

**Matthew Borden**, *pro hac vice* application pending  
[borden@braunhagey.com](mailto:borden@braunhagey.com)

**J. Noah Hagey**, *pro hac vice* application pending  
[hagey@braunhagey.com](mailto:hagey@braunhagey.com)

**Athul K. Acharya**, OSB No. 152436  
[acharya@braunhagey.com](mailto:acharya@braunhagey.com)

**Gunnar K. Martz**, *pro hac vice* application pending  
[martz@braunhagey.com](mailto: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](mailto: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

PORLAND 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 ZIELINSKI IN  
SUPPORT OF PLAINTIFFS' MOTION  
FOR TEMPORARY RESTRAINING  
ORDER AND PRELIMINARY  
INJUNCTION**

I, Alex Zielinski, declare:

1. I am an Oregon resident who lives in Portland, Oregon. I am the news editor for the *Portland Mercury*. I have attended the protests in Portland 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 salaried journalist since 2010. I have been published in the *Portland Mercury*, the *Washington City Paper*, *San Antonio Current*, *ThinkProgress*, *Portland Monthly*, *Bitch Magazine*, *Eugene Weekly*, the *East Oregonian*, *Street Roots*, the *Daily Emerald*, and other smaller publications. I have been the news editor for the *Mercury* since March 2018. The position involves both editing and reporting work.

3. I have been covering protests in Portland on the ground since mid-2018, and am familiar with the actions Portland police take during large protests, including dispersal tactics. Whenever I cover protests, I wear a laminated press badge with my photo, name, and contact information. I also am intentional about dressing professionally when I cover a protest and do not dress in any clothing that may give the impression I am a protester, such as all black. I do not participate in the protests in any way; nor do I intercede when the police threaten, attack, or arrest people. I merely document and report.

4. I also try to follow lawful police orders while covering protests. During dispersal orders, I have been told by officers to leave an area to one direction (say, the north), only to start walking that direction and then be told that I need to be leaving the opposite direction (south). These confusing orders add to fear and confusion for both reporters and the public during these moments.

5. On the night of June 2, 2020, I was covering the protests in the area around the Justice Center with Blair Stenvick.

6. On this night, the fence was at the intersection of SW Fourth Avenue and SW Salmon Street, with protesters on the north side of the fence and police on the south side. Protesters filled the block between SW Salmon Street and SW Taylor Street, with most people

facing south (where the police were positioned). I was in the middle of the block on the western sidewalk. A few protesters closest to the fence seemed to be agitating and throwing water bottles. After issuing a dispersal order and announcing that dispersal weapons would be used, police shot tear gas into the front of the crowd from behind the fence. But they also shot tear gas into the intersection of SW Fourth Avenue and SW Taylor Street—directly behind the crowd, blocking them in. This came as a surprise since it was expected that officers would be directing their weapons at the people agitating near the fence—not indiscriminately across a crowd of families, children, peaceful demonstrators, and the media.

7. This tactic did not disperse the crowd, because the crowd had nowhere to go to escape the gas. Instead, it ensured that everyone who was in the crowd was inundated with tear gas, whether attending as a protester, journalist, legal observer, or medic, and whether at the front or in the back. This is known as a “kettling” or “killbox” tactic.

8. This action effectively forced everyone standing in this block, including myself, to run through a cloud of tear gas to leave the scene. This created a stampede of people trying to escape the chemical gas. I was fearful of being trampled, especially since I wasn’t able to see out of my eyes at the time. When I finally escaped the clouds of gas, a stranger offered to pour water into my eyes—and I accepted their offer.

9. I attempted to continue to cover the protests, but the police continued to gas the crowd, including me. Throughout the night, strong winds kept the chemicals drifting in the air, meaning it was hard to avoid the smell and irritation of CS gas that hung in the air.

10. Ultimately, my editor decided that my safety and wellbeing were at risk and instructed me to stop covering the protests for the night. Because of the actions of the police, I was unable to do my job and report on the protests and how the police enforced their dispersal order.

11. The following is a true and correct copy of an email I received from Lieutenant Kristina Jones of the Portland Police Bureau on June 8, 2020, at 2:49 a.m., while protests were ongoing:

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**Jones, Kristina**

June 8, 2020 at 2:49 AM

[Details](#)

KJ

Pool Cam Opportunity for Monday June 8

To: Jim Redden, KATU, KEX, KGW, KGW Alternative & 23 more

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Media Partners,

We would like to extend the opportunity to have one person who can take video and photography later tonight if that is something you collectively want. Please coordinate and email Officer Natasha Haunsperger with the selection and contact information. We will likely be ready near 9 P.M. to connect this person with their safety officer. We have officers assigned, so security is not required. We do require a waiver to be signed, however.

Regards,  
Lieutenant Tina Jones

12. The following is a true and correct copy of an email I received from Lieutenant Kristina Jones of the Portland Police Bureau on June 12, 2020, at 7:20 p.m., while protests were ongoing:

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**Jones, Kristina**

June 12, 2020 at 7:22 PM

[Details](#)

KJ

Media Opportunity for Tonight to Imbed Videographer/Photographer with...

To: Jim Redden, KATU, KEX, KGW, KGW Alternative & 20 more

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Media Partners,

We are offering an opportunity for one pool camera/photographer to imbed with a mobile field force team tonight (June 12-13). I know this is last minute, but I think it is a valuable perspective that has not been covered, so wanted to offer it up.

If you have interest, please coordinate amongst yourselves to determine who you wish to participate. Email me directly with the individual selected and the contact number and I will help coordinate contact with the PPB team.

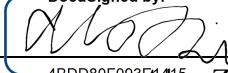
Lieutenant Tina Jones

13. No reporter from the *Mercury* has embedded with the Portland police because it would diminish our journalistic integrity and raise the possibility that we might alter or soften our reporting to stay in the police's good graces.

14. I am fearful for my safety and my colleagues' safety when we report on protests. I have been tear-gassed twice without warning and without adequate time to leave an area. I have decided not to approach a line of police officers in riot gear to accurately document their interactions with the public, because I am afraid I will be shot by their munitions or chemical gas. I have stopped reporting earlier than I intended during protests due to fear of violence and harm from police officers. This has hampered my ability to write transparently about police conduct. I fear that the police are intentionally trying to keep press from covering officers' interactions with protesters.

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:  
  
4BDD80F093E115  
Alex Zielinski