

Commission to Examine Racial Inequity in the Law

Meeting Minutes

Monday, September 9, 2019
Patrick Henry Building
Richmond, VA 23219
1pm – 3pm

1. Call to Order by Cynthia Hudson, Chair

- Commissioners Present:
 - Hon. Jerrauld Jones
 - Hon. Birdie Jamison
 - Carla Jackson
 - Leslie Chambers Mehta
 - Hon. Mike Herring
 - Andy Block
 - Hank Chambers
- Commissioners not Present:
 - Jill Hanken

2. Swearing-in of the Commissioners by Secretary Kelly Thomasson

- All Commissioners were sworn in by Sec. Thomasson, Secretary of the Commonwealth

3. Remarks by Chair Cynthia Hudson

- Introductions of each Commissioner
 - Hon. Mike Herring
 - Andy Block
 - Hank Chambers
 - Carla Jackson
 - Hon. Birdie Jamison
 - Hon. Jerrauld Jones
- Introduction by Staff and Governor Office Staff Present:
 - Jessica Killeen, Grace Kelly, Jay DeBoer, Rita Davis, and Suzette Denslow
- Chair Hudson provided reminder on FOIA, Open Meeting Requirements, and the availability of Counsel for the Commission at the Office of the Attorney General

4. Presentation by Professor Edward Ayers

- Prof. Ayers lectured on the history of Jim Crow laws and the Reconstruction period. The focus of his talk was on the impact of racism on the law in the areas of education, housing, voting, and marriage.

5. Introduction of Dr. Janice Underwood, Office of the Governor, Director of Diversity, Equity, and Inclusion

- Dr. Underwood introduced herself and shared that she was looking forward to assisting the Commission and providing her expertise when called upon.

6. Presentation by Hon. Jay DeBoer

- Sources of Law: Mr. DeBoer discussed the sources of Virginia's codified and uncodified laws, including:
 - The *Code of Virginia*
 - Administrative Code
 - Acts of Assembly
 - Opinions written by Judges and the Attorney General
 - Executive Orders issued by the Governor
- Research : Mr. DeBoer explained that to date staff and volunteers had focused their review efforts on the 1910, 1920, & 1950s Acts of Assembly volumes.
- Methodology:
 - Mr. DeBoer explained methodology that staff and volunteers had utilized prior to the first meeting of the Commission as they took an initial dive into past law books.
 - Law Students at University of Richmond, University of Virginia, and undergraduates at Virginia Commonwealth University participated in the review and analysis of these three decades of Acts of Assembly.
 - The student volunteers took note of Acts of Assembly that were explicitly racist or discriminatory. All of these were uploaded to a shared Google Drive. The Commissioners have all been given access to the drive so that they may review the selected scans.
 - The students did not focus their examination of the law on implicit discrimination in the past because this can be a difficult task for a novice, unversed in the historic and legal context of the time, as well as the legal vernacular of specific areas of the law.

7. Work session & Open Discussion

- The Commissioners reviewed several selected passages on transportation topics that had been identified by the student researchers as potentially racist or discriminatory.
- Commissioners discussed the difficulty of knowing whether or not some of the selected racist Acts had been previously repealed or not due to the manner in which the Acts are chronicled. Regardless, the Commissioners felt that these laws should not remain in legal limbo. They further agreed that steps should be taken to recognize Virginia's troubled history and any vestiges of that racist past that could be invoked to disenfranchise Virginians today should be removed.
- Members discussed their eagerness to take the next step and examine the examples of implicit racism and discrimination.

8. Next Steps

- Based on previous discussion of the student researchers' methodology, the Commission members divided into subgroups focused on specific topic areas, so that they might determine if the passages identified by the students are indeed discriminatory.
 - Criminal: Jamison & Herring
 - Education: Block & Hudson
 - Confederate Pensions Memorials: Jones & Mehta
 - Health: Hanken & Chambers
 - Finance: Jackson & Chambers
 - Housing: Block, Jamison & Jones
 - Miscellaneous: Jackson & Mehta
 - Transportation: Hudson & Herring
 - Voting: Hanken & Herring
- Future Meetings:
 - Meeting 1: Tuesday, October 1, 2019 at 1:00pm
 - Meeting 2: Wednesday, October 23, 2019 at 1:00pm
 - Phase 1 Wrap-Up Meeting: November 7, 2019 at 1:00pm

9. Adjournment

Following the adjournment of the Commission's meeting, all of the Commissioners were invited to tour of the new Judicial Learning Center at the Supreme Court of Virginia.