

OPINION



the Astorian

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Founded in 1873

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OUR VIEW

Drawing a line with ICE

It was a disturbing scene. A human shield around an immigrant accused of encouraging child sexual abuse. Federal immigration agents using what appeared to be pepper spray. But the arrest inside the Clatsop County Courthouse in July was memorable for another reason. “You do not have a judicial warrant,” one activist insisted as U.S. Immigration and Customs Enforcement took the man into custody.

ICE agents were using administrative warrants to take civil enforcement actions at county courthouses. They can’t do that anymore.

Oregon Supreme Court Chief Justice Martha Walters enacted a rule that prohibits ICE from making civil arrests without a judicial warrant at county courthouses and nearby entryways, sidewalks and parking lots.

“Adopting this rule protects the integrity of the state judicial process and will allow state courts to fully hold accountable people accused of a crime,” Walters said. “Arrests in courthouses have interfered with judicial proceedings and removed criminal defendants before they have been sentenced or completed their sentences. We are adopting this rule to maintain the integrity of our courts and provide access to justice — not to advance or oppose any political or policy agenda.”

We commend Chief Justice Walters for drawing this important line.

Earlier this year, Paula Brownhill, who at the time was the presiding judge of the Clatsop County Circuit Court, warned of the corrosive influence ICE detentions can have at county courthouses.

“Not only criminal defendants, but civil litigants, crime victims and witnesses may be reluctant to come to court for fear of encountering ICE,” Brownhill said. “If the district attorney is unable to prove a criminal case because an essential witness fails to appear, or a domestic violence victim is



Nicole Bales/The Astorian

Hundreds of people gathered outside the Washington County Courthouse in Hillsboro in August to call for an end to immigration enforcement actions at courthouses.

unable to obtain a protective order because she is afraid to come to the courthouse, our community is less safe for everyone.”

Judges across the United States have issued similar warnings.

Immigration and Customs Enforcement has explained that detentions at courthouses are happening more frequently because many sheriffs no longer turn people over to federal agents on their release from jail for other crimes. In Oregon, that practice largely ended after a federal judge ruled in 2014 that keeping people in jail on an ICE detainer — even for a few extra hours or days while their immigration status is reviewed — is a violation of their rights.

ICE also argues courthouse detentions are safer because people going to court are often screened for weapons and are less likely to resist than if they were at

home or out on the street.

But ICE’s own guidelines recognize the delicate nature of these arrests. Federal agents are supposed to avoid civil enforcement actions in courthouses near non-criminal proceedings like family court and small claims court.

ICE has a separate policy on civil enforcement actions at sensitive locations like schools, hospitals and churches. Agents are only supposed to make arrests at these locations if there are exigent circumstances or if they have prior approval from their supervisors.

Our federal legislators — U.S. Sen. Ron Wyden, U.S. Sen. Jeff Merkley and U.S. Rep. Suzanne Bonamici — wisely want to make ICE’s policy the law and add courthouses to the list of sensitive locations. Unless Congress takes action, it will be up to states like Oregon and judges like Chief Jus-

Walters to make a stand.

The United States is a nation of immigrants. Sadly, we are often at our worst when we discuss immigration. ICE detentions at county courthouses have bled into the toxicity that surrounds President Donald Trump, but would be troublesome under any president.

People who are living in the country illegally are subject to deportation. People accused or convicted of crimes while in the country illegally greatly increase their risk of deportation.

Our county courthouses, though, are places where everyone should be able to come and seek justice under state law. They should not be used as convenient hunting grounds for federal immigration agents to make civil arrests.

ICE should get judicial warrants, or stay away.

GUEST COLUMN

America’s least-known conservation program at risk

As someone who lives in or loves to visit Oregon’s North Coast, you’ve probably visited a park that has been protected or improved by the Land and Water Conservation Fund.

You’ve also probably never heard of this fund. It’s the most impactful conservation program ever created, and the least publicized.



KATIE VOELKE

Dollars from the fund have been used locally to acquire land for Jewell Meadows Wildlife Area, expand Ecola State Park, add a bike trail at Fort Stevens State Park, build restrooms at Seaside city park, acquire Humbug Creek Wildlife Area, build the Seaside boat launch ramp and support many more local projects.



GLENN LAMB

The North Coast Land Conservancy is helping Arch Cape Water District apply for fund dollars to protect the forested lands that are the source of their drinking water and home to a thriving diversity of wildlife.

The Land and Water Conservation Fund is funded by royalties from offshore oil and gas operations. The calculus by our nation’s leaders who created the program in 1964 was simple and forward thinking: If we’re going to let oil and gas companies drill offshore, let’s offset that impact by



Elk at Jewell Meadows Wildlife Area.

Edward Stratton/The Astorian

diverting a small portion of the royalties for other conservation projects throughout the nation.

That means the fund doesn’t use tax dollars.

Usually those royalties total about \$900 million per year. The trouble is, every year Congress diverts about half of the fund for other, nonconservation purposes. Over the past five decades, Congress has taken more than \$22 billion out of the account.

This is an issue of trust and integrity. Congress should not be allowed to keep treating the Land and Water Conservation Fund like a congressional slush fund.

In 2019, Congress permanently reauthorized the fund but did not secure dedicated funding. The Trump administration’s fiscal year budget has proposed cuts that will virtually eliminate funding in 2020.

Under this scenario, agencies cannot move forward with any projects whatso-

ever. That means once-in-a-generation opportunities to secure public access and protect public lands from private development inside their boundaries will be lost forever.

- Working forest protection — which opens up public access and protects drinking water supplies while still keeping jobs in the woods — is zeroed out altogether. This is the portion of the fund that Arch Cape is applying for.

- State grant programs to support local recreation facilities, state parks, wildlife habitat and other community conservation priorities would be decimated.

- The budgets for conservation at our national parks, national forests, national wildlife refuges and other public lands would be gutted.

Bipartisan support for the Land and Water Conservation Fund in Congress has been strong and consistent for over half a century. Overwhelming majorities in the U.S. House and Senate passed the fund’s permanent reauthorization. That was a great victory. But now it needs consistent, dedicated funding.

We urge our congressional delegates from Oregon to make conservation a priority and pass full and dedicated funding at \$900 million for the fund this year. Our North Coast economy and way of life depend on it.

Katie Voelke is executive director of the North Coast Land Conservancy. Glenn Lamb is executive director of the Columbia Land Trust.