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February 15, 2017

Honorable Mayor Ted Wheeler
Portland City Council Commissioners
City Hall, 1221 SW 4th Ave.
Portland, OR, 97204

Re: Request for Clarification of and Accountability for the City of Portland's "Sanctuary City" Status;
Racial Profiling Notification; and, Request for a Religious Registry Involvement Ban

Dear Mayor Wheeler, Commissioner Fritz, Commissioner Eudaly, Commissioner Fish, and Commissioner Saltzman:

Mayor Wheeler's public support of Portland's existing "Sanctuary City" status has been vital to allaying the concerns and fears of so many in our community who face possible deportation and familial breakup, who rely on critical public resources, and who have and continue to face acts of intimidation and hate. His resolve to reaffirm the inherent dignity and value of immigrant communities in the City by protecting their legal rights and by condemning the segregation of people based on their immigration status is impactful. The Human Rights Commission commends Mayor Wheeler's position and stands with him and the entire Council as we advance together into an undetermined and perhaps gravely unstable period.

Request for Clarification of and Accountability for the City of Portland's "Sanctuary City" Status

The Commission asks that the City strengthen its "Sanctuary City" position by specifying what precisely it means for our community and particularly for City employees. While promising to restrict participation in assisting the Federal Government's efforts by asking the Portland Police Bureau to not act as agents for U.S Immigration and Customs Enforcement (hereafter, ICE) is significant, it still leaves community members *legally, economically, politically, and socially* vulnerable because there is no fixed or definitive meaning of "Sanctuary City." This has resulted in each city articulating the status differently. Seattle, San Francisco, and Los Angeles, for example, have enacted local city laws and other cities have provided legal protection to their immigrant communities through city ordinance or resolution. Portland, however, has not.

Our request is informed by Article 2 of Universal Declaration of Human Rights which guarantees individuals religious rights, and states:

“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status...[and that] no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs.”

In addition, the Commission’s request echoes the City of Portland’s Resolution 37172 that was signed by Mayor Hales and adopted by Council on December 16, 2015. Then elected officials declared the City’s support of Portland’s Muslim community by denouncing open acts of bigotry and discrimination towards their members and by reaffirming the City’s commitment to accept and to include them especially immigrants and refugees.

The Human Rights Commission recognizes that Oregon State law prohibits state and local government personnel from assisting in or using public resources to enforce immigration laws and that there is a Constitutional basis for noncooperation because of state’s rights and probable cause Amendments. The Commission believes, however, that adopting a Portland-specific definition will mitigate future confusion, and allow community members to seek informed legal assistance.

It will also go a long way towards building trust between the city’s immigrant communities and employees. Research has consistently shown that if immigrant communities are mistrusting or fearful of local government agencies and their representatives they become isolated to protect themselves and their families. This is of great concern because without trust in local law enforcement, for example, the city’s immigrant communities may not cooperate with their efforts to keep them safe. People who would take advantage, intimidate, and harm these communities are then unrestricted and violence or human rights violations against them are inevitable.

We ask that a definition also include language about how the City will hold accountable employees who disregard the policy and that it be cross-jurisdictional to reflect a collaborative commitment to upholding Portland’s “Sanctuary City” status. A recent incident involving a Multnomah County deputy who allegedly communicated the location of an undocumented community member to ICE, speaks to the necessity and urgency of providing more formal direction to City employees, and ideally collaboration with Multnomah County.

Finally, the Human Rights Commission would like to draw attention to the absence of formal policy or law that prevents the City of Portland from adjusting their view and extinguishing “Sanctuary City” status without notice. The importance of creating an official and long-term commitment is supported by data that confirm bias crimes and other abuses towards immigrant communities have escalated in recent months and that bigotry and violence will continue to increase in the future. We base this assertion on research and reports generated by local and national immigrant legal defense organizations, immigrant advocacy groups, and law enforcement; on personal stories reported to or shared directly with the City of Portland’s Human Rights Commission; historic and current national rhetoric; and a recent pattern of unrestrained dispatching of legal mandates by the Federal Government.

Racial Profiling Notification

The Commission would like to encourage all of our elected officials to scrutinize and to make available to City employees and the public ICE’s protocol for identifying people whom they believe are in violation of Federal immigration policies. We believe that express direction to the Portland Police Bureau, in particular, is appropriate. The few comments offered by ICE representatives to media about how they select who to question have lacked details. Media reports and law enforcement statements, however, have minimally confirmed that “plainclothes ICE officers” have targeted people in the Multnomah County courthouse by reading dockets, and others assert that their protocol appears, in part, to rely on racial profiling. Without an understanding of ICE’s official protocol Portland’s immigrant communities face tremendous uncertainty about their safety, security, and value as members of our community. Their concerns and fears will likely intensify if Federal ICE efforts expand beyond our courthouses directly into these communities.

Request for a Religious Registry Involvement Ban

The Human Rights Commission condemns religious registries. They unjustly deny an individual’s right to privacy and expose them to public scorn. Article 12 of Universal Declaration of Human Rights states: “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation.”

While the Department of Homeland Security determined over a decade ago that their National Security Entry-Exit Registration System program (hereafter, NSEER’S) that required the collection of information on the basis of religious affiliation was “redundant, inefficient, and [provides] no increase in security [or] discernible public benefit,” the program was never officially terminated. This means that the Federal Government can resume the collection of these data at their discretion by either recycling NSEER’S or by inventing a new program. Many government officials and spokespeople deny that Executive Order 13769 is a ban on religious affiliation, but it is clear that Muslim communities are being targeted. This makes it necessary to be proactive in stating the City’s position on religious registries in anticipation of Federal actions.

Officially banning a religious registry is in line with similar actions taken by national lawmakers, and by state and city lawmakers (especially those with large immigrant communities). In November 2016, Bill H. R. 6382 known as the “No Religious Registry Act” was introduced in the House. Its intent is stated as follows: “To prohibit the collection of information and the establishment or utilization of a registry for the purposes of classifying certain United States persons and other individuals on the basis of religious affiliation, and for other purposes.”

On February 2, 2017, Oregon’s Governor Brown issued an Executive Order that “forbids state agencies from using public resources to help create a religious registry,” (she also publically declared her obligation to protect the “human rights” of all Oregonians). The City of Spokane, Washington passed a religious registry ban ordinance January 30, 2017, and the City of San Francisco, California passed Senate Resolution 16 on the same day.

The Human Rights Commission therefore requests that as elected officials each of you publically denounce and work towards instituting a ban that prevents City employees from being involved in the creation of or cooperating with a registry. These actions are critical to help ensure the safety and security of all community members, and speak to several principles that our city has embraced. It will iterate the City’s goals of Public Impact and Livability and Security that are consequential in safeguarding everyone’s right to have meaningful and positive experiences with each other and City government. And, it will underscore the significance of Portland’s core values in creating and maintaining those relationships - notably equity, inclusion, and social sustainability.

Sincerely,

Michele Wilson
City of Portland Human Rights Commissioner

Signed on behalf of the City of Portland Human Rights Commission