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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

**TUCK WOODSTOCK; DOUG BROWN;  
SAM GEHRKE; MATHIEU LEWIS-  
ROLLAND; KAT MAHONEY; JOHN  
RUDOFF**; and those similarly situated,

Plaintiffs,

v.

**CITY OF PORTLAND**, a municipal  
corporation; and **JOHN DOES 1-60**,  
individual and supervisory officers of Portland  
Police Bureau and other agencies working in  
concert,

Defendants.

Case No. 3:20-cv-1035-BR

**DECLARATION OF DOUG BROWN IN  
SUPPORT OF PLAINTIFFS' MOTION  
FOR TEMPORARY RESTRAINING  
ORDER AND PRELIMINARY  
INJUNCTION**

I, Doug Brown, declare:

1. I am an Oregon resident who lives in the City of Portland. I have attended the George Floyd protests on several nights, wearing a blue vest that clearly identifies me as a legal observer, for the purpose of documenting police interaction with protesters. If called as a witness, I could, and would, testify competently to the facts below.

2. I have attended protests in Portland every year since 2016, first as a journalist with the *Portland Mercury* and then as a volunteer legal observer with the ACLU.

3. On the nights I have gone to observe the protests, I have not broken any laws or done anything violent towards anyone.

4. I have not interceded as police have attacked, arrested, brutalized, and intimidated members of the public peacefully exercising their First Amendment rights.

5. When I attended the 2017 protests as a journalist for the *Portland Mercury*, police beat me with a truncheon and fired on me with flash-bangs.

6. In August 2018, I and Donovan Farley were reporting on protests in downtown Portland. Without warning, the police rushed protesters, shot rounds, and set off explosions. Then, they charged at and beat a group of journalists, all of whom had press passes clearly displayed or were holding obviously professional cameras, including us. Video here: <https://tinyurl.com/BrownBeaten18>.

7. At the same protest, police hit KATU reporter Ric Peavyhouse with a rubber bullet and documentary filmmaker Michelle Fawcett with a flash-bang grenade.

8. Since the murder of George Floyd on May 25, 2020, thousands of people have gathered every night in Portland to protest and mourn Mr. Floyd's murder and insist that institutions start ensuring that Black lives matter. These protests continue to the present day.

9. With limited exceptions, these protests have been overwhelmingly peaceful. Nearly every night, however, the Portland police have used increasingly violent tactics to deter speech on this important issue. The police have shot rubber bullets into crowds of protesters. The police have also deployed multiple types of tear gas. The police have also beat protesters

with truncheons and shot them with flash-bang grenades with little or no warning, in the absence of any danger to the public, police, or property.

10. On the night of June 12, 2020, I was attending the protests as a volunteer legal observer with the ACLU. I was wearing a blue vest which clearly identified me as a legal observer.

11. Shortly after 12:30 a.m., the police decided to put an end to the protests. They declared the area between Naito Parkway and 13th Avenue, from SW Lincoln Street to NW Everett Street, off-limits to everyone—protesters, press, legal observers, and anyone else. This area contains the entirety of downtown Portland and parts of two Northwest Portland neighborhoods and comprises some 21 million square feet.

12. A video of the following events can be viewed here:  
<https://tinyurl.com/BrownAttacked>.

13. At around 12:35 a.m., the police began firing flash-bang grenades into the crowd. A minute later, they fired a flash-bang grenade directly at me.

14. Then, they began physically clearing people out of the park. I complied with their directive and moved with the crowd, but because I was present as an observer and not a protester, I continued filming and observing how the police enforced their order.

15. Around 12:39 a.m., the police had moved the crowd one block from their starting position. Then they began what is known as a “dynamic” maneuver. They halted and arranged in formation, truncheons and guns at the ready. On command, they all began running at the crowd, yelling “MOVE!” and beating anyone in their way.

16. I continued to observe and record. For that, the police beat me, too.

17. I was forced to flee and could no longer safely document the police’s violent enforcement tactics.

18. After a minute, the police halted and began firing flash-bang grenades directly at people. They scored a direct hit on me. As a result of the police’s firing two flash-bang grenades

at me and beating me with their batons, I suffered temporary tinnitus for several hours and some contusions.

19. Shortly after the second flash-bang, I left the scene, even though the protests and the police's violent dispersal of protesters continued.

20. On the night of June 14, I was again attending the protests as a volunteer with the ACLU. I was wearing a blue vest which clearly identified me as a legal observer. Audio of the following events, together with some contemporaneous photos I took, is available here:

<https://tinyurl.com/BrownThreatened>.

21. Around 10:40 p.m., I arrived at the intersection of SW 6th Avenue and SW Market Street, where Portland police officers were arresting a man undergoing a mental-health crisis. As they had the previous night, the police had issued a dispersal order vacating downtown Portland. Nevertheless, some five to seven people were at the scene, observing the arrest. I also began observing and recording the event.

22. For the first seven minutes I was present, the interaction between police and the individuals watching them was calm and uneventful. At 10:47 p.m., the police decided to remove all observers from the scene. One officer, with a makeshift ID number 254047, ordered everyone to leave and threatened them with arrest if they did not comply.

23. I continued to document the events. The officer heard his shutter clicking and turned on me: "You have plenty of pictures, okay? ... We don't want to make an arrest." Three more officers walked up to me and put their hands on me. One of them said: "You should know better, you're with the ACLU."

24. A minute later, a police SUV with a long-range acoustic system arrived. It, too, singled me out as an ACLU legal observer and threatened me with arrest: "You are all subject to arrest for trespassing. This area is closed. That includes the ACLU legal observer. You are trespassing. ... You are failing to obey the direct order of a peace officer in the State of Oregon."

25. The police targeted me, even though I was clearly marked as a neutral legal observer by my blue vest, because I was recording the police doing their job in public.

26. Rather than be arrested, I left the scene and was no longer able to fulfill my role as a legal observer.

27. I intend to keep covering the protests, but am fearful for my safety.

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Dated: June 28, 2020



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Doug Brown