



Legislation Text

File #: 10-0688, **Version:** 2

A Resolution Urging Repeal of Arizona Senate Bill 1070 as amended by House Bill 2162, "Support Our Law Enforcement and Safe Neighborhoods" Act

Whereas, The City Council of the City of Ann Arbor hereby finds, determines and declares as follows:

- a) On April 23, 2010, the Arizona Governor signed Arizona Senate Bill 1070 as amended by House Bill 2162 (Support Our Law Enforcement and Safe Neighborhoods Act), requiring all local law enforcement to investigate a person's immigration status when there is a reasonable suspicion that the person is in the Country unlawfully, regardless of whether that person is suspected of a crime; and
- b) Arizona's law permits the arrest of a person by local law enforcement, without a warrant, if there is suspicion that the person is not in the United States legally; and
- c) This law does not prohibit law enforcement officers from solely relying on factors such as race, ethnicity, national origin or language to determine who to investigate; and
- d) This law encourages racial profiling and may violate Fourteenth Amendment guarantees of due process and equal protection for U.S. citizens, legal residents and visitors who are detained for suspicion of being in the Country unlawfully; and
- e) This law may have a chilling effect on victims and witnesses, regardless of legal status, choosing to forego reporting crime or testifying to a crime to prevent immigration-related interrogation, discriminatory treatment and arrest; and
- f) Accordingly, this law may severely undermine law enforcement's ability to effectively maintain public safety resulting in increased crime; and
- g) The stated purpose of this law attempts to usurp functions specifically and solely traditionally reserved for federal authorities. As a result, many legal scholars, including the Obama administration itself, have questioned the constitutionality of the law in that it may violate the U.S. Constitution, and undermines the exclusive power over immigration matters granted to Congress; and
- h) Undocumented persons, due to their immigration status, are often a more vulnerable segment of our community victimized by violent criminals, employers and landlords, finding themselves without recourse due to the threat of deportation; and
- i) United States Citizens, legal residents, visitors and undocumented persons alike may now be subject to racial profiling, harassment and discrimination in states such as Arizona and those that pass similar legislation while legal challenges are pending, comprehensive immigration reform is critical and should promptly be addressed by the U.S. President and Congress; and

j) The City of Ann Arbor considers the safety of its residents an unconditional priority, and strives to protect the community from all criminals, irrespective of legal status;

WHEREAS, Similar bills have been introduced in both the Michigan House and Senate,

RESOLVED, That the City Council of the City of Ann Arbor opposes SB 1070 and calls upon the Arizona Legislature to repeal SB 1070;

RESOLVED, That the City Council of the City of Ann Arbor does not support any similar legislation in the State of Michigan;

RESOLVED, That the City Council of the City of Ann Arbor urges the President and the Congress of the United States to work on comprehensive immigration reform to fix our nation's broken immigration system; and

RESOLVED, That the City Clerk be directed to transmit copies of this resolution to the Governor of Michigan, and to each Senator and Representative from Ann Arbor in the State Michigan Legislature; and

RESOLVED, That the City Clerk be directed to transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from Michigan in the Congress of the United States and to the Governor of the State of Arizona.

This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

Sponsored by: Councilmembers Briere and Smith