



COUNCIL AGENDA: 06-08-10
ITEM: 3.2

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Lee Price, MMC
City Clerk

SUBJECT: ARIZONA IMMIGRATION
LEGISLATION

DATE: 05-27-10

RECOMMENDATION

As referred by the Rules and Open Government Committee on May 12, 2010 and outlined in the attached memo previously submitted to the Rules and Open Government Committee, consider actions regarding Arizona's Immigration Legislation (Arizona SB 1070 and HB 2162)

ATTACHMENTS

- 1) Memorandum from Councilmembers Madison Nguyen, Sam Liccardo, Rose Herrera and Ash Kalra to the Rules and Open Government Committee dated May 5, 2010.



Memorandum

TO: RULES AND OPEN GOVERNMENT COMMITTEE

FROM: Councilmember Madison Nguyen
Councilmember Sam Liccardo
Councilmember Rose Herrera
Councilmember Ash Kalra

SUBJECT: ARIZONA BOYCOTT

DATE: May 5, 2010

Approved

Madison Nguyen

Date

5/5/10

Ash Kalra

Sam Liccardo
RH

Rose Herrera JM

RECOMMENDATION

1. Direct the City Manager to:
 - a. Bring forward a resolution that denounces Arizona's immigration legislation (Arizona SB 1070).
 - b. Draft a measure for consideration by the City Council prohibiting the use of City funds in travel to the State of Arizona, for attendance of conventions, meetings, or other events there.
 - c. Draft a measure for consideration by the City Council to the extent practicable, and in instances where there is no conflict with law, to refrain from entering into any new or amended City contracts to purchase goods or services from any company that is headquartered in Arizona.
 - d. Release to the media a statement, in multiple languages, emphasizing that residents in the City of San José will not be detained by the San José Police Department for suspicion of having unlawful status in this country, and that the City will serve all residents without reporting any otherwise law-abiding residents to the federal immigration and Customs Enforcement.

2. Direct the City Attorney to explore opportunities to file an *amicus curia* to accompany any court challenge of the Arizona measure, or to join an *amicus* filed by another organization, such as the California League of Cities.

Such measures would remain in effect until a legislative or judicial change to SB 1070 results in the elimination of the following provisions of the law: 1) making the failure to carry immigration documents a crime, and 2) giving the police broad power to detain anyone suspected of being in the country illegally.

BACKGROUND

For more than 200 years, immigrants from all over the world have come to the United States to make it their home. Since 2006, the United States has accepted more legal immigrants as

permanent residents than every other country in the world combined. Our immigration policy is not just rooted in the virtues of inclusive borders, but also in the recognition that America's strength comes from a wave of immigrants who bring with them an intrepid work ethic, an industrious spirit, and innovative minds. It is in this spirit of diversity that we have helped pave the way for tolerance in our country. Since our inception, the immigrant community has been a rich part of our nation's history and one of which we are proud.

Our country is bound by the common notion that we are all immigrants. We cannot afford, as a nation or as individual states, to pass legislation that negatively impacts this connection. We must apply the truth articulated by Dr. Martin Luther King, Jr. that an "injustice anywhere is a threat to justice everywhere."

In that light, the State of Arizona's immigration reform bill "Support Our Law Enforcement and Safe Neighborhoods Act," or "SB 1070," is a tragically misguided attempt at reform that will create a disconnect between law enforcement and the communities they serve, undermine fundamental civil rights protections, usurp federal authority, and create a legislative precedent that would create a patchwork of inconsistent immigration policy across the country.

As the third largest city in the state, 10th in the country, and the Capital of Silicon Valley, people consider San José a shining example of what an ethnically diverse community can achieve. With a richly diverse population, San José has political, intellectual, and economic power that is recognized worldwide. Therefore, it is important that we make our position clear that we respect the federal government's exclusive jurisdiction over comprehensive immigration law and oppose the legislation passed by the State of Arizona.

As a border state, we understand the immigration challenges Arizona faces. In the absence of comprehensive immigration reform and under the perception of federal political gridlock, Arizona has created its own "solution." It is imperative that Washington show leadership and take swift action to curb the tide of patchwork immigration reform. We urge the federal government to make comprehensive immigration reform a top priority in this legislative session.

In March of 2007, this Council formally re-emphasized its longstanding policy that our city employees would not engage themselves in reporting otherwise law-abiding residents to federal immigration authorities. We are not the only ones, New York City, Los Angeles, San Francisco, and a handful of other large cities have all adopted ordinances that ban law enforcement officials from asking residents about their respective immigration status. These ordinances recognize the fundamental value of preserving the trust between law enforcement officials and the communities they serve. Arizona SB 1070 undercuts this value by transforming the role of police officials—in the eyes of immigrants—from lawful "protector" to immigration "predator." We know that a failure to do this would create fear among many residents—even citizens—that an emergency call to report a fire, a heart attack, a rape, or a domestic violence incident could risk the deportation of the reporting party or a loved one in the same household. Chief Rob Davis has echoed this view saying that building trust in many communities with law enforcement requires that immigrants feel comfortable interacting with our police department.

Arizona's SB 1070 promotes a "shoot first, aim later" approach towards immigration reform as evidenced by their legislature's need to amend the bill shortly after passage. Immigration reform is an issue chalk full of legislative complexity and it requires thoughtful solutions, not haphazard policy written for poll-watching politicians to score political points.

We cannot pretend to be unconscientious of the United State's role of historically "permitting" or at least "turning a blind eye" towards illegal immigration. Our motives are economically tied, United States workers benefit just as much as illegal immigrants who come to our country to find more gainful employment. With over twelve-million undocumented immigrants estimated to be living in the United States, the large majority work low-wage and labor-intensive jobs that do not siphon off the quantity of jobs available for legal citizens. On the contrary, these workers act as the labor core that fuels so many American companies that gives them the financial prosperity necessary to employ the number of legal workers that they do. Throughout the ensuing immigration debate that is set to take center stage in our nation's legislature, it would be wrong to allow demonizing characterizations of undocumented immigrants.

Breaking economic ties is effective. We witnessed this in the early 1990s, when people last boycotted Arizona for the state's refusal to observe Martin Luther King, Jr. Day. Travelers canceled their vacations to Scottsdale and the Grand Canyon; conventions were moved from Phoenix to Los Angeles, and the NFL moved Super Bowl XXVII from Tempe to Pasadena.

Together, we will peacefully yet strongly demonstrate our disapproval of the immigration policies taking root in Arizona, and serve a reminder that our great country is, and always has been, a proud country of immigrants.

cc: Lee Price
City Clerk

