

Feds must allow lawyers access to immigration detainees in Oregon

Immigrants housed in Sheridan

By CONRAD WILSON
Oregon Public Broadcasting

A federal judge in Portland ordered this morning that immigration attorneys be allowed access to 121 detainees being held in Oregon.

U.S. District Court Judge Michael Simon ruled after hearing arguments related to a lawsuit filed Friday by the ACLU of Oregon. Immigration attorneys have reported being turned away from the federal prison at Sheridan, near Salem.

The detainees arrived at the facility more than two weeks ago. Some of the men were separated from their families as part of the Trump administration's "zero tolerance" immigration policy.

Attorneys say most, if not all, the men in the prison are asylum seekers.

For weeks, immigration attorneys say, they've been turned away from the prison outside Salem while trying to represent more than 120 detainees being held by U.S. Immigration and Customs Enforcement.

Most of the men being detained are asylum seekers, according to lawyers seeking access to them. Also, those attorneys say, none of the

'What the government says and what it does are two different things.'

Nadia Dahab, attorney

detainees have pending criminal charges that would justify keeping them behind bars. Lawyers with the ACLU of Oregon said it's highly unusual to hold asylum seekers in a federal prison, especially ones who don't have a pending criminal charge.

Attorneys with the Oregon Federal Public Defenders Office and the Mexican Consulate in Portland are among the few that have been allowed inside to meet with the detainees.

The ACLU of Oregon filed a lawsuit Friday arguing the federal government is violating the constitutional rights of immigration detainees at the federal prison. The suit was filed on behalf of immigration attorneys and one of the detainees at the Sheridan prison. As part of the lawsuit, plaintiffs asked Simon for a temporary restraining order to allow the immigration attorneys inside the prison.

On Sunday, the federal government responded to the lawsuit. Government attorneys wrote that officials at Sheridan learned on May 30 they were receiving approximately 130 ICE detainees.

"Due to the limited information (Bureau of Prisons) has regarding each of the detainees, the need to conduct and complete appropriate medical screening and the need to complete the other administrative tasks necessary to safely house the alien detainees at (the federal detention center), BOP was not able to finalize the visitation procedures for these inmates until June 18, 2018," government attorneys told the court. "BOP was aware of the need to allow such visitation, however, and has now implemented procedures for attorneys to visit alien detainees housed at (Sheridan)."

The government said in court papers that "both social and legal visits" take place for "alien detainees" on weekday afternoons.

But attorneys representing the immigration attorneys say visits are not happening at Sheridan for the ICE detainees.

"What the government says and what it does are two different things," said Nadia Dahab, attorney for the Innovation Law Lab, one of the plaintiffs in the case.

"We have been asking for

our clients' respective constitutional rights, which repeatedly have been promised and ignored, finally be ordered by the U.S. District Court," she wrote in an email Sunday. "We are only seeking constitutional rights to which all persons are entitled. It simply is not enough for the government to now say that it will provide the rights in the future — those rights should have been provided from the beginning of the detention process."

Government lawyers also wrote that officials at the Sheridan prison plan to expand visitation hours later this week, following a "security assessment."

The detainees in Oregon arrived more than two weeks ago. Some of the men were separated from their families as part of the Trump administration's new "zero tolerance" immigration policy.

Earlier this month, some 1,600 ICE detainees stopped at the U.S.-Mexico border were sent to federal prisons in five states, including more than 200 at the SeaTac federal detention center near Seattle and 800 at a federal prison in Victorville, California.

Immigration attorneys in Washington state have been granted access to detainees. Lawyers in California have not, though on Thursday a federal judge approved a temporary restraining order granting attorney access to the federal prison.

Justices won't hear case of anti-gay marriage florist

Court sends case back to Washington

Associated Press

WASHINGTON — The U.S. Supreme Court is ordering Washington state courts to take a new look at the case of a florist who refused to provide services for the wedding of two men because of her religious objection to same-sex marriage.

The justices' order today means the court is passing for now on the chance to decide whether business owners can refuse on religious grounds to comply with anti-discrimination laws that protect LGBT people.

That's the same issue they confronted, but ultimately passed over, in the recent ruling in favor of a Colorado baker who also objected to same-sex marriage on religious grounds.

The court said in the Col-

orado case that the Colorado Civil Rights Commission expressed anti-religious bias in violation of the baker's constitutional rights. Washington state courts will review the florist's case for similar issues.

It's not clear from the record that the Washington Supreme Court will evaluate the Arlene's Flowers case any differently in light of the Colorado ruling.

There are no similar allegations that bias affected the state court decisions, and Washington Attorney General Bob Ferguson said the recent Supreme Court ruling will have no effect on the case against Baronelle Stutzman and her Arlene's Flowers store in Richland.

But the Alliance Defending Freedom senior counsel Kristen Waggoner, who represents Stutzman, said Ferguson "pursued unprecedented measures to punish Baronelle not just in her capacity as a business owner but also in her personal capacity."

State Supreme Court won't hear appeal of Sweet Cakes by Melissa

Associated Press

PORTLAND — The Oregon Supreme Court has declined to consider the case of Sweet Cakes by Melissa, the now-defunct bakery that refused to make a wedding cake for a lesbian couple in 2013 based on the bakers' religious objections.

The Oregonian reported Friday the Supreme Court turned down the case with no explanation.

Melissa and Aaron Klein had been ordered to pay

\$135,000 to couple Rachel and Laurel Bowman-Cryer in emotional damages in 2015 after the Oregon Bureau of Labor and Industries found that the Kleins violated state anti-discrimination law.

The Oregon Court of Appeals has upheld the order. Bureau of Labor and Industries officials see the Oregon Supreme Court decision as an affirmation of the bureau's original order.

Lawyers for the Kleins said Friday they will appeal to the U.S. Supreme Court.

Chinook Indian Nation moves a step closer to federal recognition

By MOLLY SOLOMON
Oregon Public Broadcasting

A U.S. District Court judge in Tacoma has ruled that seven of eight claims brought by the Chinook Indian Nation will move forward. It's a victory for the tribe, which has been fighting for recognition for more than a century.

The August 2017 lawsuit stems from the tribe's ongoing battle to gain federal status. Tribal members packed a federal courthouse last month to hear oral arguments on a motion filed by the U.S. Department of the Interior to dismiss the case.

In a filing Wednesday, U.S. District Court Judge Ronald B. Leighton largely sided with the tribe, denying seven of eight claims by the Interior Department to dismiss the case, including a challenge to a 2015 rule that bars tribes from seeking recognition again.

The decision also allows the tribe to argue they should have access to federal funds they won in 1970 as compensation for land the federal government seized in the 1850s. The funds are worth about \$500,000 and are currently held in trust by the Interior Department, according to court filings. The Chinook claim these funds have never been distributed to the tribe.

"We live to fight another day," said tribal Chairman Tony Johnson. "I know the community is buzzing right now, seven out of eight of our claims are gonna go forward. And that makes us all feel fantastic."

Leighton did rule against the tribe on one claim that would have allowed a federal court to declare recognition. He said granting tribal status still needs support from Congress and other branches of government.

"The court in no way diminishes what members of the Chinook Indian Nation understandably view as an inconsistent process that lacks transparency," the judge wrote. "Yet, this court is bound to adhere to the well-established legal principle that the issue of federal acknowledgment of Indian tribes is a quintessential political question that must be left to the political branches of government and not the courts."

Attorneys for the Chinook tribe were disappointed



Molly Solomon/Oregon Public Broadcasting

Chinook tribal chairman Tony Johnson addresses a group of Chinook members, supporters, and other Northwest tribes outside the federal courthouse in Tacoma.

'We live to fight another day.'

Tony Johnson
tribal chairman

that the first claim was dismissed, but the ruling wasn't surprising.

"To be frank, the first claim

is the more difficult claim," said James Coon, who is representing the tribe alongside attorney Thane Tienon. "There's a long history of treaty recognition being left as a political question."

The tribe was briefly recognized in 2001, but had its status revoked 18 months later. One of the loudest voices in opposition to the Chinook's federal status comes from another tribe, the nearby Quinault Tribe. They appealed the Chinook Nation's status on the 89th day of a 90-day comment period.

"With the Quinault Tribe, a lot of it is politics," Tienon said, adding that the majority of landholders on the Quinault reservation are Chinook tribal members. "They're concerned that the Chinook could be recognized and might adversely affect the amount of allotments."

Federal recognition would allow the Chinook to establish a reservation and gain native fishing rights. Tienon said it would also open up certain health, education and cultural benefits for the tribe's nearly 3,000 members.

"It is enormously important to these folks that their heritage and connection to their ances-

tors be recognized," Coon added. "The Chinook know it's true, but to have the government not recognize them is deeply hurtful."

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