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RESOLUTION 11-07

OPPOSING SB 590, TITLED *ILLEGAL IMMIGRATION MATTERS*

WHEREAS (1), on February 22, 2011, the Indiana Senate voted to approve SB 590, titled *Illegal Immigration Matters*; and

WHEREAS (2), SB 590 contains many provisions specific to local government that are antithetical to Bloomington's commitment to a safe, civil, inclusive and welcoming community; and

WHEREAS (3), SB 590 calls for local law enforcement to verify the citizenship or immigration status of individuals when making a stop, detention or arrest in the enforcement of a State law or local ordinance if the officer has "reasonable suspicion" that the person stopped is an alien and not lawfully present in the U.S.; and

WHEREAS (4), the "reasonable suspicion" standard is a vague and unworkable standard that fails to provide meaningful guidance to law enforcement. The "reasonable suspicion" standard will almost certainly require those implementing this provision to rely on observable factors such as skin color, accent, gestures, dress, word selection and ability to understand English; and

WHEREAS (5), the bill therefore seems to condone racial profiling, an abhorrent and discriminatory practice; and

WHEREAS (6), the "reasonable suspicion" standard in SB 590 could trigger issues under the Equal Protection Clause of the Fourteenth Amendment to the Constitution, which states "no state shall … deny to any person within its jurisdiction the equal protection of the laws;" and

WHEREAS (7), SB 590 allows a law enforcement officer to arrest a person if the officer has probable cause to believe the person is an alien who meets certain criteria; and

WHEREAS (8), local law enforcement has worked hard to cultivate trust and respect among the Latino community and SB 590 severely erodes this trust; and

WHEREAS (9), SB 590 would lead to even greater reluctance of our local Latino community to report crime due to the perception that the local police would ask for immigration papers and communicate with the U.S. Immigration and Customs Enforcement agency; and

WHEREAS (10), SB 590 diverts critical law enforcement resources away from preventing and stopping criminal actions by requiring officers to enforce civil violations of federal immigration code; and

WHEREAS (11), SB 590 would require US citizens and non-citizens alike to carry papers on their person to avoid detention under the bill; and

WHEREAS (12), the Council recognizes the need for immigration reform but also recognizes that immigration reform is a matter of federal, not State, policy; and

WHEREAS (13), SB 590 is substantially similar to another State's law whose core components have been blocked by a federal district court, holding that the State's attempt to regulate immigration interferes with the federal government's authority to regulate and enforce immigration and violates the Supremacy Clause of the U.S. Constitution; and

WHEREAS (14), SB 590 contains an "English only" provision which would require that only English be used in public meetings, public documents, information provided on government websites and by local government employees. While the bill is broadly worded and contains exceptions, in both its symbolic and practical applications, this requirement impairs the fundamental right of all citizens to access their government and to meaningfully participate in the democratic process; and

WHEREAS (15), Bloomington is a multi-cultural and multi-lingual community and home to a rapidly-growing Latino population which has grown by 80% in the last 10 years; and

WHEREAS (16), the City of Bloomington has dedicated two staff members to support Spanish speakers in the community though Spanish-language outreach; These outreach efforts are critical to helping Latinos understand and engage in civic and community life; and

WHEREAS (17), these staff members also provide critical direct services to Latinos in Spanish, including, but not limited to: Medicaid enrollment, conflict resolution, translation of important documents, notary services, finding childcare, searching for employment, finding affordable housing and interpreting for clients at numerous social services agencies; and

WHEREAS (18), the provision of these services is critical to serving the needs of our Latino population and is in the best interest of our entire community; and

WHEREAS (19), SB 590 requires that any person or agency who provides benefits that are funded in whole or part with local money shall verify *via* affidavit that the recipient of the benefit is a U.S. citizen or a qualified alien, thus creating an unnecessary administrative burden for many local social services agencies who work very hard to alleviate human suffering; and

WHEREAS (20), the City's Commission on Hispanic and Latino Affairs is charged with working toward economic, educational and social equity for Hispanics and Latinos residing in Bloomington and has expressed its strong opposition to SB 590; and

WHEREAS (21) the NAACP opposes racism and discrimination and promotes the social, economic, political, and educational wellbeing of minority citizens and promotes strong family units: the Monroe County Branch NAACP opposes SB 590 because it is discriminatory, criminalizes immigrants and promotes racial profiling; and

WHEREAS (22) , two of Indiana's largest employers, Eli Lilly and Company and Cummins, Inc. (combined market cap of $62 billion) have issued a joint statement in opposition to SB 590. These businesses state that SB 590 impedes the ability of Indiana businesses to be competitive in global markets, and will make it more difficult for Lilly and Cummins to attract new talent and grow in Indiana. The companies said their "ability to thrive in Indiana is dependent on an environment that is welcoming and that is now threatened;" and

WHEREAS (23), the Indiana Economic Development Association opposes SB 590, stating that the bill harms the ability of Indiana companies to attract talent from around the world and impairs their global competitiveness; and

WHEREAS (24), the Indiana Association of Cities and Towns opposes SB 590, as it denigrates home rule and increases costs and potential liabilities for cities and towns; and

WHEREAS (25), the Indianapolis Convention & Visitors Association and the Greater Indianapolis Chamber of Commerce have expressed opposition to SB 590; and

WHEREAS (26), the Council wishes to join Bloomington Mayor Mark Kruzan, President of the Monroe County Board of Commissioners Patrick Stoffers, Senator Vi Simpson, the Indiana Association of Cities and Towns, Indiana Attorney General Greg Zoeller and over 3,200 other Indiana residents in supporting the principles of the Indiana Compact;

WHEREAS (27), the Indiana Compact outlines five key immigration policy principles:

- FEDERAL SOLUTIONS:

Immigration is a federal policy issue between the U.S. government and other countries—not Indiana and other countries. We urge Indiana's Congressional delegation, and others, to lead efforts to strengthen and reform federal laws. We recognize that border security is a critical element of national security, and further urge our Congressional representatives to work to protect the borders as part of a comprehensive immigration policy.

- LAW ENFORCEMENT:

We respect the rule of law and support law enforcement's professional judgment and discretion. Local law enforcement resources should focus on criminal activities, not civil violations of federal code.

- FAMILIES:

Strong families are the foundation of successful communities. We oppose policies that unnecessarily separate families. We champion policies that support families and improve the health, education and well-being of all Indiana children.

- ECONOMY:

Indiana is best served by an economy that maximizes individual freedom and opportunity. We acknowledge the economic role immigrants play as workers and taxpayers. Indiana's immigration policies must reaffirm our global reputation as a welcoming and business-friendly state.

- A FREE SOCIETY:

Immigrants are integrated into communities across Indiana. We must adopt a humane approach to this reality, reflecting our unique culture, history and spirit of inclusion. The way we treat immigrants will say more about us as a free society and less about our immigrant neighbors. Indiana should always be a place that welcomes people of goodwill.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. The Common Council urges the Indiana House of Representatives and the Governor to reject SB 590.

SECTION II. The Common Council calls upon all elected officials in the State of Indiana to oppose SB 590 and any similar legislation.

SECTION III. The Common Council fully supports the five principles outlined in the Indiana Compact and directs the Council President to sign the Compact on behalf of the entire Council.

SECTION IV. The Common Council requests that the City Clerk send copies of this resolution to the Governor and all State Senators and State Representatives representing the City of Bloomington.

SECTION V. This resolution shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 9th day of MARCH, 2011.

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 10th day of MARCH, 2011.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 11th day of MARCH, 2011.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution is sponsored by Councilmembers Piedmont-Smith, Sandberg and Satterfield and expresses the Bloomington Common Council's opposition to Indiana Senate Bill 590 (SB 590) entitled, "Illegal Immigration Matters." SB 590 makes a number of changes to the Indiana Code regarding local enforcement of federal immigration law and imposes an "English only" requirement (with exceptions) in public meetings, public documents and for government employees performing their duties. The resolution opposes the bill on several grounds. First, the bill's provision calling for law enforcement to verify immigration status upon "reasonable suspicion" encourages reliance on race and national origin and diverts critical law enforcement resources away from preventing and stopping criminal actions. Secondly, its "English only" provision impairs the fundamental right of all citizens to access their government. Third, it stands to harm the economic welfare of the State. Lastly, the resolution maintains that immigration reform is a matter of federal, not State policy. The resolution supports the principles of immigration reform outlined in the Indiana Compact and authorizes the Council President to sign the Compact on behalf of the entire Council. It also calls upon the Indiana House of Representatives and the Governor to reject SB 590 and all elected officials in the State of Indiana to oppose SB 590 and any similar legislation. The resolution requests that the City Clerk send copies of the resolution to the Governor of Indiana and all State Senators and State Representatives representing the City of Bloomington.

** Please note -- This resolution was revised after it was issued in the Council's Legislative Packet on March 4, 2011. Revisions include: deleting the reference to the Indiana Association of Chiefs of Police; adding a new "Whereas" clause addressing the Monroe County branch of the NAACP's opposition to SB 590; updating the number of signatories to the Indiana Compact and directing the Clerk to send the resolution to the Governor. Revisions also include subsequent renumbering and minor technical corrections to clauses 7 and 23.*

Signed copies to:

legal	CA/CA
Gov Daniels	Clerk (2)
Rep Matt Pierce	Rep. Reggie Welch
Senator Vi Simpson	