

# The Oregonian

## 'Sanctuary city' means Portland will remain welcoming to all

Ted Wheeler

January 29, 2017

For centuries, America has been a destination for those wanting to apply their hard work to the purpose of creating a better life for themselves and their families. We are a nation built on immigration.

The inscription at the foot of the Statue of Liberty reads, "Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me, I lift my lamp beside the golden door!"

Our welcoming attitude toward immigrants is a core component of our national identity. We are not going to run from that history. Under my leadership as mayor, the City of Portland will remain a welcoming, safe place for all people.

Some people refer to Portland and other cities who share these values as "sanctuary cities," but there is confusion about what that actually means in practice.

Some have stated that by virtue of living in a sanctuary city, undocumented residents are not subject to federal immigration laws and enforcement. This is simply not the case. Immigration and Customs Enforcement is responsible for enforcing federal immigration law, much like it is the responsibility of the Internal Revenue Service to enforce federal tax policy. Immigration enforcement is a federal responsibility.

State and local law enforcement can make their own decisions about whether to spend local resources to help the federal government enforce immigration laws. This division of responsibility is clearly stated in the 10th Amendment of the U.S. Constitution. In fact, Rudy Giuliani - a top advisor to President Trump - went to court to defend New York's status as a sanctuary city on these very grounds. Further, Oregon state law dating back to 1987 prohibits state and local police from enforcing federal immigration law if a person is not involved in criminal activity.

Immigration and Customs Enforcement requests that local jurisdictions hold those who have been arrested for an additional 48 hours after they are to be released custody. Again, legal precedent prevents us from doing so. The 11th Circuit Court of Appeals, a federal court, ruled that Clackamas County had violated a woman's constitutional rights by holding her at the request of immigration officials.

I want to be clear: our status as a sanctuary city does not mean undocumented immigrants are immune from justice should they commit criminal acts. Crimes over which we have jurisdiction - including murder, rape, and robbery - continue to be prosecuted to the full extent of the law.

We do not harbor criminals, but we will not aid in the deportation of our neighbors whose only offense is being undocumented. Contrary to hyperbolized myth, the majority of studies - including a landmark report by the conservative Cato Institute - find that immigrants, both documented and undocumented, have lower crime rates.

Residents, regardless of immigration status, should not be afraid go to the police with information on crimes for fear that they might be deported. They should not be afraid to access critical services or seek refuge from domestic abuse and homeless services. They should not be afraid to bring their children to school.

Unfortunately, many fear our new president will marginalize them or rip their families apart by deporting them. Already we have seen an increase in hate crimes across the country and, troublingly, here in Oregon.

Portland is a thriving city because we have a growing population from a wide range of backgrounds who contribute positively to the fabric of our community. Our people are what make Portland such a wonderful city to live in. As mayor, I will ensure our city continues to embrace this identity.