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
WHEREAS, Albuquerque City Council Resolution No. 9-2001 resolved that no
municipal resources shall be used to identify individuals’ immigration status
or apprehend persons solely on the basis of immigration status; and
WHEREAS, the Albuquerque Police Department’s procedural orders state
that the “enforcement of immigration laws and the arrest of illegal foreign
nationals resides exclusively with the Immigration and Naturalization Service”
(Currently the Department of Homeland Security); and
WHEREAS, local law enforcement already has the authority to arrest
anyone, regardless of immigration status, who commits a crime and threatens
the public safety of our community; and
WHEREAS, the enactment of the CLEAR Act and the HSEA would
undermine community policing and create an atmosphere where immigrants
begin to see local police as federal immigration enforcement agents with the
power to deport them or their family members making them less likely to
approach local law enforcement with information on crimes or suspicious
activity; and
WHEREAS, the CLEAR Act and HSEA will lead to the misapplication of
complex and technical immigration laws because local police will not be
guaranteed the seventeen weeks of immigration law training required of
federal enforcement agents; and
WHEREAS, New Mexico has enacted legislation to increase public and road
safety that allows qualified applicants, regardless of immigration status, to
obtain a drivers license and the enactment of HSEA would penalize any state
which issues such licenses by withholding federal highway safety funds; and
WHEREAS, the CLEAR ACT and HSEA will endanger the lives of immigrant
victims of crime by undermining the Violence Against Women Act (VAWA) and
the Victims of Trafficking and Violence Prevention Act, both enacted by the
federal government to provide them with particular protections; and
WHEREAS, many immigrant victims of crime are unlikely to report the
crime to law enforcement if they believe that seeking police protection will
result in deportation and ultimately in losing custody of their children; and
WHEREAS, enforcement of the CLEAR Act and HSEA invites racial
profiling and other infringements on civil rights and liberties guaranteed under
the United States Constitution of those individuals who speak languages other
than English, appear to be of certain ethnic background or speak English with
an accent; and

WHEREAS, the CLEAR Act and HSEA set a dangerous precedent of
enforcement of federal law by local and state law enforcement; and
WHEREAS, immigrant communities play a vital role in the economic and
cultural landscape of New Mexico and precaution must be taken to ensure that
our laws do not insinuate that all immigrants are suspected terrorists; and
WHEREAS, over 56 ordinances, police directives, resolutions, and policies
nationwide protect immigrants’ access to police protection; and
WHEREAS, locally and nationwide there is a broad spectrum in opposition
to the CLEAR Act and HSEA including law enforcement, elected officials and
government associations, domestic violence prevention advocates, service
providers, conservative thinkers, faith-based groups, civil rights, civil liberties,
and human rights organizations, immigrant/refugee rights groups, labor
unions, businesses, and financial service providers in addition to community
members; and
WHEREAS, while the City supports the fight against terrorism at home and
abroad, this goal cannot be reached by placing the unmanageable burden of
enforcing federal civil immigration law on local and state law enforcement.

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

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

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

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

Legislation/Resolutions/ClearAct