

ADOPTED BY THE  
MAYOR AND COUNCIL

August 7, 2012

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RESOLUTION NO. 21944

RELATING TO SENATE BILL 1070; COMMITTING TO COMMUNITY WIDE DIALOGUE TO CONSIDER PROCLAIMING TUCSON AN "IMMIGRANT WELCOMING CITY;" AND DECLARING AN EMERGENCY.

WHEREAS, on June 25, 2012, in the case *Arizona et al. v. United States*, the United States Supreme Court determined that three out of the four sections of Senate Bill (SB) 1070 that were challenged on federal preemption grounds did in fact violate the Constitution of the United States; and

WHEREAS, while the Supreme Court found that Section 2(B) of SB 1070 does not violate the Constitution on the grounds of federal preemption, Justice Kennedy, writing for the majority, cautioned that "[d]etaining individuals solely to verify their immigration status would raise constitutional concerns. This opinion does not foreclose other preemption and constitutional challenges to the law as interpreted;" and

WHEREAS, the Department of Homeland Security (DHS) has adopted the following policy in light of the Supreme Court decision: "DHS officials in Arizona have been directed not to respond to the scene of a state or local traffic stop or a similar law enforcement encounter upon the requests from the state and local police officers for assistance in enforcing immigration laws unless the

individual meets DHS enforcement priorities – is a convicted criminal, has been removed from the U.S. previously and reentered unlawfully or is a recent border crosser;" and

WHEREAS, the Arizona Legislature's enactment of SB 1070 has led to major losses in tourism, conventions, and business interests as well as adversely affecting historic relationships with the State of Sonora and the people of Mexico; and

WHEREAS, the enactment of SB 1070 has adversely affected many sectors of the Tucson community, including business, tourism, social services, arts, and culture, while damaging trust in local law enforcement; and

WHEREAS, the religious congregations of Tucson have been affected by declines in attendance at worship because of fear and anxiety in the immigrant community, and the effectiveness of programs of service to the community by the congregations has been compromised; and

WHEREAS, the City of Tucson, through the direction of the Mayor and Council, was the first city to file a legal challenge to the provisions of SB 1070 after the law was enacted, and has signed the Arizona Accord; and

WHEREAS, as Mayor Jonathan Rothschild assured the community of Tucson following the Supreme Court ruling: "[i]n enforcing this law, and in enforcing any law, we will be very careful not to violate people's civil rights.... The City of Tucson remains a diverse and welcoming community. I want to assure tourists, business people, and anyone considering visiting our state that Tucson is a beautiful welcoming city."

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Mayor and Council will host public community conversations on the subject of racial profiling, to begin in the Fall of 2012. These forums will include the opportunity for testimony from members of immigrant communities as well as the opportunity for presentations or input from legal experts, local law enforcement officials, sociologists, and other persons with knowledge on this topic.

SECTION 2. The Mayor and Council support the mission and policies of the Tucson Police Department, which, as stated in the sworn Declaration of Tucson Police Chief Roberto Villaseñor recently filed in the pending litigation in *Valle del Sol, et al. v. Whiting, et al.*, includes the responsibility of protecting the public safety of all people living and traveling within the City of Tucson regardless of their immigration status.

SECTION 3. The Mayor and Council support Tucson Police Chief Villaseñor in his establishing law enforcement priorities that consider the need to protect the public safety of all persons in the City of Tucson, with a focus on combating violent crime in our community.

SECTION 4. As held by the United States Supreme Court in *Arizona v. United States*, "[t]he Government of the United States has broad, undoubted power over the subject of immigration and the status of aliens. . . This authority rests, in part, on the National Government's constitutional power to "establish an uniform Rule of Naturalization," [U. S. Const., Art. I, §8, cl. 4], and its inherent

power as sovereign to control and conduct relations with foreign nations. . . The dynamic nature of relations with other countries requires the Executive Branch to ensure that enforcement policies are consistent with this Nation's foreign policy with respect to these and other realities. . . Agencies in the Department of Homeland Security play a major role in enforcing the country's immigration laws. . ." Consistent with these statements by the Supreme Court, the Mayor and Council find that the City of Tucson enforcement policies and priorities relating to SB 1070 should take into account the priorities of the Department of Homeland Security.

SECTION 5. The Mayor and Council further support the rights of all persons in the City to attend and participate in the religious service or program of their choice, as protected under the First Amendment of the Constitution of the United States, and support the Tucson Police Chief in his commitment to protect the public safety and the constitutional rights of all persons living and traveling in the City of Tucson.

SECTION 6. The Mayor and Council commit to facilitating a community-wide dialogue within and among all the interested sectors of the city to consider proclaiming Tucson an "Immigrant Welcoming City," on the model of cities like Dayton, Ohio. This conversation will include, but not be limited to, business and economic development, local government, immigrant communities, law enforcement, social and health services, faith communities, and the justice system.

SECTION 7. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this Resolution become immediately effective, an emergency is hereby declared to exist and this Resolution shall be effective immediately upon its passage and adoption.

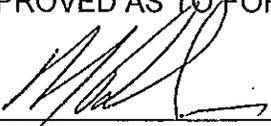
PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, August 7, 2012.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY

REVIEWED BY:

\_\_\_\_\_  
CITY MANAGER

MR/dg  
7/31/12

