

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Adam Thongsavat, Office of the Mayor

FROM: Monique Crayton, Assistant Clerk, Government Audit and Oversight Committee

DATE: February 4, 2025

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Government Audit and Oversight Committee has received the following Resolution request, introduced by Supervisor Chan on January 28, 2025:

**File No. 250106**

**Resolution affirming San Francisco's commitment to birthright citizenship as a constitutional right and opposing President Donald Trump's Executive Order that attempts to unconstitutionally limit birthright citizenship.**

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [monique.crayton@sfgov.org](mailto:monique.crayton@sfgov.org).

CC:  
Office of Supervisor Chan

1 [Affirming San Francisco's Support for Birthright Citizenship]

2  
3 **Resolution affirming San Francisco's commitment to birthright citizenship as a**  
4 **constitutional right and opposing President Donald Trump's Executive Order that**  
5 **attempts to unconstitutionally limit birthright citizenship.**  
6

7 WHEREAS, On January 20, 2025, President Donald Trump issued an Executive Order,  
8 "Protecting the Meaning and Value of Birthright Citizenship" (the "Executive Order"), that  
9 attempts to end birthright citizenship for children born to (i) a mother who is unlawfully present  
10 or who is lawfully present in the United States but on a temporary basis, and (ii) a father who  
11 is neither a citizen nor a lawful permanent resident ; and

12 WHEREAS, Birthright citizenship is enshrined in the Citizenship Clause of the  
13 Fourteenth Amendment of the United States Constitution, ratified after the Civil War to, among  
14 other things, repudiate the infamous Dred Scott v. Sandford case, which denied citizenship to  
15 descendants of enslaved people; and

16 WHEREAS, Birthright citizenship is especially important to San Francisco, home to  
17 many immigrants and where one in two children have at least one immigrant parent; and

18 WHEREAS, Denying birthright citizenship to children of certain immigrants would make  
19 thousands of children ineligible for federal and state benefits and services such as  
20 CalWORKS and CalFresh, damage their educational, economic, and health prospects, and  
21 undermine the City's community safety, political participation, and economy; and

22 WHEREAS, The Executive Order would also block these children's access to U.S.  
23 passports, social security cards, free lunch programs, healthcare, federal student aid, and  
24 denying these fundamental needs jeopardizes the well-being of these children and harms the  
25 broader community, leading to devastating social, political, and economic consequences; and

1           WHEREAS, The Fourteenth Amendment's guarantee of birthright citizenship was  
2 affirmed over 125 years ago in a landmark U.S. Supreme Court decision involving San  
3 Francisco-born Chinese American, Wong Kim Ark; and

4           WHEREAS, Wong Kim Ark was born in 1873 at 751 Sacramento Street in San  
5 Francisco Chinatown to parents Wong Si Ping and Wee Lee, who owned a grocery store but  
6 were unable to naturalize as U.S. citizens due to prevailing anti-Chinese policies; and

7           WHEREAS, In 1894, Wong Kim Ark returned to San Francisco after visiting his family  
8 in China and upon reentry, was denied admission on the false basis that he was not a citizen  
9 of the United States, and ordered to be deported under the 1882 Chinese Exclusion Act; and

10          WHEREAS, The Chinese Consolidated Benevolent Association in San Francisco hired  
11 an attorney to fight Wong Kim Ark's unlawful detention, and the case was ultimately decided  
12 by the U.S. Supreme Court on March 28, 1898, which ruled that birthright citizenship applied  
13 to all children born in the United States including those whose parents were immigrants; and

14          WHEREAS, Wong Kim Ark's legacy and historic fight for justice ensured the  
15 Constitution's guarantee of birthright citizenship regardless of the race, class, or immigration  
16 status of a child's parents; now, therefore, be it

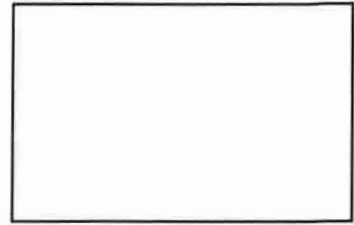
17          RESOLVED, That the City and County of San Francisco hereby opposes the Executive  
18 Order purporting to unconstitutionally limit birthright citizenship as enshrined in the United  
19 States Constitution; and, be it

20          FURTHER RESOLVED, That the City and County of San Francisco affirms its  
21 commitment to birthright citizenship and recognizes and honors Wong Kim Ark's fight to  
22 uphold the fundamental right of birthright citizenship under the Fourteenth Amendment of the  
23 United States Constitution; and, be it

1           FURTHER RESOLVED, The Board of Supervisors urges the Mayor's Office of Civic  
2   Engagement and Immigrant Affairs to support historical education and advocacy programs in  
3   support of birthright citizenship.

## Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- ☒ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ☐ 2. Request for next printed agenda (For Adoption Without Committee *(Routine, non-controversial and/or commendatory matters only)*)
- ☐ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor \_\_\_\_\_ inquires..."
- ☐ 5. City Attorney Request
- ☐ 6. Call File No. \_\_\_\_\_ from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No. \_\_\_\_\_
- ☐ 9. Reactivate File No. \_\_\_\_\_
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on \_\_\_\_\_

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SAN FRANCISCO  
2025 JAN 28 PM 02:25

BZ

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- ☐ Small Business Commission    ☐ Youth Commission    ☐ Ethics Commission
- ☐ Planning Commission    ☐ Building Inspection Commission    ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- ☐ Yes    ☐ No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Supervisors Chan, Chen, Melgar, Fielder, Walton, Sauter, Mandelman

Subject:

Affirming San Francisco's Support for Birthright Citizenship

Long Title or text listed:

Resolution affirming San Francisco's commitment to birthright citizenship as a constitutional right and opposing President Donald Trump's Executive Order that attempts to unconstitutionally limit birthright citizenship.

Signature of Sponsoring Supervisor:

Lo Chan