

In the Council Chambers of the Showers City Hall on Wednesday, March 9, 2011 at 7:55 pm with Council President Susan Sandberg presiding over a Special Session of the Common Council that was held after a Committee of the Whole meeting (that began at 7:30 pm).

COMMON COUNCIL
SPECIAL SESSION
March 9, 2011

Roll Call: Mayer, Piedmont-Smith, Rollo, Ruff, Sandberg, Satterfield, Sturbaum, Volan, Wisler
Absent: None

ROLL CALL

Council President Sandberg gave the Agenda Summation

AGENDA SUMMATION

Susan Sandberg asked that Council Attorney Dan Sherman read the proposed rules for this Special Session. It was moved and seconded that the *Procedure for Consideration of Resolution 11-07* be adopted for this session.

ADOPTION OF RULES FOR THE MEETING

There were no questions, and no discussion on the rules.

The motion to adopt the rules was approved by a roll call vote of Ayes: 9, Nays: 0.

It was moved and seconded that Resolution 11-07 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis.

LEGISLATION FOR SECOND READING

It was moved and seconded that Resolution 11-07 be adopted.

Resolution 11-07 Opposing SB 590,
Titled *Illegal Immigration Matters*

Piedmont-Smith, Satterfield and Sandberg read the 27 'WHEREAS' clauses to this resolution.

President Sandberg asked Mayor Mark Kruzan, Police Chief Mike Diekhoff, Commission on Hispanic and Latino Affairs Chair Juan Carlos Carrasquel, Safe and City Director Beverly Calendar Anderson and Pedro Roman, Monroe County Human Rights Commission and President of the Indiana Latino Democratic Caucus to make statements regarding this resolution.

The following are summations of the statements made at the meeting. A complete transcription and DVD recording are available in the Office of the City Clerk.

Mayor Kruzan thanked Sandberg and the authors of the Resolution, and said having it translated into Spanish and sent to Senator Delph, author of SB 590 would send a powerful message.

Kruzan said the legislation being considered which would threaten rights of gays, women, teachers, working people and immigrants was led by the new Republican majority and supported by some Democrats. He said history would not smile kindly on the proponents of measures like Senate Bill 590, and added that history showed that with an economic downturn, wherever it was in the world, decision makers looked for someone to blame. This, he said, was inevitably a group of people different from those making the laws and who had a difficult time defending themselves. He said that was why those in a position to speak out had a responsibility to give voice to these issues.

Kruzan went on to say that illegal immigration was a real problem, but Senate Bill 590 was not a real solution because it would target US citizens and Indiana residents for one reason only, because they looked and sounded different. He said the thought that state law could prohibit the city government from translating documents used to teach English to Spanish speakers was sadly ironic and extremely telling. He ended by saying, "I am telling you as sure as I'm standing here, it is a law with which the City of Bloomington will never comply."

Mike Diekhoff, Chief of Bloomington Police said he had concerns with SB590. He said because immigration reform was a federal issue, not a local issue, Federal Law enforcement agencies were much better

prepared and trained to handle the complexities of this law.

Diekhoff said this law would divert critical law enforcement resources from responding to the 108,000 calls received by Monroe County Dispatch each year. He said that since there were no funds to cover this, it would therefore create another unfunded mandate.

He added that for many years BPD worked hard to cultivate trust and respect and to improve communication with the Latino community who he said underreported crimes committed against them for fear of legal action. He said that this law would erode even further the relationships and trust that had been built with the Latino community.

Juan Carlos Carrasquel, Chair of the Hispanic and Latino Commission of the City of Bloomington said the bill was based on misleading and incomplete information.

He said immigration enforcement was a federal matter and a very complex one, and that only a comprehensive solution to this problem would bring a good result, one that profoundly addressed the causes, and the issues, along with human and civil rights. He said as a US citizen, he never would have come to Indiana if a law like this was in place. He asked that everyone become informed with facts about this proposal.

Beverly Calendar-Anderson, Safe and Civil City Director, expressed concern that this bill would harm the welcoming and inclusive nature of this community. She mentioned Daniel Soto and Melissa Britton, staff in the Community and Family Resources Department of the City of Bloomington, who worked diligently to support the positive integration of Latino community members into the greater Bloomington community. She said they all felt that SB590's English only provision would harm Spanish speaking members of the community and limit access to community resources. She noted that almost all of the direct services were conducted in Spanish and covered a multitude of categories, including Medicaid enrollment, conflict resolution, translation of important documents, notary services, assistance in finding child care, searching for employment, negotiation of debt, holiday assistance, bilingual tax clinic, housing disputes, finding affordable housing, interpreting for clients at other agencies and non-profits like the township trustees, or CAP or United Ministries, FSSA, MCCSC, Mother's Hubbard Cupboard and Habitat for Humanity just to name a few.

She said to help recent arrivals become fully contributing members to the community, it was important to educate them about the legal system and community resources which was most effective in their own language.

She quoted Stephen Carter in Civility: Manners Morals and the Etiquette of Democracy in reading:

Our duty to be civil towards others does not depend on whether we like them or not. Civility is the set of sacrifices we make for the sake of our common journey with others and out of love and respect of the very idea that there are others. When we are civil, we accept and value others as every bit our equal.

Pedro Roman explained the Indiana Compact which, based on its success in other states, was developed to address the legitimate, not political, issues of immigration and which had been signed by many elected leaders. He went on to say that businesses were very concerned about the negative image SB590 created for Indiana and the resulting economic impact from things such as conventions refusing to come to Indiana. Roman explained that to keep all undocumented immigrants in jail for one day would cost \$4,250,000, however they represented buying power of \$2.5 billion a year.

Roman said on behalf of the White House, that the Justice Department and the White House continued to say that immigration and its

enforcement were under federal jurisdiction and that the US Congress was the only place to deal with the matter.

Sandberg said since there were no questions from Council for the invited presenters, that the floor was open for public comment on the resolution.

Public Comment on this Resolution:

Gracia Valliant, Bloomington resident said although she was not Latina, she did speak Spanish and spent time with Latinos. She said she wondered if she would ever be asked for identification papers, and if Latinos were profiled now, who would be next?

She noted that a criminal attorney had said that laws were made to protect us all, and the beginning of erosion of those laws for spurious reasons would erode the rights of each of us. She concluded by saying that she hoped the state legislators would have an awakening and not pass the bill.

David Keppel, chair of the Just Peace Task Force of the Unitarian Universalist Church of Bloomington, said SB590 violated a central tenet of his denomination – the affirmation of the worth and dignity of every person. He said the immigration debate was based upon a double standard – the free mobility of capital on one hand, and the restricted mobility of labor.

Keppel said the free mobility of capital simultaneously imperiled people in Mexico and other developing countries and forced them, as they lost their local agriculture, to come to the US, and as it jeopardized the economic position of people in this society, it was used to scapegoat immigrants.

He said if any member of the Council questioned whether this resolution was appropriate council action, he would say it was because the statement made was part of the affirmation of what Bloomington was. He said the resolution made a very real difference to life in this city and would strengthen the community.

William Vance Jr. President, Monroe County Branch, NAACP said the NAACP opposed racism and discrimination and promoted the social, economic, political and educational wellbeing of minority citizens and promoted strong family unity. Therefore, he said, the Monroe County Branch of the NAACP opposed SB590 because it was discriminatory, criminalized immigrants and promoted racial profiling.

Ivonne Romo, an Indiana University Student said it would be a burden to carry a birth certificate or green card, and called this bill contrary to the mission of Indiana University which had 10% of the student body from other countries. She said this measure would bring a bad image to the state and would be bad for business.

Jose Espericueta, a PhD student in Spanish Literature, said he was concerned that SB590 actively sought to deny rights to members of our own community. He said he thought there was a possibility that some minorities would now fear local authorities or fear seeking medical attention. He said this was a bigger problem than what SB590 could address because our society functions on cheap labor, which was the very reason that jobs were sent overseas. He said these problems would not be fixed with this type of legislation.

Chaim Julian, Chair of Democracy for Monroe County, said that the issue of immigration legislation was to divert people from the fact that bank CEOs and others had destroyed our economy.

Darryl Neher, a 20 year resident of Bloomington, said in the past he wondered if resolutions like this should be considered by the Council, but acknowledged that this one addressed issues that directly affected this community. He said it would place our law enforcement in a position to violate the civil rights of our citizens. He added that this would also be an unfunded mandate that would put pressure on the city budget.

Daniel McMullen said he was in support of the idea behind the writing of the SB590 bill because jobs were being 'stolen' by undocumented workers who would work for lesser wages and who paid no taxes. He said we had a duty as a community, state and nation to bring those to justice for entering our borders illegally and taking our jobs.

Sam Allison, County Councilmember, District 4 and Vice President of Democracy for Monroe County said the Monroe County Council passed a Resolution against Senate Bill 590 at the previous night's meeting. He said he was ready to stand with the city council to fight against this atrocity being passed.

Jenny Gibson said SB590 endangered the civil rights of every person of color within the state. However, she said, everyone knew what ethnic group this was targeting as it was blatantly identified within the section of the law that restricted the use of the Spanish language. Gibson said that prohibiting the use of the Spanish language dehumanized all those who spoke it, but said that was the purpose of the bill. She said by attempting to make it impossible to acquire or retain housing or food, it could put families in a position of fear, so they would not contact law enforcement when they were in danger. Therefore, she said, this bill would increase homelessness, hunger, and crime, in addition to fueling the growing discrimination against Latinos that was already experienced

Isabel Vernaza, a family nurse practitioner in Bloomington for 10 years, said she was a Hispanic immigrant, and said she wanted the council to think about her when considering the vote to pass or not pass this resolution. She said her son would graduate from IU Medical School in May and her daughter was receiving a Master's Degree from IU. She urged the council to think what immigrants brought to this community.

Emmanuel deJesus Blanco, a Bloomington resident and Cuban-American said that Senator Delph said he authored this bill because he wanted to see the end of the days when one would "press 2 for Spanish", as if having that service was an inconvenience. He said that this statement proved that this bill should not be seriously considered.

Ronak Shah, IU student said that nothing in SB590 was defensible, and that it was all reprehensible.

Marc Haggerty spoke in Spanish and said that SB590 was a very bad law and counter to liberty.

Laura Brubaker said she grew up in Brown County with access to the wonderful cultural community of Bloomington. She said that experience would be at great risk if the SB590 passed

Belinda Johnson-Hurtado said as a local attorney she was concerned with the "reasonable suspicion" segment of SB590 because even attorneys did not agree on what that phrase meant, and said that it would lead to much racial profiling. She said that the immigration code was complex and difficult to understand, and said it was impossible for a state, city or county to create and enforce their special kind of immigration law because they did not like the approach of the Federal government.

Bryce Martin said there was more going on with this type of legislation, citing a conservative group that wrote legislation for state legislators across the country. He called this a scapegoating and criminalization of poverty.

Pedro Roman stated that the Obama administration had deported 340,000 people in fiscal year 2010, which was more than Bush deported during his eight years in office. Therefore, he said, it was inaccurate to say the federal government had not responded to immigration.

Robert George, who recently moved to Bloomington from California, said that California tried this type of legislation, but it was found to be illegal

Jes Franco who moved to Bloomington from Gary, Indiana said that immigration was a source of cheap labor that was exploited, and unless someone was Native American, then they too were an immigrant

Sandberg closed the public comment portion of the meeting and invited council members to comment.

Rollo said it was inspirational to have such outpouring of citizen support to oppose such an ugly bill. He said he believed this was an appropriate topic for council to discuss since it affected city constituents. He thanked Mayor Kruzan for his opposition to this bill, and said he admired his strong stand and his strong words. Rollo said if we were serious about immigration, we would focus on corporate policy, NAFTA, CAFTA and trade policies that had displaced millions of Mexicans from their work and land and therefore came here, where they were exploited by agribusiness.

Sturbaum said this issue was not as simple as removing millions of people from the country, and that it was hypocrisy to pretend this bill could do that. He said the bill played on people's emotions, but he was honored to hear the public comments at the meeting.

Satterfield said he was concerned about those citizens who were naturalized or who were here legally, and that even one citizen harassed or abused as a result of SB590 would be unacceptable. He said he grew up near Chicago around a lot of Eastern European immigrant families and migrant workers who spoke a number of different languages and wondered what had changed. He said he had concerns about what legislators were doing with this bill and that money wasted by law enforcement to attempt to comply with a law full of holes was unacceptable. Satterfield said civility was fundamental and hostility and discrimination was costly. He said that SB590 would not be equitably enforceable, would be costly and furthermore its introduction for consideration was embarrassing.

Wisler recalled the City Council letter that was sent to Arizona in protest of legislation that was similar to SB590, saying that he was the lone council member not to sign it, which caused some misconception about his position. He said he wanted to ensure that there was no misunderstanding about his position on issues related to immigration and more importantly issues of race relations.

Wisler said when he began as a council member he vowed never to participate in votes that weighed in on the actions of another body. He said the constitution restricted the power of government at every level, which he said must be respected. He referenced the public comments made earlier that this was a federal issue. Therefore, he said, the council should not make the same mistake of intruding into another body's jurisdiction. Wisler went on to say that this issue more than tested his

vow not to vote, and even though he would not participate, he said he wanted to be very clear that he thought this was a bad bill and a bad law. He there were many examples of federal issues that affected local citizens, such as tax evasion or emission standards that had not been dealt with at the local level because it was a burden on local law enforcement and crossed jurisdictional lines. He said it was the same with this immigration bill that belonged with the federal government. He said he did not support SB590, but by removing himself from the vote he would do what those members of other legislatures had not been able to do which was exercise the restraint that was expected of elected officials.

He ended by saying that more than ever it was important to recognize and respect the separation of powers and to recognize the responsibility to respect those restraints on government despite the emotional issues that may be present.

Volan talked about different experiences with other cultures and pointed out that when Herman Wells was Chancellor of IU he supported international programs, set up technical assistance programs in other parts of the world, expanded foreign language options for students and hosted foreign students. Volan quoted Wells as saying, "Authority must be derived from reason not from position," to demonstrate what Indiana once stood for. He said if SB590 became law it would be to the shame of all who call themselves Hoosiers with pride.

Ruff drew a distinction between an ordinance which was meant to take action and a resolution, a statement of policy and preference. He agreed that the Council should not pass ordinances beyond its jurisdiction, but a resolution which expressed an opinion and preference was appropriate in this case. He said this exclusionary, unconstitutional and racially based legislation made him cringe. However, he added he was happy to see the response of the people of Bloomington to this intolerant piece of legislation. Ruff said the legislation played on people's worst instincts, ignorance and fear.

Mayer said that while he respected Wisler's opinion, he said that there were times when people really did need to speak out. He said that SB590 went against every fiber in his body. He said he was an extremely proud grandparent of three beautiful brown-skinned, brown-eyed, black-haired grandchildren, Timothy, Reagan, and Liam. He said this issue affected him very directly, and could not imagine seeing those young children being questioned anywhere along the line for their right to be in this country.

Piedmont-Smith thanked all for coming to this meeting, and thanked Stacy Jane Rhoads of the council office who worked, even as she was getting sick, to research the many details of this bill that had passed the Senate and hopefully would not become law. Piedmont-Smith said Stacy Jane did an excellent job, and she wished the Senate had people like SJ Rhoads who actually understood how to write clear laws and actually understood when legal issues needed to be clarified. She said that this was a badly written bill.

She said because this caused people to hesitate to report crimes it had a chilling effect. There were some who were not reporting when robbery or violent crime happened to them in their community. That was a threat to the safety of us all. She added that politically this bill was just another way to try to divide and conquer by saying immigrants were taking the jobs of workers when really everyone was more and more under the thumb of the powerful and corporations of this country.

She outlined four reasons for opposition to the bill. She noted that reasonable suspicion would lead to racial profiling and that the English only provision would confound the attempts of Bloomington to be

Resolution 11-07 (cont'd)

inclusionary. She said that economic impacts of this law would affect both the city and Indiana University with their attempts to bring world wide talent to the campus. She also spoke to the issue of federal jurisdiction, saying local units of government could not afford to enforce this law.

Piedmont-Smith thanked the co-sponsors, staff, people in the community who met with her on this topic, representatives of the chamber of commerce, members of the NAACP, the BEDC and the broad spectrum of people in the community that the council members had reached out to in letting them know how the council thought about this legislation.

Sandberg thanked colleagues and the audience for participating in the forum on this resolution. She stressed this was Senate Bill 590, passed by the senators of the Indiana General Assembly authored by Senator Mike Delph of Carmel. She then read what the resolution would charge the Council to do:

"The Common Council, the City of Bloomington, will urge the Indiana House of Representatives and the Governor to reject SB590 so that it does not become law. We call on all elected officials in the state of Indiana to oppose SB590 and any similar legislation. We will fully support the five principles outlined in the Indiana Compact and I as council president will sign the Compact on behalf of the entire council. Common Council requests that the city Clerk send copies of this resolution to the governor, and all state senators, state representatives, representing the city of Bloomington. This resolution shall be in full force and effect from and after its passage by the common council and approved by the mayor."

Sandberg said she hoped for a unanimous vote, but respected Council member Wisler if he needed to abstain. She also said this was the right thing to do and was not intruding on another body, but rather was representing the constituents of Bloomington.

Rollo said he hoped too for a unanimous vote and said that there was a well-established tradition of resolutions as an exercise of direct democracy.

Wisler said hoped he made clear his position, and if he hadn't, he wanted to state again that he didn't want there to be any question of his position for the people of Bloomington. He thought that it was important that the state legislators got the message that there was opposition to the bill, and to further that cause he would contact Representative Matt Pierce and Senator Vi Simpson to ask them to vote no.

Finally he said he understood the importance of messages and if the Herald Times had a headline prepared about the unanimous passage and it was found that he just was not in the room when the vote was taken and they wanted to run with that, it would be fine with him.

With that being said, he noted he was going to get a refill on his drink.

Resolution 11-07 received a roll call vote of Ayes: 8, Nays: 0. (Wisler out of room)

The meeting was adjourned at 10:13 pm.

ADJOURNMENT

APPROVE:

ATTEST:



Susan Sandberg, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington