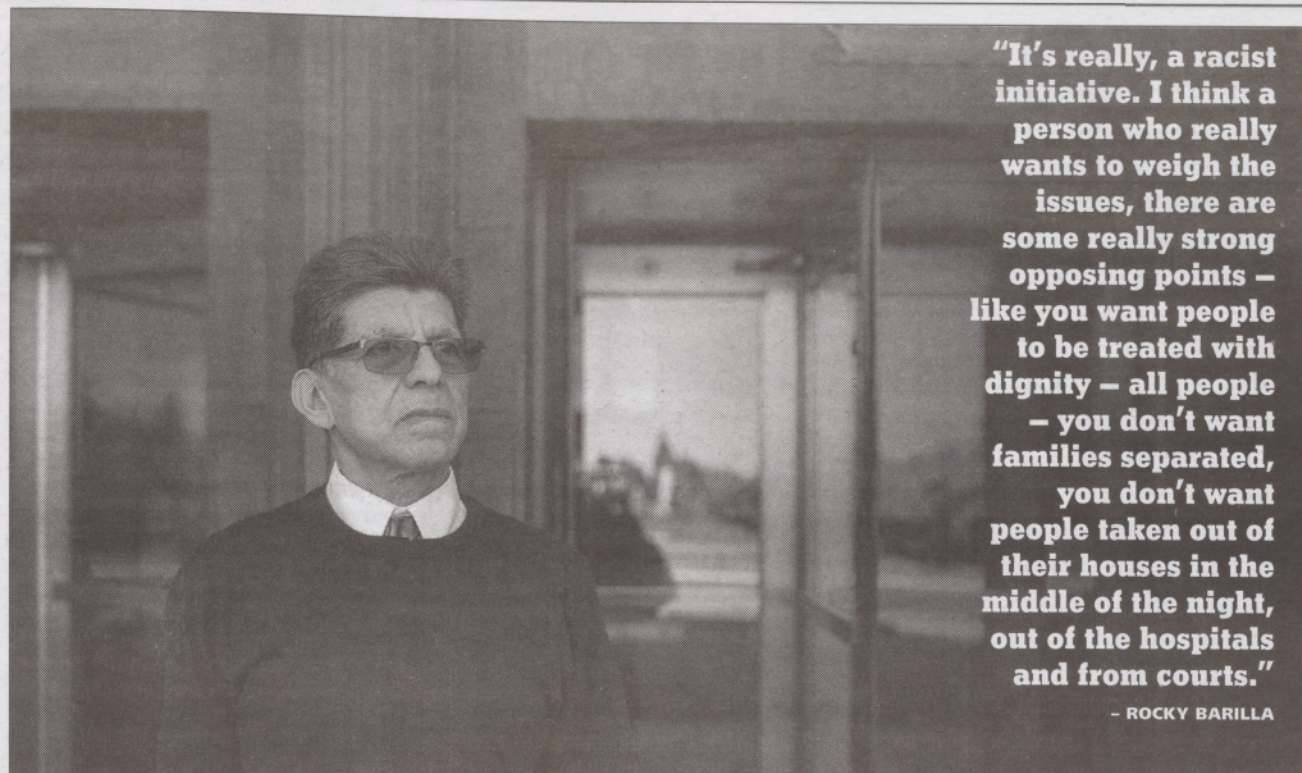




Rocky Barilla stands at the top of the Capitol Building stairs in Salem. He was the state's first Latino legislator in 1986 and wrote Oregon's sanctuary statute.

PHOTO BY CELESTE NOCHE

"It's really, a racist initiative. I think a person who really wants to weigh the issues, there are some really strong opposing points – like you want people to be treated with dignity – all people – you don't want families separated, you don't want people taken out of their houses in the middle of the night, out of the hospitals and from courts."

– ROCKY BARILLA

BARILLA, from page 7

criminal offense, but you don't want local police auditing your federal taxes.

The sanctuary movement actually, in the United States, began in the 1850s, when the Southerners wanted to maintain African-American slaves as chattel. Federal law was passed, the Fugitive Slave Act of 1850, in which the feds wanted to require the states to return slaves back to their owners. They would commandeer state resources. The Supreme Court said, "That's illegal. You cannot under the 10th Amendment force states to enforce federal laws," and that's been a precedent for 150 years.

What law enforcement can do, under this law, is they can focus on their own law enforcement priorities: crimes against property, crimes against persons and maintaining public order. They can spend their own money on local issues. They can use their own equipment on local issues, staff for local issues, jails for local issues. They don't have to be hung up by the feds. Feds should not be manipulating local resources.

Emily Green: What went through your mind when you heard there was an initiative aimed at repealing Oregon's sanctuary statute?

Barilla: I was disappointed with a large group of people. Part of this sponsorship, by the Oregonians for Immigration Reform – they're funded by FAIR (Federation for American Immigration Reform). And FAIR has been designated by the Southern Poverty Law Center as a hate group. So this isn't about law enforcement – it's about trying to keep American values as white European values.

It's really, a racist initiative. I think a person who really wants to weigh the issues, there are some really strong opposing points – like you want people to be treated with dignity – all people – you don't want families separated, you don't want people

taken out of their houses in the middle of the night, out of the hospitals and from courts.

On the other hand, understandably, people don't want open borders. You don't want people to simply come in here, like Sweden, and you have 50 people in your block without jobs and who have nothing to do. So I can see at the intellectual level – at the honesty level – people weighing things. And it's up to Oregonians to figure out what their values are.

One of the things I love about Oregon, besides some of the politicians, is its values: dignity, tolerance, acceptances, environment, pro-education – great values. And what I like about Oregonians is they're committed. They simply don't watch TV and say 'blah blah blah,' they actually do things about it. So I think this measure is contrary to Oregon values.

E.G.: We've had some instances that were made public in Oregon recently, of local law enforcement coordinating with ICE. Do you think Oregon's sanctuary statute has done what you intended?

R.B.: I think for the most part, yes. I think that the more enlightened local law enforcement agencies, local police – like Portland and Eugene – they understand. They love this law. It's less work for them. They don't have to process somebody if they don't know their immigration status. If this person gets injured, there's no local liability. I think that people want to use the excuse that "we're a nation of laws" to enforce things that they have no authority to do.

E.G.: If law enforcement likes the sanctuary law, then why did 16 sheriffs sign a letter opposing it?

R.B.: Some of these sheriffs – and I respect them for their opinions; not their facts – are from conservative areas, and they have an uneducated interpretation of what the law does.

No. 2, in some of these areas – they're

highly agricultural. On one hand, they don't want (undocumented) immigrants. On the other hand, there are local growers that need these people to work in the fields. So there have been cases, when I was practicing law, where the grower would call up immigration the day before payday. And it's a kind of wink-wink situation between immigration and the growers and the police.

E.G.: Can you describe what the situation was like in Oregon for Latino and Hispanic families before the sanctuary status was applied?

R.B.: In the 1940s, they had the Bracero Program, and a lot of the local growers needed Mexican workers to come up here, and while the war was going on it was fine.

In the late '40s and the '50s, there was resentment. Most of the migrant stream was from California and mostly Texas, and the migrant workers normally went home, back to Texas, after the harvest, but some stayed. And local communities, let's say Woodburn, became more and more Hispanic, and there was resentment: "We want you to work here, but we don't want you to stay here, we don't want you to marry our children, blah blah blah." So there was an anti-Hispanic thing. There were issues on education for limited English-speaking people. Local communities were saying you have to speak English. In the early '70s, and before that the '60s, local police would simply round up Hispanic people and say, "Show me your papers," and they did it either by themselves or with the cooperation of INS. Roadblocks, harassment on the street – things like that.

E.G.: Do you think Oregon would revert to that – or some areas in Oregon might revert to that – should the sanctuary status get repealed?

R.B.: Unfortunately, I do believe there will be an increase in racial profiling. People who are brown or black, they will be pulled over more and subjected to questions that

are irrelevant to local police. Again, the caveat being, if any person commits a crime, they should go through the process.

E.G.: One argument of proponents of Measure 105 is that Oregon doesn't need to worry about racial profiling if this is repealed, because we now have a database where people can lodge their racial profiling complaints and a task force that investigates those complaints.

R.B.: Being a former legislator – if you ever wanted to bury an issue, you create a task force. A task force is a bunch of people sitting around talking about something, who have no power to do anything. They have to make recommendations, and they have to send them back to legislature. The current law will not prevent any increase in racial profiling if this measure passes.

E.G.: A poll last month found that 31 percent of Oregonians support Measure 105, 50 percent oppose it, and 19 percent are undecided. What does this say about the political climate in Oregon right now?

R.B.: I believe that Oregon and California and a handful of other states are progressive. They try to protect the rights of all of the residents. I really respect your governor, I respect Sen. Wyden, I respect Congress-people Bonamici and Defazio.

There are so many legislative people from the local level up to the governor, who have stepped up to say, "Our state is not about discriminating against people, it's about dignity, it's about fairness, it's about justice." And I am really proud that Oregon is one of the few states that fights for these things. I really don't understand Arizona or Texas – show-me-your-papers states, or whatever, where people carry guns down the street – I don't understand that.

E.G.: Do you think we should be resting on our laurels, considering that it looks like this measure probably won't pass?

R.B.: As a person who has run for several elected offices, you never stop running until the day after! It's just like football – you play the game for 60 minutes. Here, you play the game until Election Day.

E.G.: What effect do you think it would have on public safety if Oregon's sanctuary status were repealed?

R.B.: If this measure passed and the law was repealed, it would lessen public safety. Let's say a (undocumented) person has a contagious disease. Right now they will go to a public health clinic or emergency to get treated. If this measure would pass, these people would not want to go to a hospital, and they'll stay home, and maybe send their kids to school, maybe not, and that will make this contagious disease a danger for the community, which will affect everyone in that community.

E.G.: You're here in Salem to talk to law students later today – what message are you going to convey to them?

R.B.: Vote no on Measure 105. It's a non-Oregonian measure. The effect will increase racial profiling, and local police will be minions of the feds.

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