

United States Senate

WASHINGTON, DC 20510

October 3, 2018

The Honorable Mick Mulvaney
Consumer Financial Protection Bureau
1700 G Street NW
Washington, D.C. 20552

Dear Mr. Mulvaney,

We are deeply concerned that you have placed a person with a history of racist writing at a senior position within the Consumer Financial Protection Bureau (CFPB).

The Washington Post reported last week that Eric Blankenstein, a political appointee that you chose to oversee supervision, enforcement, and fair lending, wrote under an alias in defense of the use of racial slurs, and claimed without evidence that the majority of reported hate crimes were hoaxes. When confronted with his past writing on these and other subjects, Mr. Blankenstein acknowledged his authorship, but failed to denounce his writings. Only after an outcry from CFPB career staff did Mr. Blankenstein send a note apologizing for the “framing” and “tone” of his arguments – but he did not apologize for his defense of racial slurs, nor did he apologize for reflexively disbelieving victims of hate crimes.

Mr. Blankenstein was not hired through the competitive service process like most CFPB employees; he is one of your hand-selected political appointees. Further, you have specifically tasked him with overseeing the CFPB’s fair lending supervision and enforcement work at a time when you have decided to restructure the Office of Fair Lending and Equal Opportunity. It is unclear whether his appointment is due to a failure to investigate Mr. Blankenstein’s background prior to his appointment, Mr. Blankenstein withholding information from you and the CFPB, or an informed decision on your part to ignore his public comments.

In order to ensure that the CFPB is fulfilling its fair lending mandate and thoroughly evaluating senior employees with fair lending responsibilities, it is critical for us to understand how someone with Mr. Blankenstein’s views was charged with this particular set of duties.

Please respond to the following requests no later than October 22, 2018.

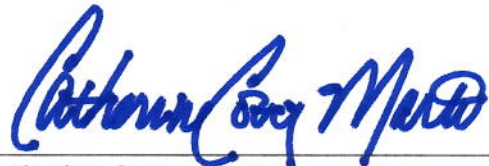
- 1) Were you personally aware of any of the writings referenced in *The Washington Post* article prior to hiring Mr. Blankenstein?
 - a. If not, did you ask Mr. Blankenstein whether he had written anything that would reflect poorly on the CFPB or indicate that he was not an appropriate candidate for this role prior to extending an offer of employment? Did he respond verbally or in writing to any inquiry about past public statements?

- b. If so, how were you made aware of the writings? Why did you believe it was still appropriate to hire Mr. Blankenstein to oversee supervision, enforcement and fair lending?
- 2) Please describe your process for identifying potential candidates for political appointment to senior CFPB positions and provide all written guidelines and procedures related to identifying potential candidates for appointment as senior CFPB officials.
- a. Was Mr. Blankenstein recommended to you by a Member of Congress, a federal employee, or a person or entity subject to CFPB oversight?
- b. Were all established guidelines and procedures adhered to during your search for candidates to fill this position? Were any other candidates considered for this position?
- 3) Please describe your process for vetting candidates for political appointment to senior CFPB positions, provide all written guidelines and procedures related to the performance of background checks or other due diligence, and specify whether such background checks include investigations into statements on social media, websites, or in other public forums.
- a. Were all established guidelines related to background checks or other due diligence adhered to in evaluating Mr. Blankenstein's appointment? Have they been adhered to for all CFPB political appointments during your tenure?
- b. As part of any background check or other due diligence, was Mr. Blankenstein asked about past statements on social media, websites, or other public forums? If so, did Mr. Blankenstein properly disclose the above referenced writings?
- 4) Does Mr. Blankenstein have the confidence and support of the enforcement and fair lending staff he oversees? Will you further investigate Mr. Blankenstein's past writings, and do you intend to take action if you find more troubling statements?

Sincerely,



Sherrod Brown
United States Senator



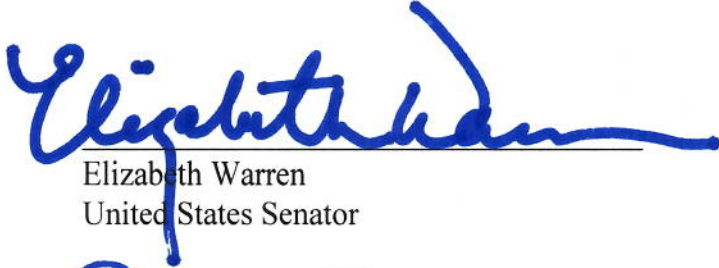
Catherine Cortez Masto
United States Senator



Richard Blumenthal
United States Senator



Kirsten Gillibrand
United States Senator



Elizabeth Warren
United States Senator



Ron Wyden
United States Senator



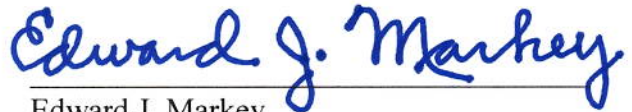
Kamala D. Harris
United States Senator



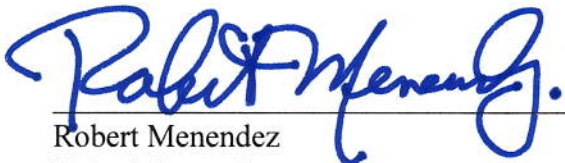
Jack Reed
United States Senator



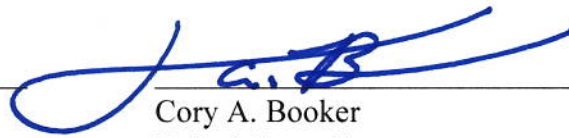
Maria Cantwell
United States Senator



Edward J. Markey
United States Senator



Robert Menendez
United States Senator



Cory A. Booker
United States Senator



Mark Warner
United States Senator