RESOLUTION 16-03

OPPOSING GOVERNOR PENCE'S ACTIONS TO WITHHOLD SUPPORT FROM SYRIAN REFUGEES
AND
WELCOMING SYRIAN REFUGEES TO OUR STATE AND OUR COMMUNITY

WHEREAS, Bloomington is a community that strives to cultivate, nurture, and protect diversity. Difference strengthens our community and enriches our collective quality of life; and

WHEREAS, Bloomington is a community that does not tolerate hate. Instead, it is the codified policy of the City that prejudice, intolerance and discriminatory practices, including discrimination based on race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, disability, housing status, or status as a veteran is "contrary to the principles of freedom and equality of opportunity and is a burden to the objectives of the public policy of the [C]ity;"[1]and

WHEREAS, Bloomington has a long history of responding to hate and intolerance with a strong and unwavering respect for, and commitment to, diversity; and

WHEREAS, Bloomington is a welcoming community. Through City initiatives such as our Human Rights Commission and Safe and Civil City Program, and through the many efforts of our citizens, together, we work to ensure that Bloomington is a safe place that embraces all visitors and residents; and

WHEREAS, the conflict in Syria has caused enormous human suffering; and

WHEREAS, as of mid-February 2016, more than 470,000 Syrian civilians have been killed since the start of conflict in that country in March 2011. More than 13.5 million Syrians need humanitarian assistance; and more than 4.6 million have been forced to leave their country and seek refuge in other countries, making the Syrian catastrophe one of the worst humanitarian crises since World War II. Following peaceful protests calling for democracy and for the respect of human dignity, the Assad regime and ISIS/Daesh exacted wide-spread violence. As a result, Syrians fled this death and destruction[2]; and

WHEREAS, in response, President Obama announced that the United States will increase the number of Syrian refugees admitted to the United States by at least 10,000 in the 2016 fiscal year, noting that the men, women, and children who are approved for resettlement in the United States are fleeing persecution and "want nothing more than a chance for a safer, better future for themselves and their families," no different than other immigrants;[3]and

WHEREAS, As made clear in statements by both the former U.S Secretary of Homeland Security, Janet Napolitano and former Commissioner for the U.S. Immigration and Naturalization Service, Doris Meissner, "only refugees who have been identified as the most vulnerable -- particularly, survivors of violence and torture, those with severe medical conditions, and women and children -- are permitted even to begin the U.S screening process."[4] All refugees who are candidates for resettlement in the U.S. must undergo a rigorous and thorough vetting process involving multiple agencies of the federal government. What's more, Syrian refugees are subject to additional security screening -

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[1] *Bloomington Municipal Code* §2.21.020
2 Anne Barnard. "Death Toll From War in Syria Now 470,000, Group Finds." *New York Times*, February 11, 2016.
3 "Obama calls on Americans to welcome Syrian refugees as latter-day Pilgrims." *The Guardian*, November 26, 2016.
[4] *Exodus Refugee Immigration, Inc. v Pence and Wernert*, Case No: 1:15-cv-01858-TWP-DKL, Declarations of Doris Meissner at 2 and Janet Napolitano at 1.

- a process that takes between 18 and 24 months before refugees can settle in the U.S.[5] Jana Mason, senior adviser to the United Nations High Commissioner for Refugees, stated, "Of all the categories of persons entering the U.S., these [Syrian] refugees are the single most heavily screened and vetted."[6] Indeed, half the Syrian refugees accepted by the U.S. thus far have been children;[7] and

WHEREAS, in the wake of terrorist attacks in November 2015 in Paris and other parts of the world, governors across the United States issued calls to halt resettlement of Syrian refugees in their States; and

WHEREAS, on November 16, 2015, Indiana Governor Mike Pence announced that he was directing Indiana State agencies to "suspend the resettlement of additional Syrian refugees," later clarifying that Indiana will cease making payments under the Refugee Social Services Program for services provided to Syrian refugees; and

WHEREAS, the Governor's stated intent of this directive was to "ensure the safety and security of all Hoosiers;" and

WHEREAS, the State is not proposing to withhold payments to refugees from other countries; and

WHEREAS, in response to Governor Pence's directive, on November 23, 2015 the American Civil Liberties Union of Indiana filed for declaratory and injunctive relief on behalf of Exodus Refugee Immigration, Inc. The suit alleged that the actions of the State violate the Equal Protection Clause of the 14th Amendment of the U.S Constitution and Title VI of the Civil Rights Act of 1964, and that immigration is the exclusive province of the federal government. On February 11, 2016, the United States filed a *Statement of Interest* in the case, asserting that the State's actions are unconstitutional and violate Title VI and the Refugee Act of 1980; and

WHEREAS, the Refugee Social Services Program is a federally-funded grant program established under the Refugee Act of 1980, 8 U.S.C. §1522 which provides services such as job training, child care, and English-language training; and

WHEREAS, the Refugee Act of 1980 requires States to provide "assistance and services . . . to refugees without regard to race, religion, nationality, sex, or political opinion" 8 U.S.C. §1522(a)(5); and

WHEREAS, Title VI of the Civil Rights Act of 1964 prohibits discrimination based on "race, color, or national origin" in any "program or activity receiving federal financial assistance" 42 U.S.C. §2000d; and

WHEREAS, under the Equal Protection Clause, a regulatory classification that classifies by national origin is unlawful unless the State can demonstrate that the government action taken is a measure that is narrowly tailored and serves a compelling government interest; and

WHEREAS, cutting off or reducing Refugee Social Services Program grant funds discriminates against Syrian Refugees based on national origin; and

WHEREAS, denying services such as job training, child care, or English-language training to Syrian refugees is unlikely to advance any compelling interest in public safety; and

WHEREAS, denying these services could risk future harm if refugees are not afforded the necessary tools to adjust to life in the U.S.; and

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5 The White House, "The Screening Process for Refugee Entry into the United States," November 20, 2015.
6 Alex Altman, "This is How the Syrian Refugee Screening Process Works," *TIME*, November 17, 2015.
7 Carol Morello, "Three Important Facts About How the US Resettles Syrian Refugees," *Washington Post,* November 17, 2015.

WHEREAS, on February 29, 2016, the U.S. District Court for the Southern District of Indiana found that the Governor's directive constituted discrimination based on national origin in violation of the Equal Protection Clause; as a consequence, the court issued a preliminary injunction prohibiting the State of Indiana from taking any action to interfere with or attempt to deter the settlement of Syrian refugees in Indiana; and

WHEREAS, the District Court held that, "[t]he State's conduct clearly discriminates against Syrian refugees based on their national origin. Although the State says it has a compelling reason for doing so – the safety of Indiana residents—the withholding of federal grant funds from Exodus that it would use to provide social services to Syrian refugees in no way furthers the State's asserted interest in the safety of Indiana residents;"[8] and

WHEREAS, the day after the District Court handed down its order, Governor Pence indicated that he has ordered the State's Attorney General to appeal the decision with vigor, stating that, "during these uncertain times, we must always err on the side of caution." The State filed its *Notice of Appeal* on March 8, 2016; and

WHEREAS, Governor Mike Pence's refusal to extend certain federal benefits to Syrian refugees and the silence of Indiana leaders in the face of the Governor's decision have fostered a climate of unfounded fear, xenophobia, and violence against Syrians, Muslims, and those perceived to be such; and

WHEREAS, the perception of Syrians and Muslims as "dangerous," "violent," and otherwise depraved is a misguided Western construct. Such representations are reckless, obscure our common humanity, and trigger violence against the innocent. Such representations are made even more egregious when communicated by those with great influence over public perception, such as the media, elected officials, and political candidates; and

WHEREAS, Historically, such confused rhetoric and violence are amplified after an act of terrorism. Indeed, since the Paris attacks, Muslims and Islamic centers across the country have been subjected to threats, attacks, and vandalism. In the space of one month, such violence increased three-fold across the nation, with 38 reported incidents between mid-November and mid-December of 2015. These crimes include physical attacks against Muslim children as young as six years old, targeting of Islamic Centers, and threats against Muslim Americans through the use of guns and knives.[11] In Indiana, the Islamic Society of North America in Plainfield was vandalized in February 2016. In Bloomington, one of our own community members was subjected to Islamophobic violence in front of the Sofra Café; and

WHEREAS, Bloomington is a welcoming place and historically, Indiana was once too. As the home of Hoosier Hospitality, Indiana is missing an opportunity to be hospitable, to be compassionate, and to be informed. This is an opportunity to work collectively to overcome misunderstandings about Syrians and Muslims. In Michigan City, the home of the state's oldest mosque, the City Council recently passed a resolution condemning increased attacks on Muslims and upholding respect for the Muslim religion. Likewise, all Indiana leaders should uphold respect for civil liberties and civil rights instead of fanning the flames of fear. We must not trade our humanity for a false notion of security; and

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[8] *Exodus Refugee Immigration, Inc. v Pence and Wernert*, Case No: 1:15-cv-01858-TWP-DKL, Order Granting Plaintiff's Mot. for Prelim. Injunct., Mar. 29, 2016 at 34-35.

[11] Eric Lichtblau, "Crimes Against Muslim Americans and Mosques Rise Sharply," *The New York Times,* December 17, 2015.

WHEREAS, Accepting refugees may ultimately benefit, and not tax, Indiana's economy. A study of refugee resettlement in Cleveland, Ohio found that most refugees found jobs within five months of resettlement. The study also demonstrated that refugees were more likely than their native-born counterparts to be successful entrepreneurs, stimulating the local economy by opening new businesses.[12] Finally, it concluded that in 2012 refugees cost Cleveland $4.8 million but generated $48 million in economic growth, a multiplier effect of 10.

NOW, THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. The City of Bloomington opposes Indiana Governor Pence's stated intent (via appeal) to continue his directive to withhold payments from refugee resettlement agencies for services provided to Syrian refugees under the Refugee Social Services Program.

SECTION 2. The City of Bloomington is committed to nurturing and increasing diversity and to the care of vulnerable populations. It is in this spirit we welcome refugees to our community.

SECTION 3. The City of Bloomington is committed to the alleviation of human suffering and to meaningful dialogue among and between all residents.

SECTION 4. The City of Bloomington calls upon members of our community to express their opposition to Governor Pence's actions, and to work to support the safe resettlement of refugees throughout the State.

SECTION 5. The Bloomington City Council directs the Clerk to send a copy of this resolution to the Governor of Indiana, Speaker of the House, President Pro-Tempore of the Senate, and Assembly members representing districts touching the City, the President of Indiana University, and leaders of other municipalities around the State as deemed appropriate.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 29 day of March, 2016.

ANDY RUFF, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

[12] Chmura Economics and Analysis. "Economic Impact of Refugees in the Cleveland Area." 2013.

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 29th day of March, 2016.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 4th day of April, 2016.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution is sponsored unanimously by the Council. The measure opposes Governor Pence's actions to withhold support from Syrian refugees and welcomes Syrian refugees to our State and our community. The resolution documents the widespread suffering of Syrians, the unconstitutional nature of the Governor's actions, the rigorous process through which prospective Syrian refugees are vetted, and the systemic rhetoric that confuses Syrians and Muslims with terrorists. Asserting that such rhetoric is irresponsible, the resolution points out that Bloomington is a welcoming community with a long history of responding to hate with an unwavering commitment to diversity and human rights. The resolution maintains that the City of Bloomington is committed to the alleviation of human suffering and to meaningful dialogue among and between residents. The measure calls upon members of the community to express their opposition to Governor Pence's actions and for the City Clerk to send a copy of the Governor of Indiana, Speaker of the House, President Pro-Tempore of the Senate, and Assembly members representing districts touching the City, the President of Indiana University, and leaders of other municipalities around the State as deemed appropriate.