

CITY of ALBUQUERQUE
SIXTEENTH COUNCIL

COUNCIL BILL NO. R-04-87 ENACTMENT NO. 70-2004

SPONSORED BY: *Eric Griego*

RESOLUTION

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

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

8 WHEREAS, the City considers its police the real experts in ensuring public
9 safety in Albuquerque and recognizes that local and state police in New Mexico
10 have diligently responded to new homeland security mandates; and

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

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

19 WHEREAS, the enforcement of federal civil immigration law will distract local
20 and state law enforcement from their primary mission of ensuring public safety
21 and preventing crime in our community by having them focus on the
22 apprehension of immigrants instead of criminals and by adding burdensome
23 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 or
3 apprehend persons solely on the basis of immigration status; and

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

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

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

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

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

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

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

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

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1 States Constitution of those individuals who speak languages other than
2 English, appear to be of certain ethnic background or speak English with an
3 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 to
12 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 unions,
16 businesses, and financial service providers in addition to community members;
17 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.

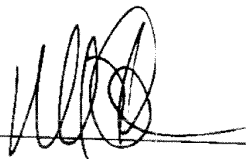
26 Section 2. The City reaffirms its commitment to civil rights and equal access
27 to all city services including police protection regardless of immigration status.

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

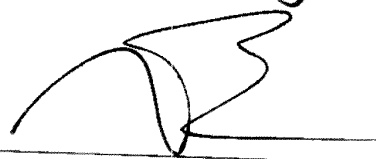
30
31 Legislation/Resolutions/ClearAct
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1 PASSED AND ADOPTED THIS 7th DAY OF JUNE, 2004
2 BY A VOTE OF: 7 FOR 0 AGAINST.
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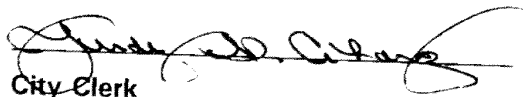
4
5 Yes: 7
6 Excused: Loy, Winter
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10 
11 Michael Cadigan, President
12 City Council
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15 APPROVED THIS 22nd DAY OF June, 2004
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17 Bill No. R-04-87
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20 Martin J. Chavez, Mayor
21 City of Albuquerque
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23 ATTEST:
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26 City Clerk
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