

ACLU Rights for All Candidate Questionnaire 2019
Kamala D. Harris

In the U.S., about 2.2 million people are locked behind bars on any given day and nearly 11 million people are incarcerated in an average year. The U.S. locks up more people, both in absolute numbers and per capita, than any other country. Since the 1970s, sentences have become ever longer, and our prisons and jails have become costly and outdated behemoths that cause more problems than they solve. Mass incarceration has deepened racial injustice, shattered neighborhoods, and separated families, all without evidence that it has improved public safety.

1. Will you commit to:

a) Reducing incarceration by 50% in the federal prison system within your Presidency

Yes No

b) Putting forward a nationwide strategy to cut the prison and jail population in half, including at the state and local levels (the ACLU encourages you to release such a strategy as soon as possible during the course of your campaign.)

Yes No

Explanation (500 words): As president, my priority will be to fight for end-to-end criminal justice reform. Throughout my career I have seen first-hand how our criminal justice system is deeply flawed, infected with bias, and in urgent need of reform, and I have taken tangible steps to reform it. As District Attorney, I championed one of the first re-entry programs in the nation to direct young people arrested for drug crimes into job training and counseling programs instead of jail known as Back-on-Track which has been recognized as a national model for reducing recidivism. As Senator, I championed sentencing reform and introduced bipartisan legislation to end our country's money bail system, in addition to co-sponsoring the Dignity for Incarcerated Women Act and the FIRST Step Act. As president, I would continue that record to seriously reform this system and change policies that led to mass incarceration. To help end the era of mass incarceration, I will legalize marijuana, further reform federal sentencing laws, make the reforms included in the FIRST Step Act retroactive, end private prisons and immigrant detention facilities, seek a federal moratorium on the death penalty, and push states to prioritize treatment and rehabilitation for certain drug offenses. I will also use my

clemency and pardon power as needed to make sure that we achieve real progress towards these badly needed reforms in a way that can provide immediate transform lives and communities.

The next president has broad authority to grant clemency to people in federal prisons who have suffered disproportionately from past tough-on-crime policies and whose release would pose little risk. 81,000 people are incarcerated in the federal system for drug-related charges. Approximately 164,400 people in state prisons are aged 55 or older, many suffering from serious illness. A bold federal clemency program, matched by federal incentives for similar efforts in the states, could result in the release of up to three hundred thousand people, returning them to their families and communities.

2. Will you pledge a swift use of the president’s clemency power to release 25,000 people from the federal prison system during your first term, and to direct federal incentives to the states aimed at releasing 250,000 more?

Yes No

Explanation (no more than 500 words): I have fought for end-to-end criminal justice reform my entire career and will continue to fight for badly needed reforms as president. I will also use my clemency and pardon power on a broader basis than has been done in the past to overturn the convictions of people incarcerated for non-violent drug offenses.

Many aspects of our criminal justice system were designed during the Jim Crow-era to protect white supremacy, and that legacy drives vast racial injustice. One of every three Black boys is incarcerated in his lifetime, as is one in every six Latino boys — compared with one of every 17 white boys. People of color make up 67% of the prison population, but only 37% of the U.S. population. These disparities grew especially pronounced during the War on Drugs. About 465,000 people are incarcerated for a drug-related charge. While whites outnumber blacks five-to-one and both groups use drugs at similar rates, blacks comprise 35% of those arrested for drug possession, 55% of those convicted for drug possession; and 74% of those imprisoned for drug possession. More recently, the opioid crisis has reaffirmed the failure of criminalization. Full decriminalization with appropriate treatment responses could address this stark racial injustice and reduce incarceration.

3. Since drug use is better addressed as a public health issue (through treatment and other programming), will you support the decriminalization at the federal level of all drug possession for personal use?

Yes No

Explanation (no more than 500 words): I have co-sponsored the Marijuana Justice Act, which would legalize marijuana and believe it is long past time that we changed our outdated and discriminatory criminalization of marijuana. And throughout my career I have supported treating drug addiction as a public health issue, focusing on rehabilitation over incarceration for drug-related offenses. Both of my Back-on-Track programs, made it a priority to connect individuals with substance abuse treatment as part of diversion and re-entry programming, in addition to employment.

Every year, hundreds of people, many of them unarmed, and many of them of color, are killed by police, warranting drastic changes to our approach to public safety.

4. Will you issue federal guidance advising police to use deadly force only after exhausting all alternatives and only when necessary to protect the life of another person or the officer's life? If yes, how will you incentivize state and local law enforcement to abide by this guidance (for example, federal funding or technical assistance)?

Yes No

Explanation (no more than 500 words): As president, I will fight to ensure accountable and constitutional policing, I will double the Justice Department's civil rights division, renew and expand pattern and practice investigations, enforce consent decrees, and support legislation to end racial profiling. And I will work with Congress to enact proposals that would require any state receiving federal Byrne JAG funds to enact laws mandating the independent investigation and prosecution of the use of deadly force by law enforcement officers.

Approximately 11 million people who live in the United States are undocumented. Two-thirds of undocumented adults have been here for at least 10 years. They are our neighbors, our colleagues, our friends, our family members: About 5 million U.S.-citizen children live with at least one parent who is undocumented, and undocumented adults make up about 4.8% of the workforce. As long as we prevent these individuals from becoming citizens, we are institutionalizing a permanent underclass, primarily Latino, Asian, and Black, living and working in the U.S. but often unable or afraid to assert their civil and constitutional rights.

5. Will you commit to champion legislation to provide fair and achievable paths to citizenship for 11 million undocumented immigrants?

Yes No

Explanation (no more than 500 words): As president, I will prioritize immigration reform with a pathway to citizenship for the 11 million plus people living in our communities and

contributing to our economy. And I will use executive action to create a pathway to citizenship for DREAMers using my authority under the Immigration and Nationality Act (INA). I will issue a rule clarifying that DREAMers are not responsible for a lapse in their status and direct my Homeland Security Secretary to make sure that all DACA recipients receive work authorization. I will also make sure that parents of U.S. citizens and legal permanent residents, as well as other law-abiding immigrants with ties to our communities, are able to apply for deferred action to protect them from the prospect of deportation.

Currently, millions of immigrants live with the constant fear that they or their family members could be detained and deported at any time. The federal government has taken aggressive steps to coerce state and local police into identifying immigrants for deportation and turning them over to Immigration and Customs Enforcement (ICE). An ICE detainer is a request from ICE to a state or local law enforcement agency to jail someone until the person can be taken into federal immigration custody — for up to 48 hours beyond the time that the person would otherwise be released. Detainers are the linchpin in ICE’s reliance on local police as “force multipliers” to carry out its mass deportation agenda; they also incentivize racial profiling by police.

6. Will you commit to ending the use of ICE detainers?

Yes No

Explanation (no more than 500 words): Throughout my career, I have made it clear that law enforcement should use their time and resources to keep communities safe, not act as federal immigration agents. It’s also important that law enforcement build trust with the communities they are sworn to protect - acting as de facto immigration officers erodes this trust. As Attorney General, I issued a bulletin on December 4, 2012 informing all California law enforcement that they did not have to comply with ICE detainers. As president I will focus enforcement on increasing public safety, not tearing apart immigrant families. This includes requiring ICE to obtain a warrant where probable cause exists as to end the use of detainers.

ICE is responsible for the largest immigration detention system in the world — a sprawling network of ICE-run facilities, private prisons, and local jails operating with little to no meaningful oversight, costing more than \$8 million per day in federal taxpayer dollars. Non-citizens in detention include asylum seekers, long-time U.S. residents, and green card holders; in many cases, they are jailed because of categorical rules that deny them release even if their detention is demonstrably pointless. In 1997, the average daily detention population was about 12,000. Today it’s 50,000 — which is 60% higher than it was just two years ago.

7. Will you commit to reduce the size of the immigration detention system by at least 75%, including by: 1) cutting ICE's detention budget; 2) ending the detention of families, asylum seekers, and other vulnerable populations; 3) ending prolonged detention without bond hearings; and 4) ending requirements that immigrants post bonds they cannot afford?

Yes No

Explanation (no more than 500 words): Our immigrant detention system is out of control, and I believe we must end the unfair incarceration of thousands of individuals, families and children. I was one of the first Senators after President Trump was elected to advocate for a decrease in funding to ICE. I have led efforts to urge the Senate Appropriations Committee to decrease detention dollars. As president, I will fight to pass my DONE (Detention Oversight Not Expansion) Act into law which would increase oversight of Immigration and Customs Enforcement detention facilities, slash detention by at least 50%, and halt funding for the construction or expansion of new facilities. I will also fight to pass immigration reform with a pathway to citizenship for the 11 million plus people living in our communities and contributing to our economy. I will immediately reinstate DACA and implement regulations to protect DREAMers and their parents from deportation. I will use executive action to create a pathway to citizenship for DREAMers using my authority under the Immigration and Nationality Act (INA). I will issue a rule clarifying that DREAMers are not responsible for a lapse in their status and direct my Homeland Security Secretary to make sure that all DACA recipients receive work authorization. I will also close private immigrant detention centers and family detention, increase oversight and transparency of ICE and CBP, including mandating body worn cameras, and focus enforcement on public safety, not on tearing apart immigrant families.

At the founding of our nation, women, African-Americans, those who were unable to read or write, poor people, and individuals with felony convictions were excluded from the ballot box. Over time, the right to vote has been extended to many of those citizens. Additionally, poll taxes and literacy tests have been banned. But restrictions remain. Over 5 million people are unable to vote because they are incarcerated, completing probation or parole, or are precluded from voting for having a felony conviction in their past.

8. Will you pledge to advocate for the right to vote for all citizens over the age of 18, including people who are currently incarcerated? (There are a number of ways to do this, *e.g.*, by providing federal incentives for states who push forward reforms in this area, or by pushing Congress to restore the vote to people in federal prisons.)

Yes No

Explanation (no more than 500 words): Millions of people who have completed their prison sentences are being denied the right to vote. Restoring voting rights for every American who has completed their prison sentence will be my priority as president.

Over 700,000 residents of Washington, D.C. are denied the full rights to citizenship, without voting representation in Congress or local autonomy over the laws, budgets, and policy choices that govern their communities. This has real consequences for the residents of D.C., who voted for Statehood by a margin of 85% in 2016. District citizens bear the burdens of American citizenship without possessing the same rights as residents of other states.

9. Will you commit to supporting D.C. statehood? If so, please describe your plan to achieve D.C. statehood.

Yes No

Explanation (500 words): I have co-sponsored the Washington, DC Admission Act which would admit DC to the union, and will fight to pass it into law as president.

10. Will you work to stop states from shutting down abortion providers by urging Congress to pass and signing into law the Women's Health Protection Act? If yes, how will you take a leadership role in advancing this legislation at the national level?

Yes No

Explanation (no more than 500 words): I am a co-sponsor of the Women's Health Protection Act and will fight to sign it into law as president. As President, protecting the right to reproductive healthcare services will be one of my top priorities and I will fight to stop dangerous state laws restricting reproductive rights before they go into effect. That's why I have a plan to require states with a history of unconstitutionally restricting access to abortion to pre-clear any new law or practice with the Justice Department before it can be enacted. We have to fight back against this all out assault on reproductive rights. Women have agency and they have authority to make decisions about their own lives and their own bodies. My administration won't leave them to fight alone.

11. Will you commit to introducing a clean budget with no abortion coverage restrictions, and guarantee that you will work to keep such restrictions out of final appropriations bills? How will you take a leadership role in advancing this issue in Congress?

Yes No

Explanation (no more than 500 words): As mentioned above, as president I will be a champion for reproductive rights. That's why I am calling for a repeal of the Hyde Amendment as well as a requiring states to pre-clear any new law or practice that restricts access to abortion with the Justice Department before it can be enacted. We have to fight back against this all-out assault on reproductive rights. My administration won't leave anyone to fight alone.

- 12.** Will you urge Congress to pass and commit to signing the EACH Woman Act, which would lift abortion coverage restrictions including the Hyde amendment and stop political interference in private insurance coverage of abortion? How will you ensure that this is a top legislative priority in Congress?

Yes No

Explanation (no more than 500 words): Restricting the options that women have to obtain and pay for an abortion is effectively infringing on their reproductive rights. We need to eliminate the Hyde amendment and ensure that all insurers are required to provide full reproductive healthcare services. That's why I am a co-sponsor of the EACH Woman Act, and as president, I will fight to pass it into law.

We have witnessed an unprecedented demand for accountability for workplace harassment, particularly sexual harassment and assault, but also harassment based on sex, race, color, religion, national origin, age, and disability. However, Congress has not yet passed legislation to help solve this problem in workplaces across the country, and employers should be doing more. The BE HEARD in the Workplace Act, introduced in April 2019, would strengthen and expand the reach of our nation's antidiscrimination laws, remove barriers that prevent individuals from accessing justice, and help employers create harassment-free workplaces—while also holding them accountable when they fall short.

- 13.** Will you actively push Congress to pass the BE HEARD Act?

Yes No

Explanation (no more than 500 words): I was proud to be one of the first co-sponsors to sign onto the BE HEARD Act when Sen. Murray introduced it. Harassment of any kind has no place in our workplaces, and as president I will fight to sign the BE HEARD Act into law.

14. As President will you use your executive authority to ensure that transgender and non-binary people who rely on the state for medical care — including those in prison and immigration detention — will have access to comprehensive treatment associated with gender transition, including all necessary surgical care? If yes, how will you do so?

Yes No

Explanation (no more than 500 words): It is important that transgender individuals who rely on the state for care receive the treatment they need, which includes access to treatment associated with gender transition. That's why, as Attorney General, I pushed the California Department of Corrections and Rehabilitation to provide gender transition surgery to state inmates. I support policies ensuring that federal prisoners and detainees are able to obtain medically necessary care for gender transition, including surgical care, while incarcerated or detained. Transition treatment is a medical necessity, and I will direct all federal agencies responsible for providing essential medical care to deliver transition treatment.

Recent presidents have used the CIA to conduct lethal strikes far from any battlefield abroad. Given that the CIA's actions are shrouded in secrecy, accountability has suffered. The U.S. armed forces should be used to fight wars, and the CIA should be focused upon intelligence gathering and analysis.

15. Will you prohibit the CIA through Executive Order from ordering or carrying out drone

strikes and other uses of force, and instead ensure that such actions reside with the Secretary of Defense and the military, which are more accountable to Congress and the public?

Yes No

Explanation (no more than 500 words): The United States must be accountable and transparent when it engages in the use of military force, particularly with Congress and the American people. As president, my National Security Council and I will take an active role in the decision-making around uses of military force and will ensure maximum transparency about those decisions as appropriate.

There have been repeated attempts at the federal and state level to introduce legislation that would restrict the right to boycott, and punish those who participate in political boycotts against Israel, such as the Boycott, Divestment and Sanctions movement. Regardless of where you stand on the issue of BDS, political boycotts are a constitutional right and a fundamental part of free speech and expression under the First Amendment, which includes the right to protest.

16. Do you oppose legislation that impedes or prohibits political boycotts, including with regard to BDS?

Yes No

Explanation (no more than 500 words): I absolutely believe that we must protect the right of individuals to engage in political expression as guaranteed under the First Amendment. That's why I voted no on S.1 in January 2019, and why I oppose legislation that may be interpreted as infringing on or impeding constitutionally protected speech. At the same time, I personally oppose the BDS movement because it questions the legitimacy of Israel, and strongly support Israel's right to exist as a Jewish state.

One of the primary goals of the disability rights movement is to ensure that every person with a disability can live in the community rather than be segregated into an institution, where their basic liberties would be restricted. Mass institutionalization is a legacy of the early twentieth century eugenics movement, rooted in a prejudiced assumption that people with disabilities represented a threat to society and could not safely live in the broader community. Unfortunately, hundreds of thousands of people with disabilities still languish in institutions and nursing homes, while hundreds of thousands more sit on waiting lists to access community-based supports.

17. Will you commit to significantly expand the total number of persons with a disability who

can access home and community-based services, including by making such a commitment a part of whatever health care proposal you put forward? How will you prioritize this issue?

Yes No

Explanation (no more than 500 words): We absolutely need to make sure that people with disabilities have access to all the services they need. In the context of home care, this means making sure we have a robust home healthcare workforce and tackling the shortage of home care workers many communities are facing. That's why this Congress I am introducing my Domestic Workers Bill of Rights which will strengthen workplace protections and increase pay for domestic workers, including home care workers. We have to continue to grow this important part of the healthcare field and my bill will be a significant step in the right direction.

18. The Supreme Court ruled in *Carpenter* that police must get a warrant when demanding location information about individuals from a third party, like a phone company. Will you commit to directing the Justice Department to apply the *Carpenter* ruling requiring a warrant whenever domestic law enforcement officials request sensitive information about individuals from third parties, like Facebook and Google?

Yes No

Explanation (no more than 500 words): As president, I will appoint an Attorney General who is committed to following the rule of law, which includes following Supreme Court precedent, whether it be *Carpenter*, *Roe*, or any other decision. As Attorney General of California, I oversaw the implementation of the California Electronic Communications Privacy Act (CalECPA) and am committed to making sure that protections regarding electronic communications are followed in a manner that is consistent with law.

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