

30 years after its inception, others use Oregon's 'sanctuary state' law as a model

By CONRAD WILSON

Oregon Public Broadcasting

Oregon law prohibits the use of state and local resources to enforce federal immigration law if a person's only crime is being in the country illegally. And it's got nothing to do with President Donald Trump.

What many refer to as Oregon's "sanctuary law" dates back 30 years — and, at the time of its implementation, it was not controversial.

The path toward becoming a sanctuary state began at the Hi Ho Restaurant in Independence, Oregon, early on Jan. 9, 1977, when several police officers approached four Chicano men.

Without showing a warrant or identifying themselves, Officer Janet Davidson and three Polk County sheriff's deputies began interrogating the men about their citizenship status.

A deputy grabbed one of the men, Delmiro Trevino, by the arm and forced him to stand in the middle of the restaurant in front of other customers. Trevino, a U.S. citizen of Mexican descent, later filed what would become a class action lawsuit in which he said being publicly called out left him feeling humiliated.

He was only released after Davidson identified Trevino as a "long-time resident" of Independence.

The ensuing lawsuit accused the officers of acting under the authorization of the Immigration and Naturalization Service, the federal agency that oversaw immigration enforcement at the time.

Ten years later, the lawyer who brought the lawsuit on behalf of Trevino and others ended up in the state legislature — where he pushed a bill that created Oregon's sanctuary law.

The law effectively prevented local police and sheriff's deputies from enforcing federal immigration law.

"The police actually really liked this law," said Rocky Barilla, Trevino's lawyer who would later sponsor the bill as a Democratic lawmaker in the Oregon House.

Oregon's law:

A model for others

Apart from law enforcement agencies and immigration activists, Oregon's sanctuary law has been a quiet part of the state's history.

"It's not a law that's really attracted that much attention, really, until this year — maybe these past couple of months," said Juliet Stumpf, a professor of immigration law at Lewis & Clark Law School in Portland. "Right now, there are a lot of cities and towns that are looking at that law and modeling their own local resolutions around it." Trump came into office vowing to secure the nation's borders and deport millions of people who are in the country illegally.

He's given new authority to federal immigration officers and vowed to increase deportations. The admin-



(Molly J. Smith/Statesman-Journal via AP)

Hundreds gather at an immigration rights rally in front of the Capitol on Sunday, Feb. 19, in Salem.

istration has also sought greater cooperation between federal immigration officers and local law enforcement.

"For those that continue to seek improper and illegal entry into this country, be forewarned: This is a new era. This is the Trump era," Attorney General Jeff Sessions said, with a smile, this month while touring

federal immigration law. Meanwhile, lawmakers in Texas are weighing legislation that would punish cities and counties that don't cooperate with federal immigration officials.

What's needed, Morse argues, is a uniform immigration policy at the federal level. If immigration reform happens under the Trump

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— Rocky Barilla, lawyer behind lawsuit that spawned law

the United States-Mexico border. "The lawlessness, the abdication of the duty to enforce our laws, and the catch and release practices of old are over."

Rhetoric about immigration policies and reforms during the 2016 presidential campaign has translated into more than 100 immigration bills now under consideration in legislatures across the country, said Ann Morse, program director of the Immigrant Policy Project at the National Conference of State Legislatures.

She said that's triple the number introduced in state legislatures last year.

While it's a bit of a moving target, Morse said there are roughly 29 states considering bills to prohibit sanctuary policies, 15 with legislation supporting protections for immigrants in the country illegally, and 12 with bills that would do both.

"What states are trying to do is navigate that tension between upholding the national security issues and also protecting public safety," she said.

The California Legislature is debating a bill similar to Oregon's, which would prohibit local police and sheriffs from enforcing

administration, liberal leaning states like Oregon and California may try and fight it.

"A patchwork of policies does no one any good," she said. "Eventually you have to have something that's uniform for any resident of a state to be treated equally as a resident of any other state."

A lawsuit becomes a law

Rocky Barilla was the lawyer behind the lawsuit that grew out of the Hi Ho Restaurant incident, and later the legislator behind the bill that made Oregon a "sanctuary state."

"To be honest, this was not meant to be a sanctuary law," he said. "It was meant to protect local city resources from using them to supplant federal spending."

In 1977, a man walked into Barilla's Salem law office, upset about the way he had been treated by police. It was Trevino, who said Polk County Sheriff's Office harassed him in Independence.

The class action lawsuit Barilla ultimately filed claimed that over several years, the Polk County Sheriff's Office and other law enforcement agencies around the state had "engaged in a pattern and practice

Justice Dept threatens sanctuary cities in immigration fight

WASHINGTON (AP) — The Trump administration intensified its effort to crack down on so-called sanctuary cities that refuse to comply with federal immigration authorities, sending letters Friday to nine jurisdictions threatening to withhold grant money unless they document cooperation.

The letters went to officials in California and in major cities including New York, Chicago, Philadelphia and New Orleans, all places the Justice Department's inspector general has identified as limiting the information local law enforcement can provide to federal immigration authorities about those in their custody.

Attorney General Jeff Sessions has increasingly warned the administration will punish communities that refuse to cooperate with efforts to find and deport immigrants in the country illegally.

In a statement Friday, the Justice Department said the recipients of its letters are "crumbling under the weight of illegal immigration and violent crime."

The letters warn officials they must provide proof from an attorney that they are following the law or risk losing thousands of dollars in federal grant money that police agencies use to fund anything from body cameras to bulletproof vests.

"Failure to comply with this condition could result in the withholding of grant funds, suspension or termination of the grant, ineligibility for future O.J.P. grants or subgrants, or other action, as appropriate," wrote Alan R. Hanson, acting head of the Office of Justice Programs, which administers the grant program. It's the leading source of federal justice funding to state and local jurisdictions.

Cities have resisted the Trump administration's threats. Seattle, not one of the places targeted with a letter, and other jurisdictions have sued the Trump administration over the sanctuary issue.

Earlier this week, Sessions accused sanctuary cities of undermining law enforcement efforts to fight transnational street gangs.

of stopping, detaining, interrogating, searching and harassing" people because of the color of their skin and because they were of Mexican descent.

"Polk County sheriff's every once in a while would say, 'Well, we haven't got anything going, let's go raid the Mexican part of town,'" Barilla said.

The Immigration and Naturalization Service "repeatedly ordered, instructed, permitted" Polk County and other Oregon law enforcement agencies

to take those actions, the lawsuit alleged.

The lawsuit was later dismissed, but not without a statement by both parties in which the federal government clarified its policy.

In the stipulation dated July 17, 1978, the INS said its policy is to not authorize immigration arrests by local law enforcement over the phone. Rather, INS officers must be present, the stipulation stated.

Nearly a decade later, as a Democrat in the Oregon House of Representatives,

Barilla sponsored a bill aimed at severing the relationship between local law enforcement and federal immigration law.

"No law enforcement agency of the State of Oregon or of any political subdivision of the state shall use agency moneys, equipment or personnel for the purpose of detecting or apprehending persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws," the law states.

In discussing the bill with police and members of both parties, Barilla found local governments didn't want to spend money enforcing laws they didn't have to.

"It was really non-controversial," he said.

The bill passed the Oregon Senate 29 to 1 and the House 58 to 1. Then-Gov. Neil Goldschmidt signed it into law on July 7, 1987.

Efforts to repeal sanctuary status

Oregon's law enforcement officers haven't always followed the law.

For example, the Multnomah County Sheriff's Office is investigating whether a deputy violated the law when he allegedly facilitated an arrest by Immigration and Customs Enforcement agents at the Justice Center in downtown Portland.

State Republicans have recently tried to abolish Oregon's sanctuary law.

Reps. Sal Esquivel, of Medford, and Mike Nearman, of Independence — once home of the Hi Ho Restaurant — backed a ballot measure aimed at its repeal. But in October 2016, the Oregon Department of Justice stopped the measure from making it onto the 2018 ballot. The agency said it was unclear what backers were asking members of the public to sign when collecting signatures — part of the state's ballot measure process.

Earlier this legislative session, Esquivel introduced a bill that would repeal the law, but he said Democrats "put it on ice and they won't allow a hearing on it." In February, Gov. Kate Brown reiterated her support for Oregon's decision to become a sanctuary state.

Esquivel's father came from Mexico on a work visa in 1945.

"He was here a couple of weeks and decided, 'Ya know, America's a pretty nice place, I'd like to be an American,'" Esquivel said.

He said his father came to the U.S. legally, "worked very hard," and became a citizen in 1959.

"He was the icon of the American dream," Esquivel said. "I'll hold my hand out to anybody who comes here legally, I don't care where they're from. But if they're not here legally then I don't do that, I don't believe in that because you break the law to come to my country, then that shows your disregard for my country."

Portland students get first-hand look at possible wolf depredation

By KATY NESBITT

For EO Media Group

A trip to the Eastern Oregon this spring gave two Portland school kids a rare glimpse into raising livestock in the county where half of the state's wolf population lives.

On April 7, their first full day of the 4-H Urban Rural Exchange in Wallowa, County, Sylvia Grosveld and Abby Darr of Sunnyside Environmental School accompanied their host to a remote ranch on the upper Imnaha River, well known wolf country for almost 10 years. There they watched as an Oregon Department of Fish and Wildlife biologist determined a calf had been killed by the recently named Harl Butte Pack.

Todd and Angie Nash



Katy Nesbitt/For the Capital Press
Sylvia Grosveld, far right, and Abby Darr, second from right, are Sunnyside Environmental School students from Northeast Portland who traveled to Wallowa County on the 4-H Urban Rural Exchange in early April.

live and ranch in Wallowa County and have hosted Sunnyside students six of the last 10 years. In 2012

a student staying with the Nashes helped mark the ears of newborn calves and wrote her name on one of

ear tags. In the fall that tag helped identify a calf killed by wolves.

Todd Nash manages the Marr Flat Cattle Ranch and has witnessed dozens of investigations — both of his own cattle and as the Oregon Cattlemen's Association wolf committee chair. When he got word of the suspected wolf kill on the Imnaha he asked the girls if they wanted to go on an investigation of a dead cow and calf. They agreed, but weren't sure how they would react.

"I thought I was going to take a look and bolt," Grosveld said.

Neither girl bolted, though Darr said she got a little woozy. They watched as Pat Matthews, ODFW's Enterprise field office biologist, skinned the calf, revealing bruising in what

little remained of its head, front legs and rib cage.

Nash said he suspected the mother cow had been run to death so Matthews investigated her carcass, as well.

Grosveld said it didn't appear wolves had fed on the cow, but its head was bloody and one eye socket had a broken orb. She and Darr watched as Matthews skinned the cow and pulled out her organs.

"When they rolled the guts out, the girls got inquisitive," Nash said.

When the lungs and windpipe were removed they were half full of blood. Nash said the organs were sent to Washington State University to determine if there was any evidence to prove the cow had died from being chased.

Even though the investigation was on a ranch an

hour outside Joseph, the nearest town with cell phone service and a gas station, the cow and calf were found dead only 250 yards from a ranch house.

"I was surprised that a wolf would attack that close to houses and people," Darr said. "It's different to see that in person than to hear about it."

Before coming face to face with a wolf attack, Grosveld and Darr had only an academic exposure to wolves. Darr said the school had a guest speaker who told the students about how wolves benefit streambanks by thinning out elk herds that have over-browsed shrubs and aspen. The effect of wolves on livestock was also discussed, but it seemed abstract until the trip to the Imnaha ranch.