

BURLINGTON SCHOOL COMMISSIONERS
Resolution Opposing Arizona State Law SB 1070 and Affirming Burlington as a City of Immigrants

WHEREAS, on April 23, 2010, Arizona Governor Jan Brewer signed Senate Bill 1070 (Support Our Law Enforcement and Safe Neighborhoods Act), requiring all local law enforcement to investigate a person's immigration status when there is reasonable suspicion that the person is in the country unlawfully, if the officer comes "into lawful contact with that person" regardless of whether that person is suspected of a crime; and

WHEREAS, SB 1070 encourages racial profiling (the detention of individuals based on their skin color) and violates the Fourteenth Amendment guarantees of due process and equal protection for U.S. citizens, legal residents and visitors who are detained for suspicion of being in the country unlawfully; and

WHEREAS, racial profiling is when law enforcement officials target people for suspicion of crime based on an individual's skin color, perceived or actual race, ethnicity, religion or national origin rather than the constitutionally required articulable suspicion of criminal activity that is particular to the individual and the circumstances then present; and

WHEREAS, federal funds should not be used to support immigration enforcement programs that promote racial profiling and discrimination based on skin color, race, ethnicity or national origin or any other form of discrimination; and

WHEREAS, SB 1070 seriously undermines the U.S. Constitution which grants Congress the exclusive power over immigration matters; and WHEREAS, local resources should not be used to support immigration enforcement programs and federal resource should not be accepted that require local police to enforce federal immigration policy that are under the exclusive power of the federal government; and

WHEREAS, the City of Burlington currently has a student population in the Burlington schools of 25% students of color; and

WHEREAS, the City of Burlington is a city of immigrants and Vermont is a refugee resettlement state with an estimated 5,000 refugees resettled from Africa, the Middle East, Asia, and multiple other countries since 1989; and

WHEREAS, the City of Burlington has historically supported policies that prohibit discrimination based on race, color, ethnicity, national origin, religion, sex, sexual and gender identity, and disability; and

WHEREAS, some residents who are without legal immigration status or who have family members without legal immigration status, who are victims of crimes or witnesses of crimes, are especially vulnerable to not reporting the crime out of fear of potential deportation thus making Burlington less safe for all of its residents; and

WHEREAS, all residents of Burlington should not be victims of racial profiling or avoid accessing police services as victims or witnesses of crimes for fear of potential deportation; and

WHEREAS, the City of Burlington Police Department initially adopted a bias-free policing directive on March 2, 2002 which was updated on March 14, 2006; and

WHEREAS, for the past three years the City of Burlington Police Department has been an active participant in the Uncommon Alliance, a community – police partnership whose mission is dismantle racial profiling, and the City is presently collecting race data on motor vehicle stops made by its officers; and

WHEREAS, the Burlington Police Department and other municipal police departments are actively examining their existing bias-free policing policies to affirmatively state that a person's immigration status is not relevant to its primary public safety mission except with regard to persons charged with crimes, as did the Middlebury Police Department in 2001; and

WHEREAS, the Burlington Police Department and other Vermont municipalities have declined the invitation by the Bureau of Immigration and Customs Enforcement (ICE) to contract to enforce federal immigration in Vermont communities, including the §287(g) program and Operation Stone Garden;

NOW, THEREFORE, BE IT RESOLVED that by the adoption of this resolution, the Burlington School District expresses its opposition to SB 1070; and

BE IT FURTHER RESOLVED that unless and until Arizona rescinds SB 1070, the Burlington School Board urges the Burlington School District (1) to the extent practicable, and in instances where there is no significant additional cost to the Board or conflict with law, to refrain from entering into any new or amended contracts to purchase goods or services from any company that is headquartered in Arizona, (2) to not send employees to conferences in Arizona, and (3) to review existing contracts for the purchase of goods and services with companies headquartered in Arizona and explore opportunities to discontinue those contracts consistent with the terms of those contracts and principles of fiscal responsibility; and

BE IT FURTHER RESOLVED that the Burlington School Board encourages residents, businesses, churches, schools, organizations, associations, and others in the City, to boycott the State of Arizona and Arizona-based businesses until Arizona repeals SB 1070; and

Be it further resolved, that the Burlington School Board hereby direct the Superintendent of Schools to send a copy of this resolution to Arizona Governor Jan Brewer, and

BE IT FURTHER RESOLVED that the Burlington School Board acknowledges the positive value that all immigrants and refugees have to our community.