



San Francisco, what do we do about the Davis-Oliver Act?

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With the House Judiciary Committee's approval of House of Representatives Bill 2431 last week, a full-scale anti-immigration agenda has been launched. The bill cracks down on sanctuary cities, and strengthens the authority of Immigration and Customs Enforcement (ICE) to arrest and deport undocumented immigrants. The voting on the bill by the House Judiciary Committee was split strictly along partisan lines, with 19 Republicans supporting the bill and 13 Democrats opposing it.

San Francisco will be particularly affected if this bill becomes law. Besides having a substantial undocumented population (there were 44,000 undocumented immigrants in 2014, according to an estimate by the Migration Policy Institute), San Francisco is also a sanctuary city.

The City's sanctuary policy is that undocumented residents live freely among us, with the confidence to report crimes to police without fear that local authorities will assist federal enforcement agencies in deportation efforts.

HR 2431 punishes sanctuary cities by withholding certain federal grants related to, among others, refugee resettlement as well as to crime control and safe streets.

Mayor Ed Lee, in his 2017 State of the City address, declared, "We are a sanctuary city, now, tomorrow, forever." Is he still willing to risk the funds that The City needs to conduct its business in order to hold on to The City's ideals of diversity and equality for all?

San Francisco received \$509,260,129 in federal grants and direct payments in 2016, according to openthebooks.com. It is unclear as to how much of this amount stands to be compromised. This money went to fund the Museum of Modern Art, the San Francisco Police Department, the Fire Department, as well as Medicaid and public school programs, among others.

The bill is named after two California law enforcement officers — Michael Davis, Jr., and Danny Oliver — who were killed allegedly by Luis Enriquez Monroy Bracamontes in the course of a daylong rampage in October 2014. Bracamontes is an undocumented immigrant twice deported for drug crimes — once in 1997 and again in 2001.

Bracamontes, who faces the death penalty, showed little remorse and a terrifyingly unpleasant glee at his Feb. 4, 2015, hearing. According to The Sacramento Bee, he is believed to have said, "I killed them cops," and then proceeded to demand an execution date.

The lives of Davis and Oliver were tragically and prematurely cut short while they were doing their jobs. Both men were beloved husbands and fathers and the trail of sorrow that has infected those close to them cannot be minimized. "My life will never be the same," Susan Oliver said in a poignant 2015 speech to Congress. "My daughter recently got engaged, and there will be a marriage he will not be at," Susan Oliver added, charting the losses that are still to come.

It is heart-breaking when you point a flashlight deep into this well of anguish. Yet, I do believe that a single act of carnage cannot be the masthead of a policy that promotes lack of humanity.

“This bill is straight out of the Donald Trump mass deportation playbook,” said Rep. Jerrold Nadler, D-New York, a senior Member of the House Judiciary Committee. “First you demonize immigrants, then you dehumanize them, and then you label them all as criminals, all of which helps you build public support for removing them from the country,” according to his website.

This is the kind of bill that can pit neighbors, communities, church members, acquaintances, co-workers and even students against each other. This bill cannot be implemented without racial profiling and now we are talking about all races that are brown.

Just last month, William Orrick, federal judge for the Northern District of California, blocked an executive order issued by the Trump administration to defund sanctuary cities. Orrick ruled that the executive fiat exceeded the limits of federal law. In a statement, he said that immigration enforcement strategy cannot be linked to federal funding in ways that threaten those cities that don't comply with Trump's directives. “The order's attempt to place new conditions on federal funds is an improper attempt to wield Congress's exclusive spending power and is a violation of the Constitution's separation-of-powers principles,” he said.

Yet, now, here's another way to implement Trump's original executive order. However, the Davis-Oliver act is far worse than the executive order. If people overstay in the U.S. by even one day, they could be liable for a six-month prison term, Nadler said. According to Homeland Security, 628,799 folks overstayed their visas in 2016.

Furthermore, Dreamers would no longer be exempt from deportation. Dreamers were brought here when they were children, and if they are cognizant of the fact that they were brought here illegally, this bill turns them into criminals once they turn 18. That's a terrible coming-of-age birthday party to look forward to.

There's still a long way to go before the bill becomes law. It will do us good to sit up and take note of it, though. There's much to lose for San Francisco. But there would be even more to lose if The City caved to the pressure of HR 2431. As the Cato Institute summarizes, this is a bill that would compromise privacy, undermine democracy, obstruct accountability and threaten the civil liberties of Americans.