

**ATTORNEY GENERAL – POLICY BRIEF
AMERICA’S CABINET
JANUARY 2018**

VALUES

- Defend and protect the most vulnerable Americans.
- While the president sets the tone on lots of issues, the Attorney General sets the tone on whose rights we are protecting. The DOJ is meant at its core to protect vulnerable Americans and thus focus on issues such as voting rights, race and gender based protections, protections based on sexual orientation.

CURRENT SITUATION

- **Opioids:** In 2016, there were 64,000 overdose deaths in the US, up 540% in three years. According to the New York Times: “Drug overdoses are expected to remain the leading cause of death for Americans under 50, as synthetic opioids — primarily fentanyl and its analogues — continue to push the death count higher. Drug deaths involving fentanyl more than doubled from 2015 to 2016, accompanied by an upturn in deaths involving cocaine and methamphetamine. Together they add up to an epidemic of drug overdoses that is killing people at a faster rate than the H.I.V. epidemic at its peak.”¹
- **Equal Pay:** Women are making about 78 cents to a man’s dollar and that number only increases as women climb farther up the corporate ladder. This is the narrowest it’s ever been and still 2.5 times the size of those of other industrialized countries. Despite being better educated than men, women with professional and graduate degrees still earn less than men on average for the same jobs. In addition to wage discrimination, industries dominated by women are less valued and women often lack access to traditionally male occupations that better paying and more powerful jobs.
- **Rehabilitation for the formerly incarcerated:** Over 600,000 individuals return to the community from prisons each year. Yet, the severe lack of meaningful education, skills training, and cognitive behavioral programs in prison, along with various post-prison restrictions on occupational licenses, employment, and housing, serve as huge barriers to their ability to successfully move on to crime-free, productive lives as tax paying citizens.

UNDER TRUMP

- In March 2017, President Trump revoked the 2014 Fair Pay and Safe workplaces order that ensures that companies with federal contracts comply with a set of 14 labor and civil rights laws. Two of these rules impacted women workers directly: 1) paycheck transparency and 2) a ban on forced arbitration clauses for sexual harassment, sexual assault or discrimination cases.
- Trump cut federal Countering Violent Extremism funding for groups combating violence and hate on the far right. This is a DHS grant program that is meant to support community efforts to counter violent extremism and recruitment efforts of all kinds. In his final days in office, President Obama awarded \$10 million in funding to organizations

¹ <https://www.nytimes.com/interactive/2017/09/02/upshot/fentanyl-drug-overdose-deaths.html>

for this purpose. The Trump administration froze this funding and issued a revised list, cutting funding for 12 grant recipients including \$400,000 for [Life After Hate](#), a renowned NGO focused on fighting far-right extremism. Some applicants also got a funding boost; these mostly included law enforcement agencies or proposals backed by police.²

- The Trump administration has also rolled back the contraceptive coverage mandate, a federal requirement that employers include birth control coverage in health insurance plans, a move which was blocked temporarily in a federal court, but will likely be pursued regardless.
- In September 2017, Trump announced the end of the Deferred Action for Childhood Arrivals (DACA), a program created during the Obama Administration to protect 800,000 people who were brought to the US as minors by their parents without documentation. Nearly 15,000 DACA recipients have already lost their DACA status.
- In November 2017, the Department of Justice (DOJ) sent out letters to 29 “sanctuary” states, counties, and cities demanding that they cooperate with federal laws by sharing information with immigration authorities. These letters came after a federal judge prevented the DOJ from withholding federal grants to sanctuary cities.
- The Justice Department made a request in December 2017 that more detailed information on citizenship be gathered as part of the 2020 census under the guise that this information was critical to enforcing Section 2 of the 1965 Voting Rights Act, which bans racial discrimination in voting.³
- In January 2018, Sessions cancelled a federal policy that let American states legalize marijuana, only days after California began permitting recreational use.

SHORT-TERM PRIORITIES - REACTIVE

- **Protect Sanctuary States/Counties/Cities**
 - Prevent policies that target and withhold funding from sanctuary states/counties/cities
 - Bar juries from considering immigration status as evidence in all criminal and civil courts
 - Prohibit law enforcement agencies from entering into partnerships with ICE that deputize police officers to serve as immigration officers
 - Prohibit probation officers from holding suspected undocumented immigrants until ICE can take custody of them, unless ICE presents a warrant signed by a judge and the noncitizen has been convicted of a violent or serious crime
- **Defend and expand women’s reproductive health services**
 - Goal: protect women’s choices and access to services.
 - Challenge executive actions against the ACA, including contraceptive coverage.
 - Promote state action to prevent women from losing access to services.
- **Protect the rights of eligible voters by reversing the Justice Department’s position on the Ohio case of removing voters from its rolls.**

² <http://thehill.com/policy/national-security/346552-trump-cut-funds-to-fight-anti-right-wing-violence>

³ https://www.nytimes.com/2018/01/02/us/census-citizenship-status-immigrants.html?_r=0

- o The Supreme Court is currently reviewing the constitutionality of an Ohio voter roll procedure that triggers the process for removal from the roll after failure to vote in an election. Federal laws prohibit states from removing people from voter rolls “by reason of the person’s failure to vote.”
- o Secretary Sessions reversed an Obama-era position that this procedure violates the National Voter Registration Act of 1993. In fact, “the Justice Department for decades took the position that failing to vote should not lead to disenfranchisement.”⁴
- **Ensure an accurate 2020 census and appropriate redistricting that effectively counts our minority populations⁵**
 - o Goal: to counter the DOJ’s claims that adding a citizenship question to the 2020 census is necessary in order to enforce the Voting Rights Act
 - o Adding such questions could in fact undermine our efforts to accurately count the population, now more than ever because of President Trump’s hard-line stance on immigration and the fear that has been instilled within minority communities - including citizens - particularly when it comes to confidentiality.
 - o “The failure of minority participation would affect population counts needed not only to apportion legislative seats, but to distribute hundreds of billions of dollars in federal money to areas that most need it,” according to the New York Times.
 - o “Adding a question about citizenship to the census would not enhance voting rights, but would suppress them by reducing the head count of already undercounted minority groups.”
 - o An undercount would deeply hurt states like California which has nearly 7 million eligible voters.
- **Reinstitute the Fair Pay and Safe Workplaces order⁶**
 - o Goal: Reinstitute the protections afforded to women who work for companies with government contracts by reinstating the Fair Pay and Safe Workplaces order
 - o Require Paycheck transparency for federal contractors.
 - Employers who receive federal contracts should report on earnings, pay scales, salaries, overtime hours, deductions and other details so that the pay gaps are evident. The government should not award contracts to companies who do not meet equal pay requirements.
 - o Ban mandatory arbitration clauses from employment contracts for federal contractors.
 - Mandatory arbitrations often help to hide sexual harassment claims because they are private proceedings with secret filings. They silence victims who are often afraid to come forward out of fear that they are the only one or fear of retaliation.

⁴ <https://www.nytimes.com/2018/01/10/us/politics/supreme-court-ohio-voting-rolls-purge.html>

⁵ https://www.nytimes.com/2018/01/02/us/census-citizenship-status-immigrants.html?_r=0

⁶ <https://www.nbcnews.com/news/us-news/trump-pulls-back-obama-era-protections-women-workers-n741041>

BOLD IDEAS FOR THE LONG TERM - PROACTIVE

- **Establish a Bureau of Prison Reform in partnership with Education, Housing and Urban Development, Labor, and Veterans Affairs.**
 - Rehab focus: This bureau would work to shift our prison system focus to rehabilitation and reintegration and ensure that a sizeable portion of discretionary grant funds are used to incentivize state and local justice system actions in this regard.
 - Professionalization of the corrections industry: Many training programs for those who are incarcerated have proven to teach real skills that lead to success back home when they are run fully, thoroughly and consistently. To do this requires adequate staffing levels, more competitive salaries, and specialized training for officers so they are able to perform the many functions now required of modern day corrections officers. It is time to create and enforce national officer training standards as well as a career ladder for officers so they can evolve with the evolution of the system.
 - Bail reform: End money bail practices that send people to jail simply because they do not have money.
 - Parole reform: Stop returning those on parole to prison for petty non-criminal violations.
 - Women: Provide special accommodation for all necessary pre-natal and post-natal care and treatment. Wherever practical, ensure that all children be born in a hospital outside of the institution. Prohibit the practice of shackling during pregnancy. Provide sufficient feminine hygiene products and adequate access to gynecological and reproductive health care.
- **Improve relationships between law enforcement and local communities by ensuring that Americans' civil rights are protected and respect for police is fostered.**
 - Utilize consent decrees as a tool to overhaul municipal court and police department practices found to be discriminatory.
- **Adopt an all hands-on-deck approach across the federal government to combat sexual harassment and discrimination, ensuring that our government is a safe and fair place for women to work.**
 - Given the blatant pattern of sexual assault that has been revealed in the last year and that has caused too many to suffer in silence for far too long, the federal government must take a comprehensive approach to preventing it and holding perpetrators accountable. Every agency should get its house in order and use the full extent of its reach to combat this gross injustice.
 - Institute mandatory sexual harassment training for both members of Congress and staff to
 - Ending the use of tax dollars for settlements against government officials
 - Ban the mandatory arbitration clauses from employment contracts for federal contractors that silence victims
 - Create an investigative unit within the Department of Justice

- o Revise the occupational safety and health standards enforced by the Department of Labor
- o Aim to have women make up at least 50 percent of the Cabinet (up from 20% in the current Cabinet) and increase the number of US Attorneys who are women (Trump has nominated 41 men and one woman for this position) so we hit a tipping point for real cultural change.⁷
- **Equal pay for equal work**
 - o Require companies and government agencies with more than 25 full-time employees to prove they are paying women and men equally by analyzing their salary structures every three years and make adjustments or pay a fine.⁸
- **Defeat the opioid epidemic through a combination of law enforcement and public health strategies.**
 - o The over-prescribing of opioids has devastated so many lives and communities in this country, and we should be focused on a holistic blitz to end this epidemic through a combination of law enforcement and public health strategies.
 - o Reduce the criminalization of personal drug use:
 - Under Secretary Sessions, possessing a substance containing fentanyl now carries a higher penalty than those containing cocaine. While this may send more people to prison for longer, it will not curb overdose deaths.
 - Punitive approaches drive drug users away from health services and burden our prison systems with incarcerated people who need serious treatment.
 - o Increase the number of law-enforcement agencies carrying naloxone:⁹
 - “Naloxone is a safe, generic medication that can bring a person back from an opioid overdose if administered on time.
 - Police are often the first responders, particularly in rural areas where ambulance service is not as readily available. More police and sheriff’s departments are carrying naloxone than ever before, but these are still a small fraction of the law-enforcement agencies in the United States.”
 - o Strengthen Good Samaritan laws to give immunity to those who call 911 to report an overdose.
 - Most states now have some form of Good Samaritan law, but these laws vary widely and public awareness about them is low. Ten states offer no legal protection to 911 callers.
 - o Create greater coordination and accountability between government agencies tasked with addressing different aspects of the crisis by putting them under one central authority.
 - o Protect Medicaid from steep cuts, which would gut the largest single insurance program covering opioid addiction treatment, and remove prohibitions to allow

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https://www.washingtonpost.com/blogs/post-partisan/wp/2017/12/08/the-one-best-idea-for-ending-sexual-harassment/?utm_term=.5b9831665661#idea16

⁸ <https://www.nytimes.com/2018/01/03/world/europe/iceland-equal-pay.html>

⁹ <https://www.thenation.com/article/how-the-justice-department-can-help-solve-the-opioid-crisis/>

Medicaid to cover substance abuse inpatient rehabilitation facilities with more than 16 beds.

- o Treat medical marijuana as a possible tool, not part of the crisis itself: Conflating the opioid crisis with marijuana may be good enough for pundits, but it's not good enough for Americans. Marijuana has been shown to be a safe alternative for pain management. In fact, states that have legalized medical marijuana saw an average 25% drop in opiate overdoses compared to other states.¹⁰

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https://www.washingtonpost.com/blogs/post-partisan/wp/2017/11/02/the-trump-administrations-war-on-marijuana-will-make-the-opioid-crisis-worse/?utm_term=.c5981e41dbcc