

MOTION BY SUPERVISORS GLORIA MOLINA
AND ZEV YAROSLAVSKY

June 1, 2010

There is no question that our national immigration system is broken, and that individuals and communities throughout the nation are struggling to deal with the Federal government's failure to enact and enforce a fair and workable immigration law. But a broken system does not justify a break with our most cherished Constitutional laws and principles—principles that specifically prohibit singling out identifiable groups of people for harassment, intimidation and potential arrest solely on the basis of the color of their skin, race, ethnicity, speech or cultural attributes. Unfortunately, this is what Arizona's recently-passed SB 1070, as amended, will do.

SB 1070 as amended ("SB 1070") violates core American civil rights and civil liberties, including the First Amendment right to freedom of speech and expressive activity, the Fourth Amendment right to freedom from unreasonable searches and seizures, and the Equal Protection Clause guarantee of equal protection under the law.

MOTION

Ridley-Thomas _____

Yaroslavsky _____

Knabe _____

Antonovich _____

Molina _____

SB 1070 also violates the Supremacy Clause of the Constitution in that it seeks to legislate in an area of exclusive federal authority, and will interfere and conflict with the existing, nationwide, comprehensive federal immigration system.

According to law enforcement officials in Arizona and elsewhere, SB 1070 will cause widespread racial profiling and will subject many “foreign-looking” persons and persons of color—including countless U.S. citizens, legal residents, visiting business persons and tourists—to unlawful interrogations, searches, seizures and arrests.

Among other things, SB 1070:

- Requires local law enforcement officials to investigate the immigration status of persons lawfully stopped by police who are reasonably suspected of being in the United States without proper documentation;
- Permits the warrantless arrest of persons suspected of committing any offense that makes that person removable from the United States;
- Allows any legal resident of Arizona to legally challenge any state or local government policy that limits or restricts the enforcement of Federal immigration laws to less than the full extent permitted by those laws; and
- Criminalizes what are currently civil federal immigration laws.

Arizona’s SB 1070 simply goes too far and should be strongly condemned and universally rejected. It sends a strong message to all immigrants to avoid contact with any law enforcement officer, aggressively discouraging witnesses and victims from reporting crimes, and making the entire community less safe. Also, it diverts scarce resources away from law enforcement. It deters individuals from seeking and obtaining

needed emergency and medical care, including services to screen and treat communicable diseases.

As stewards of the resources generated by all of our residents, it is the prerogative of this Board to direct our County resources, business practices and investments in ways that do not directly or indirectly provide practical support for this law.

WE, THEREFORE, MOVE that this Board take the following actions:

- 1) Direct the CEO to send a letter to Arizona Governor Jan Brewer and key Arizona State and Congressional leadership on behalf of the Board opposing SB 1070 and calling for the indefinite suspension or immediate repeal of this legislation;
- 2) Direct the CEO to suspend all travel to the State of Arizona for the conduct of County business unless the CEO finds that the failure to authorize such travel would seriously harm the County's interests; this ban is to be lifted upon the suspension or repeal of SB 1070;
- 3) Direct the CEO and the Treasurer and Tax Collector, and request the Board of Investments, to review all County and LACERA investments in Arizona securities such as state or municipal bonds; and, to the extent practicable and in accordance with their fiduciary duties, adopt policies of divestment and future non-investment in such Arizona securities; this ban is to be lifted upon the suspension or repeal of SB 1070;
- 4) Direct the CEO, in consultation with County Counsel, to review the terms of all existing contracts with Arizona-based or headquartered companies and report to

the Board in two weeks on how and within what time frame these contracts may be legally terminated, without causing undue harm to the County's interests;

- 5) Direct the County's Federal Legislative Advocates to OPPOSE any and all appropriations of federal funds, legislation or regulation that would support the implementation of SB 1070;
- 6) Send a letter to President Obama, key Senate and House Leadership and the Los Angeles Congressional Delegation communicating the substance of this motion and urging immediate passage of federal Comprehensive Immigration Reform Legislation; and
- 7) Direct County Counsel to file an amicus brief in the U.S. District Court for the District of Arizona, at the appropriate time, in support of the litigation challenging the constitutionality of SB 1070.

WE FURTHER MOVE, that, to extent legally permissible and practicable, all County departments and all entities for which this Board is the Governing Body shall refrain from entering into any new or amended contracts to purchase goods or services from any company based or headquartered in Arizona where there is no significant additional cost to the County. This directive shall be lifted upon the suspension or repeal of SB 1070. County Counsel, Chief Executive Office and the Internal Services Department shall report to the Board in two weeks with recommendations as to further Board action, including ordinance amendments, if any, deemed necessary to fully effectuate this resolution.