CHAIRPERSON JAMES: Thank you so much for being here.

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

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

I would very much like for us to be able to meet some time within the next 30 to 60 days. Perhaps if I offer a date, and then you could tell me if that would be a problem for you in your calendars.

Today is June 20th. Is that correct?
If we look towards the end of July, is there any date that we should avoid at that time?

COMMISSIONER McCARTHY: July 30th on, I'm gone.

CHAIRPERSON JAMES: Well, hopefully you'll come back at some point. You're gone for how long?

COMMISSIONER McCARTHY: Ten days.

CHAIRPERSON JAMES: Ten days?

And you're not available, Dr. Dobson, until --

COMMISSIONER DOBSON: I'll be out of the country about 30 days beginning tomorrow, so --

CHAIRPERSON JAMES: Which puts us there.

COMMISSIONER WILHELM: If I could make a plug for the week of July 21st, as opposed to the week of the 28th. That's just a preference, not a problem in the sense of being absent.

CHAIRPERSON JAMES: What about the 24th/25th of July? What is that looking like? Are you --

COMMISSIONER DOBSON: I'm not sure.

CHAIRPERSON JAMES: You're not back yet?
COMMISSIONER DOBSON: I just asked staff to check my calendar. I apologize for not bringing it.

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

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

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

COMMISSIONER DOBSON: Excuse me.

CHAIRPERSON JAMES: Yes?

COMMISSIONER DOBSON: Is it a one or a two-day meeting?
CHAIRPERSON JAMES: Well, that takes us into our discussion. And if you will look at the Commission workplan -- and please, the operative word here is "draft" -- what we did -- and if you will turn to Tab 10 in your briefing books you will see that. You'll see several different types of meetings that are listed there under the information collection phase of the Commission.

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

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

This says at least four of those types of meetings. I believe that to be a minimum. It's open
for discussion. It is completely at the pleasure of
the Commission.

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

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

We go through a draft review process. I
would suggest that we publish our draft for comment,
so that the public has an opportunity to review that
draft, and then we come back, do edits as a result of
that, have a final draft, a final public comment
period, and then we actually print the document, and
we have the distribution of the report and the
shutdown of the Commission on 8/20/99.

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

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

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

COMMISSIONER WILHELM: Just for
information, and I should remember this but I want
to be sure I understand. Under "Information
Collection," study contracts, '98, is that when they
are supposed to be due?

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

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

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

CHAIRPERSON JAMES: For this sole purpose
is my understanding.
COMMISSIONER WILHELM: Which doesn't speak to whether it's capable of doing it.

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

COMMISSIONER WILHELM: Okay.

CHAIRPERSON JAMES: Terry?

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

CHAIRPERSON JAMES: I'm not sure.

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

COMMISSIONER LANNI: Are we going to be taking any type of testimony or thoughts about those issues before they are completed?

CHAIRPERSON JAMES: Again, it's at the will of the Commission. I would suspect that as we open this up for discussion there may be some interest in having information come from a variety of sources. We don't want to turn away anyone who wants to have the opportunity to be heard before the Commission. And so if someone would like to address an issue that's being studied by that, I certainly would not cut off that kind of discussion or that kind of input.

Yes, John?

COMMISSIONER WILHELM: Did you have a thought about -- or a recommendation about how frequently at different points in this period the Commission itself should meet? And I ask that in particular because as you pointed out a moment ago in connection with scheduling, everybody here has, as you put it earlier, a day job. And --

CHAIRPERSON JAMES: John, let me tell you
what my thoughts are on that, and these are my thoughts only, and I really do desire to hear from you. Rather than have one meeting once a month, I would much prefer to have either four to six three-day meetings where we come in for a concentrated period of time and do the work of the Commission. I think it makes it easier for travel schedules, and it also makes it easier for Commissioners to concentrate their time and really work through a problem and come to some resolution. But I need to hear from you.

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

CHAIRPERSON JAMES: I was thinking per year.

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

CHAIRPERSON JAMES: Overlapping, because in a four-day period, or a three-day period, you can do a variety of types of meetings. As an example, we may start off in the morning with a public hearing, in the afternoon do a site visit, the next morning call
witnesses for testimony, and actually receive that, and then spend the next two days in discussion among ourselves. So it's not to imply in any way that each of those meetings has to have a separate focus. You can accomplish a lot I think in a three-day period, and a lot of different types of meetings.

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

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

COMMISSIONER WILHELM: Would I be -- I don't know if we need Mr. Snowden for this question.
But would I be right in thinking that the Commission and/or the Chair does have the right to establish subcommittees?

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

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

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

MS. SIMPSON: No.

CHAIRPERSON JAMES: Yes, Robert?

COMMISSIONER LOESCHER: Madam Chairman, thank you. I'd like to offer a suggestion to you as you do your work in the period of time before the next meeting. The law requires that we engage in these contracts with the Commission on Intergovernmental Relations and the National Research Council, and specifically lays out periods of work for each group, each entity.
I'd like just to suggest to you that you consider a two-phase contracting process between now and the next meeting where we get a preliminary proposal from these two agencies, and then we have the opportunity to review and concur in their preliminary proposal, and then we negotiate a final proposal after we've had an intermediate review.

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

And I believe that we could get a good sense of where we're going if we could have this two-phase approach -- a preliminary approach, review and approval by the Commission, and then a final negotiation by your office and the Executive Director.
CHAIRPERSON JAMES: Certainly. There is a process for government contracting, and I don't see our staff here from GSA just at this moment. But there is a -- and I assure you that all of the appropriate offices will be involved, and that there will be a review process by this Commission.

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

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

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

MR. BOGDAN: The GSA legal authorities will look at the contract from a legal standpoint.
That's our final check.

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

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

CHAIRPERSON JAMES: Bill?

COMMISSIONER BIBLE: Have these two agencies been --

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

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

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

What I'd like to do, Bob, is to suggest that we have fleshed out for discussion and review the
process for the contracting at the next Commission
meeting that will be within 30 to 60 days.

COMMISSIONER LOESCHER: Madam Chairman,

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

So notwithstanding --

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

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

CHAIRPERSON JAMES: Have any of our
Commissioners had contact with the contractors yet?

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

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

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

CHAIRPERSON JAMES: It outlines who they are.

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

COMMISSIONER McCARTHY: The Commission will determine the scope.

CHAIRPERSON JAMES: And that is Leo.

COMMISSIONER McCARTHY: The Commission will determine the scope of what we want researched and studied. These two entities are for contractually
legal procedural reasons. They're not going to
determine the scope of the study.

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

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

COMMISSIONER McCARTHY: -- addressing,
Bob.

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

I need to hear from you in terms of the
types of meetings that you think are important, the
types of site visits that you think this Commission
ought to be engaged in, where do you want to go. And
what I will do is incorporate all of that into -- and
present it back as our workplan at the next meeting.

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

Terry?

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

CHAIRPERSON JAMES: Right.

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

CHAIRPERSON JAMES: Tasked to do.

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

CHAIRPERSON JAMES: That's correct. And
if you look under Section 7, under the Advisory
Commission on Intergovernmental Relations, it says
under B, "Assistance in conducting the studies." And
so we will define, as a Commission, exactly what we believe that assistance needs to be.

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

CHAIRPERSON JAMES: You may raise anything.

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

CHAIRPERSON JAMES: That's correct.

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

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

CHAIRPERSON JAMES: Well, I would refer,
again, all of the Commissioners to page 8. And for
the record, it says, "The Advisory Commission on
Intergovernmental Relations, in general, they are to
conduct a thorough review and cataloguing of all
applicable federal, state, and local, and Native
American tribal laws, regulations, ordinances that
pertain to gambling in the United States.

COMMISSIONER McCARTHY: That's fine.

CHAIRPERSON JAMES: That is very --

COMMISSIONER McCARTHY: That is all
helpful. That's constructive. That doesn't
contradict anything I just said.

CHAIRPERSON JAMES: It does not, indeed.

And B, assistance in conducting the studies required
by the Commission under Section 4(a). And, in
particular, the review and assessments required in --
and then they list the various subparagraphs that tell
us exactly what they are supposed to study.

And again, I would refer you to those
paragraphs, and it lists out A, B, E, and those are
listed there, and those are some very specific things.

We are going to follow that very closely
and bring it back to you for a full discussion.

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

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

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

CHAIRPERSON JAMES: I know where they are.

COMMISSIONER BIBLE: Oh, good.

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

Any other questions about the workplan?

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

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

CHAIRPERSON JAMES: And if you want to come back and it's a living, working document, we can, in fact, address those issues at that time.
Bob, is there anything that you want to make sure you see in this workplan when it comes back to the Commission?

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

CHAIRPERSON JAMES: Okay.

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

CHAIRPERSON JAMES: Thank you, Bill.

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

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

I think it would be helpful -- the
legislation does allow the Commission to identify
and to some extent detail other federal employees, if
they are available and if their department releases
them to us to perhaps identify some individuals within
the Federal Government that need experience maybe from
a prosecution standpoint, or from an enforcement
standpoint, or just from a technology standpoint, to
talk about Internet gaming and some of the more
interactive type gaming that is now going on in the
Internet.

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

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

Leo?

COMMISSIONER McCARTHY: I like your idea
about having multipurpose meetings. I think that’s
fine. I think there are some obvious places we need
to go -- Las Vegas, Atlantic City, Mississippi, and I
would like to think through where else we should go.
I think we certainly have to visit, during the course of the site hearings, probably a minimum of two Native American gambling sites, and I think there will be others here.

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

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

If there are site visits or witnesses or
information that you think the Commission ought to consider, we would like to have you bring that before the Commission so that we could consider it.

Dr. Dobson?

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

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

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

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

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

CHAIRPERSON JAMES: Great.

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

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

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

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

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

John?

COMMISSIONER WILHELM: I agree very much with and won't repeat the things that both Leo and Jim
said. In addition to the kinds of sites that Leo mentioned, we ought to visit the other kind of a site, however one does this, that being the Internet applications of gambling, which I keep reading about and know absolutely nothing about first hand.

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

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

In other words, I think we need to look in considerable depth and detail, among other economic issues, at the quality of these jobs and what they mean. And I think that's particularly pertinent since we're talking about Welfare to Work in this country.
Are these kinds of jobs the kinds of jobs that people ought to be moved into? So that's a particular interest that I'm focused on, because of the work that I do.

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

CHAIRPERSON JAMES: Yes.

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

Any more suggestions or ideas or things that you want to see? Just to summarize, I know that we want to see a scope of questions that this Commission will use as a guidepost for the scope of work that will be done by our various contractors, as
well as guide our discussions and deliberations. And each of you has agreed to submit a list of those types of questions, which I will collate and get out to all Commissioners.

COMMISSIONER LANNI: Is there a deadline?

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

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

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

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

Yes, John?

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

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

CHAIRPERSON JAMES: So much of that is defined by statute in terms of how much notice we need to give for those kinds of meetings. And we are
really restricted in what we do in those areas.

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

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

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

These were some statement of principles that Terry sent that he thought would be appropriate for us to consider to operate the Commission under.
I will let him speak to them, and then I will.

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

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

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

Yes?

COMMISSIONER BIBLE: In terms of John's
questions on rules, is it common for a study group like this to adopt formal rules that would differentiate between, for instance, what items the Commission would consider and what items the staff would consider, and what are the prerogatives of both parties, and things of that nature?

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

COMMISSIONER BIBLE: I think that's reasonable.

CHAIRPERSON JAMES: Any other comments?

Any other questions to come before the Commission?

Yes, Bob?

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

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

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

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

COMMISSIONER LOESCHER: Madam Chairman, on
a different subject, I will not ask for a vote today
because I think I need to go and talk to some people
about this notion, but I would like to ask the
Chairman and the members of the Commission to consider
the idea of asking the Attorney General and the
Department of Justice to provide general counsel to
the Commission.
And the reason I say this is that we have not only the General Services work on FACA and conflicts of interest and ethics, and all of that, we have a pending item of this Federal Tort Act in the Congress. There are law enforcement issues that we need to have dealt with.

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

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

And I would just like to advise the
Chairman that it is my request that she consider inquiring into that possibility, and also I will do the same.

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