

Memo To: Durham City Council, Durham City Manager, Durham City Attorney and Durham City Clerk:

From: William V. “Bill” Bell, Mayor, City of Durham, NC

Subject: Matricular Consular ID Card Resolution under Consideration by Council

Attachments: Revised Subject Resolution

Date: November 14, 2010

I have had an opportunity to reflect on the proposed resolution, as well as ask the City Attorney to gather answers to other questions that I have raised. As a result I would like to share my thoughts and opinions on the subject through this memo.

First let me say that while I have not read all of the e-mails that have been written to me and the council on this subject, I have read enough to say, in my opinion, that they range from those that have reasonable questions and suggestions, to the extreme that in my opinion are out right racist and border on the extremes of being out right obscene. I have also noted that many of the e-mails and letters to the editor have come from persons who do not list themselves as living in Durham.

The resolution as submitted for the City’s consideration by the Bill of Rights Defense Committee and the Durham Immigrant Solidarity Committee, in my opinion is too broad and needs to be more narrowly focused. My recommendation, if we are to adopt a resolution, would have the resolution focus and be applicable to those areas over which we have authority and not those areas which we do not have authority. For example we have no authority over banks, libraries and other private and public agencies as to how they conduct their business with respect to the recognition or identification of potential customers or clients. It is for that reason that I have removed from the proposed Resolution, references to banking, library and other civil functions. It is also apparent to me that this question of identification has become a matter of concern more to the Police Department, than any other city agency over which we have authority as a City Council. It becomes another tool which appears will allow them to more effectively perform their policing duties. It is for that reason that I have amended the title of the proposed resolution to read “**RESOLUTION SUPPORTING RECOGNITION OF THE MATRICULA CONSULAR AS A VALID FORM OF IDENTIFICATION FOR THE DURHAM POLICE DEPARTMENT**”.

Having said that, I only support the proposed resolution, if in fact the Chief of the Durham Police Department is in support of the resolution and the City Manger, to whom he reports, is also supportive. If there are other City Departments that are of the opinion they need this resolution as a tool to help them perform their designated functions, then I would recommend that we defer to the City Manager for his recommendations as to how and when it might apply to other City Departments.

Finally, questions have also been raised as to who will be allowed to speak on the GBA item. If you recall a few meetings ago I announced that if persons wanted to speak on GBA agenda items they should sign up by 7:00pm of the day of the City Council Meeting. The City Clerk's office is aware of this and, I would assume, will act accordingly. The amount of time allotted each speaker will be determined after I have been able to see how many persons have properly signed up to speak. I am also considering limiting comments to Durham City Residents. As always a majority of the City Council may by vote express a different approach.

Please feel free to contact me if you have questions. The timing of this memo is because, as I indicated early, I have only at this point in time arrived at this conclusion. Thanks again for considering this proposal and thanks for your leadership on this council.

**RESOLUTION SUPPORTING RECOGNITION OF THE MATRICULA
CONSULAR AS A VALID FORM OF IDENTIFICATION FOR THE DURHAM
POLICE DEPARTMENT**

Whereas, the City of Durham respects and promotes the right of all of its residents to equal treatment under the law; and

Whereas, many immigrants who could have obtained a driver's license by using a tax ID number prior to 2005 are no longer able to do so now that current law requires a social security number; and

Whereas, if a Durham city law enforcement official discovers that a driver is not carrying a license when making a traffic stop for a minor violation such as speeding or not fully stopping for a stop sign, the officer would typically issue a citation rather than making an arrest, provided a) there are no indications of criminal activity or driving under the influence, and b) the driver has a valid ID card; and

Whereas, the Mexican Matricula Consular has been shown to be a highly secure form of identification, issued to Mexican citizens living in other countries and containing several levels of machine-readable verification; and

Whereas, it is expected that The Durham Police Department's acceptance of the Matricula Consular as a valid form of ID would assist the Durham Police Department in minimizing unnecessary and potentially life-changing arrests of hard-working residents guilty of no more than a minor traffic infraction;

THEREFORE, BE IT RESOLVED, that the City Council of the City of Durham hereby formally supports recognition of a properly issued and obtained Mexican Matricula Consular as a valid form of identification, not substituting for a driver's license, but authenticating a person's identity, and, with regard to activities of the Durham Police Department, supports issuance of a citation to persons showing such identification in situations where a citation would be issued to any driver lacking a license but with another valid form of identification, while leaving discretion to the officer as to whether to arrest.

This Resolution is effective upon adoption.