

RESOLUTION 138

OPPOSITION TO STATE OF MISSOURI REQUIRING ST. LOUIS METROPOLITAN POLICE DEPARTMENT TO CHECK IMMIGRATION STATUS OF THOSE SUSPECTED OF BEING ILLEGAL ALIENS.

WHEREAS, the security of the United States -- including border states like Arizona -- is a pre-eminent national mandate; and

WHEREAS, immigrants bring a richness to our country, not extant anywhere else in the world to the same extent; and

WHEREAS, the City of St. Louis has greatly benefited from immigrants and refugees who have played a major role in the history of our great City, and who include people today from throughout the globe, including Eastern Europe, Africa, Asia and Latin America, who contribute to the cosmopolitan vitality and enrichment of our City and who assist in the growth and stabilization of our economy and our neighborhoods; and

WHEREAS, the U.S. has a national culture of openness, embracing diversity, and is frequently referred to as "a nation of immigrants" and a cultural "melting pot"; and

WHEREAS, despite our cultural celebration of difference, our U.S. historical record is replete with what in hindsight were major flaws. Among these were the treatment of indigenous Native Americans by the first European immigrants; enslavement of Africans; runaway Manifest Destiny, particularly in the southwestern part of our country; treatment of dark skinned southern Europeans; discrimination against, Italians, Irish, Jews and Catholics; and Japanese internment during World War II; and

WHEREAS, nevertheless the U.S. remains a beacon of hope for many immigrants and refugees, who are seeking the "American Dream" of a better form of life; and

WHEREAS, because of economic and political strife along our southern border in Mexico -- Machiladoras (where workers in sweat shops earn poverty wages, live in cardboard boxes, and raw sewage drains down the dusty/muddy streets), drug lords outgun law enforcement and the Mexican military, and political corruption -- there are tremendous pressures ("the push") to seek a better life; and

WHEREAS, in addition to "the push" of disgusting living conditions, there is "the pull" of a draconian federal immigration system that does not seem at times to respect the laws of nature to preserve family unity and the natural order of life decisions, with virtually interminable, long waiting lines up to 15 years or more for visas to legally entering immigrants who overstay their permitted visa stays in order to legally remain in the U.S. with their citizen sons and daughters rather than facing an uncertain future by returning to their home countries. This same federal immigration system encourages folks to remain illegally in the U.S. rather than returning home to wait for a visa for up to 15 years or more, by seemingly preferring the skilled and well-educated over what is touted on the Statue of Liberty: "Give me your tired, your poor, Your huddled masses yearning to breathe free, The wretched refuse of your teeming shore..."; and

WHEREAS, we are living in a time of two competing goals: 1) Long-term -- gaining a competitive advantage in a global economy with a population that reflects a global village; and 2) Short-term -- protecting the native born workforce in a time of recession and unemployment; and

WHEREAS, southern border states such as Arizona have tremendous illegal immigration problems that are not being addressed by federal immigration laws, national security enhancements, or improvements in the way of life in Mexico; Arizona has chosen therefore, to address matters in a helter skelter, state-by-state basis, rather than according to a more rational federal manner; and

WHEREAS, the desperate efforts of Arizona to stem the tide of illegal immigration has resulted in what many view as the enactment of legislation (S.B. 1070) that will likely lead to racial profiling, discrimination based on national origin, and denial of the U.S. Constitution's 14th Amendment guarantees of due process and equal protection; and

WHEREAS, in the last Missouri legislative session there were rumblings that some legislators would like to succumb to the short-term desire to demagogue the issue of immigration in an environment of xenophobic anti-immigrant hysteria, rather than rationally protecting the constitutional rights guaranteed to all in a way that furthers the interests of all Americans to a globally competitive economy; and

WHEREAS, to make matters worse, Missouri does not seem to have an illegal alien problem like border states, so there are absolutely no real benefits to be realized by legislation that risks denial of U.S. Constitutional rights, discrimination, and harm to our local economy; and

WHEREAS, unlike any other place on this planet, the two largest population centers in Missouri (with the largest number of legal immigrants, refugees, persons of color and "minority populations") have police departments that are controlled by a police board that is selected by the governor, not locally controlled by the residents of the city of St. Louis or Kansas City, but are funded by the taxpayers of these cities -- not funded by the State of Missouri that controls them;

WHEREAS, the City of St. Louis has major crime issues, and immigration enforcement, which is a federal obligation, would siphon and misdirect precious resources rather than focusing on real crimes and criminals. If the State of Missouri were to enact legislation similar to Arizona's law, which requires law enforcement to detain person who have not committed crimes, but who may be illegal aliens, this would be an unfunded mandate in violation of the Missouri Constitution, Article X, Sections 16-24 (commonly referred to as the "Hancock Amendment"), and more specifically sections 16 and 21 of the Hancock Amendment; and

WHEREAS, Immigration enforcement diverts resources from preserving, protecting and defending the people of St. Louis from solving crime and chasing criminals, and instead wastes money on a problems that doesn't exist, by targeting people and areas, based on national origin, skin color and language; and

WHEREAS, St. Louis Metropolitan Police Department personnel are not trained as border patrol agents or Immigration & Custom Enforcement (ICE) officers, and the problem to the extent it exists is more effectively addressed through employment verification measures (I-9 forms) and E-Verify (a federal computer data system, designed to determine employment eligibility), border patrols, and a federal comprehensive overhaul of the immigration system; and

WHEREAS, good local law enforcement requires that the local police engender the trust and confidence of all residents in the community, including non-citizens, those who speak English as a second language, and those from many countries and backgrounds. Enforcement of laws that target these groups smacks of racial superiority and drives a wedged between the public and law enforcement; and

WHEREAS, focusing on particular areas where persons of Latino descent frequent in order to question persons who might "appear" Latino about their legal status in this country would have a chilling effect on commerce, because even the vast majority who are here in legal status would avoid the hassle of being questioned by avoiding the checkpoints, thus negatively impacting commerce.

NOW THEREFORE BE IT BY THE BOARD OF ALDERMEN OF THE CITY OF ST. LOUIS, that we go on record as opposing any law which purports to require local law enforcement officers of the St. Louis Metropolitan Police Department to enforce immigration laws by questioning or detaining anyone whom they believe to be undocumented aliens, whether or not they are suspected of having committed a crime. We direct the Clerk of the Board of Aldermen to spread a copy of this resolution across the minutes of these proceedings and we further direct the Clerk of the Board of Aldermen to mail copies of this resolution (in reduced format) to members of the State of Missouri Legislature and Governor Jeremiah "Jay" Nixon, as directed by the sponsors.

Introduced on the 2nd day of July, 2010 by:

Honorable Lewis E. Reed, President of the Board of Aldermen
Honorable Craig N. Schmid, Alderman 20th Ward

Adopted this the 2nd day of July, 2010 as attested:

David W. Sweeney
Clerk, Board of Aldermen

Lewis E. Reed
President, Board of Aldermen