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6 CHAIRPERSON JAMES: Thank you so much for
7 being here.

8 Given that we've just left a discussion of
9 where the past Commission left off, it's appropriate
10 that we move into our discussion of the workplan for
11 this particular Commission.

12 One of the questions that will come before
13 us, and I know that we may have a Commissioner or two
14 that has to leave, is the next date and time of our
15 Commission meeting. And I think it's appropriate for
16 us to pull out some calendars at this point and see if
17 we can come to some conclusions on that.

18 I would very much like for us to be able
19 to meet some time within the next 30 to 60 days.
20 Perhaps if I offer a date, and then you could tell me
21 if that would be a problem for you in your calendars.
22 Today is June 20th. Is that correct?

1 COMMISSIONER DOBSON: I just asked staff
2 to check my calendar. I apologize for not bringing
3 it.

4 CHAIRPERSON JAMES: Have you left for your
5 10 days yet? Okay. So I'm within that window, and it
6 accommodates Richard.

7 Tell you what I'll do is I will begin the
8 process of working for a date around that time and
9 have someone call each of your offices and try to lock
10 in a date. I would ask your patience as we do that.
11 This is an extraordinarily active Commission, in terms
12 of the outside activities that you are all involved
13 in. And trying to come up with this date was about a
14 three or four-day effort.

15 And so we will try our best to accommodate
16 every schedule in doing that, but it may be that at
17 some point we just have to draw the line and pick a
18 date.

19 COMMISSIONER DOBSON: Excuse me.

20 CHAIRPERSON JAMES: Yes?

21 COMMISSIONER DOBSON: Is it a one or a
22 two-day meeting?

1 CHAIRPERSON JAMES: Well, that takes us
2 into our discussion. And if you will look at the
3 Commission workplan -- and please, the operative word
4 here is "draft" -- what we did -- and if you will turn
5 to Tab 10 in your briefing books you will see that.
6 You'll see several different types of meetings that
7 are listed there under the information collection
8 phase of the Commission.

9 You will see under "Startup Activities"
10 the memorandum of understanding, the charter, the
11 inaugural meeting. We must begin the process of
12 locating offices and settling some of the logistics,
13 and beginning to hire staff in order to get that done.

14 Under "Information Collection" you will
15 see hearings. There are four types of meetings that
16 are suggested here -- hearings, public forums, site
17 visits, and discussion meetings where we actually look
18 at information that has been presented to the
19 Commission and have discussions as we try to come to
20 some resolution.

21 This says at least four of those types of
22 meetings. I believe that to be a minimum. It's open

1 for discussion. It is completely at the pleasure of
2 the Commission.

3 We need to have a full review of the
4 issues that are coming before this Commission. That
5 includes working meetings. I am recommending a
6 Commission retreat so that we can spend some extended
7 time together going over, in 1999, some of the issues
8 and coming to resolutions. In other words, this is
9 the part where we get to the crunch time and we lock
10 ourselves in a room and say we won't come out until we
11 come to some resolution, until we wrap these things
12 up.

13 Recommendation development -- and what you
14 see are end dates here, when that needs to be -- based
15 on the timeline given to us in the legislation, these
16 issues need to be completed. You can see that I am
17 suggesting that we have a first draft of our final
18 report by January 1999.

19 We go through a draft review process. I
20 would suggest that we publish our draft for comment,
21 so that the public has an opportunity to review that
22 draft, and then we come back, do edits as a result of

1 that, have a final draft, a final public comment
2 period, and then we actually print the document, and
3 we have the distribution of the report and the
4 shutdown of the Commission on 8/20/99.

5 Those were not arbitrary dates. What we
6 did -- on most of those dates, I simply took the dates
7 that were in the statute in terms of when we needed to
8 be completed with our work, and sort of backed up from
9 that to say, in a reasonable time, when would we have
10 to be at each step.

11 I'd like to have an open discussion of the
12 workplan right now. And as a process, what I'm going
13 to suggest is that as we hear, staff will be taking
14 extensive notes. And if you suggest, "I want to see
15 this in the workplan. I think it's important to have
16 that in the workplan," that we take all of those notes
17 down, come back with a better and more fleshed out
18 Commission workplan for discussion and final adoption
19 at our next meeting.

20 With that, I'd like to open it up for
21 discussion. Yes?

22 COMMISSIONER WILHELM: Just for

1 information, and I should remember this but I want
2 to be sure I understand. Under "Information
3 Collection," study contracts, '98, is that when they
4 are supposed to be due?

5 CHAIRPERSON JAMES: That's when they're
6 due.

7 COMMISSIONER WILHELM: And in that
8 connection, and I don't know -- if this is not an
9 appropriate time for this question, Kay, please say
10 so. But do we know whether or not -- I've seen a
11 variety of public commentary about the status of the
12 Advisory Committee on Intergovernmental Relations. I
13 guess it shut down and then it didn't shut down, and
14 whether or not it has a budget, and so on. Do we know
15 whether that organization is, in fact, capable of
16 doing this?

17 I mean, as I understand it, it quit
18 having any budget whatsoever a while ago, and then it
19 was resuscitated at the last minute in order to exist
20 for this purpose.

21 CHAIRPERSON JAMES: For this sole purpose
22 is my understanding.

1 COMMISSIONER WILHELM: Which doesn't
2 speak to whether it's capable of doing it.

3 CHAIRPERSON JAMES: I would assume that it
4 is. I think that's an important question to ask, and
5 perhaps when we get to the stage where we are giving
6 them guidance and direction, and the will of the
7 Commission, we can question them, ask about their
8 level of expertise, and make a determination at that
9 point.

10 COMMISSIONER WILHELM: Okay.

11 CHAIRPERSON JAMES: Terry?

12 COMMISSIONER LANNI: Kay, relative to the
13 study contracts, the discussion aspects relative to
14 the specific requirements of those two entities, will
15 they be held until such time as the study is
16 completed, digested by the Commission members, and then
17 reviewed?

18 CHAIRPERSON JAMES: I'm not sure.

19 COMMISSIONER LANNI: Comments and things,
20 if you will, comments relative to the particular study
21 contracts, because there are specific issues that the
22 study contracts are required by law to review.

1 what my thoughts are on that, and these are my
2 thoughts only, and I really do desire to hear from
3 you. Rather than have one meeting once a month, I
4 would much prefer to have either four to six three-day
5 meetings where we come in for a concentrated period of
6 time and do the work of the Commission. I think it
7 makes it easier for travel schedules, and it also
8 makes it easier for Commissioners to concentrate their
9 time and really work through a problem and come to
10 some resolution. But I need to hear from you.

11 COMMISSIONER WILHELM: Four to six in the
12 two-year period?

13 CHAIRPERSON JAMES: I was thinking per
14 year.

15 COMMISSIONER WILHELM: Per year. And are
16 those different from or overlapping with your
17 recommendations on hearings and public forums?

18 CHAIRPERSON JAMES: Overlapping, because
19 in a four-day period, or a three-day period, you can
20 do a variety of types of meetings. As an example, we
21 may start off in the morning with a public hearing, in
22 the afternoon do a site visit, the next morning call

1 witnesses for testimony, and actually receive that,
2 and then spend the next two days in discussion among
3 ourselves. So it's not to imply in any way that each
4 of those meetings has to have a separate focus. You
5 can accomplish a lot I think in a three-day period,
6 and a lot of different types of meetings.

7 COMMISSIONER WILHELM: Just speaking for
8 myself, I like the frequency of four to six times a
9 year, because I think it's very important that if
10 things are being done, for example, by the staff, and
11 so on, that we have some sort of regular check-in to
12 make sure that we're all on the same wavelength.

13 CHAIRPERSON JAMES: Certainly. And
14 besides that, I think that based on the conversations
15 that I've heard this morning, there is also some
16 interest in having subcommittees that are working. As
17 an example, Bill and Richard have expressed an
18 interest in budget and being involved in that process.
19 So there may be subcommittee meetings that are
20 happening in between the Commission meeting times.

21 COMMISSIONER WILHELM: Would I be -- I
22 don't know if we need Mr. Snowden for this question.

1 But would I be right in thinking that the Commission
2 and/or the Chair does have the right to establish
3 subcommittees?

4 CHAIRPERSON JAMES: Carol, I think you
5 researched that. And what was the answer?

6 MS. SIMPSON: I don't know that I
7 researched it thoroughly, but you can have meetings.
8 If there are a particular number in attendance, they
9 have to be open under the Sunshine Act.

10 COMMISSIONER WILHELM: But otherwise,
11 there is no restriction in the Chair establishing
12 subcommittees?

13 MS. SIMPSON: No.

14 CHAIRPERSON JAMES: Yes, Robert?

15 COMMISSIONER LOESCHER: Madam Chairman,
16 thank you. I'd like to offer a suggestion to you as
17 you do your work in the period of time before the next
18 meeting. The law requires that we engage in these
19 contracts with the Commission on Intergovernmental
20 Relations and the National Research Council, and
21 specifically lays out periods of work for each group,
22 each entity.

1 I'd like just to suggest to you that you
2 consider a two-phase contracting process between now
3 and the next meeting where we get a preliminary
4 proposal from these two agencies, and then we have the
5 opportunity to review and concur in their preliminary
6 proposal, and then we negotiate a final proposal after
7 we've had an intermediate review.

8 Each phase of this would be reviewed and
9 approved by the Commission. And there are five
10 elements that I'm interested in this process. One is
11 that there be a scoping outline for each topic area
12 from the designated contractor. Two, that there be a
13 list of personnel, their qualifications and
14 experience. Three, that there be methods, procedures,
15 and sourcing. Four, there be a schedule. And then,
16 five, that there be costs projected, both direct and
17 indirect costs.

18 And I believe that we could get a good
19 sense of where we're going if we could have this two-
20 phase approach -- a preliminary approach, review and
21 approval by the Commission, and then a final
22 negotiation by your office and the Executive Director.

1 CHAIRPERSON JAMES: Certainly. There is
2 a process for government contracting, and I don't see
3 our staff here from GSA just at this moment. But
4 there is a -- and I assure you that all of the
5 appropriate offices will be involved, and that there
6 will be a review process by this Commission.

7 And there is a fiduciary responsibility
8 that we have as Commissioners; and, therefore, we
9 could not enter into that kind of contract without
10 review and approval of this body.

11 Having said that, the actual process and
12 what that is will be outlined for us. When you get
13 into contracts of this size, I assure you that there
14 are many entities within government that will take a
15 look at that contract and at the process to make sure
16 that it's done correctly.

17 Mark, did I leave anything out of the
18 process, or would you want to comment? Which offices
19 are those that will review the process to make sure
20 that it's done correctly?

21 MR. BOGDAN: The GSA legal authorities
22 will look at the contract from a legal standpoint.

1 That's our final check.

2 CHAIRPERSON JAMES: But in terms of a
3 review process, there certainly will be -- and no
4 contract will be entered into without the review of
5 this body. And I would suspect that there will be far
6 more than just two opportunities to do that, and that
7 we would be doing that quite a bit along the way.

8 COMMISSIONER BIBLE: Have these two
9 agencies been contacted at all?

10 CHAIRPERSON JAMES: Bill?

11 COMMISSIONER BIBLE: Have these two
12 agencies been --

13 CHAIRPERSON JAMES: And listen, the reason
14 that I'm doing that is for the sake of the people who
15 have to transcribe these documents, and so I'm trying
16 to make sure that as you speak I identify who you are.

17 COMMISSIONER BIBLE: Have either of these
18 agencies been contacted at this point?

19 CHAIRPERSON JAMES: No, not by me. They
20 may have been by GSA staff.

21 What I'd like to do, Bob, is to suggest
22 that we have fleshed out for discussion and review the

1 process for the contracting at the next Commission
2 meeting that will be within 30 to 60 days.

3 COMMISSIONER LOESCHER: Madam Chairman,
4 the next meeting is going to be process. I don't have
5 time for that. You know, I want to get into the
6 substance of what we're doing, and I think you have
7 the authority to solicit the preliminary proposals
8 from these two entities. And even if they're draft,
9 though, at least we could see the substance and
10 content of where we're going with it. And I think
11 these two entities are prepared and willing to move on
12 as quickly as the Commission wants to go.

13 So notwithstanding --

14 CHAIRPERSON JAMES: Have you had any
15 contact with them, Mr. Loescher?

16 COMMISSIONER LOESCHER: Not withstanding
17 your comments, I would appreciate that we move forward
18 with these people and get a preliminary proposal on
19 each of the topic areas that are mandated by the
20 statute. And I think that would help this Commission
21 quite a bit.

22 CHAIRPERSON JAMES: Have any of our

1 Commissioners had contact with the contractors yet?

2 COMMISSIONER McCARTHY: Tell us who you're
3 talking about, please.

4 CHAIRPERSON JAMES: The two contractors
5 that were laid out in the legislation, and the
6 official names are the Advisory Commission on
7 Intergovernment Relations and the National Research
8 Council.

9 COMMISSIONER BIBLE: If you take a look
10 under Tab 4, on page 4 of the legislation there is a
11 detailed --

12 CHAIRPERSON JAMES: It outlines who they
13 are.

14 COMMISSIONER BIBLE: -- study listed.
15 There are certain matters that the Commission is
16 mandated to contract.

17 COMMISSIONER McCARTHY: The Commission
18 will determine the scope.

19 CHAIRPERSON JAMES: And that is Leo.

20 COMMISSIONER McCARTHY: The Commission
21 will determine the scope of what we want researched
22 and studied. These two entities are for contractually

1 legal procedural reasons. They're not going to
2 determine the scope of the study.

3 So discussing the scope is extremely
4 important for the members of the Commission. That is
5 the substance I think you're --

6 CHAIRPERSON JAMES: It is. And what I
7 heard --

8 COMMISSIONER MCCARTHY: -- addressing,
9 Bob.

10 CHAIRPERSON JAMES: What I heard Bob say
11 is that, in terms of the process, he is not
12 necessarily interested in a lengthy discussion of
13 that, although I do think the process is important,
14 but that he wants a substantive discussion in terms of
15 the scope of the contracts. And I think we can and
16 should do that, and we will have that prepared for our
17 next meeting.

18 I need to hear from you in terms of the
19 types of meetings that you think are important, the
20 types of site visits that you think this Commission
21 ought to be engaged in, where do you want to go. And
22 what I will do is incorporate all of that into -- and

1 present it back as our workplan at the next meeting.

2 And why don't we just go around the room
3 and you tell me what are the things that are relevant
4 and important to you that you want to see in this
5 workplan.

6 Terry?

7 COMMISSIONER LANNI: Kay, if I could go
8 back to an earlier point, just so we all understand
9 it. On page 8 of Section 4, there is a reference to
10 what the specific requirements to be included --

11 CHAIRPERSON JAMES: Right.

12 COMMISSIONER LANNI: -- in the contracts.
13 That doesn't mean necessarily limited to, but specific
14 areas that they have been --

15 CHAIRPERSON JAMES: Tasked to do.

16 COMMISSIONER LANNI: -- required to do
17 through the legislation which has been turned into
18 law, the specific ones that are listed there.

19 CHAIRPERSON JAMES: That's correct. And
20 if you look under Section 7, under the Advisory
21 Commission on Intergovernmental Relations, it says
22 under B, "Assistance in conducting the studies." And

1 so we will define, as a Commission, exactly what we
2 believe that assistance needs to be.

3 COMMISSIONER McCARTHY: May I raise the
4 point I raised earlier?

5 CHAIRPERSON JAMES: You may raise
6 anything.

7 COMMISSIONER McCARTHY: We are not talking
8 about Federal Government agencies doing all of the
9 research, or picking who will do the research here.

10 CHAIRPERSON JAMES: That's correct.

11 COMMISSIONER McCARTHY: So when you say
12 "assisting us" in doing -- the phrases that you just
13 read to us, I don't want to misunderstand that. To
14 assure the legality -- I mean, the charge by Congress
15 is very generic, very broad. So we obviously are
16 going to have to define what it is they -- what social
17 and economic consequences will this Commission spend
18 taxpayer money to research.

19 I don't know how these two agencies get
20 involved in that. I think that's what this Commission
21 is supposed to do.

22 CHAIRPERSON JAMES: Well, I would refer,

1 and bring it back to you for a full discussion.

2 COMMISSIONER BIBLE: If we could maybe
3 have somebody from ACIR available at the next meeting
4 to --

5 CHAIRPERSON JAMES: Oh, I think that that
6 would be mandatory.

7 COMMISSIONER BIBLE: -- they could make a
8 detailed presentation in terms of the scope of what
9 they -- if you can find them.

10 CHAIRPERSON JAMES: I know where they are.

11 COMMISSIONER BIBLE: Oh, good.

12 CHAIRPERSON JAMES: I haven't talked to
13 them, but I do know where they are. And we will have
14 a full discussion.

15 Any other questions about the workplan?

16 Terry, is there anything you want to see
17 in there?

18 COMMISSIONER LANNI: Not at this time. I
19 suspect there may be as we go along.

20 CHAIRPERSON JAMES: And if you want to
21 come back and it's a living, working document, we can,
22 in fact, address those issues at that time.

1 Bob, is there anything that you want to
2 make sure you see in this workplan when it comes back
3 to the Commission?

4 COMMISSIONER LOESCHER: I think I'll
5 reserve my comments to a later time.

6 CHAIRPERSON JAMES: Okay.

7 COMMISSIONER BIBLE: I do have a few
8 things to --

9 CHAIRPERSON JAMES: Thank you, Bill.

10 COMMISSIONER BIBLE: If you take a look on
11 page 4 of the legislation, there is an enumeration of
12 items that the study -- that this Commission shall, at
13 a minimum, study. And there's a detailing of items
14 from A to F. Four of those items are ostensibly
15 provided through contractual arrangements with either
16 the ACIR or the National Research Council.

17 There is item D, which is left to the
18 Commission's determination, and item F, which is the
19 effects of interstate and international effects of
20 gambling by electronic means, including the use of
21 interactive technologies and the Internet.

22 I think it would be helpful -- the

1 legislation does allow the Commission to identify
2 and to some extent detail other federal employees,if
3 they are available and if their department releases
4 them to us to perhaps identify some individuals within
5 the Federal Government that need experience maybe from
6 a prosecution standpoint, or from an enforcement
7 standpoint, or just from a technology standpoint, to
8 talk about Internet gaming and some of the more
9 interactive type gaming that is now going on in the
10 Internet.

11 And I don't know of any of those
12 individuals. I can try and identify some of them.

13 CHAIRPERSON JAMES: If you identify any of
14 those such individuals, we will try to do our best to
15 get them detailed to the Commission staff for that
16 work.

17 Leo?

18 COMMISSIONER McCARTHY: I like your idea
19 about having multipurpose meetings. I think that's
20 fine. I think there are some obvious places we need
21 to go -- Las Vegas, Atlantic City, Mississippi, and I
22 would like to think through where else we should go.

1 I think we certainly have to visit, during the
2 course of the site hearings, probably a minimum of two
3 Native American gambling sites, and I think there will
4 be others here.

5 I think we need to visit enough places so
6 we can differentiate between the gambling that exists
7 in Las Vegas and the gambling that exists in a variety
8 of other settings -- who gambles; what are the
9 revenues, if any, to local and state government; what
10 happens to the local economies. We need to pick the
11 sites so that we'll get a very refined understanding
12 of just what has happened after the fact, after the
13 adoption of gambling, where there's adequate history
14 to really look at it.

15 CHAIRPERSON JAMES: I should also take
16 this moment to suggest that while I am interested in
17 hearing from the Commission, I am also very interested
18 in hearing from the public, in terms of your
19 recommendations and suggestions to the Commission on
20 these issues. And at each step along the way, we'll
21 welcome your input and your comment.

22 If there are site visits or witnesses or

1 information that you think the Commission ought to
2 consider, we would like to have you bring that before
3 the Commission so that we could consider it.

4 Dr. Dobson?

5 COMMISSIONER DOBSON: I'd like to
6 elaborate on what Leo just said. In a real sense, we
7 are being asked to conduct a research project of the
8 impact of gambling on the economy, on the family, and
9 on the culture at large. And any research effort
10 worth its salt will begin with a discussion of the
11 questions that you hope to answer.

12 And I don't know where we're going to talk
13 about that, but I think we ought to list 10, 20, 30,
14 40 questions that we would hope to answer. We heard
15 from the report of the first commission that they had
16 specific questions that they were trying to answer.
17 The ones in the statute are pretty general.

18 You know, I would really like to have a
19 time when we could decide, you know, what the scope of
20 the study is, on the basis of those questions. Once
21 you have the questions, then the places you go and
22 what you do there become more clear, because you know

1 why you're going there.

2 For example, I'm really interested in what
3 happens to a small community like Cripple Creek,
4 Colorado, which did not have gambling and then voted
5 it in. I'd really like to know what happens to that
6 community, what happens to the other businesses there,
7 and what happens to the families there, to the
8 schools, other things, what happens to the taxation.
9 But visiting a place like that grows out of the
10 questions that would be associated with it.

11 So I don't know when that process takes
12 place, but that, to me, is fundamental before you
13 start any effort at research.

14 CHAIRPERSON JAMES: Great.

15 May I make this suggestion? I think
16 that's a good one. That each of us do our due
17 diligence and perhaps look at what kinds of questions.
18 And if you will send them to me, I will collate them
19 and make sure that you all get them, and that will be
20 the point of departure for our discussion as we get
21 back together. Can I ask you to do that?

22 Paul?

1 COMMISSIONER MOORE: It seems like we've
2 just skimmed the surface. We're primarily talking
3 about casino gambling. Bill did mention the Internet,
4 I believe.

5 There is going to be many, many more types
6 of gambling that this Commission also is charged with
7 looking into. We want to look into the social
8 functions probably of Virginia, you know, of racing,
9 you know, and things of that nature.

10 There's a lot of types of games -- you
11 know, football betting, you know, it was mentioned
12 that none of us care -- you know, we'll all bet on a
13 football card, and things of that nature. That's big
14 business. Big, big business, I think.

15 CHAIRPERSON JAMES: As I put together the
16 draft workplan, why don't we try to make it as
17 comprehensive as possible and then we can go through
18 and try to sort it out and see what out of all of that
19 do we think we can really get done.

20 John?

21 COMMISSIONER WILHELM: I agree very much
22 with and won't repeat the things that both Leo and Jim

1 said. In addition to the kinds of sites that Leo
2 mentioned, we ought to visit the other kind of a site,
3 however one does this, that being the Internet
4 applications of gambling, which I keep reading about
5 and know absolutely nothing about first hand.

6 When I was appointed to this Commission by
7 Congressman Gephardt, his particular charge to me had
8 to do with jobs. And I would hope that we integrate
9 into the work that we do a careful examination not
10 just in sort of macroterms about how many jobs get
11 created, but what is the quality of those jobs.

12 Or, you know, are they dead-end, minimum
13 wage, hamburger-flipping jobs, or are they jobs that
14 people can support families on? Do they have health
15 benefits? If they don't, who is paying for those
16 health benefits? Presumably, the taxpayers. And
17 those kinds of issues.

18 In other words, I think we need to look in
19 considerable depth and detail, among other economic
20 issues, at the quality of these jobs and what they
21 mean. And I think that's particularly pertinent since
22 we're talking about Welfare to Work in this country.

1 Are these kinds of jobs the kinds of jobs that
2 people ought to be moved into? So that's a particular
3 interest that I'm focused on, because of the work that
4 I do.

5 With the rest of my time, I would also
6 like to ask -- I'm very sympathetic with, as you said
7 before, the person who has to try to nail down a date
8 for this group. And I would hope that part of the
9 workplan going forward could be trying to identify,
10 hopefully a year at a time, what these dates will be.
11 That might help all of us.

12 CHAIRPERSON JAMES: Yes.

13 I think as a part of the workplan that is
14 submitted for our discussion next time what I'll do is
15 an actual calendar that will lay out those dates, so
16 that we can all block them off and make ourselves
17 available for this important work.

18 Any more suggestions or ideas or things
19 that you want to see? Just to summarize, I know that
20 we want to see a scope of questions that this
21 Commission will use as a guidepost for the scope of
22 work that will be done by our various contractors, as

1 well as guide our discussions and deliberations.
2 And each of you has agreed to submit a list of those
3 types of questions, which I will collate and get out to
4 all Commissioners.

5 COMMISSIONER LANNI: Is there a deadline?

6 CHAIRPERSON JAMES: Yes. I think that's
7 important.

8 What I'm going to do is perhaps send out
9 a note as a follow-up from this meeting with a
10 deadline, and even include in it an envelope for you
11 to mail it back, too. One of the reasons I'm
12 hesitating at this point is I hope that you have a
13 Commission office to send it to by then, rather than
14 to my office. I'm not sure my staff is willing to
15 take this on for very much longer.

16 And the other reason I hesitate to give
17 you a date is because I am not quite sure how long
18 it's going to take me to get it out to you. But from
19 whenever that is, I'm going to look for about two
20 weeks to come back. And I will try to incorporate all
21 of the discussion items that I've heard from each
22 of you today. I think they were all good ideas, and we

1 will incorporate them into the workplan.

2 At this point, what I'd like to do is to
3 open the Commission up for any comments, any other
4 outstanding issues from Commissioners, any other
5 points of business that we may want to discuss.

6 Yes, John?

7 COMMISSIONER WILHELM: I wonder if the
8 Chair has any thoughts or recommendations with respect
9 to rules under which the Commission might operate.
10 And I'm really not personally so much interested -- at
11 least in my own mind, when I ask that, I'm not so much
12 interested in things like, you know, how will we make
13 motions, and that sort of thing.

14 But, as an example, how much advance
15 notice will be given, both publicly and to the
16 Commissioners, about meetings and hearings, and so
17 forth, as well as their content? How much advance
18 notice will be given to agendas and witnesses, and
19 things like that, and so on?

20 CHAIRPERSON JAMES: So much of that is
21 defined by statute in terms of how much notice we need
22 to give for those kinds of meetings. And we are

1 really restricted in what we do in those areas.

2 Terry had suggested some statement of
3 principles, as well as -- and let me answer your
4 second question before I go on with this. You said
5 you were not as much interested in, you know, how we
6 do motions, and that sort of thing. But I would
7 suggest if we ever get into a pinch -- I intend to
8 conduct these meetings informally, but if we ever do
9 get into a pinch that we would fall back on Roberts
10 Rules of Order as a method of resolving issues, and
11 that we would go with that.

12 Now, any other rules that we want to
13 adopt, that we think are important or necessary for
14 the operation of the Commission, we can talk about,
15 discuss. If you have any recommendations, I would be
16 open to those.

17 Terry, did you want to talk about your
18 proposed statement of principles? And I made copies
19 if you'd like to distribute them.

20 These were some statement of principles
21 that Terry sent that he thought would be appropriate
22 for us to consider to operate the Commission under.

1 I will let him speak to them, and then I will.

2 COMMISSIONER LANNI: Basically, this is a
3 suggestion I made to the Chair that if we could have
4 some guidance. And I've taken this actually from the
5 legislation in reviewing aspects of it, and I think
6 it's reasonably self-evident -- seven points. Each
7 Commissioner has a copy in front of him, and I did
8 propose it to you, Madam Chair, to consider as a
9 beginning point to build from, to cover the points of
10 a statement of principles.

11 Apparently, as I understand it, this is
12 rather common with commissions of this nature -- to
13 have a statement of principles.

14 CHAIRPERSON JAMES: My suggestion, since
15 many Commissioners are seeing it for the first time,
16 is that we take it home and that we look at it, we
17 offer some line item edits, and we come back and look
18 at adopting a set of statement of principles, and we
19 will have -- you will see it as an agenda item on the
20 next meeting. It will give you time to review it.

21 Yes?

22 COMMISSIONER BIBLE: In terms of John's

1 questions on rules, is it common for a study group
2 like this to adopt formal rules that would
3 differentiate between, for instance, what items the
4 Commission would consider and what items the staff
5 would consider, and what are the prerogatives of both
6 parties, and things of that nature?

7 CHAIRPERSON JAMES: I have never heard of
8 any such. That does not mean they don't exist. I
9 think that's a discussion that we need to have. Let's
10 get the workplan done, and then we can look at a
11 division of labor. Is that reasonable?

12 COMMISSIONER BIBLE: I think that's
13 reasonable.

14 CHAIRPERSON JAMES: Any other comments?
15 Any other questions to come before the Commission?

16 Yes, Bob?

17 COMMISSIONER LOESCHER: Yes. Madam
18 Chairman, thank you. I support the concept of using
19 Roberts Rules of Order as the rules of conduct. I
20 think that's well established and the most decorum,
21 and it also promotes getting decisions made.

22 And I'm not so enamored with the concept

1 of consensus, because what happens in consensus, if
2 you don't get a consensus, the item drops out. And I
3 have a problem with that kind of concept. So I would
4 promote the notion of Roberts Rules of Order, and then
5 you get the will of the body, you know, noted.

6 CHAIRPERSON JAMES: I am committed to
7 trying to reach consensus. And the reason that I
8 think it's important to state it that way is because
9 sometimes it's just too easy to call for the question,
10 take a vote, and move on, and you miss really
11 challenging and interesting conversation by doing
12 that.

13 But I assure you, if we're not able to
14 reach consensus, then it will be a majority vote.

15 COMMISSIONER LOESCHER: Madam Chairman, on
16 a different subject, I will not ask for a vote today
17 because I think I need to go and talk to some people
18 about this notion, but I would like to ask the
19 Chairman and the members of the Commission to consider
20 the idea of asking the Attorney General and the
21 Department of Justice to provide general counsel to
22 the Commission.

23

1 And the reason I say this is that we
2 have not only the General Services work on FACA and
3 conflicts of interest and ethics, and all of that, we
4 have a pending item of this Federal Tort Act in the
5 Congress. There are law enforcement issues that we
6 need to have dealt with.

7 And I note that in the report language to
8 the legislation for this Commission that there was a
9 letter from Justice regarding the sensitivity of
10 certain kinds of inquiries into the government. And
11 I believe that the Attorney General's Office could
12 counsel us a lot better on how to handle that.

13 There is public scrutiny of our activities
14 as Commissioners, and then there is the complexity of
15 laws at all kinds of different levels -- local, state,
16 federal, and tribal. There is issues of
17 constitutional law. And I believe that by having an
18 attorney assigned by the Attorney General and the
19 Department of Justice to counsel this Commission, I
20 think we would be able to get a better coordinated
21 response from the United States' legal system.

22 And I would just like to advise the

1 Chairman that it is my request that she consider
2 inquiring into that possibility, and also I will do
3 the same.

4 CHAIRPERSON JAMES: I will consider that
5 request. Thank you.