record of Commission Adams requesting any other reimbursement. Commission Adams does submit his Time and Attendance Record for the hours he works are a regular basis. While I have a record of the gross salary to Commissioner Adams, I do not have a record of the net pay (after taxes and deductions) he received each pay period. That information is available to Commissioner Adams on the My EPP system below under Earnings & Leave Statements:

https://www.nfc.usda.gov/EPPS/index.aspx?ReturnUrl=%2fEPPS

Let me know if you have any questions.

AMERICAN OVERSIGHT

Thanks,

John

From: John Mashburn <jmashburn@usccr.gov>
Sent: Thursday, June 29, 2023 10:38 AM
To: John Ratcliffe <jratcliffe@usccr.gov>
Cc: TinaLouise Martin <tmartin@usccr.gov>
Subject: Re: Commission Adam's Payments

Thanks John, that's very helpful.

Cmnr Adams was also looking for a list of the expenses he has been reimbursed for since he came on the Cmn, to compare with his paperwork regarding them since that time. Is that possible?

From: John Ratcliffe <jratcliffe@usccr.gov>
Date: Thursday, June 29, 2023 at 8:36 AM
To: John Mashburn <jmashburn@usccr.gov>
Cc: TinaLouise Martin <tmartin@usccr.gov>
Subject: Commission Adam's Payments

John,

I'm sorry I didn't get back to you sooner. I just go back from leave. It looks like Commission Adams was not paid for his travel to Puerto Rico. We have resent the invoice to our paying office last week. Commission Adams should receive reimbursement soon.

Thanks,

John Ratcliffe

Chief, Budget and Finance Division

AMERICAN OVERSIGHT

U.S. Commission on Civil Rights

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 10/25/2023 4:00:49 PM
From : "Christian Adams" a@electionlawcenter.com
To : "gheriot@usccr.gov" gheriot@usccr.gov
Cc : "pkirsanow@beneschlaw.com" pkirsanow@beneschlaw.com, "afragosa@usccr.gov" afragosa@usccr.gov, "gheriot@me.com" gheriot@me.com, "pkirsanow@usccr.gov" pkirsanow@usccr.gov, "thegilchristassociates@gmail.com" thegilchristassociates@gmail.com, "sgilchrist@usccr.gov" sgilchrist@usccr.gov, "jadams@usccr.gov" jadams@usccr.gov, "CMulder@usccr.gov" CMulder@usccr.gov, "jmashburn@usccr.gov" jmashburn@usccr.gov, "tsimuel@usccr.gov" tsimuel@usccr.gov
Subject : Re: [EXTERNAL] RE: Letter to MM re Crime Victims Briefing

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

Ok then if Stephen is good with it I am.

---- On Wed,25 Oct 2023 22:54:45 -0400 **gheriot@usccr.gov** wrote ----

Looks good to me too.

Gail Heriot
Professor of Law
University of San Diego

> On Oct 25, 2023, at 12:38 PM, Kirsanow, Peter <pkirsanow@beneschlaw.com> wrote:
>
> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.
>
> Good letter. I have no changes.
>
> Peter N. Kirsanow
> Partner | Labor & Employment
> Benesch Friedlander Coplan & Aronoff LLP
>
> t: 216.363.4481 | m: 216.789.8735
> pkirsanow@Beneschlaw.com | www.beneschlaw.com
> 127 Public Square, Suite 4900, Cleveland, OH 44114
>
> Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice
>
> ***As of August 1, 2023 our new address is 127 Public Square, Suite 4900, Cleveland, OH 44114. Please update your records accordingly.***

AMERICAN OVERSIGHT

From: Alexis Fragosa <afragosa@usccr.gov>
Sent: Wednesday, October 25, 2023 12:22 PM
To: Gail Heriot <gheriot@me.com>; Gail Heriot <gheriot@usccr.gov>; Kirsanow, Peter <pkirsanow@Beneschlaw.com>; Peter Kirsanow <pkirsanow@usccr.gov>; stephen gilchrist <thegilchristassociates@gmail.com>; Stephen Gilchrist <sgilchrist@usccr.gov>; Christian Adams <a@electionlawcenter.com>; J. Christian Adams <jadams@usccr.gov>
Cc: Carissa Mulder <CMulder@usccr.gov>; John Mashburn <jmashburn@usccr.gov>; Thomas Simuel <tsimuel@usccr.gov>
Subject: Letter to MM re Crime Victims Briefing

Please see the attached letter. I look forward to receiving your comments and revisions.

Thank you.

Alexis I. Fragosa

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 7/28/2023 1:19:48 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : FW: 2024 Business Meeting Calendar

Gilchrist and heriot have said OK to these dates, including Magpantay's non-Friday date in Nov. 2024. Kirsanow has noy said OK as yet. Hard to project out so far, but thought I would remind you.

FYI – as a reminder I am in Tampa for my daughter's wedding tomorrow.

From: Irena Vidulovic <ividulovic@usccr.gov>
Date: Thursday, July 20, 2023 at 1:53 PM
To: "CommissionerAssistants@usccr.gov" <CommissionerAssistants@usccr.gov>
Subject: 2024 Business Meeting Calendar

Team,

The staff has proposed business meeting calendar for 2024 below. I don't know if your bosses have gotten a chance to review the dates for scheduling conflicts. Commissioner Magpantay has provided conflicts for the following business meeting days:
Conflict with Friday June 14. **Available** all other Fridays in June.
Conflict Friday November 8. **Available** Nov. 15 or 22 (*which are non Friday dates*)

Please let me know if we could find alternate days that work for everyone and or if we should provide more time for Commissioner review and have this calendar voted upon as a notational vote soon after tomorrow's business meeting?

Thoughts?

Staff Proposed 2024 Business Meeting Days
Friday, January 19
Friday, February 23
Friday, March 22
Friday, April 19
Friday, May 17
Friday, June 14
Friday, July 19
Friday, August 16

AMERICAN OVERSIGHT

Friday, September 20
Friday, October 18
Friday, November 8
Friday, December 13

Thanks,
Irena

Irena Vidulovic
Special Assistant to Commissioner Mondaire Jones
U.S. Commission on Civil Rights
M: 202-591-9969
ividulovic@usccr.gov
http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:
TwiFB
#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 1/5/2023 9:52:54 AM
From : "Christian Adams" a@electionlawcenter.com
To : "jmashburn@usccr.gov" jmashburn@usccr.gov
Subject : Re: FW: [EXTERNAL] Caucus letter re: Rcial Affinity Group in Chicago

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

yes

---- On Thu, 05 Jan 2023 09:17:19 -0500 **jmashburn@usccr.gov** wrote ----

Pete is asking if other Cmnrs would like to join with him on this letter. I think you should.

From: Carissa Mulder <carissa.mulder@gmail.com>
Date: Wednesday, January 4, 2023 at 3:19 PM
To: Alexis Fragosa <afragosa.usccr@gmail.com>, John Mashburn <jkmash@comcast.net>, Thomas Simuel <tjsimuel32@gmail.com>
Cc:
>, John Mashburn <jmashburn@usccr.gov>, Thomas Simuel <tsimuel@usccr.gov>
Subject: [EXTERNAL] Caucus letter

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

Pete is going to send the attached letter to the Francis Parker school in Chicago. He asked me to circulate it to the rest of our caucus to see if any other commissioners would be interested in signing it. Please let me know!

AMERICAN OVERSIGHT

--

Carissa B. Mulder

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 2/1/2023 12:01:46 PM
From : "Christian Adams" a@electionlawcenter.com
To : "'Kirsanow, Peter'" pkirsanow@Beneschlaw.com, "'Gail Heriot'" gheriot@me.com, "'Gail Heriot'" gheriot@usccr.gov, "'Stephen Gilchrist'" sgilchrist@usccr.gov, "'stephen gilchrist'" thegilchristassociates@gmail.com, "'Carissa Mulder'" carissa.mulder@gmail.com, "'Carissa Mulder'" CMulder@usccr.gov, "'Thomas Simuel'" tjsimuel32@gmail.com, "'John Mashburn'" jkmash@comcast.net, "'John Mashburn'" jmashburn@usccr.gov, "'Alexis Fragosa'" afragosa.usccr@gmail.com, "'Alexis Fragosa'" afragosa@usccr.gov
Subject : [EXTERNAL] RE: - University's Ban On Cheating, Plagiarism 'Unfairly Targets' Minority Students, Ivy Leaguer Claims | The Daily Caller

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

Why is this even a major? "Gender & Sexuality Studies"

From: Kirsanow, Peter <pkirsanow@Beneschlaw.com>
Sent: Wednesday, February 1, 2023 11:57 AM
To: Christian Adams <a@electionlawcenter.com>; 'Gail Heriot' <gheriot@me.com>; 'Gail Heriot' <gheriot@usccr.gov>; 'Stephen Gilchrist' <sgilchrist@usccr.gov>; 'stephen gilchrist' <thegilchristassociates@gmail.com>; 'Carissa Mulder' <carissa.mulder@gmail.com>; 'Carissa Mulder' <CMulder@usccr.gov>; 'Thomas Simuel' <tjsimuel32@gmail.com>; 'John Mashburn' <jkmash@comcast.net>; 'John Mashburn' <jmashburn@usccr.gov>; 'Alexis Fragosa' <afragosa.usccr@gmail.com>; 'Alexis Fragosa' <afragosa@usccr.gov>
Subject: RE: - University's Ban On Cheating, Plagiarism 'Unfairly Targets' Minority Students, Ivy Leaguer Claims | The Daily Caller

The author is a "prospective physics major" who's also "pursuing certificates in Gender & Sexuality Studies." Wanna bet what she eventually gets a degree in?

From: Christian Adams <a@electionlawcenter.com>
Sent: Wednesday, February 1, 2023 11:48 AM
To: Kirsanow, Peter <pkirsanow@Beneschlaw.com>; 'Gail Heriot' <gheriot@me.com>; 'Gail Heriot' <gheriot@usccr.gov>; 'Stephen Gilchrist' <sgilchrist@usccr.gov>; 'stephen gilchrist' <thegilchristassociates@gmail.com>; 'Carissa Mulder' <carissa.mulder@gmail.com>; 'Carissa Mulder' <CMulder@usccr.gov>; 'Thomas Simuel' <tjsimuel32@gmail.com>; 'John Mashburn' <jkmash@comcast.net>; 'John Mashburn' <jmashburn@usccr.gov>; 'Alexis Fragosa' <afragosa.usccr@gmail.com>; 'Alexis Fragosa' <afragosa@usccr.gov>
Subject: RE: - University's Ban On Cheating, Plagiarism 'Unfairly Targets' Minority Students, Ivy Leaguer Claims | The Daily Caller

Spectacular.

AMERICAN OVERSIGHT

From: Kirsanow, Peter <pkirsanow@Beneschlaw.com>
Sent: Wednesday, February 1, 2023 11:42 AM
>; Stephen Gilchrist <sgilchrist@usccr.gov>; 'stephen gilchrist' <thegilchristassociates@gmail.com>; Christian Adams (a@electionlawcenter.com) <a@electionlawcenter.com>; Carissa Mulder (carissa.mulder@gmail.com) <carissa.mulder@gmail.com>; Carissa Mulder <CMulder@usccr.gov>; 'Thomas Simuel' <tjsimuel32@gmail.com>; 'John Mashburn' <jkmash@comcast.net>; 'John Mashburn' <jmashburn@usccr.gov>; 'Alexis Fragosa' <afragosa.usccr@gmail.com>; 'Alexis Fragosa' <afragosa@usccr.gov>
Subject: – University's Ban On Cheating, Plagiarism 'Unfairly Targets' Minority Students, Ivy Leaguer Claims | The Daily Caller

The damn holding back insanity on campuses has been leaking profusely for decades, but at some point recently it's burst wide open:

University's Ban On Cheating, Plagiarism 'Unfairly Targets' Minority Students, Ivy Leaguer Claims | The Daily Caller
https://dailycaller.com/2023/01/31/honor-code-minority-criminal-justice-system-ivy-league-student-princeton-university/

If five black cops beating a black suspect is an example of white supremacy then nothing ***isn't*** racist.

AMERICAN OVERSIGHT

Date : 10/19/2023 4:33:48 PM
From : "Christian Adams" a@electionlawcenter.com
To : "jmashburn@usccr.gov" jmashburn@usccr.gov
Subject : [EXTERNAL] Re: FW: Commissioner Join Information for October Commission Meeting
Attachment : 1.jpg;

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

thank you

---- On Thu,19 Oct 2023 23:17:40 -0400 **jmashburn@usccr.gov** wrote ----

You need any additional info?

From: Julian Nelson-Saunders <jnelson@usccr.gov>
Date: Thursday, October 19, 2023 at 4:13 PM
To: "J. Christian Adams" <jadams@usccr.gov>
Cc: John Mashburn <jmashburn@usccr.gov>, Pamela Dunston <Pdunston@usccr.gov>, Essence Perry <EPerry@usccr.gov>, TinaLouise Martin <tmartin@usccr.gov>, Mauro Morales <mmorales@usccr.gov>, Michele Ramey <myorkman@usccr.gov>, Yvesner Zamar <yzamar@usccr.gov>
Subject: Commissioner Join Information for October Commission Meeting

Hello Commissioner,

The information below is for Commissioners only. To listen only please use the Commission's YouTube channel.

Below are the instructions for participating in the October Commission Business Meeting virtually and telephonically. To participate in the Commission's Business Meeting on October 20th, 2023, via **video** Webex, please follow the instructions below :

AMERICAN OVERSIGHT

1. At 9:45 am EST, click or call using the information below.

Meeting link:

https://civilrights.webex.com/civilrights/j.php?MTID=m4f57fa32e9bb5de5ef59fa886117d1e5

Enter Meeting number: 2763 654 3066

Enter Password: YtGutueM346

If you are a first-time user of Webex, you will be required to enter your name Commissioner. Please note 1. Do not use both Webex video & phone at the same time, this will cause sound interference, 2. The chat feature is disabled, and 3. There is a 20 second delay between the livestream video and what is occurring in the room.

To participate in the Commission's Business Meeting on October 20th, 2023, via **Telephone conference** call Webex, please follow the instructions below:

Join by phone:

1. Dial 800 360 9505 - USA Toll Free

Enter Access code: 2763 654 3066

Please mute yourself when not speaking.

2. There is no attendee ID code, when requested please just hit #.

3. You will then be connected to the meeting.

If you have any questions please contact Julian Nelson via email at jnelson@usccr.gov or Pamela Dunston at pdunston@usccr.gov.

AMERICAN OVERSIGHT

Thanks

Julian "Raj" Nelson-Saunders (Pathways Intern)

He/Him/His

Phone: 443-743-7046

U.S. Commission on Civil Rights



This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 3/27/2023 10:21:56 AM
From : "Christian Adams" a@electionlawcenter.com
To : "'Carissa Mulder'" CMulder@usccr.gov, "'Christian Adams'" adams@electionlawcenter.com, "'John Mashburn'" jmashburn@usccr.gov
Subject : [EXTERNAL] RE: Georgia delegation

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

Crud. When is that?

From: Carissa Mulder <CMulder@usccr.gov>
Sent: Monday, March 27, 2023 9:49 AM
To: Christian Adams <adams@electionlawcenter.com>; John Mashburn <jmashburn@usccr.gov>
Subject: Georgia delegation

Hi Christian,

I read the emails about the delegation from Georgia. Is there anything you would like John and I to do to prepare for the meeting?

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 3/30/2023 5:02:58 PM
From : "Christian Adams" a@electionlawcenter.com
To : "afragosa@usccr.gov" afragosa@usccr.gov
Cc : "gheriot@usccr.gov" gheriot@usccr.gov, "gheriot@me.com" gheriot@me.com, "thegilchristassociates@gmail.com" thegilchristassociates@gmail.com, "jadams@usccr.gov" jadams@usccr.gov, "jmashburn@usccr.gov" jmashburn@usccr.gov, "tsimuel@usccr.gov" tsimuel@usccr.gov, "CMulder@usccr.gov" CMulder@usccr.gov, "pkirsanow@beneschlaw.com" pkirsanow@beneschlaw.com, "pkirsanow@usccr.gov" pkirsanow@usccr.gov
Subject : [EXTERNAL] Re: Fwd: Waters in the fridge

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

my first reaction: Tell him to telephone me if he wants answers:703-963-8611, if Gail says to.

---- On Thu, 30 Mar 2023 16:49:33 -0400 **afragosa@usccr.gov** wrote ----

> Please see Mauro's email below.
>
> Commissioner Adam, John, Carissa and I met with a Parliamentary delegation from Georgia today at the Commission HQ. We supplied the guests with water bottles.
>
> I emailed Pam advising that we had used some of the bottles and the refrigerator needed to be replenished. I copied Mauro to that email.
>
> His angry email to me below.
>
> First, I just want to apologize for sending the email to Mauro. I did not realize that he apparently didn't know about this meeting and I didn't know we weren't permitted to share the water with guests. I feel stunned by his response and embarrassed. I regret sending that email.
>
> Second, I need some guidance on how to respond since I did not set up the meeting and lack the information he is requesting.
>
> Thank you.
>
> Alexis
>
> Begin forwarded message:
>
> **From:** Alexis Fragosa <afragosa@usccr.gov>
> **Date:** March 30, 2023 at 4:38:21 PM EDT
> **To:** Carissa Mulder <CMulder@usccr.gov>
> **Subject: Fwd: Waters in the fridge**

AMERICAN OVERSIGHT

Begin forwarded message:

From: Mauro Morales <mmorales@usccr.gov>
Date: March 30, 2023 at 4:17:37 PM EDT
To: Alexis Fragosa <afragosa@usccr.gov>
Cc: Pamela Dunston <Pdunston@usccr.gov>, TinaLouise Martin <tmartin@usccr.gov>, Angelia Rorison <arorison@usccr.gov>, John Ratcliffe <jratcliffe@usccr.gov>
Subject: RE: Waters in the fridge

Alexis,

Do I understand your email correctly? We had visitors from the Country of Georgia? How many attended? Who arranged such a meeting? Why wasn't ASCD or my office informed?

We always coordinate such international meetings with the State Department and our office of outreach and public engagement. It is part of our requirement contained our strategic plan to conduct public outreach. If we do not know about it, we cannot acknowledge such meetings in our PAR. We have very strict security protocols for the office. Non-agency Individuals are not allowed in the agency suites without being escorted at all times. Lastly, the water Pam placed in the refrigerator was for agency staff because of the fact our water and ice machines are broken. They are not intended to be handed out to guests. When Commissioner Garza came with her family on Friday, I personally paid for and provided her and her family with bottles of water for their comfort.

Mauro Morales
Staff Director
USCCR

-----Original Message-----
From: Alexis Fragosa <afragosa@usccr.gov>
Sent: Thursday, March 30, 2023 3:04 PM
To: Pamela Dunston <Pdunston@usccr.gov>
Cc: Mauro Morales <mmorales@usccr.gov>
Subject: Waters in the fridge

Pam,

AMERICAN OVERSIGHT

Thank you so much for supplying the water bottles in the fridge.

There were plenty to share with our friends visiting from the country of Georgia.

However, with such a large delegate there are very few left left in the Pantry fridge.

Do we have more in the office? If not perhaps we can order more bottles.

Thank you!

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 2/1/2023 11:48:26 AM
From : "Christian Adams" a@electionlawcenter.com
To : "'Kirsanow, Peter'" pkirsanow@Beneschlaw.com, "'Gail Heriot'" gheriot@me.com, "'Gail Heriot'" gheriot@usccr.gov, "'Stephen Gilchrist'" sgilchrist@usccr.gov, "'stephen gilchrist'" thegilchristassociates@gmail.com, "'Carissa Mulder'" carissa.mulder@gmail.com, "'Carissa Mulder'" CMulder@usccr.gov, "'Thomas Simuel'" tjsimuel32@gmail.com, "'John Mashburn'" jkmash@comcast.net, "'John Mashburn'" jmashburn@usccr.gov, "'Alexis Fragosa'" afragosa.usccr@gmail.com, "'Alexis Fragosa'" afragosa@usccr.gov
Subject : [EXTERNAL] RE: - University's Ban On Cheating, Plagiarism 'Unfairly Targets' Minority Students, Ivy Leaguer Claims | The Daily Caller

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

Spectacular.

From: Kirsanow, Peter <pkirsanow@Beneschlaw.com>
Sent: Wednesday, February 1, 2023 11:42 AM
To: Gail Heriot (gheriot@me.com) <gheriot@me.com>; Gail Heriot (gheriot@usccr.gov) <gheriot@usccr.gov>; Stephen Gilchrist <sgilchrist@usccr.gov>; 'stephen gilchrist' <thegilchristassociates@gmail.com>; Christian Adams (a@electionlawcenter.com) <a@electionlawcenter.com>; Carissa Mulder (carissa.mulder@gmail.com) <carissa.mulder@gmail.com>; Carissa Mulder <CMulder@usccr.gov>; 'Thomas Simuel' <tjsimuel32@gmail.com>; 'John Mashburn' <jkmash@comcast.net>; 'John Mashburn' <jmashburn@usccr.gov>; 'Alexis Fragosa' <afragosa.usccr@gmail.com>; 'Alexis Fragosa' <afragosa@usccr.gov>
Subject: – University's Ban On Cheating, Plagiarism 'Unfairly Targets' Minority Students, Ivy Leaguer Claims | The Daily Caller

The damn holding back insanity on campuses has been leaking profusely for decades, but at some point recently it's burst wide open:

University's Ban On Cheating, Plagiarism 'Unfairly Targets' Minority Students, Ivy Leaguer Claims | The Daily Caller
https://dailycaller.com/2023/01/31/honor-code-minority-criminal-justice-system-ivy-league-student-princeton-university/

If five black cops beating a black suspect is an example of white supremacy then nothing ***isn't*** racist.

AMERICAN OVERSIGHT

Chapter Outline
Fiscal Year 2024 Statutory Report
Working Title: Facial Recognition Technology and Civil Rights

EXECUTIVE SUMMARY

CHAPTER 1: Introduction to Facial Recognition Technology

A. Brief introduction to the history and development of Artificial Intelligence Technology

   a. What is AI?
   b. How is AI being developed?
   c. How is AI being utilized?
   d. Legal background and constitutional protections regarding AI utilization
      i. Are best practices being developed for training programs?

B. Facial recognition technology (FRT)

   a. What is facial recognition technology and how does it work?
   b. Who are the main developers of this technology?
   c. How are people identified using face recognition?
   d. What are the most common forms of facial recognition technology?
   e. What are the emerging civil rights concerns regarding the use of FRT? For instance:
      i. Ethical concerns
      ii. Racial discrimination
      iii. Issues with privacy and transparency
      iv. Adherence to Responsible AI principles

CHAPTER 2: The Use of Facial Recognition Technology by the Federal Government

A. HUD

   a. How are FRT being utilized by the agency?
   b. How does HUD make decisions regarding the risks and benefits of using FRT in various applications?
   c. Are there civil rights issues emerging from how this agency is utilizing these technologies?
   d. Does the agency have policies, trainings, guidelines in place regarding their utilization?
      i. What on-the-job or apprenticeships, classroom-style training, or online courses are employees and contractors using regarding FRT?
      ii. Are there training, procurement, policy, and process guardrails put in place by HUD to reduce the risk that their acquisition and use of FRT did not violate civil rights laws?
   e. Has HUD developed best practices or guidances in their utilization of FRT?

AMERICAN OVERSIGHT

i. Do these guidelines demonstrate a sufficient understanding of the possible risks to make informed decisions about acquiring this technology to ensure that individuals' civil rights are not being violated?
ii. Do these guidelines demonstrate a sufficient understanding of the civil rights risks and how to ameliorate if violations occur?

B. DOJ

a. How are FRTs being utilized?
b. How does DOJ make decisions regarding the risks and benefits of using FTC in various applications (e.g., law enforcement)?
c. Are there civil rights issues emerging from how this agency is utilizing these technologies?
d. Does the agency have policies, trainings, guidelines in place regarding their utilization?
    i. What on-the-job or apprenticeships, classroom-style training, or online courses are employees and contractors using regarding FRT?
    ii. Are there training, procurement, policy, and process guardrails put in place by DOJ to reduce the risk that their acquisition and use of FRT did not violate civil rights laws?
e. Has DOJ developed best practices or guidances in their utilization of FRT?
    i. Do these guidelines demonstrate a sufficient understanding of the possible risks to make informed decisions about acquiring this technology to ensure that individuals' civil rights are not being violated?
    ii. Do these guidelines demonstrate a sufficient understanding of the civil rights risks and how to ameliorate if violations occur?

C. DHS

a. How are FRTs being utilized?
b. How does DHS make decisions regarding the risks and benefits of using FRT in various applications?
c. Are there civil rights issues emerging from how this agency is utilizing these technologies?
d. Does the agency have policies, trainings, guidelines in place regarding their utilization?
    i. What on-the-job or apprenticeships, classroom-style training, or online courses are employees and contractors using regarding FRT?
    ii. Are there training, procurement, policy, and process guardrails put in place by DHS to reduce the risk that their acquisition and use of FRT did not violate civil rights laws?
e. Has DHS developed best practices or guidances in their utilization of FRT?
    i. Do these guidelines demonstrate a sufficient understanding of the possible risks to make informed decisions about acquiring this technology to ensure that individuals' civil rights are not being violated?
    ii. Do these guidelines demonstrate a sufficient understanding of the civil rights risks and how to ameliorate if violations occur?

AMERICAN OVERSIGHT

CHAPTER 3: Federal Government's Role and Efforts Ensuring Civil Rights Protections

A. Strategies of how the federal government has been involved in guiding the process for creating face recognition technology, through such mechanisms as:
    a. Security surveillance
    b. Cybersecurity
    c. Domestic law enforcement
    d. Physical security

B. Challenges and privacy concerns surrounding facial image collection and how the data processes and stores images
    a. Privacy concerns about image storage by private and public sector entities
    b. Privacy concerns about the use of images by private and public sector entities
    c. Have agencies developed best practices or guidances in the federal usage of FRTs and deep learning technologies more broadly; do these guidelines demonstrate sufficient mastery of the underlying technology to make informed decisions about risk management?

C. Best practices identified by private industries, academic institutions, and researchers to promote the development of FRT and ensure civil rights protections are upheld

D. Discussion of proposed and/or passed legislation regarding the federal government's use of these technologies

AMERICAN OVERSIGHT

OCRE Research Plan
Fiscal Year 2024 Statutory Report

Working Title: Facial Recognition Technology and Civil Rights

OCRE staff will conduct a comprehensive investigation into the federal government's development and utilization of facial recognition technology (FRT). OCRE will accomplish this by surveying empirical research studies, gathering data and statistics from public sources, legislators, and civil rights advocates, and conducting formal and informal outreach to federal agencies, community stakeholders, and government officials.

To inform the report, OCRE will also send formal interrogatories to targeted federal agencies to collect data, information, policies, and any guidances regarding their utilization and protocols involving FRTs. OCRE will focus on the U.S. Department of Housing and Urban Development (HUD), U.S. Department of Homeland Security (DHS), and U.S. Department of Justice (DOJ). To gain a deeper understanding of the technology, there will also be two site visits to FRT developers in Silicon Valley.[1] These visits will consist of two SAs and/or Commissioners from the Democratic caucus and two SAs and/or Commissioners from the Republican caucus.[2] OCRE will work with the lead SA to determine the specific companies.

OCRE plans to examine the current state of Facial Recognition Technology used by federal agencies. The report's primary focus will evaluate how federal agencies meet their obligations under civil rights laws and policies in their use of FRT with an eye towards identifying gaps in law and policy. The data gathering for the report will center around the following areas:

1. How is FRT developed, specifically are there best practices and standards guiding how the industry trains a deep learning system to recognize faces? Do these practices and standards effectively consider possible civil rights risks that may emerge through the federal utilization of this technology?
2. Do FRT developers have a set of responsible AI principles that are made publicly available? Do these developers implement these principles into concrete actions?
3. Are there mechanisms in place that the FRT developers use to minimize civil rights risks on both the technology level and the application level?
4. What are the most widely used instances on how DOJ, DHS, and HUD use facial recognition technology for law enforcement, border security and housing activities?
5. What were the training, procurement, policy, and process guardrails put in place by DOJ, DHS, and HUD to reduce the risk that their acquisition and use of FRT would violate civil rights laws?
6. Determine what civil rights concerns are emerging due to the use of FRT by federal agencies.

---

[1] These visits are contingent upon budgetary approval.
[2] In order for the information gathered at these visits to be incorporated into the report, both must be completed prior to April 1, 2024.

AMERICAN OVERSIGHT

7. How effective has the federal government been in using its regulatory, legislation, policy, and purchasing powers to set standards for FRT developers? Has the federal government effectively been able to establish clear guidelines and ethical standards regarding the use of facial recognition technology?

OCRE will accomplish this research by:

1. OCRE aims to examine:
    a. Current federal laws and policies regarding Face Recognition Technology regulation in the United States.
    b. The processes for acquiring and using FRT by DOJ, DHS, and HUD and associated civil rights concerns.
    c. Whether any state laws that have passed in the past several years regarding the use of FRT are applicable to how DOJ, DHS, and HUD have utilized these technologies.
2. OCRE intends to carry out an initial inquiry into how DOJ, DHS, and HUD utilize FRT within their organizations and the potential implications for privacy and civil liberties. OCRE will accomplish this by:
3. Determining how DOJ, DHS, and HUD make decisions regarding the risks and benefits of using FRT in various applications (e.g., law enforcement, border security, and housing-related decision-making)
4. Examining whether DOJ, DHS, and HUD offer on-the-job training or apprenticeships, classroom-style training, or online courses on the use of FRT.
    a. Investigating what the data show regarding challenges arising from federal use of FRT such as violations of law, policy, and other negative outcomes.
    b. Exploring if agencies have developed best practices or guidances in the federal usage of FRT (e.g., do these guidelines demonstrate a sufficient understanding of the underlying technology to make informed decisions about risk management?).
5. OCRE's investigation will inquire:
    a. How do DHS, DOJ, and HUD utilize FRT currently?
    b. In what way do these agencies plan to use FRT, such as monitoring public areas for security purposes, identifying suspects in criminal investigations, or other various mechanisms?
    c. Are there civil rights concerns regarding how these agencies are deploying these technologies?
    d. How do DHS, DOJ, and HUD go about implementing the development of these laws and processes?
    e. What are the best practices these agencies have used in creating FRT protocols?
    f. Are federal agencies developing effective policies to ensure individuals' civil rights are being upheld?

Proposed Briefing Panel for Hearing

Panel 1: State of Technology and Civil Rights Concerns

AMERICAN OVERSIGHT

- Academics, technology civil rights advocates, technologists
- National Academy of Sciences
- GAO + CRS
- FRT Vendors with the largest government contracts
- FRT Engineers + social scientist/philosophers employed by FRT companies
- FRT developer / legal counsel from FRT company

Panel 2: Responsive Federal Policies

- Members of Congress (who have introduced AI/FRT legislation or sit on the appropriate committees)
- DHS representatives from internal agencies using FRT
    - ADP or IASP official
    - CBP official
- HUD Representatives
    - HUD official that manages the Emergency/Natural Disaster and Safety/Security grant
    - HUD Public Housing official or Public Housing Authority from a locality
- DOJ Representative from internal agencies using FRT
    - FBI official

Panel 3: Best Practices

- Academics and advocates
- Social Scientists and Ethicists
- Civil rights organizations
- Attorneys who have represented victims of wrongful FRT identification
- NIST

AMERICAN OVERSIGHT

SE FRT Timeline

I. Pre-Briefing	
OCRE circulates draft of discovery plan, outline, and timeline to lead SA's	Friday, Dec. 1, 2023
Lead SA's provide feedback to OCRE	Wednesday, Dec. 6, 2023
OCRE circulates draft of discovery plan, outline, and timeline to Commissioners and SAs	Friday, Dec. 8, 2023
Vote on discovery plan, outline, and timeline	**Friday, Dec. 15, 2023**
OCRE request panelist recommendations for briefing and briefing book recommendations	Monday, Dec. 18, 2023
Commissioners & SAs submit names for potential panelists to OCRE	Friday, January 12, 2023
OCRE submits Interrogatory questions to OGC	Monday, January 22, 2024
OGC provides formatted Interrogatories to OCRE	Wednesday, January 31, 2024
OCRE circulates Interrogatories to Commissioners and SAs	Friday, February 2, 2024
Commissioners and SAs provide feedback on Interrogatories	Friday, February 9, 2024
OGC sends Interrogatories	Monday, February 12, 2024
Interrogatories due	Friday, March 15, 2024
OCRE finalizes list of panelists	Friday, January 26, 2024
Send invites out to potential panelists	Monday, January 29, 2024
Briefing Book due to SAs and Commissioners	Thursday, February 8, 2024
Briefing	**Friday, March 8, 2024**
End of public comment period	Monday, April 8, 2024
II. Review of Report Drafts and Comments	
1st Draft to Commissioners	**Monday, April 8, 2024**
Commissioners' Comments Due Back to OCRE	Monday, April 22, 2024
2nd draft to Commissioners	**Monday, May 6, 2024**
Commissioners' Comments Due Back to OCRE	Monday, May 20, 2024
Send Report for AAR	**Friday, May 24, 2024**
AAR due	Friday, June 21, 2024
Send Report for LSR	**Monday, June 3, 2024**
LSR Due	Monday, June 17, 2024

AMERICAN OVERSIGHT

III. Final Report and Vote	
Disseminate report to Commissioners for vote	**Friday, July 5, 2024**
Commissioner vote on report	**Friday, July 12, 2024**
IV. Post-Vote	
Commissioners statements due	Monday, August 12, 2024
Commissioners rebuttals due	Tuesday, September 10, 2024
Commissioner surrebuttals due	Thursday, September 19, 2024
OCRE circulates formatted version for Commissioner edits	Friday, September 20, 2024
Commissioner edits due	Tuesday, September 24, 2024
OCRE provides version for website upload	Thursday, September 26, 2024
OCRE provides embargoed version	Friday, September 27, 2024
Publication	Monday, September 30, 2024

AMERICAN OVERSIGHT

2024 Religious Freedom in Prisons Timeline

I. Pre-Briefing	
Vote on planning documents	**Friday, Dec. 22, 2023**
OCRE request panelist recommendations for briefing and briefing book recommendations	Monday, Jan. 22, 2024
Commissioners & SAs submit names for potential panelists to OCRE	Thursday, Feb. 22, 2024
OCRE submits Interrogatory questions to OGC	Monday, February 12, 2024
OCRE circulates Interrogatories to Commissioners and SAs	Monday, February 26, 2024
Commissioners and SAs provide feedback on Interrogatories	Monday, March 11, 2024
OGC sends Interrogatories	Friday, March 15, 2024
Interrogatories due	Monday, April 15, 2024
Send invites out to potential panelists	Monday, April 15, 2024
Briefing Book due to SAs and Commissioners	Wednesday, April 17, 2024
Briefing	Friday, May 17, 2024
End of public comment period	Monday, June 17, 2024
II. Review of Report Drafts and Comments	
Initial Draft to Commissioners	Monday, June 3, 2024
Commissioners' Comments Due Back to OCRE	Wednesday, July 3, 2024
2nd draft to Commissioners	Monday, August 5, 2024
Commissioners' Comments Due Back to OCRE	Thursday, September 6, 2024
Send Report for LSR	Monday, October 7, 2024
LSR Due	Monday, September 21, 2024
Send report for Affected Agency Review	Monday, October 28, 2024
Affected Agency Review Due	Friday, November 22, 2024
III. Final Report and Vote	
Disseminate report to Commissioners for vote	Friday, December 6, 2024
Commissioner vote on report	Friday, December 13, 2024
IV. Post-Vote	
Commissioners statements due	Monday, January 13, 2025

AMERICAN OVERSIGHT

Commissioners rebuttals due	Thursday, February 13, 2025
Commissioner surrebuttals due	Monday, February 24, 2025
OCRE circulates formatted version for Commissioner edits	Tuesday, February 25, 2025
Commissioner edits due	Monday, March 3, 2025
OCRE provides embargoed version	Friday, March 7, 2025
OCRE provides version for website upload	Tuesday, March 11, 2025
Publication	Wednesday, March 12, 2025

AMERICAN OVERSIGHT

Chapter Outline
Working Title: Religious Freedoms in Prisons

EXECUTIVE SUMMARY

CHAPTER 1: Introduction and Overview

A. Overview of the 2008 Report and Purpose of Update

   a. Methodology
   b. Data collection and dissemination issues
   c. Explanation of the grievance process
   d. Role of federal government in overseeing constitutional rights of individuals who are incarcerated

B. Discussion of religious needs and accommodations afforded to individuals who are incarcerated
   a. Purpose of RFRA and RLUIPA
   b. Religious Diversity in prisons
   c. Rights and roles of religious leaders and faith-based organizations to access individuals who are incarcerated
   d. Federal enforcement of religious rights of those who are incarcerated

C. Legal and Constitutional Background
   a. First Amendment
   b. Civil Rights of Institutionalized Persons Act of 1980
   c. Religious Freedom Restoration Act of 1993
   d. Religious Land Use and Institutionalized Persons Act of 2000
   e. State Religious Freedom Restoration Acts
   f. Prison Litigation Reform Act

CHAPTER 2: Prisoners' Free Exercise Claims

A. Incidents of alleged religious discrimination
   a. Grievances filed in the sample of federal prisons (2017-2023)
      i. Nature of grievance
      ii. Bases of complaint
      iii. U.S. participation in litigation and representation status of litigants
      iv. Outcome of cases
   b. Grievances filed in the sample of state prisons (2017-2023)
      i. Nature of grievance
      ii. Bases of complaint
      iii. Outcome of cases
   c. Grievances filed in the sample of county jails (2017-2023)
      i. Nature of grievance
      ii. Bases of complaint
      iii. Outcome of cases

   d. Grievances filed with the U.S. Commission on Civil Rights (2020-2023)

AMERICAN OVERSIGHT

i. Nature of grievance
ii. Bases of complaint

B. COVID-19 impacts

a. Analysis of COVID-19 restrictions and impact on religious freedoms
b. Factors to consider in protecting inmates' religious freedoms during future outbreaks

C. Security Considerations and Stakeholder Views

a. Institution Security and National Security Considerations and Their Impact on Prisoners' Free Exercise
b. Views of Prison Officials Regarding Accommodation of Inmates' Religion
c. Views of Nonprofits Regarding Religious Accommodation in Prison

CHAPTER 3: Department of Justice's Enforcement of Prisoners' Free Exercise Rights & Judicial Actions

A. Department of Justice's Civil Rights Division
   a. Special Litigation Section
      i. Role, Authority, and Responsibility regarding religious rights of individuals who are incarcerated
      ii. Section's enforcement activity
   b. Department of Justice's Office of Justice Programs
      i. Office of Civil Rights
B. Federal Bureau of Prisons
   a. BOP's role, authority, and responsibilities for religious issues in federal prisons
   b. Training, protocols, policies on religious accommodation and discrimination for religious leaders and prison staff

AMERICAN OVERSIGHT

OCRE Research Plan

Working Title: Religious Freedom in Prisons

OCRE staff will update the Commission' s 2008 *Enforcing Religious Freedom in Prison* report. This report will examine whether prisoners' religious freedom rights are being protected and enforced in accord with constitutional and statutory provisions. OCRE will accomplish this by sending interrogatory and document requests to federal prisons, state prisons, and county jails. This sample will be determined through a social scientific methodological framework in collaboration with the lead Special Assistant. OCRE will also collect information from empirical research studies where available and attempt to gather data and statistics from public sources such as legislators and civil rights advocates, and conduct formal and informal outreach to federal agencies, community stakeholders, and government officials where appropriate.

OCRE will also review the number and types of religious discrimination grievances that were filed by individuals who are incarcerated to federal and state courts from 2017-2023. This analysis will include:

- Year litigation was initiated
- The location (state and judicial circuit) in which the case took place
- Whether the plaintiff was *pro se*
- Whether the United States was a party
- The sex of the plaintiff
- The religion of the plaintiff (e.g., Christianity, Islam, Judaism, Hinduism, Buddhism, Native American spirituality, African traditional religions, Aboriginal spiritualities)
- The basis of the plaintiff's complaint, nature of the religious request, or practice that was allegedly impinged
- The defendant's proffered reason for denial of the prisoner's request/complaint
- The outcome of the case

In addition, OCRE will also review complaints and grievances sent to the U.S. Commission on Civil Rights from 2020-2023. The analysis will include:

- Year complaint was sent to USCCR
- Whether complaint was referred to the Justice Department
- The sex of the plaintiff
- The religion of the plaintiff (e.g., Christianity, Islam, Judaism, Hinduism, Buddhism, Native American spirituality, African traditional religions, Aboriginal spiritualities)
- The basis of the plaintiff's complaint, nature of the religious request, or practice that was allegedly impinged

OCRE will analyze this information to determine whether there are any visible trends in these cases. For instance:

- Are more RLUIPA cases filed by members of certain religions?

AMERICAN OVERSIGHT

- What accommodations are usually at issue?
- Are any types of requests for religious practices (e.g., dietary, faith practices, etc.) increasing over the study's period, at least as can be determined through available cases?
- Are certain types of requests more likely to be denied today than in 2008, or vice versa?
- How many RLUIPA cases are filed each year?
- Are more complaints filed in federal prisons, state prisons, or county jails?

The report's primary focus will be on providing an update to the 2008 report to try and determine the state of religious freedoms in prisons and if prison officials have become more or less adherent to RFRA and RLUIPA duties since the initial report. Specifically, OCRE will examine the Bureau of Prisons' adherence to RFRA, state prisons and county jails adherence to RLUIPA, and the Department of Justice's enforcement of RLUIPA.

AMERICAN OVERSIGHT

December 20, 2023

MEMORANDUM

TO: CHAIR & COMMISSIONERS

FROM: Mauro Morales, Staff Director
SUBJECT: Notational Vote to Approve the planning documents (research plan, outline, and timeline) for both the 2024 Statutory Enforcement Report on Facial Recognition Technology and Civil Rights (FRT) and a Briefing Report to update the Commission's 2008 report, "Enforcing Religious Freedom in Prison" (RLUIPA)

At the request of Chair Rochelle Garza, this memorandum serves as the ballot for the Commission to vote to approve acceptance of the planning documents (research plan, outline, and timeline) for both the 2024 Statutory Enforcement Report on Facial Recognition Technology and Civil Rights (FRT) and a Briefing Report to update the Commission's 2008 report, "Enforcing Religious Freedom in Prison" (RLUIPA). The planning documents for the reports are attached for your consideration and vote.

This notational vote is in accordance with Administrative Instructions 1-7.

MOTION

The U.S. Commission on Civil Rights approves the acceptance of the planning documents (research plan, outline, and timeline) for both 2024 Statutory Enforcement Report on Facial Recognition Technology and Civil Rights (FRT) and a Briefing Report to update the Commission's 2008 report, "Enforcing Religious Freedom in Prison." (RLUIPA), as attached.

Please be advised that your ballot must be submitted by 5pm ET on December 22, 2023, to the Office of the Staff Director indicating “accept,” “reject,” or “abstain” along with either a handwritten or electronic signature for the ballot to be valid.

AMERICAN OVERSIGHT

Accept _____

Reject _____

Abstain _____

_____ _____

Commissioner Signature* Date

***In order for your vote to be counted, you must submit a .pdf copy of your signed, completed ballot by 5pm ET on December 22, 2023, via email to: [HYPERLINK "mailto:mmorales@usccr.gov"].**

AMERICAN OVERSIGHT

Date : 12/20/2023 11:55:39 AM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : Fw: Notational Ballot on Planning Documents for 2024 Reports
Attachment : USCCR Notational Ballot - 2024 Planning Documents for the SE report on FRT and Briefing Report on Religous Freedom.doc;RLUIPA Research Plan 12.19.23.docx;Religious Freedoms Timeline 12.19.23.docx;RLUIPA Outline 12.19.23.docx;FRT Timeline 12.19.23.docx;FRT Chapter Outline 12.19.23.docx;FRT Research Plan 12.19.23.docx;image001.gif;image002.gif;

Want to make sure you saw this. They made some changes to both Facial Recognition and Religious Liberty proposals the conservative SAs suggested and we are OK voting yes.

From: Mauro Morales
Sent: Wednesday, December 20, 2023 11:13:18 AM
To: Commissioners
Cc: CommissionerAssistants; ExecutiveStaff
Subject: Notational Ballot on Planning Documents for 2024 Reports

Commissioners,

Pursuant to the request of Chair Garza, I have attached a notational ballot for your consideration and vote. I have also attached the planning documents for the 2024 report on FRT and the 2024 report on RLUIPA for your review and approval. I have been informed that pursuant to previous communication, the Chair has waived prior notice. Because of the Christmas holiday, the ballot should be returned by 5 pm on Friday, December 22nd.

Please recall that Monday the 25th is the Christmas holiday. Thank you.

Mauro Morales
Staff Director
U.S. Commission on Civil Rights
P: 202-376-7796| F: 202-376-7672
Mmorales@usccr.gov
http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:
#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further

AMERICAN OVERSIGHT

distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 6/29/2023 9:45:19 AM
From : "Christian Adams" a@electionlawcenter.com
To : "jmashburn@usccr.gov" jmashburn@usccr.gov
Subject : [EXTERNAL] Re: Fw: Commission Adam's Payments

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

incredible

---- On Thu, 29 Jun 2023 09:22:30 -0400 **jmashburn@usccr.gov** wrote ----

FYI

From: John Ratcliffe
Sent: Thursday, June 29, 2023 8:36:11 AM
To: John Mashburn
Cc: TinaLouise Martin
Subject: Commission Adam's Payments

John,

I'm sorry I didn't get back to you sooner. I just go back from leave. It looks like Commission Adams was not paid for his travel to Puerto Rico. We have resent the invoice to our paying office last week. Commission Adams should receive reimbursement soon.

Thanks,

John Ratcliffe

Chief, Budget and Finance Division

U.S. Commission on Civil Rights

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 1/10/2023 3:38:02 PM
From : "Christian Adams" adams@electionlawcenter.com
To : "CMulder@usccr.gov" CMulder@usccr.gov
Cc : "gheriot@me.com" gheriot@me.com, "thegilchristassociates@gmail.com" thegilchristassociates@gmail.com, "pkirsanow@beneschlaw.com" pkirsanow@beneschlaw.com, "afragosa@usccr.gov" afragosa@usccr.gov, "tsimuel@usccr.gov" tsimuel@usccr.gov, "jmashburn@usccr.gov" jmashburn@usccr.gov
Subject : [EXTERNAL] Re: Letter to the President and Congress

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

yes and when you do please alert me as i am penning a column on this nonsense.

---- On Tue, 10 Jan 2023 15:28:24 -0500 **CMulder@usccr.gov** wrote ----

> Good afternoon, everyone:
>
> Pete would like to send a letter to the President and Congress reminding them that we have a statutory deadline on September 30th, but are unable to function as a commission until more commissioners are appointed and have time to get up to speed. Pete describes it as a "CYA letter" in case we don't get new appointees for some time. That way, the President and Congress are on notice that this is a possibility (and it might encourage them to appoint people more quickly). Would you be in favor of sending such a letter?
>
> Thank you,
>
> Carissa
> This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 9/13/2023 8:17:53 PM
From : "Christian Adams" a@electionlawcenter.com
To : "jmashburn@usccr.gov" jmashburn@usccr.gov
Subject : Re: FW: [EXTERNAL] Paycheck8: JOHN KINNEY MASHBURN - T&A has been submitted.

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

says now no pending
fixed

---- On Wed, 13 Sep 2023 19:00:31 -0400 **jmashburn@usccr.gov** wrote ----

Paycheck8 is not showing your approval for this paycheck period.

On 9/11/23, 4:15 PM, "paycheck@gdcii.com" <paycheck@gdcii.com> wrote:

*** STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution. ***

This message is to inform you that JOHN KINNEY MASHBURN has submitted the T&A Report for Pay Period 18 and that it is now assigned to JOHN CHRISTIAN ADAMS for Review and Approval. Log into Paycheck8 so you can view and take action on the T&A.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 9/13/2023 8:03:47 PM
From : "Christian Adams" a@electionlawcenter.com
To : "jmashburn@usccr.gov" jmashburn@usccr.gov
Subject : Re: FW: [EXTERNAL] Paycheck8: JOHN KINNEY MASHBURN - T&A has been submitted.

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

damn. let me chexk

---- On Wed, 13 Sep 2023 19:00:31 -0400 **jmashburn@usccr.gov** wrote ----

Paycheck8 is not showing your approval for this paycheck period.

On 9/11/23, 4:15 PM, "paycheck@gdcii.com" <paycheck@gdcii.com> wrote:

*** STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution. ***

This message is to inform you that JOHN KINNEY MASHBURN has submitted the T&A Report for Pay Period 18 and that it is now assigned to JOHN CHRISTIAN ADAMS for Review and Approval. Log into Paycheck8 so you can view and take action on the T&A.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 3/30/2023 5:01:49 PM
From : "Christian Adams" a@electionlawcenter.com
To : "afragosa@usccr.gov" afragosa@usccr.gov
Cc : "gheriot@usccr.gov" gheriot@usccr.gov, "gheriot@me.com" gheriot@me.com, "thegilchristassociates@gmail.com" thegilchristassociates@gmail.com, "jadams@usccr.gov" jadams@usccr.gov, "jmashburn@usccr.gov" jmashburn@usccr.gov, "tsimuel@usccr.gov" tsimuel@usccr.gov, "CMulder@usccr.gov" CMulder@usccr.gov, "pkirsanow@beneschlaw.com" pkirsanow@beneschlaw.com, "pkirsanow@usccr.gov" pkirsanow@usccr.gov
Subject : [EXTERNAL] Re: Fwd: Waters in the fridge

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

He is out of line. This is an example where the commission is the commission, and he is angry.

---- On Thu, 30 Mar 2023 16:49:33 -0400 **afragosa@usccr.gov** wrote ----

> Please see Mauro's email below.
>
> Commissioner Adam, John, Carissa and I met with a Parliamentary delegation from Georgia today at the Commission HQ. We supplied the guests with water bottles.
>
> I emailed Pam advising that we had used some of the bottles and the refrigerator needed to be replenished. I copied Mauro to that email.
>
> His angry email to me below.
>
> First, I just want to apologize for sending the email to Mauro. I did not realize that he apparently didn't know about this meeting and I didn't know we weren't permitted to share the water with guests. I feel stunned by his response and embarrassed. I regret sending that email.
>
> Second, I need some guidance on how to respond since I did not set up the meeting and lack the information he is requesting.
>
> Thank you.
>
> Alexis
>
> Begin forwarded message:
>
> **From:** Alexis Fragosa <afragosa@usccr.gov>
> **Date:** March 30, 2023 at 4:38:21 PM EDT
> **To:** Carissa Mulder <CMulder@usccr.gov>
> **Subject: Fwd: Waters in the fridge**

AMERICAN OVERSIGHT

Begin forwarded message:

From: Mauro Morales <mmorales@usccr.gov>
Date: March 30, 2023 at 4:17:37 PM EDT
To: Alexis Fragosa <afragosa@usccr.gov>
Cc: Pamela Dunston <Pdunston@usccr.gov>, TinaLouise Martin <tmartin@usccr.gov>, Angelia Rorison <arorison@usccr.gov>, John Ratcliffe <jratcliffe@usccr.gov>
Subject: RE: Waters in the fridge

Alexis,

Do I understand your email correctly? We had visitors from the Country of Georgia? How many attended? Who arranged such a meeting? Why wasn't ASCD or my office informed?

We always coordinate such international meetings with the State Department and our office of outreach and public engagement. It is part of our requirement contained our strategic plan to conduct public outreach. If we do not know about it, we cannot acknowledge such meetings in our PAR. We have very strict security protocols for the office. Non-agency Individuals are not allowed in the agency suites without being escorted at all times. Lastly, the water Pam placed in the refrigerator was for agency staff because of the fact our water and ice machines are broken. They are not intended to be handed out to guests. When Commissioner Garza came with her family on Friday, I personally paid for and provided her and her family with bottles of water for their comfort.

Mauro Morales
Staff Director
USCCR

-----Original Message-----
From: Alexis Fragosa <afragosa@usccr.gov>
Sent: Thursday, March 30, 2023 3:04 PM
To: Pamela Dunston <Pdunston@usccr.gov>
Cc: Mauro Morales <mmorales@usccr.gov>
Subject: Waters in the fridge

Pam,

AMERICAN OVERSIGHT

Thank you so much for supplying the water bottles in the fridge.

There were plenty to share with our friends visiting from the country of Georgia.

However, with such a large delegate there are very few left left in the Pantry fridge.

Do we have more in the office? If not perhaps we can order more bottles.

Thank you!

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 10/12/2023 2:46:26 PM
From : "Christian Adams" a@electionlawcenter.com
To : "jmashburn@usccr.gov" jmashburn@usccr.gov
Subject : Re: [EXTERNAL] RE: Commission Update
Attachment : 1.gif;2.gif;3.gif;4.gif;

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

ok

---- On Thu,12 Oct 2023 21:19:35 -0400 **jmashburn@usccr.gov** wrote ----

By phone

From: a <a@electionlawcenter.com>
Date: Thursday, October 12, 2023 at 12:52 PM
To: John Mashburn <jmashburn@usccr.gov>
Subject: [EXTERNAL] RE: Commission Update

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

How? Phone? Or does she come to my office?

I know people who use these sorts of discussions in a way other than the way advertised. But I'm happy to talk. Thursday is ideal. I can make other days work.

From: John Mashburn <jmashburn@usccr.gov>
Sent: Thursday, October 12, 2023 12:49 PM
To: Christian Adams <a@electionlawcenter.com>
Subject: FW: Commission Update

AMERICAN OVERSIGHT

Garza is looking to have 15-30mminute one on one conversations with each of the Cmnrs at the following times next week to discuss each of the Cmnrs "priorities and goals."

Is there a time below that you can talk with her, if you are interested?

From: Yvesner Zamar <yzamar@usccr.gov>
Date: Thursday, October 12, 2023 at 11:43 AM
To:
"CommissionerAssistants@usccr.gov" <CommissionerAssistants@usccr.gov>
Cc: Commissioners <Commissioners@usccr.gov>, Mauro Morales <mmorales@usccr.gov>
Subject: Re: Commission Update

Chair's Availability for one on ones next week.

Tuesday October 16

- Flexible until 5:00

Wednesday October 17

- 9 AM - Noon
- 2 PM – 4 PM
- 7:30 PM – 8 PM

Thursday October 18

- 11 AM - 12:30 PM
- 2 PM - 3:30 PM
- 6 PM - 8 PM

--

AMERICAN OVERSIGHT

Yvesner Zamar | Special Assistant to Chair Rochelle M. Garza

Pronounced: EVE-NER

United States Commission on Civil Rights

1331 Pennsylvannia Ave, NW Suite 1150

Washington, DC 20425

USCCR Website | 202-376-7700

Follow Us on Twitter & Facebook:



#USCCR

From: Yvesner Zamar <yzamar@usccr.gov>
Date: Wednesday, October 11, 2023 at 3:18 PM
To: CommissionerAssistants <CommissionerAssistants@usccr.gov>
Cc: Commissioners <Commissioners@usccr.gov>, Mauro Morales <mmorales@usccr.gov>
Subject: Commission Update

Greetings Fellow SAs & Commissioners,

On behalf of the Chair, I wanted to send this email update to everyone.

In this email:

I. One on Ones w/ Chair
II. October Meeting Update
III. November Meeting Update
IV. Monthly All SA Meetings

AMERICAN OVERSIGHT

I. One on Ones w/ Chair

As Chair of the Commission, my boss would like to foster a working environment that promotes camaraderie, collaboration, and communication among all the commissioners and their special assistants. As a result, she would like to would like to request your availability for a 15-to-30-minute telephonic meeting with your commissioner to discuss their priorities and goals. Your input is invaluable in shaping the direction of our work and the success of the Commission as a whole and we look forward to hearing from you. **Please send me three time slots over the week that your commissioner is available to meet.**

II. October Meeting Update

The October 20, 2023 meeting is next week. Please make sure you make all accommodations for your commissioners as it is Howard Homecoming and hotel availability may be limited. **Following the October meeting, the Chair has invited David Mussatt, Supervisory Chief, Regional Programs Unit, to give Commissioners the opportunity to learn about the status of SACs and the slate creation process.**

III. November Meeting Update

As you all may be aware, Congress passed a bill to fund the government until November 17, 2023. Therefore, our November meeting and crime victims panel will be on as scheduled even if Congress in unable to pass a funding bill. Furthermore, OPM guidance allows for your boss to travel back home after the meeting in the event of a shut down (see below), but there would be delays in getting their reimbursements until funding is resumed.

Official OPM Guidance:

Q. 9: At the time of an appropriations lapse, an employee who is funded through a lapsed appropriation is on temporary duty assignment away from the employee's normal duty station.

AMERICAN OVERSIGHT

A. 9: Employees who are notified to return home should do so as soon as practicable. **When an employee returns promptly, the travel expenses that the employee incurs in the return are properly-incurred obligations of the agency (as part of the agency's orderly-shutdown activities), and the agency will reimburse these travel costs after appropriations are enacted and are available for that purpose**. *See* https://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/guidance-for-shutdown-furloughs.pdf.

IV. **Monthly All SA Meetings**

In the same spirit as my boss, I would like to foster the same level of effectiveness and communication among the special assistants. As such, I would like to host a monthly meeting All SA meeting on the **first Wednesday of every month at 11 AM**. Please let me know if that works for you or if you want a different proposed time.

Best,

--

Yvesner Zamar | Special Assistant to Chair Rochelle M. Garza

Pronounced: EVE-NER

United States Commission on Civil Rights

1331 Pennsylvannia Ave, NW Suite 1150

Washington, DC 20425

USCCR Website | 202-376-7700

Follow Us on Twitter & Facebook:

#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further

AMERICAN OVERSIGHT

distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 4/11/2023 12:27:40 PM
From : "Christian Adams" a@electionlawcenter.com
To : "'Alexis Fragosa'" afragosa@usccr.gov, "pkirsanow@beneschlaw.com" pkirsanow@beneschlaw.com, "'Peter Kirsanow'" pkirsanow@usccr.gov, "'Gail Heriot'" gheriot@me.com, "'Gail Heriot'" gheriot@usccr.gov, "'J. Christian Adams'" jadams@usccr.gov, "'stephen gilchrist'" thegilchristassociates@gmail.com, "'Stephen Gilchrist'" sgilchrist@usccr.gov
Cc : "'Thomas Simuel'" tsimuel@usccr.gov, "'John Mashburn'" jmashburn@usccr.gov, "'Carissa Mulder'" CMulder@usccr.gov
Subject : [EXTERNAL] RE: Caucus meeting

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

I can ONLY this afternoon. Can NOW as a matter of fact.

From: Alexis Fragosa <afragosa@usccr.gov>
Sent: Tuesday, April 11, 2023 12:20 PM
To: pkirsanow@beneschlaw.com; Peter Kirsanow <pkirsanow@usccr.gov>; Gail Heriot <gheriot@me.com>; Gail Heriot <gheriot@usccr.gov>; J. Christian Adams <jadams@usccr.gov>; Christian Adams <a@electionlawcenter.com>; stephen gilchrist <thegilchristassociates@gmail.com>; Stephen Gilchrist <sgilchrist@usccr.gov>
Cc: Thomas Simuel <tsimuel@usccr.gov>; John Mashburn <jmashburn@usccr.gov>; Carissa Mulder <CMulder@usccr.gov>
Subject: Caucus meeting

Hello,

Gail proposes that we meet this afternoon, Wednesday after noon or Thursday anytime for a caucus zoom to discuss the chair nomination.

Please advise if/when you are available to join a caucus zoom.

Thank you.

Alexis I. Fragosa

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any

AMERICAN OVERSIGHT

other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 3/27/2023 10:12:53 AM
From : "John Mashburn" jmashburn@usccr.gov
To : "Carissa Mulder" CMulder@usccr.gov, "Christian Adams" adams@electionlawcenter.com
Subject : Re: Georgia delegation

It looks like we should reserve a room at USCCR since they said they would come to Christian. In the alternative they said they would get a room at the Library of Congress. That's simpler than a Congressional building but still requires going thru some level of security.

From: Carissa Mulder
Sent: Monday, March 27, 2023 9:49:27 AM
To: Christian Adams; John Mashburn
Subject: Georgia delegation

Hi Christian,

I read the emails about the delegation from Georgia. Is there anything you would like John and I to do to prepare for the meeting?

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 10/12/2023 5:15:34 PM
From : "Christian Adams" a@electionlawcenter.com
To : "jmashburn@usccr.gov" jmashburn@usccr.gov
Subject : [EXTERNAL] Re: FW: Commission Update
Attachment : 1.gif;2.gif;3.gif;4.gif;5.gif;6.gif;

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

ok

---- On Thu,12 Oct 2023 23:34:04 -0400 **jmashburn@usccr.gov** wrote ----

Can you do Thursday next week 2:30 – 3 pm?

From: Yvesner Zamar <yzamar@usccr.gov>
Date: Thursday, October 12, 2023 at 3:39 PM
To: John Mashburn <jmashburn@usccr.gov>
Subject: Re: Commission Update

Thursday October 18, 2023 from 2:30 PM – 3 PM. Please confirm.

--

Yvesner Zamar | Special Assistant to Chair Rochelle M. Garza

Pronounced: EVE-NER

United States Commission on Civil Rights

1331 Pennsylvannia Ave, NW Suite 1150

Washington, DC 20425

USCCR Website | 202-376-7700

Follow Us on Twitter & Facebook:

AMERICAN OVERSIGHT



#USCCR

From: John Mashburn <jmashburn@usccr.gov>
Date: Thursday, October 12, 2023 at 2:20 PM
To: Yvesner Zamar <yzamar@usccr.gov>
Subject: Re: Commission Update

Cmnr Adams can do one of the Thursday times.

From: Yvesner Zamar <yzamar@usccr.gov>
Date: Thursday, October 12, 2023 at 11:43 AM
To: "CommissionerAssistants@usccr.gov" <CommissionerAssistants@usccr.gov>
Cc: Commissioners <Commissioners@usccr.gov>, Mauro Morales <mmorales@usccr.gov>
Subject: Re: Commission Update

Chair's Availability for one on ones next week.

Tuesday October 16

- Flexible until 5:00

Wednesday October 17

- 9 AM - Noon
- 2 PM – 4 PM
- 7:30 PM – 8 PM

Thursday October 18

AMERICAN OVERSIGHT

- 11 AM - 12:30 PM
- 2 PM - 3:30 PM
- 6 PM - 8 PM

--

Yvesner Zamar | Special Assistant to Chair Rochelle M. Garza

Pronounced: EVE-NER

United States Commission on Civil Rights

1331 Pennsylvannia Ave, NW Suite 1150

Washington, DC 20425

USCCR Website | 202-376-7700

Follow Us on Twitter & Facebook:



#USCCR

From: Yvesner Zamar <yzamar@usccr.gov>
Date: Wednesday, October 11, 2023 at 3:18 PM
To: CommissionerAssistants <CommissionerAssistants@usccr.gov>
Cc: Commissioners <Commissioners@usccr.gov>, Mauro Morales <mmorales@usccr.gov>
Subject: Commission Update

Greetings Fellow SAs & Commissioners,

On behalf of the Chair, I wanted to send this email update to everyone.

AMERICAN OVERSIGHT

In this email:

I. One on Ones w/ Chair
II. October Meeting Update
III. November Meeting Update
IV. Monthly All SA Meetings

I. One on Ones w/ Chair

As Chair of the Commission, my boss would like to foster a working environment that promotes camaraderie, collaboration, and communication among all the commissioners and their special assistants. As a result, she would like to would like to request your availability for a 15-to-30-minute telephonic meeting with your commissioner to discuss their priorities and goals. Your input is invaluable in shaping the direction of our work and the success of the Commission as a whole and we look forward to hearing from you. **Please send me three time slots over the week that your commissioner is available to meet.**

II. October Meeting Update

The October 20, 2023 meeting is next week. Please make sure you make all accommodations for your commissioners as it is Howard Homecoming and hotel availability may be limited. **Following the October meeting, the Chair has invited David Mussatt, Supervisory Chief, Regional Programs Unit, to give Commissioners the opportunity to learn about the status of SACs and the slate creation process.**

III. November Meeting Update

As you all may be aware, Congress passed a bill to fund the government until November 17, 2023. Therefore, our November meeting and crime victims panel will be on as scheduled even if Congress in unable to pass a funding bill. Furthermore, OPM guidance allows for your boss to travel back home after the meeting in the event of a shut down (see below), but there would be delays in getting their reimbursements until funding is resumed.

AMERICAN OVERSIGHT

Official OPM Guidance:

Q. 9: At the time of an appropriations lapse, an employee who is funded through a lapsed appropriation is on temporary duty assignment away from the employee's normal duty station.

A. 9: Employees who are notified to return home should do so as soon as practicable. **When an employee returns promptly, the travel expenses that the employee incurs in the return are properly-incurred obligations of the agency (as part of the agency's orderly-shutdown activities), and the agency will reimburse these travel costs after appropriations are enacted and are available for that purpose**. *See* https://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/guidance-for-shutdown-furloughs.pdf.

IV. **Monthly All SA Meetings**

In the same spirit as my boss, I would like to foster the same level of effectiveness and communication among the special assistants. As such, I would like to host a monthly meeting All SA meeting on the **first Wednesday of every month at 11 AM**. Please let me know if that works for you or if you want a different proposed time.

Best,

--

Yvesner Zamar | Special Assistant to Chair Rochelle M. Garza

Pronounced: EVE-NER

United States Commission on Civil Rights

1331 Pennsylvannia Ave, NW Suite 1150

Washington, DC 20425

USCCR Website | 202-376-7700

Follow Us on Twitter & Facebook:

AMERICAN OVERSIGHT



#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 4/24/2023 1:03:51 PM
From : "Christian Adams" a@electionlawcenter.com
To : "'John Mashburn'" jmashburn@usccr.gov, "'stephen gilchrist'" thegilchristassociates@gmail.com, "'Carissa Mulder'" CMulder@usccr.gov
Cc : "'Peter Kirsanow'" pkirsanow@beneschlaw.com, "'Gail Heriot'" gheriot@me.com, "'Alexis Fragosa'" afragosa@usccr.gov, "'Thomas Simuel'" tsimuel@usccr.gov
Subject : [EXTERNAL] RE: Dividing a Question - Opposite takes

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

Please send this transcript – with dates and times, to Mauro and say I asked you to send it to him. Don't send to other commissioners or SA's because I don't want to invite an email exchange.

From: John Mashburn <jmashburn@usccr.gov>
Sent: Monday, April 24, 2023 12:36 PM
To: stephen gilchrist <thegilchristassociates@gmail.com>; Carissa Mulder <CMulder@usccr.gov>
Cc: Peter Kirsanow <pkirsanow@beneschlaw.com>; Gail Heriot (gheriot@me.com) <gheriot@me.com>; Christian Adams <a@electionlawcenter.com>; Alexis Fragosa <afragosa@usccr.gov>; Thomas Simuel <tsimuel@usccr.gov>
Subject: Dividing a Question - Opposite takes

Contrary to what Mauro said last Friday "as Chair," that the question could not be divided, this is what Yaki said when he was co-chairing the April 30, 2021 mtg when Cantus was approved as chair. Kirsanow had proposed an Omnibus motion to adopt the proposed AIs and approve Cantu as Chair as one vote. Adegbile call for severing the issues and this is what Yaki said:

> a motion to sever, under Robert's Rules, is a privileged motion that is non-debatable and is -- well, it's self-executing.

Heriot disagreed that it was self-executing and Yaki insisted it was. Adams later asked what Robert Rule number covered it, Yaki said he would find it later and proceeded ahead to divide and and to conduct individual votes. Cantu later (after being approved as Chair) came back and said'

> CHAIR CANTU: I understand that. By the way, the rule on dividing a question into subparts was 27.1.

Full exchange on issue attached.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 6/30/2023 1:18:43 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : FW: Commission Adam's Payments

FYI

From: John Ratcliffe <jratcliffe@usccr.gov>
Date: Friday, June 30, 2023 at 12:56 PM
To: John Mashburn <jmashburn@usccr.gov>
Cc: TinaLouise Martin <tmartin@usccr.gov>
Subject: RE: Commission Adam's Payments

John,

Besides the payment below. I have no record of Commission Adams requesting any other reimbursement. Commission Adams does submit his Time and Attendance Record for the hours he works are a regular basis. While I have a record of the gross salary to Commissioner Adams, I do not have a record of the net pay (after taxes and deductions) he received each pay period. That information is available to Commissioner Adams on the My EPP system below under Earnings & Leave Statements:

https://www.nfc.usda.gov/EPPS/index.aspx?ReturnUrl=%2fEPPS

Let me know if you have any questions.

Thanks,
John

From: John Mashburn <jmashburn@usccr.gov>
Sent: Thursday, June 29, 2023 10:38 AM
To: John Ratcliffe <jratcliffe@usccr.gov>
Cc: TinaLouise Martin <tmartin@usccr.gov>
Subject: Re: Commission Adam's Payments

Thanks John, that's very helpful.

Cmnr Adams was also looking for a list of the expenses he has been reimbursed for since he came on the Cmn, to compare with his paperwork regarding them since that time. Is that possible?

From: John Ratcliffe <jratcliffe@usccr.gov>
Date: Thursday, June 29, 2023 at 8:36 AM
To: John Mashburn <jmashburn@usccr.gov>
Cc: TinaLouise Martin <tmartin@usccr.gov>
Subject: Commission Adam's Payments

John,

AMERICAN OVERSIGHT

I'm sorry I didn't get back to you sooner. I just go back from leave. It looks like Commission Adams was not paid for his travel to Puerto Rico. We have resent the invoice to our paying office last week. Commission Adams should receive reimbursement soon.

Thanks,
John Ratcliffe
Chief, Budget and Finance Division
U.S. Commission on Civil Rights

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 4/26/2023 4:06:39 PM
From : "Christian Adams" a@electionlawcenter.com
To : "pkirsanow@Beneschlaw.com" pkirsanow@Beneschlaw.com
Cc : "gheriot@usccr.gov" gheriot@usccr.gov, "gheriot@me.com" gheriot@me.com, "thegilchristassociates@gmail.com" thegilchristassociates@gmail.com, "sgilchrist@usccr.gov" sgilchrist@usccr.gov, "jadams@usccr.gov" jadams@usccr.gov, "carissa.mulder@gmail.com" carissa.mulder@gmail.com, "CMulder@usccr.gov" CMulder@usccr.gov, "tjsimuel32@gmail.com" tjsimuel32@gmail.com, "tsimuel@usccr.gov" tsimuel@usccr.gov, "jkmash@comcast.net" jkmash@comcast.net, "jmashburn@usccr.gov" jmashburn@usccr.gov, "afragosa@usccr.gov" afragosa@usccr.gov, "afragosa.usccr@gmail.com" afragosa.usccr@gmail.com
Subject : [EXTERNAL] Re: Heather M on crime

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

I agree with every word. I am less worried about Harvard than murder. I was walking around Harlem yesterday and I felt sad about what various policies there are doing to crush the American dream there. And it was Malcom X Blvd.

---- On Wed, 26 Apr 2023 15:47:25 -0400 **pkirsanow@Beneschlaw.com** wrote ----

All

We've played very nice with the progressives (both iterations) in trying to get a crime victims briefing. Although I prefer to be optimistic, I expect that there will be absolutely no way in the world they'll ever go along with a briefing on this. I'm hopeful Mondaire and/or Glenn will go along, but hope's not a strategy. The fact that black juveniles are ***100X more likely*** to be homicide victims than white juveniles will not change their position because they know any honest examination will show that their idiotic policies substantially contribute to the disparity.

We have a tendency to play nice and resort to sterile academic dialogue in dealing with these matters—and as a result, we frequently lose. This issue is too important to lose. For that reason, I'd like our SAs to prepare a brief using the data contained in Heather's piece below, along with any other literature (including the FBI UCR) to make an irrefutable case that this is the most important civil rights issue of the day (Screw *SFFA v. Harvard.*

AMERICAN OVERSIGHT

Nobody died because they didn't get into Harvard).

The brief should be ruthless as well as persuasive. It is unforgiveable that we can't get a hearing on this topic. The audience for the brief is, of course, our fellow commissioners, but more importantly, our Oversight people as well as media. We want Oversight to ask the Commission what the hell the hold-up is. It should also be written in a way that compels, e.g., House Judiciary to take up the topic and call commissioners as witnesses—both on the substantive matter of racial disparities in crime as well as the procedural roadblocks the progressives have erected.

We'll continue to work Mondaire and Glenn in the meantime.

https://www.city-journal.org/article/on-race-and-crime-a-counterfactual-narrative

--

AMERICAN OVERSIGHT

Date : 8/2/2023 9:13:23 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : Fw: Cancellation of August 18th USCCR Business Meeting
Attachment : image001.gif;image002.gif;

From: Mauro Morales
Sent: Monday, July 31, 2023 12:48:26 PM
To: Commissioners
Cc: CommissionerAssistants; ExecutiveStaff
Subject: Cancellation of August 18th USCCR Business Meeting

Commissioners,

Chair Garza has informed me that after consultation with Commissioners she has been informed that a number of you have scheduling conflicts in August. As a consequence, she has decided that it is in the best interest of the Commission to cancel the Commission business meeting scheduled for August 18th. Commissioners can plan to attend the next business meeting in person scheduled for the Commission headquarters on Friday, September 22nd at 10:00 am

Chair Garza has also informed me that she working to confirm the 2024 Business Calendar dates and once it is finalized, we will circulate it for a notional vote. Lastly, Chair Garza will be reaching out to you on additional topics for the September 22nd business meeting which may include the consideration of SAC slates, presentations of SAC reports from Connecticut and Texas among other items she is reviewing. Thank you.

Sincerely,

Mauro Morales
Staff Director
U.S. Commission on Civil Rights
P: 202-376-7796| F: 202-376-7672
Mmorales@usccr.gov
http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:

#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender

AMERICAN OVERSIGHT

immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

COMMISSIONER YAKI: Well, the issue is that each of these items are individual items. They are put together as an omnibus. However, a Commissioner -- because they were originally noticed as individual items on the agenda, and the motion that you put and seconded and was put on the agenda was to combine them all into a single motion, a motion to sever, under Robert's Rules, is a privileged motion that is non-debatable and is -- well, it's self-executing. The Commission has actually done that

[INCLUDEPICTURE "/var/folders/4f/bf_hhv1s2g70kytgmc2rwcj00000gn/T/com.microsoft.Word/WebArchiveCopyPasteTempFiles/page23image4183531536" * MERGEFORMATINET]

before on previous occasions.

What I'm going to do, though, is call on listen to me for a second, I am going to call the AIs first prior to the vote for Commissioner Cantu as Chair.

COMMISSIONER HERIOT: Okay.

COMMISSIONER YAKI: Okay?

COMMISSIONER HERIOT: But it's not self-executing. It's non-debatable. Nothing is self-executing. But --

COMMISSIONER YAKI: But a motion to sever actually --

COMMISSIONER HERIOT: -- it's out of order, but that's okay with me.

COMMISSIONER YAKI: Okay. But I will tell you, under Robert's Rules, which is something I know you care about, a motion to sever is self-executing.

COMMISSIONER HERIOT: But it's not a motion, and that's -- AIs --

COMMISSIONER HERIOT: No, it's not self- executing.

COMMISSIONER YAKI: It is self-executing.

COMMISSIONER HERIOT: No, it's not.

COMMISSIONER YAKI: And if you would

[INCLUDEPICTURE "/var/folders/4f/bf_hhv1s2g70kytgmc2rwcj00000gn/T/com.microsoft.Word/WebArchiveCopyPasteTempFiles/page24image4081952672" * MERGEFORMATINET]

sever.

AMERICAN OVERSIGHT

COMMISSIONER YAKI: It is a motion to
Anyway, that being the case -

COMMISSIONER HERIOT: Well, hold on. Hold on. Hold on. Okay. Are you saying that we are voting on the motion to sever --

COMMISSIONER YAKI: No.

COMMISSIONER HERIOT: -- or are you saying we are voting on the AI?

COMMISSIONER YAKI: We are voting on the AIs. And then, we will proceed to a vote on Commissioner Cantu, because the motion to sever is not something that is subject to a vote. I guess you would call it a request to sever, but it is one that, under Robert's Rules, is --

COMMISSIONER HERIOT: No.

COMMISSIONER YAKI: -- is a privilege of --

COMMISSIONER HERIOT: I'm willing to let this go right now, but no.

COMMISSIONER YAKI: Okay. Well, I would disagree, and we can look it up, since you love Robert's Rules so much.

So, Commissioner --

COMMISSIONER ADAMS: Co-Chair Yaki, point 20 of parliamentary inquiry. It's Commissioner Adams.

COMMISSIONER YAKI: Yes, Commissioner Adams.

COMMISSIONER ADAMS: Could you, for the record, tell us, because I can't find it, where is the request to sever in Robert's Rules?

COMMISSIONER YAKI: Okay.

COMMISSIONER HERIOT: Because if we do this in the order you're saying, let's just go.

COMMISSIONER ADAMS: Well, it's a point of parliamentary inquiry. I made a point of parliamentary inquiry, and I'm just asking, what is the number of Robert's Rules? Just help me find it. I can't find it.

COMMISSIONER YAKI: I'll find it, but I'll find it later.

As the Chair, I'm exercise my call.

So, Commissioner Kirsanow, on Administrative Instruction, Commissioner Kirsanow, would you please call the roll?

CHAIR CANTU: I understand that.

By the way, the rule on dividing a question into subparts was 27.1.

AMERICAN OVERSIGHT

Date : 4/26/2023 3:00:33 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Mauro Morales" mmorales@usccr.gov
Subject : FW: Dividing a Question - Opposite takes
Attachment : Dividing the Question.docx;

Mauro – Cmnr Adams asked me to forward this exchange from the April 30, 2021 USCCR Business Meeting in which Cmnr Yaki (as the Acting Co-Chair of the meeting with Cmnr Kirsanow) stated that Adegbile's motion to divide the question – i.e. a motion from Cmnr Kirsanow that bundled several items together with the motion to approve Cantu as Chair -- was "self-executing" and then Yaki divided Kirsanow's motion automatically without taking a vote on dividing the question. This was one of several instances over the last 2 years when Cmnrs tried to combine several issues together and either Cmnr Yaki, Adegbile, or Kladney insisted that the issues be divided, with the Chair then automatically agreeing to divide the question without taking a vote on any of the motions to divide (votes which would have failed 4-4 if taken).

You and the General Counsel in all that time never weighed in or disagreed with the Chair not taking a vote on motions to divide. Now, when our Cmnrs asked for the question to be divided, you "ruled" last week that it is subject to a vote -- even though motions to divide a question have not been subject to a vote by Cmnrs for the past 2 years.

Specifically, when Yaki was co-chairing the April 30, 2021 mtg, during which Cmnr Cantu was approved as chair, Cmnr Kirsanow proposed an Omnibus motion to adopt proposed AIs and approve Cantu as Chair as part of a single motion. Cmnr Adegbile then called for severing the issues and this is what Yaki said:

> a motion to sever, under Robert's Rules, is a privileged motion that is non-debatable and is -- well, it's self-executing.

Cmnr Heriot disagreed that it was self-executing and Yaki insisted it was. Adams later asked what Robert Rules number covered it, Yaki said he would find it later and proceeded ahead to divide and and to conduct individual votes on the parts. Cantu later (after being approved as Chair) came back later in the meeting and said'

> CHAIR CANTU: I understand that. By the way, the rule on dividing a question into subparts was 27.1.

Full exchange on issue attached.

So, in the future, will motions to divide a question require a vote of the Cmnrs or not?

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 6/15/2023 3:58:30 PM
From : "Christian Adams" adams@electionlawcenter.com
To : "CMulder@usccr.gov" CMulder@usccr.gov
Cc : "pkirsanow@Beneschlaw.com" pkirsanow@Beneschlaw.com, "gheriot@me.com" gheriot@me.com, "thegilchristassociates@gmail.com" thegilchristassociates@gmail.com, "jmashburn@usccr.gov" jmashburn@usccr.gov, "tsimuel@usccr.gov" tsimuel@usccr.gov, "afragosa@usccr.gov" afragosa@usccr.gov
Subject : [EXTERNAL] Re: Motions for tomorrow's business meeting

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

i love your strategy of aiming at Mauro.

---- On Thu, 15 Jun 2023 15:56:19 -0400 **CMulder@usccr.gov** wrote ----

Here is a slightly revised version that includes edits from Gail.

From: Carissa Mulder
Sent: Thursday, June 15, 2023 10:58:21 AM
To: pkirsanow@beneschlaw.com; gheriot@me.com; stephen gilchrist; Christian Adams
Cc: John Mashburn; Thomas Simuel; Alexis Fragosa
Subject: Motions for tomorrow's business meeting

Good morning, everyone:

The SAs have drafted motions for tomorrow's business meeting based on our conversation on Tuesday. Please let me know if you have any additions or changes! I will have hard copies for all the commissioners tomorrow as well.

Thank you!

Carissa
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 5/23/2023 4:05:01 PM
From : "Christian Adams" a@electionlawcenter.com
To : "CMulder@usccr.gov" CMulder@usccr.gov
Cc : "afragosa@usccr.gov" afragosa@usccr.gov, "gheriot@me.com" gheriot@me.com, "gheriot@usccr.gov" gheriot@usccr.gov, "pkirsanow@usccr.gov" pkirsanow@usccr.gov, "pkirsanow@beneschlaw.com" pkirsanow@beneschlaw.com, "thegilchristassociates@gmail.com" thegilchristassociates@gmail.com, "sgilchrist@usccr.gov" sgilchrist@usccr.gov, "jadams@usccr.gov" jadams@usccr.gov, "jmashburn@usccr.gov" jmashburn@usccr.gov, "tsimuel@usccr.gov" tsimuel@usccr.gov
Subject : [EXTERNAL] Re: David Mussatt finally responded to my email RE SACs

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

wow. we should hear from 3 a meeting. I am confident Glenn and MJ would agree and be votes 5 and 6. Another way to make the Commission the Commission.

---- On Tue, 23 May 2023 15:52:03 -0400 **CMulder@usccr.gov** wrote ----

It also depends on whether a SAC chair is available that day. Maybe we should pick three (we can have more than one SAC presentation, if all the chairs are available) and see what happens. I think we may have already had presentations on some of the 2022 reports. I can check last year's transcripts.

From: Alexis Fragosa
Sent: Tuesday, May 23, 2023 3:48:13 PM
To: Gail Heriot; Gail Heriot; Peter Kirsanow; pkirsanow@beneschlaw.com; stephen gilchrist; Stephen Gilchrist; Christian Adams; J. Christian Adams
Cc: John Mashburn; Carissa Mulder; Thomas Simuel
Subject: David Mussatt finally responded to my email RE SACs

Hello All,

I finally received an email from David Mussatt - he is in charge of the SACs. Please see his email below:

Hi Alexis,

Sorry for the delay as I am on travel this week.

We are always happy to have Advisory Committee Chairs able to present to the Commission. Unfortunately, I do not control the Commission agenda so I can't answer your question. In the past, I would arrange for Advisory Committee Chair

AMERICAN OVERSIGHT

presentations when asked by the Commission Chair (or her SA) in conjunction with Mauro. I am cc'ing Mauro if you have questions or want more details.

Go well,
David

It looks like the chair selects which SAC reports are presented before the commission. Since we have no chair, I propose that we select one or more reports and request a presentation. If we have a majority then it will go on the agenda. I'm very curious to see how our colleagues in the progressive caucus respond to such a request.

Here is a list of the most recent reports:

Mental Healthcare in the Texas Juvenile Justice System
May 16, 2023

The Civil Rights Implications of Algorithms
April 6, 2023

Interim Memo: Indigent Legal Services for Criminal Defendants in Maine
April 5, 2023

The Civil Rights Implications of Algorithms in Connecticut
February 16, 2023

Iowa Advisory Committee Report on Examining Employment Discrimination and Administrative Closures
February 14, 2023

IDEA Compliance and Implementation in Arkansas Schools
January 25, 2023

Minnesota Advisory Committee Report on Civil Rights Implications of Policing
December 20, 2022

Examining Equal Access to Post-Secondary Education in Illinois
December 5, 2022

Seizing Property: Civil Asset Forfeiture in South Carolina
November 29, 2022

Interim Memorandum on Access to Voting in Tennessee
November 15, 2022

Civil Asset Forfeiture and its Impact on Communities of Color in Georgia
November 9, 2022

AMERICAN OVERSIGHT

Interim Memorandum on Mental Health Care within the Texas Juvenile Justice System
October 17, 2022

Water Affordability in Maryland
July 27, 2022

Civil Rights and Fair Housing in Illinois
June 29, 2022

Massachusetts Advisory Committee Interim Memo on Civil Asset Forfeiture
June 6, 2022

Memo on Civil Asset Forfeiture in South Carolina
May 2, 2022

Zoning Practices in Connecticut
April 11, 2022

Racial Discrimination and Eviction Policies and Enforcement in New York
March 10, 2022

Digital Equity as a Civil Right in Maine
January 20, 2022

Barriers to Accountability for Law Enforcement Officers' Use of Excessive Force in Washington State
January 19, 2022

Please let me know if you favor any of the reports listed above for a presentation.

Thank you.

Alexis I. Fragosa
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law,

AMERICAN OVERSIGHT

regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 3/16/2023 4:12:50 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com, "stephen gilchrist" thegilchristassociates@gmail.com, "Kirsanow, Peter" pkirsanow@Beneschlaw.com, "Gail Heriot" gheriot@me.com
Cc : "Carissa Mulder" carissa.mulder@gmail.com, "Alexis Fragosa" afragosa.usccr@gmail.com, "Thomas Simuel" tjsimuel32@gmail.com
Subject : FW: Victoria Frances Nourse Sworn In as Commissioner to USCCR
Attachment : image001.gif;image002.gif;

As Alexis intimated on the Zoom Call.

A quick background:

https://www.wikiwand.com/en/Victoria_F._Nourse

From: Mauro Morales <mmorales@usccr.gov>
Date: Thursday, March 16, 2023 at 4:01 PM
To: Commissioners <Commissioners@usccr.gov>
Cc: "CommissionerAssistants@usccr.gov" <CommissionerAssistants@usccr.gov>, ExecutiveStaff <ExecutiveStaff@usccr.gov>
Subject: Victoria Frances Nourse Sworn In as Commissioner to USCCR

Commissioners,

I am pleased to announce that Victoria Frances Nourse has been sworn in as a Commissioner to the US Commission on Civil Rights. Commissioner Nourse was appointed to the Commission by President Bident and her term runs until 12-5-2028.

Victoria Nourse is the Ralph Whitworth Professor of Law at Georgetown University Law School. She has taught law at several institutions including Yale, NYU, Northwestern, Emory and the University of Wisconsin law schools. She has also taught courses across the public law curriculum from constitutional law to legislation to criminal law and gender and has written textbooks and dozens of articles in each field

Please join me in welcoming Commissioner Nourse to the Commission. We are working diligently to onboard Commissioner Nourse and integrate her into USCCR.

Thank you.

Mauro Morales
Staff Director
U.S. Commission on Civil Rights

AMERICAN OVERSIGHT

P: 202-376-7796| F: 202-376-7672
Mmorales@usccr.gov
http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:



#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 11/9/2023 3:22:29 PM
From : "Christian Adams" a@electionlawcenter.com
To : "'stephen gilchrist'" thegilchristassociates@gmail.com, "'Carissa Mulder'" CMulder@usccr.gov
Cc : "'Peter Kirsanow'" pkirsanow@beneschlaw.com, "'Gail Heriot'" gheriot@usccr.gov, "'Christian Adams'" adams@electionlawcenter.com, "'Thomas Simuel'" tsimuel@usccr.gov, "'John Mashburn'" jmashburn@usccr.gov, "'Alexis Fragosa'" afragosa@usccr.gov
Subject : [EXTERNAL] RE: RLUIPA edits from the progressives

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

I share Stephens view

From: stephen gilchrist <thegilchristassociates@gmail.com>
Sent: Thursday, November 9, 2023 3:09 PM
To: Carissa Mulder <CMulder@usccr.gov>
Cc: Peter Kirsanow <pkirsanow@beneschlaw.com>; Gail Heriot <gheriot@usccr.gov>; Christian Adams <adams@electionlawcenter.com>; Thomas Simuel <tsimuel@usccr.gov>; John Mashburn <jmashburn@usccr.gov>; Alexis Fragosa <afragosa@usccr.gov>
Subject: Re: RLUIPA edits from the progressives

I am fine with the edits.

On Thu, Nov 9, 2023, 3:03 PM Carissa Mulder <CMulder@usccr.gov> wrote:

> Hi everyone,
>
> Yves sent me the progressive caucus's edits to Pete's RLUIPA paper. There are no substantive changes, which is a pleasant surprise. The only changes are that they added more specifics about non-Christian religions and Yves suggested a time frame of 2017-present, which seems reasonable to me. The document is attached. Thoughts?
>
> This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 8/3/2023 11:56:27 AM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : Re: [EXTERNAL] RE: Cancellation of August 18th USCCR Business Meeting
Attachment : image001.gif;image002.gif;

It means her folks had conflicts

From: a <a@electionlawcenter.com>
Date: Wednesday, August 2, 2023 at 9:38 PM
To: John Mashburn <jmashburn@usccr.gov>
Subject: [EXTERNAL] RE: Cancellation of August 18th USCCR Business Meeting

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

!

From: John Mashburn <jmashburn@usccr.gov>
Sent: Wednesday, August 2, 2023 9:13 PM
To: Christian Adams <a@electionlawcenter.com>
Subject: Fw: Cancellation of August 18th USCCR Business Meeting

---

From: Mauro Morales
Sent: Monday, July 31, 2023 12:48:26 PM
To: Commissioners
Cc: CommissionerAssistants; ExecutiveStaff
Subject: Cancellation of August 18th USCCR Business Meeting

Commissioners,

Chair Garza has informed me that after consultation with Commissioners she has been informed that a number of you have scheduling conflicts in August. As a consequence, she has decided that it is in the best interest of the Commission to cancel the Commission business meeting scheduled for August 18th. Commissioners can plan to attend the next business meeting in person scheduled for the Commission headquarters on Friday, September 22nd at 10:00 am

Chair Garza has also informed me that she working to confirm the 2024 Business Calendar dates and once it is finalized, we will circulate it for a notional vote. Lastly, Chair Garza will be reaching out to you on additional topics for the September 22nd business meeting which may include the consideration of SAC slates, presentations of SAC reports from Connecticut and Texas among other items she is reviewing. Thank you.

AMERICAN OVERSIGHT

Sincerely,

Mauro Morales
Staff Director
U.S. Commission on Civil Rights
P: 202-376-7796| F: 202-376-7672
Mmorales@usccr.gov
http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:



#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 4/28/2023 3:04:06 PM
From : "Christian Adams" a@electionlawcenter.com
To : "pkirsanow@Beneschlaw.com" pkirsanow@Beneschlaw.com
Cc : "gheriot@me.com" gheriot@me.com, "gheriot@usccr.gov" gheriot@usccr.gov, "thegilchristassociates@gmail.com" thegilchristassociates@gmail.com, "sgilchrist@usccr.gov" sgilchrist@usccr.gov, "jadams@usccr.gov" jadams@usccr.gov, "CMulder@usccr.gov" CMulder@usccr.gov, "carissa.mulder@gmail.com" carissa.mulder@gmail.com, "tjsimuel32@gmail.com" tjsimuel32@gmail.com, "jkmash@comcast.net" jkmash@comcast.net, "jmashburn@usccr.gov" jmashburn@usccr.gov, "afragosa.usccr@gmail.com" afragosa.usccr@gmail.com, "afragosa@usccr.gov" afragosa@usccr.gov
Subject : [EXTERNAL] Re: FW: USCCR Weekly News Round-Up Apr. 22-28
Attachment : 1.jpg;

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

Funny I know Senators saw it. I even heard from a parish priest I know in Arlington that he had seen it. They must have better news feess than the staffer who works for the Staff Director.

---- On Fri, 28 Apr 2023 14:32:54 -0400 **pkirsanow@Beneschlaw.com** wrote ----

---

From: Carissa Mulder <CMulder@usccr.gov>
Sent: Friday, April 28, 2023 2:24 PM
To: Kirsanow, Peter <pkirsanow@Beneschlaw.com>
Subject: Fw: USCCR Weekly News Round-Up Apr. 22-28

Shockingly, the Daily Wire article did not make it in the weekly news roundup.

From: Hyung Kim
Sent: Friday, April 28, 2023 2:14 PM
To: USCCR AGENCYWIDE; Commissioners
Subject: USCCR Weekly News Round-Up Apr. 22-28

Good Afternoon,

AMERICAN OVERSIGHT

Please see the following recent news alerts (from Apr 22 – 28, 2023) regarding the U.S. Commission on Civil Rights and its Advisory Committees.

- Government Technology - **Connecticut Committee Issues Report on Implications of Algorithms**

https://www.govtech.com/products/connecticut-committee-issues-report-on-implications-of-algorithms

- CT Examiner - **CT Seeks Stricter AI Regulations After Federal Report Suggests Algorithm Bias**

https://ctexaminer.com/2023/04/26/ct-seeks-stricter-ai-regulations-after-federal-report-suggests-algorithm-bias/

- CT News Junkie - **Shedding Light on Algorithms: Civil Rights Advocates and Lawmakers Call for Changes to Connecticut's FOI Laws to Address AI Bias Concerns**

https://ctnewsjunkie.com/2023/04/25/shedding-light-on-algorithms-civil-rights-advocates-and-lawmakers-call-for-changes-to-connecticuts-foi-laws-to-address-ai-bias-concerns/

- Hartford Courant - **CT government AI use can have bias, civil rights implications, needs greater transparency**

https://www.courant.com/2023/04/25/report-ct-government-ai-use-can-have-bias-civil-rights-implications-needs-greater-transparency/

- Fox 61 - **Lawmakers push for more transparency in the use of artificial intelligence**

https://www.fox61.com/article/news/politics/lawmakers-transparency-artificial-intelligence/520-00e3c065-7361-46e3-968c-766e5725a29b

- The Inter-Mountain - **Panelists discuss discipline disparities**

https://www.theintermountain.com/news/local-news/2023/04/panelists-discuss-discipline-disparities/

Thank you,

AMERICAN OVERSIGHT

Joe Kim

Public Affairs Assistant

U.S. Commission on Civil Rights

1331 Pennsylvania Ave., NW, Suite 1150

Washington, DC 20425

hkim@usccr.gov

www.usccr.gov



Follow us on Twitter and Facebook

Established in 1957 by the Civil Rights Act, the Commission is the only independent, bipartisan federal agency charged with advising the President and Congress on civil rights matters. Our 56 state and territory Advisory Committees offer a broad perspective on civil rights concerns at state and local levels.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 10/19/2023 4:17:40 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : FW: Commissioner Join Information for October Commission Meeting
Attachment : image001.jpg;

You need any additional info?

From: Julian Nelson-Saunders <jnelson@usccr.gov>
Date: Thursday, October 19, 2023 at 4:13 PM
To: "J. Christian Adams" <jadams@usccr.gov>
Cc: John Mashburn <jmashburn@usccr.gov>, Pamela Dunston <Pdunston@usccr.gov>, Essence Perry <EPerry@usccr.gov>, TinaLouise Martin <tmartin@usccr.gov>, Mauro Morales <mmorales@usccr.gov>, Michele Ramey <myorkman@usccr.gov>, Yvesner Zamar <yzamar@usccr.gov>
Subject: Commissioner Join Information for October Commission Meeting

Hello Commissioner,

The information below is for Commissioners only. To listen only please use the Commission's YouTube channel.

Below are the instructions for participating in the October Commission Business Meeting virtually and telephonically. To participate in the Commission's Business Meeting on October 20th, 2023, via **video** Webex, please follow the instructions below :

1. At 9:45 am EST, click or call using the information below.

Meeting link:
https://civilrights.webex.com/civilrights/j.php?MTID=m4f57fa32e9bb5de5ef59fa886117d1e5

Enter Meeting number: 2763 654 3066

Enter Password: YtGutueM346

If you are a first-time user of Webex, you will be required to enter your name Commissioner. Please note 1. Do not use both Webex video & phone at the same time, this will cause sound interference, 2. The chat feature is disabled, and 3. There is a 20 second delay between the livestream video and what is occurring in the room.

To participate in the Commission's Business Meeting on October 20th, 2023, via **Telephone conference** call Webex, please follow the instructions below:

AMERICAN OVERSIGHT

Join by phone:

1. Dial 800 360 9505 - USA Toll Free
   Enter Access code: 2763 654 3066
   Please mute yourself when not speaking.

2. There is no attendee ID code, when requested please just hit #.
3. You will then be connected to the meeting.

If you have any questions please contact Julian Nelson via email at jnelson@usccr.gov or Pamela Dunston at pdunston@usccr.gov.

Thanks

Julian "Raj" Nelson-Saunders (Pathways Intern)
He/Him/His
Phone: 443-743-7046
U.S. Commission on Civil Rights

65 YEARS OF CIVIL RIGHTS
RESEARCH
COLLABORATION
ADVANCEMENT

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 7/7/2023 1:20:36 PM
From : "Christian Adams" a@electionlawcenter.com
To : "'Gail Heriot'" gheriot@me.com, "'Carissa Mulder'" CMulder@usccr.gov
Cc : "pkirsanow@beneschlaw.com" pkirsanow@beneschlaw.com, "'stephen gilchrist'" thegilchristassociates@gmail.com, "'Christian Adams'" adams@electionlawcenter.com, "'Alexis Fragosa'" afragosa@usccr.gov, "'John Mashburn'" jmashburn@usccr.gov, "'Thomas Simuel'" tsimuel@usccr.gov
Subject : [EXTERNAL] RE: Caucus Zoom next week

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

I am in Houston Thursday and Friday next week. Rest of week is hit and miss for me.

From: Gail Heriot <gheriot@me.com>
Sent: Friday, July 7, 2023 12:27 PM
To: Carissa Mulder <CMulder@usccr.gov>
Cc: pkirsanow@beneschlaw.com; stephen gilchrist <thegilchristassociates@gmail.com>; Christian Adams <adams@electionlawcenter.com>; Alexis Fragosa <afragosa@usccr.gov>; John Mashburn <jmashburn@usccr.gov>; Thomas Simuel <tsimuel@usccr.gov>
Subject: Re: Caucus Zoom next week

Yes. Monday isn't good. Pete and I have a board meeting that day. Tuesday is good after about 1:00 pm Eastern. WThF are good.

Gail Heriot
Professor of Law
University of San Diego

> On Jul 7, 2023, at 9:10 AM, Carissa Mulder <CMulder@usccr.gov> wrote:
>
> Hi all,
>
> Are you available for a Zoom next week to discuss the upcoming business meeting? Pete's schedule is pretty open.
>
> Thank you!

AMERICAN OVERSIGHT

Carissa

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 3/30/2023 10:29:07 AM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : FW: Panelists Follow-up Questions
Attachment : image001.jpg;

You want to submit any follow-up questions to the panelists?

Misses the mark after the live TV, but wanted to ask?

From: Marik Xavier-Brier <mxavierbrier@usccr.gov>
Date: Monday, March 27, 2023 at 11:40 AM
To: Commissioners <Commissioners@usccr.gov>, "CommissionerAssistants@usccr.gov" <CommissionerAssistants@usccr.gov>, "Glenn D. Magpantay, Esquire" <magpantay.esq@gmail.com>, "rochelle.garza@gmail.com" <rochelle.garza@gmail.com>, "Victoria.Nourse@law.georgetown.edu" <Victoria.Nourse@law.georgetown.edu>
Cc: Mauro Morales <mmorales@usccr.gov>, Nicole Hewitt <nhewitt@usccr.gov>, Julie Grieco <jgrieco@usccr.gov>, Patricia Fletcher <pfletcher@usccr.gov>
Subject: Panelists Follow-up Questions

Dear Commissioners and Special Assistants,

Following our March 24, 2023 briefing and as OCRE prepares the second draft of the Anti-Asian Hate Crimes report, we request that you send any follow-up questions for the panelists to OCRE by COB Friday, March 31st.

Similar to other briefings, OCRE will collect the questions from all Commissioners and compile them into a single document for the panelists. We will then share all received responses with all Commissioners. Let me know if you have any questions and we thank you in advance.

Best,
Marik

Marik Xavier-Brier, Ph.D. (he/him)
Director, Office of Civil Rights Evaluation
U.S. Commission on Civil Rights
mxavierbrier@usccr.gov

65 YEARS OF CIVIL RIGHTS
RESEARCH COLLABORATION ADVANCEMENT

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you

AMERICAN OVERSIGHT

have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 11/22/2023 10:44:24 AM
From : "Christian Adams" a@electionlawcenter.com
To : "jmashburn@usccr.gov" jmashburn@usccr.gov
Subject : Re: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024
Attachment : 1.gif;2.gif;

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

why should i empower staff??

---- On Wed,22 Nov 2023 18:22:17 -0500 **jmashburn@usccr.gov** wrote ----

Heriot and Kirsanow have sent their ballots in voting yea but with Gail's proposed phrase added to their ballots.

It is due Friday, not today.

From: Christian Adams <a@electionlawcenter.com>
Sent: Tuesday, November 21, 2023 10:22:20 PM
To: John Mashburn
Subject: Re: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

wait

---- On Wed,22 Nov 2023 06:20:45 -0500 **jmashburn@usccr.gov** wrote ----

I can fill it out and send it in for you.

From: Christian Adams <a@electionlawcenter.com>
Sent: Tuesday, November 21, 2023 9:16:11 PM
To: John Mashburn
Subject: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

i am travelling. Do i have to do this??

---- On Wed,22 Nov 2023 05:01:55 -0500 **jmashburn@usccr.gov** wrote ----

AMERICAN OVERSIGHT

FYI - not sure you saw this since it was sent to your Cmn email. It is supposed to be completed with an electronic signature and sent back via email by close of business tomorrow.

Gail has an issue with it saying staff are to make all efforts to investigate, research, and PUBLISH the two reports. She wants our folks to add the following notation to the ballot: " 'Publish' means publish In connection with our usual procedures which require commission approval."

I think we should wait until they send a non-ambiguous version of the ballot. It's not like waiting til next week will make that big of a difference and not sure our 4 folks amending the language unilaterally will have any authority behind it.

Also, the Dec 15 business meeting will be by phone and not in person.

From: Mauro Morales
Sent: Tuesday, November 21, 2023 6:56:57 PM
To: Commissioners
Cc: CommissionerAssistants; ExecutiveStaff; Essence Perry
Subject: USCCR Notational Ballot on two Reports for 2024

Commissioners,

Pursuant to the request of Chair Garza, I have attached a notational ballot for your consideration. I have also attached the two reports you are voting to approve. I have been informed that pursuant to previous communication, the Chair has waived prior notice. Because of the Thanksgiving holiday, the ballot should be returned by 5 pm on Friday, November 24thth.

Please recall that Thursday the 23rd is a Federal holiday. Thank you.

Mauro Morales
Staff Director
U.S. Commission on Civil Rights
P: 202-376-7796| F: 202-376-7672
Mmorales@usccr.gov
http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:



#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the

AMERICAN OVERSIGHT

sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 6/28/2023 3:31:21 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com, "Kirsanow, Peter" pkirsanow@Beneschlaw.com, "Gail Heriot" gheriot@me.com, "stephen gilchrist" thegilchristassociates@gmail.com
Cc : "Carissa Mulder" carissa.mulder@gmail.com, "Thomas Simuel" tjsimuel32@gmail.com, "Alexis Fragosa" afragosa.usccr@gmail.com
Subject : FW: Thank you to those who attended the brown bag lunch with the summer interns

So, it is OK for the USCCR interns to "hear from the staff about each office's role and responsibilities," but not the Commissioners??

From: Sheryl Cozart <sccozart@usccr.gov>
Date: Wednesday, June 28, 2023 at 2:13 PM
To: Headquarters <Headquarters@usccr.gov>
Subject: Thank you to those who attended the brown bag lunch with the summer interns

Hi all,

Thank you to the summer interns and the staff who were able to join us for the brown bag lunch. **It was great to hear from the staff about each office's role and responsibilities, and I hope the interns found it as valuable as I did**.

Sheryl Cozart
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 4/11/2023 12:43:15 PM
From : "Christian Adams" a@electionlawcenter.com
To : "'Alexis Fragosa'" afragosa@usccr.gov, "'Kirsanow, Peter'" pkirsanow@Beneschlaw.com, "'Peter Kirsanow'" pkirsanow@usccr.gov, "'Gail Heriot'" gheriot@me.com, "'Gail Heriot'" gheriot@usccr.gov, "'J. Christian Adams'" jadams@usccr.gov, "'stephen gilchrist'" thegilchristassociates@gmail.com, "'Stephen Gilchrist'" sgilchrist@usccr.gov
Cc : "'Thomas Simuel'" tsimuel@usccr.gov, "'John Mashburn'" jmashburn@usccr.gov, "'Carissa Mulder'" CMulder@usccr.gov
Subject : RE: [EXTERNAL] RE: Caucus meeting

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

I am now.

From: Alexis Fragosa <afragosa@usccr.gov>
Sent: Tuesday, April 11, 2023 12:40 PM
To: Christian Adams <a@electionlawcenter.com>; 'Kirsanow, Peter' <pkirsanow@Beneschlaw.com>; Peter Kirsanow <pkirsanow@usccr.gov>; 'Gail Heriot' <gheriot@me.com>; Gail Heriot <gheriot@usccr.gov>; J. Christian Adams <jadams@usccr.gov>; 'stephen gilchrist' <thegilchristassociates@gmail.com>; Stephen Gilchrist <sgilchrist@usccr.gov>
Cc: Thomas Simuel <tsimuel@usccr.gov>; John Mashburn <jmashburn@usccr.gov>; Carissa Mulder <CMulder@usccr.gov>
Subject: Re: [EXTERNAL] RE: Caucus meeting

Pete, are you available now?

Gail and I are on a zoom call and we can easily add in additional participants.

From: Christian Adams <a@electionlawcenter.com>
Sent: Tuesday, April 11, 2023 12:34:43 PM
To: Alexis Fragosa; 'Kirsanow, Peter'; Peter Kirsanow; 'Gail Heriot'; Gail Heriot; J. Christian Adams; 'stephen gilchrist'; Stephen Gilchrist
Cc: Thomas Simuel; John Mashburn; Carissa Mulder
Subject: RE: [EXTERNAL] RE: Caucus meeting

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

From: Alexis Fragosa <afragosa@usccr.gov>
Sent: Tuesday, April 11, 2023 12:34 PM
To: Kirsanow, Peter <pkirsanow@Beneschlaw.com>; Peter Kirsanow

AMERICAN OVERSIGHT

<pkirsanow@usccr.gov>; Gail Heriot <gheriot@me.com>; Gail Heriot <gheriot@usccr.gov>; J. Christian Adams <jadams@usccr.gov>; Christian Adams <a@electionlawcenter.com>; stephen gilchrist <thegilchristassociates@gmail.com>; Stephen Gilchrist <sgilchrist@usccr.gov>
Cc: Thomas Simuel <tsimuel@usccr.gov>; John Mashburn <jmashburn@usccr.gov>; Carissa Mulder <CMulder@usccr.gov>
Subject: Re: [EXTERNAL] RE: Caucus meeting

Is anyone available this evening? Perhaps 6 p.m. EST or later?

From: Kirsanow, Peter <pkirsanow@Beneschlaw.com>
Sent: Tuesday, April 11, 2023 12:28:40 PM
To: Alexis Fragosa; Peter Kirsanow; Gail Heriot; Gail Heriot; J. Christian Adams; Christian Adams; stephen gilchrist; Stephen Gilchrist
Cc: Thomas Simuel; John Mashburn; Carissa Mulder
Subject: [EXTERNAL] RE: Caucus meeting

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

From: Alexis Fragosa <afragosa@usccr.gov>
Sent: Tuesday, April 11, 2023 12:20 PM
To: Kirsanow, Peter <pkirsanow@Beneschlaw.com>; Peter Kirsanow <pkirsanow@usccr.gov>; Gail Heriot <gheriot@me.com>; Gail Heriot <gheriot@usccr.gov>; J. Christian Adams <jadams@usccr.gov>; Christian Adams <a@electionlawcenter.com>; stephen gilchrist <thegilchristassociates@gmail.com>; Stephen Gilchrist <sgilchrist@usccr.gov>
Cc: Thomas Simuel <tsimuel@usccr.gov>; John Mashburn <jmashburn@usccr.gov>; Carissa Mulder <CMulder@usccr.gov>
Subject: Caucus meeting

Hello,

Gail proposes that we meet this afternoon, Wednesday after noon or Thursday anytime for a caucus zoom to discuss the chair nomination.

Please advise if/when you are available to join a caucus zoom.

Thank you.

AMERICAN OVERSIGHT

Alexis I. Fragosa

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 5/30/2023 11:22:11 AM
From : "Christian Adams" a@electionlawcenter.com
To : "'John Mashburn'" jkmash@comcast.net, "'Alexis Fragosa'" afragosa.usccr@gmail.com, "'Kirsanow, Peter'" pkirsanow@beneschlaw.com
Cc : "'Carissa Mulder'" carissa.mulder@gmail.com, "'John Mashburn'" jmashburn@usccr.gov, "gheriot@me.com" gheriot@me.com, "adams@electionlawcenter.com" adams@electionlawcenter.com
Subject : [EXTERNAL] RE: Comparisons Outline and Research Plan

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

My view is to get this moving along as soon as we can however we can.

From: John Mashburn <jkmash@comcast.net>
Sent: Tuesday, May 30, 2023 11:00 AM
To: Christian Adams <a@electionlawcenter.com>; 'Alexis Fragosa' <afragosa.usccr@gmail.com>; 'Kirsanow, Peter' <pkirsanow@beneschlaw.com>
Cc: 'Carissa Mulder' <carissa.mulder@gmail.com>; 'John Mashburn' <jmashburn@usccr.gov>; gheriot@me.com; adams@electionlawcenter.com
Subject: Re: Comparisons Outline and Research Plan

Cmnr Kirsanow, are you OK with sending these docs onto Irena?

Based on what Garza/Nourse said at the recess during the business meeting May 18 – i.e. that they had not seen the counterproposals or the original docs from last November prior to the April meeting – I believe we should send the docs to them as well and not just to Irena. Is that OK?

From: a <a@electionlawcenter.com>
Date: Tuesday, May 30, 2023 at 10:38 AM
To: Alexis Fragosa <afragosa.usccr@gmail.com>, "Kirsanow, Peter" <pkirsanow@beneschlaw.com>
Cc: Carissa Mulder <carissa.mulder@gmail.com>, John Mashburn <jmashburn@usccr.gov>, gheriot <gheriot@me.com>, <adams@electionlawcenter.com>, <jkmash@comcast.net>
Subject: RE: Comparisons Outline and Research Plan

Please, yes, circulate, move this along.

From: Alexis Fragosa <afragosa.usccr@gmail.com>
Sent: Tuesday, May 30, 2023 10:30 AM
To: Kirsanow, Peter <pkirsanow@beneschlaw.com>
Cc: Carissa Mulder <carissa.mulder@gmail.com>; Christian Adams <a@electionlawcenter.com>; John Mashburn <jmashburn@usccr.gov>; gheriot@me.com; adams@electionlawcenter.com; jkmash@comcast.net
Subject: Re: Comparisons Outline and Research Plan

We received an email from Irena this morning:

Dear John,

Hope you had a lovely Memorial weekend. I am adding Carissa and Alexis to the chain for collaboration, input and planning purposes. Also wanted to give everyone a quick updated the the rest of the SA's for

AMERICAN OVERSIGHT

Commissioners are yet to be onboarded so we wait on that front.

John please let me know when you will have an opportunity to provide the overlay of the document with the original proposal and the new updated proposal from staff and the Dem caucus. I think the next steps once you email me should be to set up a meeting with OCRE that we have previewed with Marik after the May business meeting and go over the discovery materials that include ASCD and OMB input.

Look forward to hearing from you and setting up meetings and time to discuss.

Thank you,
Irena

Is everyone on board with John circulated the redline he created?

Are we okay with OCRE weighing in again? Thoughts on Irena's suggestion?

On May 26, 2023, at 12:01 PM, Kirsanow, Peter <pkirsanow@beneschlaw.com> wrote:

Probably, but old until Tues. please. I want to take a closer look. Thanks.

Peter N. Kirsanow
Partner | Labor & Employment
Benesch Friedlander Coplan & Aronoff LLP

t: 216.363.4481 | m: 216.789.8735
pkirsanow@Beneschlaw.com | www.beneschlaw.com
200 Public Square, Suite 2300, Cleveland, OH 44114-2378

Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice

From: Carissa Mulder <carissa.mulder@gmail.com>
Sent: Friday, May 26, 2023 11:32 AM
To: Christian Adams <a@electionlawcenter.com>
Cc: John Mashburn <jmashburn@usccr.gov>; Kirsanow, Peter <pkirsanow@Beneschlaw.com>; gheriot@me.com; adams@electionlawcenter.com; afragosa.usccr@gmail.com; jkmash@comcast.net
Subject: Re: Comparisons Outline and Research Plan

Pete and Gail - since you are the ones most involved in the negotiations, are you ok with John sending these docs to Garza, Nourse, and Irena?

On Fri, May 26, 2023 at 9:13 AM Carissa Mulder <carissa.mulder@gmail.com> wrote:

> They really, really do not want to hear from victims of crime. The original concept paper included "victims of crime" as briefing witnesses in two places (along with stakeholders, experts, etc.). They struck "victims of crime" in both places. So we can hear about alternatives to incarceration for criminals (which they added), but not from the victims of the criminals.
>
> On Fri, May 26, 2023 at 8:47 AM Christian Adams <a@electionlawcenter.com> wrote:

AMERICAN OVERSIGHT

There is no way OCRE made these heavy changes on their own. These are too substantive to have been done without Commissioner or SD input.

From: John Mashburn <jmashburn@usccr.gov>
Sent: Thursday, May 25, 2023 5:56 PM
To: pkirsanow@Beneschlaw.com; gheriot@me.com; 'adams@electionlawcenter.com' <adams@electionlawcenter.com>
Cc: carissa.mulder@gmail.com; afragosa.usccr@gmail.com; jkmash@comcast.net
Subject: FW: Comparisons Outline and Research Plan

As per the meeting last Thursday May 18 with Garza and Nourse, I have attached comparisons between the original docs OCRE submitted for the Nov. 18, 2022 meeting (which were not approved then) and the docs submitted as counterproposals (evidently by OCRE itself based on what Garza and Nourse said) for the May 18, 2023 meeting.

I attached Word versions. If you have a PC at home the Word version should be OK to use – you might have to turn the Track changes on once you open the doc and turn off format/ink change tracking. Word for PC when you compare docs will show both deletions from the Nov. docs (in red) and insertions into the Nov. doc (in green) from the OCRE's newest counterproposal on the same page in the same doc -- and with the comments (in yellow) off to one side. Mac will only show you insertions OR deletions on a page (but not both at the same time,) the comments will be off to one side whether the deletions or insertions are showing.

I inserted a lot of comments in the doc comparisons -- basically to the effect that the counterproposal docs from OCRE transform this report into one about the "efficacy of data collection" about crime at the federal level. The report would no longer look at the disproportionate impact on minority communities and victims from increases in crime.

Crime victims and experts who can testify about the impact of crime on victims and minorities are no longer able to be witnesses. Experts who can talk about shortcomings in how federal data is collected and the bias in that data collection process against minorities, etc. are the only witnesses allowed. All this really pops out when you can see the deletions and insertions on the same page.

As to the Timeline, OCRE's last Nov. 2022 was 1 year, 4 months, 10 days from Discovery Docs approval to final Publication, my Timeline for last week was 1 yr, 4 months, 8 days – WITH 2 HEARINGS in each timeline. OCRE's Timeline for last week's Bus. Mtg – with just 1 hearing – was 1 year, 6 months and 2 days from Discovery Doc approval until final publication. That put publication after the Nov. 2024 election.

Are these OK to send to Garza, Nourse, and Irena?

From: John Mashburn <jmashburn@usccr.gov>
Sent: Thursday, May 25, 2023 4:09 PM
To: jkmash@comcast.net
Subject: Comparisons Outline and Research Plan

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to

AMERICAN OVERSIGHT

which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

--
Carissa B. Mulder

--
Carissa B. Mulder

AMERICAN OVERSIGHT

Daniel B. Frank
Principal
Francis W. Parker School
330 W. Webster Avenue
Chicago, IL 60614

Dear Principal Frank:

I write as one member of the U.S. Commission on Civil Rights, and not on behalf of the Commission as a whole, to express concern regarding racial discrimination at your school.

Media reports have brought to my attention that the Parker School holds "affinity groups" for self-identified "students of color." According to your school's website:

> **Why do we use the term "Students of Color" and what does it mean?**
> The term "People of Color" centers all people whose racial and ethnic background is not Caucasian or white. While the experiences of people whose racial and ethnic backgrounds allow them to fit into this broad category are varied and diverse, the term allows us to recognize that, while varied and diverse, to this day, because of the systems of race and racism in the United States, those experiences tend to be vastly different from those of people who identify as white. At the same time, we recognize that the language around race is always shifting and evolving. We use the term "Students of Color" at Parker in an effort to form solidarity amongst students with diverse yet similar experiences.[1]
>
> **Who is invited to participate?**
> SOCA is open to all students in grades JK-5th Grade who self-identify as a student of color and are interested in participating.[2]
>
> **What if a student who identifies as white would like to participate?**
> While the SOCA groups are only open to students of color, through direct, intentional programming within the curriculum in the Lower and Intermediate Schools, all students have the opportunity to consider their own racial identity and how it plays into their greater sense of self. Dr. Beverly Daniel Tatum is the author of a previous summer reading book, Why Are All the Black Kids Sitting Together in the Cafeteria? Dr. Tatum describes racial identity development as "the process of defining for oneself the personal significance and social meaning of belonging to a particular racial group." Research shows that "children internalize aspects of racial identity from the adults and peers around them. For students of color in predominantly white independent schools, resisting negative stereotypes and affirming carefully considered definitions of themselves are critical to counterbalance the limited number of role models who mirror them racially." While white identity development is absolutely important to a child's development, we

[1] "More on Students of Color Affinity Groups (SOCA)," Francis W. Parker School, [HYPERLINK "https://www.fwparker.org/more-on-students-of-color-affinity-groups-soca"].
[2] *Id.*

AMERICAN OVERSIGHT

> know there are a number of factors in the racial identity development process of young children of color that can benefit from direct programming in a way that differs from white students.[3]

If Francis W. Parker School receives one dime of federal funding, the SOCA groups are illegal. If the school receives any federal money for school lunches, science labs, or textbooks, it is in violation of Title VI.[4]

More importantly, providing special opportunities to one group of children based on the color of their skin is antithetical to the country's ideals. The school explicitly excludes white children from participating in the affinity groups. Nor does it provide an affinity group for white children. Simply consider if the races were different, i.e., only white children are allowed to join the affinity group and talk about their white identity and how important it is to them. All the other children must go home or do homework. Or any child can join an affinity group – but not black children. They aren't allowed to join an affinity group. All their white, Asian, and Hispanic friends can go to affinity groups, but not them.

These hypotheticals obviously depict racial segregation. The Parker School's administrators would doubtless be horrified. Yet racial segregation is exactly what is occurring now, except that it is white children who are segregated from others.

I urge you to end any race-based groups immediately. It is unwise to encourage students to focus on their racial identity and how they differ from others. I urge the Parker School to embrace Dr. King's creed and teach students to judge others not by the color of their skin, but by the content of their character.

Sincerely,

Pete

---

[3] *Id.*

[4] 42 U.S.C. § 2000d.

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

AMERICAN OVERSIGHT

Date : 1/5/2023 9:17:19 AM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : FW: [EXTERNAL] Caucus letter re: Rcial Affinity Group in Chicago
Attachment : Letter to Francis Parker School 1.4.2023.docx;

Pete is asking if other Cmnrs would like to join with him on this letter. I think you should.

From: Carissa Mulder <carissa.mulder@gmail.com>
Date: Wednesday, January 4, 2023 at 3:19 PM
To: Alexis Fragosa <afragosa.usccr@gmail.com>, John Mashburn <jkmash@comcast.net>, Thomas Simuel <tjsimuel32@gmail.com>
Cc: Carissa Mulder <CMulder@usccr.gov>, Alexis Fragosa <afragosa@usccr.gov>, John Mashburn <jmashburn@usccr.gov>, Thomas Simuel <tsimuel@usccr.gov>
Subject: [EXTERNAL] Caucus letter

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

Pete is going to send the attached letter to the Francis Parker school in Chicago. He asked me to circulate it to the rest of our caucus to see if any other commissioners would be interested in signing it. Please let me know!

--
Carissa B. Mulder

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 11/22/2023 11:09:01 AM
From : "John Mashburn" jmashburn@usccr.gov
To : "a@electionlawcenter.com" a@electionlawcenter.com
Subject : Re: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024
Attachment : 1.gif;2.gif;

You want me to send it in?

From: Christian Adams <a@electionlawcenter.com>
Sent: Wednesday, November 22, 2023 11:07:49 AM
To: John Mashburn
Subject: Re: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

ok. Ill do yes.

---- On Wed,22 Nov 2023 19:02:04 -0500 **jmashburn@usccr.gov** wrote ----

I question why this vote is worded this way about authorizing staff vs just approving the concept papers. While Gail questions it too, she doesn't want to hold up the vote to approve the two concept papers. Carissa thinks objecting at this point will be taken as bad faith on our part by the Dems. As worded I question whether staff even needs to come back and have Cmnrs approve the Discovery docs later. It may be innocent or it may not be.

From: Christian Adams <a@electionlawcenter.com>
Sent: Wednesday, November 22, 2023 10:44:24 AM
To: John Mashburn
Subject: Re: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

why should i empower staff??

---- On Wed,22 Nov 2023 18:22:17 -0500 **jmashburn@usccr.gov** wrote ----

Heriot and Kirsanow have sent their ballots in voting yea but with Gail's proposed phrase added to their ballots.

It is due Friday, not today.

From: Christian Adams <a@electionlawcenter.com>
Sent: Tuesday, November 21, 2023 10:22:20 PM
To: John Mashburn

AMERICAN OVERSIGHT

Subject: Re: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

wait

---- On Wed,22 Nov 2023 06:20:45 -0500 **jmashburn@usccr.gov** wrote ----

I can fill it out and send it in for you.

From: Christian Adams <a@electionlawcenter.com>
Sent: Tuesday, November 21, 2023 9:16:11 PM
To: John Mashburn
Subject: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

i am travelling. Do i have to do this??

---- On Wed,22 Nov 2023 05:01:55 -0500 **jmashburn@usccr.gov** wrote ----

FYI - not sure you saw this since it was sent to your Cmn email. It is supposed to be completed with an electronic signature and sent back via email by close of business tomorrow.

Gail has an issue with it saying staff are to make all efforts to investigate, research, and PUBLISH the two reports. She wants our folks to add the following notation to the ballot: " 'Publish' means publish In connection with our usual procedures which require commission approval."

I think we should wait until they send a non-ambiguous version of the ballot. It's not like waiting til next week will make that big of a difference and not sure our 4 folks amending the language unilaterally will have any authority behind it.

Also, the Dec 15 business meeting will be by phone and not in person.

From: Mauro Morales
Sent: Tuesday, November 21, 2023 6:56:57 PM
To: Commissioners
Cc: CommissionerAssistants; ExecutiveStaff; Essence Perry
Subject: USCCR Notational Ballot on two Reports for 2024

Commissioners,

AMERICAN OVERSIGHT

Pursuant to the request of Chair Garza, I have attached a notational ballot for your consideration. I have also attached the two reports you are voting to approve. I have been informed that pursuant to previous communication, the Chair has waived prior notice. Because of the Thanksgiving holiday, the ballot should be returned by 5 pm on Friday, November 24thth.

Please recall that Thursday the 23rd is a Federal holiday. Thank you.

Mauro Morales
Staff Director
U.S. Commission on Civil Rights
P: 202-376-7796| F: 202-376-7672
Mmorales@usccr.gov
http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:



#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the

AMERICAN OVERSIGHT

sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 7/20/2023 7:48:16 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Alexis Fragosa" afragosa@usccr.gov, "Christian Adams" a@electionlawcenter.com
Cc : "stephen gilchrist" thegilchristassociates@gmail.com, "Gail Heriot" gheriot@me.com, "Carissa Mulder" CMulder@usccr.gov, "Peter Kirsanow" pkirsanow@Beneschlaw.com, "Christian Adams" adams@electionlawcenter.com, "Thomas Simuel" tsimuel@usccr.gov, "Blackburn, Bessie Sue" bsblackburn1@liberty.edu
Subject : Re: [EXTERNAL] RE: Caucus Breakfast

When were they going to tell us that?!

From: Alexis Fragosa
Sent: Thursday, July 20, 2023 7:44:58 PM
To: Christian Adams
Cc: stephen gilchrist; Gail Heriot; Carissa Mulder; Peter Kirsanow; Christian Adams; John Mashburn; Thomas Simuel; Blackburn, Bessie Sue
Subject: Re: [EXTERNAL] RE: Caucus Breakfast

FYI: We're supposed to have staff presentations tomorrow after the meeting.

> On Jul 20, 2023, at 7:29 PM, Christian Adams <a@electionlawcenter.com> wrote:
>
> > STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.
> >
> > I didn't get one, which bizarrely indicates that somehow she thinks I am the impediment.
> >
> > **From:** stephen gilchrist <thegilchristassociates@gmail.com>
> > **Sent:** Thursday, July 20, 2023 7:24 PM
> > **To:** Gail Heriot <gheriot@me.com>
> > **Cc:** Carissa Mulder <CMulder@usccr.gov>; Peter Kirsanow <pkirsanow@beneschlaw.com>; Christian Adams <adams@electionlawcenter.com>; John Mashburn <jmashburn@usccr.gov>; Thomas Simuel <tsimuel@usccr.gov>; Alexis Fragosa <afragosa@usccr.gov>; Blackburn, Bessie Sue <bsblackburn1@liberty.edu>
> > **Subject:** Re: Caucus Breakfast
> >
> > Gail I just received an fyi text from Garza indicating her desire to continue negotiations with you and Pete tomorrow.
> >
> > On Thu, Jul 20, 2023, 6:53 PM Gail Heriot <gheriot@me.com> wrote:
> >
> > > I got a text message from Rochelle a little while ago. She wanted to talk to me tomorrow. I agreed to talk to her tomorrow after our breakfast and before the meeting. Did she contact others too?

AMERICAN OVERSIGHT

Gail

Gail Heriot
Professor of Law
University of San Diego

On Jul 20, 2023, at 4:05 PM, Carissa Mulder <CMulder@usccr.gov> wrote:

Hi everyone,

I wanted to let you know that I made a reservation for us tomorrow at Cafe du Parc. It's under my name. Our intern Bess Blackburn will be joining us.

See you soon!

Carissa

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
<mime-attachment.ics>

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 7/20/2023 7:29:43 PM
From : "Christian Adams" a@electionlawcenter.com
To : "'stephen gilchrist'" thegilchristassociates@gmail.com, "'Gail Heriot'" gheriot@me.com
Cc : "'Carissa Mulder'" CMulder@usccr.gov, "'Peter Kirsanow'" pkirsanow@beneschlaw.com, "'Christian Adams'" adams@electionlawcenter.com, "'John Mashburn'" jmashburn@usccr.gov, "'Thomas Simuel'" tsimuel@usccr.gov, "'Alexis Fragosa'" afragosa@usccr.gov, "'Blackburn, Bessie Sue'" bsblackburn1@liberty.edu
Subject : [EXTERNAL] RE: Caucus Breakfast

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

I didn't get one, which bizarrely indicates that somehow she thinks I am the impediment.

From: stephen gilchrist <thegilchristassociates@gmail.com>
Sent: Thursday, July 20, 2023 7:24 PM
To: Gail Heriot <gheriot@me.com>
Cc: Carissa Mulder <CMulder@usccr.gov>; Peter Kirsanow <pkirsanow@beneschlaw.com>; Christian Adams <adams@electionlawcenter.com>; John Mashburn <jmashburn@usccr.gov>; Thomas Simuel <tsimuel@usccr.gov>; Alexis Fragosa <afragosa@usccr.gov>; Blackburn, Bessie Sue <bsblackburn1@liberty.edu>
Subject: Re: Caucus Breakfast

Gail I just received an fyi text from Garza indicating her desire to continue negotiations with you and Pete tomorrow.

On Thu, Jul 20, 2023, 6:53 PM Gail Heriot <gheriot@me.com> wrote:

> I got a text message from Rochelle a little while ago. She wanted to talk to me tomorrow. I agreed to talk to her tomorrow after our breakfast and before the meeting. Did she contact others too?
>
> Gail
>
> Gail Heriot
> Professor of Law
> University of San Diego
>
> > On Jul 20, 2023, at 4:05 PM, Carissa Mulder <CMulder@usccr.gov> wrote:
> >
> > Hi everyone,

AMERICAN OVERSIGHT

I wanted to let you know that I made a reservation for us tomorrow at Cafe du Parc. It's under my name. Our intern Bess Blackburn will be joining us.

See you soon!

Carissa

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
<mime-attachment.ics>

AMERICAN OVERSIGHT

Facial Recognition Technology and Civil Rights

Commissioner Mondaire Jones

October 16, 2023

I. Introduction and Scope

Over the past several years, facial recognition technology (FRT) has come under the scrutiny of civil rights advocates, legislative bodies, and the public as the use of this technology continues to grow. Anxieties about this technology being developed and used are not isolated to the private sector; there are growing civil rights concerns about FRT being used by federal agencies. These concerns include, but are not limited to, privacy and transparency, potential 4th Amendment violations, and access to justice, especially regarding minorities and marginalized communities.[1] Relatedly, recent advances in Artificial Intelligence (AI) has further elevated concerns with FRT, which has garnered national attention and prioritization by Congress.[2]

This report will analyze how FRT is developed, how it is being utilized by federal agencies, emerging civil rights concerns, and safeguards the federal government is implementing to mitigate potential civil rights issues.

This project will review the utilization of FRT technology by three cabinet agencies: U.S. Department of Justice (DOJ), U.S. Department of Homeland Security (DHS), and U.S. Department of Housing and Urban Development (HUD).

II. Jurisdiction

This proposal falls within the Commission's jurisdiction to study discrimination or the denial of equal protection under the law on the basis of color, race, and national origin.[3]

III. Background

In our post 9/11 world, FRT is being deployed in a range in contexts. For example, this technology is used as a tool to advance law enforcement priorities, including criminal interdiction, finding missing children, and tracking people suspected of terrorism, among other uses. With advancements in FRT that can be used to identify people in crowds, analyze their

---

[1] [HYPERLINK "https://www.brookings.edu/research/police-surveillance-and-facial-recognition-why-data-privacy-is-an-imperative-for-communities-of-color/"]; https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1365&context=jbtl.

[2] [HYPERLINK "https://crsreports.congress.gov/product/pdf/R/R46795"]; [HYPERLINK "https://crsreports.congress.gov/product/pdf/R/R47373"]. *See* [HYPERLINK "https://www.usccr.gov/files/2023-04/ct-sac-algorithm-report.pdf"] for more on civil rights issues and AI.

[3]https://www.usccr.gov/about/mission#:~:text=Established%20as%20an%20independent%2C%20bipartisan,of%20federal%20civil%20rights%20laws.

AMERICAN OVERSIGHT

emotions, and detect their age and facial features, there has been a proliferation of companies marketing these services to police departments and the FBI.[4]

Studies by MIT and the National Institute of Standards and Technology tested 189 facial-recognition algorithms from 99 developers, representing the majority of commercial developers, and found that facial recognition systems from some large companies had much lower accuracy rates in identifying the faces of females and many people of color than with white male faces.[5]

> Asian and African American people were up to 100 times more likely to be misidentified than white men, depending on the particular algorithm and type of search. Native Americans had the highest false-positive rate of all ethnicities, according to the study, which found that systems varied widely in their accuracy. The faces of African American women were falsely identified more often in the kinds of searches used by police investigators where an image is compared to thousands or millions of others in hopes of identifying a suspect.[6]

For this reason, Bertram Lee, Media and Tech Policy Council for The Leadership Conference on Civil and Human Rights, concludes FRT "poses a disproportionate risk of misidentification for Black, Asian, and Indigenous people."[7]

In fact, faulty facial recognition matches resulted in the wrongful arrest of multiple Black men. The American Civil Liberties Union (ACLU) filed a complaint against the Detroit Police Department in June 2020 after officers arrested Robert Williams and locked him in a cell overnight after "the computer [got] it wrong."[8] The ACLU later reported that a second Black man from Detroit had been allegedly wrongfully arrested due to a false facial recognition match.[9] Meanwhile, in 2023 the New York Times reported that Randal Reid, a Black man from Georgia, was wrongfully detained for six days as a result of a "bad facial recognition match" in Louisiana, a state he had never visited.[10]

These three men represent a small snapshot of the actual number of wrongful arrests due to false facial recognition matches, although the true number of wrongful arrests is impossible to determine due to the current lack of transparency. Data does show, however, that Black and Latino individuals are more likely to have FRT deployed on their images by law enforcement, and Black and Latino people are also overrepresented in mugshot databases, which results in FRT exacerbating already existing inequities in the criminal justice system.[11]

---

[4] https://www.nytimes.com/2019/01/24/technology/amazon-facial-technology-study.html
[5] https://nvlpubs.nist.gov/nistpubs/ir/2019/NIST.IR.8280.pdf
[6] https://www.washingtonpost.com/technology/2019/12/19/federal-study-confirms-racial-biasmany-facial-recognition-systems-casts-doubt-their-expanding-use/
[7] https://www.congress.gov/event/117th-congress/house-event/113906?q=%7B%22search%22%3A%5B%22113906%22%5D%7D&s=9&r=1
[8] https://www.aclu.org/press-releases/man-wrongfully-arrested-because-face-recognition-cant-tell-black-people-apart
[9] https://www.aclu.org/press-releases/man-wrongfully-arrested-because-face-recognition-cant-tell-black-people-apart
[10] https://www.nytimes.com/2023/03/31/technology/facial-recognition-false-arrests.html
[11] https://sitn.hms.harvard.edu/flash/2020/racial-discrimination-in-face-recognition-technology/

AMERICAN OVERSIGHT

Aside from the law enforcement context, FRT is installed in surveillance cameras that constantly monitor public housing tenants in programs that HUD oversees. For example, FRT has been used to evict tenants for minor violations with landlords sometimes wrongfully investigating tenants for several months.[12] Congress has called for HUD to stop the use of FRT in public housing, finding that its use is counter to fair housing policies and housing stability.[13]

Due to these civil rights concerns, some private companies have started to reexamine how these technologies are being utilized and deployed. For instance, IBM sent a letter to Congress announcing that it is canceling its facial recognition programs and calling for an urgent public debate on the technology's use by law enforcement.[14] Amazon and Microsoft followed in IBM's footsteps, with Amazon announcing a one-year ban on the sale of its FRT technology to law enforcement, which was later extended indefinitely.[15] Microsoft initially withheld sales until there was "a federal law to regulate the technology," and then proceeded to remove FRT from its AI development entirely.[16]

Federal Agencies

The use of FRT has become increasingly common across the federal government. In August 2021, the Government Accountability Office (GAO) found that FRT was being used throughout many federal agencies. The report showed that 18 of 24 surveyed federal agencies use FRT for one or more purposes.[17] In another study of 42 agencies that employ law enforcement officers, 14 of those agencies utilize FRT. Of those, 13 "did not track employee use of non-federal (e.g., state and commercial) FRT systems." GAO found that employees were not aware that they were using non-federal FRT systems and yet had conducted more than 1,000 facial recognition searches. This has serious privacy implications, including being in violation of privacy laws.[18]

DOJ

According to a 2020 Congressional Research Services report:

> FRT is one of several biometric technologies employed by law enforcement agencies, which also include fingerprint, palm print, DNA, and iris scans. FRT can be used by law enforcement for a variety of purposes such as generating investigative leads, identifying

---

[12] https://www.washingtonpost.com/business/2023/05/16/surveillance-cameras-public-housing/
[13] https://democrats-financialservices.house.gov/news/documentsingle.aspx?DocumentID=410504.
[14] https://www.cnn.com/2020/06/09/tech/ibm-facial-recognition-blm/index.html
[15] https://www.nytimes.com/2023/03/31/technology/facial-recognition-false-arrests.html
[16] [HYPERLINK "https://www.cnn.com/2020/06/11/tech/microsoft-facial-recognition-police/index.html"]; https://www.nytimes.com/2022/06/21/technology/microsoft-facial-recognition.html
[17] https://www.gao.gov/products/gao-22-106100#:~:text=In%20August%202021%2C%20GAO%20reported,enforcement%20as%20the%20most%20common.
[18] https://www.gao.gov/products/gao-22-106100#:~:text=In%20August%202021%2C%20GAO%20reported,enforcement%20as%20the%20most%20common.

AMERICAN OVERSIGHT

victims of crimes, helping sort faces in photos that are part of forensic evidence, and helping verify the identity of inmates before they are released from prison.[19]

Many of the concerns raised regarding the use of FRT in policing revolve around the accuracy of the technology, including potential race-, gender-, and age-related biases; the process and transparency of collecting the data and retaining and securing images contained in various facial recognition databases; public notification of the use of facial recognition and other image-capturing technology; and policies, training, and standards governing law enforcement agencies' use of the technology.[20]

Since 2019 Congress has attempted to regulate law enforcement's use of FRT by introducing numerous bills, although none have been passed into law. The Stop Biometric Surveillance by Law Enforcement Act, which was introduced during the 2019-2020 Congress, would prohibit the use of FRT on images acquired through body cameras.[21] Similarly, the Facial Recognition Act of 2022 would place strong limits on the use of FRT by state and local law enforcement when a warrant is obtained and would require state, local, and federal law enforcement to perform annual audits on its use of FRT.[22]

The Facial Recognition and Biometric Technology Moratorium Act of 2021 was introduced in both the House and Senate and would prohibit federal funding of face, voice, or gait recognition technology, as well withhold federal public safety grants from state and local governments that engage in the use of FRT.[23]

President Biden signed an Executive Order titled Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Safety on May 25, 2022. This Executive Order mandated that the National Academy of Sciences conduct a study on "facial recognition technology, other technologies using biometric information, and predictive algorithms" with a focus on civil rights and disparate impact concerns, as well as publish a report on this study with

---

[19] https://crsreports.congress.gov/product/pdf/R/R46586
[20] https://sgp.fas.org/crs/misc/R46586.pdf
[21] https://www.congress.gov/bill/116th-congress/house-bill/7235/text?q=%7B%22search%22%3A%5B%22facial+recognition%22%5D%7D&r=11&s=2
[22] https://www.congress.gov/bill/116th-congress/senate-bill/4084?q=%7B%22search%22%3A%5B%22facial+recognition%22%5D%7D&s=2&r=6; https://www.congress.gov/bill/116th-congress/house-bill/7356?q=%7B%22search%22%3A%5B%22facial+recognition%22%5D%7D&s=2&r=7. *See also* https://www.cnn.com/2020/06/25/tech/facial-recognition-legislation-markey/index.html; https://www.theverge.com/2020/6/25/21303355/facial-recognition-ed-markey-ayanna-pressley-ban-federal-agencies-fed-law-enforcement
[23] [23] https://www.congress.gov/bill/116th-congress/senate-bill/4084?q=%7B%22search%22%3A%5B%22facial+recognition%22%5D%7D&s=2&r=6; https://www.congress.gov/bill/116th-congress/house-bill/7356?q=%7B%22search%22%3A%5B%22facial+recognition%22%5D%7D&s=2&r=7. *See also* https://www.cnn.com/2020/06/25/tech/facial-recognition-legislation-markey/index.html; https://www.theverge.com/2020/6/25/21303355/facial-recognition-ed-markey-ayanna-pressley-ban-federal-agencies-fed-law-enforcement

AMERICAN OVERSIGHT

recommendations for regulations or restrictions.[24] As of the writing of this concept paper, the study and report have yet to be completed.

DHS

FRT is in use by several DHS agencies, with the most significant investments occurring in U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HIS), and the U.S. Secret Service.[25]

In September 2020, GAO found that U.S. Customs and Border Protection's (CBP) Biometric Entry-Exit Program incorporated some privacy protections, but the implementation of privacy notices and audits of the technology were inconsistent. For instance, CBP only audited one of its more than 20 commercial airline partners and did not have plans to audit all of its partners for compliance with the program's privacy requirements.[26]

DHS agencies employ the use of FRT for a variety of purposes, with one of the most prominent being the ascertainment of the identity, whereabouts, and/or activities of individuals entering or moving within the United States. Federal programs relying on FRT often involve significant costs and impact large segments of the population. One such example is ICE's Alternatives to Detention Program (ADP), which "seeks to facilitate the rapid processing and enrollments of noncitizens."[27] ADP employs an intensive supervision appearance program (ISAP) involving FRT to monitor the whereabouts of migrants. Over 180,000 migrants are registered with ISAP, and the program's federal budget in 2021 was approximately $475 billion USD. Management of the program is contracted to BI Inc., a subsidiary of the Geo Group.[28]

HUD

FRT is integrated in surveillance cameras that are used expansively in public housing programs.[29] HUD funds and oversees the local housing agencies that manage public housing by providing technical assistance and support in planning and developing these programs.[30] HUD has helped facilitate the purchase of FRT from its "Emergency/Natural Disaster and

---

[24] https://www.whitehouse.gov/briefing-room/presidential-actions/2022/05/25/executive-order-on-advancing-effective-accountable-policing-and-criminal-justice-practices-to-enhance-public-trust-and-public-safety/

[25] [HYPERLINK "https://www.gao.gov/assets/gao-23-105607.pdf" \h] at 3.

[26] https://www.gao.gov/products/gao-22-106100#:~:text=In%20August%202021%2C%20GAO%20reported,enforcement%20as%20the%20most%20common

[27] [HYPERLINK "https://www.sec.gov/Archives/edgar/data/1718939/000110465921142104/tm2133367d1_ex6-15.htm" \h]

[28] [HYPERLINK "https://www.ncja.org/crimeandjusticenews/democrats-protest-surveillance-program-for-182-000-immigrants" \h]

[29] https://www.hud.gov/program_offices/public_indian_housing/programs/ph.

[30] https://www.hud.gov/topics/rental_assistance/phprog

AMERICAN OVERSIGHT

Safety/Security" funding,[31] with FRT now available for use in over 13 US cities. Six of those cities plan to use FRT.

According to HUD officials, housing agencies have purchased FRT with the goal of making communities safer,[32] however given the current lack of knowledge regarding FRT, this may mean residents' civil rights are being infringed. For example, in a 2023 investigation by the Washington Post, they found that these cameras are being used to punish residents and catch them in minor violations that could jeopardize their lease agreements (e.g., smoking in the wrong area, removing a laundry basket from the communal laundry room) which could result in their eviction.[33] Attorneys that defend tenants in eviction cases have seen an uptick in cases that reference to video footage for evicting tenants.[34]

In a letter to HUD Secretary Fudge, Members of Congress expressed concerns about the use and potential abuse of FRT in public housing. The letter states that this technology is being deployed punitively against residents and

> increases the ease and incidence of harassment of residents for committing minor community rule violations … we know that these technologies have a significant discriminatory impact that arises from identification errors related to individuals' skin color, gender, and age and other forms of bias built into these systems. This means that the likelihood that a resident of color will be blamed for a violation they did not commit increases substantially with the adoption of these technologies.[35]

Congress has made attempts to regulate the development and use of this technology by HUD, such as the No Biometrics Barriers Housing Act of 2023, which would prohibit the use of FRT in most federally funded public housing and require HUD to report to Congress on how FRT impacts public housing tenants.[36] Recognizing FRT's flaws and biases, the bill seeks to avoid exacerbating the criminalization of people of color, and instead calls for the protection of civil rights and liberties for the vulnerable populations using public housing.

In April 2023, HUD put out a notice providing guidance on updated protocols for the Emergency Safety and Security Grants.[37] The guidance provides instructions on how to apply for the grant and outlines eligible and non-eligible uses of grant funding. Included in the guidance is a prohibition on the use of "automated surveillance and facial recognition technology." There is no

---

[31] https://www.hud.gov/program_offices/public_indian_housing/programs/ph/capfund/emfunding.
[32] https://www.hud.gov/press/press_releases_media_advisories/hud_no_22_204
[33] https://www.pbs.org/newshour/show/how-surveillance-cameras-are-being-used-to-punish-public-housing-residents.
[34] *Id.*
[35] https://democrats-financialservices.house.gov/uploadedfiles/cmw_letter_hud_surveillance_tech_5.25.23_signed.pdf
[36] https://clarke.house.gov/clarke-introduces-legislation-to-ban-usage-of-facial-recognition-biometric-identification-technology-in-public-housing/#:~:text=Clarke%20(D%2DNY)%2C,Housing%20and%20Urban%20Development%20(HUD)
[37] https://democrats-financialservices.house.gov/uploadedfiles/cmw_letter_hud_surveillance_tech_5.25.23_signed.pdf.

AMERICAN OVERSIGHT

further guidance from HUD on existing surveillance and FRT already installed in public housing programs or on the prohibition of this technology.

IV. Proposed Panels

The proposed briefing will be a field briefing in-person The proposed panels are as follows:

Panel 1: State of Technology and Civil Rights Concerns

- Academics and advocates, National Academy of Sciences
- GAO
- Private IT companies
- FRT developer / legal counsel from FRT company

Panel 2: Responsive Federal Policies

- Members of Congress
  - Congresswoman Yvette D. Clarke
  - Senator Ron Wyden and Senator Markey
- DHS representatives from internal agencies using FRT
  - ADP or IASP official
  - CBP official
- HUD Representatives
  - HUD official that manages the Emergency/Natural Disaster and Safety/Security grant
  - HUD Public Housing official or Public Housing Authority from a locality
- DOJ Representative from internal agencies using FRT
  - FBI official

Panel 3: Best Practices

- Academics and advocates
- ACLU or LCCHR
- Attorney who has represented a victim of wrongful FRT identification
- NIST

AMERICAN OVERSIGHT

The Commission will update its 2008 statutory enforcement report, *Enforcing Religious Freedom in Prison*.[1] This report will examine whether prisoners' religious freedom rights are being protected and enforced in accord with constitutional and statutory provisions. The constitutional and federal statutory provisions implicated are the First Amendment, the Civil Rights of Institutionalized Persons Act of 1980 (CRIPA)[2], the Religious Freedom Restoration Act of 1990 (RFRA)[3], the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA)[4], and the Prison Litigation Reform Act (PLRA).[5]

As the Commission wrote in its 2008 report:

> Prisoners in federal and state institutions retain certain religious exercise rights under the Constitution and statutes including the Religious Land Use and Institutionalized Persons Act (RLUIPA), the Religious Freedom Restoration Act (RFRA), and the Civil Rights of Institutionalized Persons Act (CRIPA). Many states have similar provisions in their state constitutions and in state law modeled on RFRA. These rights must be balanced with the legitimate concerns of prison officials, including cost, staffing, and, most importantly, prison safety and security. Reconciling these rights and concerns can be a significant challenge for penal institutions, as well as the courts.[6]

The Commission will examine the Bureau of Prisons' adherence to RFRA and the Department of Justice's enforcement of RLUIPA. It will also study how well state prison officials understand and fulfill their obligations under RLUIPA. The Commission will accomplish this by sending surveys to state and federal prison wardens and other officials (such as chaplains) and by holding a briefing in Washington, D.C.

The Commission has not issued a report on protecting the civil rights of religious persons since its 2016 report, *Peaceful Coexistence: Reconciling Nondiscrimination Principles with Civil Liberties*.[7] *Enforcing Religious Freedom in Prison* is the only statutory enforcement report examining civil rights protections for religious practice that the Commission has issued in the past eighteen years. The time is ripe to revisit this issue.

RLUIPA was enacted seven years before the Commission issued *Enforcing Religious Freedom in Prison*. RLUIPA has now been in force for twenty-two years. Have prison administrators become more or less cognizant of their duties under RLUIPA during that time? Are prisoners more or less likely to be able to practice their religion than they were in 2007?[8]

---

[1] U.S. Commission on Civil Rights, ENFORCING RELIGIOUS FREEDOM IN PRISON, Sept. 24, 2008, [HYPERLINK "https://www.usccr.gov/reports/2008/enforcing-religious-freedom-prison"].
[2] 42 U.S.C. § 1997.
[3] 42 U.S.C. § 2000bb.
[4] 42 U.S.C. § 20000cc.
[5] 42 U.S.C. § 1997e.
[6] *Id.* at xiii.
[7] U.S. Commission on Civil Rights, PEACEFUL COEXISTENCE: RECONCILING NONDISCRIMINATION PRINCIPLES WITH CIVIL LIBERTIES, Sept. 7, 2016, [HYPERLINK "https://www.usccr.gov/reports/2016/peaceful-coexistence-reconciling-nondiscrimination-principles-civil-liberties"].
[8] 2007 was the last year studied by the Commission, although the report was issued in 2008.

Commented [MXB1]: The scope of this proposal is too broad. There are about 1600 state prisons and 120 federal prisons. OCRE does not have the resources to survey all state and federal prisons. Because all state prison systems are unique, OCRE suggests focusing exclusively on federal prisons. If the paper is adopted, OCRE will work with the lead SA to determine the correct sampling frame.

Commented [CM2R1]: RLUIPA was enacted specifically to apply to state and local prisons. See 42 USC 2000cc-1(b): "The section applies in any case in which the substantial burden is imposed in a program or activity that receives Federal financial assistance."
Also, we do not propose studying all state and federal prisons in the U.S., but just a sample. If you read the 2008 RLUIPA report, you will understand what we have in mind. This is intended to be a follow-up of that report.

Commented [MXB3R1]: A sample is acceptable to OCRE. As per our past practices, this sample will be selected by utilizing social science methodology and in consultation with the lead SA.

Commented [MXB4]: See above comment about state & federal prisons.
Additionally, OCRE has concerns about this methodological choice for several reasons.
- There is not a database of all prisons.
- There is also not a database with the contact information for wardens, therefore, OCRE would not have a method to contact wardens to survey. Also, oftentimes warden contact information is intentionally not shared, so locating that information is challenging and wardens have little incentive to participate conditional on contacting them.
- Even if we could access wardens, they would be unlikely to answer a question about curtailing an inmate's religious rights. That would be asking them to admit to discrimination which they wouldn't do.
- To be able to understand if religious freedoms were being impinged upon in prisons, that would mean we were surveying/interviewing COs and inmates, but we don't ...

Commented [CM5R4]: Please read the 2008 RLUIPA report. That should answer many of your questions and concerns. We are not trying to reinvent the wheel, but to do a follow-up of that report. What OCRE could do in 2008, OCRE should be able to do in 2023.

Of course we aren't going to ask wardens "Have you violated RLUIPA?" We'll ask something like, "How do yo ...

Commented [MXB6R4]: Methodological concerns from the 2008 report:

- The researchers already had a selection bias when establishing criteria -- they focused on prisons where someone had reported an incident of discrimination. That should be noted on the outset. This is an important factor since it may/may not actually be capturing discrim that's ...

Commented [CM7R4]: I think we can agree to a set number of recommendations from advocacy organizations from each caucus. At least, I don't think my caucus wouldn't have problems with that.

AMERICAN OVERSIGHT

The Commission's report will include an analysis of cases alleging religious discrimination in prison. For *Enforcing Religious Freedom in Prison*, the Commission analyzed cases between 2001-2006. This report will analyze cases between 2017-2023. As in the 2008 report, relevant cases will be analyzed and included in the report. Information collected on cases will include:

- Year litigation was initiated
- The location (state and judicial circuit) in which the case took place
- Whether the plaintiff was *pro se*
- Whether the United States was a party
- The sex of the plaintiff
- The religion of the plaintiff (Christianity, Islam, Judaism, Hinduism, Buddhism, Native American spirituality, African traditional religions, Aboriginal spiritualities)
- The basis of the plaintiff's complaint, nature of the religious request, or practice that was allegedly impinged
- The defendant's proffered reason for denial of the prisoner's request/complaint
- The outcome of the case

OCRE will use analyze this information to determine whether there are any visible trends in these cases. Are more RLUIPA cases filed by members of certain religions? What accommodations are usually at issue? Are any types of requests increasing, at least as can be determined through available cases? Are certain types of requests more likely to be denied today than ten years ago, or vice versa? How many RLUIPA cases are filed each year?

The COVID-19 pandemic is another event that warrants the Commission's attention to religious freedom in prison. During the COVID-19 pandemic, prisoners from diverse religious backgrounds, including Christianity, Islam, Judaism, Hinduism, Buddhism, Native American spirituality, African traditional religions, and Aboriginal spiritualities, encountered restrictions on their religious exercise. The pandemic interrupted religious exercise throughout society. As part of attempts to limit the spread of COVID-19, state and local governments imposed restrictions on religious congregations' ability to gather. Prisons also faced severe challenges in dealing with COVID-19 due to the inherent nature of congregate living.

At least some prisoners faced restrictions on their religious exercise during the pandemic. For example, the Archdiocese of Milwaukee sued the Wisconsin Department of Corrections for banning all volunteer clergy from visiting prisoners for over a year.[9] In Midgeville, Georgia, the chaplain of the Baldwin State Prison asked a longtime clergy volunteer to assist him with

[9] Archdiocese of Milwaukee v. Wisconsin Department of Corrections, Case No. 21CV157, Jefferson County Circuit Court, May 7, 2021, *available at* [HYPERLINK "https://will-law.org/wp-content/uploads/2021/05/Combined-Summons-and-Complaint-5-7-21.pdf"]; Archdiocese of Milwaukee v. Wisconsin Department of Corrections, Case No. 21CV157, Jefferson County Circuit Court, July 14, 2022, *available at* [HYPERLINK "https://will-law.org/wp-content/uploads/2022/07/WIDOC-2022-07-14-Memorandum-Decision.pdf"].

Commented [MXB8]: The 2008 report looked at cases over 5 years, this proposal is asking for an analysis of 17 years. This is unfeasible, the time frame would have to be narrowed.

Commented [CM9R8]: We are willing to narrow the time frame. 7-10 years seems reasonable, given that we would want to capture some years pre-pandemic, some pandemic years, and some post-pandemic years.

Commented [YZ10R8]: The initial report covered 2001-2006. I propose this one be 2017 - now. Allow for some pre, during, and post covid.

Commented [MXB11R8]: OCRE agrees

Commented [MXB12]: Compared to when?

Commented [CM13R12]: Over the studied period - for example, were there more requests for kosher or halal meals at the end of the studied period than at the beginning of the studied period?

Commented [MXB14]: How can that be ascertained? An inmate's request isn't publicly available, so how will we know if they are being denied? And how many are denied that never reach the level of a lawsuit or civil rights complaint?

Commented [CM15R14]: We should ask the wardens for their records of prisoner requests - both the ones granted and the ones denied.

Commented [YZ16]: Added to reflect more religious groups.

Commented [MXB17R16]: OCRE agrees

Commented [MXB18]: In terms of measuring religious discrimination -- what mechanism of religion is the proposal seeking (e.g., visits from religious leaders, congregating, clothing, food, religious texts)?

Commented [CM19R18]: This is what we want to find out. Again, the 2008 report discussed this. Practitioners of different religions experienced different barriers to their religious practice - some were unable to receive kosher or halal food, some were unable to meet with clergy from their religion, some did not have access to sweat lodges, etc.

Commented [YZ20R18]: This is acceptable.

Commented [MXB21]: Was it just volunteer clergy who were banned from the prison or was it all volunteers and visitors? If the latter, that's not necessarily an example of discrimination occurring.

Commented [CM22R21]: RLUIPA prohibits prisons from placing a "substantial burden" on prisoners' religious exercise unless there is a compelling interest and the impingement is narrowly tailored to meet that goal. Prisons do not have to meet that standard when it comes to other rights. Furthermore, if you had read the linked opinion, yo ...

Commented [MXB23R21]: OCRE was merely stating that a determination of discrimination occurring on the basis of religion may not be able to be teased out from broader ...

AMERICAN OVERSIGHT

chaplaincy work.[10] The volunteer was unable to do so due to COVID-19 restrictions. The chaplain himself then became ill from COVID-19, leaving the entire prison without clergy for several weeks.[11]

What religious restrictions did prisoners face due to COVID-19 mitigation efforts? How widespread were these restrictions? Did restrictions vary between federal and state prisons? Have those restrictions been modified or removed since the end of the pandemic? What lessons can be learned or processes put in place to mitigate these curtailments of religious practice during outbreaks of disease in prisons?

Additionally, the Supreme Court has had an increasing number of RLUIPA cases involving prisoners on its docket since *Enforcing Religious Freedom* was published.[12] How have these cases affected how RLUIPA is enforced or what accommodations prisons must allow?

These questions, along with the questions asked by the Commission during its original investigation of RLUIPA compliance, will be included in the survey sent to prison wardens, chaplains, and other appropriate prison officials.

The Commission will hold a briefing in Washington, D.C. Witnesses will include representatives of the Department of Justice, the Bureau of Prisons, religious leaders (e.g., chaplains, rabbis, imams, minister), religious liberty organizations, and prisoners' rights groups.

Commented [MXB24]: Questions about COVID-19 and its impact on prisons are good questions and possibly something that we could study. Please note, however, that the methodology for doing so is not immediately clear and we would need to rely on a probability sample of relevant prisons in order to make robust claims.

Additionally we know that Covid restrictions were not isolated to religious practice. COVID caused a lot of restrictions through all prison programs and aspects of the prison, so to be difficult to isolate that particular aspect.

If the focus is on chaplains and other religious leaders, they may not know what a particular prison's COVID-19 restrictions were or still are.

Commented [CM25R24]: Many chaplains will know what a prisons COVID-19 restrictions were and are because they work there. Prisons have full-time chaplains in addition to volunteer clergy. Furthermore, as noted above, COVID did cause many restrictions, but RLUIPA requires prisons to avoid placing a substantial burden on religious exercise unless that burden can survive the requirements of strict scrutiny. Other restrictions, such as general visitors, educational programs, etc., do not have to meet that standard.

Commented [MXB26]: The 2008 report did not issue surveys. So this deviation from that report will depend upon if we can access their contact information. But OCRE will work with the lead SA to devise an appropriate sample that is based upon a social science methodological framework.

Commented [CM27]: When we write "will," we mean "will," not "may."

[10] John Gomez, The Pandemic's Effect on the Efficacy of Chaplaincy at the Baldwin State Prison (April 12, 2022)(unpublished D.Min. thesis, Liberty University), *available at* [HYPERLINK "https://digitalcommons.liberty.edu/cgi/viewcontent.cgi?article=4606&context=doctoral"]

[11] *Id.*

[12] *See* Sossamon v. Texas, 563 U.S. 277 (2011); Holt v. Hobbs, 574 U.S. 352 (2015); 136 S.Ct. 930 (2016)(Alito, J., dissenting from denial of certiorari); Murphy v. Collier, 139 S.Ct. 1475 (2019)(Mem.); Guttierez v. Saenz, 141 S.Ct. 127 (2020)(Mem.); Dunn v. Smith, 141 S.Ct. 725 (2021)(Mem.); Ramirez v. Collier, 142 S.Ct. 1264 (2022).

AMERICAN OVERSIGHT

November 21, 2023

MEMORANDUM

TO: CHAIR & COMMISSIONERS

FROM: Mauro Morales, Staff Director
SUBJECT: Notational Vote to Approve the 2024 Statutory Enforcement Report on Facial Recognition Technology and Civil Rights (FRT) and a Briefing Report to update the Commission's 2008 report, "Enforcing Religious Freedom in Prison." (RLUIPA)

At the request of Chair Rochelle Garza, this memorandum serves as the ballot for the Commission to vote to approve acceptance of the 2024 Statutory Enforcement Report on Facial Recognition Technology and Civil Rights (FRT) and a Briefing Report to update the Commission's 2008 report, "Enforcing Religious Freedom in Prison." (RLUIPA). The Chair directs the Staff Director of the Commission to undertake the investigation and publication of the 2024 Statutory Enforcement and an additional briefing for 2024. The concept papers for the reports are attached for your consideration and vote.

This notational vote is in accordance with Administrative Instructions 1-7.

MOTION

The U.S. Commission on Civil Rights approves the acceptance of the 2024 Statutory Enforcement Report on Facial Recognition Technology and Civil Rights (FRT) and a Briefing Report to update the Commission's 2008 report, "Enforcing Religious Freedom in Prison." (RLUIPA), as attached. Furthermore, the Commission directs staff to undertake all steps necessary to investigate, conduct research and publish these reports.

Please be advised that your ballot must be submitted by 5pm ET on November 22, 2023, to the Office of the Staff Director indicating “accept,” “reject,” or “abstain” along with either a handwritten or electronic signature for the ballot to be valid.

AMERICAN OVERSIGHT

Accept _____

Reject _____

Abstain _____

_____ _____

Commissioner Signature* Date

***In order for your vote to be counted, you must submit a .pdf copy of your signed, completed ballot by 5 PM ET on November 22, 2023, via email to: [HYPERLINK "mailto:mmorales@usccr.gov"].**

AMERICAN OVERSIGHT

Date : 11/21/2023 9:01:55 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : Fw: USCCR Notational Ballot on two Reports for 2024
Attachment : Concept Paper FRT 10.16.2023 FINAL_.docx;RLUIPA Concept Paper.docx;USCCR Notational Ballot - Adoption of 2024 SE report on FRT and Briefing Report on Religous Freedom.doc;image001.gif;image002.gif;

FYI - not sure you saw this since it was sent to your Cmn email. It is supposed to be completed with an electronic signature and sent back via email by close of business tomorrow.

Gail has an issue with it saying staff are to make all efforts to investigate, research, and PUBLISH the two reports. She wants our folks to add the following notation to the ballot: " 'Publish' means publish In connection with our usual procedures which require commission approval."

I think we should wait until they send a non-ambiguous version of the ballot. It's not like waiting til next week will make that big of a difference and not sure our 4 folks amending the language unilaterally will have any authority behind it.

Also, the Dec 15 business meeting will be by phone and not in person.

From: Mauro Morales
Sent: Tuesday, November 21, 2023 6:56:57 PM
To: Commissioners
Cc: CommissionerAssistants; ExecutiveStaff; Essence Perry
Subject: USCCR Notational Ballot on two Reports for 2024

Commissioners,

Pursuant to the request of Chair Garza, I have attached a notational ballot for your consideration. I have also attached the two reports you are voting to approve. I have been informed that pursuant to previous communication, the Chair has waived prior notice. Because of the Thanksgiving holiday, the ballot should be returned by 5 pm on Friday, November 24thth.

Please recall that Thursday the 23rd is a Federal holiday. Thank you.

Mauro Morales
Staff Director
U.S. Commission on Civil Rights
P: 202-376-7796| F: 202-376-7672
Mmorales@usccr.gov
http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:

AMERICAN OVERSIGHT

#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 3/27/2023 10:32:15 AM
From : "Christian Adams" a@electionlawcenter.com
To : "'Carissa Mulder'" CMulder@usccr.gov, "'Christian Adams'" adams@electionlawcenter.com, "'John Mashburn'" jmashburn@usccr.gov
Subject : RE: [EXTERNAL] RE: Georgia delegation

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

OK. Yes. I like USCCR offices.

From: Carissa Mulder <CMulder@usccr.gov>
Sent: Monday, March 27, 2023 10:23 AM
To: Christian Adams <a@electionlawcenter.com>; 'Christian Adams' <adams@electionlawcenter.com>; John Mashburn <jmashburn@usccr.gov>
Subject: Re: [EXTERNAL] RE: Georgia delegation

It looks like they want to meet you on Thursday at 2:30.

From: Christian Adams <a@electionlawcenter.com>
Sent: Monday, March 27, 2023 10:21:56 AM
To: Carissa Mulder; 'Christian Adams'; John Mashburn
Subject: [EXTERNAL] RE: Georgia delegation

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

Crud. When is that?

From: Carissa Mulder <CMulder@usccr.gov>
Sent: Monday, March 27, 2023 9:49 AM
To: Christian Adams <adams@electionlawcenter.com>; John Mashburn <jmashburn@usccr.gov>
Subject: Georgia delegation

Hi Christian,

I read the emails about the delegation from Georgia. Is there anything you would like John and I to do to prepare for the meeting?

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the

AMERICAN OVERSIGHT

individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 7/28/2023 1:21:24 PM
From : "Christian Adams" a@electionlawcenter.com
To : "'John Mashburn'" jmashburn@usccr.gov
Subject : [EXTERNAL] RE: 2024 Business Meeting Calendar

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

Congratulations on the wedding but I need you tonight to move a Christmas tree.

The dates are fine.

I am more worried about cancelling Aug 18.

From: John Mashburn <jmashburn@usccr.gov>
Sent: Friday, July 28, 2023 1:20 PM
To: Christian Adams <a@electionlawcenter.com>
Subject: FW: 2024 Business Meeting Calendar

Gilchrist and heriot have said OK to these dates, including Magpantay's non-Friday date in Nov. 2024. Kirsanow has noy said OK as yet. Hard to project out so far, but thought I would remind you.

FYI – as a reminder I am in Tampa for my daughter's wedding tomorrow.

From: Irena Vidulovic <ividulovic@usccr.gov>
Date: Thursday, July 20, 2023 at 1:53 PM
To: "CommissionerAssistants@usccr.gov" <CommissionerAssistants@usccr.gov>
Subject: 2024 Business Meeting Calendar

Team,

The staff has proposed business meeting calendar for 2024 below. I don't know if your bosses have gotten a chance to review the dates for scheduling conflicts. Commissioner Magpantay has provided conflicts for the following business meeting days:
Conflict with Friday June 14. **Available** all other Fridays in June.
Conflict Friday November 8. **Available** Nov. 15 or 22 (*which are non Friday dates*)

Please let me know if we could find alternate days that work for everyone and or if we should provide more time for Commissioner review and have this

AMERICAN OVERSIGHT

calendar voted upon as a notational vote soon after tomorrow's business meeting?

Thoughts?

Staff Proposed 2024 Business Meeting Days
Friday, January 19
Friday, February 23
Friday, March 22
Friday, April 19
Friday, May 17
Friday, June 14
Friday, July 19
Friday, August 16
Friday, September 20
Friday, October 18
Friday, November 8
Friday, December 13

Thanks,
Irena

Irena Vidulovic
Special Assistant to Commissioner Mondaire Jones
U.S. Commission on Civil Rights
M: 202-591-9969
ividulovic@usccr.gov
http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:
TwiFB
#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any

AMERICAN OVERSIGHT

other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 3/27/2023 12:05:18 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com, "Carissa Mulder" CMulder@usccr.gov, "'Christian Adams'" adams@electionlawcenter.com
Subject : Re: [EXTERNAL] RE: Georgia delegation

I will let the guy know.

From: Christian Adams <a@electionlawcenter.com>
Date: Monday, March 27, 2023 at 11:37 AM
To: John Mashburn <jmashburn@usccr.gov>, Carissa Mulder <CMulder@usccr.gov>, 'Christian Adams' <adams@electionlawcenter.com>
Subject: RE: [EXTERNAL] RE: Georgia delegation

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

.

From: John Mashburn <jmashburn@usccr.gov>
Sent: Monday, March 27, 2023 11:31 AM
To: Christian Adams <a@electionlawcenter.com>; Carissa Mulder <CMulder@usccr.gov>; 'Christian Adams' <adams@electionlawcenter.com>
Subject: Re: [EXTERNAL] RE: Georgia delegation

Carissa got the conference room at USCCR reserved for Thursday from 2 - 5 pm

---

From: Christian Adams <a@electionlawcenter.com>
Sent: Monday, March 27, 2023 10:32:15 AM
To: Carissa Mulder; 'Christian Adams'; John Mashburn
Subject: RE: [EXTERNAL] RE: Georgia delegation

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

From: Carissa Mulder <CMulder@usccr.gov>
Sent: Monday, March 27, 2023 10:23 AM
To: Christian Adams <a@electionlawcenter.com>; 'Christian Adams' <adams@electionlawcenter.com>; John Mashburn <jmashburn@usccr.gov>
Subject: Re: [EXTERNAL] RE: Georgia delegation

It looks like they want to meet you on Thursday at 2:30.

From: Christian Adams <a@electionlawcenter.com>
Sent: Monday, March 27, 2023 10:21:56 AM

AMERICAN OVERSIGHT

To: Carissa Mulder; 'Christian Adams'; John Mashburn
Subject: [EXTERNAL] RE: Georgia delegation

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

From: Carissa Mulder <CMulder@usccr.gov>
Sent: Monday, March 27, 2023 9:49 AM
To: Christian Adams <adams@electionlawcenter.com>; John Mashburn <jmashburn@usccr.gov>
Subject: Georgia delegation

Hi Christian,

I read the emails about the delegation from Georgia. Is there anything you would like John and I to do to prepare for the meeting?

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Employee Data

Employee	Grade/Step	Hourly Rate	Salary	BLOCK NUM	SCHEDULE_NUMBER
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	70	1B0207
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	1BN012
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	1BN012
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	1BN012
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	1BN012
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	1BN021
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	1BN021
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	1BN031
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	1BN042
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	1BN051
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	1BN061
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	1BN071
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	1BN081
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	1BN091
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	1BN101
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	1BN111
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	1BN121
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	1BN131
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	1BN141
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	1BN161
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	1BN161
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	1BN171
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	1BN181
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN011
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN011
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN011
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN031
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN031
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN051
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN051
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN061
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN071
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN081
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN091
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN101
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN111
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN121
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN131
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN141
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN151
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN161
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN171
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN181
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN191
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN201

AMERICAN OVERSIGHT

BATCH NUM	GROSS PAY	NET PAY	PAYMENT TYPE	ADJUSTMENT (DR/CR)	NFC-29 (MANUAL PAYMENT)	REGULAR (T&A)
20000	4,284.34	3,363.70			2020-17	
10001	391.18	359.04				2020-26
10001	782.36	730.92				2020-23
10001	931.38	862.32				2020-25
10001	1,322.55	1,204.35				2020-24
20011	856.87	767.50				2021-02
20011	875.49	783.76				2021-01
30007	1,341.18	1,187.49				2021-03
40011	1,322.55	1,171.35				2021-04
50005	968.63	864.85				2021-05
60003	1,881.38	1,655.30				2021-06
70002	1,695.10	1,493.98				2021-07
80003	1,303.93	1,155.23				2021-08
90003	1,285.30	1,139.09				2021-09
100003	1,471.57	1,300.40				2021-10
110007	1,266.67	1,122.96				2021-11
120004	1,359.81	1,203.62				2021-12
130004	1,695.10	1,493.98				2021-13
140008	1,583.34	1,397.19				2021-14
160004	1,061.77	945.51				2021-16
160004	1,508.83	1,332.67				2021-15
170003	1,639.22	1,445.59				2021-17
180003	1,657.85	1,461.72				2021-18
10007	1,117.65	993.91				2022-01
260008	-130.39	-120.42		2021-26		
260008	130.39	120.42		2021-26		
30005	931.38	832.57				2022-03
30005	1,285.30	1,139.09				2022-02
50003	931.38	832.57				2022-05
50003	1,192.16	1,058.44				2022-04
60005	782.36	702.41				2022-06
70002	1,248.04	1,106.82				2022-07
80003	111.77	103.22				2022-08
90006	614.71	555.97				2022-09
100002	1,173.53	1,042.30				2022-10
110003	875.49	783.76				2022-11
120008	1,099.02	977.77				2022-12
130003	1,750.99	1,116.90				2022-13
140008	1,620.59	1,017.01				2022-14
150002	2,905.89	1,979.16				2022-15
160003	1,452.95	888.60				2022-16
170002	2,794.13	1,895.79				2022-17
180003	2,905.89	1,979.16				2022-18
190003	1,657.85	1,461.72				2021-19
200004	1,527.46	1,348.81				2021-20

AMERICAN OVERSIGHT

ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN211
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN221
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN231
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN241
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN251
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	2BN261
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	3BN011
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	3BN011
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	3BN021
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	3BN031
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	3BN041
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	3BN051
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	3BN061
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	3BN071
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	3BN081
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	3BN091
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	3BN101
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	3BN111
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	3BN121
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	3BN191
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	3BN201
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	3BN211
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	3BN221
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	3BN241
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	3BN241
ADAMS, JOHN CHRISTIAN	00/00	0.04	74.51	84	3BN251

Transaction Codes

PP Year Num Covered	TC	Transaction Code Prefix	Transaction Code Suffix	Rate	Week 1 HRS	Gross 1
2020-17	01	00	0	0.00	0.00	0.00
		00	0	0.00	0.00	0.00
2020-23	01	00	0	74.51	6.75	502.95
2020-24	01	00	0	74.51	6.00	447.06
2020-25	01	00	0	74.51	1.00	74.51
2020-26	01	00	0	74.51	1.50	111.77
2021-01	01	00	0	74.51	2.75	204.90
2021-02	01	00	0	74.51	3.00	223.53
2021-03	01	00	0	74.51	12.25	912.75
2021-04	01	00	0	74.51	3.50	260.79
2021-05	01	00	0	74.51	7.25	540.20
2021-06	01	00	0	74.51	12.75	950.00
2021-07	01	00	0	74.51	10.50	782.36
2021-08	01	00	0	74.51	9.00	670.59
2021-09	01	00	0	74.51	14.25	1061.77
2021-10	01	00	0	74.51	11.75	875.49
2021-11	01	00	0	74.51	7.00	521.57
2021-12	01	00	0	74.51	6.50	484.32
2021-13	01	00	0	74.51	19.75	1471.57

AMERICAN OVERSIGHT

210002	1,806.87	1,590.77	2021-21
220005	1,080.40	961.65	2021-22
230003	1,229.42	1,090.70	2021-23
240010	279.41	258.04	2021-24
250002	2,812.75	2,458.29	2021-25
260008	130.39	120.42	2021-26
10006	409.81	28.46	2022-26
10006	912.75	473.04	2023-01
20003	707.85	294.06	2023-02
30005	1,564.71	988.88	2023-03
40007	1,508.83	946.07	2023-04
50003	1,397.06	860.45	2023-05
60005	2,551.97	1,732.31	2023-06
70003	1,732.36	1,117.29	2023-07
80003	2,235.30	1,496.07	2023-08
90007	1,490.20	931.80	2023-09
100004	1,434.32	888.99	2023-10
110004	931.38	489.30	2023-11
120004	1,546.08	974.60	2023-12
190004	2,533.34	1,701.25	2022-19
200005	1,546.08	959.94	2022-20
210004	1,713.73	1,088.36	2022-21
220005	1,080.40	603.23	2022-22
240001	1,601.97	1,002.75	2022-23
240007	651.96	238.51	2022-24
250003	1,490.20	924.88	2022-25
	96,844.48		

Week 2 HRS	Gross 2	Total Hrs	Total Gross
25.75	1918.64	25.75	1918.64
31.75	2365.70	31.75	2365.70
3.75	279.41	10.50	782.36
11.75	875.49	17.75	1322.55
11.50	856.87	12.50	931.38
3.75	279.41	5.25	391.18
9.00	670.59	11.75	875.49
8.50	633.34	11.50	856.87
5.75	428.43	18.00	1341.18
14.25	1061.76	17.75	1322.55
5.75	428.43	13.00	968.63
12.50	931.38	25.25	1881.38
12.25	912.74	22.75	1695.10
8.50	633.34	17.50	1303.93
3.00	223.53	17.25	1285.30
8.00	596.08	19.75	1471.57
10.00	745.10	17.00	1266.67
11.75	875.49	18.25	1359.81
3.00	223.53	22.75	1695.10

AMERICAN OVERSIGHT

2021-14	01	00	0	74.51	5.00	372.55
2021-15	01	00	0	74.51	17.75	1322.55
2021-16	01	00	0	74.51	0.00	0.00
2021-17	01	00	0	74.51	15.75	1173.53
2021-18	01	00	0	74.51	4.75	353.92
2021-19	01	00	0	74.51	7.75	577.45
2021-20	01	00	0	74.51	1.00	74.51
		00	0	74.51	7.00	521.57
2021-21	01	00	0	74.51	4.50	335.30
2021-22	01	00	0	74.51	9.00	670.59
2021-23	01	00	0	74.51	5.00	372.55
2021-24	01	00	0	74.51	1.00	74.51
2021-25	01	00	0	74.51	36.50	2719.61
2021-26	01	00	0	-74.51	-0.25	-18.63
		00	0	74.51	0.25	18.63
2022-01	01	00	0	74.51	3.25	242.16
2022-02	01	00	0	74.51	12.25	912.75
2022-03	01	00	0	74.51	6.50	484.32
2022-04	01	00	0	74.51	11.50	856.86
2022-05	01	00	0	74.51	2.00	149.02
2022-06	01	00	0	74.51	3.25	242.16
2022-07	01	00	0	74.51	5.25	391.18
2022-08	01	00	0	74.51	1.50	111.77
2022-09	01	00	0	74.51	3.00	223.53
2022-10	01	00	0	74.51	10.75	800.98
2022-11	01	00	0	74.51	3.25	242.16
2022-12	01	00	0	74.51	7.00	521.57
2022-13	01	00	0	74.51	19.00	1415.69
2022-14	01	00	0	74.51	11.25	838.23
2022-15	01	00	0	74.51	28.00	2086.28
2022-16	01	00	0	74.51	5.75	428.43
2022-17	01	00	0	74.51	18.00	1341.18
2022-18	01	00	0	74.51	16.25	1210.79
2022-19	01	00	0	74.51	15.75	1173.53
2022-20	01	00	0	74.51	0.00	0.00
		00	0	74.51	9.00	670.59
2022-21	01	00	0	74.51	6.25	465.69
2022-22	01	00	0	74.51	4.75	353.92
2022-23	01	00	0	74.51	8.00	596.08
2022-24	01	00	0	74.51	0.00	0.00
2022-25	01	00	0	74.51	9.75	726.47
2022-26	01	00	0	74.51	0.00	0.00
2023-01	01	00	0	74.51	4.75	353.92
2023-02	01	00	0	74.51	3.50	260.79

AMERICAN OVERSIGHT

16.25	1210.79	21.25	1583.34
2.50	186.28	20.25	1508.83
14.25	1061.77	14.25	1061.77
6.25	465.69	22.00	1639.22
17.50	1303.93	22.25	1657.85
14.50	1080.40	22.25	1657.85
12.50	931.38	13.50	1005.89
0.00	0.00	7.00	521.57
19.75	1471.57	24.25	1806.87
5.50	409.81	14.50	1080.40
11.50	856.87	16.50	1229.42
2.75	204.90	3.75	279.41
1.25	93.14	37.75	2812.75
-1.50	-111.76	-1.75	-130.39
1.50	111.76	1.75	130.39
11.75	875.49	15.00	1117.65
5.00	372.55	17.25	1285.30
6.00	447.06	12.50	931.38
4.50	335.30	16.00	1192.16
10.50	782.36	12.50	931.38
7.25	540.20	10.50	782.36
11.50	856.86	16.75	1248.04
0.00	0.00	1.50	111.77
5.25	391.18	8.25	614.71
5.00	372.55	15.75	1173.53
8.50	633.33	11.75	875.49
7.75	577.45	14.75	1099.02
4.50	335.30	23.50	1750.99
10.50	782.36	21.75	1620.59
11.00	819.61	39.00	2905.89
13.75	1024.52	19.50	1452.95
19.50	1452.95	37.50	2794.13
22.75	1695.10	39.00	2905.89
18.25	1359.81	34.00	2533.34
11.75	875.49	11.75	875.49
0.00	0.00	9.00	670.59
16.75	1248.04	23.00	1713.73
9.75	726.48	14.50	1080.40
13.50	1005.89	21.50	1601.97
8.75	651.96	8.75	651.96
10.25	763.73	20.00	1490.20
5.50	409.81	5.50	409.81
7.50	558.83	12.25	912.75
6.00	447.06	9.50	707.85

AMERICAN OVERSIGHT

2023-03	01	00	0	74.51	8.00	596.08
2023-04	01	00	0	74.51	5.25	391.18
2023-05	01	00	0	74.51	7.25	540.20
2023-06	01	00	0	74.51	10.25	763.73
2023-07	01	00	0	74.51	13.00	968.63
2023-08	01	00	0	74.51	14.00	1043.14
2023-09	01	00	0	74.51	9.25	689.22
2023-10	01	00	0	74.51	7.50	558.83
2023-11	01	00	0	74.51	5.25	391.18
2023-12	01	00	0	74.51	7.25	540.20

AMERICAN OVERSIGHT

13.00	968.63	21.00	1564.71
15.00	1117.65	20.25	1508.83
11.50	856.86	18.75	1397.06
24.00	1788.24	34.25	2551.97
10.25	763.73	23.25	1732.36
16.00	1192.16	30.00	2235.30
10.75	800.98	20.00	1490.20
11.75	875.49	19.25	1434.32
7.25	540.20	12.50	931.38
13.50	1005.88	20.75	1546.08
			96714.09
			130.389999999985

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

An official website of the United States government Here's how you know

GSA Payment Search

Log Out (johnratcliffe)

Search Payment

Search For: TA0004PEK

In: ACT

Fiscal Year: Current FY

Fund: ALL

Search | Save as Excel

1 Payment Found.

Invoice PegDocNum	Pay Amount	Interest (Discount)	Trace IA Number	Estimated Date	Actual Date	Pymt. Type	Fund	Vendor Name	Credits Holdbacks	ACT/Title
TA0004PEK X820230705000026	$418.40	$0.00	00763179	07/05/2023	07/07/2023	EFT	980	ADAMS, JOHN CHRISTIAN	$0.00 $0.00	TA0004PEK

First Page | Prev Page | 1 | Next Page | Last Page

1 - 1 of 1 items

Total Amount: $418.40
1 Payment Found.

Return to top

If you require data before 2009 OR receive an error message when using this application, send an email for assistance. Please include the details of the issue and the exact verbiage of any error message you received.

GSA.gov Corporate IT Services Email Us

© 2.2.2023051113 - Payment Search .NET Application

AMERICAN OVERSIGHT

Date : 7/14/2023 1:49:01 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : FW: Commission Adam's Payments
Attachment : Web capture_14-7-2023_13133_fmitservices-external.gsa.gov.jpeg;Commission Adams Payroll Information.xlsx;

FYI

From: John Ratcliffe <jratcliffe@usccr.gov>
Date: Friday, July 14, 2023 at 1:18 PM
To: John Mashburn <jmashburn@usccr.gov>
Cc: TinaLouise Martin <tmartin@usccr.gov>
Subject: RE: Commission Adam's Payments

John,

Here is the payment information for Commission Adams. I also found a new report that shows Commissioner Adams net pay.

I'm sorry for the delay in his travel reimbursement. I'm not sure what happened.

John Ratcliffe
Chief, Budget and Finance Division
U.S. Commission on Civil Rights

From: John Ratcliffe
Sent: Friday, June 30, 2023 12:57 PM
To: John Mashburn <jmashburn@usccr.gov>
Cc: TinaLouise Martin <tmartin@usccr.gov>
Subject: RE: Commission Adam's Payments

John,

Besides the payment below. I have no record of Commission Adams requesting any other reimbursement. Commission Adams does submit his Time and Attendance Record for the hours he works are a regular basis. While I have a record of the gross salary to Commissioner Adams, I do not have a record of the net pay (after taxes and deductions) he received each pay period. That information is available to Commissioner Adams on the My EPP system below under Earnings & Leave Statements:

https://www.nfc.usda.gov/EPPS/index.aspx?ReturnUrl=%2fEPPS

Let me know if you have any questions.

Thanks,
John

AMERICAN OVERSIGHT

From: John Mashburn <jmashburn@usccr.gov>
Sent: Thursday, June 29, 2023 10:38 AM
To: John Ratcliffe <jratcliffe@usccr.gov>
Cc: TinaLouise Martin <tmartin@usccr.gov>
Subject: Re: Commission Adam's Payments

Thanks John, that's very helpful.

Cmnr Adams was also looking for a list of the expenses he has been reimbursed for since he came on the Cmn, to compare with his paperwork regarding them since that time. Is that possible?

From: John Ratcliffe <jratcliffe@usccr.gov>
Date: Thursday, June 29, 2023 at 8:36 AM
To: John Mashburn <jmashburn@usccr.gov>
Cc: TinaLouise Martin <tmartin@usccr.gov>
Subject: Commission Adam's Payments

John,

I'm sorry I didn't get back to you sooner. I just go back from leave. It looks like Commission Adams was not paid for his travel to Puerto Rico. We have resent the invoice to our paying office last week. Commission Adams should receive reimbursement soon.

Thanks,
John Ratcliffe
Chief, Budget and Finance Division
U.S. Commission on Civil Rights

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under

AMERICAN OVERSIGHT

applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

November 21, 2023

MEMORANDUM

TO: CHAIR & COMMISSIONERS

FROM: Mauro Morales, Staff Director
SUBJECT: Notational Vote to Approve the 2024 Statutory Enforcement Report on Facial Recognition Technology and Civil Rights (FRT) and a Briefing Report to update the Commission's 2008 report, "Enforcing Religious Freedom in Prison." (RLUIPA)

At the request of Chair Rochelle Garza, this memorandum serves as the ballot for the Commission to vote to approve acceptance of the 2024 Statutory Enforcement Report on Facial Recognition Technology and Civil Rights (FRT) and a Briefing Report to update the Commission's 2008 report, "Enforcing Religious Freedom in Prison." (RLUIPA). The Chair directs the Staff Director of the Commission to undertake the investigation and publication of the 2024 Statutory Enforcement and an additional briefing for 2024. The concept papers for the reports are attached for your consideration and vote.

This notational vote is in accordance with Administrative Instructions 1-7.

MOTION

The U.S. Commission on Civil Rights approves the acceptance of the 2024 Statutory Enforcement Report on Facial Recognition Technology and Civil Rights (FRT) and a Briefing Report to update the Commission's 2008 report, "Enforcing Religious Freedom in Prison." (RLUIPA), as attached. Furthermore, the Commission directs staff to undertake all steps necessary to investigate, conduct research and publish these reports*. The term "publish" means to publish the report in connection with our usual procedures which require Commission approval.*

Please be advised that your ballot must be submitted by 5pm ET on November 24, 2023, to the Office of the Staff Director indicating "accept," "reject," or "abstain" along with either a handwritten or electronic signature for the ballot to be valid.

AMERICAN OVERSIGHT

Accept ___X____

Reject _____

Abstain _____



_____ __11/25/2023_____

Commissioner Signature* Date

***In order for your vote to be counted, you must submit a .pdf copy of your signed, completed ballot by 5 PM ET on November 24, 2023, via email to: mmorales@usccr.gov.**

AMERICAN OVERSIGHT

Date : 11/24/2023 3:11:00 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Mauro Morales" mmorales@usccr.gov
Cc : "Christian Adams" a@electionlawcenter.com
Subject : Re: Corrected Notational Ballot
Attachment : USCCR Notational Ballot 2 - Adoption of 2024 SE report on FRT and Briefing Report on Religous Freedom.pdf;

Good morning, Mauro,

Commissioner Adams asked me to submit his completed ballot. He votes yea with the same notation as Commissioner Heriot and Kirsanow regarding the meaning of "publish."

Thank you.

From: Mauro Morales <mmorales@usccr.gov>
Date: Tuesday, November 21, 2023 at 7:12 PM
To: Commissioners <Commissioners@usccr.gov>
Cc: "CommissionerAssistants@usccr.gov" <CommissionerAssistants@usccr.gov>, ExecutiveStaff <ExecutiveStaff@usccr.gov>, Essence Perry <EPerry@usccr.gov>
Subject: Corrected Notational Ballot

Commissioners,

Please use this attached ballot. This ballot contains the correct date of November 24th for return of the ballot. Discard the previous ballot you were sent it has the incorrect date of November 22nd.

I apologize for any confusion. Please contact me if you have any questions.

Mauro Morales
Staff Director
USCCR
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 11/22/2023 1:37:57 PM
From : "Christian Adams" a@electionlawcenter.com
To : "jmashburn@usccr.gov" jmashburn@usccr.gov
Subject : Re: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024
Attachment : 1.gif;2.gif;

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

do what you think is best

---- On Wed,22 Nov 2023 19:09:01 -0500 **jmashburn@usccr.gov** wrote ----

You want me to send it in?

From: Christian Adams <a@electionlawcenter.com>
Sent: Wednesday, November 22, 2023 11:07:49 AM
To: John Mashburn
Subject: Re: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

ok. Ill do yes.

---- On Wed,22 Nov 2023 19:02:04 -0500 **jmashburn@usccr.gov** wrote ----

I question why this vote is worded this way about authorizing staff vs just approving the concept papers. While Gail questions it too, she doesn't want to hold up the vote to approve the two concept papers. Carissa thinks objecting at this point will be taken as bad faith on our part by the Dems. As worded I question whether staff even needs to come back and have Cmnrs approve the Discovery docs later. It may be innocent or it may not be.

From: Christian Adams <a@electionlawcenter.com>
Sent: Wednesday, November 22, 2023 10:44:24 AM
To: John Mashburn
Subject: Re: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

why should i empower staff??

AMERICAN OVERSIGHT

---- On Wed,22 Nov 2023 18:22:17 -0500 **jmashburn@usccr.gov** wrote ----

Heriot and Kirsanow have sent their ballots in voting yea but with Gail's proposed phrase added to their ballots.

It is due Friday, not today.

From: Christian Adams <a@electionlawcenter.com>
Sent: Tuesday, November 21, 2023 10:22:20 PM
To: John Mashburn
Subject: Re: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

wait

---- On Wed,22 Nov 2023 06:20:45 -0500 **jmashburn@usccr.gov** wrote ----

I can fill it out and send it in for you.

From: Christian Adams <a@electionlawcenter.com>
Sent: Tuesday, November 21, 2023 9:16:11 PM
To: John Mashburn
Subject: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

i am travelling. Do i have to do this??

---- On Wed,22 Nov 2023 05:01:55 -0500 **jmashburn@usccr.gov** wrote ----

FYI - not sure you saw this since it was sent to your Cmn email. It is supposed to be completed with an electronic signature and sent back via email by close of business tomorrow.

Gail has an issue with it saying staff are to make all efforts to investigate, research, and PUBLISH the two reports. She wants our folks to add the following notation to the ballot: " 'Publish' means publish In connection with our usual procedures which require commission approval."

I think we should wait until they send a non-ambiguous version of the ballot. It's not like waiting til next week will make that big of a difference and not sure our 4 folks amending the language unilaterally will have any authority behind it.

Also, the Dec 15 business meeting will be by phone and not in person.

AMERICAN OVERSIGHT

From: Mauro Morales
Sent: Tuesday, November 21, 2023 6:56:57 PM
To: Commissioners
Cc: CommissionerAssistants; ExecutiveStaff; Essence Perry
Subject: USCCR Notational Ballot on two Reports for 2024

Commissioners,

Pursuant to the request of Chair Garza, I have attached a notational ballot for your consideration. I have also attached the two reports you are voting to approve. I have been informed that pursuant to previous communication, the Chair has waived prior notice. Because of the Thanksgiving holiday, the ballot should be returned by 5 pm on Friday, November 24thth.

Please recall that Thursday the 23rd is a Federal holiday. Thank you.

Mauro Morales
Staff Director
U.S. Commission on Civil Rights
P: 202-376-7796| F: 202-376-7672
Mmorales@usccr.gov
http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:
#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further

AMERICAN OVERSIGHT

distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 12/22/2023 5:07:41 PM
From : "Christian Adams" a@electionlawcenter.com
To : "'John Mashburn'" jmashburn@usccr.gov
Subject : [EXTERNAL] RE: DEADLINE TODAY: Notational Ballot on Planning Documents for 2024 Reports
Attachment : image001.gif;image002.gif;

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

Thanks

From: John Mashburn <jmashburn@usccr.gov>
Sent: Friday, December 22, 2023 4:43 PM
To: Christian Adams <a@electionlawcenter.com>
Subject: FW: DEADLINE TODAY: Notational Ballot on Planning Documents for 2024 Reports

FYI – I sent your notational ballot in, voting AYE.

From: John Mashburn <jmashburn@usccr.gov>
Date: Friday, December 22, 2023 at 4:41 PM
To: Yvesner Zamar <yzamar@usccr.gov>, Mauro Morales <mmorales@usccr.gov>
Cc: Carissa Mulder <CMulder@usccr.gov>
Subject: Re: DEADLINE TODAY: Notational Ballot on Planning Documents for 2024 Reports

Please find attached Cmnr Adams completed Notational ballot voting Aye.

From: Yvesner Zamar <yzamar@usccr.gov>
Date: Friday, December 22, 2023 at 9:50 AM
To: "CommissionerAssistants@usccr.gov" <CommissionerAssistants@usccr.gov>
Subject: DEADLINE TODAY: Notational Ballot on Planning Documents for 2024 Reports

Good Morning & Happy Holidays!

As I have told @Carissa Mulder and @Irena Vidulovic privately, I greatly appreciate all their work and coordination with OCRE to make sure that we as a Commission are fulfilling our duties. They put us in a great position to have two paper topics approved and now we have planning documents for each paper ready to be voted upon. Before we all head out for the holidays, I wanted to send a reminder to get your Commissioners vote submitted so the work can continue on both of these efforts.

Please submit your Commissioner's ballot for the planning documents.

Best,

AMERICAN OVERSIGHT

--

Yvesner Zamar | Special Assistant to Chair Rochelle M. Garza
Pronounced: EVE-NER

United States Commission on Civil Rights
1331 Pennsylvannia Ave, NW Suite 1150
Washington, DC 20425
USCCR Website | 202-376-7700
Follow Us on Twitter & Facebook:
#USCCR

From: Mauro Morales <mmorales@usccr.gov>
Date: Wednesday, December 20, 2023 at 11:13 AM
To: Commissioners <Commissioners@usccr.gov>
Cc: CommissionerAssistants <CommissionerAssistants@usccr.gov>, ExecutiveStaff <ExecutiveStaff@usccr.gov>
Subject: Notational Ballot on Planning Documents for 2024 Reports

Commissioners,

Pursuant to the request of Chair Garza, I have attached a notational ballot for your consideration and vote. I have also attached the planning documents for the 2024 report on FRT and the 2024 report on RLUIPA for your review and approval. I have been informed that pursuant to previous communication, the Chair has waived prior notice. Because of the Christmas holiday, the ballot should be returned by 5 pm on Friday, December 22nd.

Please recall that Monday the 25th is the Christmas holiday. Thank you.

Mauro Morales
Staff Director
U.S. Commission on Civil Rights
P: 202-376-7796| F: 202-376-7672
Mmorales@usccr.gov
http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:
#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you

AMERICAN OVERSIGHT

have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

December 22, 2023

MEMORANDUM

TO:	CHAIR & COMMISSIONERS
FROM:	Mauro Morales, Staff Director
SUBJECT:	Notational Vote to Approve the planning documents (research plan, outline, and timeline) for both the 2024 Statutory Enforcement Report on Facial Recognition Technology and Civil Rights (FRT) and a Briefing Report to update the Commission's 2008 report, "Enforcing Religious Freedom in Prison" (RLUIPA)

At the request of Chair Rochelle Garza, this memorandum serves as the ballot for the Commission to vote to approve acceptance of the planning documents (research plan, outline, and timeline) for both the 2024 Statutory Enforcement Report on Facial Recognition Technology and Civil Rights (FRT) and a Briefing Report to update the Commission's 2008 report, "Enforcing Religious Freedom in Prison" (RLUIPA). The planning documents for the reports are attached for your consideration and vote.

This notational vote is in accordance with Administrative Instructions 1-7.

MOTION

The U.S. Commission on Civil Rights approves the acceptance of the planning documents (research plan, outline, and timeline) for both 2024 Statutory Enforcement Report on Facial Recognition Technology and Civil Rights (FRT) and a Briefing Report to update the Commission's 2008 report, "Enforcing Religious Freedom in Prison." (RLUIPA), as attached.

Please be advised that your ballot must be submitted by 5pm ET on December 22, 2023, to the Office of the Staff Director indicating “accept,” “reject,” or “abstain” along with either a handwritten or electronic signature for the ballot to be valid.

AMERICAN OVERSIGHT

Accept ___X___

Reject _____

Abstain _____



__12/22/2023__
Commissioner Signature* Date

***In order for your vote to be counted, you must submit a .pdf copy of your signed, completed ballot by 5pm ET on December 22, 2023, via email to: mmorales@usccr.gov.**

AMERICAN OVERSIGHT

Date : 12/22/2023 4:43:09 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : FW: DEADLINE TODAY: Notational Ballot on Planning Documents for 2024 Reports
Attachment : USCCR Notational Ballot - 2024 Planning Documents for the SE report on FRT and Briefing Report on Religous Freedom - signed.pdf;image001.gif;image002.gif;

FYI – I sent your notational ballot in, voting AYE.

From: John Mashburn <jmashburn@usccr.gov>
Date: Friday, December 22, 2023 at 4:41 PM
To: Yvesner Zamar <yzamar@usccr.gov>, Mauro Morales <mmorales@usccr.gov>
Cc: Carissa Mulder <CMulder@usccr.gov>
Subject: Re: DEADLINE TODAY: Notational Ballot on Planning Documents for 2024 Reports

Please find attached Cmnr Adams completed Notational ballot voting Aye.

From: Yvesner Zamar <yzamar@usccr.gov>
Date: Friday, December 22, 2023 at 9:50 AM
To: "CommissionerAssistants@usccr.gov" <CommissionerAssistants@usccr.gov>
Subject: DEADLINE TODAY: Notational Ballot on Planning Documents for 2024 Reports

Good Morning & Happy Holidays!

As I have told @Carissa Mulder and @Irena Vidulovic privately, I greatly appreciate all their work and coordination with OCRE to make sure that we as a Commission are fulfilling our duties. They put us in a great position to have two paper topics approved and now we have planning documents for each paper ready to be voted upon. Before we all head out for the holidays, I wanted to send a reminder to get your Commissioners vote submitted so the work can continue on both of these efforts.

Please submit your Commissioner's ballot for the planning documents.

Best,

--
Yvesner Zamar | Special Assistant to Chair Rochelle M. Garza
Pronounced: EVE-NER

United States Commission on Civil Rights
1331 Pennsylvannia Ave, NW Suite 1150
Washington, DC 20425
USCCR Website | 202-376-7700

AMERICAN OVERSIGHT

Follow Us on Twitter & Facebook:

#USCCR

From: Mauro Morales <mmorales@usccr.gov>
Date: Wednesday, December 20, 2023 at 11:13 AM
To: Commissioners <Commissioners@usccr.gov>
Cc: CommissionerAssistants <CommissionerAssistants@usccr.gov>, ExecutiveStaff <ExecutiveStaff@usccr.gov>
Subject: Notational Ballot on Planning Documents for 2024 Reports

Commissioners,

Pursuant to the request of Chair Garza, I have attached a notational ballot for your consideration and vote. I have also attached the planning documents for the 2024 report on FRT and the 2024 report on RLUIPA for your review and approval. I have been informed that pursuant to previous communication, the Chair has waived prior notice. Because of the Christmas holiday, the ballot should be returned by 5 pm on Friday, December 22nd.

Please recall that Monday the 25th is the Christmas holiday. Thank you.

Mauro Morales
Staff Director
U.S. Commission on Civil Rights
P: 202-376-7796| F: 202-376-7672
Mmorales@usccr.gov
http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:

#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any

AMERICAN OVERSIGHT

other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 11/20/2023 11:33:05 AM
From : "John Mashburn" jmashburn@usccr.gov
To : "Alexis Fragosa" afragosa@usccr.gov, "stephen gilchrist" thegilchristassociates@gmail.com, "Kirsanow, Peter" pkirsanow@Beneschlaw.com
Cc : "Gail Heriot" gheriot@me.com, "Carissa Mulder" CMulder@usccr.gov, "Christian Adams" adams@electionlawcenter.com, "Thomas Simuel" tsimuel@usccr.gov, "Peter Kirsanow" pkirsanow@usccr.gov, "Stephen Gilchrist" sgilchrist@usccr.gov, "Gail Heriot" gheriot@usccr.gov
Subject : Re: [EXTERNAL] Re: Clarification

I doubt a majority of "the Commission" (with these commissioners) will find that the statements of these Commissioners themselves was defamatory or degrading. However, we should probably (per Marik's email about the time for additional questions being open) formally ask Lott to officially respond to the accusations lodged against his testimony. I know he answered to Gail already, but if it is not in response to an "official question" I think it will be conveniently "lost" and not made part of the official record.

From: Alexis Fragosa <afragosa@usccr.gov>
Date: Monday, November 20, 2023 at 11:11 AM
To: thegilchristassociates <thegilchristassociates@gmail.com>, "Kirsanow, Peter" <pkirsanow@Beneschlaw.com>
Cc: gheriot <gheriot@me.com>, Carissa Mulder <CMulder@usccr.gov>, Christian Adams <adams@electionlawcenter.com>, John Mashburn <jmashburn@usccr.gov>, Thomas Simuel <tsimuel@usccr.gov>, Peter Kirsanow <pkirsanow@usccr.gov>, Stephen Gilchrist <sgilchrist@usccr.gov>, Gail Heriot <gheriot@usccr.gov>
Subject: Re: [EXTERNAL] Re: Clarification

There was so much laughing and smirking during both Lott's and Smith's presentations that it's hard to believe that the Progressive's behavior was not designed to degrade and demoralize the conservative speakers.

The defame and degrade standard and procedures are outlined below:

DEFINITION:

(a) Defame and Degrade Review. Commission regulations provide procedural guidelines when statements made at Commission hearings or in reports will defame, degrade or incriminate persons or institutions.
A statement defames and degrades if its probable effect is to damage the person or institution criticized in reputation, business, or otherwise. In determining whether damage is likely to result, it is necessary to consider the substance of the allegations, all the circumstances surrounding it, and the community perception and reaction that is likely to result. All this must all be considered in light of the applicable legal standards governing defamation of public versus private persons and entities.
45 CFR 702.11

PROCEDURE:

AMERICAN OVERSIGHT

§ 702.11 Special executive session.

If, during the course of a public session, evidence is submitted that was not previously presented at executive session and that the Commission determines may defame, degrade, or incriminate any person, the provisions of § 702.6 shall apply and such extensions, recesses or continuances of the public session shall be ordered by the Commission, as it deems necessary. The time and notice requirements of § 702.6 may be modified by the Commission provided reasonable notice of a scheduled executive session is afforded such person; the Commission may, in its discretion, strike such evidence from the record, in which case the provisions of § 702.6 shall not apply.

From: stephen gilchrist <thegilchristassociates@gmail.com>
Sent: Monday, November 20, 2023 10:03:36 AM
To: Kirsanow, Peter
Cc: Gail Heriot; Alexis Fragosa; Carissa Mulder; Christian Adams; John Mashburn; Thomas Simuel; Peter Kirsanow; Stephen Gilchrist; Gail Heriot
Subject: [EXTERNAL] Re: Clarification

STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

Pete - I concur 100%! It is most demeaning to treat any witness with that type of disrespect! Not sure what's been going on with him?

On Mon, Nov 20, 2023, 9:52 AM Kirsanow, Peter <pkirsanow@beneschlaw.com> wrote:

> I thought Mondaire's attack on John Lott was deplorable. He's appeared three times before the Commission during my tenure and each time he was treated unprofessionally.
>
> The most laughable part of the attack was the appeal to authority—"all of these Left-leaning academics disagree with you so you ***must*** be wrong Mr. Lott/ Mr. Copernicus."
>
> Peter N. Kirsanow
> Partner | Labor & Employment
> Benesch Friedlander Coplan & Aronoff LLP
>
> t: 216.363.4481 | m: 216.789.8735
> pkirsanow@Beneschlaw.com | www.beneschlaw.com
> 127 Public Square, Suite 4900, Cleveland, OH 44114
>
> Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice
>
> **From:** Gail Heriot <gheriot@me.com>
> **Sent:** Sunday, November 19, 2023 7:44 PM
> **To:** Kirsanow, Peter <pkirsanow@Beneschlaw.com>; Alexis Fragosa <afragosa@usccr.gov>; Carissa Mulder

AMERICAN OVERSIGHT

<CMulder@usccr.gov>; Christian Adams <adams@electionlawcenter.com>; John Mashburn <jmashburn@usccr.gov>; Thomas Simuel <tsimuel@usccr.gov>; stephen gilchrist <thegilchristassociates@gmail.com>; Peter Kirsanow <pkirsanow@usccr.gov>; Stephen Gilchrist <sgilchrist@usccr.gov>
Cc: Gail Heriot <gheriot@usccr.gov>
Subject: Clarification

I received this clarification from John Lott after the briefing. I will pass it on to OCRE on Monday.

Gail

Gail Heriot
Professor of Law
University of San Diego

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 11/9/2023 12:57:36 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Smith, Zack" Zack.Smith@heritage.org
Subject : FW: Call for Public Comments for Nov. 17 hearing
Attachment : image001.jpg;

Zack – they seem to be playing games again.

Note that she says that once it goes live it will be first come first serve for who gets to "comment" in person on Nov. 17th. So, I am giving you this heads up so you are prepared to use the link as soon as it goes live – which I will let you know by phone and email when it does.

>
Date: Thursday, November 9, 2023 at 11:59 AM
To: "CommissionerAssistants@usccr.gov" <CommissionerAssistants@usccr.gov>
Subject: Call for Public Comments

Hello all – just a heads up that I am waiting on approval to make this live.

I will reply all to this email with the instructions and the registration link that I will send immediately after it is posted to this email chain.

Sorry for any delay, I planned to post this yesterday but a had a vey minor family emergency that I couldn't avoid.

Just a reminder – the first 10 folks who sign up will be on the list, so first come first serve. I will release the sign up information so you can see who signed up when to keep it transparent. There will be 10 slots available on the day of as well but space is limited so if you know folks who will be coming to testify tell them to get there early because it is again on a first come basis.

If you have any questions regarding public comments logistically, contact Pam. If you have questions about defame and degrade and the legal ins and outs please contact David G. If you have any questions about Agenda or panelist materials please email Marik. If you have any questions regarding any deliverables please contact me.

Thanks and be in touch soon with the registration info.
Ang

Angelia Rorison (she/her/hers)
Director of Media and Communications
FOIA Public Liaison
U.S. Commission on Civil Rights
1331 Pennsylvania Ave., NW, Suite 1150
Washington, DC 20425
202-499-0263
arorison@usccr.gov
www.usccr.gov

AMERICAN OVERSIGHT

65 YEARS OF CIVIL RIGHTS
RESEARCH COLLABORATION ADVANCEMENT

Follow us on Twitter and Facebook

Established in 1957 by the Civil Rights Act, the Commission is the only independent, bipartisan federal agency charged with advising the President and Congress on civil rights matters. Our 56 state and territory Advisory Committees offer a broad perspective on civil rights concerns at state and local levels.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 4/21/2023 1:17:29 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : Fw: Friday business meeting
Attachment : image001.gif;image002.gif;

From: David Ganz
Sent: Tuesday, April 18, 2023 11:54:21 AM
To: J. Christian Adams; Mauro Morales; Commissioners
Cc: CommissionerAssistants; ExecutiveStaff
Subject: RE: Friday business meeting

Hello Commissioners,

Under our enabling statute, 42 USC § 1975(d), confirmation of the President's designation of a Chair or Vice Chair requires a vote of a majority of the Commission's members, which means Commissioners can vote 'yes,' 'no,' or abstain from voting. Thanks,

David

From: J. Christian Adams <jadams@usccr.gov>
Sent: Monday, April 17, 2023 3:40 PM
To: Mauro Morales <mmorales@usccr.gov>; Commissioners <Commissioners@usccr.gov>
Cc: CommissionerAssistants <CommissionerAssistants@usccr.gov>; ExecutiveStaff <ExecutiveStaff@usccr.gov>
Subject: Re: Friday business meeting

Thank you. Could you perhaps have the General Counsel research and forward to the Commissioner's and the Special Assistants what the statute says about the vote of the Commissioners regarding the vote. Perhaps the statute mandates that they vote yes? Any help is appreciated as to the options for such a vote.

Christian Adams

From: Mauro Morales
Sent: Monday, April 17, 2023 3:29 PM
To: Commissioners
Cc: CommissionerAssistants; ExecutiveStaff
Subject: FW: Friday business meeting

Commissioners,

I have attached an email I received from a special assistant regarding the position of several Commissioners.

AMERICAN OVERSIGHT

I have been informed that unless an agreement being sought by Commissioners Adams, Heriot, Kirsanow and Gilchrist can be reached by Wednesday, they will either not attend the USCCR Business meeting on Friday or vote against President Biden's request to designate a Chair and Vice Chair for USCCR.

As you are aware, USCCR currently has eight Commissioners sworn into the Commission. There is a sufficient number of Commissioners to constituent a quorum for regularly scheduled Commission business meetings. The Staff Director does not have the unilateral authority to cancel a properly noticed business meeting. Under 45 CFR § 701.11 (d), only the Chair may cancel a meeting after consulting with other Commissioners if there are insufficient substantive items on an agenda. Therefore, under USCCR's regulations, the intentional absence of Commissioners does not permit the SD to cancel the meeting on Friday.

These potential intentional absences will impact the future work of USCCR. Deliberate absences at a properly noticed business meeting by a Commissioner or Commissioners would prevent the Commission from to carrying out its responsibilities under 42 U.S.C. 1975a(a)) and obligation under 1975(c) to timely submit annual reports to Congress and the President. The President requests the concurrence of Commissioners to his designation of the Chair and Vice Chair. Rejection of, or an unwillingness to hold a vote on, his selection would be unprecedented and would block the Commission from exercising its responsibilities as required by Congress.

At present, I unaware of what agreement Commissioners Kirsanow, Heriot, Gilchrist, and Adams are seeking in order to secure their yes votes. Nevertheless, we hope Commissioners will reconsider their positions and vote in favor of President Biden's designations for USCCR Chair and Vice Chair so that USCCR can undertake its mission. Please let me know if I can be of assistance to any Commissioner as they seek to work together on the Nation' s business.

Mauro Morales

Staff Director

U.S. Commission on Civil Rights

P: 202-376-7796| F: 202-376-7672

Mmorales@usccr.gov

AMERICAN OVERSIGHT

http://usccr.gov/

1331 Pennsylvania Avenue, NW Suite 1150

Washington D.C. 20425

Follow Us on Twitter & Facebook:



#USCCR

From: Carissa Mulder <CMulder@usccr.gov>
Sent: Monday, April 17, 2023 1:06 PM
To: Mauro Morales <mmorales@usccr.gov>
Cc: pkirsanow@beneschlaw.com
Subject: Friday business meeting

Good morning, Mauro:

I hope you had a good weekend and were able to enjoy the beautiful weather!

I wanted to let you know that our caucus has reached out to the chair and vice-chair nominees to reach an agreement whereby their nominations can be approved. We hope such an agreement can be reached no later than Wednesday COB. If not, it will be necessary to cancel the business meeting. Commissioners Kirsanow, Heriot, Gilchrist, and Adams do not wish to attend the Friday meeting and vote down Commissioners Garza and Nourse's nominations, which is what will be necessary if the meeting is held in the absence of an agreement. Nor do they wish to waste taxpayer funds by traveling to DC only to have an abortive meeting.

AMERICAN OVERSIGHT

Again, we are hopeful that an agreement can be reached by Wednesday COB, but we wanted you to be aware of how things stand.

Thank you,

Carissa

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI)

AMERICAN OVERSIGHT

that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 4/26/2023 4:27:48 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : FW: Dividing a Question - Opposite takes

This is all the answer I think we are going to get.

From: Mauro Morales <mmorales@usccr.gov>
Date: Wednesday, April 26, 2023 at 4:25 PM
To: John Mashburn <jmashburn@usccr.gov>
Subject: Re: Dividing a Question - Opposite takes

Thanks.

Sent from my iPhone

> On Apr 26, 2023, at 3:00 PM, John Mashburn <jmashburn@usccr.gov> wrote:
>
> Mauro – Cmnr Adams asked me to forward this exchange from the April 30, 2021 USCCR Business Meeting in which Cmnr Yaki (as the Acting Co-Chair of the meeting with Cmnr Kirsanow) stated that Adegbile's motion to divide the question – i.e. a motion from Cmnr Kirsanow that bundled several items together with the motion to approve Cantu as Chair -- was "self-executing" and then Yaki divided Kirsanow's motion automatically without taking a vote on dividing the question. This was one of several instances over the last 2 years when Cmnrs tried to combine several issues together and either Cmnr Yaki, Adegbile, or Kladney insisted that the issues be divided, with the Chair then automatically agreeing to divide the question without taking a vote on any of the motions to divide (votes which would have failed 4-4 if taken).
>
> You and the General Counsel in all that time never weighed in or disagreed with the Chair not taking a vote on motions to divide. Now, when our Cmnrs asked for the question to be divided, you "ruled" last week that it is subject to a vote -- even though motions to divide a question have not been subject to a vote by Cmnrs for the past 2 years.
>
> Specifically, when Yaki was co-chairing the April 30, 2021 mtg, during which Cmnr Cantu was approved as chair, Cmnr Kirsanow proposed an Omnibus motion to adopt proposed AIs and approve Cantu as Chair as part of a single motion. Cmnr Adegbile then called for severing the issues and this is what Yaki said:
>
> > a motion to sever, under Robert's Rules, is a privileged motion that is non-debatable and is -- well, it's self-executing.
>
> Cmnr Heriot disagreed that it was self-executing and Yaki insisted it was. Adams later asked what Robert Rules number covered it, Yaki said he would find it later and proceeded ahead to divide and and to conduct individual

AMERICAN OVERSIGHT

votes on the parts. Cantu later (after being approved as Chair) came back later in the meeting and said'

> CHAIR CANTU: I understand that. By the way, the rule on dividing a question into subparts was 27.1.

Full exchange on issue attached.

So, in the future, will motions to divide a question require a vote of the Cmnrs or not?

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

<Dividing the Question.docx>

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 11/24/2023 9:14:56 AM
From : "Christian Adams" a@electionlawcenter.com
To : "'John Mashburn'" jmashburn@usccr.gov
Subject : RE: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024
Attachment : image001.gif;image002.gif;

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

Good

From: John Mashburn <jmashburn@usccr.gov>
Sent: Tuesday, November 21, 2023 10:21 PM
To: a@electionlawcenter.com
Subject: Re: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024

I can fill it out and send it in for you.

From: Christian Adams <a@electionlawcenter.com>
Sent: Tuesday, November 21, 2023 9:16:11 PM
To: John Mashburn
Subject: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

i am travelling. Do i have to do this??

---- On Wed,22 Nov 2023 05:01:55 -0500 **jmashburn@usccr.gov** wrote ----

> FYI - not sure you saw this since it was sent to your Cmn email. It is supposed to be completed with an electronic signature and sent back via email by close of business tomorrow.
>
> Gail has an issue with it saying staff are to make all efforts to investigate, research, and PUBLISH the two reports. She wants our folks to add the following notation to the ballot: " 'Publish' means publish In connection with our usual procedures which require commission approval."
>
> I think we should wait until they send a non-ambiguous version of the ballot. It's not like waiting til next week will make that big of a difference and not sure our 4 folks amending the language unilaterally will have any authority behind it.
>
> Also, the Dec 15 business meeting will be by phone and not in person.
>
> ---
>
> **From:** Mauro Morales
> **Sent:** Tuesday, November 21, 2023 6:56:57 PM

AMERICAN OVERSIGHT

To: Commissioners
Cc: CommissionerAssistants; ExecutiveStaff; Essence Perry
Subject: USCCR Notational Ballot on two Reports for 2024

Commissioners,

Pursuant to the request of Chair Garza, I have attached a notational ballot for your consideration. I have also attached the two reports you are voting to approve. I have been informed that pursuant to previous communication, the Chair has waived prior notice. Because of the Thanksgiving holiday, the ballot should be returned by 5 pm on Friday, November 24thth.

Please recall that Thursday the 23rd is a Federal holiday. Thank you.

Mauro Morales
Staff Director
U.S. Commission on Civil Rights
P: 202-376-7796| F: 202-376-7672
Mmorales@usccr.gov
http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:

#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 11/14/2023 1:51:20 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : FW: Join Information for November 17th Briefing
Attachment : image001.jpg;

In case you can join at any point Friday

From: Julian Nelson-Saunders <jnelson@usccr.gov>
Date: Tuesday, November 14, 2023 at 1:49 PM
To: "J. Christian Adams" <jadams@usccr.gov>
Cc: Pamela Dunston <Pdunston@usccr.gov>, Essence Perry <EPerry@usccr.gov>, TinaLouise Martin <tmartin@usccr.gov>, Mauro Morales <mmorales@usccr.gov>, John Mashburn <jmashburn@usccr.gov>, Yvesner Zamar <yzamar@usccr.gov>
Subject: Join Information for November 17th Briefing

Hello Commissioner,

The information below is for Commissioners only. To listen only please use the Commission's YouTube channel.

Below are the instructions for participating in the November 17th Briefing virtually and telephonically. To participate in the Briefing on November 17th, 2023, via **video** Webex, please follow the instructions below :

1. At 8:45 am EST, click or call using the information below.

Meeting link: https://civilrights.webex.com/civilrights/j.php?MTID=md6693ba5e23c2e9840ff18f48d58b0fa
Enter Meeting number: 2764 229 1112
Enter Password: TcNzXpKY462

If you are a first-time user of Webex, you will be required to enter your name Commissioner. Please note 1. Do not use both Webex video & phone at the same time, this will cause sound interference, 2. The chat feature is disabled, and 3. There is a 20 second delay between the livestream video and what is occurring in the room.

To participate in the Briefing on November 17th, 2023, via **Telephone conference** call Webex, please follow the instructions below:

Join by phone:
1. Dial 800 360 9505 - USA Toll Free
   Enter Access code: 2764 229 1112
   Please mute yourself when not speaking.

2. There is no attendee ID code, when requested please just hit #.

AMERICAN OVERSIGHT

3. You will then be connected to the meeting.

If you have any questions please contact Julian Nelson via email at jnelson@usccr.gov or Pamela Dunston at pdunston@usccr.gov.

Thanks

Julian "Raj" Nelson-Saunders (Pathways Intern)
He/Him/His
Phone: 443-743-7046
U.S. Commission on Civil Rights

65 YEARS OF CIVIL RIGHTS
RESEARCH COLLABORATION ADVANCEMENT

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 4/21/2023 10:09:17 PM
From : "Christian Adams" a@electionlawcenter.com
To : "jmashburn@usccr.gov" jmashburn@usccr.gov
Subject : [EXTERNAL] Re: Fw: Friday business meeting
Attachment : 1.gif;2.gif;

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

this is hilarious

---- On Fri, 21 Apr 2023 13:17:29 -0400 **jmashburn@usccr.gov** wrote ----

---

From: David Ganz
Sent: Tuesday, April 18, 2023 11:54:21 AM
To: J. Christian Adams; Mauro Morales; Commissioners
Cc: CommissionerAssistants; ExecutiveStaff
Subject: RE: Friday business meeting

Hello Commissioners,

Under our enabling statute, 42 USC § 1975(d), confirmation of the President's designation of a Chair or Vice Chair requires a vote of a majority of the Commission's members, which means Commissioners can vote 'yes,' 'no,' or abstain from voting. Thanks,

David

From: J. Christian Adams <jadams@usccr.gov>
Sent: Monday, April 17, 2023 3:40 PM
To: Mauro Morales <mmorales@usccr.gov>; Commissioners <Commissioners@usccr.gov>
Cc: CommissionerAssistants <CommissionerAssistants@usccr.gov>; ExecutiveStaff <ExecutiveStaff@usccr.gov>
Subject: Re: Friday business meeting

AMERICAN OVERSIGHT

Thank you. Could you perhaps have the General Counsel research and forward to the Commissioner's and the Special Assistants what the statute says about the vote of the Commissioners regarding the vote. Perhaps the statute mandates that they vote yes? Any help is appreciated as to the options for such a vote.

Christian Adams

From: Mauro Morales
Sent: Monday, April 17, 2023 3:29 PM
To: Commissioners
Cc: CommissionerAssistants; ExecutiveStaff
Subject: FW: Friday business meeting

Commissioners,

I have attached an email I received from a special assistant regarding the position of several Commissioners.

I have been informed that unless an agreement being sought by Commissioners Adams, Heriot, Kirsanow and Gilchrist can be reached by Wednesday, they will either not attend the USCCR Business meeting on Friday or vote against President Biden's request to designate a Chair and Vice Chair for USCCR.

As you are aware, USCCR currently has eight Commissioners sworn into the Commission. There is a sufficient number of Commissioners to constituent a quorum for regularly scheduled Commission business meetings. The Staff Director does not have the unilateral authority to cancel a properly noticed business meeting. Under 45 CFR § 701.11 (d), only the Chair may cancel a meeting after consulting with other Commissioners if there are insufficient substantive items on an agenda. Therefore, under USCCR's regulations, the intentional absence of Commissioners does not permit the SD to cancel the meeting on Friday.

AMERICAN OVERSIGHT

These potential intentional absences will impact the future work of USCCR. Deliberate absences at a properly noticed business meeting by a Commissioner or Commissioners would prevent the Commission from to carrying out its responsibilities under 42 U.S.C. 1975a(a)) and obligation under 1975(c) to timely submit annual reports to Congress and the President. The President requests the concurrence of Commissioners to his designation of the Chair and Vice Chair. Rejection of, or an unwillingness to hold a vote on, his selection would be unprecedented and would block the Commission from exercising its responsibilities as required by Congress.

At present, I unaware of what agreement Commissioners Kirsanow, Heriot, Gilchrist, and Adams are seeking in order to secure their yes votes. Nevertheless, we hope Commissioners will reconsider their positions and vote in favor of President Biden's designations for USCCR Chair and Vice Chair so that USCCR can undertake its mission. Please let me know if I can be of assistance to any Commissioner as they seek to work together on the Nation' s business.

Mauro Morales

Staff Director

U.S. Commission on Civil Rights

P: 202-376-7796| F: 202-376-7672

Mmorales@usccr.gov

http://usccr.gov/

1331 Pennsylvania Avenue, NW Suite 1150

Washington D.C. 20425

Follow Us on Twitter & Facebook:



#USCCR

AMERICAN OVERSIGHT

From: Carissa Mulder <CMulder@usccr.gov>
Sent: Monday, April 17, 2023 1:06 PM
To: Mauro Morales <mmorales@usccr.gov>
Cc: pkirsanow@beneschlaw.com
Subject: Friday business meeting

Good morning, Mauro:

I hope you had a good weekend and were able to enjoy the beautiful weather!

I wanted to let you know that our caucus has reached out to the chair and vice-chair nominees to reach an agreement whereby their nominations can be approved. We hope such an agreement can be reached no later than Wednesday COB. If not, it will be necessary to cancel the business meeting. Commissioners Kirsanow, Heriot, Gilchrist, and Adams do not wish to attend the Friday meeting and vote down Commissioners Garza and Nourse's nominations, which is what will be necessary if the meeting is held in the absence of an agreement. Nor do they wish to waste taxpayer funds by traveling to DC only to have an abortive meeting.

Again, we are hopeful that an agreement can be reached by Wednesday COB, but we wanted you to be aware of how things stand.

Thank you,

Carissa

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further

AMERICAN OVERSIGHT

distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 11/22/2023 11:02:04 AM
From : "John Mashburn" jmashburn@usccr.gov
To : "a@electionlawcenter.com" a@electionlawcenter.com
Subject : Re: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024
Attachment : 1.gif;2.gif;

I question why this vote is worded this way about authorizing staff vs just approving the concept papers. While Gail questions it too, she doesn't want to hold up the vote to approve the two concept papers. Carissa thinks objecting at this point will be taken as bad faith on our part by the Dems. As worded I question whether staff even needs to come back and have Cmnrs approve the Discovery docs later. It may be innocent or it may not be.

From: Christian Adams <a@electionlawcenter.com>
Sent: Wednesday, November 22, 2023 10:44:24 AM
To: John Mashburn
Subject: Re: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

why should i empower staff??

---- On Wed,22 Nov 2023 18:22:17 -0500 **jmashburn@usccr.gov** wrote ----

Heriot and Kirsanow have sent their ballots in voting yea but with Gail's proposed phrase added to their ballots.

It is due Friday, not today.

From: Christian Adams <a@electionlawcenter.com>
Sent: Tuesday, November 21, 2023 10:22:20 PM
To: John Mashburn
Subject: Re: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

wait

---- On Wed,22 Nov 2023 06:20:45 -0500 **jmashburn@usccr.gov** wrote ----

I can fill it out and send it in for you.

From: Christian Adams <a@electionlawcenter.com>
Sent: Tuesday, November 21, 2023 9:16:11 PM

AMERICAN OVERSIGHT

To: John Mashburn
Subject: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

i am travelling. Do i have to do this??

---- On Wed,22 Nov 2023 05:01:55 -0500 **jmashburn@usccr.gov** wrote ----

FYI - not sure you saw this since it was sent to your Cmn email. It is supposed to be completed with an electronic signature and sent back via email by close of business tomorrow.

Gail has an issue with it saying staff are to make all efforts to investigate, research, and PUBLISH the two reports. She wants our folks to add the following notation to the ballot: " 'Publish' means publish In connection with our usual procedures which require commission approval."

I think we should wait until they send a non-ambiguous version of the ballot. It's not like waiting til next week will make that big of a difference and not sure our 4 folks amending the language unilaterally will have any authority behind it.

Also, the Dec 15 business meeting will be by phone and not in person.

From: Mauro Morales
Sent: Tuesday, November 21, 2023 6:56:57 PM
To: Commissioners
Cc: CommissionerAssistants; ExecutiveStaff; Essence Perry
Subject: USCCR Notational Ballot on two Reports for 2024

Commissioners,

Pursuant to the request of Chair Garza, I have attached a notational ballot for your consideration. I have also attached the two reports you are voting to approve. I have been informed that pursuant to previous communication, the Chair has waived prior notice. Because of the Thanksgiving holiday, the ballot should be returned by 5 pm on Friday, November 24thth.

Please recall that Thursday the 23rd is a Federal holiday. Thank you.

Mauro Morales
Staff Director
U.S. Commission on Civil Rights
P: 202-376-7796| F: 202-376-7672
Mmorales@usccr.gov

AMERICAN OVERSIGHT

http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:



#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 6/8/2023 4:24:07 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Gail Heriot" gheriot@usccr.gov, "Christian Adams" a@electionlawcenter.com, "Peter Kirsanow" pkirsanow@beneschlaw.com, "stephen gilchrist" thegilchristassociates@gmail.com, "Carissa Mulder" CMulder@usccr.gov, "Carissa Mulder" carissa.mulder@gmail.com, "John Mashburn" jkmash@comcast.net, "Thomas Simuel" tjsimuel32@gmail.com, "Alexis Fragosa" afragosa.usccr@gmail.com, "Gail Heriot" gheriot@me.com, "Stephen Gilchrist" sgilchrist@usccr.gov, "Alexis Fragosa" afragosa@usccr.gov, "Thomas Simuel" tsimuel@usccr.gov, "Peter Kirsanow" pkirsanow@usccr.gov
Subject : Re: Request for Discussion on Crime Victims Discovery Plan

A quick review shows that the timeline is the same one from OCRE that I was sent (and forwarded to our folks) yesterday. The Research Plan and the Outline are 99+% verbatim the counterproposal docs they sent around before the May 18 Bus. Meeting. The few changes are things like changing the Outside Testimony list to include "Community Stakeholder Organizations" instead of just "Community Stakeholders" – which of course limits the list even more to just including their folks as opposed to ours. "Victims of Crimes" are still not included as possible witnesses.

From: Gail Heriot <gheriot@usccr.gov>
Date: Thursday, June 8, 2023 at 3:56 PM
To: a <a@electionlawcenter.com>, "Kirsanow, Peter" <pkirsanow@beneschlaw.com>, thegilchristassociates <thegilchristassociates@gmail.com>, Carissa Mulder <CMulder@usccr.gov>, Carissa Mulder <carissa.mulder@gmail.com>, John Mashburn <jkmash@comcast.net>, Thomas Simuel <tjsimuel32@gmail.com>, Alexis Fragosa <afragosa.usccr@gmail.com>, gheriot <gheriot@me.com>, Stephen Gilchrist <sgilchrist@usccr.gov>, John Mashburn <jmashburn@usccr.gov>, Alexis Fragosa <afragosa@usccr.gov>, Thomas Simuel <tsimuel@usccr.gov>, Peter Kirsanow <pkirsanow@usccr.gov>
Subject: Fwd: Request for Discussion on Crime Victims Discovery Plan

This just in:

Gail Heriot
Professor of Law
University of San Diego

Begin forwarded message:

> **From:** Rochelle Mercedes Garza <rgarza@usccr.gov>
> **Date:** June 8, 2023 at 12:40:56 PM PDT
> **To:** "Kirsanow, Peter" <pkirsanow@beneschlaw.com>, Peter Kirsanow <pkirsanow@usccr.gov>, Gail Heriot <gheriot@usccr.gov>
> **Cc:** Victoria Frances Nourse <vnourse@usccr.gov>, Victoria Nourse <Victoria.Nourse@law.georgetown.edu>

AMERICAN OVERSIGHT

Subject: Request for Discussion on Crime Victims Discovery Plan

Commissioners,

I hope you are well.

I appreciate the work we put in the last time we met on getting to an affirmative vote by your caucus on President Biden's designation of myself as Chair of USCCR and Commissioner Nourse as Vice Chair.

As you both noted at our last business meeting, we are close to finding agreement. To that end, I'm attaching the redlined version of the Crime Plan that we asked the SAs to work on. I appreciate the work they did on this, but moving forward, I'd like for us to discuss this Commissioner to Commissioner, so we can resolve this without any confusion.

I propose we meet for at least an hour tomorrow afternoon between 1PM ET and 4PM ET to discuss. If you would let me know your preference for a time, I can circulate a zoom link. Please come with questions on the documents attached so we can have a productive conversation.

I appreciate your attention to this matter.

Sincerely,

Commissioner Rochelle M. Garza
Chair-Designee, U.S. Commission on Civil Rights

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further

AMERICAN OVERSIGHT

distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 7/28/2023 1:39:24 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : Re: [EXTERNAL] RE: 2024 Business Meeting Calendar

I will be right over. Have heard nothing about Aug. 18. Will ask.

From: a <a@electionlawcenter.com>
Date: Friday, July 28, 2023 at 1:21 PM
To: John Mashburn <jmashburn@usccr.gov>
Subject: [EXTERNAL] RE: 2024 Business Meeting Calendar

> STOP! This message has been delivered from an external sender outside of USCCR.GOV.
> Please use caution.

.

The dates are fine.

I am more worried about cancelling Aug 18.

From: John Mashburn <jmashburn@usccr.gov>
Sent: Friday, July 28, 2023 1:20 PM
To: Christian Adams <a@electionlawcenter.com>
Subject: FW: 2024 Business Meeting Calendar

Gilchrist and heriot have said OK to these dates, including Magpantay's non-Friday date in Nov. 2024. Kirsanow has noy said OK as yet. Hard to project out so far, but thought I would remind you.

FYI – as a reminder I am in Tampa for my daughter's wedding tomorrow.

From: Irena Vidulovic <ividulovic@usccr.gov>
Date: Thursday, July 20, 2023 at 1:53 PM
To: "CommissionerAssistants@usccr.gov" <CommissionerAssistants@usccr.gov>
Subject: 2024 Business Meeting Calendar

Team,

The staff has proposed business meeting calendar for 2024 below. I don't know if your bosses have gotten a chance to review the dates for scheduling

AMERICAN OVERSIGHT

conflicts. Commissioner Magpantay has provided conflicts for the following business meeting days:
Conflict with Friday June 14. **Available** all other Fridays in June.
Conflict Friday November 8. **Available** Nov. 15 or 22 (*which are non Friday dates*)

Please let me know if we could find alternate days that work for everyone and or if we should provide more time for Commissioner review and have this calendar voted upon as a notational vote soon after tomorrow's business meeting?

Thoughts?

Staff Proposed 2024 Business Meeting Days
Friday, January 19
Friday, February 23
Friday, March 22
Friday, April 19
Friday, May 17
Friday, June 14
Friday, July 19
Friday, August 16
Friday, September 20
Friday, October 18
Friday, November 8
Friday, December 13

Thanks,
Irena

Irena Vidulovic
Special Assistant to Commissioner Mondaire Jones
U.S. Commission on Civil Rights
M: 202-591-9969
ividulovic@usccr.gov
http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:
TwiFB
#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you

AMERICAN OVERSIGHT

have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 9/13/2023 7:00:31 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "Christian Adams" a@electionlawcenter.com
Subject : FW: [EXTERNAL] Paycheck8: JOHN KINNEY MASHBURN - T&A has been submitted.

Paycheck8 is not showing your approval for this paycheck period.

On 9/11/23, 4:15 PM, "paycheck@gdcii.com" <paycheck@gdcii.com> wrote:

*** STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution. ***

This message is to inform you that JOHN KINNEY MASHBURN has submitted the T&A Report for Pay Period 18 and that it is now assigned to JOHN CHRISTIAN ADAMS for Review and Approval. Log into Paycheck8 so you can view and take action on the T&A.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 11/22/2023 11:07:49 AM
From : "Christian Adams" a@electionlawcenter.com
To : "jmashburn@usccr.gov" jmashburn@usccr.gov
Subject : Re: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024
Attachment : 1.gif;2.gif;

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

ok. Ill do yes.

---- On Wed,22 Nov 2023 19:02:04 -0500 **jmashburn@usccr.gov** wrote ----

I question why this vote is worded this way about authorizing staff vs just approving the concept papers. While Gail questions it too, she doesn't want to hold up the vote to approve the two concept papers. Carissa thinks objecting at this point will be taken as bad faith on our part by the Dems. As worded I question whether staff even needs to come back and have Cmnrs approve the Discovery docs later. It may be innocent or it may not be.

From: Christian Adams <a@electionlawcenter.com>
Sent: Wednesday, November 22, 2023 10:44:24 AM
To: John Mashburn
Subject: Re: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

why should i empower staff??

---- On Wed,22 Nov 2023 18:22:17 -0500 **jmashburn@usccr.gov** wrote ----

Heriot and Kirsanow have sent their ballots in voting yea but with Gail's proposed phrase added to their ballots.

It is due Friday, not today.

From: Christian Adams <a@electionlawcenter.com>
Sent: Tuesday, November 21, 2023 10:22:20 PM
To: John Mashburn
Subject: Re: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

wait

AMERICAN OVERSIGHT

---- On Wed,22 Nov 2023 06:20:45 -0500 **jmashburn@usccr.gov** wrote ----

I can fill it out and send it in for you.

From: Christian Adams <a@electionlawcenter.com>
Sent: Tuesday, November 21, 2023 9:16:11 PM
To: John Mashburn
Subject: [EXTERNAL] Re: Fw: USCCR Notational Ballot on two Reports for 2024

> STOP! This message has been delivered from an external sender outside of USCCR.GOV. Please use caution.

i am travelling. Do i have to do this??

---- On Wed,22 Nov 2023 05:01:55 -0500 **jmashburn@usccr.gov** wrote ----

FYI - not sure you saw this since it was sent to your Cmn email. It is supposed to be completed with an electronic signature and sent back via email by close of business tomorrow.

Gail has an issue with it saying staff are to make all efforts to investigate, research, and PUBLISH the two reports. She wants our folks to add the following notation to the ballot: " 'Publish' means publish In connection with our usual procedures which require commission approval."

I think we should wait until they send a non-ambiguous version of the ballot. It's not like waiting til next week will make that big of a difference and not sure our 4 folks amending the language unilaterally will have any authority behind it.

Also, the Dec 15 business meeting will be by phone and not in person.

From: Mauro Morales
Sent: Tuesday, November 21, 2023 6:56:57 PM
To: Commissioners
Cc: CommissionerAssistants; ExecutiveStaff; Essence Perry
Subject: USCCR Notational Ballot on two Reports for 2024

Commissioners,

Pursuant to the request of Chair Garza, I have attached a notational ballot for your consideration. I have also attached the two reports you are voting to approve. I have been informed that pursuant to previous communication, the Chair has waived prior notice. Because of the Thanksgiving holiday, the ballot should be returned by 5 pm on Friday, November 24thth.

AMERICAN OVERSIGHT

Please recall that Thursday the 23rd is a Federal holiday. Thank you.

Mauro Morales
Staff Director
U.S. Commission on Civil Rights
P: 202-376-7796| F: 202-376-7672
Mmorales@usccr.gov
http://usccr.gov/
1331 Pennsylvania Avenue, NW Suite 1150
Washington D.C. 20425

Follow Us on Twitter & Facebook:



#USCCR

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further

AMERICAN OVERSIGHT

distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 4/5/2023 12:53:35 PM
From : "Christian Adams" a@electionlawcenter.com
To : "'Alexis Fragosa'" afragosa@usccr.gov, "'Gail Heriot'" gheriot@me.com, "'Peter Kirsanow'" pkirsanow@beneschlaw.com, "'Peter Kirsanow'" pkirsanow@usccr.gov, "'Gail Heriot'" gheriot@usccr.gov, "'J. Christian Adams'" jadams@usccr.gov, "'John Mashburn'" jmashburn@usccr.gov, "'Carissa Mulder'" CMulder@usccr.gov, "'Thomas Simuel'" tsimuel@usccr.gov, "'Stephen Gilchrist'" sgilchrist@usccr.gov, "thegilchristassociates@gmail.com" thegilchristassociates@gmail.com
Subject : [EXTERNAL] RE: Drinks with the New Commissioners Thursday, April 20

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

I will either be in Lansing doing a deposition or at the Heritage Foundation celebration.

From: Alexis Fragosa <afragosa@usccr.gov>
Sent: Wednesday, April 5, 2023 12:50 PM
To: Gail Heriot <gheriot@me.com>; Peter Kirsanow <pkirsanow@beneschlaw.com>; Peter Kirsanow <pkirsanow@usccr.gov>; Gail Heriot <gheriot@usccr.gov>; J. Christian Adams <jadams@usccr.gov>; John Mashburn <jmashburn@usccr.gov>; Carissa Mulder <CMulder@usccr.gov>; Thomas Simuel <tsimuel@usccr.gov>; Stephen Gilchrist <sgilchrist@usccr.gov>; thegilchristassociates@gmail.com; a@electionlawcenter.com
Subject: Drinks with the New Commissioners Thursday, April 20

Dear Commissioners,

It may be a good idea to meet the new commissioners informally over drinks on Thursday, April 20 before the Friday business meeting.

Please let me know if you are available and if you would like to attend.

Thank you.

Alexis I. Fragosa

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

COMMISSIONER YAKI: Well, the issue is that each of these items are individual items. They are put together as an omnibus. However, a Commissioner -- because they were originally noticed as individual items on the agenda, and the motion that you put and seconded and was put on the agenda was to combine them all into a single motion, a motion to sever, under Robert's Rules, is a privileged motion that is non-debatable and is -- well, it's self-executing. The Commission has actually done that

[INCLUDEPICTURE "/var/folders/4f/bf_hhv1s2g70kytgmc2rwcj00000gn/T/com.microsoft.Word/WebArchiveCopyPasteTempFiles/page23image4183531536" * MERGEFORMATINET]

before on previous occasions.

What I'm going to do, though, is call on listen to me for a second, I am going to call the AIs first prior to the vote for Commissioner Cantu as Chair.

COMMISSIONER HERIOT: Okay.

COMMISSIONER YAKI: Okay?

COMMISSIONER HERIOT: But it's not self-executing. It's non-debatable. Nothing is self-executing. But --

COMMISSIONER YAKI: But a motion to sever actually --

COMMISSIONER HERIOT: -- it's out of order, but that's okay with me.

COMMISSIONER YAKI: Okay. But I will tell you, under Robert's Rules, which is something I know you care about, a motion to sever is self-executing.

COMMISSIONER HERIOT: But it's not a motion, and that's -- AIs --

COMMISSIONER HERIOT: No, it's not self- executing.

COMMISSIONER YAKI: It is self-executing.

COMMISSIONER HERIOT: No, it's not.

COMMISSIONER YAKI: And if you would

[INCLUDEPICTURE "/var/folders/4f/bf_hhv1s2g70kytgmc2rwcj00000gn/T/com.microsoft.Word/WebArchiveCopyPasteTempFiles/page24image4081952672" * MERGEFORMATINET]

sever.

AMERICAN OVERSIGHT

COMMISSIONER YAKI: It is a motion to
Anyway, that being the case -

COMMISSIONER HERIOT: Well, hold on. Hold on. Hold on. Okay. Are you saying that we are voting on the motion to sever --

COMMISSIONER YAKI: No.

COMMISSIONER HERIOT: -- or are you saying we are voting on the AI?

COMMISSIONER YAKI: We are voting on the AIs. And then, we will proceed to a vote on Commissioner Cantu, because the motion to sever is not something that is subject to a vote. I guess you would call it a request to sever, but it is one that, under Robert's Rules, is --

COMMISSIONER HERIOT: No.

COMMISSIONER YAKI: -- is a privilege of --

COMMISSIONER HERIOT: I'm willing to let this go right now, but no.

COMMISSIONER YAKI: Okay. Well, I would disagree, and we can look it up, since you love Robert's Rules so much.

So, Commissioner --

COMMISSIONER ADAMS: Co-Chair Yaki, point 20 of parliamentary inquiry. It's Commissioner Adams.

COMMISSIONER YAKI: Yes, Commissioner Adams.

COMMISSIONER ADAMS: Could you, for the record, tell us, because I can't find it, where is the request to sever in Robert's Rules?

COMMISSIONER YAKI: Okay.

COMMISSIONER HERIOT: Because if we do this in the order you're saying, let's just go.

COMMISSIONER ADAMS: Well, it's a point of parliamentary inquiry. I made a point of parliamentary inquiry, and I'm just asking, what is the number of Robert's Rules? Just help me find it. I can't find it.

COMMISSIONER YAKI: I'll find it, but I'll find it later.

As the Chair, I'm exercise my call.

So, Commissioner Kirsanow, on Administrative Instruction, Commissioner Kirsanow, would you please call the roll?

CHAIR CANTU: I understand that.

By the way, the rule on dividing a question into subparts was 27.1.

AMERICAN OVERSIGHT

Date : 4/24/2023 12:36:24 PM
From : "John Mashburn" jmashburn@usccr.gov
To : "stephen gilchrist" thegilchristassociates@gmail.com, "Carissa Mulder" CMulder@usccr.gov
Cc : "Peter Kirsanow" pkirsanow@beneschlaw.com, "Gail Heriot (gheriot@me.com)" gheriot@me.com, "Christian Adams" a@electionlawcenter.com, "Alexis Fragosa" afragosa@usccr.gov, "Thomas Simuel" tsimuel@usccr.gov
Subject : Dividing a Question - Opposite takes
Attachment : Dividing the Question.docx;

Contrary to what Mauro said last Friday "as Chair," that the question could not be divided, this is what Yaki said when he was co-chairing the April 30, 2021 mtg when Cantus was approved as chair. Kirsanow had proposed an Omnibus motion to adopt the proposed AIs and approve Cantu as Chair as one vote. Adegbile call for severing the issues and this is what Yaki said:

> a motion to sever, under Robert's Rules, is a privileged motion that is non-debatable and is -- well, it's self-executing.

Heriot disagreed that it was self-executing and Yaki insisted it was. Adams later asked what Robert Rule number covered it, Yaki said he would find it later and proceeded ahead to divide and and to conduct individual votes. Cantu later (after being approved as Chair) came back and said'

> CHAIR CANTU: I understand that. By the way, the rule on dividing a question into subparts was 27.1.

Full exchange on issue attached.

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT

Date : 7/14/2023 1:53:31 PM
From : "Christian Adams" a@electionlawcenter.com
To : "'John Mashburn'" jmashburn@usccr.gov
Subject : [EXTERNAL] RE: Commission Adam's Payments

STOP! This message has been delivered from an external sender outside of USCCR.GOV.
Please use caution.

Thanks. Unreal.

From: John Mashburn <jmashburn@usccr.gov>
Sent: Friday, July 14, 2023 1:49 PM
To: Christian Adams <a@electionlawcenter.com>
Subject: FW: Commission Adam's Payments

FYI

From: John Ratcliffe <jratcliffe@usccr.gov>
Date: Friday, July 14, 2023 at 1:18 PM
To: John Mashburn <jmashburn@usccr.gov>
Cc: TinaLouise Martin <tmartin@usccr.gov>
Subject: RE: Commission Adam's Payments

John,

Here is the payment information for Commission Adams. I also found a new report that shows Commissioner Adams net pay.

I'm sorry for the delay in his travel reimbursement. I'm not sure what happened.

John Ratcliffe
Chief, Budget and Finance Division
U.S. Commission on Civil Rights

From: John Ratcliffe
Sent: Friday, June 30, 2023 12:57 PM
To: John Mashburn <jmashburn@usccr.gov>
Cc: TinaLouise Martin <tmartin@usccr.gov>
Subject: RE: Commission Adam's Payments

John,

Besides the payment below. I have no record of Commission Adams requesting any other reimbursement. Commission Adams does submit his Time and Attendance Record for the hours he works are a regular basis. While I have a record of the gross salary to Commissioner Adams, I do not have a record of the net pay (after taxes and deductions)

AMERICAN OVERSIGHT

he received each pay period. That information is available to Commissioner Adams on the My EPP system below under Earnings & Leave Statements:

https://www.nfc.usda.gov/EPPS/index.aspx?ReturnUrl=%2fEPPS

Let me know if you have any questions.

Thanks,
John

From: John Mashburn <jmashburn@usccr.gov>
Sent: Thursday, June 29, 2023 10:38 AM
To: John Ratcliffe <jratcliffe@usccr.gov>
Cc: TinaLouise Martin <tmartin@usccr.gov>
Subject: Re: Commission Adam's Payments

Thanks John, that's very helpful.

Cmnr Adams was also looking for a list of the expenses he has been reimbursed for since he came on the Cmn, to compare with his paperwork regarding them since that time. Is that possible?

From: John Ratcliffe <jratcliffe@usccr.gov>
Date: Thursday, June 29, 2023 at 8:36 AM
To: John Mashburn <jmashburn@usccr.gov>
Cc: TinaLouise Martin <tmartin@usccr.gov>
Subject: Commission Adam's Payments

John,

I'm sorry I didn't get back to you sooner. I just go back from leave. It looks like Commission Adams was not paid for his travel to Puerto Rico. We have resent the invoice to our paying office last week. Commission Adams should receive reimbursement soon.

Thanks,
John Ratcliffe
Chief, Budget and Finance Division
U.S. Commission on Civil Rights

This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any

AMERICAN OVERSIGHT

other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.
This message is for the designated recipient only and may contain privileged, proprietary, confidential or otherwise private information. This information is only for the use of the individual or entity to which it was intended and further distribution is prohibited. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited. This message may contain Controlled Unclassified Information (CUI) that requires safeguarding or dissemination control under applicable law, regulation, or Government-wide policy.

AMERICAN OVERSIGHT