



Written by [Steve Byas](#) on July 19, 2020

## Oregon Asks Injunction Against Federal Action to Curb Riots in Portland

For the past seven weeks, protests and riots have engulfed the city of Portland, but Portland Mayor Ted Wheeler is now blaming the federal government for the escalation of violence, and the Oregon attorney general is seeking a court order to prevent federal agents from arresting individuals on the streets.



Both the mayor and the attorney general are Democrats, and Mayor Wheeler blames the rhetoric of Republican President Donald Trump for inflaming tensions. “The feds came in, on the heels of some really inflammatory public messaging coming out of Washington, D.C., from the president directly, as well as the Department of Homeland Security, they blew the whole thing back up again,” Wheeler claimed.

Wheeler added, “So, in one day, we saw the numbers escalate, we saw new people coming to Portland from out of state. This whole situation is now blowing up as a result of the tactics being used by the federal government.”

*USA Today* reporters N’dea Yancey-Bragg and Kristine Phillips, in their story on the events in Portland, led off with, “Federal law enforcement officers have used unmarked vehicles to detain protesters in Portland,” adding, “Videos shared online show officers driving up to people, detaining individuals without explanation, then driving off, Oregon Public Broadcasting reported.”

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One of the persons allegedly picked up by these unnamed federal agents was 29-year-old Mark Pettibone. In an interview with the *Washington Post*, Pettibone said that he was on his way home from a protest early Wednesday morning when several men in green military fatigues jumped out of an unmarked gray van, whereupon he took off running. The men caught up with him, and placed him in a holding cell in a federal courthouse. Pettibone said he declined to waive his Miranda rights, and he was soon released with no record of his arrest.

The American Civil Liberties Union (ACLU) expressed outrage at the incident: “Usually when we see people in unmarked cars forcibly grab someone off the street we call it kidnapping — what is happening now in Portland should concern everyone in the U.S. These actions are flat-out unconstitutional and will not go unanswered.”

Senator Elizabeth Warren (D-Mass.) even called the federal agents “secret police.”

The U.S. Marshalls Service denied they were involved in the detention of Pettibone, arguing that their



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agency's personnel are visibly identified as members of the U.S. Marshall's Service. The agency said, "Working with our federal law enforcement partners, we will continue to investigate, arrest and prosecute those persons instigating or involved in riots, looting and other violence against persons and property involving the violation of federal law."

Of course, which federal law is being violated is at issue in Oregon. Oregon Public Broadcasting claimed that federal officers had arrested individuals who were not near federal property when arrested.

Charles Boyle, the deputy director of communications for Democratic Governor Kate Brown, responded, "If media reports of their actions are accurate, federal officers arresting Oregonians without probable cause is extraordinarily concerning and a violation of their civil liberties and constitutional rights."

Obviously, *if* media reports are accurate, then Governor Brown would have a point. It is not clear at this time what the truth is. Certainly, federal agents should not be arresting individuals for crimes that are not federal crimes, and just as certainly they should have probable cause, and afford those being detained all of their constitutional rights. However, it is not clear exactly what is happening. It is possible that agents could be detaining individuals who *have* attacked federal property — they would not have to be "near" federal property at the time of their arrest, any more than a person who murders someone on 8<sup>th</sup> street would have to be arrested only on 8<sup>th</sup> street. The location of the suspect at the time of arrest is rather irrelevant. What is relevant is whether or not the person committed a federal crime.

The U.S. Marshals Special Operations Group and Customs and Border Protections' BORTAC are in Portland for the expressed purpose of protecting federal property, largely because local and state authorities have not been doing so. As one reporter told Mayor Wheeler, "The federal government says that they wouldn't have had to [come] into the city if city leaders had gotten a handle on the riots. You say that we can handle it better than the feds can, but we haven't heard or seen a plan to stop the vandalism or the riots, even prior to the federal government, or federal officers, getting into town."

The Customs and Border Protection issued a statement defending their actions: "While the U.S. Customs and Border Protection (CBP) respects every American's right to protest peacefully, violence and civil unrest will not be tolerated. Violent anarchists have organized events in Portland over the last several weeks with willful intent to damage and destroy federal property, as well as injure federal officers and agents. These criminal actions will not be tolerated."

CBP explained the alleged "kidnapping" of a suspect: "CBP agents had information indicating the person in the video was suspected of assaults against federal agents or destruction of private property. Once CBP agents approached the suspect, a large and violent mob moved toward their location. For everyone's safety, CBP agents quickly moved the suspect to a safer location for further questioning." In other words, they contend the questioning could have taken place right there, had not a menacing mob been moving toward them. Should they have simply remained in the street and gotten physically assaulted by an angry mob?

Rather than being unidentified, they argue they "were wearing CBP insignia during the encounter."

Under normal circumstances, criminal activity such as looting and arson should be handled by local law enforcement. But if local law enforcement are *not* protecting federal property, for whatever reason, then it would seem that federal law enforcement would have every right to protect such buildings.

Acting Homeland Security Secretary Chad Wolf said on Thursday, "Portland has been under siege for



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47 straight days by a violent mob while local political leaders refuse to restore order to protect their city." Governor Brown, on the other hand, dismissed such remarks, calling them "political theater" and "blatant abuse of power" in Portland. Senator Ron Wyden (D-Ore.) even tweeted, "A peaceful protester in Portland was shot in the head by one of Donald Trump's secret police."

With Oregon's lawsuit, the confrontation between the Democratic politicians of Oregon and the Republican administration in Washington, D.C., will move from the media into the courtroom.

Meanwhile, the rioting continues to plague Portland.

*Photo: AP Images*

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