Memorandum

To: Board of Supervisors

From: S. Joseph Simitian

Re: Item #96

Date: February 6, 2017

Attached is an alternative resolution, adapted largely from a similar resolution passed by the Colorado House of Representatives, which I thought was worth considering for the purpose of this discussion.
RESOLUTION NO. ____________________

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA URGING THE IMMEDIATE RESCISSION OF THE EXECUTIVE ORDER REGARDING THE ENTRY OF FOREIGN NATIONALS INTO THE UNITED STATES THAT WAS ISSUED BY THE PRESIDENT OF THE UNITED STATES ON JANUARY 27, 2017

WHEREAS, since its founding, the United States of America has been a nation of immigrants; and

WHEREAS, throughout its history, the United States of America has welcomed people seeking refuge from war, famine, terrorism, and other atrocities occurring in other nations on every continent; and

WHEREAS, in 1948, Congress passed the federal "Displaced Persons Act of 1948" following World War II to aid in the settlement of 400,000 displaced persons; and

WHEREAS, the United States joined 145 other nations as parties to the 1967 United Nations Protocol on the status of refugees, and since 1975, the United States has accepted more than 3,300,000 refugees from the former Soviet Union, Africa, Asia, Europe, the Middle East, and Latin America; and

WHEREAS, throughout its history, the United States has benefited from the significant contributions of immigrants, asylum-seekers, and refugees who have become scientists, inventors, and entrepreneurs; and

WHEREAS, President Donald J. Trump signed a sweeping Executive Order on Friday, January 27, 2017, (January 27th Executive Order) that blocks as many as 218,000,000 people from entering the United States; and

WHEREAS, the January 27th Executive Order prohibits entry of any refugee awaiting re-settlement in the United States for 120 days, including refugees who had already received visas; and

WHEREAS, the January 27th Executive Order also bars citizens of seven primarily Muslim countries – Iraq, Iran, Syria, Somalia, Sudan, Libya, and Yemen
– from entering the United States for 90 days, including students and workers who had already received visas; and

WHEREAS, the January 27th Executive Order bars entry by all Syrian refugees into the United States for an indefinite period of time, including people who had already received visas; and

WHEREAS, since its signing, the January 27th Executive Order has had a grave impact on individuals, families, and businesses around the globe; and

WHEREAS, individuals and families who hold visas, green cards, or dual citizenship have been detained, delayed, or refused entry to the United States since the January 27th Executive Order took effect; and

WHEREAS, those individuals who have been denied expedient entry into the United States include individuals who have aided the United States' armed forces in various theaters of armed conflict, including Afghanistan and Iraq; and

WHEREAS, the January 27th Executive Order has a disproportionate impact on Muslims; and

WHEREAS, the preference of one religion over another is contrary to the traditions, statutes, and the Constitution of the United States; and

WHEREAS, religious, civic, and business leaders, including clergy of various faiths and denominations, leaders of many of America's largest companies, and elected officials belonging to both major political parties have all publicly expressed strong opposition to the January 27th Executive Order and its implications; and

WHEREAS, the January 27th Executive Order runs counter to the values of this nation enshrined by our founders in the Declaration of Independence, affirmed by our Constitution of the United States and statutory law, and celebrated by many of our national symbols, including the Statue of Liberty; and

WHEREAS, federal judges in at least five states have partially blocked the enforcement of the January 27th Executive Order; and
WHEREAS, in particular, some federal judges have found that there is a strong likelihood that the January 27th Executive Order violates the Due Process and Equal Protection guarantees of the United States Constitution and that enforcement of the January 27th Executive Order is likely to cause irreparable harm; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Santa Clara supports that the United States should continue to thoroughly review refugee, asylum, and immigration applications on an individual basis to ensure that those entering the country do not pose a threat to public safety, but such reviews should be conducted without establishing a blanket ban on all refugees or immigrants from particular countries and religions; and

BE IT FURTHER RESOLVED that the President of the United States should immediately rescind the January 27th Executive Order; and Absent immediate action by the President of the United States, Congress should act to supersede and render moot the President’s January 27th Executive Order and, in doing so, restore certainty and predictability to United States immigration law and affirm, as a matter of policy, the promise of liberty and freedom to people around the world who are facing hardship.

BE IT FURTHER RESOLVED that copies of this Resolution be sent to Representative Anna Eshoo, Representative Ro Khanna, Representative Zoe Lofgren, Representative Jackie Speier, Senator Diane Feinstein, and Senator Kamala Harris.

AYES:
NOES:
ABSENT:
ABSTAIN:

DAVE CORTESE, President
Board of Supervisors
ATTEST:

MEGAN DOYLE
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

JAMES WILLIAMS
County Counsel