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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 SUZETTE SMITH IN  
SUPPORT OF PLAINTIFFS' MOTION  
FOR TEMPORARY RESTRAINING  
ORDER AND PRELIMINARY  
INJUNCTION**

I, Suzette Smith, declare:

1. I am an Oregon resident who lives in the City of Portland. I am a freelance journalist with the *Portland Mercury*. I have attended the protests in Portland three times over the last month for the purpose of documenting and reporting on them. If called as a witness, I could, and would, testify competently to the facts below.

2. I have been a journalist since 2011. Most of my reporting has been for the *Mercury*, both as a freelancer and the arts section editor. I have reported on protests in Portland for several years.

3. I first covered the protests this year on June 7. I reported from Chapman Square, the public park in front of the Justice Center, for several hours. I was wearing a press badge that clearly identified me as a member of the news media. When the police announced their dispersal order, I thought that I could continue to cover the events by standing off to the side, away from the protesters but in a position to observe and report. In my experience, customarily, that is a safe way to continue to provide coverage.

4. This time was different. The police created a situation of utter chaos. They drove against traffic with sirens blaring, converged on protesters from the north and the south with batons and fired flash-bang grenades and impact munitions indiscriminately toward and into the crowd. The police's haphazard, sweeping use of force made me afraid for my safety; it was hard to believe that they wouldn't hurt me, even though I was identified as press. Because I was worried about getting hit or pepper sprayed by the police, I left the scene and ended my coverage.

5. I covered the protests again on the night of June 12. With me was Steve Humphrey, editor-in-chief of the *Mercury*. After the police issued their dispersal order, Steve and I began retreating by going north on SW 3rd Avenue, away from the Justice Center. When we reached the intersection of SW 3rd Avenue and SW Washington Street, a line of officers was standing at the intersection blocking off SW Washington Street to the west.

6. Steve began to walk east toward SW 2nd Avenue, in the direction of the *Mercury*'s offices. The line of officers charged at us in unison, yelling at us to go north. By this time, I had seen many videos and heard many accounts of the violence the police had been meting out to protesters and journalists alike, and I began to fear that I would see such an incident take place before my very eyes.

7. I held up my press badge, yelling "PRESS! PRESS!" The officers responded: "I don't care if you're press!"

8. Steve and I began complying and walking north on SW 3rd Avenue. The police continued to intimidate us by following close behind, forcing us to break out into a jog to stay ahead of them and their weapons.

9. I covered the protests once more on the night of June 20. I was there with Alex Zielinski, the *Mercury*'s news editor. The night had mostly been calm, with police staying inside the Justice Center, so around 12:30 a.m., Alex and I considered ending our coverage. However, as we were discussing it, a protester shook the fence and officers poured out of the Justice Center in response.

10. Alex and I remained for another hour. Then we decided to go home, and I tweeted that we were ending our coverage for the night. By this time, as far as I am aware, Alex and I were the only two reporters affiliated with the institutional press remaining. A few unaffiliated journalists were also there.

11. Within ten minutes, while Alex and I were waiting for a rideshare car a few blocks away, the police announced an unlawful assembly and immediately began deploying smoke and flash-bang grenades against protesters. Usually, the police give protesters some time to disperse before using force against them. The immediate deployment was unusual, but so was the late hour for declaring an unlawful assembly. I believe that on this night, the police were waiting until the last members of the institutional press had left before beginning their violent dispersal.

12. The police’s violence and threats of violence towards journalists make me feel unsafe and prevent me from doing my job as a reporter. Every night, at around ten or eleven, I know what’s coming—flash-bang grenades, rubber bullets, tear gas, arrests—and it makes me want to leave. The police have consistently been clear that they do not care that I am there as a member of the press. Consistently, when I hold my press badge up, they say “I don’t care about press.”

13. I know that it is important that I stay and record what happens, to help the public hold the police accountable, but I feel intimidated by the police’s targeting of journalists. I intend to continue reporting on the Portland protests, but I 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 29, 2020

DocuSigned by:  
*Suzette Smith*  
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Suzette Smith