

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

CITY OF EL CENIZO, TEXAS, <i>et al.</i> ;	§	
Plaintiffs,	§	
	§	
CITY OF AUSTIN, <i>et al.</i> ,	§	
Plaintiff-Intervenors,	§	CIVIL ACTION NO. 5:17-cv-404-OLG
v.	§	
	§	
STATE OF TEXAS, <i>et al.</i> ,	§	
Defendants.	§	

DECLARATION OF STEVE ADLER

Pursuant to 28 U.S.C. § 1746, I, Steve Adler, declare the following:

1. My name is Steve Adler, and I am over eighteen years of age. I have personal knowledge of and could testify in Court concerning the following statements of fact.
2. I am the Mayor of the City of Austin. After winning election, I began to serve as Mayor in January 2015. As Mayor, I am proud to represent and to serve in the best interests of every member of the Austin community, regardless of race, creed, ethnicity, national origin, or immigration status.
3. In January 2017, Governor Greg Abbott announced that one of his priorities for the 2017 Legislature was to punish cities that provide sanctuary to immigrant communities. The associated implication, if not the explicit precipitating rationale, was that Travis County was violating federal law by not complying with civil detainer requests issued by Immigration and Customs Enforcement (ICE) and that the City of Austin and Travis County were not complying with other undefined “federal law” mandates with an intent to let loose dangerous criminals on our streets. This announcement caused me great concern. The City of Austin is composed of a wonderful diversity of residents, ranging from families who

were born here and have lived here for generations, to newly arrived immigrants from countless states and nations. The City of Austin strives to keep all its residents safe while it complies at the same time with both state and federal law.

4. To best represent the interests of Austin, our residents, and our visitors, I have expressed my concern about and have endorsed policies contrary to Governor Abbott's "sanctuary" priority and the bill that he eventually signed into law, Senate Bill No. 4 ("SB 4").

5. Austin is a "Welcoming City," as defined by City Council resolutions. As part of these resolutions, the City has recognized that at least 19% of its residents were born outside of the United States. The City has also noted that civil detainer requests are voluntary, and that federal court decisions have ruled that a civil detainer request does not establish probable cause to support arrest. The City has expressed its concern that fulfillment of civil detainer requests, unaccompanied with a federal warrant, can lead to severe deprivations of civil and human rights, and that such deprivations would undermine the City's intent to comply with Constitutional law and to welcome diverse immigrant communities.

6. Austin is host to public institutions and businesses that depend upon a vibrant cross-section of the world community. The University of Texas hosts students from just about every country in the world. Major events such as South by Southwest (SXSW) host visitors from across the Americas and Europe. Our technology companies rely upon the expertise and innovation of workers born in this country and abroad.

7. Soon after Governor Abbott announced his "sanctuary" priority, I began to make public comments and endorse policies that emphasize the City's interest in providing for a safe community, and how I anticipated Austin's safety would be prejudiced by the

passage of SB 4. In my conversations with public safety professionals, including the Chief of Police of the Austin Police Department, I have learned how our police department's ability to ensure public safety is absolutely dependent upon their maintaining a trust relationship with all elements of the community it serves. Austin is one of the safest communities in this country. This is due in large part to the trust between our police and residents.

8. SB 4 threatens to make Austin less safe by undermining trust between Austin police and our community and by diverting resources away from local public safety issues by forcing police officers to enforce federal civil immigration priorities. With this mandate, the City and its public safety professionals are no longer able to set priorities that focus on local public safety and reflect local community interests. Residents can become confused as to the role and function of their local police and some may no longer trust that their interaction with local police will result in their personal safety being prioritized over federal immigration objectives. From my conversations with immigrant residents and social service providers, I believe SB 4 will discourage victims of crime and witnesses from coming forward to seek help and provide information essential to the protection of public safety. Further, I believe SB 4 will discourage certain residents from stepping forward to make full use of available social and human services further compromising our community's safety.

9. SB 4 seeks to punish cities and counties that decline to fulfill civil detainer requests, despite the fact that the federal government has repeatedly clarified that detainer requests are voluntary.

10. I recently traveled to Washington, D.C. to meet with United States Attorney General Jefferson Sessions along with other mayors of some major cities. At this meeting, AG Sessions personally assured us that civil detainer requests are voluntary and that a city is not

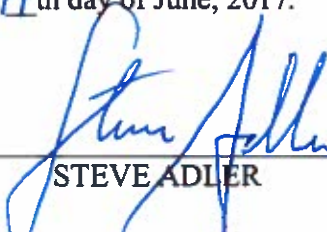
in violation of federal law if it declines to fulfill such requests. Rather, from the point of view of the Department of Justice, a “sanctuary jurisdiction” is one that fails to comply with Section 1373 of the Immigration and Nationality Act, which contains requirements that local government agencies share certain immigration status information with ICE. Based on my knowledge and belief, informed by communications with Chief of Police Brian Manley and other City personnel, the City complies with Section 1373 and thus does not qualify for the federal definition of a “sanctuary jurisdiction.”

11. Based upon the information I have gathered, the requirements of SB 4 exceed those of federal law by requiring local police to engage in civil immigration enforcement activities and by threatening sanctions against City officials and the City itself for actual or perceived non-compliance. My public commentary as the State Legislature began to formulate SB 4 has emphasized, in part, the contradiction between federal and state directives concerning the treatment of foreign nationals here in Austin.

12. Ultimately, my sincere belief—that I have expressed in multiple public statements to my constituents—is that implementation of SB 4 will make Austin less safe. For this reason, I have endorsed policies contrary to SB 4 and have encouraged my fellow City officials, as well other public officials and members of the Texas public, to seek judicial review of SB 4 and challenge whether the law complies with the constitutions of Texas and the United States.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Travis County, State of Texas, on the 19th day of June, 2017.



STEVE ADLER