

ICE criticizes Clatsop on immigration holds

Sheriff wants to help but wary of lawsuits

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U.S. Immigration and Customs Enforcement has criticized Clatsop County for not cooperating with the federal agency's requests to detain undocumented immigrants.

On Tuesday, federal deportation officers arrested a Mexican national with prior criminal convictions, including two for driving under the influence of intoxicants, outside Clatsop County Circuit Court in Astoria after the man had appeared for a matter related to a criminal charge.

Explaining the incident to *The Daily Astorian*, which had asked about the arrest, Immigration and Customs Enforcement said in a statement: "Since Clatsop County does not honor ICE detainers and releases criminal aliens who pose a potential public safety threat, and because many of the agency's arrest targets provide false address information, locating these individuals at a courthouse is, in some instances, the agency's only likely means of affecting their capture."

Clatsop County Sheriff Tom

Bergin said, "I can't believe they put out a statement like that."

The knock from Immigration and Customs Enforcement illustrates the tension between local law enforcement agencies and the federal government over immigration law. Legal challenges and complaints from human-rights advocates led President Barack Obama to narrow requests for ICE detainers at local jails, but President Donald Trump has taken a hard-line policy toward deporting undocumented immigrants and wants more cooperation from local law enforcement.

Bergin would like the sheriff's office, which oversees the county jail, to work with Immigration and Customs Enforcement. But Oregon counties stepped back from ICE detainers after a federal court ruling in 2014.

Fourth Amendment

The U.S. District Court in Portland found that Clackamas County had violated the Fourth Amendment rights of a woman kept in custody at the county jail in 2012 on an ICE detainer to determine whether she should be subject to deportation. The woman had been arrested for violating a domestic violence restraining order, had pleaded guilty, was sentenced, and was eligible for release, but she stayed in jail because of the ICE detainer until she

was released to deportation agents.

The Fourth Amendment protects against unreasonable searches and seizures — including detention — without probable cause.

Clackamas County had argued that it was following a federal directive that was mandatory, but the federal court ruled, and Immigration and Customs Enforcement has acknowledged, that ICE detainers are not mandatory on local law enforcement.

After the federal court ruling, several county sheriffs announced they would not honor requests for ICE holds without a warrant or a court order.

"Clatsop is not unique," Virginia Kice, an Immigration and Customs Enforcement spokeswoman, said. "All of the counties in Oregon don't honor ICE detainers. It's just one of the reasons we are utilizing leads to go to the courthouse to make arrests. We have to invest time and resources."

'Kicking in the door'

Bergin said that if Immigration and Customs Enforcement shows up with "a warrant in their hands, we will be the first ones kicking in the door."

But, without it, Clatsop County could get embroiled in a lawsuit. "Everybody's getting sued by all these left-wing liberal groups," he

said.

"I would rather see every criminal illegal alien removed from our county, but at this time I have to protect my guys," he said.

"Now if we have a really, really bad guy, my office is going to do everything it can to make sure that that person goes into custody, stays in custody," Bergin said.

Kice said Immigration and Customs Enforcement would prefer to make arrests at a secure environment, such as a jail, rather than outside courthouses. "It would be safer for the bystanders, officers and the detainee," she said.

Courthouse arrest

The man arrested Tuesday had been deported before, ICE's statement said. The agency's deportation officers "sought to arrest the man outside the courthouse after earlier efforts to locate him proved unsuccessful."

Immigration and Customs Enforcement personnel determine where and how to make arrests "on a case-by-case basis, taking into account all aspects of the situation, including the prospective target's criminal history; safety considerations; and any sensitivities involving the arrest location," the agency wrote.

ICE often does not know where suspects live, and many are not

regularly employed, Kice said.

"We're dealing with individuals who have a long criminal history and who are savvy at avoiding law enforcement," she said.

Without providing specific details, ICE agents informed the Astoria Police Department of an upcoming arrest in the city.

"ICE does call us occasionally to tell us they are going to do something somewhere," Deputy Chief Eric Halverson said. "Typically, plain-clothes agents call us to let us know they'll be in our neighborhood."

Sanctuary state

An Oregon law approved in 1987 prohibits state and local law enforcement from using public money to pursue and arrest people whose only violation is that they are in the United States illegally. The law does not prevent law enforcement from exchanging information with the federal government on the immigration status of people arrested for crimes, or from making arrests on warrants or court orders for criminal violations of federal immigration law.

In response to President Trump's immigration crackdown and threats to withhold federal money from so-called sanctuary cities and states, Gov. Kate Brown in February issued an executive order expanding the law to apply to all state agencies.

COHO: Yakama Nation is working to restore the species on the upper Columbia River

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it was an historic event, and the culmination of decades of work.

"It is a great honor to be here and serve my people," said Quincy Ellenwood, a member of the Nez Perce Tribal Executive Committee. "We do this for the love we have of our culture."

According to tribal estimates, the number of coho that used to return to the Grande Ronde exceeded 20,000 adults in the late 1800s. Most of those fish would migrate into the Lostine and Wallowa rivers, but by the 1980s a combination of factors drove the local population to extinction. Those factors included overfishing, changes in the habitat and introduction of hydro dams on the main stem of the Columbia and Snake rivers.

Becky Johnson, who oversees tribal hatcheries for the Nez Perce fisheries department, said they received funding from the Bonneville Power Administration in 1988 to study how they could reintroduce coho to the basin.

"Now, we're in the process of putting fish back to where they used to be," Johnson said.

Once the adults return, Johnson said they will collect some to use as broodstock to raise future generations of hatchery-reared coho. Some may return to spawn naturally in the river.

The tribe, which co-manages the fishery with ODFW, first broached the subject in 1996. But Bruce Eddy, East Region manager for ODFW, said the agency was simply too overwhelmed trying to preserve chinook salmon and steelhead, which had been listed as threatened under the Endangered Species Act.

Thursday's reintroduction of coho is not only a huge accomplishment in its own



Nez Perce tribal elder Charles Axtell, left, leads in a ceremonial song with tribal members Neal Meshell and Quincy Ellenwood on Thursday east of Wallowa.



Dave Bronson, with the ODFW, and Bill Jackson, with the Nez Perce tribal fisheries, prepare to release 40,000 coho salmon smolts for a fish transport truck on Thursday east of Wallowa.

right, Eddy said, but goes to show how far fish conservation has come in recent decades.

"We're finally getting our head above water," Eddy said. "It's nice to be able to spend time on something other than chinook and summer steelhead."

Bringing coho back to the Grande Ronde is just the

latest in a series of projects carried out by Northwest tribes across the Columbia Basin. The Nez Perce also maintains a coho program on the Clearwater River in Idaho, while the Yakama Nation is working to restore the species on the upper Columbia.

Both programs have successfully rebuilt naturally spawning coho populations,

which is what Johnson said they ultimately hope to do on the Lostine.

Aaron Penney, hatchery complex manager for the Nez Perce on the Clearwater River, said he joined the program as a college intern to help restore lost fisheries. Fishing is a big part of the Nez Perce culture, he said, and ties them to the land.

"Over the past 100 years, we've seen places like the Lostine where the populations have declined or gone extinct," Penney said. "It's like losing part of your soul."

Chuck Axtell, a tribal elder and member of the Seven Drums religion, led a series of prayers and songs to bless the fish on their way to the ocean and back. As an elder, he said it is a blessing to see those fish come back.

"The animals, they are us. They are our people," Axtell said. "We take care of each other."

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MARIJUANA: Planning commission approved Thurman's permit

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juana business owners — three other recreational marijuana stores are in the process of trying to open stores.

Kind Leaf is located at 1733 S.W. Court Ave.

Bryson Thurman is finding the path toward opening his own marijuana shop a lot more onerous than Kind Leaf did.

Having applied for a conditional use permit to build Thur's Smoke Shop, recreational cannabis store, at 1292 S.W. Tutuilla Road, Thurman faced a second Pendleton Planning Commission meeting with vocal criticism of the shop from local property owners.

The commission approved Thurman's permit, but not before hearing an hour of testimony from the audience that mostly questioned Thur's proximity to a bus stop and neighborhood children as well as its propensity to attract traffic to the area.

At least 25 people testified against Thur's, compared to the two people in addition to the applicant who voiced their support for the store. But Thurman was able to utilize something his opposition couldn't — an attorney.

Corinne Celko of the Emerge Law Group, a Portland firm that specializes in marijuana law, provided most of the arguments on Thurman's behalf.

Celko said Thurman had complied with all of the aspects of state and city law and even went beyond by agreeing to put fencing around his shop, designing a sign without any marijuana imagery or references and reducing his hours of operation.

"We're supporting the wrong thing here, in putting the kids out and having a negative effect on them, forcing them to change their lives to allow this, and that's wrong."

— Mark Parm, Midco manager, on moving the bus stop from the area

Celko's arguments didn't convince his opposition, which mainly consisted of nearby property owners, the Pendleton School District and Mid Columbia Bus Co. Midco manager Mark Parm said moving the bus stop away from the area to accommodate Thur's would send the wrong message in a city with declining school enrollment.

"We're supporting the wrong thing here, in putting the kids out and having a negative effect on them, forcing them to change their lives to allow this, and that's wrong," he said.

After the public comment period closed, the commission voted 4-1 to approve Thurman's permit, with commissioner Vincent Papol voting against and commissioners Terry Clarke and Ryan DeGroff absent.

Despite his success with the commission, Thurman may not be out of the woods yet. Those who testified against Thur's can appeal the commission's decision to the Pendleton City Council within 14 days of the meeting.

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A bust of Lt. Gen. James Doolittle is on display at the Oregon National Guard facility in Pendleton.

DOOLITTLE: Attendees that donate \$250 can ride the B-25 bomber

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"It takes a special kind of bravery to know that you're not coming back to safety," Borboa said about the Doolittle mission.

Borboa is a staff sergeant with the Oregon National Guard 3-116 CAV Battalion based in La Grande and is the unit's public affairs representative.

Over the course of his research, Borboa also learned that the 3-116 is in the same brigade as the Bravo Company, 168 Aviation Regiment, which occupies the Pendleton National Guard Armory.

These connections spurred Borboa to begin planning an event to commemorate the Doolittle Raiders in Pendleton, originally planned as a more intimate ceremony that involved 50 people.

When Borboa began making calls to begin organizing the event, it didn't stay small for long. "Every time we talked with

somebody, they told us, 'I want to be part of that,'" he said.

The Doolittle Raiders Gala is now an all-day event celebrating World War II veterans.

From 9 a.m. to 2 p.m., the gala will be free to the public and feature family-friendly activities like a classic car show, historical re-enactments, screenings of the documentary "WWII in a Wild West Town," a B-25 bomber and more.

There will be an official military presentation and a laying of the wreath for the Doolittle Raiders from 4 p.m. to 5 p.m.

Tickets are required for the dinner and show portion of the gala, which Borboa promised would be blend of an old-fashioned USO show and interactive entertainment.

"It's going to be personal," he said. "It's not going to be people just sitting and clapping to the show."

Of the 80 men who were

involved in the raids, only one veteran — 101-year-old Lt. Col. Richard Cole of Texas — is alive today.

Although Cole will be unable to attend the gala, Borboa said it does have support from the American Legion, the Veterans of Foreign Wars and the 555th Parachute Infantry Association. Members of each organization are expected to attend.

The 555th, colloquially known as the "Triple Nickles," were an all-black team of smoke jumpers that responded to fires across the West during World War II and spent six months training in Pendleton.

While the gala is a one-day tribute to Pendleton's role in World War II, the Pendleton Air Museum wants to make that tribute permanent.

Proceeds from the event will go toward the museum, which is looking to find a permanent home for its collection.

Becky Dunlap is the owner of Airport Antiques and a member of the Pendleton Air Museum board.

Dunlap said visitors often visit her store, itself a converted air base mess hall, often ask if there's a museum to visit at the Eastern Oregon Airport or at the armory. Dunlap pointed to a World War II-era uniform hanging in her store and said that the museum had no place to properly display it.

Gala visitors will get their chance to contribute to Pendleton Air Museum cause.

While the museum will accept donations throughout the event, attendees that donate \$250 can ride on the B-25 bomber.

Dinner tickets can be bought at brownpapertickets.com or in person at Community Bank's Pendleton branch.

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