

**Comments meant to be read as part of Escondido City Council Meeting, 5/19/10, Agenda Item 18. Read instead as part of council comments at end of meeting.**

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**Arizona SB1070**

I owe one apology to one person here tonight. Mayor Pfeiler, who has for many years, appropriately and consistently focused on basic issues relevant to Escondido, its community and business climate. She has dedicated many years to achieving inclusion and balance in this community and I know she is disappointed in my approach to address this topic tonight. Mayor, I feel that this is important.

Although each of your council members have different personal interests and talents, it is clear to me that we do our best on behalf of ALL of the residents of this City. Occasionally we disagree, and that's ok.

I asked to have this item on the agenda tonight because I'd like to receive input from our community about a subject that has previously caused heated debate but no resolution. Arizona Senate Bill1070 has recently nationalized an issue that transcends that state and impacts individual communities. Dialogue on this issue is critical to identifying solutions. It's important that you share your ideas. I'm hoping to hear constructive input.

As a starting point, let me make my view clear:

In case there is any question, yes, I have read the full text of the law and its amendments.

As an American Citizen, I wish to protect my right to move freely throughout any part of our Country. Arizona's SB1070 is a misguided attempt to deal with immigration troubles but more importantly, it impacts all American citizens and legal residents. Anyone who places value on personal liberty should be profoundly troubled by the text of this law.

The stated intent of Arizona's SB1070 – is to achieve “attrition through enforcement”. Attrition – synonymous with erosion, slow destruction, wearing away, grinding down – in this case of people unlawfully in the country. This approach carelessly erodes constitutional rights of US citizens, allowing the use of the “law” as a weapon.

SB1070 uses the coercive arm of the government – police – to turn any lawful contact, into reasonable suspicion to search any person. In Escondido, we enjoy a great degree of comfort with our officers. In fact, I count many among my trusted friends. However, in any society, Police are the most visible, powerful and coercive agents of government. Our 4<sup>th</sup> amendment rights protect us against unreasonable search and seizures without probable cause. I do not consider Reasonable suspicion to rise to the level of Probable Cause.

SB1070 allows individuals to take legal action against any official or agency for challenging its terms. Elected officials throughout Arizona are debating the merits and legality of SB1070 now, and if implemented, that dialogue would be restricted in all agencies throughout that state. Not something I would want to see modeled elsewhere.

SB1070 makes the entire state of Arizona a “no trespassing” zone – whether the property by public OR private. I object to diluting individual property rights in Arizona, or anywhere else. Reducing private property rights for the privilege to search - even a home, maybe your home, looking for what? In my mind, invading a private home without a warrant is an unacceptable loss of privacy and freedom.

SB1070 make it illegal for the undocumented to seek work – to apply for work, solicit work, even gesture willingness to work (nod). The last time I checked, working was a noble endeavor. With SB1070 in place, and without a worker permit program, the labor needs of many industries will be harmed beyond repair. Rather than demonize the work ethic of any population, we should pressure the federal government to develop policies that harness the benefits of a ready labor force.

SB1070 provides a complaint system that does not require identification to file a complaint, or even to use a specific complaint form. Really? Anonymous, unregulated complaints can be filed. There is a degree of cowardice to anonymity – I imagine the quality and zeal of such complaints would resemble the blogs in our local newspaper. Residents and employers in Arizona would be at the whim of the obsession of some to eradicate our country of immigrants who want to work.

There is plain language in this bill that can only serve to further marginalize the victims of crime and discourage willing participation of witnesses to crime.

I can understand the frustration with our country's broken immigration system. But, as you can see, my objections to SB1070 far transcend the immigration enforcement objective it purports to address.

Escondido's failed rental ban ordinance taught this community an expensive lesson – that local governments cannot establish immigration policy. Arizona will likely come to the same realization. It is my sincere hope that my colleagues will stand with me against a misguided law, that two counties from here, dilutes the individual rights of all US citizens to be "secure in their persons, houses, papers, and effects..." If I stand alone, so be it.

### **Escondido Resolution 2007-16R**

To return Escondido to an immigration neutral state of being, I find it reasonable to rescind Resolution 2007-16R. No formal invitation or exclusions of any person should exist in the archives of this City.