

Don't Let Oregon Police Be Used For Political Spying Or As Federal INS Agents

In 2003, the Oregon Legislature may be pressured to weaken or repeal Oregon's laws that prevent police spying and prohibit state and local police from enforcing federal immigration law. These laws provide important safeguards for all Oregonians. This briefing paper is intended to provide background information on these laws and some of the reasons a broad coalition is working to ensure that these safeguards remain in place.

ORS 181.575 Prohibits Political or Religious Spying by State and Local Police

WHY WAS THIS LAW PASSED?

In 1974, the Portland Police Bureau disclosed that they had been maintaining secret files for decades on dozens of lawful political organizations, including the ACLU of Oregon.

At about the same time, Congressional investigations revealed even more extensive political spying and disruption of lawful political and religious organizations by the FBI and the CIA.

Among those targeted by the FBI were the Rev. Martin Luther King, Jr. and other civil rights activists.

"In Hood River, Oregon, county documents showed that in 1937 and until 1942 the FBI accumulated a list of all Japanese Americans living in the area. The names were identified to the parcels of land owned or leased and coded to the person deputized and paid by the FBI to perform spying duties on the Japanese."

—Henry Sakamoto, one of 3,700 Japanese Americans incarcerated under military guard behind barbed wire during WWII in Oregon

In 1975, the ACLU of Oregon received a copy of its Portland file, which contained internal ACLU documents as well as news clippings. Names had check marks and were underlined. There were also cross-references to other security files on some of the documents.

In 1981, after several unsuccessful attempts, the ACLU of Oregon convinced the Oregon Legislature to enact the language that became ORS 181.575.

Introduced as an amendment to HB 2682, the Oregon Senate passed the bill 26-0 and the Oregon House approved it 48-8.

WHAT DOES THIS LAW DO?

This law prohibits police spying on groups or individuals based on their religious, political, social and associational activities when that person or group is not suspected of any criminal activity.

Text of ORS 181.575

No law enforcement agency, as defined in ORS 181.010, may collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct. (1981)

There are two parts to the law. The first prohibits the collection of material. The second prohibits law enforcement from maintaining files. This means that law enforcement has an obligation to review police files and remove any material or information on individuals or groups that should no longer be maintained.

WHY DO WE NEED TO KEEP ORS 181.575?

This law remains a fundamental safeguard against potential abuses by law enforcement. The recent discovery by the *Portland Tribune* of hundreds of files on innocent individuals and organizations in Portland from 1965 through the mid-1980s reveals that today this law is essential.

The *Tribune* uncovered files on 576 organizations, once again including the ACLU as well as the names of at least 3,000 individuals.

The most disturbing aspect of the Portland files was that most had been collected in violation of Portland police policies—and many in violation of the 1981 state law.

A Few of the Targets of Portland Police Spying 1965 - 1985

ACLU of Oregon, American Friends Service Committee, American Indian Movement, Amnesty International, Bahai Faith, Black United Front, Coalition Against Domestic Violence, Ecumenical Ministries of Oregon, Greenpeace, Gray Panthers, Hispanic Commission, McKenzie River Gathering, NAACP, NOW, Oregon Coalition for Immigrant & Refugee Rights, Peace House (Ashland), Planned Parenthood, Rape Relief Hotline, Sierra Club, Sisters of the Road Cafe, United Farm Workers, United Way, Women's Rights Coalition . . . and many more.

When U.S. Attorney General John Ashcroft sought to question thousands of men because of their age and country of origin, the City of Portland and other jurisdictions relied upon ORS 181.575 (and ORS 181.850) in refusing to participate.

Because the men targeted for questioning were not suspected of any criminal activity themselves and the questions probed their political, religious and associational beliefs and activities, Oregon law restricted local law enforcement from participating.

DO OTHER STATES HAVE THE SAME PROTECTION?

Yes, but not enshrined in their state laws. Oregon's law is unique and is cited as a proper response to protect against the type of abuses that have happened repeatedly and may continue to happen.

ORS 181.850 Prohibits Local Law Enforcement From Acting As INS Agents

WHY WAS THIS LAW PASSED?

In the 1980s, local law enforcement carried out numerous raids and roadblocks in collaboration with the INS that targeted Oregon's Latino community.

In the 1987 legislative session, Rep. Rocky Barilla sponsored HB 2314 with the support of Latino and civil liberties organizations. There was no organized opposition to the final version of the bill, which passed the House 54-3 and the Senate 29-1.

“The majority of law enforcement agencies seem to know and understand the law and do not attempt to enforce immigration law, and those agencies do not concern us. However, it is the local law enforcement agencies that have attempted to enforce immigration law on their own or in conjunction with the INS that cause us to have grave concern.”

Robert Mendoza
Commission on Hispanic Affairs
before Oregon legislature
May 20, 1987

WHAT DOES THIS LAW DO?

ORS 181.850 prevents state and local law enforcement agencies from targeting people based on their race or ethnic origin when those individuals are not suspected of any criminal activity.

The law allows state and local law enforcement to contact the INS after they have arrested someone in order to verify the person's immigration status. The law also permits state and local police to request information from the INS that may help solve a criminal case.

WHY DO WE NEED TO KEEP ORS 181.850?

Oregonians rely on state and local law enforcement agencies to protect our safety. If our local police are doing the job of federal agencies, they'll have less time to focus their work on investigating and solving crime.

In addition, a local police department will lose the trust of the residents it is supposed to protect if police officers force residents who look or sound foreign to prove their immigration status.

In communities where people are afraid to talk to local police, more crimes go unreported, fewer witnesses come forward, and people are less likely to report suspicious activity.

Text of ORS 181.850

(1) 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 residing in the United States in violation of federal immigration laws.

(2) Notwithstanding subsection (1) of this section, a law enforcement agency may exchange information with the United States Immigration and Naturalization Service in order to: (a) Verify the immigration status of a person if the person is arrested for any criminal offense; or (b) Request criminal investigation information with reference to persons named in service records.

(3) For purposes of subsection (1) of this section, the Bureau of Labor and Industries is not a law enforcement agency. (1987)

Many immigrants come from countries where people are afraid of the police, and many Oregon police agencies have spent years trying to build trust that would be undermined by asking local police to do the job of the INS.

Federal immigration law is a complicated body of law that changes frequently and requires extensive training and expertise to properly enforce.

There are many different ways for people to lawfully be in the United States, and the INS issues many different types of documents that entitle someone to be in the United States legally. Local law enforcement officials do not have the training and expertise to determine who is lawfully in the United States and who is not.

State and local law enforcement agencies don't have the financial resources to spend time doing the work of the federal government. That work is better left to the federal agencies with much larger budgets.

State and local police should spend their limited resources addressing the criminal activity in our cities and neighborhoods that federal agencies don't handle.

WHO IS WORKING TO PRESERVE THESE TWO LAWS?

A Partial List of Organizations Committed to Preserving ORS 181.575 & ORS 181.850

ACLU of Oregon, Asian Pacific American Network of Oregon (APANO), Basic Rights Oregon, CAUSA, Ecumenical Ministries of Oregon, Japanese American Citizens League, Network for Immigrant Justice, Oregon AFL-CIO, Oregon Coalition Against Domestic and Sexual Violence, Oregon Law Center, Pineros y Campesinos Unidos del Noroeste (PCUN), Rural Organizing Project, Western Prison Project

HOW TO HELP

Join our efforts.

If you represent an organization, sign on as an endorser of our campaign to protect ORS 181.575 and ORS 181.850.

Let your voice be heard next session.

If any bills are introduced to weaken these two laws, we will work with you to contact your state legislator urging them not to weaken ORS 181.575 and ORS 181.850.

Make copies of this information sheet and distribute them widely.

For more information, contact:

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