



IndivisibleEB.org

Senator Kamala Harris
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To: Senator Kamala Harris
From: Indivisible East Bay
Date: November 30, 2018
Subject: Resisting the Trump Agenda

Asylum Seekers: We are very upset by the recent escalations to our country's inhumane and illegal treatment of asylum seekers at the border. The "metering" at ports of entry and attempts to not give those who enter between ports their legal right to seek asylum are shameful attempts to avoid doing our duty. We are also very upset that our government continues to separate families based on supposed fraud or danger to the children.

Questions:

- Since the current crisis at the border appears to have been caused mainly by the Trump administration's inability or unwillingness to process asylum seekers in a timely manner, will Sen. Harris work to use the "border security" funding currently being negotiated in Congress to increase processing capacity for asylum seekers at ports of entry[1], a thing DHS officials say they need.
- Will she create legislation to prevent the administration from "metering" ensuring that there is a fair and safe process for asylum seekers to follow at ports of entry and that officials can't make them wait without a legitimate reason, or in order to discourage them.
- What is she doing to prevent continued family separation?

ICE/CBP abuses and DHS Appropriations: An autopsy report clearly shows that Roxsana Rodriguez[2], a transgender asylum seeker from Honduras, was beaten and abused while in ICE custody. Her fate, sadly, is far too common. Thousands face abuse while in ICE custody[3] even as ICE prison contractors claim that they are not responsible[4] for abuse perpetrated by their staff. ICE is imprisoning far more people than they have the fiscal authority to do[5], does not respond to oversight and does not accept responsibility for well-documented abuses.

Questions:

- What has been done since the Inspector General's report released last June[6] to remediate the numerous abuses happening in private prisons contracted by ICE?
- Can senators be more explicit about how funds for accounts in DHS and HHS will be used to minimize transfers/reprogramming such as the reprogramming of \$260 million from HHS cancer research and HIV treatment funds to the account for the detention of immigrant minors[7]?

Comprehensive Immigration Reform: We were glad to hear that Sen. Feinstein plans to make an immigration reform bill a priority in the next Congress. We support this plan and want the bill to include policies Sen. Harris has already created or co-sponsored as independent legislation including bills that: prevent family separation and detention, protect DREAMers and those with TPS, prevent discriminatory travel bans, and provide legal status for farmworkers.

We also prioritize:

- S.2522 - Adoptee Citizenship Act of 2018 [21]
- S.2832 DATA Act [22] (a bill to require the collection of data by officers enforcing United States laws and regulations, including at border security stops within United States borders)

And, more generally, something that would give the executive branch, particularly the attorney general much less freedom to make our immigration system more restrictive or our immigration enforcement harsher, particularly as regards refugees and asylum seekers.

And there are some things that would be absolutely unacceptable as part of a deal including: a stupid wall, expanded family detention or expanded detention in general, cuts to legal immigration, and faster deportations with even less due process.

Questions:

-What are some of her top priorities to put in such a bill?

Climate Change:

The senator highlighted the dangers of climate change in a recent tweet on 11:34 AM - 26 Nov 2018[8]

We cannot afford to continue on our current course with climate policy. The risks of more severe wildfires, droughts, sea level rise, and extreme weather are too great. We must act now.

Questions:

-Given how much infrastructure was destroyed by wildfire and other climate-related disasters, why has the senator not co-sponsored bills like the Rebuilding Resilient Energy Systems Act [9]?

-Of the various bills addressing climate change by putting a price on carbon emissions (none of which she has co-sponsored or offered other support), which approach to controlling carbon emissions does the senator prefer?

- S.2352 - Healthy Climate and Family Security Act (Van Hollen - cap & trade)
- S.2368 - American Opportunity Carbon Fee Act (Whitehouse - a tax on GHG by source with revenue going into existing programs)
- H.R.7173 - Energy Innovation and Carbon Dividend Act (revenue-neutral carbon fee & dividend)

Poverty Reduction: We support Sen. Harris' LIFT Act, but we would like to see it improved, or combined with other bills to do a better job helping the poorest Americans, including many children. We like that it includes benefits for both poor and middle-class earners who will make much better use of the money than the billionaires who benefited from the tax scam, but we are disappointed that it doesn't also give a cash benefit to some of the people who need it most: non wage-earners including many children, seniors, and disabled people.

Abuses of the intelligence agencies: We were glad to see that the senator co-sponsored a bill[10] to require a report from DNI Coates on the assassination of Jamal Khashoggi but we don't think that goes far enough to address the underlying problem. Earlier in the week, the president ordered CIA Director Haspel to not brief[11] senators about the assassination and on Wednesday he threatened to declassify documents as a political weapon[12] against House oversight. He is willing to both violate norms and laws requiring Congressional oversight of the IC and weaponize the IC against those who oppose him.

Questions:

-Has the senator looked into expanding whistleblower protections for IC to cover whistleblowing when it involves state secrets?

-Will the senator call for an investigation into illegal misuse of the IC, such as for political extortion?

Cabinet Order: There is no legal basis for the White House chief of staff to order the secretary of defense to allow the military to use lethal force at the border[13]. The White House CoS is simply not in the military chain of command. This administration is literally making up an authority to violate the Posse Comitatus Act.

Question:

-Will the Senator write to the Department of Defense and clarify where in the chain of command the White House Chief of Staff fits?

Digital Privacy - SESTA/FOSTA: We were disappointed that both of our senators supported and helped pass SESTA/FOSTA: the bill with a catchy acronym claimed that it would help stop human trafficking produced some nasty unintended consequences that experts[14] warned about beforehand, i.e., driving sex work underground because the law “destroyed the distinction between consensual sex work and human trafficking”[15] thus endangering lives of sex workers in addition to increasing rates of pimping and related activities. San Francisco’s recent spike[16] in sex trafficking after the federal seizure of the website, Backpage.com, is an indication that it was an ill-considered bill.

Questions:

-Will the senator consider appropriating funds to study the impact of the legislation on the resurgence of sex-trafficking and subsequent harm done to public health and safety?

-Does the senator support bringing back the Office of Technology Assessment?

Criminal Justice Reform and the First Step Act: NAACP LDF[17] has expressed a number of concerns about the First Step Act[18] and their concerns mirror our concerns about algorithmic bias in the risk assessment systems proposed by the Act. We have some concerns about the current bill and wish to strengthen some of the proposed reforms, especially the use of software that determines the risk of recidivism and thus determines sentencing. We are also concerned that there isn’t a path to appeal the software’s[19] outputs, that there is lack of requirements for testing of the software’s output as well as a review of the software systems’ source code and input data and how those might unintentionally encode bias[20].

Questions

-Has the senator looked into the issue of algorithmic bias?

-If the bill moves forward, would she offer amendments to address the above issues?

Judicial Nominations: We thank Sen. Harris for her strong opposition to Thomas Farr and to the terrible nominees for the federal bench seats here in California. We do have some concerns about both our senators’ attempts to make a deal on those nominations. It’s not the idea of a compromise as described so much as the fact that they would be making a deal with people who have simply steamrolled other senators and are currently trying to steamroll them. That’s not necessarily to ask the senator not to make a deal, but rather to be sure to consider that element in determining whether a particular deal is worth making and to note that she would have support from Californians in refusing to make deals on the judiciary at all under the circumstances.

Questions:

- How can we help oppose the current 9th Circuit and California US District Court nominees, some of whom had confirmation hearings while the Senate was in recess with no Dem senators present?
- How can we help Sen. Harris keep her spot on the Judiciary Committee?

Campaign Finance Reform: We continue to ask Sen. Harris to introduce or support a Senate version of H.J.Res.48 - Proposing an amendment to the Constitution of the United States providing that the rights extended by the Constitution are the rights of natural persons only.

New Blue House: We thank Sen. Harris for everything she did to help flip the House (and a couple of important neighboring Senate seats) and we want to know how she plans to work with the House to take advantage of the new majority and how we can help.

Town Hall: When is her next town hall?

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