



Former Oregon Rep. Rocky Barilla poses by his old desk on the Oregon House floor.

PHOTO BY CELESTE NOCHE

## The lawmaker who wrote Oregon's sanctuary statute 31 years ago, Rocky Barilla, rejects Oregon Sheriffs' claims

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Sixteen Oregon sheriffs signed a letter in August urging Oregonians to vote yes on Ballot Measure 105 to repeal Oregon's sanctuary status law.

This state statute prevents local law enforcement agencies in Oregon from using their resources to enforce federal immigration laws.

According to the sheriffs' letter, it also prevents local law enforcement from pursuing perpetrators of immigration-related crimes such as identity theft and encourages "illegal immigrant criminals" to settle in Oregon. Their letter also called the opposition's arguments that the law makes Oregon safer and its repeal would lead to racial profiling, "nonsense."

Street Roots asked the lawmaker who authored Oregon's sanctuary law 31 years ago to respond to some of the claims made in this letter — they're the same arguments proponents of the measure use when trying to convince voters to support it.

On Oct. 11, we sat down with former Rep. Rocky Barilla on the Oregon House floor, where in 1987 he proposed the law while serving as the state's first elected Latino legislator.

At the time, Barilla said, Latinos were frequent victims of strategic racial profiling. Local law enforcement agencies often set up roadblocks and conducted traffic stops in Latino neighborhoods, checking those who looked Hispanic for proof of citizenship.

Barilla became aware of Oregon's profiling problem when he moved to Salem in the

1970s. After graduating from University of California School of Law in Los Angeles, he took a job at Marion-Polk Legal Services in Salem and began to hone his skills in immigration law.

In 1977, a U.S. citizen named Delmiro Trevino sought Barilla's services after Polk County sheriff deputies humiliated and harassed him in an Independence restaurant while they interrogated him and his friends about their immigration status. Barilla filed suit and later credited the case as being the catalyst for the bill that today stands as the nation's oldest sanctuary law.

Barilla represented South Salem for one term and two months in Oregon Legislature before losing his reelection bid and moving to California with his wife. He went on to work for the California Teachers Association for more than two decades. Since retiring eight years ago, Barilla has reinvented himself as an author, spending much of his time in the Bay Area writing novels.

We read claims from the sheriffs' letter to begin our interview, followed with Barilla's responses.

**Sheriffs' letter:** *Certainly, immigration-law violations are federal offenses. But they are precursors to other crimes illegal immigrants routinely commit in their efforts to conceal their illegal presence — crimes, like identity theft, that harm everyday Oregonians at the local level. Such crimes are well within local police and sheriffs' purview. But Oregon's 'hands off' sanctuary statute works to keep law enforcement from pursuing many of the people who commit them — for the very reason that they are here illegally, and innocent Oregonians pay the price.*

**Rocky Barilla's response:** One, those are not logical conclusions. As I've read the studies, immigrants have a lower crime rate than normal citizens. No. 2, the law specifically allows local police to enforce criminal laws. I want people to feel safe. I

want local police to arrest people who steal. Saying there's a cause and effect with immigration status and more crimes — that hasn't been brought up by the statistics.

**Sheriffs' letter:** *Mollie Tibbetts' recent murder has refocused attention on the violence and heartbreak illegal-immigrant criminals can visit on Americans and their families. Tibbetts' killer 'was here because our government neglected its responsibility to keep him out,' writes Agnes Gibboney (whose son, Ronald Da Silva, also was murdered by an illegal immigrant). Oregon's sanctuary statute not only compounds that neglect, but issues a de facto invitation to illegal immigrants to settle in our state.*

**Barilla's response:** These are isolated incidents. They're atrocious, I am sorry. I want to make sure anybody — immigrant, non-immigrant, U.S. citizen — gets punished by the criminal system if they commit a crime. Especially murder. The law specifically says that local police can enforce criminal laws. I had local police help me draft this, help me with the wording — they supported the bill. It was non-controversial. It was a bipartisan-supported bill.

**Sheriffs' letter:** *Another pro-sanctuary argument is that the statute's repeal would make illegal immigrants afraid to report crimes. ... More nonsense. Can any sanctuary supporter, cite a single instance of an illegal immigrant being deported for reporting a crime?*

**Barilla's response:** Absolutely. People are being arrested under the new administration and (U.S. Attorney General Jeff) Sessions in courthouses, on school grounds and hospitals. We're arresting grandmothers at 6 a.m. in the morning. That creates a chilling effect in people trying to cooperate with local police and district attorneys.

There are no sanctuary places where this is not happening. The current administration is more concerned about numbers rather than human rights.

**Sheriffs' letter:** *Last and most nonsensical and insulting of all to the men and women who have sworn to preserve the peace — is the assertion that sanctuary repeal would unleash a wave of profiling against Hispanics. First, all across the State, law enforcement officers undergo formal rigorous training which includes anti-profiling training. More importantly however is this: People who choose to devote their lives to law enforcement are people of uncommon integrity. ... (They) will continue to do their jobs with integrity and don't believe for a minute, they won't!*

**Barilla's response:** I respect law enforcement. I think that in order for Oregonians to understand what the values are and what's at risk, the community and local police have to work together. Basically, local police are members of the communities. They have children, they have spouses, their kids go to school — everybody, undocumented or whatever, they want safe places to live. This law does not prevent police from enforcing laws.

But local police should not enforce federal criminal laws. I'll give you an example: Income tax. Let's say somebody has an income tax form, they're filling it out; they add two dogs as dependents. Well, that's a

See **BARILLA**, page 13

**'Those are not logical conclusions'**