

OPPOSING ARIZONA STATE LAW SB 1070 AND
AFFIRMING BURLINGTON AS A CITY OF IMMIGRANTS

In the year Two Thousand Ten.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, on April 23, 2010, Arizona Governor Jan Brewer signed Senate Bill 1070 (Support Our Law Enforcement and Safe Neighborhoods Act), requiring all local law enforcement to investigate a person's immigration status when there is reasonable suspicion that the person is in the country unlawfully, if the officer comes “into lawful contact with that person” regardless of whether that person is suspected of a crime; and

WHEREAS, SB 1070 encourages racial profiling (the detention of individuals based on their skin color) and violates the Fourteenth Amendment guarantees of due process and equal protection for U.S. citizens, legal residents and visitors who are detained for suspicion of being in the country unlawfully; and

WHEREAS, racial profiling is when law enforcement officials target people for suspicion of crime based on an individual’s skin color, perceived or actual race, ethnicity, religion or national origin rather than the constitutionally required articulable suspicion of criminal activity that is particular to the individual and the circumstances then present; and

WHEREAS, federal funds should not be used to support immigration enforcement programs that promote racial profiling and discrimination based on skin color, race, ethnicity or national origin or any other form of discrimination; and

WHEREAS, SB 1070 seriously undermines the U.S. Constitution which grants Congress the exclusive power over immigration matters; and

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39

40 WHEREAS, local resources should not be used to support immigration enforcement
41 programs and federal resource should not be accepted that require local police to enforce federal
42 immigration policy that are under the exclusive power of the federal government; and

43 WHEREAS, the City of Burlington currently has a student population in the Burlington
44 schools of 25% students of color; and

45 WHEREAS, the City of Burlington is a city of immigrants and Vermont is a refugee
46 resettlement state with an estimated 5,000 refugees resettled from Africa, the Middle East, Asia,
47 and multiple other countries since 1989; and

48 WHEREAS, the City of Burlington has historically supported policies that prohibit
49 discrimination based on race, color, ethnicity, national origin, religion, sex, sexual and gender
50 identity, and disability; and

51 WHEREAS, some residents who are without legal immigration status or who have family
52 members without legal immigration status, who are victims of crimes or witnesses of crimes, are
53 especially vulnerable to not reporting the crime out of fear of potential deportation thus making
54 Burlington less safe for all of its residents; and

55 WHEREAS, all residents of Burlington should not be victims of racial profiling or avoid
56 accessing police services as victims or witnesses of crimes for fear of potential deportation; and

57 WHEREAS, the City of Burlington Police Department initially adopted a bias-free
58 policing directive on March 2, 2002 which was updated on March 14, 2006; and

59 WHEREAS, for the past three years the City of Burlington Police Department has been
60 an active participant in the Uncommon Alliance, a community – police partnership whose
61 mission is dismantle racial profiling, and the City is presently collecting race data on motor
62 vehicle stops made by its officers; and

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68 WHEREAS, the Burlington Police Department and other municipal police departments
69 are actively examining their existing bias-free policing policies to affirmatively state that a
70 person’s immigration status is not relevant to its primary public safety mission except with
71 regard to persons charged with crimes, as did the Middlebury Police Department in 2001; and

72 WHEREAS, the Burlington Police Department and other Vermont municipalities have
73 declined the invitation by the Bureau of Immigration and Customs Enforcement (ICE) to
74 contract to enforce federal immigration in Vermont communities, including the §287(g) program
75 and Operation Stone Garden;

76 NOW, THEREFORE, BE IT RESOLVED that by the adoption of this resolution, the
77 City of Burlington expresses its opposition to SB 1070; and

78 BE IT FURTHER RESOLVED that unless and until Arizona rescinds SB 1070, the City
79 of Burlington urges City Departments (1) to the extent practicable, and in instances where there
80 is no significant additional cost to the City or conflict with law, to refrain from entering into any
81 new or amended contracts to purchase goods or services from any company that is headquartered
82 in Arizona, (2) to not send City officials or employees to conferences in Arizona, and (3) to
83 review existing contracts for the purchase of goods and services with companies headquartered
84 in Arizona and explore opportunities to discontinue those contracts consistent with the terms of
85 those contracts and principles of fiscal responsibility; and

86 BE IT FURTHER RESOLVED that the City Council encourages residents, businesses,
87 churches, schools, organizations, associations, and others in the City, to boycott the State of
88 Arizona and Arizona-based businesses until Arizona repeals SB 1070; and

89 BE IT FURTHER RESOLVED that the City Council hereby directs the City Clerk to
90 send a copy of this resolution to Arizona Governor Jan Brewer; and

91 4

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95

96 BE IT FURTHER RESOLVED that the City Council acknowledges the positive value
97 that all immigrants and refugees have to our community.

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100 lb/kas/c: Resolutions 2010/Opposing Arizona State Law SB 1070 & Affirming Burlington as a City of Immigrants
101 6/9/10