

CITY of ALBUQUERQUE

SIXTEENTH COUNCIL

COUNCIL BILL NO. _____ ENACTMENT NO. _____

SPONSORED BY:

RESOLUTION

1 OPPOSING THE ENACTMENT OF FEDERAL LEGISLATION CALLING FOR
2 STATE AND LOCAL POLICE TO ENFORCE FEDERAL CIVIL IMMIGRATION
3 LAWS.

4 WHEREAS, the City Council strongly denounces terrorism and
5 acknowledges that federal, state and local governments should protect the
6 public from terrorist attacks in a rational and deliberate manner to ensure that
7 security measures enhance public safety without violating the constitutional
8 rights and infringing upon the civil liberties of its residents; and

9 WHEREAS, the City considers its police the real experts in ensuring public
10 safety in Albuquerque and recognizes that local and state police in New

11 Mexico have diligently responded to new homeland security mandates; and

12 WHEREAS, on July 9, 2003, Representative Charles Norwood (R-GA)
13 introduced the Clear Law Enforcement for Criminal Alien Removal Act of 2003
14 (CLEAR Act), H.R. 2671 and on November 20, 2003, Senator Jeff Sessions (R-
15 AL) introduced a similar measure entitled the Homeland Security
16 Enhancement Act of 2003 (HSEA); and

17 WHEREAS, the CLEAR Act and HSEA will require local and state police to
18 add federal civil immigration law enforcement to their already long list of
19 duties or risk the loss of federal funding; and

20 WHEREAS, the enforcement of federal civil immigration law will distract
21 local and state law enforcement from their primary mission of ensuring public
22 safety and preventing crime in our community by having them focus on the
23 apprehension of immigrants instead of criminals and by adding burdensome
24 paperwork and reporting requirements; and

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1 WHEREAS, Albuquerque City Council Resolution No. 9-2001 resolved that no
2 municipal resources shall be used to identify individuals' immigration status
3 or apprehend persons solely on the basis of immigration status; and

4 WHEREAS, the Albuquerque Police Department's procedural orders state
5 that the "enforcement of immigration laws and the arrest of illegal foreign
6 nationals resides exclusively with the Immigration and Naturalization Service"
7 (Currently the Department of Homeland Security); and

8 WHEREAS, local law enforcement already has the authority to arrest
9 anyone, regardless of immigration status, who commits a crime and threatens
10 the public safety of our community; and

11 WHEREAS, the enactment of the CLEAR Act and the HSEA would
12 undermine community policing and create an atmosphere where immigrants
13 begin to see local police as federal immigration enforcement agents with the
14 power to deport them or their family members making them less likely to
15 approach local law enforcement with information on crimes or suspicious
16 activity; and

17 WHEREAS, the CLEAR Act and HSEA will lead to the misapplication of
18 complex and technical immigration laws because local police will not be
19 guaranteed the seventeen weeks of immigration law training required of
20 federal enforcement agents; and

21 WHEREAS, New Mexico has enacted legislation to increase public and road
22 safety that allows qualified applicants, regardless of immigration status, to
23 obtain a drivers license and the enactment of HSEA would penalize any state
24 which issues such licenses by withholding federal highway safety funds; and

25 WHEREAS, the CLEAR ACT and HSEA will endanger the lives of immigrant
26 victims of crime by undermining the Violence Against Women Act (VAWA) and
27 the Victims of Trafficking and Violence Prevention Act, both enacted by the
28 federal government to provide them with particular protections; and

29 WHEREAS, many immigrant victims of crime are unlikely to report the
30 crime to law enforcement if they believe that seeking police protection will
31 result in deportation and ultimately in losing custody of their children; and

32 WHEREAS, enforcement of the CLEAR Act and HSEA invites racial
33 profiling and other infringements on civil rights and liberties guaranteed under

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1 the United States Constitution of those individuals who speak languages other
2 than English, appear to be of certain ethnic background or speak English with
3 an accent; and

4 WHEREAS, the CLEAR Act and HSEA set a dangerous precedent of
5 enforcement of federal law by local and state law enforcement; and

6 WHEREAS, immigrant communities play a vital role in the economic and
7 cultural landscape of New Mexico and precaution must be taken to ensure that
8 our laws do not insinuate that all immigrants are suspected terrorists; and

9 WHEREAS, over 56 ordinances, police directives, resolutions, and policies
10 nationwide protect immigrants' access to police protection; and

11 WHEREAS, locally and nationwide there is a broad spectrum in opposition
12 to the CLEAR Act and HSEA including law enforcement, elected officials and
13 government associations, domestic violence prevention advocates, service
14 providers, conservative thinkers, faith-based groups, civil rights, civil liberties,
15 and human rights organizations, immigrant/refugee rights groups, labor
16 unions, businesses, and financial service providers in addition to community
17 members; and

18 WHEREAS, while the City supports the fight against terrorism at home and
19 abroad, this goal cannot be reached by placing the unmanageable burden of
20 enforcing federal civil immigration law on local and state law enforcement.

21 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
22 ALBUQUERQUE:

23 Section 1. The City opposes the enactment of the CLEAR Act and HSEA
24 and any other legislation encouraging or compelling local law enforcement to
25 enforce federal civil immigration laws.

26 Section 2. The City reaffirms its commitment to civil rights and equal
27 access to all city services including police protection regardless of
28 immigration status.

29 Section 3. The City reaffirms that no municipal resources will be used to
30 identify and apprehend persons solely based on their immigration status.

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32 Legislation/Resolutions/ClearAct

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