

August 22, 2018

United States Senate  
Committee on Banking, Housing, and Urban Affairs  
534 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Crapo, Ranking Member Brown, and Committee Members:

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 Committee considers this matter on Thursday, August 23. In addition to having “no apparent relevant experience in finance, banking regulation or consumer protection”<sup>1</sup> and agreeing with every one of Mick Mulvaney’s harmful consumer policies,<sup>2</sup> Ms. Kraninger in recent months has 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.<sup>3</sup> Still today, more than 500 children remain separated from their parents, hundreds of whom were deported from the country as a result of false promises that they would be reunited first with their child or after signing papers that they could not reasonably have been expected to understand.<sup>4</sup> 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 the implementation of this policy.

The family separation policy that Ms. Kraninger oversaw was exceptionally cruel and Republican and Democratic members of this Committee have been unsparing in their criticisms. Chairman Mike Crapo (R-Idaho) stated clearly that “Children should not be separated from their families and the issue needs to be resolved quickly,”<sup>5</sup> yet more than two months have passed and the issue is far from resolved. Several Republican members of the Committee also joined a letter

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<sup>1</sup> 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.

<sup>2</sup> 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-brown-warren-qfrs-7-19-18>.

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

<sup>4</sup> Kristina Davis, “San Diego judge urges quick resolution to lingering issues in family separation litigation,” San Diego Union-Tribune, Aug. 17, 2018.

<sup>5</sup> Cynthia Sewell, “‘Children should not be separated from their families.’ Idaho senators join Cruz bill,” Idaho Statesman, June 19, 2018.

two months ago calling for an end to the policy that they regarded as not “consistent with our values and ordinary human decency.”<sup>6</sup> Ranking Member Sherrod Brown (D-Ohio) and Senator Elizabeth Warren (D-Massachusetts) have—for two 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.<sup>7</sup>

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.”<sup>8</sup> 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.”<sup>9</sup>

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. Either Ms. Kraninger failed terribly at her job, putting the well-being 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 several weeks ago, “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.”<sup>10</sup> 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.<sup>11</sup> A vote to advance Ms. Kraninger’s nomination to head the CFPB is a vote to

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<sup>6</sup> Senator Dean Heller, “Heller, 12 Republican Senators Urge Justice Department to Stop Family Separations Until Congress Passes a Legislative Solution,” Press Release, June 19, 2018.

<sup>7</sup> Letter from Sen. Elizabeth Warren and Sen. Sherrod Brown, to Kathy Kraninger, June 18, 2018.

<sup>8</sup> Emily Tillett, “Sen. Bob Corker faults Trump administration for “ready, fire, aim” family separation policy,” CBS News, June 24, 2018.

<sup>9</sup> See Miroff, *supra* n. 3.

<sup>10</sup> Alan Gomez, “Judge says Trump team ‘100 percent’ responsible for finding deported immigrant parents,” USA Today, Aug. 3, 2018.

<sup>11</sup> 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>.

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 Committee should reject her nomination.

Sincerely,

Al Otro Lado

Allied Progress

America's Voice

American-Arab Anti-Discrimination Committee

American Federation of Teachers

Anethum Global

Arkansas United

Autistic Self Advocacy Network

Bend the Arc: Jewish Action

California OneCare

Center for American Progress

Coalition for Humane Immigrant Rights (CHIRLA)

Coalition on Human Needs

Consumer Action

Courage Campaign

Delaware Community Reinvestment Action Council, Inc.

Detention Watch Network

Equality California

Faith in Public Life

Florida Consumer Action Network

GreenLatinos

Herd on the Hill

Hip Hop Caucus

Hispanic Federation

Hope Border Institute

Indivisible

Japanese American Citizens League  
Jobs With Justice  
Justice Strategies  
Latin America Working Group (LAWG)  
Mixteco Indígena Community Organizing Project (MICOP)  
MomsRising  
NAACP  
National Advocacy Center of the Sisters of the Good Shepherd  
National Asian Pacific American Women's Forum (NAPAWF)  
National Center for Lesbian Rights  
National Domestic Workers Alliance  
National Fair Housing Alliance  
National Immigrant Justice Center  
National Immigration Law Center  
National Institute for Reproductive Health (NIRH)  
National Latina Institute for Reproductive Health  
National Network of Abortion Funds  
National Organization for Women  
New Economy Project  
People For the American Way  
Public Citizen  
Service Employees International Union (SEIU)  
Services, Immigrant Rights and Education Network (SIREN)  
Stand Up America  
Tennessee Immigrant and Refugee Rights Coalition  
The Leadership Conference on Civil and Human Rights  
Tzedek DC  
United We Dream  
URGE: Unite for Reproductive & Gender Equity  
Women's Refugee Commission  
WV Citizen Action Group