

1 [Condemning President Trump's Use of the "Alien Enemies Act"]

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3 **Resolution condemning President Trump's use of the "Alien Enemies Act" to deport**
4 **noncitizens as an abuse of power and threat to our constitutional order.**

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6 WHEREAS, On March 15, 2025, President Donald Trump issued a Proclamation,
7 "Invocation of the Alien Enemies Act Regarding the Invasion of the United States by Tren de
8 Aragua" (the "Proclamation"), that purports to direct the government to arrest and remove any
9 Venezuelan national over the age of 14 who is alleged by the federal administration to be a
10 member of this gang; and

11 WHEREAS, 200 Venezuelan immigrants were taken by the federal government and
12 deported to El Salvador in violation of a federal court order, some of these individuals have
13 pending civil court dates in order to obtain immigration status, and all of these individuals are
14 now being held indefinitely in a country that's suspended its own constitution, with no speedy
15 trial rights, no independent judiciary, and in a mega-prison, the largest in the hemisphere,
16 that's been condemned by human rights organizations for torture tactics and other human
17 rights abuses; and

18 WHEREAS, The United States invoked the "Alien Enemies Act of 1798" ("AEA") only
19 three prior times in our country's history: the War of 1812, World War I, and World War II; and

20 WHEREAS, The AEA can only be applied following a formal declaration of war or after
21 a foreign nation threatens or conducts a predatory incursion against the territory of the United
22 States (U.S.); and

23 WHEREAS, The AEA was last invoked in December of 1941, to arrest Japanese,
24 Italian, and German immigrants upon U.S. entry into World War II; the AEA authorized the
25 mass arrests of Japanese American community leaders without warrants or criminal charges,

1 based on racist – and later disproven – assumptions that these business owners and religious
2 leaders were spies and saboteurs; this program of mass arrests of Japanese Americans was
3 expanded in February 1942 by Executive Order 9066, to incarcerate over 120,000 Japanese
4 Americans without due process, two-thirds of whom were American citizens; this incarceration
5 of Japanese Americans is a racist and shameful event in our history; and

6 WHEREAS, During World War II, San Francisco residents with Japanese, Italian and
7 German descent were detained by the federal government and taken to incarceration camps,
8 including those located on land owned by the City and County of San Francisco; and

9 WHEREAS, In 1982, the congressionally appointed Commission on Wartime
10 Relocation and Internment of Civilians published a report finding that the U.S. government
11 incarcerated Japanese American civilians despite the lack of military necessity; based on a
12 thorough investigation, including multiple hearings, a review of historical documents and the
13 testimony of more than 750 witnesses, the commission unanimously concluded that the use of
14 the AEA was animated by “race prejudice, war hysteria and a failure of political leadership”;
15 additionally, litigation by incarceration survivors Gordon Hirabayashi, Fred Korematsu, and
16 Minoru Yasui, and earlier, Mitsuye Endo revealed that the U.S. government deliberately
17 misled the U.S. Supreme Court in its effort to justify a provably racist policy; decades later, the
18 U.S. government apologized for the roundup and incarceration of Japanese Americans during
19 World War II and provided reparations to survivors; and

20 WHEREAS, The roundup and incarceration of Japanese Americans caused lasting
21 devastation for San Francisco families who endured lengthy incarceration and lost their
22 homes, possessions, and jobs, based on a racist and fraudulent pretext that also formed the
23 basis of damaging actions by the City and County of San Francisco as acknowledged in the
24 Board Resolution No. 63-22 commemorating the 80th anniversary of the signing of Executive
25 Order 9066 that was adopted by the Board of Supervisors in 2022; and

1 WHEREAS, The United States has not been invaded by Venezuela, nor has the Trump
2 Administration provided any valid justification to summarily detain and deport Venezuelan
3 members of our families and communities; and

4 WHEREAS, Venezuelans are at imminent risk of deportation without any hearing or
5 meaningful review, regardless of their ties to the United States or the availability of defenses
6 to removal; and

7 WHEREAS, The due process clause of the U.S. constitution applies to all individuals
8 residing in the United States, regardless of immigration status; and

9 WHEREAS, Noncitizen community members cannot be arrested and deported to a
10 foreign country without due process of law; now, therefore, be it

11 RESOLVED, That the City and County of San Francisco hereby opposes the
12 Proclamation purporting to authorize the use of the AEA to deport and members of our
13 community without due process; and, be it

14 FURTHER RESOLVED, That the City and County of San Francisco urges the passage
15 of the “Neighbors Not Enemies Act” (H.R. 630; S. 193) and urges support from Senators
16 Padilla and Schiff and Speaker Emerita Pelosi; and, be it

17 FURTHER RESOLVED, That the City and County of San Francisco affirms its
18 commitment to supporting immigrants and to moving beyond the dark moments in our past
19 when this wartime law was abused to violate the rights of our immigrant neighbors; and, be it

20 FURTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the
21 Board to transmit a copy of this Resolution to President Trump, Vice President Vance, and
22 U.S. Congressional representatives Senator Padilla, Senator Schiff, and Speaker Emerita
23 Pelosi.