



AGENDA COVER MEMO

Memorandum Date: 4/9/2025

Order Date: 4/22/2025

TO: Board of County Commissioners

DEPARTMENT: County Administration

PRESENTED BY: Steve Mokrohisky, County Administrator

AGENDA ITEM TITLE: ORDER: In the Matter of a Statement Reaffirming Oregon Sanctuary Promise Act and Supporting the Transgender Community in Lane County.

I. MOTION

Move approval of the attached order reaffirming Oregon Sanctuary Promise Act and affirming our support for the transgender community in Lane County.

II. AGENDA ITEM SUMMARY

The purpose of this item is for the Board of County Commissioners to provide a statement that reaffirms the Oregon Sanctuary Promise Act, as well as our value of equity and respect for transgender people and immigrants who reside in Lane County.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The history of Board actions and resolutions reflects Lane County's ongoing commitment to equity, respect, and inclusion for all communities, particularly those most affected by discrimination and marginalization. Below is a summary of key actions taken by the Board of County Commissioners in relation to immigrant, refugee, and transgender communities:

July 11, 2017 (ORDER 17-07-11-01 In the Matter of Amending Lane Manual Chapter 60 to Add Provisions Pertaining to Foreign Citizenship) In addition to the resolutions, orders, and requests described below, Lane County has also enacted specific provisions in its Lane Manual to further demonstrate its commitment to the protection and support of immigrant communities.

February 11, 2020 (ORDER/Resolution 20-02-11-11 In the Matter of Approving a Resolution Denouncing White Nationalism in Lane County) The Board passed a resolution denouncing white nationalism in Lane County and committing to the creation of a welcoming, inclusive, and safe community for all.

The resolution condemned hate, xenophobia, racism, and other forms of bigotry, while acknowledging Oregon's historical injustices toward marginalized communities. The Board also committed to supporting state legislation aimed at tracking hate crimes and working with local jurisdictions to implement systems for addressing them. The resolution underscored the importance of social support in mitigating the adverse health effects of discrimination and bigotry on affected communities.

August 8, 2023 (ORDER/Resolution 23-08-08-06 In the Matter of Acknowledging Pride Month to Further Support Our Vision Where Lane County is the Best County in Which All Can Live, Work, and Play) The Board of County Commissioners issued an order acknowledging Pride Month and reaffirming the County's commitment to supporting LGBTQIA2S+ people. This order was made as part of the Board's ongoing vision to ensure Lane County is a place where all people can live, work, and play in safety, dignity, and acceptance. The order recognized the historic significance of Pride Month, the challenges faced by LGBTQIA2S+ people, and the impact of hate crimes on the community. This resolution also committed the Board to an annual hate and bias report from the Oregon Department of Justice.

December 18, 2024: The Board of County Commissioners requested a presentation from the Oregon Department of Justice, Lane County's Equity Program, and Lane County Sheriff's Office. The purpose of the presentation was to provide an in-depth explanation of the Sanctuary Promise Act. The Board received an overwhelming amount of public comment, both in-person and via email, with a strong call from community members urging the declaration of Lane County as a sanctuary for transgender people. The presentation was provided to the Board **on January 14, 2025**.

February 25, 2025: The Board of County Commissioners tasked staff with crafting a statement to reinforce Lane County's support for the Oregon Sanctuary Promise Act and support of the transgender community in the face of efforts to strip rights and protections away from already marginalized people. The statement can be found as "ATTACHMENT B: Statement Reaffirming Lane County's Commitment to the Oregon Sanctuary Promise Act and Supporting the Transgender Community" in this memorandum.

B. Board Goals

This order is closely aligned with Lane County's vision of being the best county in which all can live, work, and play, reinforcing our commitment to creating more equitable outcomes for every member of our community. It supports our mission to improve lives by ensuring the well-being of all people and building systems that advance those efforts. Guided by our core values of integrity, excellence, equity, and respect, this order emphasizes our dedication to upholding and communicating our values, modeling leadership at all levels, and fostering accountability within our community.

Additionally, this order aligns with our adopted Equity Strategic Plan, ensuring that County-wide efforts are focused on disaggregated data to better understand and address disparities, while fostering an inclusive, equitable civic engagement process. We are committed to responding to the community's needs and ensuring that all people in Lane County feel a sense of belonging.

C. Financial and/or Resource Considerations

This is an informational item only.

D. Health Implications

Data from the 2020 U.S. Census Bureau shows that at least 10.5 percent of Oregonians identify as LGBTQIA2S+. Both the LGBTQIA2S+ and immigrant communities face heightened mental health risks, including post-traumatic stress disorder, anxiety, depression, and suicidal thoughts, largely due to discrimination, trauma, fear of deportation, and systemic exclusion.

LGBTQIA2S+ people, particularly those with intersecting identities like race and gender, are at increased risk of hate crimes and violence. Oregon ranks eighth in the nation for anti-LGBTQIA2S+ hate crimes, and local data from Lane County highlights higher suicide rates among LGBTQIA2S+ people.

Similarly, immigrants face significant mental health challenges due to the fear of deportation and discrimination, often avoiding contact with law enforcement even when they are the victims of crime, such as domestic violence or trafficking. This fear prevents access to critical services, leaving people more vulnerable to victimization and exacerbating public health issues.

Transgender and non-binary people within both communities are especially vulnerable to violence and harassment, leading to severe psychological trauma. The intersection of race, immigration status, and gender identity often results in compounded forms of discrimination, further worsening mental and physical health outcomes.

The trauma experienced by both LGBTQIA2S+ and immigrant communities is not limited to individual events but is deeply rooted in generational and systemic trauma. Historical experiences of marginalization, oppression, and violence affect not only those who directly experience these events but also future generations. Stressors such as family separation, displacement, and fear of violence stamp trauma on generations to come. These generational effects can contribute to chronic health disparities, further perpetuating cycles of trauma. Please see "ATTACHMENT F: La Migra (INS) Raid Report" for additional context.

Addressing these disparities requires creating supportive, inclusive spaces, improving access to culturally competent healthcare, and fostering trust between marginalized communities and law enforcement. By doing so, we can help

mitigate the harmful effects of exclusion and discrimination, as well as improve health.

E. Analysis

Oregon has some of the strongest protections for immigrant and LGBTQIA2S+ communities, which play a crucial role in addressing the systemic inequities and disparities these groups face. The state's laws, including the Sanctuary Promise Act (HB3265), prohibit law enforcement or any government agency from participating in federal immigration enforcement without judicial oversight, ensuring the safety and rights of immigrant communities. Additionally, laws such as HB 2002 provide vital protections regarding reproductive health rights for all people, including access to gender-affirming care and further legal safeguards for gender identity.

These state laws are foundational in creating a safe, inclusive, and supportive environment. It is important to recognize the importance of building upon this framework. Our commitment is to create a state that is truly inclusive, where everyone, regardless of their identity or immigration status, can thrive.

Please see “ATTACHMENT D: HB3265” and “ATTACHMENT E: HB2002” for additional information.

F. Alternatives/Options

Option 1: Approve the Board Order as proposed.

Option 2: Adjust and approve the Board Order with adjustments.

Option 3: Do not approve the Board Order.

IV. RECOMMENDATION

Staff recommend approval of the Board Order as outlined in Option 1.

V. TIMING/IMPLEMENTATION

If approved by the Board, implementation would begin immediately and the statement would be translated into Vietnamese, Spanish, Mam, French, Chinese, Urdu, Pashto, Ukrainian, and Arabic.

VI. ATTACHMENTS

- ATTACHEMENT A: Board Order
- ATTACHMENT B: Statement Reaffirming Lane County’s Commitment to the Oregon Sanctuary Promise Act and Supporting the Transgender Community
- ATTACHMENT C: Lane County Public Health Advisory Committee (PHAC) Letter of Support
- ATTACHMENT D: HB3265
- ATTACHMENT E: HB2002
- ATTACHMENT F: La Migra (INS) Raid Report

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO:

In the Matter of a Statement
Reaffirming Oregon Sanctuary Promise
Act and Supporting the Transgender
Community in Lane County

WHEREAS, the Board of County Commissioners acknowledges the importance of all community members feeling safe and welcome in Lane County regardless of their race, color, national origin, religious beliefs, disability, sex, sexual orientation, gender identity, age, immigration status, or marital status; and

WHEREAS, the Board of County Commissioners affirms its commitment to upholding the protections granted to people who have been historically underserved or discriminated against, including our immigrant, refugee and transgender communities; and

WHEREAS, the Board of County Commissioners recognizes the purpose of Lane County Government is to improve lives and that includes the lives of every community member, including immigrants, refugees and transgender people.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS** as follows:

1. The adoption of the attached as a statement on behalf of the Lane County Board of Commissioners reaffirming the Oregon Sanctuary Promise Act and supporting the transgender community in Lane County.

ADOPTED this 22nd day of April, 2025.

David Loveall, Chair
Lane County Board of Commissioners

Statement Reaffirming Lane County's Commitment to the Oregon Sanctuary Promise Act and Supporting the Transgender Community

Our purpose at Lane County Government is to improve the lives of our community members. Every person in our community is entitled to be treated with dignity and respect. Every person in Lane County should feel safe to live authentically, enjoy public spaces, access public services, and participate in community life regardless of the language they speak, the color of their skin, their gender identity, or any other factor historically used to exclude people from services and community.

The rights of people in our community, especially immigrant, refugee, and transgender people, are under attack. Lane County recognizes that when the rights of one person or one group are undermined, the rights of us all are at risk. In recognition of this threat, Lane County states its unwavering support for the rights of people in the immigrant, refugee, and transgender communities and stands ready to expand this support to other groups whose rights come under attack.

At Lane County, we remain dedicated to fighting for transgender equality in recognition of the unique challenges transgender people face, including the need for gender-affirming care. Studies show gender-affirming care saves lives by supporting mental well-being among gender-diverse populations. Lane County must amplify the voices of transgender people, break down barriers, and ensure our county is an inclusive haven for all.

Lane County's commitment is to:

- welcome diverse people into our community, including immigrant, refugee, and transgender people, and build our systems with *all* people in mind.
- uphold Oregon's Sanctuary Promise Act to ensure immigrant and refugee communities do not fear local law enforcement and feel safe reporting crimes.
- not request immigration status of people seeking services, except as required by law.
- provide equal access to services and care, in the preferred language of the people seeking those services or care.
- provide accessible signage, public messages, documents, and forms in multiple languages.
- use every avenue permitted by law to support the State of Oregon in affirming the rights of transgender people of all ages to receive any gender affirming healthcare that has been deemed medically necessary by a qualified healthcare provider.
- uphold the rights of people to seek gender-affirming care in our community and not comply with any requests to seek, detain, or report people who come to our community seeking gender-affirming care.
- challenge federal policies that harm transgender people and use every avenue permitted by law to assure equal access to healthcare, housing, education, and employment.

To truly improve lives, we must cherish the inherent value of every person and take meaningful action. We proudly work on behalf of every person in our community, regardless of their race, color, national origin, religious beliefs, disability, sex, sexual orientation, gender identity, age or marital status. Discrimination has no place in Lane County.

ATTACHMENT C

April 4, 2025

TO: Lane County Board of County
Commissioners 125 East 8th Avenue
Eugene, OR 97401

FROM: Lane County Public Health Advisory Committee (PHAC)

Re: Support for the rights of Transgender, Refugee, and Immigrant community members in Lane County

At our March meeting of the PHAC, we received public comments from members of our community. They expressed concern about the safety of transgender individuals, the continued access to prescribed medications and care for valid, recognized and diagnosed medical conditions, as well as isolation and discrimination due to negative and hateful rhetoric they see as a rising threat to both them and their advocates. We also recognize that these concerns are not those of the transgender community alone but are also currently shared by the immigrant and refugee communities as well due to policy changes and scrutiny at the federal level. Our collective public health depends on the health and wellbeing of all members of our community. Therefore, in our role as community advocates and advisors to the Board of County Commissioners (BCC) on matters concerning public health, we would like to communicate these recommendations.

Specifically, we ask the BCC to consider:

- Publicly supporting and initiating efforts to reinforce the County's commitment to the safety of transgender and immigrant communities, especially minor children, from bullying and the threat of physical harm.
- Endorsing specific outreach efforts aimed at protecting safe access to medical care and treatment for all individuals seeking medical services. We believe it is imperative to also instill provisions that will protect County healthcare providers who are delivering care to the transgender patient population, particularly while gender-confirming care is under such attack.
- Actively exploring avenues to facilitate greater safety for these communities, such as publicly identifying safe places, emphasizing and enforcing zero tolerance policies for marginalization or discrimination, and reassuring all residents that Lane County is a safe place for all.
- We strongly encourage the BCC to consider the lived reality and experience of the transgender and immigrant communities, to actively listen and believe the seriousness of the threats that are being made to their safety, access to care, livelihoods and general well-being.

In conclusion, we believe that Lane County must strongly support, respect and protect all our community members, regardless of their status. Discrimination has no place in Lane County, and we know this can only be true if we take action to protect and serve community members who are at risk, threatened, marginalized or disenfranchised. Please take this opportunity to position Lane County at the forefront of diversity acceptance and hold true to Oregon's Sanctuary Status. We request your consideration of these issues as advanced by members of the public and we are eager to collaborate to advance these efforts.

Sincerely,

2025 Lane County Public Health Advisory Committee

Allison Kunerth, PhD, PSM, MS [Chair]
Renee Frances, MSN, Bed, RN
[Secretary] Bruce Tufts, BA, RN
Marion Diermayer, MD
Silver Mogart, President, LULAC Council 40001
William Foster, MD
Frannie Brindle
Kristin Yarris, PhD, MPH, MA
Audrey Garrett, MD, MPH

Enrolled
House Bill 3265

Sponsored by Representatives ALONSO LEON, PHAM, Senator GORSEK, Representatives CAMPOS, VALDERRAMA; Representatives DEXTER, FAHEY, GRAYBER, HOLVEY, HUDSON, KOTEK, KROPF, MCLAIN, MEEK, NERON, POWER, RAYFIELD, REYNOLDS, RUIZ, SALINAS, SANCHEZ, SOLLMAN, WILDE, WILLIAMS, Senators FREDERICK, GELSER, JAMA, LIEBER, MANNING JR

CHAPTER

AN ACT

Relating to immigration; creating new provisions; amending ORS 180.805 and 181A.820; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. As used in sections 1 to 6 of this 2021 Act:

(1) “Court facility” means a building or space occupied or used by a court of this state or local jurisdiction of this state, and any adjacent property including, but not limited to, sidewalks, parking area, grass or landscaped area, plazas, court-related offices, commercial and governmental spaces within the building or space and entrances to and exits from the building or space.

(2) “Federal immigration authority” means the United States Department of Homeland Security, the United States Immigration and Customs Enforcement, the United States Citizenship and Immigration Services, the United States Customs and Border Protection or a successor agency, any other federal immigration agency or official, or any other entity to which a federal immigration agency delegates or assigns the authority to detect, investigate or enforce violations of immigration law.

(3) “Immigration enforcement” means any activity that has as a purpose the apprehension or identification of an individual in order to:

(a) Subject the individual to civil immigration arrest, civil immigration detention, removal or deportation proceedings or removal or deportation from the United States; or

(b) Criminally prosecute the individual for offenses related to federal laws regarding immigration status.

(4) “Law enforcement agency” means:

(a) County sheriffs, municipal police departments, police departments established by a university under ORS 352.121 or 353.125;

(b) The Oregon State Police; and

(c) Corrections officers.

(5) “Officer” means an individual employed or contracted as an officer of a law enforcement agency whether or not the individual is on duty.

(6) “Public body” has the meaning given that term in ORS 174.109.

SECTION 2. (1) A law enforcement agency or public body may not:

(a) Except as required by state or federal law, deny services, benefits, privileges or opportunities to an individual in custody, or on parole, probation or post-prison supervision, on the basis of known or suspected immigration status, the existence of an immigration detainer, hold, notification or other related federal immigration request or a civil immigration warrant;

(b) Inquire into or collect information about an individual's immigration or citizenship status or country of birth unless:

(A) The information is required to advance an investigation into a violation of state or local criminal law;

(B) The information is submitted to a court of this state, whether orally or in writing, in connection with a proceeding in that court; or

(C) As necessary to determine the individual's eligibility for a benefit that the individual is seeking; or

(c) Provide information about an individual in the custody of the public body or law enforcement agency to a federal immigration authority for the purpose of civil immigration enforcement, except:

(A) As may be required by a judicial subpoena issued as part of a court proceeding or by another compulsory court-issued legal process; or

(B) To the extent that the information is available to the general public and under the same terms and conditions as the information is available to the general public.

(2) For purposes of subsection (1)(c)(A) of this section, a judicial subpoena does not include an administrative subpoena created and signed by a federal immigration authority.

(3) To ensure compliance with all treaty obligations, including consular notification, and state and federal laws, on the commitment or detainment of an individual, a law enforcement agency shall explain to the individual in writing, with interpretation into another language if requested:

(a) The individual's right to refuse to disclose the individual's nationality, citizenship or immigration status; and

(b) That disclosure of the individual's nationality, citizenship or immigration status may result in civil or criminal immigration enforcement, including removal from the United States.

(4) Any person may bring a civil action against a law enforcement agency or public body that violates subsections (1) to (3) of this section to enjoin the violation.

SECTION 3. (1) Public facilities, property, moneys, equipment, technology or personnel may not be used for the purpose of investigating, detecting, apprehending, arresting, detaining or holding individuals for immigration enforcement.

(2) Actions with a purpose described in subsection (1) of this section include, but are not limited to, the following:

(a) Granting a federal immigration agency access to an area of a facility that is not normally open to the public.

(b) Supporting or assisting a federal agency in immigration enforcement, including but not limited to any of the following:

(A) Providing information, including but not limited to an individual's contact information, country of birth, custody status, release date, parole, probation or post-prison supervision appointment dates or times, or home or work address, except as provided in section 2 of this 2021 Act;

(B) Investigating or interrogating individuals for immigration enforcement; or

(C) Establishing traffic perimeters for the purpose of supporting or facilitating immigration enforcement.

(3)(a) If a public body receives a communication or request from a federal agency that relates to immigration enforcement, other than a judicial subpoena described in section 2 (1)(c)(A) of this 2021 Act, the public body shall decline the request and document the com-

munication or request. The documentation described in this subsection must be provided to the director or other similar management personnel of the public body.

(b) The public body shall submit the information documented under this subsection to the Oregon Criminal Justice Commission pursuant to procedures established by the commission. The commission shall require at least monthly submission of the information described in this subsection.

(c) A public body shall adopt internal procedures to carry out this subsection.

(4)(a) The commission shall publish and continually update, on a website operated by or on behalf of the commission, an entry for each communication or request described in subsection (3) of this section, the public body that received the communication or request, the federal agency involved in the communication or that made the request and a summary of the public body's response to the communication or request.

(b) The information contained on the website described in this subsection may not contain any personally identifiable information of the individuals involved in the communication or request, including of an individual targeted by federal immigration authorities, an individual who reported the communication or request, an individual who witnessed the communication or request or report of the communication or request or the family members of an individual described in this paragraph.

(c)(A) Information obtained by the commission under this subsection may be used only for statistical purposes and coordination with the sanctuary violation reporting mechanism established under section 4 of this 2021 Act.

(B) Information described in this subsection that may reveal the identity of an individual described in paragraph (b) of this subsection is exempt from disclosure under ORS 192.311 to 192.478.

(C) Pursuant to a request from the Department of Justice, the commission may release to the department information described in this subsection that is necessary to investigate a report made to the sanctuary violation reporting mechanism established under section 4 of this 2021 Act if the information is used to support an individual described in paragraph (b) of this subsection.

(d) Not later than July 1, 2022, and at least annually thereafter, the commission shall issue a report that summarizes the information reported to the commission and published on the website described in this subsection. The commission shall provide the report to the Governor, the Legislative Assembly, the district attorneys of this state, the Department of State Police, each law enforcement agency in this state and the Department of Public Safety Standards and Training.

(5) Any person may bring a civil action against a law enforcement agency or public body that violates subsection (1) of this section to enjoin the violation.

SECTION 4. (1) The Department of Justice shall establish a sanctuary violation reporting mechanism to receive reports of alleged violations of sections 2 and 3 of this 2021 Act and ORS 180.805 and 181A.820. The sanctuary violation reporting mechanism must include a staffed telephone hotline and an online system that allows for electronic reporting.

(2) The sanctuary violation reporting mechanism must:

(a) Be coordinated with the Oregon Criminal Justice Commission to develop a standardized intake process for reports made through the hotline or online system;

(b) Collect all data possible regarding agencies, personnel, locations and individuals involved with violations reported through the hotline or online system;

(c) Provide culturally competent assistance, referrals and resources to an individual targeted by a violation reported through the hotline or online system, and ensure that the assistance, referrals and resources are designed to reduce the effects of trauma and prevent further trauma; and

(d) Coordinate with local organizations and service providers to assist individuals targeted by violations reported through the hotline or online system and families of those individuals.

(3) The department, in coordination with the commission, shall publish and continually update, on a website operated by or on behalf of the department:

(a) The number of complaints received by the mechanism established under subsection (1) of this section; and

(b) An entry for each complaint, including the alleged violation, the federal agency implicated in the complaint and public bodies or agencies involved in the incident and the response of the public bodies and agencies.

(4) The information contained on the website described in subsection (3) of this section may not contain any personally identifiable information of the individuals involved in the incident on which the complaint is based.

(5) Information and data obtained under this section:

(a) May be used only for the purposes described in this section; and

(b) Is exempt from public disclosure under ORS 192.311 to 192.478 if the information may reveal the identity of an individual involved in an incident on which a complaint reported to the sanctuary violation reporting mechanism is based.

SECTION 5. (1) An individual may not be subject to civil arrest without a judicial warrant or judicial order when the individual is in a court facility.

(2) An individual who, in good faith, is attending a court proceeding in which the individual is a party or potential witness, or family or household member of a party or potential witness, may not be subject to civil arrest while going to, remaining at or returning from the court proceeding, unless the civil arrest is supported by a judicial warrant or judicial order that authorizes the civil arrest.

(3) Any person may bring a civil action against a law enforcement agency or public body that violates this section to enjoin the violation.

SECTION 6. (1) A public body, law enforcement agency or an officer of a law enforcement agency may not enter into or renew an agreement, contract, memorandum of understanding or other arrangement that authorizes the public body, law enforcement agency or officer to exercise federal immigration enforcement powers, including those powers specified in 8 U.S.C. 1357(g), or that otherwise permits the public body, law enforcement agency or officer to detain or house individuals for federal civil immigration violations.

(2) A public body or law enforcement agency may not enter into or renew an agreement, contract, memorandum of understanding or other arrangement under which the public body or law enforcement agency detains or houses individuals who are in the custody of a federal immigration authority for violations of federal immigration law.

(3) A person may not operate a private immigration detention facility within this state.

(4) Any person may bring a civil action against a law enforcement agency or public body that violates this section to enjoin the violation.

SECTION 7. Section 6 of this 2021 Act applies to agreements, contracts, memoranda of understanding or other arrangements entered into or renewed on or after the effective date of this 2021 Act.

SECTION 8. ORS 180.805 is amended to read:

180.805. (1) As used in this section:

(a) "Federal immigration authority" means the United States Department of Homeland Security, the United States Immigration and Customs Enforcement, the United States Citizenship and Immigration Services, the United States Customs and Border Protection or a successor agency, any other federal immigration agency or official, or any other entity to which a federal immigration agency delegates or assigns the authority to detect, investigate or enforce violations of immigration law.

(b) **“Information concerning a person’s citizenship or immigration status” means information about whether a person is a citizen of the United States or has lawful authority to be present in the United States, either through a visa, a green card or another official documentation. The term does not include information consisting of a person’s address, location, contact information, relatives, associates or other information that could lead to the detection or apprehension of the person.**

(c) **“Public body” has the meaning given that term in ORS 174.109.**

(d) **“Social media” has the meaning given that term in ORS 659A.330.**

[(1)] (2) Except as required by state or federal law, a public body may not disclose, for the purpose of enforcement of federal immigration laws, the following information concerning any person, whether current or otherwise:

(a) The person’s address;

(b) The person’s workplace or hours of work;

(c) The person’s school or school hours;

(d) The person’s contact information, including telephone number, electronic mail address or social media account information;

(e) The identity of known associates or relatives of the person;

(f) The date, time or location of the person’s hearings, proceedings or appointments with the public body that are not matters of public record; or

(g) Information described in paragraphs (a) through (f) of this subsection with respect to known relatives or associates of the person.

[(2)] (3) Except as required by state or federal law, or as necessary to determine eligibility for a benefit a person is seeking, a public body may not inquire about or request information concerning a person’s citizenship or immigration status.

[(3)(a)] (4)(a) If a public body collects information concerning a person’s citizenship or immigration status, the public body *[may]* **shall** decline to disclose the information unless disclosure is required by:

(A) State or federal law;

(B) A court order; or

(C) A warrant authorized by a court.

(b) Nothing in this subsection:

(A) Prevents a person from obtaining records about the person or the person’s dependents from a public body; or

(B) Authorizes a public body to withhold aggregated information that is not personally identifiable.

[(4)] (5) A public body shall, within six months of August 15, 2017, and every year thereafter, review the public body’s confidentiality policies to ensure that the public body treats information concerning a person’s citizenship or immigration status, and information described in subsection [(1)] (2) of this section, in a manner consistent with this section and ORS 180.810.

[(5) *Nothing in this section prohibits any public body from complying with a federal immigration authority as required by federal law.*]

[(6) *As used in this section:*]

[(a) *“Federal immigration authority” means the United States Department of Homeland Security, the United States Immigration and Customs Enforcement, the United States Citizenship and Immigration Services or a successor agency, any other federal immigration agency or official, or any other entity to which a federal immigration agency delegates or assigns the authority to detect, investigate or enforce violations of immigration law.*]

[(b) *“Information concerning a person’s citizenship or immigration status” means information about whether a person is a citizen of the United States or has lawful authority to be present in the United States, either through a visa, a green card or another official documentation. The term does not include information consisting of a person’s address, location, contact information, relatives, associates or other information that could lead to the detection or apprehension of the person.*]

[(c) "Public body" has the meaning given that term in ORS 174.109.]

[(d) "Social media" has the meaning given that term in ORS 659A.330.]

(6) Any person may bring a civil action against a law enforcement agency or public body that violates subsection (2) or (3) of this section to enjoin the violation.

SECTION 9. ORS 181A.820 is amended to read:

181A.820. (1) As used in this section:

(a) "Federal immigration authority" has the meaning given that term in ORS 180.805.

(b) "Warrant of arrest" has the meaning given that term in ORS 131.005.

[(1)] (2) [No] A law enforcement agency [of the State of Oregon or of any political subdivision of the state shall] may not 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] for the purpose of enforcing federal immigration laws.

(3) A law enforcement agency may not enter into a formal or informal agreement with a federal immigration authority relating to the detention of a person described in subsection (2) of this section.

[(2)] (4) Notwithstanding subsection [(1)] (2) of this section, a law enforcement agency may exchange information with [United States Immigration and Customs Enforcement, United States Citizenship and Immigration Services and United States Customs and Border Protection] a federal immigration authority 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 records of [United States Immigration and Customs Enforcement, United States Citizenship and Immigration Services or United States Customs and Border Protection] the federal immigration authority.

[(3)] (5) Notwithstanding subsection [(1)] (2) of this section, a law enforcement agency may arrest any person who:

(a) Is charged by the United States with a criminal violation of federal immigration laws under Title II of the Immigration and Nationality Act or 18 U.S.C. 1015, 1422 to 1429 or 1505; and

(b) Is subject to arrest for the crime pursuant to a warrant of arrest issued by a federal magistrate.

(6) Any person may bring a civil action against a law enforcement agency that violates subsection (2) or (3) of this section to enjoin the violation.

[(4)] (7) For purposes of subsection [(1)] (2) or (3) of this section, the Bureau of Labor and Industries is not a law enforcement agency.

[(5) As used in this section, "warrant of arrest" has the meaning given that term in ORS 131.005.]

SECTION 10. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Justice, for the biennium beginning July 1, 2021, out of the General Fund, the amount of \$905,071, for the purposes of carrying out sections 3 and 4 of this 2021 Act.

SECTION 11. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.

Passed by House June 17, 2021

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate June 23, 2021

.....
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

.....
Shemia Fagan, Secretary of State

ATTACHMENT E

82nd OREGON LEGISLATIVE ASSEMBLY--2023 Regular Session

Enrolled House Bill 2002

Sponsored by Representatives VALDERRAMA, NELSON, Senators LIEBER, STEINER; Representatives ANDERSEN, BOWMAN, BYNUM, DEXTER, FAHEY, GAMBA, GOMBERG, GRAYBER, HARTMAN, HELM, HOLVEY, HUDSON, KROPF, MARSH, MCLAIN, NGUYEN D, NGUYEN H, NOSSE, PHAM H, PHAM K, REYNOLDS, RUIZ, SOSA, TRAN, WALTERS, Senators CAMPOS, DEMBROW, FREDERICK, GELSER BLOUIN, GOLDEN, GORSEK, JAMA, MANNING JR, MEEK, PATTERSON, PROZANSKI, SOLLMAN, TAYLOR, WAGNER, WOODS

CHAPTER

AN ACT

Relating to health; creating new provisions; amending ORS 15.430, 109.640, 161.005, 192.345, 192.820, 192.822, 192.826, 243.144, 243.877, 418.307, 435.215, 435.225, 436.225, 659.880, 659A.029, 675.070, 675.540, 675.745, 676.177, 677.190, 677.225, 677.320, 678.111, 685.110, 689.405 and 743A.067; repealing ORS 109.610, 109.660, 435.200 and 435.435; and declaring an emergency.

Whereas nothing in the insurance provisions of this 2023 Act affects the age at which a minor may consent to receive health care services; now, therefore,

Be It Enacted by the People of the State of Oregon:

REPRODUCTIVE HEALTH RIGHTS

SECTION 1. ORS 435.205 to 435.235 and 659.880 are added to and made a part of sections 2 to 4 of this 2023 Act.

SECTION 2. As used in sections 2 to 4 of this 2023 Act:

(1) "Contraception" includes:

(a) Steroidal, chemical, physical or barrier, natural or permanent methods for preventing the union of an ovum with the spermatozoon, or for preventing the subsequent implantation of the fertilized ovum in the uterus;

(b) All postcoital methods, drugs or devices to prevent pregnancy; and

(c) Any other process, device or method to prevent pregnancy.

(2) "Public body" means a public body as defined in ORS 174.109 and the Oregon Health and Science University.

(3) "Reproductive health" means reproductive processes, functions and systems at all stages of life.

(4) "Reproductive health care" includes family planning and contraception, pregnancy termination services, prenatal, postnatal and delivery care, miscarriage management, fertility care, sterilization services, treatments for sexually transmitted infections and reproductive cancers and any other health care and medical services related to reproductive health.

SECTION 3. Every individual has a fundamental right to make decisions about the individual's reproductive health, including the right to make decisions about the individual's

reproductive health care, to use or refuse contraception, to continue the individual's pregnancy and give birth or to terminate the individual's pregnancy.

SECTION 4. (1) Any person may bring an action against a public body, or an officer, employee or agent of a public body, for injunctive relief to enforce the requirements of sections 2 to 4 of this 2023 Act.

(2) The court may award reasonable attorney fees and costs to a prevailing plaintiff in an action under this section.

(3) ORS 30.260 to 30.300 apply to an action under this section.

SECTION 5. ORS 659.880 is amended to read:

659.880. (1) A public body [*as defined in ORS 174.109*] or, except as provided in ORS 435.225, an officer, employee or agent of a public body may not:

[*(1)*] **(a) Deprive a consenting individual of the choice of [*terminating the individual's pregnancy*] exercising the individual's reproductive health rights under section 3 of this 2023 Act;**

[*(2)*] **(b) Interfere with or restrict, in the regulation [*or provision*] of benefits, facilities, services or information, the choice of a consenting individual to [*terminate the individual's pregnancy*] exercise the individual's reproductive health rights under section 3 of this 2023 Act;**

[*(3)*] **(c) Prohibit a health care provider, who is acting within the scope of the health care provider's license, from [*terminating or assisting in the termination of a patient's pregnancy*] providing reproductive health care information and services to a consenting individual; [*or*]**

[*(4)*] **(d) Interfere with or restrict, in the regulation [*or provision*] of benefits, facilities, services or information, the choice of a health care provider, who is acting within the scope of the health care provider's license, [*to terminate or assist in the termination of a patient's pregnancy.*] to provide reproductive health care information and services to a consenting individual;**

(e) Subject an individual to criminal or civil liability or penalty, or otherwise deprive the individual of any rights, based on the individual's actions or omissions in exercising the individual's reproductive health rights under section 3 of this 2023 Act, including any action or omission affecting an actual, potential or alleged pregnancy outcome; or

(f) Subject any person to criminal or civil liability or penalty, or otherwise deprive any person of the person's rights, based solely on the person's actions in the provision of aid, assistance, resources or support to an individual in the exercise of the individual's reproductive health rights, provided that the person's actions do not otherwise violate the laws of this state.

(2)(a) Nothing in this section is intended to prevent the application of laws, rules, ordinances or taxes that affect the method or manner of sales or distribution of contraceptive devices or the provision of reproductive health care, provided that the laws, rules, ordinances or taxes are designed to promote public health and safety and do not unreasonably burden public access to contraception or other reproductive health care.

(b) Nothing in this section requires a public body to provide or pay for reproductive health care.

SECTION 6. ORS 435.215 is amended to read:

435.215. [*The refusal of any person to accept family planning and birth control services shall in no way affect the right of such person to receive public assistance, medical assistance, as defined in ORS 414.025, or any other public benefit and every person to whom such services are offered shall be so advised initially both orally and in writing. Employees engaged in the administration of ORS 435.205 to 435.235 shall recognize that the right to make decisions concerning family planning and birth control is a fundamental personal right of the individual and nothing in ORS 435.205 to 435.235 shall in any way abridge such individual right, nor shall any individual be required to state the reason for refusing the offer of family planning and birth control services.*]

(1) An individual's acceptance or refusal to accept reproductive health care information and services may not:

(a) Be grounds for the loss of any privilege or immunity to which the individual is otherwise entitled; or

(b) Affect the individual's right to receive public assistance, medical assistance, as defined in ORS 414.025, or any other public benefit.

(2) An officer, employee or agent of a public body who is engaged in the provision of reproductive health care information and services:

(a) Shall advise every individual to whom the officer, employee or agent of a public body provides reproductive health care information and services, both orally and in writing, of the rights described under subsection (1) of this section;

(b) Shall recognize that the right to make decisions concerning reproductive health care is a fundamental personal right of the individual and that nothing in ORS 435.475 or 435.485 or sections 2 to 4 of this 2023 Act or ORS chapter 436 in any way abridges that right; and

(c) May not require any individual to state the reason for accepting or refusing the offer of reproductive health care information and services.

SECTION 7. ORS 435.225 is amended to read:

435.225. (1) *[Any employee of the Oregon Health Authority]* **An officer, employee or agent of a public body** may refuse to accept the duty of offering *[family planning and birth control]* **reproductive health care information and services** to the extent that such duty is contrary to the personal or religious beliefs of the *[employee]* **officer, employee or agent**. However, such *[employee]* **officer, employee or agent** shall notify the immediate supervisor in writing of such refusal in order that arrangements may be made for eligible *[persons]* **individuals** to obtain such information and services from another **officer, employee or agent**.

(2) **If an officer, employee or agent of a public body refuses to provide reproductive health care information and services as provided in subsection (1) of this section, the public body shall immediately make arrangements for an individual to receive reproductive health care information and services from another officer, employee or agent of the public body.**

(3) *[Such refusal shall]* **The refusal of an officer, employee or agent of a public body to provide reproductive health care information and services under subsection (1) of this section may not be grounds for any disciplinary action, for dismissal, for any interdepartmental transfer, for any other discrimination in employment, or for suspension from employment, or for any loss in pay or other benefits.**

SECTION 8. ORS 109.640, as amended by section 14, chapter 349, Oregon Laws 2021, is amended to read:

109.640. (1) **As used in this section, "reproductive health care" has the meaning given that term in section 2 of this 2023 Act, except that "reproductive health care" does not include the elective sterilization of a minor under 15 years of age.**

[(1)] (2)(a) **As used in this subsection, "health care provider" means a physician, physician assistant licensed under ORS 677.505 to 677.525, nurse practitioner licensed under ORS 678.375 to 678.390 or a pharmacist licensed under ORS chapter 689.**

(b) **A minor under 15 years of age may give consent, without the consent of a parent or guardian of the minor, to an abortion only if the abortion is provided by a health care provider who is acting within the health care provider's scope of practice and who reasonably believes, in the health care provider's professional judgment, that:**

(A) **Involving the parent or guardian of the minor may result in the physical or emotional abuse of the minor or the neglect of the minor; or**

(B) **Requiring the consent of a parent or guardian of the minor would not be in the best interest of the minor, for the reasons documented by the health care provider after obtaining the concurrence of another health care provider who is associated with a separate medical practice or facility.**

(3) **Except as provided in subsection (2) of this section and notwithstanding subsection (4) of this section, a minor of any age may give consent, without the consent of a parent or guardian of the minor, to receive reproductive health care information and services from a**

health care provider who is a physician, physician assistant licensed under ORS 677.505 to 677.525, nurse practitioner licensed under ORS 678.375 to 678.390, **pharmacist licensed under ORS chapter 689** or naturopathic physician licensed under ORS chapter 685 [*may provide birth control information and services to any person without regard to the age of the person*], **and who is acting within the provider's scope of practice.**

[(2)] (4) A minor 15 years of age or older may give consent, without the consent of a parent or guardian of the minor, to:

(a) Hospital care, medical or surgical diagnosis or treatment by a physician licensed by the Oregon Medical Board or a naturopathic physician licensed under ORS chapter 685, and dental or surgical diagnosis or treatment by a dentist licensed by the Oregon Board of Dentistry[, *except as provided by ORS 109.660*].

(b) Diagnosis or treatment by a physician assistant who is licensed under ORS 677.505 to 677.525 and who is acting pursuant to a collaboration agreement as defined in ORS 677.495.

(c) Diagnosis and treatment by a nurse practitioner who is licensed by the Oregon State Board of Nursing under ORS 678.375 and who is acting within the scope of practice for a nurse practitioner.

(d) Except when the minor is obtaining contact lenses for the first time, diagnosis and treatment by an optometrist who is licensed by the Oregon Board of Optometry under ORS 683.010 to 683.340 and who is acting within the scope of practice for an optometrist.

(5) If a person, including a health care provider, has reasonable cause to believe that a minor the person comes into contact with under this section has suffered abuse, as defined in ORS 419B.005, the person shall immediately comply with the person's mandatory child abuse reporting duties under ORS 419B.010.

NOTE: Section 9 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 10. ORS 418.307 is amended to read:

418.307. (1) A physician licensed by the Oregon Medical Board, a naturopathic physician licensed under ORS chapter 685, a dentist licensed by the Oregon Board of Dentistry or a hospital licensed by the Department of Human Services is authorized to treat a child who is ward of the court or is a dependent or delinquent child in accord with the best medical judgment of the physician, naturopathic physician, dentist or responsible official of the hospital and without consent if:

(a) Because of the general state of the child's health or any particular condition, the physician, naturopathic physician, dentist or responsible official of the hospital determines that in the medical judgment of the physician, naturopathic physician, dentist or responsible official prompt action is reasonably necessary to avoid unnecessary suffering or discomfort or to effect a more expedient or effective cure; and

(b) It is impossible or highly impractical to obtain consent for treating the child from the child-caring agency, the child's parent or the child's legal guardian.

(2) No charge of assault or battery shall be made against a physician, naturopathic physician, dentist or hospital official or employee who provides medical treatment pursuant to subsection (1) of this section.

(3) A minor child described in subsection (1) of this section [*who is 15 years of age or older*] may consent to medical treatment [*pursuant to*] **as provided in ORS 109.640.**

SECTION 11. ORS 436.225 is amended to read:

436.225. (1) In obtaining informed consent for sterilization a physician, physician assistant or nurse practitioner must offer to answer any questions the individual to be sterilized may have concerning the proposed procedure, and must provide orally all of the following information or advice to the individual to be sterilized:

(a) Advice that the individual is free to withhold or withdraw consent to the procedure at any time before the sterilization without affecting the right to future care or treatment;

(b) A description of available alternative methods of family planning and birth control;

(c) Advice that the sterilization procedure is considered to be irreversible;

(d) A thorough explanation of the specific sterilization procedure to be performed;

(e) A full description of the discomforts and risks that may accompany or follow the performing of the procedure, including an explanation of the type and possible effects of any anesthetic to be used; and

(f) A full description of the benefits or advantages that may be expected as a result of the sterilization.

(2) A natural parent, or a legal guardian or conservator of a minor child or protected person appointed under ORS chapter 125, may not give substitute consent for sterilization.

(3) Whenever any physician, physician assistant or nurse practitioner has reason to believe an individual 15 years of age or older is unable to give informed consent, no sterilization shall be performed until it is determined by a circuit court that the individual involved is able to and has given informed consent. Whenever the court determines, under the provisions of this chapter, that a person lacks the ability to give informed consent, the court shall permit sterilization only if the person is 18 years of age or older and only upon showing that such operation, treatment or procedure is in the best interest of the individual.

(4) **Notwithstanding section 3 of this 2023 Act**, informed consent may not be obtained while the individual to be sterilized is:

(a) In labor or childbirth;

(b) Seeking to obtain or obtaining an abortion; or

(c) Under the influence of alcohol or other substances that affect the individual's state of awareness.

SECTION 12. ORS 743A.067, as amended by section 12, chapter 45, Oregon Laws 2022, is amended to read:

743A.067. (1) As used in this section:

(a) "Contraceptives" means health care services, drugs, devices, products or medical procedures to prevent a pregnancy.

(b) "Enrollee" means an insured individual and the individual's spouse, domestic partner and dependents who are beneficiaries under the insured individual's health benefit plan.

(c) "Health benefit plan" has the meaning given that term in ORS 743B.005, excluding Medicare Advantage Plans and including health benefit plans offering pharmacy benefits administered by a third party administrator or pharmacy benefit manager.

(d) "Prior authorization" has the meaning given that term in ORS 743B.001.

(e) "Religious employer" has the meaning given that term in ORS 743A.066.

(f) "Utilization review" has the meaning given that term in ORS 743B.001.

(2) A health benefit plan offered in this state must provide coverage for all of the following services, drugs, devices, products and procedures:

(a) Well-woman care prescribed by the Department of Consumer and Business Services by rule consistent with guidelines published by the United States Health Resources and Services Administration.

(b) Counseling for sexually transmitted infections, including but not limited to human immunodeficiency virus and acquired immune deficiency syndrome.

(c) Screening for:

(A) Chlamydia;

(B) Gonorrhea;

(C) Hepatitis B;

(D) Hepatitis C;

(E) Human immunodeficiency virus and acquired immune deficiency syndrome;

(F) Human papillomavirus;

(G) Syphilis;

(H) Anemia;

(I) Urinary tract infection;

(J) Pregnancy;

(K) Rh incompatibility;

- (L) Gestational diabetes;
- (M) Osteoporosis;
- (N) Breast cancer; and
- (O) Cervical cancer.

(d) Screening to determine whether counseling related to the BRCA1 or BRCA2 genetic mutations is indicated and counseling related to the BRCA1 or BRCA2 genetic mutations if indicated.

(e) Screening and appropriate counseling or interventions for:

- (A) Tobacco use; and
- (B) Domestic and interpersonal violence.

(f) Folic acid supplements.

(g) Abortion.

(h) Breastfeeding comprehensive support, counseling and supplies.

(i) Breast cancer chemoprevention counseling.

(j) Any contraceptive drug, device or product approved by the United States Food and Drug Administration, subject to all of the following:

(A) If there is a therapeutic equivalent of a contraceptive drug, device or product approved by the United States Food and Drug Administration, a health benefit plan may provide coverage for either the requested contraceptive drug, device or product or for one or more therapeutic equivalents of the requested drug, device or product.

(B) If a contraceptive drug, device or product covered by the health benefit plan is deemed medically inadvisable by the enrollee's provider, the health benefit plan must cover an alternative contraceptive drug, device or product prescribed by the provider.

(C) A health benefit plan must pay pharmacy claims for reimbursement of all contraceptive drugs available for over-the-counter sale that are approved by the United States Food and Drug Administration.

(D) A health benefit plan may not infringe upon an enrollee's choice of contraceptive drug, device or product and may not require prior authorization, step therapy or other utilization review techniques for medically appropriate covered contraceptive drugs, devices or other products approved by the United States Food and Drug Administration.

(k) Voluntary sterilization.

(L) As a single claim or combined with other claims for covered services provided on the same day:

(A) Patient education and counseling on contraception and sterilization.

(B) Services related to sterilization or the administration and monitoring of contraceptive drugs, devices and products, including but not limited to:

- (i) Management of side effects;
- (ii) Counseling for continued adherence to a prescribed regimen;
- (iii) Device insertion and removal; and

(iv) Provision of alternative contraceptive drugs, devices or products deemed medically appropriate in the judgment of the enrollee's provider.

(m) Any additional preventive services for women that must be covered without cost sharing under 42 U.S.C. 300gg-13, as identified by the United States Preventive Services Task Force or the Health Resources and Services Administration of the United States Department of Health and Human Services as of January 1, 2017.

(3) A health benefit plan may not impose on an enrollee a deductible, coinsurance, copayment or any other cost-sharing requirement on the coverage required by this section. A health care provider shall be reimbursed for providing the services described in this section without any deduction for coinsurance, copayments or any other cost-sharing amounts.

(4) Except as authorized under this section, a health benefit plan may not impose any restrictions or delays on the coverage required by this section.

(5) This section does not exclude coverage for contraceptive drugs, devices or products prescribed by a provider, acting within the provider's scope of practice, for:

(a) Reasons other than contraceptive purposes, such as decreasing the risk of ovarian cancer or eliminating symptoms of menopause; or

(b) Contraception that is necessary to preserve the life or health of an enrollee.

(6) This section does not limit the authority of the Department of Consumer and Business Services to ensure compliance with ORS 743A.063 and 743A.066.

(7) This section does not require a health benefit plan to cover:

(a) Experimental or investigational treatments;

(b) Clinical trials or demonstration projects, except as provided in ORS 743A.192;

(c) Treatments that do not conform to acceptable and customary standards of medical practice;

(d) Treatments for which there is insufficient data to determine efficacy; or

(e) Abortion if the insurer offering the health benefit plan:

(A) Has a certificate of authority to transact insurance in this state issued by the Department of Consumer and Business Services; and

(B) Excluded coverage for abortion in all of its individual, small employer and large employer group plans during the 2017 plan year.

(8) If services, drugs, devices, products or procedures required by this section are provided by an out-of-network provider, the health benefit plan must cover the services, drugs, devices, products or procedures without imposing any cost-sharing requirement on the enrollee if:

(a) There is no in-network provider to furnish the service, drug, device, product or procedure that is geographically accessible or accessible in a reasonable amount of time, as defined by the Department of Consumer and Business Services by rule consistent with the requirements for provider networks in ORS 743B.505; or

(b) An in-network provider is unable or unwilling to provide the service in a timely manner.

(9) An insurer may offer to a religious employer a health benefit plan that does not include coverage for contraceptives or abortion procedures that are contrary to the religious employer's religious tenets only if the insurer notifies in writing all employees who may be enrolled in the health benefit plan of the contraceptives and procedures the employer refuses to cover for religious reasons.

(10) If the Department of Consumer and Business Services concludes that enforcement of this section may adversely affect the allocation of federal funds to this state, the department may grant an exemption to the requirements but only to the minimum extent necessary to ensure the continued receipt of federal funds.

(11) An insurer that is subject to this section shall make readily accessible to enrollees and potential enrollees, in a consumer-friendly format, information about the coverage of contraceptives by each health benefit plan and the coverage of other services, drugs, devices, products and procedures described in this section. The insurer must provide the information:

(a) On the insurer's website; and

(b) In writing upon request by an enrollee or potential enrollee.

(12) This section does not prohibit an insurer from using reasonable medical management techniques to determine the frequency, method, treatment or setting for the coverage of services, drugs, devices, products and procedures described in subsection (2) of this section, other than coverage required by subsection (2)(g) and (j) of this section, if the techniques:

(a) Are consistent with the coverage requirements of subsection (2) of this section; and

(b) Do not result in the wholesale or indiscriminate denial of coverage for a service.

(13) This section is exempt from ORS 743A.001.

REPRODUCTIVE HEALTH SERVICES

NOTE: Sections 13 through 18 were deleted by amendment. Subsequent sections were not re-numbered.

(Gender-Affirming Treatment)

SECTION 19. Section 20 of this 2023 Act is added to and made a part of the Insurance Code.

SECTION 20. (1) As used in this section:

(a) “Carrier” has the meaning given that term in ORS 743B.005.

(b) “Gender-affirming treatment” means a procedure, service, drug, device or product that a physical or behavioral health care provider prescribes to treat an individual for incongruence between the individual’s gender identity and the individual’s sex assignment at birth.

(c) “Health benefit plan” has the meaning given that term in ORS 743B.005.

(2) A carrier offering a health benefit plan in this state may not:

(a) Deny or limit coverage under the plan for gender-affirming treatment that is:

(A) Medically necessary as determined by the physical or behavioral health care provider who prescribes the treatment; and

(B) Prescribed in accordance with accepted standards of care.

(b) Apply categorical cosmetic or blanket exclusions to medically necessary gender-affirming treatment.

(c) Exclude as a cosmetic service a medically necessary procedure prescribed by a physical or behavioral health care provider as gender-affirming treatment, including but not limited to:

(A) Tracheal shave;

(B) Hair electrolysis;

(C) Facial feminization surgery or other facial gender-affirming treatment;

(D) Revisions to prior forms of gender-affirming treatment; and

(E) Any combination of gender-affirming treatment procedures.

(d) Issue an adverse benefit determination denying or limiting access to gender-affirming treatment unless a physical or behavioral health care provider with experience prescribing or delivering gender-affirming treatment has first reviewed and approved the denial of or the limitation on access to the treatment.

(3) A carrier described in subsection (2) of this section must:

(a) Satisfy any network adequacy standards under ORS 743B.505 related to gender-affirming treatment providers; and

(b)(A) Contract with a network of gender-affirming treatment providers that is sufficient in numbers and geographic locations to ensure that gender-affirming treatment services are accessible to all enrollees without unreasonable delay; or

(B) Ensure that all enrollees have geographical access without unreasonable delay to out-of-network gender-affirming treatment services with cost-sharing or other out-of-pocket costs for the services no greater than the cost-sharing or other out-of-pocket costs for the services when furnished by an in-network provider.

(4) The Department of Consumer and Business Services shall:

(a) Evaluate compliance with this section in each examination or analysis of the market conduct of a carrier under ORS 731.300; and

(b) Adopt rules to implement the provisions of this section.

(5) This section is exempt from ORS 743A.001.

SECTION 21. The Department of Consumer and Business Services shall conduct a targeted market conduct examination of all carriers that are subject to the requirements of section 20 of this 2023 Act to ensure compliance with section 20 of this 2023 Act. The examinations must be completed no later than January 2, 2027.

SECTION 22. No later than December 31, 2026, the Department of Consumer and Business Services shall report to the interim committees of the Legislative Assembly related to

health, in the manner provided in ORS 192.245, on the implementation of section 20 of this 2023 Act.

SECTION 23. Section 24 of this 2023 Act is added to and made a part of ORS chapter 414.

SECTION 24. (1) As used in this section, “gender-affirming treatment” means a procedure, service, drug, device or product that a physical or behavioral health care provider prescribes to treat an individual for incongruence between the individual’s gender identity and the individual’s sex assignment at birth.

(2) Notwithstanding ORS 414.065 and 414.690, medical assistance provided to a member of a coordinated care organization or a medical assistance recipient who is not enrolled in a coordinated care organization shall include gender-affirming treatment.

(3) The Oregon Health Authority or a coordinated care organization may not:

(a) Deny or limit gender-affirming treatment that is:

(A) Medically necessary as determined by the physical or behavioral health care provider who prescribes the treatment; and

(B) Prescribed in accordance with accepted standards of care.

(b) Deny as a cosmetic service a medically necessary procedure prescribed by a physical or behavioral health care provider as gender-affirming treatment, including but not limited to:

(A) Tracheal shave;

(B) Hair electrolysis;

(C) Facial feminization surgery or other facial gender-affirming treatment;

(D) Revisions to prior forms of gender-affirming treatment; and

(E) Any combination of gender-affirming treatment procedures.

(c) Deny or limit gender-affirming treatment unless a physical or behavioral health care provider with experience prescribing or delivering gender-affirming treatment has first reviewed and approved the denial of or the limitation on the treatment.

(4) A coordinated care organization must:

(a) Contract with a network of gender-affirming treatment providers that is sufficient in numbers and geographic locations to meet the network adequacy standards prescribed by ORS 414.609 (1); and

(b)(A) Ensure that gender-affirming treatment services are accessible to all of the coordinated care organization’s members without unreasonable delay; or

(B) Ensure that all members have geographical access to non-contracting providers of gender-affirming treatment services without unreasonable delay.

(5) The authority shall monitor coordinated care organization compliance with the requirements of this section and may adopt rules necessary to carry out the provisions of this section.

SECTION 25. ORS 243.144, as amended by section 2, chapter 72, Oregon Laws 2022, is amended to read:

243.144. Benefit plans offered by the Public Employees’ Benefit Board that reimburse the cost of medical and other health services and supplies must comply with the requirements for health benefit plan coverage described in:

(1) ORS 743A.058;

(2) ORS 743B.256;

(3) ORS 743B.420;

(4) ORS 743B.423;

(5) ORS 743B.601;

(6) ORS 743B.810; [and]

(7) ORS 743B.287 (4); and

(8) Section 20 of this 2023 Act.

SECTION 26. ORS 243.877, as amended by section 3, chapter 72, Oregon Laws 2022, is amended to read:

243.877. Benefit plans offered by the Oregon Educators Benefit Board that reimburse the cost of medical and other health services and supplies must comply with the requirements for health benefit plan coverage described in:

- (1) ORS 743A.058;
- (2) ORS 743B.256;
- (3) ORS 743B.420;
- (4) ORS 743B.423;
- (5) ORS 743B.601;
- (6) ORS 743B.810; *[and]*
- (7) ORS 743B.287 (4); and
- (8) Section 20 of this 2023 Act.

(Contraceptives)

SECTION 27. Section 28 of this 2023 Act is added to and made a part of ORS chapter 414.

SECTION 28. (1) As used in this section, “prescription contraceptive” means a drug or device that requires a prescription and is approved by the United States Food and Drug Administration to prevent pregnancy.

(2) In determining the extent of prescription drugs to be provided in medical assistance, in accordance with ORS 414.065, the Oregon Health Authority shall ensure payment for a dispensing of prescription contraceptives, to an individual enrolled in the medical assistance program, that is sufficient to last for a period of 12 calendar months.

NOTE: Sections 29 and 30 were deleted by amendment. Subsequent sections were not renumbered.

PROTECTIONS FOR PROVIDERS AND INDIVIDUALS
(Malpractice insurance and licensing)

SECTION 31. An insurer that provides malpractice insurance for a health care provider for care provided in this state may not take any adverse action, including but not limited to sanctions, fines, penalties, rate increases or denial or revocation of coverage, against a health care provider authorized to provide care in this state if the adverse action is:

(1) Based solely on the health care provider's providing, authorizing, recommending, aiding, assisting, referring for or otherwise participating in a reproductive or gender-affirming health care service that is lawful in this state but unlawful in the jurisdiction in which the health care provider provided the service, so long as the service provided was performed in accordance with the standard of care applicable to the service; or

(2) A result of an adverse action taken against the health care provider's license issued by another state that resulted solely from the health care provider's providing, authorizing, recommending, aiding, assisting, referring for or otherwise participating in a reproductive or gender-affirming health care service that is lawful in this state but provided to a resident of a jurisdiction in which the service is unlawful or is unlawful in the jurisdiction in which the health care provider provided the service, so long as the service provided was performed in accordance with the standard of care applicable to the service.

SECTION 31a. ORS 675.070 is amended to read:

675.070. (1) If any of the grounds enumerated in subsection (2) of this section exist, the Oregon Board of Psychology may impose any of the following sanctions:

- (a) Deny a license to an applicant;
- (b) Refuse to renew the license of a psychologist or psychologist associate;
- (c) Suspend the license of a psychologist or psychologist associate for a period of not less than one year;
- (d) Issue a letter of reprimand;

- (e) Impose probation with authority to restrict the scope of practice of a psychologist or psychologist associate or require practice under supervision;
- (f) Revoke the license of a psychologist or psychologist associate; or
- (g) Impose a civil penalty as described in subsection (3) of this section.

(2) **Subject to subsection (7) of this section**, the board may impose a sanction listed in subsection (1) of this section against a psychologist or psychologist associate or applicant, or, if applicable, an unlicensed person found in violation of ORS 675.010 to 675.150, when, in the judgment of the board, the person:

- (a) Has an impairment as defined in ORS 676.303;
- (b) Has been convicted of violation of a law relating to controlled substances;
- (c) Has been convicted of a felony or misdemeanor involving moral turpitude;
- (d) Is guilty of immoral or unprofessional conduct or of gross negligence in the practice of psychology, including but not limited to:

(A) Conduct or practice contrary to recognized standard of ethics of the psychological profession or conduct or practice that constitutes a danger to the health or safety of a patient or the public, or conduct, practice or a condition that adversely affects a psychologist or psychologist associate's ability to practice psychology safely and skillfully.

(B) Willful ordering or performing of unnecessary tests or studies, administration of unnecessary treatment, failure to obtain consultations or perform referrals when failing to do so is not consistent with the standard of care, or otherwise ordering or performing a psychological service or treatment that is contrary to recognized standards of practice of the psychological profession;

(e) Has practiced or attempted to practice medicine without being licensed to do so;

(f) Has obtained or attempted to obtain a license under ORS 675.010 to 675.150 by fraud or material misrepresentation;

(g) Has impersonated a licensed psychologist or psychologist associate or has allowed another person to use the license of the psychologist;

(h) Has violated a provision of ORS 675.010 to 675.150 or 675.850 or a provision of the code of professional conduct formulated under ORS 675.110 (13);

(i) Has obtained a fee or payment from a patient or third party payer through fraud or intentional misrepresentation; or

(j) Notwithstanding ORS 670.280, has been convicted of a sex crime as defined in ORS 163A.005 or has been convicted in another state or jurisdiction of a crime that is substantially equivalent to a sex crime as defined in ORS 163A.005.

(3) The board may impose a civil penalty under subsection (1) of this section:

(a) In an amount not to exceed \$5,000; or

(b) In an amount not to exceed \$10,000, if any of the following conditions exist:

(A) The conduct giving rise to the penalty had a serious detrimental effect on the health or safety of another person;

(B) The person subject to the penalty has a history of discipline for the same or similar conduct;

(C) The conduct giving rise to the penalty involves a willful or reckless disregard of the law;

(D) The conduct giving rise to the penalty was perpetrated against a minor, an elderly person or a person with a disability; or

(E) The person subject to the penalty violated ORS 675.020 by practicing psychology or representing that the person is a psychologist without having a license.

(4) **Except as provided in subsection (7) of this section**, if a conviction described in subsection (2) of this section is used as grounds for denial, refusal, suspension, revocation, reprimand, probation or imposition of a civil penalty, a certified copy of the record of the conviction shall be conclusive evidence.

(5) The board may license an applicant or renew or restore a license suspended or revoked under subsection (2)(a) of this section due to a mental health condition if the board determines that the applicant or former licensed psychologist or former psychologist associate no longer has an impairment due to a mental health condition.

(6) **Except as provided in subsection (7) of this section**, license suspension or revocation in another state is grounds for license denial or disciplinary action by the board.

(7) **The board may not suspend or revoke a person's license to practice psychology, or refuse to grant a license to practice psychology to a person, because of a conviction or license suspension or revocation resulting solely from the person's provision of psychological services relating to reproductive or gender-affirming health care that are otherwise lawful in this state but unlawful in the jurisdiction in which the person provided the services, so long as the services provided were performed in accordance with the standard of care applicable to the services.**

SECTION 31b. ORS 675.540 is amended to read:

675.540. (1) **Subject to subsection (8) of this section**, the State Board of Licensed Social Workers may impose any or all of the sanctions specified in subsection (2) of this section, upon proof, after a hearing pursuant to the provisions of ORS chapter 183 relating to a contested case, that a regulated social worker:

- (a) Has been convicted in this or any other state of a crime that is a felony in this state;
- (b) Has been convicted of a felony in a federal court;
- (c) Is unable to perform the practice of social work by reason of physical illness;
- (d) Has an impairment as defined in ORS 676.303;
- (e) Has been grossly negligent or has engaged in unprofessional conduct in the practice of social work;
- (f) Has violated any provision of ORS 675.510 to 675.600 or 675.850 or any rule adopted under ORS 675.600; or
- (g) Notwithstanding ORS 670.280, has been convicted of a sex crime as defined in ORS 163A.005 or has been convicted in another state or jurisdiction of a crime that is substantially equivalent to a sex crime as defined in ORS 163A.005.

(2) Pursuant to the provisions of subsection (1) of this section, the board may:

- (a) Deny, suspend, revoke or refuse to renew any authorization to practice regulated social work issued under ORS 675.510 to 675.600.
- (b) Place a regulated social worker on probation and impose conditions or limits on the scope of practice of a regulated social worker.
- (c) Impose a civil penalty not to exceed \$3,000 for each violation.
- (3) The expiration, or voluntary surrender by a regulated social worker, of an authorization to practice regulated social work does not deprive the board of jurisdiction to proceed with any investigation of, or any action or disciplinary proceedings against, the regulated social worker.
- (4) Information that the board obtains as part of an investigation into the conduct of a regulated social worker or an applicant for an authorization to practice regulated social work or as part of a contested case proceeding, consent order or stipulated agreement involving the conduct of a regulated social worker or applicant, is confidential as provided under ORS 676.175.

(5) Subject to the provisions of ORS chapter 183 relating to a contested case, the board may impose a civil penalty in an amount up to \$5,000 upon proof that, after a person's authorization to practice regulated social work has been revoked by the board, the person has:

- (a) Engaged in the practice of clinical social work; or
- (b) Represented that the person is a regulated social worker.

(6) Subject to the provisions of ORS chapter 183 relating to a contested case, the board may impose a civil penalty of up to \$3,000 upon proof that a person who is not a regulated social worker has:

- (a) Represented that the person is a regulated social worker; or
- (b) Used the title "social worker" or any title, words or abbreviations that indicate that the person has an authorization to practice regulated social work in violation of ORS 675.520.

(7) Subject to the provisions of ORS chapter 183 relating to a contested case, the board may impose a civil penalty of up to \$5,000 upon proof that a person who is not a clinical social worker licensed under ORS 675.530 or a clinical social work associate certified under ORS 675.537 has:

(a) Engaged in the practice of clinical social work, unless the person is permitted to practice clinical social work under ORS 675.523; or

(b) Represented that the person is a clinical social worker or clinical social work associate.

(8)(a) As used in this section, “social work services” means clinical social work, the practice of baccalaureate social work, the practice of master’s social work or the practice of social work.

(b) The board may not suspend or revoke a person’s authorization to practice regulated social work, or refuse to grant a person an authorization to practice regulated social work, because of a conviction or license suspension or revocation resulting solely from the person’s provision of social work services relating to reproductive or gender-affirming health care that are otherwise lawful in this state but unlawful in the jurisdiction in which the person provided the services, so long as the services provided were performed in accordance with the standard of care applicable to the services.

SECTION 31c. ORS 675.745 is amended to read:

675.745. (1) The Oregon Board of Licensed Professional Counselors and Therapists may deny, suspend, revoke or refuse to issue or to renew any license issued under ORS 675.715 to 675.835 upon proof that the applicant for licensure or the licensee:

(a) **Except as provided in subsection (8) of this section,** has been convicted of violating ORS 675.825 or of a crime in this or any other state or territory or against the federal government that brings into question the competence of the licensee in the role of a counselor or a therapist;

(b) Is unable to perform the practice of professional counseling or marriage and family therapy by reason of physical illness;

(c) Has an impairment as defined in ORS 676.303;

(d) Has been grossly negligent in the practice of professional counseling or marriage and family therapy;

(e) Has violated any provision of ORS 675.715 to 675.835 or 675.850;

(f) Has violated any rule of the board pertaining to the licensure of professional counselors or licensed marriage and family therapists;

(g) Has failed to file a professional disclosure statement or has filed a false, incomplete or misleading professional disclosure statement;

(h) Has practiced outside the scope of activities, including administering, constructing or interpreting tests or diagnosing or treating mental disorders, for which the licensee has individual training and qualification;

(i) **Except as provided in subsection (8) of this section,** has been disciplined by a state mental health licensing board or program in this or any other state for violation of competency or conduct standards; or

(j) Notwithstanding ORS 670.280, has been convicted of a sex crime as defined in ORS 163A.005 or has been convicted in another state or jurisdiction of a crime that is substantially equivalent to a sex crime as defined in ORS 163A.005.

(2)(a) The board may reprimand or impose probation on a licensee or a registered associate upon proof of any of the grounds for discipline provided in subsection (1) of this section.

(b) If the board elects to place a licensee or a registered associate on probation, the board may impose:

(A) Restrictions on the scope of practice of the licensee or associate;

(B) Requirements for specific training;

(C) Supervision of the practice of the licensee or associate; or

(D) Other conditions the board finds necessary for the protection of the public.

(3) The board may initiate injunctive proceedings in any circuit court against persons violating any provision of ORS 675.715 to 675.835 or any rules adopted by the board.

(4) Pursuant to ORS 183.745, the board may impose a civil penalty of not more than \$2,500 for each ground for discipline listed in subsection (1) of this section found by the board.

(5) Pursuant to ORS 183.745, the board may impose a civil penalty of not more than \$2,500 for each violation of or failure to observe any limitation or condition imposed by the board on the licensee's or registered associate's practice under subsection (2) of this section.

(6) Information that the board obtains as part of an investigation into licensee or applicant conduct or as part of a contested case proceeding, consent order or stipulated agreement involving licensee or applicant conduct is confidential as provided under ORS 676.175.

(7) In addition to the actions authorized by subsections (1) and (2) of this section, the board may take such disciplinary action as the board in its discretion finds proper, including but not limited to the assessment of the costs of the disciplinary process.

(8) The board may not suspend or revoke a person's license or registration to practice professional counseling or marriage and family therapy, or refuse to grant a license or registration to practice professional counseling or marriage and family therapy to a person, because of a conviction or disciplinary action resulting solely from the person's provision of professional counseling services or marriage and family therapy services relating to reproductive or gender-affirming health care that are otherwise lawful in this state but unlawful in the jurisdiction in which the person provided the services, so long as the services provided were performed in accordance with the standard of care applicable to the services.

SECTION 32. ORS 677.190 is amended to read:

677.190. The Oregon Medical Board may refuse to grant, or may suspend or revoke, a license to practice for any of the following reasons:

(1)(a) Unprofessional or dishonorable conduct.

(b) For purposes of this subsection, the use of an alternative medical treatment shall not by itself constitute unprofessional conduct. For purposes of this paragraph:

(A) "Alternative medical treatment" means:

(i) A treatment that the treating physician, based on the physician's professional experience, has an objective basis to believe has a reasonable probability for effectiveness in its intended use even if the treatment is outside recognized scientific guidelines, is unproven, is no longer used as a generally recognized or standard treatment or lacks the approval of the United States Food and Drug Administration;

(ii) A treatment that is supported for specific usages or outcomes by at least one other physician licensed by the Oregon Medical Board; and

(iii) A treatment that poses no greater risk to a patient than the generally recognized or standard treatment.

(B) "Alternative medical treatment" does not include use by a physician of controlled substances in the treatment of a person for chemical dependency resulting from the use of controlled substances.

(2) Employing any person to solicit patients for the licensee. However, a managed care organization, independent practice association, preferred provider organization or other medical service provider organization may contract for patients on behalf of physicians.

(3) Representing to a patient that a manifestly incurable condition of sickness, disease or injury can be cured.

(4) Obtaining any fee by fraud or misrepresentation.

(5) Willfully or negligently divulging a professional secret without the written consent of the patient.

(6)(a) Except as provided in paragraph (b) of this subsection, conviction of any offense punishable by incarceration in a Department of Corrections institution or in a federal prison, subject to ORS 670.280. A copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.

(b) The board may not suspend or revoke a person's license, or refuse to grant a license to a person, because of a conviction resulting solely from the person's provision of a reproductive or gender-affirming health care service that is otherwise lawful in this state but

unlawful in the jurisdiction in which the person provided the service, so long as the service provided was performed in accordance with the standard of care applicable to the service.

(7) Impairment as defined in ORS 676.303.

(8) Fraud or misrepresentation in applying for or procuring a license to practice in this state, or in connection with applying for or procuring registration.

(9) Making statements that the licensee knows, or with the exercise of reasonable care should know, are false or misleading, regarding skill or the efficacy or value of the medicine, treatment or remedy prescribed or administered by the licensee or at the direction of the licensee in the treatment of any disease or other condition of the human body or mind.

(10) Impersonating another licensee licensed under this chapter or permitting or allowing any person to use the license.

(11) Aiding or abetting the practice of medicine or podiatry by a person not licensed by the board, when the licensee knows, or with the exercise of reasonable care should know, that the person is not licensed.

(12) Using the name of the licensee under the designation “doctor,” “Dr.,” “D.O.” or “M.D.,” “D.P.M.,” “Acupuncturist,” “P.A.” or any similar designation in any form of advertising that is untruthful or is intended to deceive or mislead the public.

(13) Gross negligence or repeated negligence in the practice of medicine or podiatry.

(14) Incapacity to practice medicine or podiatry. If the board has evidence indicating incapacity, the board may order a licensee to submit to a standardized competency examination. The licensee shall have access to the result of the examination and to the criteria used for grading and evaluating the examination. If the examination is given orally, the licensee shall have the right to have the examination recorded.

(15)(a) **Except as provided in paragraph (b) of this subsection,** disciplinary action by another state of a license to practice, based upon acts by the licensee similar to acts described in this section. A certified copy of the record of the disciplinary action of the state is conclusive evidence thereof.

(b) The board may not suspend or revoke a person’s license, or refuse to grant a license to a person, because of a disciplinary action by another state resulting solely from the person’s provision of a reproductive or gender-affirming health care service that is otherwise lawful in this state but unlawful in the jurisdiction in which the person provided the service, so long as the service provided was performed in accordance with the standard of care applicable to the service.

(16) Failing to designate the degree appearing on the license under circumstances described in ORS 677.184 (3).

(17) Willfully violating any provision of this chapter or any rule adopted by the board, board order, or failing to comply with a board request pursuant to ORS 677.320.

(18) Failing to report the change of the location of practice of the licensee as required by ORS 677.172.

(19) Imprisonment as provided in ORS 677.225.

(20) Making a fraudulent claim.

(21)(a) Performing psychosurgery.

(b) For purposes of this subsection and ORS 426.385, “psychosurgery” means any operation designed to produce an irreversible lesion or destroy brain tissue for the primary purpose of altering the thoughts, emotions or behavior of a human being. “Psychosurgery” does not include procedures which may produce an irreversible lesion or destroy brain tissues when undertaken to cure well-defined disease states such as brain tumor, epileptic foci and certain chronic pain syndromes.

(22) Refusing an invitation for an informal interview with the board requested under ORS 677.415.

(23) Violation of the federal Controlled Substances Act.

(24) Prescribing controlled substances without a legitimate medical purpose, or prescribing controlled substances without following accepted procedures for examination of patients, or prescribing controlled substances without following accepted procedures for record keeping.

(25) Providing written documentation for purposes of ORS 475C.783 without having legitimately diagnosed a debilitating medical condition, as defined in ORS 475C.777, or without having followed accepted procedures for the examination of patients or for keeping records.

(26) Failure by the licensee to report to the board any adverse action taken against the licensee by another licensing jurisdiction or any peer review body, health care institution, professional or medical society or association, governmental agency, law enforcement agency or court for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action as described in this section.

(27) Failure by the licensee to notify the board of the licensee's voluntary resignation from the staff of a health care institution or voluntary limitation of a licensee's staff privileges at the institution if that action occurs while the licensee is under investigation by the institution or a committee thereof for any reason related to medical incompetence, unprofessional conduct, physical incapacity or impairment.

SECTION 33. ORS 677.225 is amended to read:

677.225. (1) A person's license issued under this chapter is suspended automatically if:

(a) The licensee is adjudged to be a person with mental illness under ORS 426.130 or is admitted on a voluntary basis to a treatment facility for mental illness that affects the ability of the licensee to safely practice medicine and if the licensee's residence in the hospital exceeds 25 consecutive days; or

(b) **Except as provided in subsection (4) of this section**, the licensee is an adult in custody in a penal institution.

(2)(a) The clerk of the court ordering commitment or incarceration under subsection (1)(a) or (b) of this section shall cause to be mailed to the Oregon Medical Board, as soon as possible, a certified copy of the court order. *[No fees are chargeable by]* The clerk **may not charge a fee** for performing the duties prescribed by this paragraph.

(b) The administrator of the hospital to which a person with a license issued under this chapter has voluntarily applied for admission shall cause to be mailed to the board as soon as possible, a certified copy of the record of the voluntary admission of *[such]* **the** person.

(c) Written evidence received from the supervisory authority of a penal or mental institution that the licensee is an adult in custody or patient therein is prima facie evidence for the purpose of subsection (1)(a) or (b) of this section.

(3) A suspension under this section may be terminated by the board when:

(a)(A) The board receives evidence satisfactory to the board that the licensee is not a person with mental illness as defined in ORS 426.005; or

(B) The board receives evidence satisfactory to the board that the licensee is no longer incarcerated; and

(b) The board is satisfied, with due regard for the public interest, that the licensee's privilege to practice may be restored.

(4) This section does not apply to a licensee who is an adult in custody in a penal institution if the sole reason for incarceration is the licensee's performance of, or assistance in the performance of, a reproductive or gender-affirming health care service that is otherwise lawful in this state but unlawful in the jurisdiction in which the licensee provided, or assisted in the provision of, the service, so long as the service provided was performed in accordance with the standard of care applicable to the service.

SECTION 34. Section 35 of this 2023 Act is added to and made a part of ORS 678.010 to 678.410.

SECTION 35. The Oregon State Board of Nursing may not suspend or revoke a person's license or refuse to grant a license to a person, because of a conviction or disciplinary action by another state resulting solely from the person's provision of a reproductive or gender-

affirming health care service that is otherwise lawful in this state but unlawful in the jurisdiction in which the person provided the service, so long as the service provided was performed in accordance with the standard of care applicable to the service.

SECTION 36. ORS 678.111, as amended by section 9, chapter 38, Oregon Laws 2022, is amended to read:

678.111. In the manner prescribed in ORS chapter 183 for a contested case, **and except as provided in section 35 of this 2023 Act:**

(1) The Oregon State Board of Nursing may refuse to issue a license to practice nursing by examination or indorsement or a nurse internship license or may revoke or suspend a license, issue a limited license, censure or reprimand or place on probation, subject to any conditions imposed by the board, a person issued a license, for any of the following causes:

(a) Conviction of the licensee of crime where the crime bears demonstrable relationship to the practice of nursing. A copy of the record of the conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.

(b) Gross incompetence or gross negligence of the licensee in the practice of nursing at the level for which the licensee is licensed.

(c) Any willful fraud or misrepresentation in applying for or procuring a license or renewal of a license.

(d) Fraud or deceit of the licensee in the practice of nursing or in admission to the practice of nursing.

(e) Impairment as defined in ORS 676.303.

(f) Conduct derogatory to the standards of nursing.

(g) Violation of any provision of ORS 678.010 to 678.448 or rules adopted under ORS 678.010 to 678.448.

(h) Revocation or suspension of a license to practice nursing by any state or territory of the United States, or any foreign jurisdiction authorized to issue nursing credentials whether or not that license or credential was relied upon in issuing that license in this state. A certified copy of the order of revocation or suspension shall be conclusive evidence of the revocation or suspension.

(i) Physical condition that makes the licensee unable to conduct safely the practice for which the licensee is licensed.

(j) Violation of any condition imposed by the board when issuing a limited license.

(2) A license may be denied, suspended or revoked for the reasons stated in subsection (1) of this section.

(3) A license in inactive status may be denied, suspended or revoked for the reasons stated in subsection (1) of this section.

(4) A license in retired status may be denied, suspended or revoked for any cause stated in subsection (1) of this section.

SECTION 37. ORS 685.110 is amended to read:

685.110. The Oregon Board of Naturopathic Medicine may refuse to grant a license, may suspend or revoke a license, may limit a license, may impose probation, may issue a letter of reprimand and may impose a civil penalty not to exceed \$5,000 for each offense for any of the following reasons:

(1) Using fraud or deception in securing a license.

(2) Impersonating another physician.

(3) Practicing naturopathic medicine under an assumed name.

(4) Performing an abortion.

(5) Being convicted of a crime involving moral turpitude.

(6) Any other reason that renders the applicant or licensee unfit to perform the duties of a naturopathic physician.

(7) Being convicted of a crime relating to practice of naturopathic medicine, **unless the conviction is solely the result of providing a reproductive or gender-affirming health care service that is otherwise lawful in this state but unlawful in the jurisdiction in which the person**

provided the service, so long as the service provided was performed in accordance with the standard of care applicable to the service.

- (8) Committing negligence related to the practice of naturopathic medicine.
- (9) Having an impairment as defined in ORS 676.303.
- (10) Prescribing or dispensing drugs outside the scope of practice.
- (11) Obtaining a fee through fraud or misrepresentation.
- (12) Committing gross or repeated malpractice.
- (13) Representing to a patient that a manifestly incurable condition of sickness, disease or injury can be permanently cured.
- (14) Engaging in any conduct or practice contrary to a recognized standard of ethics of the profession or any conduct or practice that does or might constitute a danger to the health or safety of a patient or the public or any conduct, practice or condition that does or might adversely affect a physician's ability safely and skillfully to practice naturopathic medicine.
- (15) Willfully and consistently utilizing any naturopathic service, X-ray equipment or treatment contrary to recognized standards of practice of the naturopathic profession.
- (16) Failing to notify the board within 30 days of a change in the location of practice or of mailing address.
- (17) Attempting to practice naturopathic medicine or practicing or claiming to practice naturopathic medicine or any of its components in this state without first complying with the provisions of this chapter.
- (18) Having a license to practice naturopathic medicine in another jurisdiction suspended or revoked, **unless the suspension or revocation is solely the result of providing a reproductive or gender-affirming health care service that is otherwise lawful in this state but unlawful in the jurisdiction in which the person provided the service, so long as the service was performed in accordance with the standard of care applicable to the service.**
- (19) Employing unlicensed persons to practice naturopathic medicine.
- (20) Practicing natural childbirth without first obtaining a certificate of special competency.
- (21) Failing to respond in a timely manner to a request for information regarding a complaint or the investigation of a complaint by the board.
- (22) Failing to pay a civil penalty in the time specified by the order imposing the penalty.
- (23) Violating any provision of this chapter or rules adopted by the board.

SECTION 38. ORS 689.405 is amended to read:

689.405. (1) The State Board of Pharmacy may refuse to issue or renew, or may suspend, revoke or restrict the license of any person or the certificate of registration of any drug outlet upon one or more of the following grounds:

- (a) Unprofessional conduct as that term is defined by the rules of the board.
- (b) Repeated or gross negligence.
- (c) Incapacity of a nature that prevents a person from engaging in the activity for which the person is licensed with reasonable skill, competence and safety to the public.
- (d) Impairment as defined in ORS 676.303.
- (e) **Subject to subsection (4) of this section,** being found guilty by the board of a violation of subparagraph (B) of this paragraph, or by a court of competent jurisdiction of one or more of the following:
 - (A) A felony, as defined by the laws of this state; or
 - (B) Violations of the pharmacy or drug laws of this state or rules pertaining thereto, or of statutes, rules or regulations of any other state, or of the federal government.
- (f) Fraud or intentional misrepresentation by a licensee or registrant in securing or attempting to secure the issuance or renewal of a license.
- (g) Engaging or aiding and abetting an individual to engage in the practice of pharmacy without a license, or falsely using the title of pharmacist.
- (h) Aiding and abetting an individual in performing the duties of a pharmacy technician without licensing.

(i) Being found by the board to be in violation of any of the provisions of ORS 435.010 to 435.130, 453.025, 453.045, 475.035 to 475.190, 475.744, 475.752 to 475.980 or this chapter or rules adopted pursuant to ORS 435.010 to 435.130, 453.025, 453.045, 475.035 to 475.190, 475.744, 475.752 to 475.980 and this chapter.

(j) Disciplinary action by another state regarding a license, based upon acts by the licensee similar to acts described in this subsection, **unless the disciplinary action resulted solely from the licensee's provision of a reproductive or gender-affirming health care service that is otherwise lawful in this state but unlawful in the jurisdiction in which the licensee provided the service, so long as the service provided was performed in accordance with the standard of care applicable to the service.** A certified copy of the record of disciplinary action of the state taking the disciplinary action is conclusive evidence thereof.

(2) Upon receipt of a complaint under this chapter, the board shall conduct an investigation as described under ORS 676.165.

(3) Actions taken under subsection (1) of this section shall be considered a contested case under ORS chapter 183.

(4) The board may not suspend or revoke a person's license, or refuse to grant a license to a person, because of a conviction resulting solely from the person's provision of a reproductive or gender-affirming health care service that is otherwise lawful in this state but unlawful in the jurisdiction in which the person provided the service, so long as the service provided was performed in accordance with the standard of care applicable to the service.

(Confidentiality)

SECTION 39. ORS 192.345 is amended to read:

192.345. The following public records are exempt from disclosure under ORS 192.311 to 192.478 unless the public interest requires disclosure in the particular instance:

(1) Records of a public body pertaining to litigation to which the public body is a party if the complaint has been filed, or if the complaint has not been filed, if the public body shows that such litigation is reasonably likely to occur. This exemption does not apply to litigation which has been concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation.

(2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within an organization and which is used in a business it conducts, having actual or potential commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

(3) Investigatory information compiled for criminal law purposes. The record of an arrest or the report of a crime shall be disclosed unless and only for so long as there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the record of an arrest or the report of a crime includes, but is not limited to:

(a) The arrested person's name, age, residence, employment, marital status and similar biographical information;

(b) The offense with which the arrested person is charged;

(c) The conditions of release pursuant to ORS 135.230 to 135.290;

(d) The identity of and biographical information concerning both complaining party and victim;

(e) The identity of the investigating and arresting agency and the length of the investigation;

(f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

(g) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice.

(4) Test questions, scoring keys, and other data used to administer a licensing examination, employment, academic or other examination or testing procedure before the examination is given and if the examination is to be used again. Records establishing procedures for and instructing persons administering, grading or evaluating an examination or testing procedure are included in this exemption, to the extent that disclosure would create a risk that the result might be affected.

(5) Information consisting of production records, sale or purchase records or catch records, or similar business records of a private concern or enterprise, required by law to be submitted to or inspected by a governmental body to allow it to determine fees or assessments payable or to establish production quotas, and the amounts of such fees or assessments payable or paid, to the extent that such information is in a form that would permit identification of the individual concern or enterprise. This exemption does not include records submitted by long term care facilities as defined in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for patient care. Nothing in this subsection shall limit the use that can be made of such information for regulatory purposes or its admissibility in any enforcement proceeding.

(6) Information relating to the appraisal of real estate prior to its acquisition.

(7) The names and signatures of employees who sign authorization cards or petitions for the purpose of requesting representation or decertification elections.

(8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825, until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under ORS 659A.850.

(9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and 663.180.

(10) Records, reports and other information received or compiled by the Director of the Department of Consumer and Business Services under ORS 697.732.

(11) Information concerning the location of archaeological sites or objects as those terms are defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and the need for the information is related to that Indian tribe's cultural or religious activities. This exemption does not include information relating to a site that is all or part of an existing, commonly known and publicized tourist facility or attraction.

(12) A personnel discipline action, or materials or documents supporting that action.

(13) Fish and wildlife information:

(a) Developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and 564.100, regarding the habitat, location or population of any threatened species or endangered species; or

(b) Described in section 2, chapter 532, Oregon Laws 2019.

(14) Writings prepared by or under the direction of faculty of public educational institutions, in connection with research, until publicly released, copyrighted or patented.

(15) Computer programs developed or purchased by or for any public body for its own use. As used in this subsection, "computer program" means a series of instructions or statements which permit the functioning of a computer system in a manner designed to provide storage, retrieval and manipulation of data from such computer system, and any associated documentation and source material that explain how to operate the computer program. "Computer program" does not include:

(a) The original data, including but not limited to numbers, text, voice, graphics and images;

(b) Analyses, compilations and other manipulated forms of the original data produced by use of the program; or

(c) The mathematical and statistical formulas which would be used if the manipulated forms of the original data were to be produced manually.

(16) Data and information provided by participants to mediation under ORS 36.256.

(17) Investigatory information relating to any complaint or charge filed under ORS chapter 654, until a final administrative determination is made or, if a citation is issued, until an employer receives notice of any citation.

(18) Specific operational plans in connection with an anticipated threat to individual or public safety for deployment and use of personnel and equipment, prepared or used by a public body, if

public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a law enforcement activity.

(19)(a) Audits or audit reports required of a telecommunications carrier. As used in this paragraph, "audit or audit report" means any external or internal audit or audit report pertaining to a telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an affiliated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to make the operations of the entity more efficient, accurate or compliant with applicable rules, procedures or standards, that may include self-criticism and that has been filed by the telecommunications carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an audit of a cost study that would be discoverable in a contested case proceeding and that is not subject to a protective order; and

(b) Financial statements. As used in this paragraph, "financial statement" means a financial statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390, with a telecommunications carrier, as defined in ORS 133.721.

(20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS 247.967.

(21) The following records, communications and information submitted to a housing authority as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants for and recipients of loans, grants and tax credits:

(a) Personal and corporate financial statements and information, including tax returns;

(b) Credit reports;

(c) Project appraisals, excluding appraisals obtained in the course of transactions involving an interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed of as part of the project, but only after the transactions have closed and are concluded;

(d) Market studies and analyses;

(e) Articles of incorporation, partnership agreements and operating agreements;

(f) Commitment letters;

(g) Project pro forma statements;

(h) Project cost certifications and cost data;

(i) Audits;

(j) Project tenant correspondence requested to be confidential;

(k) Tenant files relating to certification; and

(L) Housing assistance payment requests.

(22) Records or information that, if disclosed, would allow a person to:

(a) Gain unauthorized access to buildings or other property;

(b) Identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, services; or

(c) Disrupt, interfere with or gain unauthorized access to public funds or to information processing, communication or telecommunication systems, including the information contained in the systems, that are used or operated by a public body.

(23) Records or information that would reveal or otherwise identify security measures, or weaknesses or potential weaknesses in security measures, taken or recommended to be taken to protect:

(a) An individual;

(b) Buildings or other property;

(c) Information processing, communication or telecommunication systems, including the information contained in the systems; or

(d) Those operations of the Oregon State Lottery the security of which are subject to study and evaluation under ORS 461.180 (6).

(24) Personal information held by or under the direction of officials of the Oregon Health and Science University or a public university listed in ORS 352.002 about a person who has or who is interested in donating money or property to the Oregon Health and Science University or a public

university, if the information is related to the family of the person, personal assets of the person or is incidental information not related to the donation.

(25) The home address, professional address and telephone number of a person who has or who is interested in donating money or property to a public university listed in ORS 352.002.

(26) Records of the name and address of a person who files a report with or pays an assessment to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.

(27) Information provided to, obtained by or used by a public body to authorize, originate, receive or authenticate a transfer of funds, including but not limited to a credit card number, payment card expiration date, password, financial institution account number and financial institution routing number.

(28) Social Security numbers as provided in ORS 107.840.

(29) The electronic mail address of a student who attends a public university listed in ORS 352.002 or Oregon Health and Science University.

(30) The name, home address, professional address or location of a person that is engaged in, or that provides goods or services for, medical research at Oregon Health and Science University that is conducted using animals other than rodents. This subsection does not apply to Oregon Health and Science University press releases, websites or other publications circulated to the general public.

(31) If requested by a public safety officer, as defined in ORS 181A.355, or a county juvenile department employee who is charged with and primarily performs duties related to the custody, control or supervision of adjudicated youths confined in a detention facility, as defined in ORS 419A.004:

(a) The home address and home telephone number of the public safety officer or county juvenile department employee contained in the voter registration records for the officer or employee.

(b) The home address and home telephone number of the public safety officer or county juvenile department employee contained in records of the Department of Public Safety Standards and Training.

(c) The name of the public safety officer or county juvenile department employee contained in county real property assessment or taxation records. This exemption:

(A) Applies only to the name of the officer or employee and any other owner of the property in connection with a specific property identified by the officer or employee in a request for exemption from disclosure;

(B) Applies only to records that may be made immediately available to the public upon request in person, by telephone or using the Internet;

(C) Applies until the officer or employee requests termination of the exemption;

(D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for governmental purposes; and

(E) May not result in liability for the county if the name of the officer or employee is disclosed after a request for exemption from disclosure is made under this subsection.

(32) Unless the public records request is made by a financial institution, as defined in ORS 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage broker licensed under ORS 86A.095 to 86A.198, or title company for business purposes, records described in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought by an individual described in paragraph (b) of this subsection using the procedure described in paragraph (c) of this subsection:

(a) The home address, home or cellular telephone number or personal electronic mail address contained in the records of any public body that has received the request that is set forth in:

(A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance, release, satisfaction, substitution of trustee, easement, dog license, marriage license or military discharge record that is in the possession of the county clerk; or

(B) Any public record of a public body other than the county clerk.

(b) The individual claiming the exemption from disclosure must be a district attorney, a deputy district attorney, the Attorney General or an assistant attorney general, the United States Attorney for the District of Oregon or an assistant United States attorney for the District of Oregon, a city attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages in the prosecution of criminal matters.

(c) The individual claiming the exemption from disclosure must do so by filing the claim in writing with the public body for which the exemption from disclosure is being claimed on a form prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall list the public records in the possession of the public body to which the exemption applies. The exemption applies until the individual claiming the exemption requests termination of the exemption or ceases to qualify for the exemption.

(33) The following voluntary conservation agreements and reports:

(a) Land management plans required for voluntary stewardship agreements entered into under ORS 541.973; and

(b) Written agreements relating to the conservation of greater sage grouse entered into voluntarily by owners or occupiers of land with a soil and water conservation district under ORS 568.550.

(34) Sensitive business records or financial or commercial information of the State Accident Insurance Fund Corporation that is not customarily provided to business competitors. This exemption does not:

(a) Apply to the formulas for determining dividends to be paid to employers insured by the State Accident Insurance Fund Corporation;

(b) Apply to contracts for advertising, public relations or lobbying services or to documents related to the formation of such contracts;

(c) Apply to group insurance contracts or to documents relating to the formation of such contracts, except that employer account records shall remain exempt from disclosure as provided in ORS 192.355 (35); or

(d) Provide the basis for opposing the discovery of documents in litigation pursuant to the applicable rules of civil procedure.

(35) Records of the Department of Public Safety Standards and Training relating to investigations conducted under ORS 181A.640 or 181A.870 (6), until the department issues the report described in ORS 181A.640 or 181A.870.

(36) A medical examiner's report, autopsy report or laboratory test report ordered by a medical examiner under ORS 146.117.

(37) Any document or other information related to an audit of a public body, as defined in ORS 174.109, that is in the custody of an auditor or audit organization operating under nationally recognized government auditing standards, until the auditor or audit organization issues a final audit report in accordance with those standards or the audit is abandoned. This exemption does not prohibit disclosure of a draft audit report that is provided to the audited entity for the entity's response to the audit findings.

(38)(a) Personally identifiable information collected as part of an electronic fare collection system of a mass transit system.

(b) The exemption from disclosure in paragraph (a) of this subsection does not apply to public records that have attributes of anonymity that are sufficient, or that are aggregated into groupings that are broad enough, to ensure that persons cannot be identified by disclosure of the public records.

(c) As used in this subsection:

(A) "Electronic fare collection system" means the software and hardware used for, associated with or relating to the collection of transit fares for a mass transit system, including but not limited to computers, radio communication systems, personal mobile devices, wearable technology, fare instruments, information technology, data storage or collection equipment, or other equipment or improvements.

(B) "Mass transit system" has the meaning given that term in ORS 267.010.

(C) “Personally identifiable information” means all information relating to a person that acquires or uses a transit pass or other fare payment medium in connection with an electronic fare collection system, including but not limited to:

(i) Customer account information, date of birth, telephone number, physical address, electronic mail address, credit or debit card information, bank account information, Social Security or taxpayer identification number or other identification number, transit pass or fare payment medium balances or history, or similar personal information; or

(ii) Travel dates, travel times, frequency of use, travel locations, service types or vehicle use, or similar travel information.

(39)(a) If requested by a civil code enforcement officer:

(A) The home address and home telephone number of the civil code enforcement officer contained in the voter registration records for the officer.

(B) The name of the civil code enforcement officer contained in county real property assessment or taxation records. This exemption:

(i) Applies only to the name of the civil code enforcement officer and any other owner of the property in connection with a specific property identified by the officer in a request for exemption from disclosure;

(ii) Applies only to records that may be made immediately available to the public upon request in person, by telephone or using the Internet;

(iii) Applies until the civil code enforcement officer requests termination of the exemption;

(iv) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for governmental purposes; and

(v) May not result in liability for the county if the name of the civil code enforcement officer is disclosed after a request for exemption from disclosure is made under this subsection.

(b) As used in this subsection, “civil code enforcement officer” means an employee of a public body, as defined in ORS 174.109, who is charged with enforcing laws or ordinances relating to land use, zoning, use of rights-of-way, solid waste, hazardous waste, sewage treatment and disposal or the state building code.

(40) Audio or video recordings, whether digital or analog, resulting from a law enforcement officer’s operation of a video camera worn upon the officer’s person that records the officer’s interactions with members of the public while the officer is on duty. When a recording described in this subsection is subject to disclosure, the following apply:

(a) Recordings that have been sealed in a court’s record of a court proceeding or otherwise ordered by a court not to be disclosed may not be disclosed.

(b) A request for disclosure under this subsection must identify the approximate date and time of an incident for which the recordings are requested and be reasonably tailored to include only that material for which a public interest requires disclosure.

(c) A video recording disclosed under this subsection must, prior to disclosure, be edited in a manner as to render the faces of all persons within the recording unidentifiable.

(41) The contents of tips reported to a tip line, as defined in ORS 339.329. However, personally identifiable information, as defined in ORS 339.329, is not subject to public interest balancing under this section and remains exempt from disclosure except as provided in ORS 339.329.

(42) Residential addresses of individuals with intellectual or developmental disabilities residing in adult foster homes as defined in ORS 443.705 or residential training facilities or residential training homes as those terms are defined in ORS 443.400.

(43) The name, home address, professional address or location of an individual who is authorized to provide physical and behavioral health care services in this state and who provides reproductive and gender-affirming health care services.

SECTION 40. ORS 192.345, as amended by section 4, chapter 532, Oregon Laws 2019, section 2, chapter 318, Oregon Laws 2021, and section 23, chapter 489, Oregon Laws 2021, is amended to read:

192.345. The following public records are exempt from disclosure under ORS 192.311 to 192.478 unless the public interest requires disclosure in the particular instance:

(1) Records of a public body pertaining to litigation to which the public body is a party if the complaint has been filed, or if the complaint has not been filed, if the public body shows that such litigation is reasonably likely to occur. This exemption does not apply to litigation which has been concluded, and nothing in this subsection shall limit any right or opportunity granted by discovery or deposition statutes to a party to litigation or potential litigation.

(2) Trade secrets. "Trade secrets," as used in this section, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within an organization and which is used in a business it conducts, having actual or potential commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

(3) Investigatory information compiled for criminal law purposes. The record of an arrest or the report of a crime shall be disclosed unless and only for so long as there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim. Nothing in this subsection shall limit any right constitutionally guaranteed, or granted by statute, to disclosure or discovery in criminal cases. For purposes of this subsection, the record of an arrest or the report of a crime includes, but is not limited to:

(a) The arrested person's name, age, residence, employment, marital status and similar biographical information;

(b) The offense with which the arrested person is charged;

(c) The conditions of release pursuant to ORS 135.230 to 135.290;

(d) The identity of and biographical information concerning both complaining party and victim;

(e) The identity of the investigating and arresting agency and the length of the investigation;

(f) The circumstances of arrest, including time, place, resistance, pursuit and weapons used; and

(g) Such information as may be necessary to enlist public assistance in apprehending fugitives from justice.

(4) Test questions, scoring keys, and other data used to administer a licensing examination, employment, academic or other examination or testing procedure before the examination is given and if the examination is to be used again. Records establishing procedures for and instructing persons administering, grading or evaluating an examination or testing procedure are included in this exemption, to the extent that disclosure would create a risk that the result might be affected.

(5) Information consisting of production records, sale or purchase records or catch records, or similar business records of a private concern or enterprise, required by law to be submitted to or inspected by a governmental body to allow it to determine fees or assessments payable or to establish production quotas, and the amounts of such fees or assessments payable or paid, to the extent that such information is in a form that would permit identification of the individual concern or enterprise. This exemption does not include records submitted by long term care facilities as defined in ORS 442.015 to the state for purposes of reimbursement of expenses or determining fees for patient care. Nothing in this subsection shall limit the use that can be made of such information for regulatory purposes or its admissibility in any enforcement proceeding.

(6) Information relating to the appraisal of real estate prior to its acquisition.

(7) The names and signatures of employees who sign authorization cards or petitions for the purpose of requesting representation or decertification elections.

(8) Investigatory information relating to any complaint filed under ORS 659A.820 or 659A.825, until such time as the complaint is resolved under ORS 659A.835, or a final order is issued under ORS 659A.850.

(9) Investigatory information relating to any complaint or charge filed under ORS 243.676 and 663.180.

(10) Records, reports and other information received or compiled by the Director of the Department of Consumer and Business Services under ORS 697.732.

(11) Information concerning the location of archaeological sites or objects as those terms are defined in ORS 358.905, except if the governing body of an Indian tribe requests the information and the need for the information is related to that Indian tribe's cultural or religious activities. This exemption does not include information relating to a site that is all or part of an existing, commonly known and publicized tourist facility or attraction.

(12) A personnel discipline action, or materials or documents supporting that action.

(13) Fish and wildlife information developed pursuant to ORS 496.004, 496.172 and 498.026 or ORS 496.192 and 564.100, regarding the habitat, location or population of any threatened species or endangered species.

(14) Writings prepared by or under the direction of faculty of public educational institutions, in connection with research, until publicly released, copyrighted or patented.

(15) Computer programs developed or purchased by or for any public body for its own use. As used in this subsection, "computer program" means a series of instructions or statements which permit the functioning of a computer system in a manner designed to provide storage, retrieval and manipulation of data from such computer system, and any associated documentation and source material that explain how to operate the computer program. "Computer program" does not include:

(a) The original data, including but not limited to numbers, text, voice, graphics and images;

(b) Analyses, compilations and other manipulated forms of the original data produced by use of the program; or

(c) The mathematical and statistical formulas which would be used if the manipulated forms of the original data were to be produced manually.

(16) Data and information provided by participants to mediation under ORS 36.256.

(17) Investigatory information relating to any complaint or charge filed under ORS chapter 654, until a final administrative determination is made or, if a citation is issued, until an employer receives notice of any citation.

(18) Specific operational plans in connection with an anticipated threat to individual or public safety for deployment and use of personnel and equipment, prepared or used by a public body, if public disclosure of the plans would endanger an individual's life or physical safety or jeopardize a law enforcement activity.

(19)(a) Audits or audit reports required of a telecommunications carrier. As used in this paragraph, "audit or audit report" means any external or internal audit or audit report pertaining to a telecommunications carrier, as defined in ORS 133.721, or pertaining to a corporation having an affiliated interest, as defined in ORS 759.390, with a telecommunications carrier that is intended to make the operations of the entity more efficient, accurate or compliant with applicable rules, procedures or standards, that may include self-criticism and that has been filed by the telecommunications carrier or affiliate under compulsion of state law. "Audit or audit report" does not mean an audit of a cost study that would be discoverable in a contested case proceeding and that is not subject to a protective order; and

(b) Financial statements. As used in this paragraph, "financial statement" means a financial statement of a nonregulated corporation having an affiliated interest, as defined in ORS 759.390, with a telecommunications carrier, as defined in ORS 133.721.

(20) The residence address of an elector if authorized under ORS 247.965 and subject to ORS 247.967.

(21) The following records, communications and information submitted to a housing authority as defined in ORS 456.005, or to an urban renewal agency as defined in ORS 457.010, by applicants for and recipients of loans, grants and tax credits:

(a) Personal and corporate financial statements and information, including tax returns;

(b) Credit reports;

(c) Project appraisals, excluding appraisals obtained in the course of transactions involving an interest in real estate that is acquired, leased, rented, exchanged, transferred or otherwise disposed of as part of the project, but only after the transactions have closed and are concluded;

(d) Market studies and analyses;

- (e) Articles of incorporation, partnership agreements and operating agreements;
 - (f) Commitment letters;
 - (g) Project pro forma statements;
 - (h) Project cost certifications and cost data;
 - (i) Audits;
 - (j) Project tenant correspondence requested to be confidential;
 - (k) Tenant files relating to certification; and
 - (L) Housing assistance payment requests.
- (22) Records or information that, if disclosed, would allow a person to:
- (a) Gain unauthorized access to buildings or other property;
 - (b) Identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, services; or
 - (c) Disrupt, interfere with or gain unauthorized access to public funds or to information processing, communication or telecommunication systems, including the information contained in the systems, that are used or operated by a public body.
- (23) Records or information that would reveal or otherwise identify security measures, or weaknesses or potential weaknesses in security measures, taken or recommended to be taken to protect:
- (a) An individual;
 - (b) Buildings or other property;
 - (c) Information processing, communication or telecommunication systems, including the information contained in the systems; or
 - (d) Those operations of the Oregon State Lottery the security of which are subject to study and evaluation under ORS 461.180 (6).
- (24) Personal information held by or under the direction of officials of the Oregon Health and Science University or a public university listed in ORS 352.002 about a person who has or who is interested in donating money or property to the Oregon Health and Science University or a public university, if the information is related to the family of the person, personal assets of the person or is incidental information not related to the donation.
- (25) The home address, professional address and telephone number of a person who has or who is interested in donating money or property to a public university listed in ORS 352.002.
- (26) Records of the name and address of a person who files a report with or pays an assessment to a commodity commission established under ORS 576.051 to 576.455, the Oregon Beef Council created under ORS 577.210 or the Oregon Wheat Commission created under ORS 578.030.
- (27) Information provided to, obtained by or used by a public body to authorize, originate, receive or authenticate a transfer of funds, including but not limited to a credit card number, payment card expiration date, password, financial institution account number and financial institution routing number.
- (28) Social Security numbers as provided in ORS 107.840.
- (29) The electronic mail address of a student who attends a public university listed in ORS 352.002 or Oregon Health and Science University.
- (30) The name, home address, professional address or location of a person that is engaged in, or that provides goods or services for, medical research at Oregon Health and Science University that is conducted using animals other than rodents. This subsection does not apply to Oregon Health and Science University press releases, websites or other publications circulated to the general public.
- (31) If requested by a public safety officer, as defined in ORS 181A.355, or a county juvenile department employee who is charged with and primarily performs duties related to the custody, control or supervision of adjudicated youths confined in a detention facility, as defined in ORS 419A.004:
- (a) The home address and home telephone number of the public safety officer or county juvenile department employee contained in the voter registration records for the officer or employee.

(b) The home address and home telephone number of the public safety officer or county juvenile department employee contained in records of the Department of Public Safety Standards and Training.

(c) The name of the public safety officer or county juvenile department employee contained in county real property assessment or taxation records. This exemption:

(A) Applies only to the name of the officer or employee and any other owner of the property in connection with a specific property identified by the officer or employee in a request for exemption from disclosure;

(B) Applies only to records that may be made immediately available to the public upon request in person, by telephone or using the Internet;

(C) Applies until the officer or employee requests termination of the exemption;

(D) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for governmental purposes; and

(E) May not result in liability for the county if the name of the officer or employee is disclosed after a request for exemption from disclosure is made under this subsection.

(32) Unless the public records request is made by a financial institution, as defined in ORS 706.008, consumer finance company licensed under ORS chapter 725, mortgage banker or mortgage broker licensed under ORS 86A.095 to 86A.198, or title company for business purposes, records described in paragraph (a) of this subsection, if the exemption from disclosure of the records is sought by an individual described in paragraph (b) of this subsection using the procedure described in paragraph (c) of this subsection:

(a) The home address, home or cellular telephone number or personal electronic mail address contained in the records of any public body that has received the request that is set forth in:

(A) A warranty deed, deed of trust, mortgage, lien, deed of reconveyance, release, satisfaction, substitution of trustee, easement, dog license, marriage license or military discharge record that is in the possession of the county clerk; or

(B) Any public record of a public body other than the county clerk.

(b) The individual claiming the exemption from disclosure must be a district attorney, a deputy district attorney, the Attorney General or an assistant attorney general, the United States Attorney for the District of Oregon or an assistant United States attorney for the District of Oregon, a city attorney who engages in the prosecution of criminal matters or a deputy city attorney who engages in the prosecution of criminal matters.

(c) The individual claiming the exemption from disclosure must do so by filing the claim in writing with the public body for which the exemption from disclosure is being claimed on a form prescribed by the public body. Unless the claim is filed with the county clerk, the claim form shall list the public records in the possession of the public body to which the exemption applies. The exemption applies until the individual claiming the exemption requests termination of the exemption or ceases to qualify for the exemption.

(33) The following voluntary conservation agreements and reports:

(a) Land management plans required for voluntary stewardship agreements entered into under ORS 541.973; and

(b) Written agreements relating to the conservation of greater sage grouse entered into voluntarily by owners or occupiers of land with a soil and water conservation district under ORS 568.550.

(34) Sensitive business records or financial or commercial information of the State Accident Insurance Fund Corporation that is not customarily provided to business competitors. This exemption does not:

(a) Apply to the formulas for determining dividends to be paid to employers insured by the State Accident Insurance Fund Corporation;

(b) Apply to contracts for advertising, public relations or lobbying services or to documents related to the formation of such contracts;

(c) Apply to group insurance contracts or to documents relating to the formation of such contracts, except that employer account records shall remain exempt from disclosure as provided in ORS 192.355 (35); or

(d) Provide the basis for opposing the discovery of documents in litigation pursuant to the applicable rules of civil procedure.

(35) Records of the Department of Public Safety Standards and Training relating to investigations conducted under ORS 181A.640 or 181A.870 (6), until the department issues the report described in ORS 181A.640 or 181A.870.

(36) A medical examiner's report, autopsy report or laboratory test report ordered by a medical examiner under ORS 146.117.

(37) Any document or other information related to an audit of a public body, as defined in ORS 174.109, that is in the custody of an auditor or audit organization operating under nationally recognized government auditing standards, until the auditor or audit organization issues a final audit report in accordance with those standards or the audit is abandoned. This exemption does not prohibit disclosure of a draft audit report that is provided to the audited entity for the entity's response to the audit findings.

(38)(a) Personally identifiable information collected as part of an electronic fare collection system of a mass transit system.

(b) The exemption from disclosure in paragraph (a) of this subsection does not apply to public records that have attributes of anonymity that are sufficient, or that are aggregated into groupings that are broad enough, to ensure that persons cannot be identified by disclosure of the public records.

(c) As used in this subsection:

(A) "Electronic fare collection system" means the software and hardware used for, associated with or relating to the collection of transit fares for a mass transit system, including but not limited to computers, radio communication systems, personal mobile devices, wearable technology, fare instruments, information technology, data storage or collection equipment, or other equipment or improvements.

(B) "Mass transit system" has the meaning given that term in ORS 267.010.

(C) "Personally identifiable information" means all information relating to a person that acquires or uses a transit pass or other fare payment medium in connection with an electronic fare collection system, including but not limited to:

(i) Customer account information, date of birth, telephone number, physical address, electronic mail address, credit or debit card information, bank account information, Social Security or taxpayer identification number or other identification number, transit pass or fare payment medium balances or history, or similar personal information; or

(ii) Travel dates, travel times, frequency of use, travel locations, service types or vehicle use, or similar travel information.

(39)(a) If requested by a civil code enforcement officer:

(A) The home address and home telephone number of the civil code enforcement officer contained in the voter registration records for the officer.

(B) The name of the civil code enforcement officer contained in county real property assessment or taxation records. This exemption:

(i) Applies only to the name of the civil code enforcement officer and any other owner of the property in connection with a specific property identified by the officer in a request for exemption from disclosure;

(ii) Applies only to records that may be made immediately available to the public upon request in person, by telephone or using the Internet;

(iii) Applies until the civil code enforcement officer requests termination of the exemption;

(iv) Does not apply to disclosure of records among public bodies as defined in ORS 174.109 for governmental purposes; and

(v) May not result in liability for the county if the name of the civil code enforcement officer is disclosed after a request for exemption from disclosure is made under this subsection.

(b) As used in this subsection, “civil code enforcement officer” means an employee of a public body, as defined in ORS 174.109, who is charged with enforcing laws or ordinances relating to land use, zoning, use of rights-of-way, solid waste, hazardous waste, sewage treatment and disposal or the state building code.

(40) Audio or video recordings, whether digital or analog, resulting from a law enforcement officer’s operation of a video camera worn upon the officer’s person that records the officer’s interactions with members of the public while the officer is on duty. When a recording described in this subsection is subject to disclosure, the following apply:

(a) Recordings that have been sealed in a court’s record of a court proceeding or otherwise ordered by a court not to be disclosed may not be disclosed.

(b) A request for disclosure under this subsection must identify the approximate date and time of an incident for which the recordings are requested and be reasonably tailored to include only that material for which a public interest requires disclosure.

(c) A video recording disclosed under this subsection must, prior to disclosure, be edited in a manner as to render the faces of all persons within the recording unidentifiable.

(41) The contents of tips reported to a tip line, as defined in ORS 339.329. However, personally identifiable information, as defined in ORS 339.329, is not subject to public interest balancing under this section and remains exempt from disclosure except as provided in ORS 339.329.

(42) Residential addresses of individuals with intellectual or developmental disabilities residing in adult foster homes as defined in ORS 443.705 or residential training facilities or residential training homes as those terms are defined in ORS 443.400.

(43) The name, home address, professional address or location of an individual who is authorized to provide physical and behavioral health care services in this state and who provides reproductive and gender-affirming health care services.

SECTION 41. ORS 192.820 is amended to read:

192.820. As used in ORS 192.820 to 192.868:

(1) “Actual address” means:

(a) A residential, work or school street address of an individual specified on the application of the individual to be a program participant; or

(b) The name of the county in which the program participant resides or the name or number of the election precinct in which the program participant is registered to vote.

(2) “Address Confidentiality Program” means the program established under ORS 192.822.

(3) “Application assistant” means an employee of or a volunteer serving a public or private entity designated by the Attorney General under ORS 192.854 to assist individuals with applications to participate in the Address Confidentiality Program.

(4) “Health care provider” means an individual who is authorized in this state to provide physical and behavioral health care services and who provides reproductive and gender-affirming health care services.

[4] (5) “Program participant” means an individual accepted into the Address Confidentiality Program under ORS 192.820 to 192.868.

[5] (6) “Public body” has the meaning given that term in ORS 174.109.

[6] (7) “Public record” has the meaning given that term in ORS 192.311.

[7] (8) “Substitute address” means an address designated by the Attorney General under the Address Confidentiality Program.

[8] (9) “Victim of a sexual offense” means:

(a) An individual against whom a sexual offense has been committed, as described in ORS 163.305 to 163.467, 163.427, 163.466 or 163.525; or

(b) Any other individual designated by the Attorney General by rule.

[9] (10) “Victim of domestic violence” means:

(a) An individual against whom domestic violence has been committed, as defined in ORS 135.230, 181A.355 or 411.117;

(b) An individual who has been a victim of abuse, as defined in ORS 107.705; or

(c) Any other individual designated a victim of domestic violence by the Attorney General by rule.

[(10)] (11) "Victim of human trafficking" means:

(a) An individual against whom an offense described in ORS 163.263, 163.264 or 163.266 has been committed; or

(b) Any other individual designated by the Attorney General by rule. In adopting rules under this subsection, the Attorney General shall consider individuals against whom an act recognized as a severe form of trafficking in persons under 22 U.S.C. 7102 has been committed.

[(11)] (12) "Victim of stalking" means:

(a) An individual against whom stalking has been committed, as described in ORS 163.732; or

(b) Any other individual designated by the Attorney General by rule.

SECTION 42. ORS 192.822 is amended to read:

192.822. (1) The Address Confidentiality Program is established in the Department of Justice to:

(a) Protect the confidentiality of the actual address of a **health care provider or a** victim of domestic violence, a sexual offense, stalking or human trafficking; and

(b) Prevent assailants or potential assailants of the **health care provider or** victim from finding the **health care provider or** victim through public records.

(2) The Attorney General shall designate a substitute address for a program participant and act as the agent of the program participant for purposes of service of all legal process in this state and receiving and forwarding first-class, certified or registered mail.

(3) The Attorney General is not required to forward any packages or mail other than first-class, certified or registered mail to the program participant.

(4) The Attorney General is not required to track or otherwise maintain records of any mail received on behalf of a program participant unless the mail is certified or registered.

SECTION 43. ORS 192.826 is amended to read:

192.826. (1) Any of the following individuals with the assistance of an application assistant may file an application with the Attorney General to participate in the Address Confidentiality Program:

(a) An adult individual.

(b) A parent or guardian acting on behalf of a minor when the minor resides with the parent or guardian.

(c) A guardian acting on behalf of an incapacitated individual.

(2) The application must be dated, signed and verified by the applicant and the application assistant who assisted in the preparation of the application.

(3) **Except as provided in subsection (8) of this section,** the application must contain all of the following:

(a) A statement by the applicant that the applicant or the applicant's child or ward is a victim of domestic violence, a sexual offense, stalking or human trafficking and that the applicant fears for the applicant's safety or the safety of the applicant's child or ward.

(b) Evidence that the applicant or the applicant's child or ward is a victim of domestic violence, a sexual offense, stalking or human trafficking. This evidence may include any of the following:

(A) Law enforcement, court or other federal, state or local government records or files;

(B) Documentation from a public or private entity that provides assistance to victims of domestic violence, a sexual offense, stalking or human trafficking if the applicant or the applicant's child or ward is an alleged victim of domestic violence, a sexual offense, stalking or human trafficking;

(C) Documentation from a religious, medical or other professional from whom the applicant has sought assistance in dealing with the alleged domestic violence, sexual offense, stalking or human trafficking; or

(D) Other forms of evidence as determined by the Attorney General by rule.

(c) A statement by the applicant that disclosure of the actual address of the applicant would endanger the safety of the applicant or the safety of the applicant's child or ward.

(d) A statement by the applicant that the applicant:

(A) Resides at a location in this state that is not known by assailants or potential assailants of the applicant or the applicant's child or ward; and

(B) Will not disclose the location to assailants or potential assailants of the applicant or the applicant's child or ward while the applicant is a program participant.

(e) Written consent permitting the Attorney General to act as an agent for the applicant for the service of all legal process in this state and the receipt of first-class, certified or registered mail.

(f) The mailing address and telephone number at which the Attorney General can contact the applicant.

(g) The actual address that the applicant requests not be disclosed by the Attorney General that directly relates to the increased risk of the applicant or the applicant's child or ward as a victim of domestic violence, a sexual offense, stalking or human trafficking.

(h) A sworn statement by the applicant that to the best of the applicant's knowledge the information contained in the application is true.

(i) A recommendation by an application assistant that the applicant be a participant in the Address Confidentiality Program.

(4) Upon the filing of a properly completed application and upon approval by the Attorney General, the Attorney General shall certify the applicant as a program participant.

(5) Upon certification, the Attorney General shall issue an Address Confidentiality Program authorization card to the program participant. The Address Confidentiality Program authorization card is valid as long as the program participant remains certified under the program.

(6) The term of certification shall be for a period of time determined by the Attorney General by rule, unless prior to the end of the period one of the following occurs:

(a) The program participant withdraws the certification by filing with the Attorney General a request for withdrawal signed by the program participant and acknowledged in writing by a notary public or an application assistant; or

(b) The Attorney General cancels the certification under ORS 192.834.

(7) A program participant may renew the certification by filing an application for renewal with the Attorney General at least 30 days prior to expiration of the current certification.

(8) The Attorney General shall establish by rule the requirements for an application filed by a health care provider.

SECTION 44. ORS 676.177 is amended to read:

676.177. (1) Notwithstanding any other provision of ORS 676.165 to 676.180 **and except as provided in subsection (5) of this section**, a health professional regulatory board, upon a determination by the board that it possesses otherwise confidential information that reasonably relates to the regulatory or enforcement function of another public entity, may disclose that information to the other public entity.

(2) Any public entity that receives information pursuant to subsection (1) of this section shall agree to take all reasonable steps to maintain the confidentiality of the information, except that the public entity may use or disclose the information to the extent necessary to carry out the regulatory or enforcement functions of the public entity.

(3) For purposes of this section, "public entity" means:

(a) A board or agency of this state, or a board or agency of another state with regulatory or enforcement functions similar to the functions of a health professional regulatory board of this state;

(b) A district attorney;

(c) The Department of Justice;

(d) A state or local public body of this state that licenses, franchises or provides emergency medical services; or

(e) A law enforcement agency of this state, another state or the federal government.

(4) Notwithstanding subsections (1) to (3) of this section, the Oregon Board of Physical Therapy may disclose information described in subsection (1) of this section to the Physical Therapy Compact Commission established in ORS 688.240.

(5) A health professional regulatory board may not disclose the information described in subsection (1) of this section to another public entity if the information relates to the provision of or referral for reproductive or gender-affirming health care services.

(Health Care Facilities)

SECTION 45. (1) A person commits the crime of interfering with a health care facility if the person intentionally, knowingly or recklessly interferes with access to or from a health care facility, or disrupts the normal functioning of a health care facility, by:

(a) Physically obstructing or impeding the free passage of a person seeking to enter or depart from the facility or from the common areas of the real property upon which the facility is located;

(b) Making noise that unreasonably disturbs the peace within the facility;

(c) Trespassing on the facility or the common areas of the real property upon which the facility is located;

(d) Causing the telephone of the facility to ring, vibrate or otherwise alert by visual or auditory means if:

(A) The person has no communicative purpose; or

(B) The person knows that the person has been forbidden from causing the telephone to ring, vibrate or alert by an individual exercising lawful authority over the receiving telephone; or

(e) Subjecting an owner, agent, patient or employee of the facility to alarm by conveying a telephonic, electronic or written threat to inflict serious physical injury on that individual or to commit a felony involving the individual, the property of the individual or a member of the individual's family, when the threat would reasonably be expected to cause alarm.

(2) Interfering with a health care facility is a Class A misdemeanor.

(3)(a) No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this right.

(b) Nothing in this section prohibits lawful picketing, lawful protesting or peaceful assembly, or other publicity for the purpose of providing the public with information.

(4) In a criminal proceeding based on a charge described in this section, the court shall take all steps reasonably necessary to safeguard the individual's privacy and prevent harassment of a health care patient or health care provider who is a victim or witness in the proceeding, including granting protective orders and motions in limine when appropriate.

(5) As used in this section:

(a) "Health care facility" means a facility that provides health care services directly to patients, including but not limited to a hospital, clinic, health care provider's office, health maintenance organization, diagnostic or treatment center, mental health facility, hospice or nursing home.

(b) "Health care provider" means an individual licensed, certified, registered or otherwise authorized to practice by a board, as defined in ORS 413.164, or an officer, director, employee or agent of a health care facility.

SECTION 46. (1) Irrespective of any criminal prosecution or the result thereof, a person or health care facility aggrieved by conduct prohibited by section 45 of this 2023 Act may bring a civil action against the person or group of persons engaging in the prohibited conduct, individually or jointly with other aggrieved persons, in the appropriate court for relief.

(2) A plaintiff who prevails in a claim described in this section may recover:

(a) Economic or noneconomic damages, as those terms are defined in ORS 31.705;

(b) Statutory damages of \$500 per day for each day that the prohibited conduct occurred for a plaintiff who is an individual, or \$5,000 per day for each day that the prohibited conduct occurred for a plaintiff that is a health care facility;

(c) Injunctive relief;

(d) Reasonable attorney fees; and

(e) Any other appropriate equitable relief.

(3) In a proceeding on an action described in this section, the court shall take all steps reasonably necessary to safeguard the individual's privacy and prevent harassment of a health care patient or health care provider who is a party to or witness in the proceeding, including granting protective orders and motions in limine when appropriate.

(4) The following persons and entities qualify as aggrieved for the purposes of subsection (1) of this section:

(a) A person, physically present at the health care facility when the prohibited conduct occurs, whose access is or is about to be obstructed or impeded;

(b) A person, physically present at the health care facility when the prohibited conduct occurs, whose care is or is about to be disrupted;

(c) The health care facility or an employee or agent of the health care facility; or

(d) The owner of the health care facility or the building or property upon which the health care facility is located.

(5) As used in this section:

(a) "Health care facility" has the meaning given that term in section 45 of this 2023 Act.

(b) "Health care provider" has the meaning given that term in section 45 of this 2023 Act.

(Employees)

SECTION 47. ORS 659A.029 is amended to read:

659A.029. For purposes of ORS 659A.030, the phrase "because of sex" includes, but is not limited to, because of pregnancy, childbirth and related medical conditions or occurrences. *[Women]* **An individual** affected by **the individual's** pregnancy, childbirth or related medical conditions or occurrences shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as *[other persons]* **any other person** not so affected but similar in *[their]* ability or inability to work by reason of physical condition, and nothing in this section shall be interpreted to permit otherwise.

(Interstate Actions)

SECTION 48. (1) As used in this section:

(a) "Gender-affirming treatment" means a procedure, service, drug, device or product that a physical or behavioral health care provider prescribes to treat an individual for incongruence between the individual's gender identity and the individual's sex assignment at birth.

(b) "Reproductive health" means reproductive processes, functions and systems at all stages of life.

(c) "Reproductive health care" includes family planning and contraception, pregnancy termination services, prenatal, postnatal and delivery care, miscarriage management, fertility care, sterilization services, treatments for sexually transmitted infections and reproductive cancers and any other health care and medical services related to reproductive health.

(2) A law of another state that authorizes a person to bring a civil or criminal action against a person that does any of the following is contrary to the public policy of this state:

(a) Receive reproductive health care or gender-affirming treatment;

(b) Provide or attempt to provide reproductive health care or gender-affirming treatment; or

(c) Knowingly engage in conduct that aids or abets the provision of reproductive health care or gender-affirming treatment.

(3) Notwithstanding ORCP 38 C, a person may not request that a clerk of court issue a subpoena for service upon a person to whom a foreign subpoena is directed if the foreign subpoena relates to gender-affirming treatment or reproductive health care services that are permitted under the laws of this state, unless the person requesting the subpoena provides a written declaration that the foreign subpoena relates to:

(a) An out-of-state action founded in tort, contract or statute, for which a similar claim would exist under the laws of this state, brought by a patient or the patient's authorized legal representative, for damages suffered by the patient; or

(b) An out-of-state action founded in contract, and for which a similar claim would exist under the laws of this state, brought or sought to be enforced by a party with a contractual relationship with the person that is the subject of the subpoena.

SECTION 49. ORS 15.430 is amended to read:

15.430. Notwithstanding ORS 15.440, 15.445 and 15.455, Oregon law governs noncontractual claims in the following actions:

(1) Actions in which, after the events giving rise to the dispute, the parties agree to the application of Oregon law.

(2) Actions in which none of the parties raises the issue of applicability of foreign law.

(3) Actions in which the party or parties who rely on foreign law fail to assist the court in establishing the relevant provisions of foreign law after being requested by the court to do so.

(4) Actions filed against a public body of the State of Oregon, unless the application of Oregon law is waived by a person authorized by Oregon law to make the waiver on behalf of the public body.

(5) Actions against an owner, lessor or possessor of land, buildings or other real property situated in Oregon that seek to recover for, or to prevent, injury on that property and arising out of conduct that occurs in Oregon.

(6) Actions between an employer and an employee who is primarily employed in Oregon that arise out of an injury that occurs in Oregon.

(7) Actions for professional malpractice arising from services rendered entirely in Oregon by personnel licensed to perform those services under Oregon law.

(8)(a) Actions against a provider of reproductive health care or gender-affirming treatment, as those terms are defined in section 48 of this 2023 Act, if the reproductive health care or gender-affirming treatment at issue was provided in this state.

(b) Actions against a patient receiving reproductive health care or gender-affirming treatment if the reproductive health care or gender-affirming treatment at issue was received in this state.

(c) Actions against any person who provides aid, assistance, resources or support to a person in providing or receiving reproductive health care or gender-affirming treatment in this state.

CONFORMING AMENDMENTS

SECTION 50. ORS 161.005 is amended to read:

161.005. ORS 161.005 to 161.055, 161.085 to 161.125, 161.150 to 161.175, 161.190 to 161.275, 161.290 to 161.373, 161.405 to 161.485, 161.505 to 161.585, 161.605, 161.615 to 161.685, 161.705 to 161.737, 162.005, 162.015 to 162.035, 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405 to 162.425, 162.465, 163.005, 163.095, 163.107, 163.115, 163.125 to 163.145, 163.149, 163.160 to 163.208, 163.191, 163.196, 163.215 to 163.257, 163.261, 163.263, 163.264, 163.266, 163.275, 163.285, 163.305 to 163.467, 163.432, 163.433, 163.472, 163.505 to 163.575, 163.665 to 163.693, 163.700, 163.701, 163.715,

164.005, 164.015 to 164.135, 164.138, 164.140, 164.205 to 164.270, 164.305 to 164.377, 164.395 to 164.415, 164.805, 164.857, 164.886, 165.002 to 165.102, 165.109, 165.118, 165.805, 165.815, 166.005 to 166.095, 166.350, 166.382, 166.384, 166.660, 167.002 to 167.027, 167.057, 167.060 to 167.100, 167.117, 167.122 to 167.162, 167.203 to 167.252, 167.310 to 167.340, 167.350, 167.810 and 167.820 **and section 45 of this 2023 Act** shall be known and may be cited as Oregon Criminal Code of 1971.

SECTION 51. ORS 677.320 is amended to read:

677.320. (1) Upon the complaint of any [citizen] **resident** of this state, or upon its own initiative, the Oregon Medical Board may investigate any alleged violation of this chapter. If, after the investigation, the board has reason to believe that any person is subject to **criminal** prosecution [criminally] **in this state** for the violation of this chapter, [it] **the board** shall lay the facts before the proper district attorney.

(2) In the conduct of investigations, the board or its designated representative may:

- (a) Take evidence;
- (b) Take the depositions of witnesses, including the person charged;
- (c) Compel the appearance of witnesses, including the person charged;
- (d) Require answers to interrogatories; and
- (e) Compel the production of books, papers, accounts, documents and testimony pertaining to the matter under investigation.

(3) In exercising its authority under subsection (2) of this section, the board may issue subpoenas over the signature of the executive director and the seal of the board in the name of the State of Oregon.

(4) In any proceeding under this section where the subpoena is addressed to a licensee of this board, it shall not be a defense that the material that is subject to the subpoena is protected under a patient and physician privilege.

(5) If a licensee who is the subject of an investigation or complaint is to appear before members of the board investigating the complaint, the board shall provide the licensee with a current summary of the complaint or the matter being investigated not less than five days prior to the date that the licensee is to appear. At the time the summary of the complaint or the matter being investigated is provided, the board shall provide to the licensee a current summary of documents or alleged facts that the board has acquired as a result of the investigation. The name of the complainant or other information that reasonably may be used to identify the complainant may be withheld from the licensee.

(6) A licensee who is the subject of an investigation and any person authorized to act on behalf of the licensee shall not knowingly contact the complainant until the licensee has requested a contested case hearing and the board has authorized the taking of the complainant's deposition pursuant to ORS 183.425.

(7) Except in an investigation or proceeding conducted by the board or another public entity, or in an action, suit or proceeding where a public entity is a party, a licensee shall not be questioned or examined regarding any communication with the board made in an appearance before the board as part of an investigation. This section shall not prohibit examination or questioning of a licensee regarding records dealing with a patient's care and treatment or affect the admissibility of those records. As used in this section, "public entity" has the meaning given that term in ORS 676.177.

REPEALS

SECTION 52. ORS 109.610, 109.660, 435.200 and 435.435 are repealed.

NOTE: Sections 53 through 58 were deleted by amendment. Subsequent sections were not re-numbered.

MISCELLANEOUS

SECTION 59. (1) Section 20 of this 2023 Act applies to health benefit plans issued, renewed or extended on or after January 1, 2024.

(2) Section 24 of this 2023 Act applies to medical assistance provided and to contracts with coordinated care organizations for periods beginning on or after January 1, 2024.

(3) The amendments to ORS 243.144 and 243.877 by sections 25 and 26 of this 2023 Act apply to health benefit plans offered by the Public Employees' Benefit Board or the Oregon Educators Benefit Board that are issued, renewed or extended on or after January 1, 2024, and for self-insured health benefit plans in effect for periods beginning on or after January 1, 2024.

(4) Sections 31 and 35 of this 2023 Act and the amendments to ORS 675.070, 675.540, 675.745, 677.190, 677.225, 677.320, 678.111, 685.110 and 689.405 by sections 31a to 33, 36 to 38 and 51 of this 2023 Act apply to reproductive and gender-affirming health care services provided on or after the effective date of this 2023 Act.

(5) The amendments to ORS 659A.029 by section 47 of this 2023 Act apply to unlawful employment discrimination occurring before, on or after the effective date of this 2023 Act.

SECTION 60. The unit captions used in this 2023 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2023 Act.

SECTION 61. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect on its passage.

Passed by House May 1, 2023

Received by Governor:

Repassed by House June 21, 2023

.....M.,....., 2023

Approved:

.....
Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2023

.....
Dan Rayfield, Speaker of House

.....
Tina Kotek, Governor

Passed by Senate June 15, 2023

Filed in Office of Secretary of State:

.....M.,....., 2023

.....
Rob Wagner, President of Senate

.....
Secretary of State

La Migra (INS) Raid Report



**A Socio-Economic Impact Study
Lane County, Oregon
December 1998**



**Compiled by:
Migra Raid Task Force
A community based group**



**P.O. Box 3093
Eugene, Oregon 97403
(541) 687-5774 (541) 688-7376**

Table of Contents

Executive Summary	
Portrait of Injustice.....	i
Social Impact.....	ii
Economic Impact.....	iii
Summary of Findings.....	iv
Recommendations.....	v

Introduction.....	1,2
-------------------	-----

Human Rights and INS Abuse.....	Section A
---------------------------------	-----------

Testimonies and Documented Cases.....	Section B
---------------------------------------	-----------

Statements of Impact and Concern from Community.....	Section C
--	-----------

Costs to Taxpayers of INS Raids.....	Section D
--------------------------------------	-----------

Newspaper Articles.....	Section E
-------------------------	-----------

Conclusion.....	Section F
-----------------	-----------

Acknowledgments	
-----------------	--

Executive Summary

The personal testimonies, letters and economic costs contained in this report clearly illustrate a need for improvement in the treatment of immigrants by immigration authorities. The recent deportations and unlawful detentions of workers, who were not a threat to the community, are a signal of gross negligence, unsound immigration laws and lack of accountability by INS agents who consider themselves above the law. This behavior by immigration authorities is a signal that the war-like mentality of current enforcement measures is reaping casualties not just among the first generation immigrant population, but among the second and third generations as well. The perception of the immigrant as "the enemy" and not as a human being has and will lead to increased levels of violence against future generations – immigrant or native born. For example, despite the INS' continued assurance of proper behavior and due process by INS agents, much evidence of injustice remains. The evaluation and assessment of the Migra raid events in Lane County from April 1997 to the present demonstrate many striking variances in the information provided by INS officials regarding their behavior during raids in contrast to claims made by detainees of abuses by INS agents. While the committee that put this report together lacks an investigative apparatus or authority, it nevertheless seeks to verify information by checking the versions of independent witnesses as well as by speaking directly to top INS officials. Whenever there are doubts as to the validity of an allegation, the case is not entered into our information bank.

Portrait of injustice

There is clear evidence that the INS and its agents attempt to break the spirit of detained workers. All workers, documented or undocumented, suffered a trauma at the hands of INS officers in collaboration with other Local, State and Federal law enforcement agencies. The following is a short list of the abuses immigrant workers suffered while in the custody of INS agents in Lane County:

- 1). While being detained, many workers were forced to sign Voluntary Deportation forms (not all of which are written in Spanish).
- 2). Some workers refused to sign voluntary deportation papers regardless of the intimidation tactics (constant yelling, long wait for bathroom use and handcuffs on tight) employed by INS agents to convince workers to voluntarily vacate the country.
- 3). While statements made by INS officials said that official manual procedures were followed, the workers who stood up for their rights while requesting a hearing were not released as they should have been. In fact, the workers claimed that the more one stood up for his/her rights the more severe the abuse from INS agents.
- 4). Detained workers, both men and women, reported being accused of selling drugs while being searched by INS agents.

The INS raid of May 13, 1998, was extremely swift and occurred during the early evening hours, continuing all through the night. The workers were kept in constant movement, while shackled on a bus, from one location to another with the heater on high causing nausea to many of the workers. Most men were not allowed to call family or friends. Many workers did not speak to family members until 33 hours later, when they made long distance calls from Juarez, Mexico, where they were left stranded without any resources.

In 1996, the government ratified immigration laws that perpetuate xenophobia and give sweeping power to those agencies enforcing immigration laws. The media assists in the process of xenophobia by distorting this extremely complex issue, inappropriately focusing on two main issues: narco-trafficking and undocumented workers.

Social Impact:

Social service agencies in Lane County were impacted by the INS raids. The following list of examples was obtained from the Commission on Children and Families, Centro LatinoAmericano, Adult and Family Services, Youth Intervention Network, Parent Partnership, Latino Organizations, and members of the clergy.

- Increased caseloads
- Increased need for emergency funds for housing, food, utilities, transportation
- Increased need for emotional support for families and their children
- Increased need to contact families that were separated from family members
- Increased need for emergency rental assistance in order to prevent families from becoming homeless, due to loss of family income
- Increased need for counseling for children and families that were traumatized by the INS raid
- Increased emotional support to Latino families that dealt with fear for their own family's safety, and grief over the loss of relatives endured by families who were directly affected by the INS raid

Economic Impact:

Business owners, managers, and co-workers were witness to the handcuffing of their friends and long-time employees, as INS agents worked through places of business. Many of those workers removed had been employed by those companies from three to eight years. One business reported that its loss included a particular group of individuals who had an outstanding work ethic and some of the best attendance records. Some businesses were requested by INS agents to give them access to all areas and employees immediately upon their arrival. If owners or managers hesitated, agents advised that warrants could be obtained and that all exits would remain surrounded until the warrants arrived. Employers, feeling intimidated, allowed access to the premises. They became shocked and outraged when they saw the manner in which the INS treated their employees. The loss of workers had a costly economic effect on these businesses.

In addition to the economic burden to the businesses of Lane County, the raids had direct and immediate costs to the taxpayers. The following list includes low end estimated costs to taxpayers for only the May 13, 1998, INS raids in Lane County:

• Administrative 38 agents at GS-09 rating for 33 hours	\$25,080
• Lodging 20 rooms at \$110.00 per day x 2 days at Rodeway Inn	\$4,400
• Per Diem 38 agents x \$36.00 per day for 3 days	\$4,104
• Armory Rental for 2 days	\$750
• Food cost for immigrants 78 immigrants x 2 meals at \$4.00 meal (according to INS)	\$624
• Flight cost for immigrants 66 immigrants flown from Eugene to El Paso, Texas 12 immigrants flown from Eugene to Arizona	\$31,800
Total Estimated Cost	\$66,758

ADDITIONAL COSTS ASSOCIATED WITH THE INS RAIDS OF LANE COUNTY

- ♦ **General Administration and Overhead Expenses**
- ♦ **Advance Surveillance**
- ♦ **Use of Local, State and other Federal law enforcement agencies**
- ♦ **Cost of Flights for Agents flown in from Seattle, WA**
- ♦ **Travel Expenses for Agents used from Medford and Portland, OR**
- ♦ **Costs of Phone Usage**
- ♦ **Costs of Six to Eight Vans used to pick up Immigrants**
- ♦ **Costs of Two INS Owned Buses used to Hold and Transport Detainees**
- ♦ **Cost of Other Personnel at Armory (Security etc.)**
- ♦ **Transportation of Detainees by INS from El Paso, TX to Juarez, Mexico**
- ♦ **Transportation of Detainees by INS from Eloy, AZ to local bus stop**
- ♦ **Costs of Personnel at Detention Center in Eloy, AZ**
- ♦ **Costs of Hearings for those detained at Detention Center in Eloy, AZ
(including costs of Immigration Judges)**

Summary of findings

1. The occurrence of significant and serious human rights abuses and civil rights abuses during enforcement of immigration law has increased significantly in Lane County since April 1997. These abuses include:

- ♣ Psychological and verbal abuse (use of racial or ethnic insults, rude or abusive language, sexual harassment, threats or coercion, and prolonged or aggressive interrogation techniques, surrounding the airplane with riflemen and unnecessary display of firearms);
- ♣ Physical abuse (hitting, pushing, punching, inappropriate use of force including threats, injury during arrest, handcuffs applied too tight and kept on for several hours at a time, reckless treatment during transport);
- ♣ Denial of due process (denial of access to legal counsel, denial of access to telephone, failure to advise of legal rights, fabrication of evidence);
- ♣ Illegal or inappropriate seizure of person (illegal law enforcement raid; questioning based solely on ethnic appearance; arrest made without cause; unlawful deportation; deprivation of food; water and medical attention);
- ♣ Illegal or inappropriate searches (entry without warrant or consent, search without "reasonable suspicion");
- ♣ Seizure of personal belongings, money, or documents;
- ♣ Unlawful cooperation with local law enforcement agencies.

2. A key factor underlying recurrent abuse by immigration law enforcement officers is the absence of an effective system to review complaints and hold abusive officers accountable. There are numerous eyewitness reports by detainees which indicate FBI officers participated in INS raids in Lane County. The FBI is the Justice Department branch that investigates complaints filed against INS officers. This relationship does not provide confidence in accountability when complaints are filed.

3. New proposals in Congress may strip the INS of enforcement powers. Legislation may create a new bureau that will also function within the Justice Department. These proposed changes do not ensure that abuses will stop simply with a change in jurisdiction. It appears government officials only desire to expand the size, power, and scope of authority of immigration law enforcement. This could result in continuing violations of human and civil rights of Mexican or Latin American immigrants.

4. While effective and trustworthy accountability mechanisms are of extreme importance, no amount of regulatory activity will protect the integrity of immigrants without major changes in immigration policies and the laws that define international migration as a law enforcement issue and the international migrant as an intruder or threat to national security.

Above information obtained from tape recorded testimonies of detained workers and information from Congress obtained from Internet.

Recommendations

The information gathered during these investigations indicates the importance of taking stock of the socio-economic impact of INS raids in the communities of Lane County. It is important to bring information about this impact to individuals who have the ability to change the course of human experience within our communities. Community leaders and law makers need to address the issue of immigration policy and help change the present laws which are unsound, inhumane and harming our communities. It is imperative that U.S. Immigration policy improve to reflect established federal civil rights law and U.S. obligations under international human rights norms. The criminal sting operation tactics of immigration enforcement have led to gross violations of the rights of innocent human beings. We must work together to better the condition of communities and of our human experience in Lane County.

The following recommendations were generated by members of the Latino community and their allies during assemblies in Lane County:

- 1). Grant amnesty to undocumented workers in agricultural, private industrial and services based companies and/or corporations. Allow amnestied workers to begin the process of seeking permanent resident status.
- 2). Conduct Congressional Hearings on the socio-economic impact of raids throughout the nation.
- 3). Take the profit and danger out of cross border smuggling (workers currently pay "coyotes" \$1000-\$1,500 to cross the border) by making it easier for workers to obtain visas. Guarantee minimum wage coverage, workers' compensation, and other protections available under US labor law. Work visas should not be tied to a particular employer but controlled by the federal government for accurate census taking and accountability in treatment of workers by employers.
- 4). Redirect a major proportion of resources away from enforcement and toward immigration services, in order to reduce the waiting time currently endured by applicants for adjustments of status or citizenship.
- 5). End collusion of all law enforcement agencies at all levels with the INS in enforcement operations.
- 6). Mandate that the INS maintain and release public statistics on its enforcement operations, including demographic information and costs.
- 7). Investigate conduct of all officers involved in Lane County, Oregon raids and issue reprimands or other consequences as appropriate. Initiate education and sensitivity training for INS agents as well as local law enforcement officers who were involved in raids in Lane County and elsewhere.
- 8). **End the practice of immigrations raids.**

Introduction

The intent of this report is to reveal the socio-economic impact on communities in Lane County from raids by the Immigration and Naturalization Service (INS), hereafter known as the "Migra." On April 27, 1997 at the Fircrest chicken factory in Creswell, Lane County experienced the first large Migra raid which detained 34 immigrant workers. These workers were not allowed to change from their bloodied work clothes and work boots when they were taken and left stranded in Juarez, Mexico without resources, food, or money. The second large Migra raid took place on March 12, 1998 in Eugene, Oregon at the Aramark Company. This Migra raid detained 23 workers. Most of the detained workers were women and mothers who were separated from children. The third and largest Migra raid in the history of Lane County took place on May 13, 1998.

The May 1998 Migra raid targeted businesses in Eugene, Santa Clara and Springfield, small Latino-owned businesses in Eugene/Springfield. The Migra detained workers during peak hours, as well as customers patronizing the small businesses. Homes were also raided with the aid of local police officers. This last Migra raid detained more than 78 immigrant workers. The May 13, 1998 raid was deeply felt throughout Lane County and was the most abusive as reported by both male and female immigrant workers. It is important to note that numerous law enforcement agencies (INS agents, FBI agents, State Police, Eugene and Springfield Police, and US Marshals) apparently were involved in the raids in Lane County. There appear to be no adequate guidelines in the use of proper force or proper procedures, or accountability for INS agents as to how detained workers are to be treated. Guidelines for the proper use of force and proper procedure do not appear to be followed, and INS agents do not seem to be held accountable for how detained workers are treated. State law prohibiting collaboration with the INS by State and local law enforcement agencies when the only crime is a status crime has been violated as well. Although each raid demonstrated different operational methods by the INS the detained workers in each raid reported similar, serious abuses during the deportation process.

Social Impact:

The social impact of the Migra raids reaches far beyond those detained and their families. It affects the entire community of Lane County. Many of the workers detained are fathers and mothers who have children born in the United States and currently enrolled in schools. The majority of the workers had an average of 3 to 8 years working at the companies where they were detained. The social impact is deeply felt not only by people in the Latino community but also by many businesses, concerned Anglo social service workers, activists, and Latino professionals dealing with the aftermath of these Migra raids. Many Latino workers who are documented or undocumented in Lane County do not work for several days after a Migra raid. The reason Latino workers are absent from work is due to the fear brought into the community by the extremely abusive and irrational raids. On several occasions many workers with legal documentation have been treated by INS agents as if they were undocumented workers. There is evidence, for example, that documented workers on occasion were detained, and then released after they were transported hours away from their homes and left without assistance or return transportation. Recreational activities were also affected in Lane County. The latino soccer leagues were cancelled and did not have games for over two weeks.

Mental Health Impact:

Children are pulled from school out of fear by their parents and the presence of the INS in the community. This fear is internalized by the families and their children. This, in turn, creates mental health problems. For example, some women required immediate medical attention after the May 1998 raid. There was a need for counseling for women and children in trauma who had to readjust and cope with the loss of a loved one and/or a main financial supporter. Many documented and undocumented workers when hearing rumors of the Migra raids develop emotional and mental health problems. They are often fearful of leaving their homes. Social service workers spend hours visiting families, providing food, counseling and addressing the immediate emergencies of families that did not require services from concerned individuals or social service agencies prior to the Migra raids. All of these services cost money that must be born by both the victims of the Migra raids and by the organizations that provide the services. The impact of Migra raids hurts the communities both socially and economically. Recreational activities (Latino soccer league games) were canceled, thus jeopardizing the mental well being of legal residents in Lane County.

Economic Impact:

The economic impact of the Migra raids is severe both to taxpayers and to the local businesses affected. The workers own automobiles, homes and have bank accounts. The workers contribute to the economy in various ways, paying State and Federal taxes, and rent, and buying clothes and food. Many of the undocumented workers also contribute to the Social Security trust fund during their stay. However, undocumented workers do not collect any of those monies. The workers who were detained lost their salaries and purchasing power, while their families were placed in extreme financial hardship.

Estimates of the direct costs to conduct such raids also are included in this report, as is the economic impact in other areas of our communities. The average costs listed in this report are computed using conservative cost estimates. It is important to be aware of the high costs of these Migra raids. The economic impact not only affects the detained workers and families who are deported but also affects documented workers as well since they become fearful of going to work – knowing they might be subject to such abuse. The businesses are affected by: 1) loss of income; 2) loss of workers, and costs of retaining new workers; 3) absentee workers. When children do not go to school the schools in turn lose state funds due to pupil absence. Social service workers who are aware of the social and economic impact do their best to provide services to affected families who were managing with limited resources, and who prior to loss of family members had not been seeking social services. These affected family members are forced to seek help from agencies once the detained workers are no longer able to provide for their families. Latino workers in professions other than social service find themselves swept into providing assistance while becoming overwhelmed with work outside the scope of their employment.

The INS' historical concentration of enforcement measures disproportionately affects people of Mexican origin or descent. Mexicans or those assumed to be Mexican clearly are targeted in Migra raids of Lane County.

Section A:

Patterns of Abuse by La Migra in Lane County

The major findings about immigration law enforcement in Lane County come from information obtained by community groups and through tape recorded interviews. The information contained in this report undoubtedly represents only a fraction of the actual number of violations. Obstacles that impede more thorough reporting of abuses are the following:

- ♣ Fear of retaliation in the form of deportation, denial of immigration benefits, or criminal charges;
- ♣ Lack of awareness of one's rights;
- ♣ Complicated, seemingly futile complaint process;
- ♣ Concern for even more urgent issues of survival;
- ♣ A feeling among victims that they "lack status" in relation to INS agents;
- ♣ Embarrassment or humiliation over becoming a victim of abuse. The undocumented workers feel the victimization was provoked by themselves and they deserved the mistreatment they received because of their illegal status;
- ♣ Increased fear and misinformation in the community regarding Migra operations and the significance of the ever changing immigration laws. Rumors run rampant in Lane County that INS agents are pulling people out of their homes and deporting them even if they are here legally. This climate of fear drives people, including abuse victims, further underground for months following Migra operations.

Due to the aforementioned problems, this report perhaps understates the magnitude and scope of the problem of abuse in the enforcement of immigration law. It does, however, clearly demonstrate its seriousness. The INS agents use fear as a tool to intimidate business owners by threatening to enforce the law to the maximum against the business owners if agents are not granted verbal permission necessary to enter and search the work site. The INS is successfully using intimidation while accompanied by police or other law enforcement agencies that participate in these hostile operations and enter businesses or homes without warrants. The INS detains undocumented workers once they are granted verbal permission by business owners who are misinformed about having the right to deny entry without a search warrant.

While the committee that put this report together lacks an investigative apparatus or authority, it nevertheless seeks to verify information by checking the versions of independent witnesses as well as by speaking directly to top INS officials. Whenever there are doubts as to the validity of an allegation, the case is not entered into our information bank.

- **Information obtained from tape recorded interviews of detained workers.**

What are Rights?

Rights are our powers to freely determine how we live. International human rights law and the U.S. Constitution should protect all of us, no matter our immigration status, from those who wish to deny us our freedom through deprivation, exploitation, oppression, persecution, or mistreatment.

Excerpts of Universal Human Rights Articles

Article # 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article # 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article # 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article # 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his/her rights and obligations and of any criminal charge against him/her.

Article # 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article # 13

Everyone has the right to freedom of movement and residence within the borders of each state.

Above information taken from the United Nations Universal Declaration of Human Rights.

What is abuse of authority?

Abuse of authority is any action by a law enforcement officer that, without regard to motive, threatens personal safety, trespasses on human dignity, or violates an inherent legal right. Abuse of authority occurs when an officer of any law enforcement agency violates our rights while enforcing the law. Abuse of authority is a crime.

Examples of abuses in Lane County:

Psychological or verbal abuse:

- ♣ Use of racial or ethnic insults (calling someone a "wetback");
- ♣ Use of rude or abusive language (yelling or swearing);
- ♣ Use of threats or coercion;
- ♣ Sexual harassment;

Physical abuse:

- ♣ Use of excessive force (hitting, kicking, pushing);
- ♣ Inappropriate use of firearm (drawing weapon or firing in non-life threatening situations);
- ♣ Injury in pursuit or arrest situation (tackling or throwing an individual to the ground, applying handcuffs extremely tight);
- ♣ Reckless or dangerous treatment in transportation;

Denial of due process rights:

- ♣ Denial of access to telephone;
- ♣ Denial of access to legal counsel;
- ♣ Failure to provide accurate list of legal service providers;
- ♣ Failure to advise of legal rights;
- ♣ Denial of right to hearing before immigration judge;

Examples of abuse continued

Illegal or inappropriate seizure of person:

- ♣ Questioning solely based on ethnic appearance;
- ♣ False arrest (an arrest made without cause);
- ♣ Unlawful detention of person;
- ♣ Unlawful deportation;
- ♣ Deprivation of food, water, or medical attention;

Illegal or inappropriate searches:

- ♣ Illegal law enforcement raid (a raid in which all exits in a building are sealed or blocked off);
- ♣ Entry without warrant or consent;
- ♣ Overzealous execution of search warrant;

Unlawful seizure or destruction of property:

- ♣ Unlawful seizure of documents, personal items, or vehicle;
- ♣ Intentional destruction of property.

- Some information obtained and format followed from the Immigration Law Enforcement Monitoring Project of Rio Grande Valley.
- Information of worker abuses was obtained from taped interviews of detained workers in Lane County.

Section B:

Testimonies

Testimony of six men detained by La Migra (INS) in Eugene, Oregon, May 13, 1998. One Latino initially detained at the work site had legal documentation and was later released. Two other Latinos who requested a court hearing were detained and transported to Eloi, Arizona. Three Latinos signed voluntary deportation papers but initially made a request for a hearing. The workers said they were intimidated by the INS agents. The workers were told by agents they would be detained for several months before having a hearing and by signing the voluntary deportation papers they would be free the next day. The workers who signed deportation papers signed out of fear of being held in jail indefinitely and eventually were deported to Juarez, Mexico. These men had families living and working in the community for an average mean of 4 to 10 years and were not a threat to the community.

What happened on May 13, 1998 at 4:30 p.m. while you were working? First, two men dressed in civilian clothes entered the work site and went to the manager's office. When the two men in civilian clothes

came out of the office we began to see more men dressed in long black jackets enter the building very quickly from outside. The men in black jackets had guns and the jackets had bold letters on the back. Some

from INS Employee Handbook (M-68, Rev.1981N):

***RELATIONSHIPS WITH ALIENS: "An arrogant or unpleasant manner in official relationships will not be tolerated. Aliens are entitled to certain rights, among which is the right to courteous, considerate treatment by officers of this Service. No remarks of a sarcastic or 'kidding' nature should ever be made to an alien about his name, his nationality, his race, his religion, his economic condition, his dress, etc. Such remarks may result in disciplinary action against the employee involved. A pleasant conversational tone of voice should be used."* (pp. 6-7)**

jackets read FBI, INS Border Patrol and POLICE. The two men along with the manager approached a worker and requested his identification and green card. The worker said it was in the car. Another

"The agents always yelled at us like they were very mad and would not allow us or the women to go to the bathroom. We sat on the floor for hours and many were suffering from not being able to go to the bathroom."

worker yelled to everyone it was La Migra (INS). It was at this point that we realized what we were in for and why the men with guns were there. The agents took the

worker to his vehicle and once he presented the documents to the agents they released him.

What happened after being released? What did you do? I went back inside the company and started to give other workers their jackets and get their car keys from them. The INS agents then stopped me and told me to go home. I left the building and went home. I then made calls to my co-workers' family members to tell them what happened.

Did the INS agents mistreat the workers in front of the manager? The only thing that was painful for us was being handcuffed at work and the agents putting the handcuffs on very tight. The agents told us to shut up and not say anything. The agents took us to white vans parked outside the building and pushed us in along with the women. The women had a hard time getting in the high vans since our feet were chained and it was hard to walk. There were police cars surrounding the building and police officers standing around looking at us and smiling.

During this event at the company did any of the agents mistreat the workers in any manner? The only thing that we thought was abusive inside the company was telling us to shut up and that

from a section captioned

“HUMANIZING IMMIGRATION AND NATURALIZATION LAWS”:

“Deportation should be effected with as much consideration and humane treatment as possible. In such cases, under proper safeguards, the deportee should be permitted to say goodbye to his relatives and to collect the wages due him, and should be given any other reasonable assistance. He should be permitted to collect his personal belongings and to take them with him... Adequate care must always be taken to insure that property held in custody of this Service is properly safeguarded against loss, theft, etc., and that it is delivered to the alien when he is deported from the United States, or released from custody.” (p. 8)

we had no rights. The other thing that was abusive was putting the handcuffs on tight on our wrists and ankles. When we were getting in the white vans the agents rushed us in and some women hurt themselves. Some agents also mocked and ridiculed the workers who had legal documents, were released and instructed

to go home. All workers were searched for drugs and agents accused many of us of selling drugs. One woman stood up to the agents who were mocking workers who were released and driving out of the parking lot. She said very angrily to stop making fun of the workers, since one of the workers was her husband.

When the white vans left the company parking lot the abusive behavior began. The agent driving was a white male and he said,

“If they need to take us, why do they abuse us? They should let us call our home or change our clothes when they pick us up. We are not criminals wanting to hurt anybody, we just want to work and help our families. The agents do not have to treat us like animals, verbally abuse us and call us drug dealers.”

“It’s time to check the brakes.” The agent drove very fast and then slammed on the brakes. The workers sitting in the front seat by the metal screen that separates the driver from the workers smashed their faces against it. The driver did this abusive speeding and stopping several times. The painful thing about this abuse was the handcuffs getting tighter and tighter every time we slammed back and forth. One worker yelled at the driver to stop treating us like animals and the driver laughed and said, “Shut up, you people have no rights.”

When you arrived at the Armory what happened? The agents took us to the Armory around 5:00 p.m. They made us sit down in a big room on the floor. Some workers remained handcuffed and others had their handcuffs released. Everyone was complaining about the handcuffs being

on too tight. The agents always yelled at us like they were very mad and would not allow us or the women to go to the bathroom. We sat on the floor for hours and many were suffering from not being able to go to the bathroom. The agents finally allowed the workers to go to the bathroom but it was done by handcuffing three people at one time. The same was done with the women. The embarrassing thing was trying to go to the toilet with two other people and the middle person could not clean himself. The women were not allowed to close the bathroom door and the agents could see inside.

What else did you see at the Armory? What do you think was abusive? Well, we do not know why we had to be detained for

so many hours sitting on a hard floor while some workers were handcuffed and others were not. All the workers who were handcuffed complained a lot about the handcuffs being on

RELATIONSHIPS WITH THE PUBLIC:

“Every member of the public is entitled, as an absolute right, to courteous, fair, impartial, and sympathetic treatment from every employee of this Service.” (p.11)

too tight. The agents also yelled at us every time they spoke to us. The workers were not allowed to speak to each other. If we talked the agents would approach us, make us stand, yell at us and separate us. The agents constantly told us we had no rights and to shut up. We were forced to sit on the hard wood floor until 10:00 p.m. During this time from 5:00 to 10:00 p.m. agents would come

“The agents finally allowed the workers to go to the bathroom, but it was done by handcuffing three people at one time. The same was done with the women. The embarrassing thing was trying to go to the toilet with two other people and the middle person could not clean himself. The women were not allowed to close the bathroom door, and the agents could see inside.”

in and take workers one by one for questioning. At one point the agents had everyone take off their belts, shoelaces, wallets, jewelry, keys and watches. The agents later returned

and gave the workers only their wallets back only. Many workers complained that money was missing from their wallet when it was returned. One elderly man became furious because he had \$300 in his wallet. The agents came in and after a while produced the \$300 for the worker.

What did the agents say when they took each worker away one by one for questioning?

When they took us one by one the agents would ask many questions. They questioned us in a loud and angry tone. The agents wanted our phone number and address. The agents would say they wanted to notify our family and that if we wanted they could pick them up. The agents gave us a paper to sign immediately but many of us questioned the agents about this paper and refused to sign it. The agents would tell us that we could be released sooner if we signed it and they would take us across the border. Two of us requested a court hearing and the agents tried to intimidate us and yell louder saying we had no rights and that we would be locked up in jail from 4 to 5 months if we wanted a court hearing. The agents insisted we sign the voluntary deportation papers. Two workers signed out of fear and did not know what they were signing. The agents also told us we could be released if we gave them \$5,000. We insisted the agents let us call our home but we were never allowed a call. The agents kept saying they would call for us. Two workers made a request for court hearings but finally signed the voluntary deportation papers because they did not want to

be put in a jail for 4 to 5 months. Both these workers had wives and children and could not afford to be in jail for so many months. We signed voluntary deportation papers to be released sooner and not suffer abuses. Two other workers did not sign voluntary deportations and were adamant about getting a court hearing. Both these workers also had families and many years working for the company. We did not want to leave our families and did want to know our rights about a court

section captioned "USE OF FORCE AND 'THIRD DEGREE METHODS'":
***"The use of physical force or violence in handling detained aliens or other persons with whom official business is being conducted is permissible only in self-defense, in defense of another person, or to such an extent as is absolutely necessary... Abuse of aliens is not permitted."* (p.11)**

hearing. We were subjected to a lot of verbal abuse and intimidation for making this request for a court hearing. We were then

taken on a plane from Eugene, Oregon and jailed in Eloi, Arizona. We were very concerned because we had requested a court hearing and were taken to another state. We wanted to stay in Oregon near our families.

What happened at 10:00 p.m. when the agents put all the workers on a bus? The agents had us stand up from the floor and we were then handcuffed and shackled. We were then taken to a white bus and the handcuffs were removed inside. The workers that had the handcuffs on inside the Armory were not released in the bus like most of us. We stopped in Albany around 11:30 p.m. and many work-

ers began complaining of hunger. Many had not eaten anything since noon during lunch. The bus driver pulled into a parking lot and we were given half a

"The agent driving was a white male and he said, 'It's time to check the brakes.' The agent drove very fast and then slammed on the brakes. The workers sitting in front by the metal screen that separates the driver from the workers smashed their faces against it. The driver did this abusive speeding and stopping several times. The painful thing about this abuse was the handcuffs getting tighter and tighter every time we slammed back and forth. One worker yelled at the driver to stop treating us like animals and the driver laughed and said, 'Shut up, you people have no rights.'"

sandwich and a glass of water. The women fed the workers that were handcuffed. The agents told us that we each would get only half a sandwich and if anyone took more than one piece, other workers with us would not eat. When we finished eating the bus driver drove on the freeway again and we thought we were going to Portland. When the bus stopped we found out we were back in Eugene in front of the Armory. We were kept in the bus all night long and not allowed to get off. It was very hot inside the bus and the heater was on.

The bus came back to Eugene from Albany and they kept you in the bus from 10:00 p.m. until what time? Well, the bus came back to Eugene around 2:00 a.m. The workers that were handcuffed were complaining a lot about pain and were handcuffed since 5:00 p.m. the day before. We were not allowed off the bus and there was a bathroom on the back of the bus but no paper to clean ourselves with. We felt very bad for the women. Some of them were crying all night long. One lady was on her cycle and was having a very difficult time. The agents kept us on the bus until 9:00 a.m. Then they took us to the Eugene airport.

What happened when you got to the airport? We arrived at the airport at 9:30 or 10:00 a.m. on Thursday morning, May 14, 1998. The agents put the handcuffs on and shackles on our feet. It was a very difficult night being in the bus all those hours and especially for those workers who were handcuffed since being picked up at work. When we came out of the bus to board the plane the airplane was

surrounded with agents carrying rifles and shot-

"The needless display of firearms is not authorized and may serve as a basis for disciplinary action against the officer." (p.5)

guns. We felt like it was a movie or a dream because we were being treated like dangerous criminals wanting to escape. The INS agents outside the airplane told us that the officers inside the airplane were US Marshalls and they were more severe in punishing if we did not do exactly what the US Marshalls would tell us to do. All workers were kept in the airplane with the handcuffs on and shackles on our feet. We were not released even to go to the bathroom. The women still crying had children that were US citizens being deported. We felt bad to hear the children ask their mothers why they were doing this to us.

What happened during the flight? Where did you go? The agents did not tell us where we were going. We thought we were flying to Portland. We figured it was Portland since many on the plane had requested a court hearing. During the flight we were not released. We were handcuffed by our waist and with foot shackles. We were told to put on our seatbelts and had trouble doing this handcuffed. We were served another half sandwich and a glass of water. A woman brought the tray down to eat and a U.S. Marshall slammed the tray up and yelled at the woman and everyone else not to bring the tray down. The workers had trouble eating. The sandwich was placed on our lap and a cup of water between our knees. We all ate as best we could. Some requested to go to the bathroom and had a lot of difficulty with the handcuffs by our waist. Some workers were not able to go and nearly soiled themselves. Many workers were handcuffed since being picked up at work Wednesday, May 13, 1998 at 5:00 p.m. These workers and the rest of us were not released

"We arrived at the airport at 9:30 or 10:00 am on Thursday morning, May 14, 1998. The agents put the handcuffs on and shackles on our feet... When we came out of the bus to board the plane, the airplane was surrounded with agents carrying rifles and shotguns. We felt like it was a movie or a dream because we were being treated like dangerous criminals wanting to escape."

from our handcuffs until arriving at Juarez, Mexico. The whole experience took over 20 hours. We felt really bad for the women and the children. The worst part was seeing the women crying and the children asking where

we were going. Seeing ourselves under these conditions was very painful and a lasting trauma. We did not deserve to be treated this way.

What would you like to say to the INS agents if you had the opportunity? We think that it is the Mexican American INS agents who are the most abusive. Why do they mistreat us? We know we are working without a legal document but what can we do? All we want to do is work. If they need to take us away why do they abuse us and treat us like animals? They should let us call our home or change our clothes when they pick us up. We are not criminals wanting to hurt anybody, we just want to work and help our families. The agents do not have to treat us like animals, verbally abuse us and call us drug dealers. We should be treated with more respect. We are only working and work really hard. The companies want us.

CASE NO. 1

Country of Origin: Mexico

The husband of this woman is a legal resident since 1990. She applied for an I-130. Priority date: October 14, 1993.

Woman reported that while working immigration agents arrived Wednesday, May 13, at 4:30 p.m. We were working, suddenly the whole business was surrounded. There were 15 immigration officers. They came and handcuffed us. Also they handcuffed a legal resident woman and did not give

***From the INS Employee Handbook:, section captioned
"APPROVED TECHNIQUES FOR QUESTIONING ALIENS":
"Avoid questioning of women on personal matters in the
presence of others when it is likely to cause embarrassment,
either to her or to anyone else present." (p. 10)***

her an opportunity to show her papers. One of the migra women checked us really good. Then she grabbed my bra, "You have something there," and I said, No, I do not have anything. This is my

bra, stop touching." I told the agents, "Do you want me to take my bra off?" Then they said several things in English and started laughing.

My sister was also handcuffed. When she was going into the car, she tried to grab on with her hands but could not and bumped her head really hard on the door. They saw this happen and they pushed her in anyway. They were really mad with me especially because I was outspoken by telling them that we were not animals. My sister had a Mandil (apron) on and it was very dirty. I told her to take it off. They did not want for her to take it off. I told them that we were not animals, do not treat us bad. They told us we were violating the law. I don't know how to read so I don't know the names on the tags. The agents who treated us this way were the female officer and a Mexican

American agent. They told us to shut up, because we were violating the law, we were illegal and we did not have the right to speak. They took us to the armory and they told us to sit down on the floor. Several of us

"One of the migra women checked us really good. Then she grabbed my bra, 'You have something there,' and I said, 'No, I do not have anything, this is my bra, stop touching.' I told them, 'Do you want me to take my bra off?' Then they said several things in English and started laughing."

were all wet. They said, "I do not care, you sit down." Some of the employees were planting and the other were regando (watering). They made us sit on the floor. Some wanted to go to the bathroom. So they took us. A girl wanted to go to the bathroom and they took her but did not let her close the door. She just sat there and the agents stared.

I told them I had my application with the INS in process. "I am using my real name, I am not lying," I told him. "Please help me. I want to fight my case." The agent said, "Let us see if we can do this." Another migra agent checked my papers. He said, "The only you have a right to do is to go to jail." He said I needed to pay \$5000. immediately. Another migra agent told me, "If you have \$5000. cash tell your husband to bring it today, and we will let you go." I said, "I don't have anything." They said, "Then you will go to jail." The agent again said, "Call your husband and tell him to bring the

money, and we will let you go." I told him that I did not know how to read or write so I gave him my phone number. The agent made the call but my husband was not there. My friend and I had a similar case and the INS agents decided to separate us from the group.

Then later they sent us back with the group. They took us one by one on the bus, I do not know where we were. They gave us a sandwich, and a small juice. They were on their way to Medford, Oregon, filled the bus with gas and then came back to Eugene.

Both my friend and I had the same case, a filed I-130 with the INS. Another female INS agent checked our papers and finally made us sign pa-

pers for a court hearing. She then said we were going to be released. The migra agent who was really mean with us processed our papers. He said in a very sarcastic tone, "This one you won."

COURTESY: "The Service takes the realistic view that courtesy is necessary in our activities and is almost as much a job requirement as any other. It is your duty to be considerate and polite to the public at all times." (p.12)

A detained worker said: "Ya ves senora, no deben de contestar, no deben de decir nada, ya ves ya salio libre." ("You see, you shouldn't be answering them back, you shouldn't be saying anything. You see, she's been released.") We called our friend to come and pick us up. They said that we were going to receive a date to go to court.

I saw many other things:

There were several children. One woman was crying and crying. They would not give her anything. She cried herself to sleep. A migra man searched us and put all our belongings, purses and

"I told them that we were not animals, do not treat us bad. They told us we were violating the law (the woman and one Tejano man)...They told us to shut up, because we were violating the law, we were illegal, and we did not have the right to speak."

wallets in a bag. They took everything out and put it in a bag. In the bus a man complained to the female INS officer that he had more money in his wallet. He told them, "Where is my money? Why do you only return a portion of my money?" The migra officer

told him, "You shut up and sit down and don't say anything." The man later told us that the INS agents stole some money from him. There were two men that were handcuffed together. When they went to the bathroom they did not take their handcuffs off. They had to go together to the bathroom. It was sad to see how embarrassed they were.

CASE NO. 4

Country of origin: Mexico

This man had just arrived to work and was apprehended.

When I went to work I did not know the INS was there, I did not run, they came from behind and they handcuffed me. Later I told the agent that I had been working in the U.S. for 10 years. He said the laws had changed. I told him I had a family. He said if I wanted they could bring my girls over here. I told him no, because my girls were born here in the U.S. The agents said, "If you have

From the INS Employee Handbook:

- ***Workers are given the option of requesting a hearing or a voluntary deportation.***
 - ***We do not and are not allowed by law to request any money during the operation.***
-

\$5000. you can go now." I told him I did not have that kind of money, that I wanted to speak to a lawyer. They said that they could give me a lawyer, but that I would be in prison first for 3 to 5

months or until the judge will see you. They said, it is really not to your convenience. I got really scared, so I signed my voluntary deportation. I did not like that they handcuffed us. They also went into the homes and took children out of the apartment building. There were several children. The migra agents were Mexican Americans and were discriminating. We were on the bus since 3:00 am and the bus went round and round. They took us on the bus to the Eugene airport. It was really hot, the TV cameras were there, but the INS did not allow them to tape. The agents had weapons, they were threatening us, what could we do? We were not going to hurt them. I think they were police, but were not using the uniform. The shirts said POLICE, it did not say MIGRA.

We spent the night on the bus, they only took us to the Armory, just for a little bit. They just took our information. I tried to tell a migra agent that I wanted to phone my

"There were several that did not sign voluntary deportation, but they (the Migra agents) were really threatening. They said they needed \$5,000 for a bond. They do not give you time to think about the options that you have as a migrant

family, they did not allow me. There were cars even from Washington State. There were about 28 people, there was a worker that really got hurt, he was bleeding. There were several workers that did not sign voluntary deportation papers. The agents were really angry and threatening toward these workers for not signing. They said they needed \$5000. for a bond. They do not give you time to think about the options that you have as a migrant worker. What shocked me was the treatment they gave the children. People wanted to go to the bathroom, they would not let them go when the people wanted, they took them when the Migra wanted. I did not go to the bathroom because they just stood there and looked at me when I requested to go. There were about 5 people who were very sick. There was woman crying because she had to take her daughter who was 6 years old and had to experience these events. The lady told me they were pushing her really hard, she told them that they should not treat her like that. The agent said, "I don't care, just sit down." When we got to the border, the agents said, "Garbage, go back were you belong." They pushed me and I said, "Why are you doing this?" At the armory they had a map of all the doors of the business we worked at, they had everything planned. I saw and I think the police knew what was happening.

CASE NO. 6

A Springfield Family Deported

My husband and I were just arriving from our jobs. My husband got out of the car, then we saw several people running. I did not see the man, then the people started screaming, "The Migra, they are after us, run, the Migra is after us." I then saw this young man running towards us. I grabbed my daughter and we ran to our apartment. We went inside and closed the door. We were afraid, then with the commotion, I looked, turned around, and there was the man in our apartment. I asked him, "Who are you?" He said, "I am the man the migra was following." I told him, "You are going to cause us a lot of trouble, you just gave us all in." He said, "I just want to save myself." I told him, "I

Statement by INS officials:

"Workers are treated with respect and are not yelled at."

do understand that but you just gave us all in. I saw the white car that was following you." My husband said, "I saw it, too." We had been waiting for 15 minutes, we did not hear anything, Then he said, "Let's go," so I opened the door. One of them was spying on us, they were in the front house. I told them, "They are still here, they are in the car, they are sitting in the white car." Another car came, it was so quick, they had white cars, they were normal, more came. I told him they are going to take us. Then they knocked at the door, they said they were the police. Then they knocked again and said they were the police. We were so afraid, then we all went into the room. My husband said, "I will turn myself in." I told him, "Don't, they are going to take us all, don't go, please don't go." Then they went to get the manager. The manager opened the door and then they came in. The migra asked, "Who is Mrs.Gonzales?" so I came out. I told them, " I am Mrs.Gonzales." Then they grabbed the young man, and took him and pushed him out of the apartment. They took him immediately, they did not ask for any explanation. Then they were really mad, and started screaming at us, "Why didn't you open the door, didn't you hear that we are the police?" My husband told them, "Why should we open the door for you, you do not have a police uniform." [The migra said] "You were hearing us tell you that we are the police , you should have opened the door." The guy was speaking to us in Spanish, they were Mexicans just like us. Dark

"They took them (the children) to the bathroom, with the door open, they would pull the pants down. Then we arrived at Ciudad Juarez, and they treated us very bad, telling us horrible things. They told us to kneel down, dogs."

skin, all of them. I told them we could not open the door. [They said] "Well, I told you to open." They told the young man, "A ti te tenemos coraje"

("We're angry at you). Take him away. We are the migra, do you have papers?" I said no. "Does the little girl?" I told them she was a U.S. citizen. Then they told us, "Let's see what I can do for you." But I don't know if they really called. "All of you are going to go." They escorted us down-stairs and put us in the van. They took us to the armory, 5:30 to 11:00 p.m. we were there. They took our fingerprints and information. They sat us down on the floor, they were pushing us down, "You sit here, and don't get up!" They would push us down, then all that time. Then they put us in the bus. It was really hot. There was my little girl, sleeping on the floor. We put a coat under her so she would be more comfortable. All night, we could not sleep. They did not put handcuffs on me because of my little girl. But everyone in the bus had handcuffs on. There was a lady who was crying, she would tell them, "Please take them off, the one on my ankle is hurting." They did not

listen. She was crying so much. The next day about 10:00 or 11:00 we were there a long time. Then there were police with guns, all over—we were very scared. They sat me and my daughter in front. My daughter was crying and crying, because she wanted to sit with her dad, she was missing her dad. They said, "We cannot sit her with her father." I told them, "Please, she just needs to see her father." They let her cry, she cried for 40 minutes. Then they told me, "Shut her up, she is going to die of a heart attack, woman, control your child." Then they moved him, and she felt better. Then they took them to the bathroom, with the door open, they would pull the pants down. Then we arrived at Ciudad Juarez, and they treated us very bad, telling us horrible things. They told us to kneel down, dogs. Then, in Ciudad Juarez, we stayed there, we stayed in a hotel. We slept, then the following day, we were there waiting for my brother to send me some money. We went to Nogales, my poor child was suffering. A family member came to pick up our child. We had to separate for three days.

Statements/Contradictions

La Migra

- I. Workers are treated with respect and are not yelled at.
- II. Workers are given the option of requesting a hearing or a voluntary deportation.
- III. We do not raid homes. We must have search warrants of all homes we enter to detain undocumented aliens.
- IV. We allow the detained workers to telephone throughout the operation.
- V. We do not and are not allowed by law to request any money during the operation.
- VI. All INS officers are highly trained and treat everyone with respect. We interview every individual to get information from them to see how long they have lived in the USA and if they have any economic interests that would allow them to have a hearing for reviewing their case.
- VII. All detained workers are transported with respect and safety.

Workers

- I. *We were yelled at throughout the whole experience and when standing up for our rights we were yelled at even more.*
- II. *We requested a hearing. This caused agents anger, and they began yelling at us more, saying we had no rights. They repeatedly told us it was better to sign voluntary deportation papers and make it easier on us and them.*
- III. *They banged on our doors really hard and yelled in a very angry tone, "Open the door! We are the police!" We never saw any warrants.*
- IV. *We were not allowed to call our families. We were only told to give agents our phone number and address.*
- V. *We were told we could get a hearing if we paid a \$5000 bond immediately.*
- VI. *The agents would ask us questions always with very loud, angry, impatient voices. They would write false statements on documents. The agents wrote wrong information on the documents. We would say we lived in the USA for eight yers and they would write two years.*
- VII. *We were treated like animals. The driver would speed up and slam on the brakes. The workers sitting in front hit their faces on the wire mesh.*

* INS information from a meeting with INS officials in Eugene, Oregon on July 27, 1998.
Worker information from direct testimonies.

Section C:

The Impact of INS Raids on Lane County Schools

The following information was collected through interviews with school staff who work closely with Latino families in four different school districts in the area: Eugene 4J, Springfield, Bethel, and South Lane.

After the INS raid, there was a 50-75% drop in school attendance by Latino children. Some staff ended up making phone calls to find out where the students were. They learned that families were keeping their children at home because they were afraid that the INS would take them from the schools. This included families that were documented. School staff had to call families and reassure them that the "Migra" would not come and take the kids and that they would be safe.

After a week or so the families began to send their children back to school. Then staff found out from the kids and families more about what had happened. They learned that everyone was very scared and no one had wanted to go out, even to go to the market. Staff said that getting information from children who had been directly affected was at times difficult, because the children had been told not to say anything about what had happened and who had been taken.

One school that had community donations available for family emergencies used those funds to help with rent, groceries, and other supplies for families affected by their loss of work.

The School staff also talked about how deeply the raid had affected the children emotionally. This affected the children's school performance. It took awhile for them to finally settle down and feel better. It was hard for them to concentrate and not be afraid and worried about their families at home and at work, or -- in many cases -- about a parent who had been taken away by the "Migra".

Excerpts of Meeting Minutes on May 20, 1998

Lane County Commission on Children and Families

Maria Damaris: Spoke about a very sensitive issue - the INS raids on May 13th. Maria has worked in this community with CCF Healthy Start and Centro LatinoAmericano and is currently working for Catholic Community Services. While working as a teacher, she has tried to educate people about diversity and the Latino culture. Immigrants come to this country to work hard and make a living. In exchange for their work, they are raided, deported and treated like scapegoats. Maria stated that people in the community think that immigrants come to take away jobs while the reality is that they are employed in positions that American citizens will not work.

Maria Damaris: Reminded the Commission members of the May 1997 INS raid of the Fircrest Chicken Factory. Forty people were deported and families were torn apart. Children were left in school waiting for their parents and those who were left without money or coats in the middle of nowhere in Mexico.

In March 1998, there was another raid in which fifteen women were deported and their children left behind. During the INS raids on May 13th, people were picked up in the street and restaurants. Members of the community are terrified. Maria stated that she realizes that working without "papers" is breaking the law, but asked the Commission members to think about the families. Maria asked the Commission members to request that the INS discontinue the raids or if they do raids allow the parents to provide for their children prior to deportation. In addition, Maria requested that the Commission ask the INS to see immigrants as human beings with families, needs and feelings. Maria thanked the Commission members for allowing her to speak.

Maria Damaris: Translated for Andres and Arturo. Andres expressed the great pain he felt when members of his family were deported. Andres stated that he hopes this problem will be resolved since it is destroying families. In addition, he is afraid and cannot work or leave his home out of fear of the INS. Andres stated that he knows the INS has the right to kick people out of this country when they are doing something wrong, but many of the men and women he has seen deported were just working. Arturo also stated he came he came to talk about the INS raids and what they are doing to families. Arturo apologizes to the Commission members and stated that he could not continue his comment.

Sergio Romero: A graduate student at the University of Oregon, read a prepared statement. First he shared three important facts to understand when considering immigration (especially documented immigration). The first fact was that annually the United States receives 1% of the migration population. Secondly, the majority of that immigration population was European. Finally, the majority of that immigration population considered "undocumented illegal" come here legally on a visa and overstay it. Sergio Romero read the following statement: "The recent raids by the immigration and Naturalization Service in Lane County are frightening. We should be concerned when families are disrupted and children are torn apart from their parents. Many of the 78 people detained were women who were forced to leave their children behind. In one particular case, INS 's action resulted in the making of an orphan - no mother - no parent, because the baby was not picked up at the day care provider by the mother who was detained. These actions are egregious and should not be unnoticed. In light of the break up of several families, spouses and children, I implore the Lane County Commission on Children and Families to send a statement to the INS condemning their actions. Public bodies such as the Commission have a fiduciary responsibility to defend families, especially when children, the most vulnerable in our society, are left to fend for themselves. Anything short of a statement deploring these actions is akin to saying: "No to the union of families, no to promoting a healthy environment, and no to the unity of mother and child." Sergio thanked the Commission for their time.

Patsy Raney: Spoke about the INS raids. Workers are arrested as common criminals and deported immediately leaving children, spouses and other dependants behind. Some of these families are without money and in a state of terror. The INS typically arrests people the day before payday so often the families are left behind without economic resources. Family members are also often unable to make contact before deportation takes place. Patsy stated that she is assuming that this Commission is inclusive in its' dedication to advocating for the wellbeing of all children and families living and working in Lane County. She encourages the Commission to make these concern known to the INS regarding destructive impact of their recent actions on working families. Pasty stated that treating working people as common criminals, and their children and families as invisible or expendable, is nothing less than deplorable. The INS needs to hear this from influential community groups such as the Commission. Patsy thanked the Commission for their time.

Julia Fox: Stated that the INS raids are deplorable and that this is an extremely important issue. The INS is the nations largest enforcement agency, which is now larger than then FBI. Julia spoke about the issue of legality and reminded the Commission that slavery was legal and tore families apart. Julia distributed a letter to the Commission members and proposed that the Commission send a letter to the INS.

Bobby Green: Reiterated the recommendation that the Commission on Children and Families write a letter to the INS deploring this action.

Lynn Burditt: Stated that she would be concerned if the Commission did not send a letter to the INS. Lynn stated that the methods utilized by the INS are intentional and designed to terrorize. In addition, Lynn proposed that a letter should be sent to the Oregon Commission on Children and Families. The OCCF letter should ask the State to be aware of the issue of the INS raids.

Kitty Piercy: Expressed her support of a letter to the INS. In addition, she would like the Commission to join with others to take action on the issue. Kitty also recommended that the Commission communicate with other groups working on this issue and agree about recommendations for changes in practice. DUANE WRIGHT concurred with Kitty's statement and encouraged collaboration with other groups.

Jenny Carrick: Stated her support for a letter to the INS. Yet, she would like the letter to clearly state that the Commission is opposed to the methods utilized and not necessarily the legality of immigration. Jenny does not believe that it is the Commission's role to address the legality of immigration.



Commission on Children and Families

May 21, 1998

David V. Beebe, District Director
Immigration and Naturalization Service
511 NW Broadway
Portland, Oregon 97209

Dear Mr. Beebe:

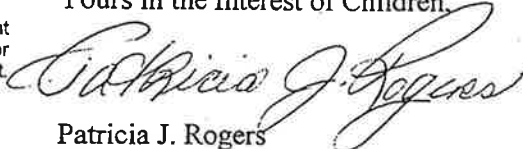
The Immigration and Naturalization Service conducted several raids in the Eugene and Springfield area on March 12, 1998, May 14, 1998 and the Creswell Fircrest Farms raid in 1997. The Lane County Commission on Children and Families is writing to protest the apparent insensitive INS policies and subsequent treatment of children and families when a raid is conducted on illegal immigrants.

When these raids occur the impact on families and children is often traumatic, disruptive and very frightening especially for the children. The issue for the Lane County Commission on Children and Families is not questioning your right to conduct raids, but we are very concerned about the treatment of children when parents are picked up in a raid. As a result of the two raids in our county, children were left in day care centers and in schools unaware that their parents wouldn't be coming to pick them up as usual. This action is totally unacceptable. Children and youth are our most vulnerable and important human beings in our community and the failure of an agency such as the Immigration and Naturalization Service to recognize your responsibility in acting responsibly regarding children when a raid is planned is intolerable.

We implore you to seriously review your policies and implement changes that will reflect a sensitive, realistic and appropriate way to deal with families and children when raids are anticipated. There are many community agencies that would be willing to work with you so that children will never be left alone, scared, and frightened not knowing if they will ever see their parents or relatives. The Lane County Commission on Children and Families is certainly interested in working with you to reach a solution that will promote and enhance a community environment that protects, nurtures, and supports healthy children and families.

Thank you for your serious consideration to this very important issue. I look forward to hearing from you.

Yours in the Interest of Children,


Patricia J. Rogers
Director

125 E. 8th Ave.
Eugene, OR 97401
Phone (541) 682-4671
Fax (541) 682-7494

COMMISSION MEMBERS

Bobby Green, Sr., Chair
County Commissioner

Raymond Broderick
Director
The Child Advocacy Center

Lynn Burditt
District Ranger
U.S. Forest Service

Jenny Carrick
Editor
Cottage Grove Sentinel

Melissa Christoffels
Legal Assistant
Harrang, Long et. al.

Donald Crist
Rural Representative

Susie Dey
Branch Manager - Lane Co.
Services to Children and
Families

Julia Fox
Sociologist
University of Oregon

Susan Johnston
Citizen Review
Board Member

Aisha LuVert
Youth Representative
Student

Elyse Myers
Transition Specialist
Springfield School Dist.

Douglas Perry
Division Chief-Fire Prevention
Lane Co. Fire Dept. #1

Kitty Piercy
State Representative
Oregon House of
Representatives

Cindy Weeldreyer
County Commissioner

Gerald Wright
Principal/Educator
Siuslaw School Dist.

Lane County Youth Intervention Network

2411 Centennial Blvd.
Eugene, OR 97401
(541) 682-4700 • Fax (541) 682-4732



To The Migra Raid Report Group,

August 29, 1998

This statement is to document the effects in the Youth Intervention Network (YIN) from Immigration and Naturalization Services (INS) raids in Lane County. As Service Coordinator of the YIN, I have observed new cases youth charged for crimes of false documentation.

The youth assessed were released. The youths were determined a non threat to the community and released to family members that provided documentation. There have been no further crimes or re-offense of any kind were made by these youth. The YIN Service Coordinators conduct in home family meetings. Families were observed in a state of emergency by the Service Coordinator, thus requiring a referral to other social service agencies. These families did not require services before the INS raids.

Once the families and youth were assessed, other families were brought to my immediate attention. Several affected families required counseling for mental distress after the INS raid deported the husbands/fathers of these families. Many complained that the husbands disappeared for a few days without a trace until making long distance collect calls were made from Juarez, Mexico. Women were referred to the hospital emergency room for a nervous breakdowns. Other women attempted suicide. The mental health of families were placed in jeopardy and young children were observed living in extreme fear and held back from going to school.

As a social service worker and conscientious taxpayer, I find these INS raids extremely deplorable, unproductive, abusive, costly to the economy and a burden to the social services of Lane County who in turn struggle for resources. Destroying families is not the solution and targeting the families regardless of legal status creates more economic problems, and as well as short and long term mental health concerns for families in the community. The amount of abuse reported and experienced by the detained youths at the hands of INS agents is without a doubt unwarranted, incomprehensible, insensitive and must stop immediately.

Respectfully Submitted,

Bernardino De La Torre Guerrero III
Service Coordinator for the Youth Intervention Network



944 West 5th Avenue • Eugene, Oregon 97402 • 541-687-2667 • Fax 541-687-7841

November 13, 1998

To Whom It May Concern:

Centro LatinoAmericano is a social service agency in Lane County. The Centro operates eight programs, including a homeless shelter for single Latinos, Alcohol and Drug counseling, DUII services and Crisis, Access and Referral services for Latino families with children. We serve an average of 1,300 Latino clients a month, 95% being monolingual Spanish speaking only. These programs and the relationship that we have with our clients provide a unique insight into the specific impact that INS raids have in our community.

Our community has been through 3 major raids in the past three years. The last raid in May, 78 people that INS defined their status as UNDOCUMENTED IMMIGRANTS, but in reality we see and define as hard working, honest; mothers, fathers, sons, daughters, and children. They were taken from their workplace, homes, restaurants and streets. Most of them were the main source of income for their families.

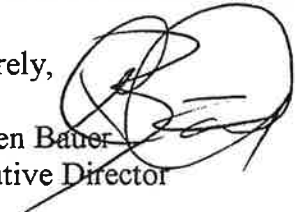
After the raid, we started receiving calls from families that are Legal Permanent Residents and Naturalized Citizens that were afraid of going to the Supermarkets or taking their children to school. People stopped going to churches, shopping, and stopped going to any other activity.

Four families were evicted from their homes because they had family ties with an "Undocumented Immigrant". We had 65 families that could not pay the rent and were on the verge of becoming homeless because one of the sources of income from that household was taken overnight.

Two young women that were in the process of becoming Legal Permanent Residents were so overwhelmed with grief and fear that they tried to commit suicide.

An INS raid has a negative lasting impact on the community and individuals. It threatens the livelihood, trust and safety of everyone. We understand that INS officers follow rules and regulations mandated by our government, but we condemn the violation of human rights and the violation of human dignity that our community has to go through.

Sincerely,


Carmen Bauer
Executive Director



A United Way Agency

BILINGUAL/BICULTURAL SERVICES

General & Educational Social Services • Los Niños Program • Los Unidos Shelter
Youth Program • Alcohol & Drug Counseling • Interpretation & Translations • DUII Diversion

Socio-Cultural Organization El Bracero

459 Willamette Street #206
Eugene, Oregon
97401

The Migra Raid Task Force
PO Box #3093
Eugene, Oregon
97403

November 13, 1998

Dear Community Group members,

This is a statement to document the effects of the recent Immigration Naturalization Service (INS) Raids in Lane County. As an organization we are responding to these deplorable actions by the INS. Given that the history of US immigration policy has been exclusive – favoring Western European immigrants – it is not surprising that the recent INS raids in Eugene have targeted Latinos. The devastating effects of the racist ideology used to justify the brutal attacks by the INS on Brown men, women, and children is a mere indication of a society that appears to be quickly approaching its fascist potential. As members and spokesmen of the Organization we also work in the social service field. Many of the families we serve were functional families that were left in extreme emergency need after the INS raids.

The following are statements by an organization member:

As case manager for Adult and Family Services (AFS) in Lane County, I observed several things that affected the Latino community during Immigration raids. During this time period significant number of Latino families were referred to AFS by Centro Latino Americano for welfare assistance as a result of INS raids. Families who did request benefits ranged from emergency assistance to welfare grants. It is in my professional opinion that if families had not been assisted, severe hardship would have been the result. As an active Latino member, Lane County resident and State of Oregon worker, I am concerned as to how the community is affected by Immigration raids. One could argue that an assessment of the social economic impact of the INS raids needs to be re-evaluated, in order to determine exact negative impact in our communities by immigration laws. I do not question the fact that INS agents have rules to adhere to, but object to the methods that might violate basic individual human rights.

Finally, we as a Socio-Cultural Organization request that the United States Congress change the current inhumane immigration laws. Stop the INS from violating human rights of workers (that in reality are not criminals) and adhere to the calling for a complete amnesty for workers that contribute to our communities, and to this government in a positive economic manner. No human is illegal!

Sincerely,



Jose Landin: Oregon State Worker

Bernardino De La Torre Guerrero: Lane County Worker

cc: El Nuevo Aztlan
La Expresion Lane County Newspaper



Latino Coalition

P.O. Box 41298 • Eugene OR 97404-0330 • (541) 688-7376

November 18, 1998

To Whom It May Concern:

The Latino Coalition is a non-profit organization that came together in August of 1989 in order to address the needs and concerns of the Latino/Chicano community in Lane County. Our principle mission and purpose has been to advocate for changes that promote the dignity, diversity and self-determination of the Latino/Chicano community.

We have come together with many other civil rights and human rights organizations to voice our deep concerns and outrage at the anti-immigrant activities that have been taking place in our community and across this nation.

Of great concern are the increased INS raids, which we believe target the Latino/Chicano community. Families have been shattered and separated, workers rights have been undermined and businesses have been disrupted. In our community a climate of fear and intimidation has been created.

INS raids have led to significant abuses of civil and human rights. We have heard of many stories of the mistreatment of our people at the hands of INS agents.

We call for a stop to all INS raids and urge Congress and the Department of Justice to address the abusive practices currently being carried out by the INS.

Paz y Justicia,

Guadalupe Quinn
President

The principle mission and purpose of the Latino Coalition, a non-profit organization, shall be to advocate for systemic changes which promote the dignity, diversity, and self determination of the Chicano, Latino community.

La misión y el propósito principal de la Coalición Latina, una organización sin fines lucrativos, es el abogar por cambios sistémicos que promuevan la dignidad, diversidad, y autodeterminación de la comunidad Chicana y Latina.

CALC

COMMUNITY ALLIANCE OF LANE COUNTY

FORMERLY CLERGY AND LAITY CONCERNED

P.O. Box 10837, Eugene, OR 97440

Telephone (541) 485-1755 Fax (541) 485-0257

November 21, 1998

To Whom It May Concern:

Fifty years ago, the nations of the world adopted the UN Universal Declaration of Human Rights. That document proclaims that all human beings are entitled to rights and freedoms, "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Under the Declaration and the Conventions and Covenants which implement it and carry the authority of international law, immigrants have inalienable rights, whether or not they have legal documents.

Certain provisions of U.S. immigration need to change to afford immigrants all the rights to which they are entitled. In the meantime, however, a major improvement would be achieved if officers of the Immigration and Naturalization Service complied with the directives in their own handbook (Officers' Handbook: A Guide for Proper Conduct and Relationships with Aliens and the General Public, M-68 Rev.1981N). When we met with INS officers on July 27, 1998, we were assured that INS officers always followed all agency directives and always treated immigrants respectfully.

Unfortunately, we know beyond a doubt that immigrants detained in recent raids in Lane County suffered abuses of their human rights and human dignity.

I personally have listened to the testimony of immigrants detained by the INS. They suffered verbal and physical abuse, received misinformation, were denied their right to communicate with family members, and were threatened and intimidated. The stories I heard left me ashamed and outraged as a U.S. citizen. I know other immigrants, including immigrants with documents, who were too afraid even to leave their homes to buy groceries.

Let me mention one fine young man I knew. This young man worked hard, struggled to learn English, and contributed volunteer energy to his church and community. He also knew his rights. When he was detained, he asked for a hearing. As a result of insisting on his rights, he was singled out for particularly abusive treatment. He was reviled, insulted, and shoved around. His handcuffs were applied tightly enough to inflict pain. When he supplied information to an agent filling out his papers, he watched while the agent recorded details about where he was from and how long he had been here different from those he provided. He was taken to a detention center in Arizona. When he returned to Eugene, he was denied the right to work while waiting for a hearing. He was forced to sell his car and his possessions and finally had to return to Mexico without the hearing to which he was entitled, because he had no way to survive in this country. His departure was a loss to this community and to this nation.

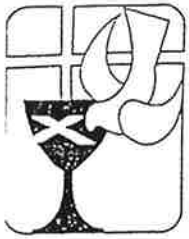
Community Alliance of Lane County has worked for human rights in this area since 1968, and the rights of immigrants have long been a concern. The INS raids in our county have intensified our resolve to continue and increase our work for immigrant rights. We will seek changes in U.S. policy and we will do everything we can to hold the Immigration and Naturalization Service accountable to the highest standards of human rights.

Sincerely yours,

marion malcolm

Marion Malcolm

Immigrant Rights Coordinator



First Christian Church (Disciples of Christ)

418 North "A" Street
Springfield, Oregon 97477

747-4251

May 20, 1998

To: Chief Bill Deforrest, Springfield Police
344 A Street
Springfield, Oregon 97477

Dear Chief Deforrest,

I am writing to express my disgust and concern over the involvement of Springfield Police officers in the recent INS raid which took place in our community. I understand that actions taken by both INS officers AND Springfield Police officers during that raid were just short of what would be considered to be police brutality. The raid targeted undocumented Hispanic residents of Lane County -- a large number from Springfield. I have been informed that persons were arrested in a demeaning manner, and detained in abusive ways. I am extremely concerned that Springfield Police were involved in such activities!

As Senior Pastor of the First Christian Church (Disciples of Christ) I have been an active member of the Springfield community for the past five years. Recently I have served on the Centennial Elementary School Site Counsel, the Community Development Advisory Committee, AND the Springfield Human Rights Commission.

As an American Citizen I am concerned about illegal immigration and believe that laws protecting our borders should be enforced. I also believe that there are ways of enforcing these laws without violating human rights. Particularly disturbing to me is the appearance that only dark skinned, Spanish speaking (i.e. Mexican) persons were targeted for these recent raids in Eugene and Springfield. Equally alarming is the accusation that some of those targeted for arrest were abducted in a violent manner -- I have received word that some were abducted from their places of residence by Springfield officers who obtained keys to their apartment from the managers! Others were apparently patrons of a Mexican establishment (and not workers as we had been led to believe by news reports). While such behavior may be perfectly acceptable in a totalitarian regime such as Nazi Germany, is intolerable in a free country.

I would be glad to discuss this issue further with you.

Sincerely,

The Rev. Dr. Sean P. Harry
First Christian Church

cc - Bill Morrisette, Jeff Nell, Marian Malcolm



UNIVERSITY OF OREGON

November 13, 1998

El Bracero Socio-Cultural Organization

Dear El Bracero Socio-Cultural Organization :

I'm aware of this organizations efforts on immigration issues and the policies/tactics of the Immigration and Naturalization Service. I want you to know that I'm supportive of your efforts at every level, including your attempts to deal with the displaced families as a consequence of INS policies. I want El Bracero to know that I would like to provide any assistance to your organization in your endeavors to contest these anti-immigration policies and the brutal policies of the INS.

As a sociologist and member of the community, I'm concerned about the recent (March 12, 1998; May 14, 1998 and the 1997 Creswell Fircrest Farms) Immigration and Naturalization Service (INS) raids in the Eugene and Springfield area. As a member of the Lane County Commission on Families and Children, I heard testimony from members of the community on how the INS raids caused harm to families and children. Members of the community came forward to attest to the brutal and terrorist methods of the INS. Witnesses of these raids testified that "children were on the streets" and "the deportation has caused families to be torn apart" and in fact "many children were left behind in Oregon to fend for themselves." During the March 12th raid, "thirteen of the women taken during the INS sweep had children who were left alone in Eugene." Witnesses reported that "mothers cried out desperately begging" others to "find their children and explain that their mothers had been taken away."

I deplore the actions of the INS and believe that rise of anti-immigration policies must be understood in a historical and political context. The virulent racial nationalism and ascent of the U.S. Immigration and Naturalization (INS) as the "largest armed law enforcement agency," an agency whose agents now outnumber the FBI and the U.S. Bureau of Prisons, must be understood as part of a broader systematic pattern of the emergence of nascent fascism. Given the financial backing, the access to media sources and the effective political organization of the hard right, this political force has not only managed to shift the political spectrum to the right, it has normalized the use of systematic violence against immigrants. Hard right organizations like the American Immigration Control Foundation, Americans Against Illegal Immigration, Federation for American Immigration Reform, English First and the Pioneer Fund have funded reactionary think tanks, foundations and scholars. Many of the right-wing extremist think tanks and foundations have provided extensive funding for these organizations. This reactionary political framework is represented by a segment of the New Right, the paleoconservatives.

The effective political organization and financial backing of the most reactionary segment of the New Right, paleoconservatives, have been strategic factors in intensifying

DEPARTMENT OF SOCIOLOGY

1291 University of Oregon · Eugene OR 97403-1291 · Telephone (541) 346-5002 · Fax (541) 346-5026

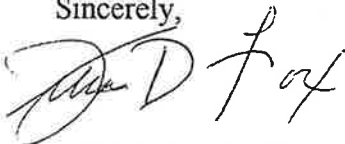
the reactionary political reactions to immigrant reform. Historically the hard right has been major force behind the systematic cycles of anti-immigration policy. These historic waves include the 1882 Chinese Exclusion Act, the 1924 Quota Law which favored Western European immigrants while barring Asians, the 1986 Immigration and Reform and Control Act which sought to limit illegal immigration from Latin America and the current Immigration and Financial Responsibility Act of 1996 which doubled the size of the border patrol and increased the funding of the 14 mile U.S.-Mexico border to \$45.2 billion. What is unique about the recent anti-immigrant legislation and policy has been the ability of the right to launch political stealth campaigns and create an effective organizational and ideological strategy to shift the political mainstream to the right on immigration reform. In addition, the hard right has been able to launch an effective ideological campaign that has normalized the use of systematic terror against dark-skinned immigrants. We must understand the rise of INS as the largest armed law enforcement agency and the INS's use of repressive and terrorist strategies in this context.

The paleoconservatives have articulated one of the most reactionary political frameworks in which the anti-democratic, anti-immigrant, racial nationalism, vitriolic scapegoating and anti-communist militarism sound bites are reiterated over and over again as a political mantra. As a consequence, the public has been "numbed to racism and injustice" until the use of systematic violence selectively directed at dark-skinned immigrants has become normalized and acceptable. As Edward Herman points out, in the "Banality of Evil" "doing terrible things in an organized way rests on normalization...this is a process by which the ugly, degrading and murderous and unspeakable acts become routine and are acceptable as the way things are done."

I propose that we stop the normalization of this brutality and put an end the terrorists tactics of the INS. Some may propose the legality of the INS and the legality of terrorism and brutality, but we should be reminded that slavery was a perfectly legal system and Jim Crow was perfectly legal.

Please let me know how I may assist in any capacity. I support your organization and your efforts.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Julia D. Fox', written in a cursive, flowing style.

Julia D. Fox, Ph.D.

cc: El Nuevo Aztlan
La Expresion

December 07, 1998

RE: INS Raids in Lane County

To All Concerned,

I am writing to express my deep concern with the Immigration and Naturalization Service's (INS) abusive interpretation of immigration laws in conducting arrest and detention of workers in Lane County in May, 1998.

The United States Congress, with plenary power to regulate immigration in this country [Fiallo v. Bell (Sup. Ct. 1977)], has determined that in order for officers of the INS to detain or arrest, there must be a reasonable suspicion that the person is present illegally in the United States. "Foreign appearance" alone does not provide for a reasonable suspicion. The INS must have a warrant to enter premises, one which explicitly permits a search for specific persons, and not property [Blackie's House of Beef, Inc. v. Castillo (D.D.C. 1978)]. All persons, legally present in the United States or not, are guaranteed due process under the Fifth Amendment of the U.S. Constitution.

Testimony of detained individuals indicates extreme disregard of these laws and of the enumerated rights of immigrant peoples. Immigrants arrested in the raids describe a process in which Immigration agents separated white from non-white workers, and then interrogated non-white workers regarding their immigration status. Considering a great proportion of illegal immigration in this country derives from Canada, and that Oregon is a convenient location for Canadian immigration, it is clear that INS agents were seeking to arrest immigrants based on their racial appearance and not solely on their immigration status. In fact, there are eyewitness accounts detailed in the testimony of Lawful Permanent Residents and U.S. Citizens, who are non-white, detained and not permitted to present proof of legal status. This race-based discrimination is prohibited by the U.S. Constitution as well as by U.S. Immigration law and regulations.

Testimony indicates lack of proper search warrants, leading to improper detention of latino workers. Once detained, workers report physical abuses, humiliation, and the repeated erroneous assertion of the INS officers, "You people have no rights." The fact is, these workers do have rights, stemming from our government's recognition of the inherent dignity of each human being, and in the dignity of our legal processes. Our legal system seeks to observe this human dignity and elevate our community to one of civility and equality before the law. Our laws are not to be used as tools of harrassment, abuse and discrimination against members of our community, but rather are to be applied objectively and rationally. May the INS be held accountable for these abuses, and be compelled to apply our laws as Congress intended, not as an independent squad of racial vigilantes.

Sincerely,



Marcy Miranda Janes, J.D.

Labor Education and Research Center
University of Oregon

RESOLUTION NO. _____

A RESOLUTION

DRAFT

The City Council of the City of Eugene finds that:

- A. The United States is primarily a nation of immigrants. Immigrants are a fundamental part of the nation's community and have enriched Eugene's community with their diverse cultural perspectives.
- B. Immigrants are often parents or grandparents, or both, of United States citizens, and contribute to the nation's economy as consumers, owners of small businesses, laborers and investors. Immigrants, whatever their legal status in this country, deserve full protection of basic human rights.
- C. The United States voted to adopt the Universal Declaration of Human Rights affirming the fundamental human rights of all people, which include:¹
1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in a spirit of brotherhood.
 2. No one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment.
 3. All are equal before the law and are entitled without discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and any incitement to such discrimination.
- D. The Immigration and Naturalization Service is subject in all its activities to the United States Constitution and treaties ratified by the United States Congress including the International Covenant on Civil and Political Rights and the International Convention on the Elimination of all Forms of Racial Discrimination.
- E. The City of Eugene has pledged its adherence to the Universal Declaration of Human Rights and affirmed its commitment to insuring that protection of

¹ Numbered items following are directly quoted from the Universal Declaration of Human Rights

human rights is a central part of our community.

DRAFT

Now, therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a
Municipal Corporation of the State of Oregon, as follows:**

Section 1. The City of Eugene will act to insure that the rights of all community members, including immigrants whatever their legal status, will be protected.

Section 2. The City of Eugene will obey Oregon Revised Statutes 181.850 (1) stating that "no law enforcement agency of the State of Oregon...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."

Section 3. The City of Eugene will be actively engaged in ascertaining the fair and humane treatment of any individual subject to any interaction with city, county, state or federal agency, including the Immigration and Naturalization Service.

Section 4. A copy of this Resolution shall be forwarded to the President of the United States, the Attorney General, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, each member of the Oregon Congressional Delegation, and the Immigration and Naturalization Service.

Dated this ____ day of November, 1998.

DRAFT

City Recorder

Section D:

Costs to Taxpayers of INS Raids

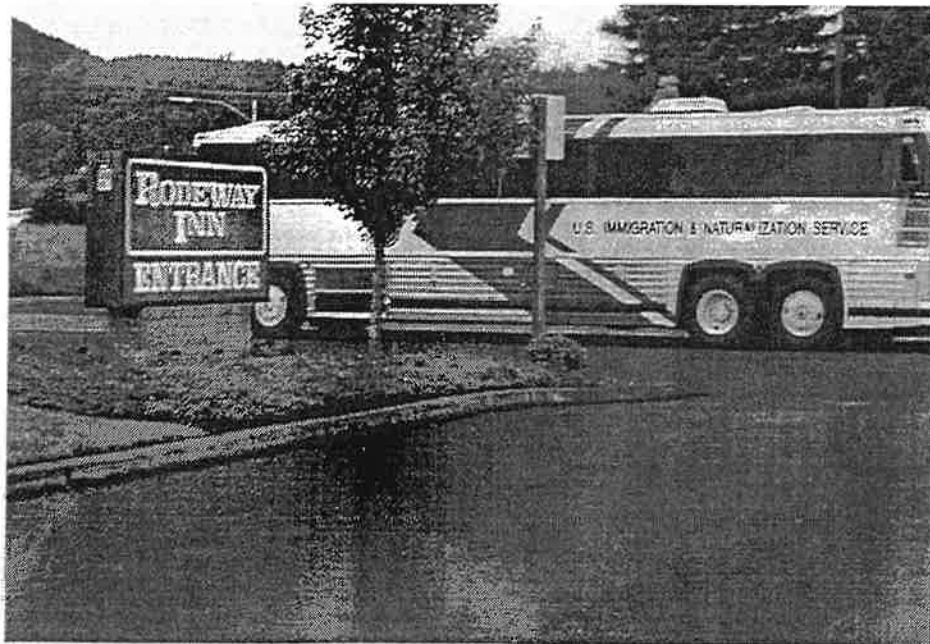
“This year the United States Immigration and Naturalization Service published their request of \$4.2 billion for the Fiscal Year 1999 budget. The budget would add a total of 2,609 new staff positions, which, if approved by Congress, would allow INS to grow to almost 31,600 positions.”

United States Immigration & Naturalization Service.

“Strengthening the Nation’s Immigration System FY 99 Budget.”

Public Affairs. 1 Feb. 1998. 1 par. Online. Internet. 22 May 1998

Available http://www.ins.usdoj.gov/public_affairs/index.html



The Economic Impact of Raids in Lane County

By the end of the day on Wednesday, May 13, 1998, INS agents had taken into custody seventy-eight immigrants. Of the seventy-eight, seventy-three had been taken directly from their places of work. Business owners, managers, and co-workers were witness to the handcuffing of their friends and long time employees as INS agents worked their way through places of business. Many of those removed had been employed by those companies from three to eight years. One business reported that their loss contained a particular group of individuals who had an outstanding work ethic and some of the best attendance records. This loss of workers would have costly economic effects on these businesses. Productivity was down, during and after the raids for months. Seeking replacements and training new hires was both time consuming and costly. One business reported that local employment agencies could not provide new employees due to the shortage of workers in the area. Another business reported that some of their new hires quit after working only one week and that fifty percent of their new hires quit after working less than one month. After spending that one week or one month training new employees, employers had to start the training cycle all over again with someone new. The lives of the remaining employees were stretched by added hours to their workday and the added task of helping to train the newly hired.

Businesses, whose sales depended on perishable commodities, faced severe losses when those items could not be processed before spoiling. Of those companies reporting actual cost figures on total loss of income directly relating to the raids, productivity was listed as their highest expense. Also, included on their lists were costs of continuing insurance for the families left behind. Of the several small business raided by La Migra that day in Lane County, three reported Loss of Income as: \$ 10,000.00, \$ 36,499.00 and \$ 40,900.00.

There is also another disturbing effect to be considered. How were the actions of INS agents internalized by the other employees who had not been handcuffed or removed? Not everyone knew what was taking place. As many as twelve agents were reported to be at any one location. Some employees reported their fear that a robbery or terrorist attack was in progress. Strange intruders had taken command of the workplace and were opening every door, searching rooms, questioning people, pulling workers aside, searching them, handcuffing them and leading them away.

That human beings could be treated so disrespectfully by any agency, representing the United States Department of Justice, was an affront to those in Lane County who were witnesses to the sub-human treatment of workers.

Feeling powerless to intercede on behalf of the workers, other employees and supervisors stood by as immigrants, with and without the proper documents, were rounded up and handcuffed. Fear and intimidation kept fellow employees from insisting that agents respond to their simple questions. Where were they taking them? Could they give them money? Could they get their car keys to give to their wives later? What about the wages not yet paid? Can bonds be posted? Can they call a lawyer? Will they be allowed to call their families?

Agents did advise employers to wait for paperwork (to be signed by immigrants prior to their removal from Oregon to Mexico) which would advise where final paychecks could be mailed. But some of the above mentioned questions and the many others, which were brought up in the days to follow, would not be answered until months later - when representatives of the INS would meet with the citizens of Lane County at the offices of Congressman, Peter DeFazio. (For details of the information recorded at this meeting, please submit your request to the committee listed on the front page of this report.)

**Cost of INS Raids
To Taxpayers
Week of May 13, 1998**

<u>Source</u>			<u>Forty (38) Agents</u>	<u>Activity</u>	<u>Approximate Costs</u>	<u>Estimated Additional Costs</u>
				Gen'l Administration and Overhead Expense		5,000.00
				Advance Surveillance		2,000.00
				Use of Local, State, and other Federal law enforcement agencies		2,000.00
GS-09 Rating	20.00 / hr.			Payroll for 38 agents (33 hours)	25,080.00	
Room Rate	110.00 / day			Motel (20 rooms / 2 evenings)	4,400.00	
Rodeway Inn						
				Flights of agents flown in from Seattle		2,000.00
				Travel expenses of agents from Medford, Portland		3,000.00
Gov't Standard	36.00 / day			Food Per Diem / 38 agents, 3 days	4,104.00	
by Geographic area.				Phone Bills		250.00
				Six to eight Vans used to pick up immigrants		600.00
				Two (2) buses used to transport		600.00
				immigrants to Armory		
per Armory	325.00 / day			Cost for use of Armory 2 dys	650.00	
per Armory	50.00 / day			Cost for use of kitchen 2 dys	100.00	
				Cost of personnel at Armory (Security etc.)		1,500.00
				Sub	34,334.00	16,950.00
				Seventy-eight (78) Immigrants		
per INS	4.00			Food while at Armory and on Bus (two meals) (78)	624.00	
per INS	400.00		Nat'l Avg.	Cost of flight from Eugene to El Paso, Texas (66)	26,400.00	
per Airline	450.00		Current Rate	Cost of flights to AZ (12)	5,400.00	
				Transportation by INS from El Paso to Juarez, Mexico (66)		660.00
				Transportation by INS from Eloy, AZ to local bus stop (12)		240.00
per INS	50.00 / day			Food, housing while at AZ (two released after one week)		700.00
per INS	50.00 / day			Food, housing while at AZ (10 waiting for hearings/approx 2 mos.)		3,000.00
				Personnel costs in AZ		5,000.00
				Hearing costs in AZ (including cost of Immigration Judges)		5,000.00
				Combining the approximate and estimated costs		
				(incurred by the INS and passed on to taxpayers)		
				for this one group of raids on May 13, 1998 in Lane County ,		
				puts total low end total at: \$ 98,308.00.		
				Totals	66,758.00	31,550.00

SOME COSTS OF LANE COUNTY INS RAIDS TO TAXPAYERS

◆ ADMINISTRATIVE	25,080.00
38 agents @ GS-09 rating / 33 hours	
◆ LODGING	4,400.00
20 rooms/110.00 x 2 days @ Rodeway Inn	
◆ PER DIEM	4,104.00
38 Agents x 36.00 per day @ 3 days	
◆ ARMORY	750.00
Rental for 2 days	
◆ FOOD COSTS FOR IMMIGRANTS	624.00
78 immigrants x 2 meals @ 4.00 meal per INS	
◆ FLIGHT COST FOR IMMIGRANTS	31,800.00
66 immigrants flown from Eugene to El Paso Texas	
12 immigrants flown from Eugene to Arizona	

TOTAL ESTIMATED COSTS 66,758.00

(See spreadsheet for additional details of estimated costs.)

**ADDITIONAL COSTS
ASSOCIATED WITH THE INS RAIDS
OF LANE COUNTY**

- ◆ **General Administration and Overhead Expenses**
- ◆ **Advance Surveillance**
- ◆ **Use of Local, State and other Federal law enforcement agencies**
- ◆ **Cost of Flights for Agents flown in from Seattle, WA**
- ◆ **Travel Expenses for Agents used from Medford and Portland, OR**
- ◆ **Costs of Phone Usage**
- ◆ **Costs of Six to Eight Vans used to pick up Immigrants**
- ◆ **Costs of Two INS Owned Buses used to Hold and Transport Detainees**
- ◆ **Cost of Other Personnel at Armory (Security etc.)**
- ◆ **Transportation of Detainees by INS from El Paso, TX to Juarez, Mexico**
- ◆ **Transportation of Detainees by INS from Eloy, AZ to local bus stop**
- ◆ **Costs of Personnel at Detention Center in Eloy, AZ**
- ◆ **Costs of Hearings for those detained at Detention Center in Eloy, AZ
(including costs of Immigration Judges)**



U.S. Department of Justice
Immigration and Naturalization Service

Office of the District Director
511 NW Broadway Street
Portland, Oregon 97209

The Honorable Peter DeFazio
Member of Congress
151 West 7th Avenue, Suite 400
Eugene, Oregon 97401

JUL 30 1998

RECEIVED

JUL 31 1998

EUGENE, OR 97401

Attn: Ms. Deborah Farrington

Dear Ms. Farrington:

Pursuant to your request, I have enclosed copies of all the forms used by the Immigration & Naturalization Service (INS) to process an alien for removal from the United States. These forms are computer-generated. Data input is specific to individual aliens. The primary vehicle used for noncriminal aliens who request a hearing before an immigration judge is the Notice To Appear (Form I-862). Also included are forms that are used for criminal aliens who have either no relief from an order of removal or have illegally reentered the United States after formal removal. These vehicles are Forms I-851, Notice and Intent To Issue a Final Administrative Removal Order and Form I-871, Notice of Intent/Decision to Reinstate Removal Order.

The average cost for detaining an alien depends upon the length of time he/she is held and the mode of transportation used to effect his removal. INS utilizes county jails throughout the State of Oregon to incarcerate those aliens that cannot be expeditiously transferred to Service detention facilities. Detention costs range from \$50.00 to \$150.00 per day. Incarceration in Service detention facilities average about \$45.00 per day. Removal costs by Service bus to the Southern border are estimated at \$100.00 per alien. Actual costs for removal by Service aircraft from the State of Oregon are not available; however, the national average for removal by air to the Mexican border is approximately \$400.00. Aliens who are citizens of countries from other than Mexico are removed by commercial airlines at the prevailing rate.

Thirty-eight officers of the Immigration & Naturalization Service participated in the worksite enforcement operation in Springfield and Eugene area in May 1998. Five of those officers were female. Estimated costs for the operation, excluding salaries, is \$22,500.00.

I hope this information is useful to those present at our meeting on July 27, 1998.

Sincerely,

David V. Beebe
District Director

Section E:

THE REGISTER-GUARD • SATURDAY, OCTOBER 10, 1998

NEWS DIGEST

Pope seeks immigrant amnesty

VATICAN CITY — Pope John Paul II on Friday urged a world amnesty for illegal immigrants in the year 2000, denouncing what he said was growing xenophobia. "Almost everywhere today there is a tendency to close the frontiers and return to rigorous controls," he told participants at a world congress on the issue at the Vatican. "Migration is spoken of more than before and always in more alarmist tones." He urged nations of the world to pay attention to the factors pushing migration, including internal conflicts, war, unequal distribution of resources, "incoherent" farm policy and "irrational" industrialization.

RAID!

When INS makes its sweeps through this area, arresting and deporting undocumented workers, it separates families, disrupts businesses and damages the community.

BY ALICE TALLMADGE

It was just about a month ago, around dinner time, remembers Lorena Perez. Wordlessly, six men — four who appeared to be of Latino descent and two Anglos — walked through the door of the La Fiesta store and restaurant she owns with her husband on Main Street in Springfield. The agents positioned themselves along the counter and at the back of the shop, which adjoins the restaurant kitchen. "At first, I thought it was a robbery," she says. It was only when the men were all in place that they identified themselves as agents of the Immigration and Nationalization Service, known to Latinos as La Migra.



The six agents asked La Fiesta's two cooks for documentation proving they had permission to live and work in the U.S. They did not, and they were arrested. Then, the agents walked from the kitchen into the small eating area, asking to see customers' legal documentation, and arresting those without any.

By the time the agents left, she says, the only evidence of their presence was six plates of half-eaten dinners, a restaurant without cooks and a heavy, disquieting chill that spread quickly through west Springfield's Latino community. Its effects are still very real, she says.

"I thought the fear would go away after a week or so, but it hasn't. Sales are still really, really low. People call me. They say they don't want to come here anymore. They are still afraid," says Perez.

As agents questioned cooks and customers at La Fiesta that May evening, a similar INS net was falling on six other area businesses and even a few homes. The result of the largest INS raid in Lane County would see

the arrests of 78 individuals for alleged immigration violations. Except for the six restaurant patrons and a few Springfield residents, all were workers. Many have lived in this community for several years; most have families they are supporting.

To assure accurate documentation of what occurred during the raid, local individuals have interviewed many of the people arrested. The interviewers agreed to share with EW the testimonies of six men who were detained, with the stipulation that no names or other identifying factors would be used. Another young man, who is awaiting a court immigration hearing, also agreed to share his story.

"We were handcuffed. They put them on very tight and they hurt a lot. They put us in white vans. There were police cars all around the building. One woman was shackled on her feet. They told her to get up in the van. She had to get on her knees and crawl to get up. They pushed her, and she hit her head on the step.

"We were in the van. The agents were drinking and laughing. Then they said, 'It's time

to check our brakes.' They drove fast, then slammed on the brakes. We went flying forward. The three men in the front seats, they smashed their faces up against the wire mesh. The agents did this several times. Every time we went forward and back, the handcuffs got tighter and tighter. Someone finally said, 'We're just workers. You're not taking animals in.' The agent said, 'Shut up. You have no rights.'"

The detained workers were taken to the National Guard Armory on Centennial Boulevard in Eugene. There, some were able to make phone calls to family members. Five children — all U.S. citizens, the oldest of whom was 5 years old — were brought to the armory to be with their mothers, who were among those being detained.

"The agents spoke to us as if they were extremely angry. They would not let us go to the bathroom. We had to wait a very long time. Then they would take us handcuffed three at a time. It was very embarrassing for

some. We could see the women were suffering. They wouldn't let them go to the bathroom alone. One woman agent was extremely abusive. She searched one woman and asked her to take her clothes off. There were five officers surrounding her. The woman refused. She stood up to them. Then she began taking off her clothes. Then they told her it wasn't necessary.

"We kept sitting on the floor. They took the handcuffs off some of us. We weren't allowed to stand or talk to other workers. They took everyone's wallet, shoelaces, belt, keys and watches. They gave the wallets back. Some people said they did not get all their money back. One elderly man requested that his money be given back. He said \$300 had disappeared. The agents became concerned. After a while, the \$300 was produced.

"They told us not to talk to each other. If we did, they would make us stand and would yell at us. They took the workers one-by-one to ask questions. They asked us to sign a declaration of voluntary deportation. Some of the workers asked for a court hearing.



the most. They threatened to lock me up. Their aggression was constant and observable. I was treated worse than a criminal. At one point they said, "Shut up, stupid. You are illegal, and you have to pay for that."

According to testimonies, at 10 pm the 78 individuals — plus the five children — were put on a white bus and transported to Albany. They arrived at 11:30 pm. None of the workers had eaten since lunchtime. In Albany, they were each given a half sandwich and a glass of water. When the trip resumed, the workers thought they were on their way to Portland, but then realized they were heading south, back toward Eugene. They arrived back in Eugene at 2 am and remained on the bus until morning.

"The hardest thing was being on a bus all night long. Some of the children were crying. Some people slept on the floor. There was no paper in the bathroom of the bus. It got very hot. Some people were still handcuffed. They still would not release handcuffs when these people had to go to the bathroom. I felt very bad for the women. One was on her cycle and she was having a very hard time."

At 10 am the following day, the workers were driven to the Eugene airport. Those who had had their handcuffs removed were re-cuffed. This time, the handcuffs were attached to a chain that circled each person's waist. Shackles were also fastened on all the workers' ankles.

By the time the agents left, she says, the only evidence of their presence was six plates of half-eaten dinners, a restaurant without cooks and a heavy, disquieting chill that spread quickly through west Springfield's Latino community.

"When we got on the plane, the whole plane was surrounded with agents with rifles. We couldn't believe it. They were treating us as if we were extremely dangerous criminals and were trying to escape. I don't know how they thought we could escape. We were handcuffed by the feet and by the hands. On the plane, we weren't allowed to pull the tray down. They put the cup of water between our legs and a sandwich in our laps, but because we were handcuffed, it was difficult to eat. Our hands couldn't reach our mouths."

The plane stopped first in Phoenix, Ariz., where six men who asked for court hearings were taken to the state's detention center in Elot, located about 100 miles from the border. Another group of Latinos, who were also being deported, boarded the plane. The next stop was El Paso. From there, the workers were taken by bus across the border to Ciudad Juarez, Mexico. At 3 pm — about 20 hours since the raid began in Eugene and Springfield, the workers were let out in the middle of the sprawling, dusty border city, known most recently for its growing list of unsolved cases of murder and sexual abuse of women and girls.

"Some of the men helped buy food for the women and children. Some people just disappeared into the horizon. Some people pooled their money and took the bus from Juarez to Mexicali, so they could return again to be with their families."

These recent testimonies echo those of countless immigrants who, because of the color of their skin, the cadence of their speech, their economic status or religious beliefs — such as African Americans since the 1700s, the Chinese in the 1880s, the Irish and Italians in the early 1900s, Filipinos in the 1930s, the Japanese in the 1940s, Mexicans in the 1990s — have encountered legislated resistance from the American government and populace.

The Immigration and Naturalization Service is the agency responsible for dealing with both legal and illegal immigrants. Originally formalized in 1864 with the expressed purpose, according to the agency's website, of "encouraging immigration," the INS enforcement mandate today is "to prevent aliens from entering the country illegally and to find and remove those who are living and working here illegally." To carry out its mission, which includes processing legal immigrants, the agency has a staff of 29,000; 33 districts; 21 border patrol sectors; and an annual budget of \$3.8 billion.

According to David Beebe, District Director of the INS Portland office, the INS is deporting more illegal aliens "than ever before." And, he says, it's what the American public should expect. "Congress is investing ever-increasing amounts of tax dollars into the INS, so the agency can carry out the totality of the Congressional mandate, which is a reflection of the will of the nation," he says.

Nationally, about 19,000 immigrants were arrested at U.S. worksite raids in 1997, up from 13,500 in 1996. In Oregon that same year, about 800 workers — double the 1996 number — were taken off job sites. According to Beebe, 2,400 illegal immigrants were also deported from Oregon in 1997 because of illegal activity, mostly involving drugs.

WILLING TO WORK

Following the May raid, Beebe told *The Register-Guard* that the deportation of the scores of workers would be good for the local economy. "The INS looks at this as an opportunity to recreate 78 jobs for citizens and legal aliens," he said.

But according to many immigration activists and labor specialists, that mission is counter to a pressing economic reality. The U.S. desperately needs — some say depends on — the labor of illegal immigrants. Their labor is essential because they are willing to do low-paying jobs that most Americans don't want, such as labor-intensive work in agriculture and food processing, or in the hotel service industry, or at repetitive manufacturing jobs. Immigrants have also developed a reputation for being dependable workers who don't join unions and make few demands.

"If it were true — that undocumented workers are taking away jobs other workers want — then why are employers in this state right now saying we have got to increase immigration quotas, because they can't get enough people to work in their fields, greenhouses, restaurants and other businesses?" asks local Teamster area coordinator Ron Tintin.

Guadalupe Quinn, a member of the local Latino Coalition, says that throughout U.S. history, immigrant labor — whether it be the sweat of Chinese and Irish railroad workers in the 1800s or of Mexican farm workers following both World Wars — has been used to fill needs of the domestic labor market. "The laws have been manipulated to get workers here, exploit them and then reject them when they've done what we needed them to do," she says.

Today, the same pattern is manifesting again, Quinn says, with Congress now considering a "guest worker" bill that would allow a temporary army of strictly regulated, low-paid workers into the U.S. The "guest workers" would not only replace workers (many who are undocumented) already here, she says, but farm worker unions would be unable to organize them for collective bargaining purposes or to call for decent working and living conditions.

"What Congress really wants is a cheap labor force that can be exploited, then sent back," she says. "It's the same thing from the 1800s until now."

Carmen Bauer, executive director of CentroLatino Americano, a social services center in Eugene, says Beebe's statement about immigrants taking jobs away from local people is "a lie."

"They are not taking jobs away from anyone," she insists. They are doing jobs — very hard jobs — other people don't want to do. Employers involved in previous raids, such as the one in Fircrest one year ago or the March raid at Aramark Uniform Services in Eugene, have had a difficult time replacing the deported workers, she says. "They can't find people able to do these jobs."

The Latino workers deported in the May raid — 68 of whom were from Mexico and three from Guatemala — were working in the following area businesses: Emerald Forest Products, Eugene (35), Spring Creek Gardens (13), American Bowling Corp., Springfield (11), La Fiesta Market, Springfield (2), Centennial Steak House, Springfield (3), Playa Azul Restaurant, Springfield (1) and L.J. Howard Furniture Co., Junction City (1).

Businesses involved in the recent raid refused to speak with *EW*. However, the general manager of Aramark Uniform Services, the target of a raid this past March, says that minority workers — whether undocumented or not — have been instrumental in stabilizing his company's workforce.

"When I came here in 1994, we had a terrible turnover problem," says Jack Stevenson. To remedy the situation, the company decided to seek out minority workers, people "who would stick to a job longer, who need the work, who would appreciate making \$7 an hour," he says. Word spread through the community that Aramark was a good place to work, and the company ended up with a work force made up mostly of Hispanics, but also Asians, African Americans and some whites.

"Our turnover was dramatically decreased," he says. Then came the March raid, in which 23 workers — 15 women and eight men — were arrested.

The company has "gone through a lot of people to replace those we lost," Stevenson says. "People come in with the best intentions. But we're not a high-tech place. A lot of our positions are hard work, repetitive kinds of jobs — hanging garments on hangers, running a press, folding towels. After a few days they decide, 'I really don't like this.'"

But Beebe remains adamant, saying he is tired of hearing that undocumented workers take jobs most American citizens don't want. "That stereotype has to be buried once and for all," he says.

"I am a father," he explains. "I sent a son to college, but he also had to work. His hourly earnings were less than those of many of the people we recently took away from Eugene and Springfield. Eugene is a college town. The student population there must be about 20,000, and many of those students are interested in the kind of jobs encumbered by many of [the deported]. These are jobs that would offset the cost of tuition and books and living expenses."

ALIEN RIGHTS

Carmen Bauer says the sum total of an INS raid is much more than simply the loss of jobs. A raid invariably sends a shudder of fear throughout the Latino community, shattering the people's sense of security and plunging individuals and families into fear for deported partners, mothers, siblings, spouses and friends. Bauer says that in the recent raid, husbands had to leave their pregnant wives. Single moms were separated from their children — Bauer says the youngest left behind was 3 years old.

The raid also left scores of people wondering, "Will I be next?"

"After a raid, it is like a major tragedy," says Bauer, who emphasizes that she speaks for CentroLatino clients and not the overall Latino community. "Children stop going to school. Their parents stop taking them to the doctor. People stop shopping, stop going to church or to any activity. Smaller businesses suffer. Even people who are citizens or legal residents are afraid to go out. 'I look Latino. What will keep them from targeting me?' they ask," she says. "I get tons of calls like that."

Then the agents became really angry. They said, "You don't have any rights," and that it would be best to sign the declaration. They said that if we asked for a court hearing we could be in jail for four or five months. Or they said, "If you give us \$5,000 now, we will let you go."

Another young man, who has lived and worked in the area for nine years, says he had studied what to do if he was confronted by the INS. So, when first confronted by agents, he asked for his rights — to call a lawyer and to have a court hearing.

"When I requested my rights, all they did was offend and push me. They used vulgarity — they called me 'you asshole' — and threw me up against the door. Twice. They insulted me and called me names. Later, at the armory, they yanked off a gold bracelet of mine. They said they were in a hurry, and that's why they couldn't take it off the right way."

They pressured me to sign the declaration of deportation. I didn't want to. When I asked for my rights, that's when they offended me

Besides the familial disruption, another pain that etches itself deeply into the Latino community following a raid, she says, is the unnecessarily disrespectful and allegedly abusive treatment some people report receiving from INS agents.

The general manager of Aramark Uniform Services, the target of a raid this past March, says that minority workers — whether undocumented or not — have been instrumental in stabilizing his company's workforce.

"We don't like the INS, but we know they are mandated to do their job," says Bauer. "We just question who they target and how they do it."

The verbal harassment that the detained workers endured in the May raid — and in past raids — is inexcusable, Bauer says. "Nobody should be treated that way. These

are families, hard working people, whose only dream is to have better lives for their families. They are not doing anything bad in this community. They go to church. They love their children. They are paying their bills. They are paying taxes. They are taking nothing away from this community."

Bauer relates one especially disturbing testimony, in which one agent reportedly asked one of the children — who is a U.S. citizen — whether she would like to eat something from McDonald's or Taco Bell. The girl responded that she wanted something from Taco Bell. "And the agent said to her, 'You eat the same thing as my dog,'" Bauer says. "Do you believe that?"

Another testimony describes a scene in which a worker was reportedly asked by an INS agent if he remembered his first Holy Communion, a sacred rite in which Catholics participate when they are 7 or 8 years old. When the worker said yes, the agents ordered him to kneel down and position his hands as if he were praying. The testimony relates that an agent then asked the man if he prayed throughout his Holy Communion. "And then the agent asked, 'And are you praying now?' and started to laugh. The other workers watching this started to weep," the testimony states.

Some of the 35 workers detained in last

Watching the INS

Local activists Ramon Ramirez and Guadalupe Quinn are among 400 immigration rights activists nationwide who say they intend to be among those closely scrutinizing the INS. Quinn and Ramirez both attended a recent conference in Los Angeles focusing on immigrant rights. Ramirez, president of the farm workers union PCUN, was one of the conference organizers.

Quinn says participants agreed that the frequency and severity of INS raids across the country is increasing. So, she says, is a growing commitment by activists to take a stand against INS abuses.

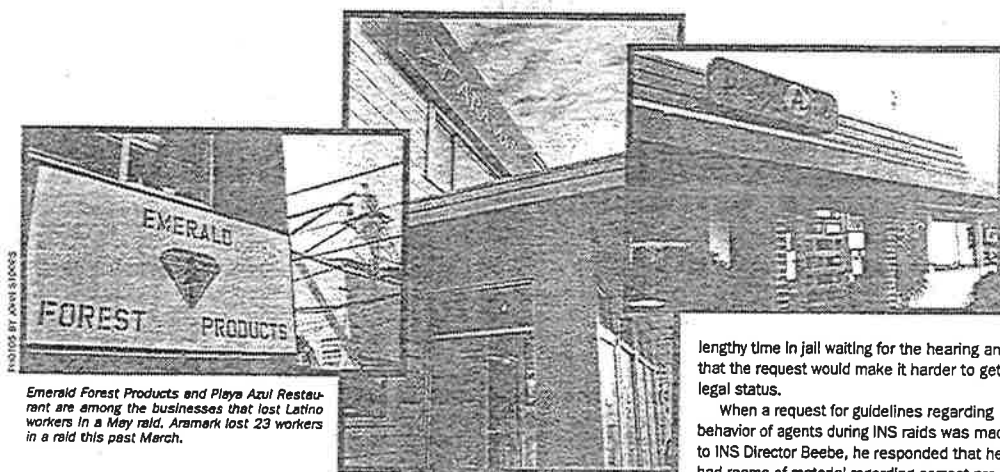
"The recent charge to start dealing with more undocumented folks has created some really awful behavior by the INS," says Quinn. "But there is also a strong movement to counter it and reframe this as a human rights issue."

To prevent the Latino community nationwide from becoming targets of unwarranted abuse, Ramirez says that more visible and written evidence of what happens during a raid is necessary.

As an example, Ramirez points to an April raid in Miami, where activists were able to call a videographer to document the incident. During the raid, according to press reports, INS agents stormed a warehouse, did not identify themselves and proceeded to shove and shout orders at workers. One woman was grabbed by the hair, thrown to the ground and kicked. Another pregnant woman was shoved to the floor. It turned out that of 23 workers sent to an INS detention center, 11 were legal.

The resulting public outcry and media furor led the INS to issue new guidelines governing raids in that Florida district. Under the new rules, INS offices must issue warnings before raiding employers, must obtain formal approval for raids from INS headquarters and have a "community liaison officer" in attendance during the raid. The instructions also say agents should avoid "contentious circumstances," such as raiding restaurants at lunch or dinner.

The reason so much action was taken in Miami, Ramirez says, is that the incident was documented. People in Oregon need to be ready to do likewise. "We have to expose what happens and not let what happens go unchecked," he says. —AT



Emerald Forest Products and Playa Azul Restaurant are among the businesses that lost Latino workers in a May raid. Aramark lost 23 workers in a raid this past March.

year's raid at Fircrest Farms, a chicken processing facility in Creswell, reported that agents refused to let workers who were wearing aprons covered in blood change their clothes. Many workers testified they were wearing bloody aprons when, hours later, they finally crossed the border into Mexico.

The Fircrest workers also reported that

they were not allowed to retrieve money and possessions from the workplace, were not informed about their rights, were not allowed reasonable access to bathroom facilities and were separated from other workers at the plant simply according to skin color. Those who did request a court hearing were told that they would probably have to spend a

lengthy time in jail waiting for the hearing and that the request would make it harder to get legal status.

When a request for guidelines regarding behavior of agents during INS raids was made to INS Director Beebe, he responded that he had reams of material regarding correct procedures, but had no one document available to send. However, a segment of an INS directive on treatment of people apprehended during a raid was reprinted in a February story by *Register-Guard* reporter Paul Neville. It contains these guidelines:

"Aliens are entitled to certain rights, among them the right to courteous, considerate treatment by officers of this service. No

remarks of a sarcastic or kidding nature should ever be made to an alien about his name, his nationality, his race, his religion, his economic condition, his dress, etc." The directive also states that aliens are entitled to a final meeting with family members, to collect any due wages, to be given any other reasonable assistance and to be informed of their legal right to a court hearing.

GERM OF TRUTH

District Director Beebe says he believes complaints regarding the behavior of agents during the most recent raid are the stuff of rumor, half-truths that have mushroomed out of proportion to the original incident.

"When you remove 78 people from job sites, you are affecting the lives of at least that many families," he says. "People hear about these things from another person, then pass it along to their friend. In the end, not much is left as a germ of truth."

In addition, Beebe says, such complaints can only be expected after a raid of that magnitude. "We are always accused of civil rights abuses, abuses of authority. People are upset because we do our job, and they will say anything to discredit the job we do," he says.

As far as the perceptions of wrongdoing, he says, "the only way people can have their complaint fairly considered — and the INS fairly exonerated — is to submit a complaint." The complaint must be made in writing, and must include a name, address and phone number. "We do not address anonymous complaints," he says.

Beebe says all alleged civil rights violation complaints made concerning the INS are investigated by the FBI. "And our office has had many, many investigations," he says. "We are delighted to do that. And we have always been exonerated."

With a staff of more than 28,000, some problems will inevitably arise in agency operations, Beebe says. "But when we identify abuse, we have a zero tolerance for it. We do not hesitate to take corrective action."

Asked whether an undocumented individual might have hesitations about submitting a complaint that has to include a name, address and phone number, Beebe says the agency can offer no assurances. "If a person is in the U.S. illegally, they are subject to [the consequences of] immigration violation."

David Fidanque, director of the American Civil Liberties Union in Oregon, says the group has "a lot of concerns" about alleged civil rights abuses by INS agents. However, he says, the illegal status of many of those who allege the abuse makes it difficult to investigate the claims or to get support and attention from the public.

The political climate being what it is, he says, "there's not a lot of sympathy for undocumented workers who are mistreated."

Most members of the public think they shouldn't be here to begin with and deserve to get whatever they got. The bottom line right now is that Congress is screaming for [immigrant] blood and by all accounts, the administration is willing to help them get it."

Fidanque says historically the nation's courts have left the INS alone. The prevailing belief is that the agency provides an essential core function in protecting the country's borders. "The courts have been very deferential," he says. "They haven't required warrants. The agency hasn't had, to a large extent, to comply with due process protection that other arms of the government have to follow."

Unfortunately, he says, "it will take the INS blowing it really badly at some time, before any major changes occur."

INS arrests 78 in huge sweep

■ **Raids:** In the largest such effort in Lane County, 40 federal agents target seven Eugene-Springfield area businesses.

By PAUL NEVILLE
The Register-Guard

In a nine-hour series of raids that extended into early morning Thursday, federal immigration agents arrested 78 allegedly illegal workers at seven businesses in the Eugene-Springfield area.

The raids by 40 officers of the Immigration and Naturalization Service were the

largest regional enforcement effort so far this year in Oregon and the largest in Lane County history.

To put the size of the INS sweep in perspective, the number of people arrested equals nearly one-tenth of the total number of undocumented workers arrested and deported in Oregon during all of 1997.

The carefully orchestrated sequence of

raids began in midafternoon Wednesday with agents in INS vans arriving with no warning at a local nursery, restaurants and factories.

It ended near midnight with the largest single action — the arrest of 35 employees at the Emerald Forest Products plywood mill in west Eugene.

Because of the scope of the raids, the INS held detainees overnight in the National Guard Armory in Eugene instead of following the normal practice of transporting them directly to the INS district headquarters in Portland.

INSIDE

■ **U.S. gives states and local governments \$492 million for jailing criminal aliens / 4A**

The latest Lane County raids are part of an intensive crackdown on illegal immigration at both the regional and national levels.

Last year, INS agents deported more than 800 undocumented workers in

Turn to INS RAIDS, Page 9A

INS RAIDS

Continued from Page One

Oregon, an 82 percent increase over 1996. The largest single raid in Lane County last year resulted in the deportation of 30 workers from the Fircrest Farms poultry processing plant in Creswell.

So far this year, federal agents have arrested and deported more than 600 undocumented workers in Oregon.

David Beebe, director of the Portland District office of the INS, called the latest Lane County raids "very significant" and added that they were coordinated "to maximize the return on investment of officer time and taxpayer dollars."

Beebe said the raids were prompted by tips from sources he declined to identify.

The raids sent shock waves through the local Latino community Thursday, with some normally outspoken groups and leaders declining comment until the scope and impact of the raid are more apparent.

"What people are focusing on right now is helping the many families that have been broken apart," said Jose Landin, a local Latino activist.

The unprecedented raids are likely to revive the ongoing debate over illegal workers and their role in the local and state economies.

Beebe estimated Thursday that the arrested workers at the seven businesses collectively earned more than \$1 million a year.

"Most of that money ends up

BUSINESSES RAIDED

Here are the locations raided by the INS and the agency's estimate of arrests made during a nine-hour period that ended early Thursday morning.

■ **Emerald Forest Products:** 35 arrested

■ **Spring Creek Gardens:** 13

■ **American Bowling Corp.:** 11

■ **La Fiesta Market:** Nine

■ **Centennial Steak House:**

Three

■ **Playa Azul Restaurant:** One

■ **L.J. Howard Furniture Co.:**

One

■ **Homes of detainees:** Five

—INS

money orders sent to moms, dads, spouses and kids in Mexico," Beebe said. "It doesn't do your community a darned bit of good."

In addition to enforcing the nation's immigration laws, Beebe said such raids are intended to stimulate the economy. "The INS looks at this as an opportunity to re-create 78 jobs for citizens and legal aliens," he said.

Immigrant advocates responded by questioning why the INS is working so hard to deport illegal immigrants they say benefit the

often dirty jobs that most non-immigrants refuse to do.

"The people who were arrested in these raids are hard-working people who are just trying to lead their lives, who pay their taxes just like everyone else," Landin said.

Of the 78 undocumented workers taken into custody, 66 agreed to leave the United States voluntarily in lieu of formal deportation, Beebe said. The remaining 12 requested hearings before a judge.

INS officials said that 75 of the detainees were of Mexican nationality and three were from Guatemala.

Beebe declined comment on either the timing of the voluntary deportations or the whereabouts of the detainees, citing "reasons that involve officer and alien safety."

Managers and owners of businesses hit by the INS described the raids as swift and well organized.

All the employers interviewed said the arrested employees had provided documents identifying them as legal immigrants eligible to work in the United States.

"When we do our hiring, we do it to the letter of the law," said Ron Vickers, vice president of Emerald Forest Products. "But the reality is there are lots of forged documents out there."

Vickers said agents arrived at the west Eugene plywood mill about 11 p.m., just as workers were changing shifts.

He said the detained workers, who represented 10 percent of the plant's total work force, were employed in low-level positions. The plant's operations were unaffected

At the La Fiesta Market on Main Street in Springfield, owner Lorena Favela said six agents arrived in two vans shortly before 5 p.m.

She said agents arrested both of her cooks and then entered the dining area, where they confronted seven diners.

"An agent asked if anyone had any documents — and when no one answered they started putting handcuffs on everyone," she said.

Brent Skiles, owner of Spring Creek Gardens on River Road north of Eugene, said INS employees arrived at 4 p.m. Wednesday and left with 13 workers — two-thirds of his work force — bound in handcuffs and chains.

Skiles said the raid, which occurred midway through the critical spring growing season, could prove devastating to his business.

"I've got all the office help out there today pulling orders, and there's absolutely no way they can keep up," he said.

"I called the unemployment office and told them we needed help — and two people showed up."

Skiles said he is concerned for both the deported workers and the family members they left behind.

"I was here in the office until 11 p.m. last night trying to find out what happened to all these people," he said. "It's a terrible situation."

CITY/REGION

FOR THE RECORD / 2B • OBITUARIES / 2B • BUSINESS / 5B

SECTION B
SATURDAY
MAY 3, 1997

34 arrested in INS raid on plant

■ **Illegal workers:** Nearly all those charged in the raid at a Fircrest Farms processing site agree to return to Mexico.

By CHRISTIAN WHITOL
Register-Guard Business Editor

CRESWELL — A federal raid that arrested 34 allegedly illegal workers at the Fircrest Farms chicken processing plant this week followed an investigation last August that found that nearly half of the factory's 400 workers were illegal immigrants, a federal official said Friday.

Nearly all the workers arrested Wednesday have agreed to return home to Mexico, said David Beebe, director of

the Immigration and Naturalization Service office in Portland.

The INS staged the raid as part of an effort to see whether Fircrest complied with a directive last year to fire all the illegal workers, Beebe said.

The agency is continuing to investigate Fircrest, he said. Companies that hire illegal workers may face fines or other sanctions, he added.

Fircrest, Creswell's largest employer, remained largely silent on the issue

Friday.

Fircrest's controller said he was unaware of the INS directive that Fircrest terminate illegal immigrants on its payroll.

Fircrest "has a history of quality employment practices" and "fully cooperates" with INS inspections, Bob Hansen said. Fircrest is owned by Foster Farms of Livingston, Calif.

Wednesday's sweep was of average scope for an INS raid in Oregon, but the finding in August that nearly half the plant's workers were illegal was unusual, Beebe said.

The raid rekindled local debate about the role illegal immigrants — people who

have sneaked into the country and who lack documentation allowing them to accept jobs — play in the U.S. economy.

Fircrest's illegal workers are taking jobs away from U.S. citizens and from legally admitted foreigners, Beebe argued. Also, they're hurting the Lane County economy by sending much of their pay to family members in Mexico, he said.

Beebe estimated that workers at the Creswell plant send a half-million dollars a year to Mexico.

"At the end of every payday, they go to the post office and take out money orders and send it back to mom and dad and the

Turn to ILLEGAL WORKERS, Page 4B

ILLEGAL WORKERS Sat. May 3, Pg. 7

Continued from Page 1B

kids in Mexico," Beebe said. "That contributes to the imbalance of payments (in U.S. trade with foreign countries). It's a form of unauthorized foreign aid."

But an advocate for Lane County's Latino community said illegal immigrants help the U.S. economy by taking jobs that no one else wants.

"Killing and dismembering animals all day long, by hand, for \$5.25 an hour — I don't expect that there are many people who want to do that kind of work," said Jayme Vasconcellos, executive director of Centro Latinoamericano, a social service agency in Eugene.

The region's poultry, nursery and agriculture businesses rely heavily on Latino workers, Vasconcellos added. "That labor is undocumented, by and large, and everybody knows that, including the

women agreed to be returned to Mexico. Another was released because she was on medical treatment, another because she had a 4-week-old infant, and a third is contesting the arrest, he said.

The INS learned of the illegal workers from tips, Beebe said. The agency will take two months to complete the case, he said.

The arrests have torn families apart, Vasconcellos said. One worker arrested at the Creswell plant agreed to return to Mexico but chose to leave her 3-month-old daughter here with friends who are illegal immigrants, he said. If she had opted to fetch her daughter for the trip back to Mexico, she would have in effect led INS officials to her home, where other illegal immigrants were living, Vasconcellos said.

If Fircrest had to compete with Sony Corp., Hyundai and other area employers that pay \$9 or so per hour for shop-floor workers, the chicken plant's payroll would soar, and so would chicken prices for consumers, Vasconcellos added.

In addition to the 34 undocumented workers arrested in Creswell, the INS on Wednesday arrested one undocumented worker at the Fircrest plant in Corvallis, Beebe said.

Of the 35, 22 were men and 13 were women, he said. All 22 men agreed to be voluntarily transported to Mexico in lieu of formal deportation, he said.

Two of the women were released after they established that they were Nicaraguan and had pending claims for political asylum in the United States, he said. Eight other

Probe by INS leads to 23 arrests

■ **Immigration:** Agents nab illegal workers, all of them from Mexico, at a uniform service company.

By SUZANNE HURT
The Register-Guard

Federal agents apprehended nearly two dozen people Thursday for allegedly working illegally at a west Eugene uniform service company.

U.S. Immigration and Naturalization Service agents arrested 23 workers during an ongoing investigation at Aramark

Uniform Services, 1850 W. Sixth Ave., said Frank Gonzalez, an INS special agent in charge of the operation.

The INS began investigating Aramark after receiving several complaints, Gonzalez said. The agency audited Aramark's employment verification records Jan. 30 and found 35 unauthorized people were working at the company. Two weeks ago, the INS gained the company's approval to enter the workplace, rather than stage a surprise raid.

Plainclothes agents arrived at the business at 9 a.m. Thursday.

Within an hour, agents arrested 15 women and eight men, aged 20 to 42, who were operating laundry machines. It

of the workers — all of whom were from Mexico — had used false "alien registration numbers" on job forms, and some had provided false documents, Gonzalez said.

Three people — two of them women with children — requested deportation hearings. The rest were bused to Portland, where they will be processed and deported to the California border.

The number of people arrested is considered large for an INS operation in Eugene, said Carmen Bauer, executive director of Centro LatinoAmericano. In the last major Eugene operation, a raid nearly a year ago, agents apprehended a record-setting 33 people.

"It's separating families," she said. Marion Malcolm, who coordinates the immigrant rights program for the Community Alliance of Lane County, agreed.

"My understanding is most of the people deported were women. Most had children, and in some of those cases ... those children are U.S. citizens," Malcolm said. "And in some of those cases also, the person deported is a single parent and the sole provider. So what happens to those kids?"

"(It's) just the human suffering that comes in the wake of laws and policies that I think are really terribly unfair and

Turn to INS, Page 2B

INS

Continued from Page 1B

misguided."

Gonzalez agreed that many of those arrested were likely to have families here. "Some may not claim families for fear we may go to their houses and take them," he said.

Thursday's operation pointed out how difficult it can be for companies to meet federal immigration rules.

Gonzalez said company officials are "not document experts," leading them to accept false papers.

Matt McConaughy, director of marketing for Burbank, Calif.-based Aramark, said not only does the company review documents when people apply for jobs, it also hires an outside agency to offer assistance.

Aramark, which operates in 150 locations throughout the country, repairs and washes uniforms, as well as makes uniforms, mats and towels.

The Register-Guard

SECTION B

FRIDAY,

MARCH 13, 1998

Fund to help families of deported Fircrest staff

By Jason Jones

Since the April 30 arrest of 34 undocumented workers from Fircrest Farms, the Hispanic community in Creswell has been worried about what will happen next and how the families affected will get by.

As a result of the arrests, 22 men and eight women were deported to Mexico.

Creswell resident Ausencia Alexander is the aunt of one of the women deported, Maria Elena Orendorff. Although Orendorff married a U.S. citizen from Harrisburg last April, she had not yet filled out citizenship papers and so she was forced to leave.

Alexander said they should have fought the deportation, but because it all happened in one day they weren't aware of Orendorff's rights.

"We just didn't know what to do," Alexander said.

When Immigration and Naturalization Services (INS) agents raided Fircrest, Alexander was at the hospital with a woman who was about to give birth. When she returned, her niece and the woman's husband had already been transported to Portland.

According to Alexander, INS officials assured Orendorff that she would be able to return to the U.S. within six months if she left voluntarily, whereas if she stayed it could take four or five years to sort out.

Later, they found out that was a lie, according to Alexander, but it was too late. INS couldn't be reached for comment.

Now Orendorff's husband, Jeff, plans to live in San Diego while she lives in Tijuana. Alexander hopes her niece will be able to return soon. She said the deportations affected many families in the area, adding that churches and shopping areas that Hispanics generally frequent have been much emptier.

"I don't think there was a Cinco de Mayo without Hispanic people," Alexander said.

Having lived in Creswell for 20 years, Alexander said she has never seen anything like this before. In the past, she said the INS had said it would be coming beforehand, so everyone who was working illegally just left Fircrest. She said this time was much different.

"There were police at every exit with their guns already un-snapped," she said. "It was just awful."

Alexander thinks that since families have been pulled apart, it will be difficult to bring them back together. Those deported weren't allowed to contact anyone before they left, she said.

"I don't know what those people will do in families that have been split," Alexander said.

The INS used tactics that were unnecessary, given the circumstances, she thinks.

The people should have had more time to make preparations before being deported, she said, and there was no need to take them away in handcuffs and shackles.

"They're working people. They're not robbing a bank or killing people," Alexander said. "I'm not really against what immigration is doing. I'm just against the way they're doing it."

A Hispanic Assistance Fund has been started at Shuslaw Valley Bank to help the families of those deported.

To contribute, stop by the bank or call Father James Dowd of Creswell's St. Philip Benizi Catholic Mission Church at 942-3420.

Page 3 - The Chronicle, Wednesday, May 14, 1997

Creswell, OR

Section F:

CONCLUSION

There are reports that new US citizens and permanent legal immigrants on occasion have been detained and transported miles away from home and left with no transportation or resources to return home. The INS officials claim detainees are freely given options and can seek a court hearing, and that detainees are held in detention centers only when they are a threat to the community. In the Migra raid of May 13, 1998 workers who made a request for a hearing reported being intimidated and verbally abused throughout the experience of the INS raid. INS agents made requests for bail bonds of \$5,000 at the time of the May 13, 1998 raid/interrogation process in Eugene.

The workers were instructed to sign voluntary deportation papers or face months of incarceration before a hearing could occur. The workers who were detained spent an average between 2 to 3 weeks in a detention center in Eloi, Arizona. The workers who were transported to Arizona, paid bail bonds (with the help of employers) of \$5,000 to be released. All 78 workers originally detained by the INS were not a threat to the community. The INS officials stated that requesting \$5000 is a violation of policy and that no INS agents at any time made any request for money. INS officials claim all detainees are treated with utmost respect, especially the women. Officials also claim their agents always act in a professional manner and do not falsely accuse undocumented workers.

Detained workers described obvious human rights and civil rights violations as mentioned in section "A" in this report. The workers who were courageous enough to stand up to the abusive tactics by INS agents, were sent to Elio, Arizona for no apparent reason. These workers will need to return to Arizona for a deportation hearing. One detained worker reported extreme intimidation – both verbal and physical abuse – directed at him when he stood up for his rights. A complete history is in our information bank. The inhumane and illegal tactics perpetuated by INS agents, were reported by workers who themselves were subjected to various degrees of abuse by La Migra from the initial raid in Lane County until the final hour of release near the border in Juarez, Mexico. The INS officers claim detainees are allowed to call anytime during the process of the operation.

A majority of workers claim they were not given an opportunity to call and they were kept in a bus with the heater on high in constant movement. The bus at one point went from Eugene to Albany and back to Eugene. Furthermore, they were kept shackled in the bus overnight, workers made complaints to agents that the heater made workers nauseous. The workers who were detained at the Eugene Armory from 5:00 PM to 10:00 PM were not allowed to talk to their relatives who were standing outside the Armory, attempting to speak to the detained in order to give them money and get car keys for vehicles left at the work sites.

INS officials claim that workers were not instructed to go to Portland to seek work permits after being released from detention. All workers that made a request for a hearing and who were detained claim they were instructed after being released to go to Portland to acquire a work permit. Workers took the time and spent money to make this extra, and ultimately futile,

journey to Portland. The actions and contradictory statements by INS agents is clear evidence that the INS attempt to break the spirit of detained workers and make the process more costly and complicated, given the fact that many workers do not understand the language or the complex judicial process. There is no logical explanation or reason to the run around provided to the workers who were detained and transported to Eloi, Arizona – especially since they were not a threat to the community. These Migra operations and inhumane actions are even more costly to taxpayers, businesses and to the detained workers who travel across several states to rejoin their families and later make a journey across several states again for a hearing that is likely to deport the individual.

The economic crises that contribute to the immigration problem in this country are not unique, but are observable throughout the world. Most of the immigrant workers in the US come from Mexico and other Latin American countries. These workers are the peasantry of Latin America. The living conditions in Latin America are exacerbated due to the oppression experienced in many of these neighboring countries, which force the most needy and less or non educated to migrate north and seek better lives. The desire for a cheap and strong labor force in America contributes to the social and economic condition in our communities. The US government, in turn, has taken a less humane approach when dealing with the immigration issues while the Mexican government turns a blind eye to the Immigration issue. Human rights and civil rights are undermined by the decisions made by politicians who have a fundamental misunderstanding of immigration issues, and who have no ability to conceptualize what it is like to migrate to a foreign country.

The average citizen when questioned in the street believes that Latin American people come to this country not only for the sole purpose of taking away jobs from Americans, but to use social services and become US citizens. This erroneous perception has evolved with the help of the media throughout the last few decades and has helped instigate the passage of laws that allow not only the revoking of US citizenship from newly made citizens, but to limit education and social services to both legal and undocumented immigrants. The focus of these immigration laws are, without a doubt, fear based and perpetuate xenophobia. However, many laws appear to be implemented out of pure hate. Educating the public about the plight of the new immigrants and a more human political approach to the immigration issue will certainly improve all our communities and improve the socio-economic condition of Lane county.

Acknowledgments

The Migra Raid Report Task Force is a community-based group whose participants include representatives from the following organizations:

**Latino Coalition - El Nuevo Aztlán - Centro LatinoAmericano
Socio-Cultural Organization El Bracero - Network for Immigrant Justice
Community Alliance of Lane County - Eugene-Springfield Solidarity Network**

The Task Force expresses its sincere appreciation for the contributions of the many individuals and organizations from our community and beyond who have helped in countless ways to make this report possible. We especially wish to acknowledge the contributions of the following:

- **The immigrants who gave testimonies about their experiences**
- **Representative Peter DeFazio and members of his staff**
- **Immigration Law Enforcement Monitoring Project - Harlingen, Texas**
- **McKenzie River Gathering Foundation**
- **Presbytery of the Cascades - Peacemaking Unit**
- **National Network for Immigrant and Refugee Rights**
- **Eugene Water and Electric Board**

Responsibility for accuracy of this report rest solely with the members of the task force.



花 花 花