



## Legislation Text

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**File #:** Res 0224-2010, **Version:** A

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### Res. No. 224-A

Resolution in support of the Plaintiffs in the litigation captioned *The United States of America v. The State of Arizona*, Case No. CV 10-1413-PHX (SRB); in support of all branches of federal, state and local government using their power to oppose the Arizona law, including banning government employees from using public funds to travel to Arizona; and endorsing the Council's decision to file an amicus brief in support of the federal action at its discretion.

By Council Member Rodriguez, the Speaker (Council Member Quinn) and Council Members Mendez, Chin, Williams, Jackson, the Public Advocate (Mr. de Blasio), Dromm, Mark-Viverito, Brewer, Dickens, Ferreras, Foster, Lander, Sanders Jr., Weprin, James, Crowley, Gonzalez, Eugene, Van Bramer, Arroyo, Seabrook, White, Cabrera, Barron, Rivera, Palma, Dilan, Rose, Mealy and Reyna

Whereas, In April 2010, Governor Jan Brewer of Arizona signed Senate Bill ("S.B.") 1070, anti-immigrant legislation that requires immigrants to carry alien registration documents with them at all times and requires Arizona law enforcement agents to question the immigration status of anyone suspected to be an undocumented immigrant, into law; and

Whereas, Many suspect that this legislation will lead to racial profiling by law enforcement agents and fear that this draconian law will be an example that other states will follow as they seek to combat illegal immigration; and

Whereas, The Council of the City of New York passed Resolution No. 162-A, which condemned S.B. 1070, and called on both Congress and President Obama to complete a just and humane comprehensive immigration reform bill in 2010, on April 29, 2010; and

Whereas, On July 6, 2010, the United States filed a complaint in the United States District Court for the District of Arizona, challenging the constitutionality of S.B. 1070 and also requesting a preliminary injunction to enjoin Arizona from enforcing S.B. 1070; and

Whereas, On July 28, 2010, Judge Susan R. Bolton of the United States District Court for the District of

Arizona granted the motion for a preliminary injunction, in part, and finding that the United States is likely to succeed on the merits in showing that the following sections of S.B. 1070 are preempted by federal law, enjoined those sections that: (i) require an officer to make a reasonable attempt to determine the immigration status of a person stopped, detained, or arrested if there is reasonable suspicion to believe that person is in the United States illegally; (ii) criminalize the failure to apply for or carry alien registration papers; (iii) criminalize the to solicitation, application for, or performance of work by an unauthorized alien; and (iv) authorize a warrantless arrest of a person where there is probable cause to believe the person committed an offense that would make the person removable from the United States; and

Whereas, Although Judge Bolton's decision, which we applaud, enjoins many of the most troublesome aspects of S.B. 1070, the litigation is not at its end, and voices of protest against S.B. 1070 remain crucial; and

Whereas, Localities nationwide formally expressed their opposition to S.B. 1070 by a variety of means, for example, Mayor Chris Coleman of St. Paul, Minnesota, directed city employees to avoid using public funds to travel to Arizona and Mayor Gavin Newsom of San Francisco, California, announced a ban on travel to Arizona for city employees in response to S.B. 1070; and

Whereas, These are prudent steps and, accordingly, the Council of the City of New York is banning its employees from using public funds to travel to Arizona and urges all local governments and legislatures across the country to institute similar bans; and

Whereas, Other jurisdictions expressed their opposition to S.B. 1070 by refusing to do business with Arizona-based companies; and

Whereas, Congressman Jose Serrano (D-NY) is calling on Major League Baseball to reconsider whether it would be appropriate for the 2011 All-Star Game to be held in Arizona; and

Whereas, Rallies continue to be held throughout the nation, including Foley Square and Union Square in New York City, to protest Arizona's legislation; and

Whereas, Participants in these New York city rallies, in keeping with New York's long tradition of

supporting its immigrant communities, condemn S.B. 1070; and

Whereas, There are many steps local and state governments, including those of New York, can take to oppose S.B. 1070, including: (i) not sending staff to Arizona; (ii) not spending public money in Arizona through contracts or otherwise; (iii) amending state or local law(s) to restrict Arizona's contracting ability; and (iv) not doing business with the state of Arizona or with businesses headquartered there, all of which are valuable and should be supported; and

Whereas, It is to be expected that Arizona will appeal the Order Judge Bolton issued on July 28, 2010; now, therefore, be it

Resolved, That the Council of the City of New York supports the Plaintiffs in the litigation captioned *The United States of America v. The State of Arizona*, Case No. CV 10-1413-PHX (SRB); supports all branches of federal, state and local government using their power to oppose the Arizona law, including banning government employees from using public funds to travel to Arizona; and endorses the Council's decision to file an amicus brief in support of the federal action at its discretion.

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