



Daoud Abudiab
PRESIDENT

Faith and Culture Center (Nashville)

Jazmin Ramirez
VICE PRESIDENT
JUMP (Nashville)

Jeger Ali
TREASURER
Metro Nashville Public Schools
(Nashville)

Andrea Blackman
Nashville Public Library
(Nashville)

Dania Cruz
Comite De Mujeres
(Nashville)

Carlos Torres
Comunidades Unidas por Una Voz
(Memphis)

Mark Janbakhsh
Auto Masters
(Nashville)

Claudio Mosse
Vanderbilt University Medical Center
(Nashville)

Mohamed-Shukri Hassan
New American Development Center
(Nashville)

Diana Montero
JUMP (LaVergne)

Cameron Chase
JUMP (Nashville)

Eduardo Morales
(Jackson)

Molly Sehning
Metro Nashville Public Schools
(Nashville)

Chay Sengkhounmany
Sengkhounmany Law (Nashville)

Organizations are listed for
Identification purposes only.

April 27th, 2016

The Honorable Bill Haslam
Governor of Tennessee
Tennessee State Capitol
Nashville, TN 37243-0001

Re: Senate Joint Resolution 467

Dear Governor Haslam:

On behalf of the Tennessee Immigrant and Refugee Rights Coalition, I write to express our deep concern with SJR467 and to urge you to exercise your constitutional authority to veto this dangerous resolution. SJR467 commits Tennessee taxpayers to costly and frivolous litigation against the federal government over refugee resettlement. It sets bad legal precedent, threatens our global reputation, and betrays our values.

The resolution is a clear breach of the separation of powers. The resolution does not simply urge Attorney General Slatery to initiate a lawsuit against the federal government, but “*directs*” him to do so. While the resolution technically provides Attorney General Slatery with the option to refuse, this is a false choice. SJR467 attempts to coerce Attorney General Slatery into suing the federal government, or risk losing control to an ideological, special interest law firm. This is a clear overreach by the general assembly that threatens the constitutional separation of powers in our state government.

The resolution attempts to rewrite legal statutes and circumvent the law.

According to Tennessee Code Annotated (T.C.A.) § 8-6-109-110, only the attorney general can pursue litigation on behalf of the state. Specifically, the attorney general is the “*state’s sole representative in federal and state court proceedings.*” Outside counsel can only be contracted in very limited circumstances and with the authority of the governor and in consultation with the attorney general. No statute authorizes the Tennessee General Assembly to initiate a lawsuit or hire outside counsel on behalf of the state. This resolution sets a dangerous legal precedent by allowing the general assembly to infringe on the authority of the judicial and executive branches whenever there is a disagreement about policy issues.

Furthermore, SJR467 puts forward weak legal arguments (see next page) under the guise of “states’ rights,” while ignoring the Supremacy Clause of the U.S. Constitution in order to end or limit refugee resettlement in Tennessee. Immigration, including refugee resettlement, is exclusively within the purview of

WWW.TNIMMIGRANT.ORG

2195 Nolensville Pike
Nashville, TN 37211
615.833.0384

the federal government and states are not precluded from accepting refugees within their borders.

The lawsuit that the resolution seeks to initiate is unlikely to succeed on its merits. SJR467 alleges that the federal government has failed to fulfill its obligation under the Refugee Act of 1980 to properly consult the state over refugee resettlement. Most recently, the federal district court of Texas twice denied the state's request for a preliminary injunction against the federal government in a suit alleging failure to consult. In *TX Health and Human Services Commission vs. U.S.*, the court clarified the consultation over refugee resettlement stating that, *"Regular advance consultation is not a rule, order, license, sanction, or relief within the meaning of section 551. Rather, the Refugee Act's advance consultation requirement is best understood as an ongoing, dynamic process."*

As you are aware, Tennessee became a Wilson-Fish state in 2008 because the state believed that a refugee-specific service provider would be a more effective and efficient coordinator of refugee services. As such, the Tennessee Office for Refugee Resettlement (TOR) was established under the administration of Catholic Charities. Since this time, TOR has fulfilled its duties under the Refugee Act of 1980 by holding quarterly consultation meetings with receiving communities, and as you rightly clarified to reporters on February 17th, 2016, *"[i]t's public record. We get from the federal government the names of all the refugees that come in, where they're from, age, gender. And I don't think at this point in time this is something that's stressing our system."* We know that TOR and the federal Office of Refugee Resettlement (ORR) are more than willing to work with your office to make any necessary improvements to the consultation process.

SJR467 wrongfully presumes refugees are an economic liability to the state of Tennessee. SJR467 seeks to sue the federal government over the "cost" of refugees, claiming that the provision of some state services to refugees is an unfunded mandate by the federal government. The resolution ignores the fact that the legislature has already asked and answered the question about whether refugees "cost" the state. A 2013 report by the TN Fiscal Review Committee found that refugees and their families have contributed more than \$1.4 billion to the state, compared to only \$753 million spent investing in their integration and success. Furthermore, according to TOR, the federal government invests more than \$15 million dollars annually to the state of Tennessee for refugee resettlement. Over 81% of eligible refugee adults are employed and paying taxes within eight months of arrival and more than 120 businesses across the state employ refugees in hard to fill roles. Refugees demonstrate great courage, resilience, and perseverance and bring needed skills and entrepreneurial spirits to our communities. They add to our workforce, grow our tax base, and strengthen our economy. Like the thousands of families moving to Tennessee each day from other U.S. states, refugee families seeking to rebuild their lives in our state are not a drain on resources but part of Tennessee's thriving economy.

A lawsuit over refugee resettlement is not in the best interest of Tennessee and would result in national embarrassment. For months, the Michigan-based Thomas More Law Center has shopped around the lawsuit sought by SJR467 to other states. According to their website, the mission of the Thomas More Law Center is to, "Preserve America's Judeo-Christian heritage; Defend the religious freedom of Christians; Restore time-honored moral and family values; Protect the sanctity of human life; Promote a strong national defense and a free and sovereign United States of America." While no other state was willing to take the case on 10th amendment grounds, they have embarrassingly found a partner in our legislature. We should seek to expand our global reputation by partnering with the federal government in ensuring an effective and robust refugee resettlement program. This

resolution would instead embroil our state in frivolous and mean-spirited litigation that compromises our reputation and our values at taxpayer expense.

SJR467 is an extreme and misguided response to fear and global tragedies. Despite the sponsors attempts to frame this lawsuit as a mere constitutional exercise not meant to be unwelcoming, the real intent is clear - to limit or stop Muslim refugee resettlement. During discussion on SJR467, representatives invoked the tragic events in Brussels and Paris as justification, and the senate sponsor is actively eroding support for refugee resettlement by linking refugees to terrorism in a petition to Attorney General Slatery. SJR467 serves no purpose but to manipulate the fears and worst instincts of Tennesseans in order to score political points in a heated election year. This puts refugee families under suspicion and creates a climate of hostility towards people fleeing persecution.

For all these reasons, I respectfully urge you to exercise your constitutional authority to veto SJR467. This would be a powerful first step in restoring our values and shifting what has become an incredibly hostile climate in Tennessee for people fleeing persecution and violence. In December 2015, you said that, *"If we abandon our values by completely shutting our doors to those who seek freedom we enjoy or mistreating our neighbors who made it here after enduring unimaginable hardships, the terrorists win."* We believe SJR 467 betrays our values and deserves your swift veto.

Very respectfully,

A handwritten signature in blue ink, appearing to read 'ST', with a stylized flourish extending to the right.

Stephanie Teatro, Co-Executive Director

CC: Mr. Jim Henry

Enclosed:

- Policy brief on SJR467 by the Tennessee Immigrant and Refugee Rights Coalition;
- Federal district court ruling from *TX Health and Human Services Commission v. U.S.*;
- Letter from the administration of former Governor Phil Bredesen establishing Tennessee as a Wilson-Fish state;
- "A study on the federal cost shifting to the State of Tennessee as a result of the federal refugee resettlement program for the period 1990-2012." Krista Lee for the *Fiscal Review Committee Tennessee General Assembly*. November 12, 2013;
- Petition materials from Senator Mark Norris. The petition is available at: <http://keptnsafe.com/>