

## **RESOLUTION No.    3 6 7 9 3**

Authorize actions to support immigration reform and prevent illegal racial profiling (Resolution).

WHEREAS, the State of Arizona enacted SB 1070, which among other things, permits Arizona police officers to check the immigration status of any person if the officer has a “reasonable suspicion” during a lawful traffic stop or other lawful law enforcement action that a person is an illegal “alien”; and

WHEREAS, Arizona SB 1070 also makes it an Arizona state crime for lawful “aliens” over the age of 18 to violate federal law by failing to carry their registration documents with them at all times; and

WHEREAS, many people are concerned that enforcement of the Arizona law will lead to racial profiling because it will be difficult, if not impossible, for law enforcement officers to distinguish between citizens of the United States, legal immigrants and illegal immigrants when determining whether they have a “reasonable suspicion” that a person is an illegal “alien”; and

WHEREAS, concern has been expressed among many groups, including Arizona cities and other municipal governments, that at least portions of SB 1070 are unconstitutional and will require them to engage in illegal racial profiling. Among other things, there is a question whether the State of Arizona has authority to adopt laws affecting the treatment of “aliens” in light of federal laws that gives the United States Congress plenary authority to adopt comprehensive uniform laws. As a result, Arizona’s law may be preempted; and

WHEREAS, lawsuits have been filed or threatened challenging the constitutionality of the law on the basis of the due process clause, the equal protection clause, the speech clause of the First Amendment, the Fifth Amendment, and the Fourth Amendment as well as federal preemption; and

WHEREAS, the law has been criticized around the nation as an inappropriate response to immigration problems within the United States; and

WHEREAS, federal and state law prevents a meaningful boycott of the state of Arizona and other options for direct action are similarly limited; and

WHEREAS, the City of Portland should support the efforts of Arizona cities and counties in their legal challenges and volunteer legal counsel has agreed to work with the City Attorney’s Office in preparing amicus briefs, if appropriate; and

WHEREAS, the City of Portland should support prevention of illegal racial profiling; and

WHEREAS, the City of Portland should support national immigration reform;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Portland, that the City Attorney's Office, in conjunction with volunteer legal counsel, may file or support amicus briefs in litigation involving cities and counties challenging the Arizona statutes; and

BE IT FURTHER RESOLVED that the Office of Government Relations shall explore legislative concepts relating to illegal racial profiling in the development of the City's 2011 legislative package; and

BE IT FURTHER RESOLVED that the Office of Government Relations will work with the City Council to provide support for national immigration reform.

Adopted by the Council: JUN 16 2010

Mayor Sam Adams  
Commissioner Amanda Fritz  
Commissioner Nick Fish  
Commissioner Randy Leonard  
Prepared by: L. Meng  
Date Prepared: June 10, 2010

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By



Deputy

8 6 8  
Agenda No. 3 6 7 9 3  
**RESOLUTION NO.**  
Title

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<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Sam Adams</b>	<b>CLERK USE: DATE FILED</b> <u>JUN 11 2010</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Adams <i>MA</i> Position 1/Utilities - Fritz <i>Amend Fritz, with her approval</i> Position 2/Works - Fish <i>MM</i> Position 3/Affairs - Saltzman Position 4/Safety - Leonard <i>randy</i>	LaVonne Griffin-Valade Auditor of the City of Portland  By: <u><i>Susan Parsons</i></u> Deputy
<b>BUREAU APPROVAL</b> Bureau: City Attorney's Office Bureau Head: Linda Meng <i>mda</i>  Prepared by: LMeng Date Prepared: June 10, 2010  Financial Impact Statement Completed <input type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input checked="" type="checkbox"/>  Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>  Council Meeting Date <b>June 16, 2010</b>  City Attorney Approval <i>lm</i>	ACTION TAKEN:

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input checked="" type="checkbox"/> <b>Start time: 10:30 am</b>  <b>Total amount of time needed:</b> <u>20 min.</u> (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input type="checkbox"/> <b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	_____	
4. Leonard	✓	
Adams	✓	