

**Matthew Borden**, *pro hac vice* application pending  
borden@braunhagey.com

**J. Noah Hagey**, *pro hac vice* application pending  
hagey@braunhagey.com

**Athul K. Acharya**, OSB No. 152436  
acharya@braunhagey.com

**Gunnar K. Martz**, *pro hac vice* application pending  
martz@braunhagey.com

BRAUNHAGEY & BORDEN LLP  
351 California Street, Tenth Floor  
San Francisco, CA 94104  
Telephone: (415) 599-0210  
Facsimile: (415) 276-1808

**Kelly K. Simon**, OSB No. 154213  
ksimon@aclu-or.org

AMERICAN CIVIL LIBERTIES UNION FOUNDATION OF OREGON  
P.O. Box 40585  
Portland, OR 97240  
Telephone: (503) 227-6928

Attorneys for Plaintiffs

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 ALEX MILAN  
TRACY IN SUPPORT OF PLAINTIFFS'  
MOTION FOR TEMPORARY  
RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

I, Alex Milan Tracy, declare:

1. I am an Oregon resident who lives in the City of Portland. I am a photojournalist contributing to the Associated Press, among others, and have my master's degree in photojournalism. I have covered a great deal of the recent protests over George Floyd and police brutality in Portland. If called as a witness, I could, and would, testify competently to the facts below.

2. I have lived in Portland for ten years and have covered hostile situations involving police violence and activism here during that time. I have a great deal of experience covering protests, and the current situation in Portland feels like a warzone.

3. I have covered between two and three weeks of the recent protests in Portland arising from the murder of George Floyd to document what is happening and how the police have been reacting. When I have attended these events, it has been in my capacity as a journalist and newsgatherer.

4. I was part of a group of journalists that filed an open letter to Mayor Wheeler, most of whom have been referenced in the case, along with a story by OPB reporter Rebecca Ellis that mentions our letter in response to treatment of the press by police.

5. When I am present covering the protests, I prominently display my business card on my chest that clearly identifies me as a photojournalist. I also wear a helmet that reads "PRESS" on the front and back. Aside from my business card and my helmet, I also carry two large, professional-grade cameras around my neck and over my shoulder.

6. After the injunction against the use of tear gas came down, things quieted down for a hot minute, before the police switched to violently clearing the streets with batons and threats of arrest. This made it a very hostile environment to be in and to continue to report on once everyone was cleared away from the main area of protest.

7. On June 2, 2020, as police cleared the streets with tear gas from multiple angles in a kettling operation, I became encapsulated in converging clouds of gas which left me disorientated with weeping eyes as I coughed heavily. This night was the most tear gas I have

ever witnessed. Here is a true and correct copy of the original video documenting this June 2 incident in which police began to clear the streets with flash bangs and tear gas:

<https://twitter.com/AlexMilanTracy/status/1268120823669256192>. Here is a true and correct copy of the original video documenting this incident in which tear gas surrounds me as I try to find a way out: <https://twitter.com/AlexMilanTracy/status/1268124731024130049>.

8. On June 7, I was documenting as protesters ran and hid from oncoming police vehicles as streets were cleared in the early hours of the day. An officer shouts, “You were standing taking photos...” as two people hiding behind a car are arrested. Despite being a good distance away, the police threatened to arrest me simply for filming them. I immediately held up my credentials and one of my two cameras clearly stating that I was press as I moved back and complied with their orders. Here is a true and correct copy of the original video documenting this June 7 incident: <https://twitter.com/AlexMilanTracy/status/1269577129265524736>.

9. Later that evening on June 7, I was hit on the lower left leg by a neon green police paint marker round as officers began to clear the area in front of the Justice Center. Here is a true and correct copy of the original video documenting this June 7 incident:

<https://twitter.com/AlexMilanTracy/status/1269915899131117568>. Here is a true and correct copy of a photograph depicting the neon green police paint marker round on my pants: <https://twitter.com/AlexMilanTracy/status/1270141298402451456>.

10. Just before midnight on June 7 police charged at protesters, and as I was documenting, I fell backwards on a curb, got up and turned around and was seconds away from getting grabbed by riot police who were tackling people to the ground as they made arrests. Here is a true and correct copy of the original video documenting this June 7 incident:

<https://twitter.com/AlexMilanTracy/status/1269928231148244992>.

11. Right after this, just after midnight in the infancy of June 8, I witnessed police arrest a member of the media with press credentials clearly visible. Here is a true and correct copy of four photographs documenting this June 8 arrest:

<https://twitter.com/AlexMilanTracy/status/1270194055926779905/photo/4>.

12. In the early hours of June 16, I was threatened with arrest by officer Ken Le as I was documenting police after a few officers charged ahead out of formation to make arrests. He told me to “get out of here now,” or I was going to go to jail. “I don’t care if you’re press, get out of here right now,” he repeated. Here is a true and correct copy of the original video documenting this June 7 incident:

<https://twitter.com/AlexMilanTracy/status/1272805156225048578>.

13. Attached as **Exhibit 1** is a true and correct copy of the original photograph showing an officer with his knee over the neck of a protester as the arrest is made.

14. 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.

15. I am also aware that the police have announced that apart from journalists who are embedded with them, any journalist who continues reporting on protests after a dispersal order will be subjected to use of force and arrest.

16. I am aware that the police have recently cut loopholes into the plywood surrounding the Justice Center to allow them to fire into the crowd through the slits, making it extremely likely that they will hit journalists and legal observers.

17. These actions by the Portland police make me fear for my safety when covering the protests and the police response, and they make it very difficult to do so effectively.

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

Dated: June 30, 2020



Alex Milan Tracy