

United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

March 7, 2017

Dear Indivisible East Bay,

I regret that I was unable to attend your recent town hall meeting. As you know, I was returning to Washington.

This is my letter to respond to the questions that you asked of me on February 26, 2017, at Elmhurst Community Prep in Oakland.

Your questions about Supreme Court nominee Judge Neil Gorsuch:

After many years on the Judiciary Committee, I've learned that it is best not to announce my views on nominees until we've reviewed the record, held hearings and had an opportunity to thoughtfully consider our position.

We have more than 90,000 pages of material, which is still just a portion of the documents we must review. We've requested additional documents and material from a number of additional sources.

The hearings begin shortly and many questions will be asked of Judge Gorsuch. As you know, I am pro-choice and anti-gun and will be looking carefully at his past cases, as well as asking questions.

Your questions about judicial nominees:

The first month of the Trump administration reminded all of us just how vital an independent judiciary is to balance executive overreach. And Democrats are taking their role of examining the president's nominees very seriously so that Americans' constitutional rights are protected.

For example, my office has used committees in each California judicial district to evaluate potential candidates for U.S. attorney and district court judgeships. The

screening process is rigorous and has produced highly-qualified candidates who are well-suited to serve their communities.

We're also committed to fighting to protect what's known in the Senate as the "blue-slip" process. This requires both senators from a state to sign off on judicial nominees before they're considered by the Judiciary Committee. Both Senator Harris and I will need to sign off on California nominations made by President Trump. This process is critical to ensuring nominees are qualified and mainstream.

Your questions about President Trump's conflicts of interest and tax returns:

There's a lot of concern among Democrats about President Trump's conflicts of interest and his refusal to divest. We've introduced legislation to require the president to release his tax returns as well as legislation to require the president to sell his assets and have his wealth managed by independent individuals—not his children.

It's my belief that the investigation of President Trump's campaign and any connections with Russia may necessitate a subpoena of his tax returns by the investigative committee. As you know, I serve on the Intelligence Committee. The committee is well on its way on a review into Russia's hacking of emails and interference in the election.

Conflicts of interest is also an issue that Democrats on the Judiciary Committee will focus on. We're currently working on a number of legislative options to increase oversight of the president's business interests.

Your questions about freedom of the press:

We're deeply disturbed by the president's attacks on the free press. Freedom of the press is one of the pillars of our democracy. First Amendment issues fall under the jurisdiction of the Judiciary Committee and we will be conducting strong oversight in this area.

Your questions about immigration executive orders:

Democrats are working to rescind President Trump's discriminatory executive order barring immigrants from Muslim-majority countries and suspending the U.S. refugee program. I'm introducing another bill with my Democratic colleagues to do just that.

We've also introduced a bill to repeal the president's executive order on immigration, which makes 11 million undocumented immigrants priorities for deportation. Immigrants with specific concerns are encouraged to contact my San Francisco office, where our casework team stands ready to help resolve issues with Immigration and Customs Enforcement.

I've also introduced legislation with Senators Dick Durbin and Lindsey Graham to protect Dreamers from deportation. More than 350,000 Dreamers live, work and are educated in California—nearly half the young people nationwide who have been admitted to the deferred action program. Giving these young people an opportunity to go to college, pursue careers and give back to their communities has been tremendously beneficial. We have a moral obligation to do all we can to shield them from deportation and keep their families together.

Your questions about the recusal of Attorney General Sessions:

In January, and again last month, all nine Democrats on the Judiciary Committee asked Attorney General Sessions to recuse himself from any investigation into contacts between Russian officials and the Trump campaign.

Now that he has finally done so, the next step is to push for a special prosecutor. It's not enough for the deputy attorney general to oversee the investigation. Our number one concern is making sure that the investigation is credible and that's where we're going to be focusing our effort.

With regard to Attorney General Sessions's false statements to the committee, the Judiciary Committee is looking at this matter very closely.

Your questions about National Security Advisor Mike Flynn:

Many questions about former National Security Advisor Flynn need to be answered. In the Judiciary Committee, we have asked for a briefing and documents from the Justice Department and the FBI. There will soon be a hearing in the Oversight Subcommittee.

Your questions about nominees:

So far, I have voted against the following nominees for cabinet posts:

- Attorney General Jeff Sessions
- EPA Administrator Scott Pruitt
- Energy Secretary Rick Perry
- Housing and Urban Development Secretary Ben Carson
- Health and Human Services Secretary Tom Price
- Office of Management and Budget Director Mick Mulvaney
- Treasury Secretary Steven Mnuchin
- Interior Secretary Ryan Zinke
- Secretary of State Rex Tillerson

I did so because I don't believe they are qualified to do the jobs for which they were nominated.

Other nominees like Defense Secretary General James Mattis and VA Secretary Shulkin—who was first appointed by President Obama—are highly-qualified and well-equipped to do their jobs.

It's critically important that the federal government continues to function for Californians. Veterans need the care and benefits they have earned. Our military needs an experienced and competent leader at the Pentagon.

Your questions about EPA Administrator Scott Pruitt:

One nominee who is clearly not suited to the job he was nominated to fill is Scott Pruitt, the head of the EPA. More than 80,000 Californians contacted me because they were worried that he wouldn't address climate change or enforce current environmental laws, and I agree with them.

During his time in Oklahoma, Pruitt sued the EPA numerous times. He challenged the agency's ability to regulate carbon, fought to block federal air and water regulations and even questioned the science behind many agency decisions.

With that record, it's obvious he will do little to protect our environment. We will fight every effort to weaken the EPA or dismantle California's strong environmental standards.

Your questions about climate change:

Another area where Democrats stand shoulder-to-shoulder is in our opposition to gutting the EPA. We're committed to fighting to ensure the agency has the resources it needs to protect our air and water.

Californians are committed to addressing climate change because we see it happening all around us. Sea level rise, prolonged droughts, intense rainstorms, and wildfires are happening.

The good news is that California has a tremendous ability to drive change on its own because it's the world's sixth-largest economy. California's ambitious cap-and-trade program, renewable portfolio standard, energy efficiency regulations, low-carbon fuel standard and zero-emission vehicles program are pushing the country forward. These initiatives spur our neighboring states to build renewables and create a market for auto-makers to be more ambitious.

We will strongly fight any attempt to roll-back California's existing initiatives or block the state from taking further action.

I worked for 15 years to pass legislation to improve mileage efficiency of automobiles by 10 miles over 10 years. As a result of that bill, which Senator Olympia Snowe and I authored and finally passed in 2007, mileage efficiency will reach 54 miles per gallon in 2025. This is without precedent.

I know how hard it is to make progress on these issues, so rest assured I will fight to protect it.

Your questions on LGBT guidance:

More than 90 percent of LGBT youth have reported being bullied at school, and up to 50 percent of transgender youth report seriously contemplating suicide. We need to do much more to help these young people feel accepted and that they belong. The guidance issued by the Obama administration was an important step in doing that.

We've requested that Education Secretary Betsy DeVos issue new federal guidance to ensure LGBT students are not discriminated against in school. I don't believe it should be the sole responsibility of states and local school districts to protect LGBT students. The federal government should play a strong role here.

Your questions on protecting democracy:

It's vital that we do everything we can to fight violations of democratic norms. Democrats on the Judiciary Committee in particular are committed to strong oversight of the Trump administration, and we have dedicated significant staff resources to work in this area.

One of our top priorities is protecting the right to vote and conducting rigorous oversight of the Justice Department and its efforts on voting rights.

It's also critically important that the federal government functions for Californians. Faith in our democracy is further eroded when the government doesn't work.

Your questions on the *Affordable Care Act*:

I strongly oppose the repeal of Obamacare.

This is not just a matter of politics—this is a life and death issue for millions of Americans. A full repeal would cost at least 20 million people their health insurance, including 4 million in California. Millions more would lose the guarantee that they would be able to access health insurance because they have pre-existing conditions.

Parts of the law should be fixed. Although California has seen smaller rate increases than other states, premiums in the marketplace can be too high for individuals who don't receive subsidies, particularly those in the 50-64 age group. We're currently working on proposals to address this issue.

It's going to be vitally important that Republicans feel the pressure from the public to not repeal the law. Members of Congress who support repeal need to hear from people who are benefiting from the law, and we've seen a lot of that passion in recent weeks, which is great.

Your questions on Social Security and Medicare:

We'll do everything in our power to protect Social Security and Medicare. These two programs are so important to the economic security and health of our nation's seniors.

Your questions on tax fairness:

Democrats are also strongly in support of efforts to ensure that the tax code is truly progressive and requires the wealthiest Americans to pay their fair share. We will fight any Republican effort to cut taxes for the wealthiest Americans.

I very much appreciate you giving me the opportunity to respond to the issues that were raised during your meeting in Oakland. Please know that I hear your voices, I read your emails, I'm briefed on your phone calls and hundreds of meetings with staff, and I appreciate your passion.

Please keep up the fight and distribute the following responses to all interested Indivisible chapters and organizations that sponsored the meeting.

Sincerely,



Dianne Feinstein
United States Senator

DF/SE