COMMISSIONER DOBSON: Do we need a motion?

CHAIRMAN JAMES: I don't think we do. I think we can just direct the staff that it is the sense of this Commission that that would be an efficient way to handle the business of this Commission.

MS. KENNEDY: Good. We can probably be up and running by the first of next month.

CHAIRMAN JAMES: The first order of new business is the recently released request for proposal for research on gambling behavior, including a national survey, and again, I want to thank Leo and the Research Subcommittee, plus Drs. Kelly and Reuter for the outstanding work that they did no the RFP. I believe that all of the Commissioners have a copy.

The bids should be in next month, after which a technical advisory group will then evaluate the proposals and recommend a selection to the Research Subcommittee and to the chair. At this point I want to know if there's any discussion that we have on the RFP, and the chair
recognizes Commissioner Wilhelm.

              COMMISSIONER BIBLE: Isn't this going to
be part of our Research Committee meeting presentation
tomorrow morning?

              CHAIRMAN JAMES: It could be easily.

       We're just reporting on the RFP having been let.

              COMMISSIONER WILHELM: There are some
issues related to that, but if it's not inappropriate,
I would prefer to bring them up in the course of the
Research Committee report.

              CHAIRMAN JAMES: That's fine. This is
just a matter of information for the public that the
RFP has been let, and if you'd like to save the
discussion for tomorrow I think that's entirely
appropriate.

The next order of business is the question
as to whether or not we need to create any additional
subcommittees. I was asked this by staff. I told
them that I would put it as a matter of discussion
under new business and wondered if you had any
particular comments, if you see any particular needs
that are not being met by the Commission right now,
that we need to formulate any subcommittees.

Is there any discussion or questions in that area?

(No response.)

CHAIRMAN JAMES: Hearing none, and I will ask that question periodically, and if Commissioners see the need, I would always include that as a matter of our agenda.

We're at the point now in our agenda where we're actually going to be -- I think we're a little ahead of schedule for our lunch break, but before we break for lunch, I want to talk about our time together and when we come back.

The Commission is scheduled to reconvene at seven o'clock tonight. I want to address a particular issue that came up. We have I believe it's eight people who have asked to testify anonymously. I want to accord them the opportunity to do that, but at the same time to make sure that we stay on schedule and that we accommodate the rest of the Commission.

And so my suggestion to -- actually I can't take full credit for this. It was a suggestion
that came from Commissioner Wilhelm, and I think it's a good suggestion for how we should proceed at this point -- is that we reconvene in a closed session at 6:30 tonight, and at this time will hear the testimony from the eight people who did request anonymity. By doing this in a closed session, we will honor their request, and by beginning the remaining public testimony at seven o'clock as scheduled to even move perhaps an additional eight people from the waiting list and move up to be able to testify before the Commission.

Is there any discussion on that among the Commissioners and what would be your pleasure?

COMMISSIONER BIBLE: From my perspective that makes sense. Is there any kind of a legal problem for closing that portion?

COMMISSIONER WILHELM: He was very excited at the mention of a legal problem.

(Laughter.)

MR. TERWILLIGER: The Commission can, under the operating rules that it adopted, close a portion of the meeting at its discretion with advance
notice, and so long as you all are comfortable that
the time between now and later is advance notice,
then you're entitled.

COMMISSIONER BIBLE: I'm mostly
comfortable if you're comfortable.
CHAIRMAN JAMES: If you're comfortable,
we're comfortable.

COMMISSIONER BIBLE: Right.
COMMISSIONER DOBSON: Madame Chairman,

have those who are going to testify asked for
anonymity?

CHAIRMAN JAMES: Yes, they have.

Now, their testimony will be made
available, but in trying to protect their anonymity,
we thought this was the best way proceed.

They have requested that. It is not
unusual for people who testify before federal
commissions to want anonymity. So we're going to
proceed in that way, and so the Commission will come
back together at 6:30 to receive that testimony, and
then at seven o'clock we will go into our open public
comment period.
MR. TERWILLIGER: Just a moment.

CHAIRMAN JAMES: Absolutely.

MR. TERWILLIGER: I just want to point out two things. All meetings of the Commission -- this is our Rule 4(b) -- "all meetings of the Commission will be open to the public unless otherwise determined in advance."

It doesn't say that the Commission has to take a vote, and I do not believe that so long as the advanced determination is made in a public session that a vote is necessary, but if any of the Commissioners so wished to take a vote you could do that.

Secondly, the rules concerning witnesses -- just a moment. This is Rule 4(g) -- state that "witnesses who are to appear before the Commission shall file with the Commission three business days in advance 20 copies of a written statement of their testimony and proposed exhibits for the benefit of the members of the Commission and staff. Witnesses' oral testimony may be limited to a brief summary of their submission."
I don't know whether that has been followed in connection with these or any other witnesses who are coming here, but what I would suggest to the chair at least for consideration and discussion among the Commission members is to the extent that the rules may be read as anticipating generalized public testimony by witnesses, that it would not be inappropriate for the Commission to take a vote to accept this testimony in that manner for the reasons that have been stated.

I don't really think it's a closed Commission meeting per se, although somebody could certainly read it that way. You're not going to transact deliberative process in that meeting, but rather just take testimony.

The testimony itself, as I understand what you've said, will be available. So it's not secret testimony. It's just that the identity of the witnesses is -- there's an attempt to preserve the confidentiality of that.

But, again, I think you can also do nothing. I'm just recommending that the safer course
might be to take a vote.

CHAIRMAN JAMES: Any other further
discussion on this point?
(No response.)
CHAIRMAN JAMES: On the advice of counsel
let's take a vote that we would be willing to receive
the testimony of these individuals who have requested
anonymity in a closed session at 6:30.
All in favor please signal --
COMMISSIONER DOBSON: Madame Chairman.
CHAIRMAN JAMES: Yes.
COMMISSIONER DOBSON: May I ask one more
question?
CHAIRMAN JAMES: You certainly may.
COMMISSIONER DOBSON: I served on the
Attorney General's Commission on Pornography, which
was very, very sensitive obviously and people who were
addicted to pornography or who had been abused by it
were very concerned about having their identities
revealed.
But that testimony was very, very
important to understanding of the work of the
commission and to the public, and so it was done
behind shade where you saw the shadow, the silhouette
of the person, and in some cases their voices were
changed electronically.

That way we accomplished both things. If
we're setting a precedent for the rest of the
Commission where people who have something to say
about the impact of gambling and they only get to say
it behind closed doors, I'm not sure I agree with
that.

CHAIRMAN JAMES: No, please. I don't
think that this should imply any sort of precedent at
all, and there are individuals who would prefer to
give their testimony in that way, and they should be
accommodated.

Any other questions?

COMMISSIONER DOBSON: Could I just ask
that in future meetings that the staff look at the
possibility of some kind of testimony where you
protect the identity of the person, but the public
gets to hear it?

CHAIRMAN JAMES: Absolutely. And I hope
that the public will take the time to read this

testimony, and it will be made available. It’s not

secret testimony. It’s just to protect the identity

of those individuals who want to testify.

Is anybody willing to call for the

question on this?

COMMISSIONER WILHELM: I'll so move.

COMMISSIONER LEONE: I'll second your

motion.

CHAIRMAN JAMES: It has been moved and

seconded. All in favor?

(Chorus of ayes.)

CHAIRMAN JAMES: Any opposed?

(No response.)

CHAIRMAN JAMES: Thank you.

With that, the Commission meeting stands

in recess.

(Whereupon, at 12:39 p.m., the meeting was

recessed for lunch, to reconvene at 7:00 p.m., the

same day.)