

November 27, 2018

United States Senate
The Honorable Mitch McConnell
Senate Majority Leader
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Chuck Schumer
Senate Minority Leader
322 Hart Senate Office Building
Washington, D.C. 20510

Dear Leader McConnell and Leader Schumer:

We, the undersigned national, state, and local organizations, write to express our opposition to the nomination of Kathy Kraninger for the position of Director of the Consumer Financial Protection Bureau and to urge you to vote against her confirmation when the Senate considers this matter the week of November 26. In addition to having “no apparent relevant experience in finance, banking regulation or consumer protection”¹ and agreeing with every one of Mick Mulvaney’s harmful consumer policies,² Ms. Kraninger played a central role in administering the inhumane and un-American policy of separating thousands of children from their parents—for some, perhaps permanently—along our southwest border. Rather than being simply a disastrous policy of the past, the humanitarian crisis resulting from the separation of families continues to this day. The Administration officials responsible for implementing the tragedy unfolding deserve to be punished, not promoted.

In her current role as a program associate director at the Office of Management and Budget (OMB), Ms. Kraninger oversees both the Department of Homeland Security and the Department of Justice, the two federal agencies most directly responsible for the administration’s decision to separate more than 2,600 children from their parents at the border.³ Still today, more than 100 days after the administration was required to reunite every separated family, children remain apart from their parents.⁴ Even more appalling, in the time since the Senate Banking Committee voted to send Ms. Kraninger’s nomination to the full Senate, the Trump administration “found” an additional 14 children who were separated from their parent but were not previously accounted for.⁵ This disclosure raises serious questions about how many more children may have

¹ Jim Puzzanghera, “Critics say CFPB nominee Kathy Kraninger lacks the experience to be the nation’s top consumer financial watchdog,” Los Angeles Times, June 18, 2018.

² Kathy Kraninger response to Questions for the Record (QFR), submitted by Senators Sherrod Brown and Elizabeth Warren, July 19, 2018, at <https://www.banking.senate.gov/download/08/01/2018/kraninger-responses-to-brownwarren-qfrs-7-19-18>.

³ Nick Miroff, Amy Goldstein, Maria Sacchetti, “‘Deleted’ families: What went wrong with Trump’s family separation effort,” Wash. Post, July 28, 2018.

⁴ Gabe Ortiz, “Trump admin still has separated migrant kids in custody, more than 100 days past judge’s deadline,” Daily Kos, November 14, 2018.

⁵ Jacob Soboroff, Nicole Acevedo, and Suzanne Gamboa, “Trump administration discovers 14 more separated children are in its custody,” NBC News, October 26, 2018.

been—and may still remain—separated. To date, not a single person in the federal government has been held accountable for this policy, including Ms. Kraninger who had a role in its implementation.

The family separation policy that Ms. Kraninger oversaw was exceptionally cruel. In June, more than a dozen Republican senators urged then-Attorney General Jeff Sessions to suspend his “zero tolerance” prosecution policy that was the “immediate cause of this crisis,” and that was resulting in actions that were not “consistent with our values and ordinary human decency.”⁶ Senator Mike Crapo (R-Idaho), chairman of the committee of jurisdiction for this nomination, also stated at the time that “Children should not be separated from their families and the issue needs to be resolved quickly,”⁷ yet more than five months have passed and the issue is still unresolved. The entire Democratic caucus condemned the family separation policy and united behind legislation to end the practice.⁸ In connection with this nomination, Democratic Ranking Member Sherrod Brown (D-Ohio) and Senator Elizabeth Warren (D-Massachusetts) have—for months—been requesting documents and information to better ascertain precisely what role Ms. Kraninger played in the design and implementation of the “appalling” family separation policy but have so far received no cooperation from the nominee or the administration.⁹ What’s more, President Trump recently stated that his administration was once again looking at separating families, making it clear that while the policy of taking children from their parents has been paused, it is by no means ended.¹⁰

The unredeemable policy was also administered in an unconscionably haphazard and careless manner, compounding the problems that necessarily would have resulted from taking thousands of children from their parents. Senator Bob Corker (R-Tennessee) was correct that the administration made a “large mistake” by adopting and then failing to prepare for the consequences of its family separation policy and instead approaching it in a “ready, fire, aim way.”¹¹ After the federal government failed to meet a court deadline to reunite families, the judge overseeing the case observed that “There were three agencies, and each was like its own stovepipe. Each had its own boss, and they did not communicate What was lost in the process was the family.”¹²

One of the most important functions of OMB is to ensure that agencies have properly planned for and are prepared to implement significant policies and programs such as this. That is no less true when it comes to terrible and ill-conceived policies such as this one. OMB’s role typically involves facilitating interagency communication and helping to manage complicated processes that cut across multiple agencies. A recent report from the DHS Office of Inspector General

⁶ Jordan Carney, “13 GOP senators ask administration to pause separation of immigrant families,” *The Hill*, June 19, 2018.

⁷ Cynthia Sewell, “‘Children should not be separated from their families.’ Idaho senators join Cruz bill,” *Idaho Statesman*, June 19, 2018.

⁸ *Keep Families Together Act*, S. 3036 115th Cong. (2018).

⁹ Letter from Sen. Elizabeth Warren and Sen. Sherrod Brown, to Kathy Kraninger, June 18, 2018.

¹⁰ Grace Segers, “Trump administration considering new family separation policy for undocumented immigrants,” *CBS News*, October 12, 2018.

¹¹ Emily Tillett, “Sen. Bob Corker faults Trump administration for “ready, fire, aim” family separation policy,” *CBS News*, June 24, 2018.

¹² See Miroff, *supra* n. 3.

(OIG) confirms—as the Washington Post puts it—that the “family separation policy was flawed from the start,” including “a poorly coordinated interagency process that left distraught parents with little or no knowledge of their children’s whereabouts.”¹³ The OIG also found “no evidence” to support the administration’s claim that DHS and HHS had established “a central database” to facilitate the sharing of information across agencies regarding the whereabouts of separated children and their parents. Either Ms. Kraninger failed terribly at her job, putting the wellbeing and lives of thousands of children in danger, or, even more concerning, she purposefully sought to run an ineffective, cruel process in order to punish children and/or their parents, in which case she lacks the moral sense or standing to hold a government position. In either case, her nomination should be rejected.

The failures of judgment, execution and conscience associated with the family separation policy are of the highest level. As U.S. District Court Judge Dana Sabraw explained in August, “the reality is that for every parent who is not located, there will be a permanently orphaned child, and that is 100 percent the responsibility of the administration.”¹⁴ Although Kathy Kraninger disclaims personal responsibility for setting the “zero tolerance” prosecution policy that led to most, but not all, of the family separations at issue, she acknowledges that she has participated in meetings on immigration and border security policy since the beginning of the administration and that OMB “has an extensive role” in working with agencies as they carry out their policies.¹⁵

A vote to confirm Ms. Kraninger to head the CFPB is a vote to approve or excuse the conduct of one of the central figures in the family separation debacle thus minimizing the extent of this harmful and cruel policy. The Senate should reject her nomination.

Sincerely,

National Organizations

32BJ SEIU

AFL-CIO

Alianza Americas

Allied Progress

America’s Voice

American Federation of State, County and Municipal Employees (AFSCME)

American Federation of Teachers

Autistic Self Advocacy Network

¹³ Nick Miroff, Maria Sacchetti, and Seung Min Kim, “Trump’s family separation policy was flawed from the start, watchdog review says,” Washington Post, October 1, 2018.

¹⁴ Alan Gomez, “Judge says Trump team ‘100 percent’ responsible for finding deported immigrant parents,” USA Today, Aug. 3, 2018.

¹⁵ Kathy Kraninger response to Questions for the Record (QFR), submitted by Senators Sherrod Brown, Catherine Cortez Masto, Roberto Menendez, and Elizabeth Warren, July 19, 2018 at <https://www.banking.senate.gov/download/kraninger-resp-to-brown-cortez-masto-menendez-warren-qfrs-71918>.

Bend the Arc: Jewish Action
Center for American Progress
Center for Employment Training
Center for Popular Democracy
Center for Responsible Lending
CenterLink: The Community of LGBT Centers
Coalition on Human Needs
Consumer Action
CREDO
Disciples Refugee & Immigration Ministries
EDGE
Engage Action
Faith in Public Life
Families Belong Together
FORGE, Inc.
Generation Progress
GreenLatinos
Immigration Hub
Indivisible
Japanese American Citizens League
Jobs With Justice
Latin America Working Group (LAWG)
Leadership Conference on Civil and Human Rights
Main Street Alliance
Mi Familia Vota
NAACP
National Asian Pacific American Women's Forum (NAPAWF)
National Association of Social Workers
National Black Justice Coalition
National Domestic Workers Alliance
National Immigration Law Center
National Institute for Reproductive Health
National Korean American Service & Education Consortium (NAKASEC)
National Network of Abortion Funds

National Organization for Women
National Religious Campaign Against Torture
People For the American Way
PFLAG National
Pride at Work
Service Employees International Union (SEIU)
Sisters of Mercy South Central Community
T'ruah: The Rabbinic Call for Human Rights
UndocuBlack Network
UnidosUS
United States Hispanic Leadership Institute
United We Dream
URGE: Unite for Reproductive & Gender Equity
Voto Latino
WOLA
Yemeni American Merchant Association

State and Local Organizations

Al Otro Lado
APANO
Asian Pacific Policy and Planning Council
Casa Esperanza
Casa San Jose
Center for the Human Rights of Children, Loyola University Chicago School of Law
Church Women United in New York State
Cleveland Jobs with Justice
Coalition for Humane Immigrant Rights (CHIRLA)
Community Visions Burien
Culinary Union
Delaware Community Reinvestment Action Council, Inc.
Democrats for Education Reform
Equality California
Equality North Carolina
Families Rights Network

Florida Consumer Action Network
Friends of Broward Detainees
Herd on the Hill
Humanity
Immigrant Families Together
Indivisible Eastside - WA
International Institute of New England
InterReligious Task Force on Central America and Colombia
Irish International Immigrant Center
Legal Aid Justice Center
Mississippi Center for Justice
New York Immigration Coalition
NM Dream Team
Ohio Immigrant Alliance
Pennsylvania Immigration and Citizenship Coalition
Progressive Leadership Alliance of Nevada
Reformed Church of Highland Park
Rio Grande Valley Equal Voice Network
Sant La Haitian Neighborhood Center
SC Appleseed Legal Justice Center
Services, Immigrant Rights & Education Network (SIREN)
Sisters of the Presentations
South Asian Fund for Education, Scholarship and Training (SAFEST)
The LGBT Center OC
Tzedek DC
Virginia Coalition of Latino Organizations (VACOLAO)
Wallingford Indivisible
Wayne Action for Racial Equality
Wind of the Spirit Immigrant Resource Center