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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 ELLIOT TIPPIE IN
SUPPORT OF PLAINTIFFS' MOTION
FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY
INJUNCTION**

I, Elliot Tippie, declare:

1. I am an Oregon resident who lives in Lafayette and works in Portland. I am an independent journalist with the Constitution First Amendment Press Association. I have attended the protests in Portland on six nights 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. On the nights I have gone to observe the protests, I have not broken any laws or done anything violent towards anyone. I am just there to cover and provide a live broadcast of the protests and out-of-control police response.

3. I covered the protests on the night of May 31, 2020. As I always do when covering them, I was carrying a huge, high-contrast sign reading "Press News Media" in large letters and was wearing my press credential around my neck.

4. At approximately 1:30 a.m. in the morning on June 1, I stopped to help a stranded motorist change their tire. There were very few other people around. After helping change the tire, I began walking towards my car with another person, hoping that I would be safer in a pair than alone.

5. Suddenly, the police targeted me. Two officers unexpectedly exited their police vehicle and moved quickly towards me, while one pointed a large weapon at me. They yelled at me to "stop right there." One of the officers told me: "He's got a knife right there. If you do anything stupid, I'm going to shoot you, OK?"

6. An officer ordered me to drop my phone. I told him I was trying to be a member of the press. He responded that I was not, that I was disobeying the lawful order, is what I was doing. I told him I was just trying to get home.

7. The officer restraining me asked me what press company I work for. I considered keeping that info private, then after a moment I told him I am PDXancapPRESS on Twitter while he was restraining me. I told him I was livestreaming right then.

8. The other officer chimed in that it was excellent evidence that I was not obeying the lawful order.

9. I told him it's a First Amendment protected activity.

10. "Not down here it's not," the officer cut me off.

11. He then told me there is a curfew and it applies to me, which is not true to my understanding, as press are exempt from the curfew. I reiterated that I was a member of the press and had to report the news of the biggest civil-rights movement in history. I asked to go home and they told me I was under arrest.

12. I told the police I have a press credential and repeated that I am livestreaming right now and was complying with their orders.

13. The police finally lifted the press credential hanging around my neck to look at it. He then uttered a pretext about me placing a board in his path before stopping my video and arresting me anyway. In reality, I had momentarily taken cover behind my press sign to protect myself from the huge gun he was pointing at me while I got on my knees and put my hands up almost immediately. But I did not get in his way; I froze almost immediately.

14. Here is a true and correct copy of my original livestream video, queued to start just prior to my arrest, as described above:

<https://twitter.com/PDXancapPRESS/status/1274527760526917632?s=09>.

15. The police took me to jail where they held me for approximately an hour without giving me back some of my personal protective equipment while they fingerprinted and questioned me.

16. All the charges were dropped.

17. The police targeted me, even though I was clearly marked as a member of the press by my credentials and huge lettered high contrast press sign, because I was recording the police doing their job in public.

18. Because I was arrested, I was unable to continue documenting the protest and police response on my way home that night. Being arrested like that really affected me and my desire to return to cover the protests. I have since kept my distance from police at protests out of concern for my own safety. This has affected my ability to cover the protests. Whenever any

action happens and they tell me to leave, denying my right to provide coverage, it is a real legal gray area to me. I don't know if I am allowed to exercise my First Amendment right to film without being assaulted or unlawfully jailed, or even extra-judicially targeted. And instead of being able to immediately share my protest footage with KATU news and others, I had to make it private because of the then-pending charges – effectively silencing my journalism.

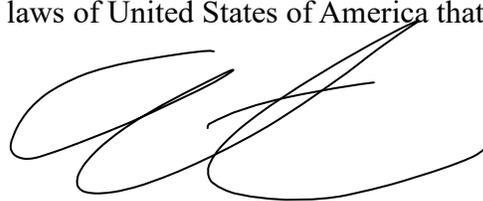
19. I am aware of many other incidents in which journalists have been harmed by Portland police's indiscriminate use of force against crowds of protesters, journalists, observers, and medics. I am also aware of many instances in which journalists were hit by rubber bullets and other impact munitions by Portland police officers firing at a crowd indiscriminately. I am also aware of incidents in which the police have used force against journalists in a targeted manner.

20. These actions by the Portland police make me concerned for my safety and liberty when covering the protests and the police response. I want to continue reporting on them, but it is a real risk to my safety and my employment to worry about getting potentially assaulted by anonymous, bloodthirsty officials with zero accountability, plus the legal immunity to be able to abuse me, or to worry about being unlawfully arrested, plus having my personally owned work vehicle impounded while I'm in jail. I don't even know if I am allowed to film any real action without experiencing unlawful police retaliation like I did on the morning of June 1.

21. In addition, it's not just my First Amendment rights, it's everyone's First Amendment rights that are at stake here. This is America and we have the right to film. We need journalists down there so the people can understand what is happening.

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



Elliot Tippie