

The Oregonian

What We Know About Patriot Prayer Gun Cache Found Before Portland Protest

By The Oregonian
October 16, 2018

Members of right-wing Patriot Prayer positioned themselves on a Portland rooftop with a cache of firearms before a protest in August, city officials announced Monday.

The news, which wasn't previously publicized, came to light as city officials scrambled to find a way to end the repeated violent clashes between dueling political factions downtown. A brawl broke out during a showdown between Patriot Prayer and anti-fascist protesters Saturday outside a popular downtown bar, signaling the latest flare-up in a long line of confrontations between the opposing groups.

Police saw people with hard-knuckled gloves, guns, batons, knives and pepper spray in Saturday's bloody brawl, but they didn't confiscate weapons or make any arrests. Police officers did seize the weapons found on the rooftop in August, but they were later given back. No arrests were made in that case, a police official said.

Here's what we know about the August case and how it ties into recent Portland protest policing news:

What happened?

Prior to the start of a scheduled Aug. 4 demonstration, "the Portland Police Bureau discovered individuals who positioned themselves on a rooftop parking structure in downtown Portland with a cache of firearms," Portland Mayor Ted Wheeler said during a City Hall press conference Monday.

The people on the rooftop were members of Patriot Prayer, said Assistant Chief Ryan Lee, who appeared at the press conference with Wheeler and other police officials. Police officers seized the weapons found on the rooftop that day, but they were later given back. No arrests were made because the protesters had not broken any laws and all had licenses to carry concealed weapons, Lee said.

What kind of guns?

Berk Nelson, a senior mayoral aide, said the weapons included "long guns."

Who was there?

Neither Lee nor Wheeler named the people whose guns were seized from.

Patriot Prayer's leader, Joey Gibson, said he does not know who among his group was stopped.

What does Gibson have to say about this?

Gibson said Wheeler's statement Monday is the first he heard of the armed rooftop incident. Gibson said he spoke to a Portland police officer after the mayor's announcement, who relayed to him that Patriot Prayer members were readying for the protest at the parking garage and peacefully carrying their guns. Gibson said he does not know who among his group was stopped.

"It sounds like they completely exaggerated it," Gibson said of officials' statements Monday. He said officials made it seem as if there was "some sniper pointing his gun down at people."

Gibson said he believes arrests surely would have been made if the incident was as serious as police made it seem.

Why was this announced now?

Wheeler learned about the rooftop weapons cache Monday while reviewing an ordinance drafted for him that is intended to end that pattern, said spokeswoman Sophia June. The ordinance would restrict the time and place protesters may demonstrate in Portland if they have clashed violently before.

What happened Saturday?

A Patriot Prayer demonstration, which was billed as a march for "law and order" in the streets of Portland, descended into chaos as rival political factions broke into bloody brawls.

Members of Patriot Prayer and their black-clad adversaries, known as antifa, used bear spray, bare fists and batons to thrash each other outside Kelly's Olympian, a bar on Southwest Washington Street.

The melee, which lasted more than a minute, ended when riot cops rushed in and fired pepper balls at the street fighters.

The wild scene unfolded amid mounting tensions among both groups, fueled in part by a pair of national news stories.

A march in Portland against police brutality earlier this month drew headlines after law enforcement's hands-off approach to the event was blamed for an encounter between protesters and an elderly driver, which outraged many, including Gibson and his supporters.

What's up with the potential protest restrictions?

Portland may put new restrictions on when and where protesters may demonstrate if the groups protesters belong to have a history of violence, Wheeler announced.

The ordinance, a draft copy of which was circulated by the mayor's office, would also allow Wheeler to restrict protests if public safety "is being threatened or will be threatened" or if there is "a substantial likelihood of violence at the planned demonstrations."

Wheeler said he plans to introduce his proposed ordinance as early to the City Council as early as Wednesday.

It's unclear if he has the three necessary votes to pass it.

How would it work?

A ruling by the 9th U.S. Circuit Court of Appeals court could make it legally dicey. It said in 1996 that "First Amendment activity may not be banned simply because similar activity led to or involved instances of violence."

The ACLU of Oregon issued a statement Monday saying Wheeler's proposal "raises many constitutional concerns" because it gives him discretion to regulate speech and assembly "with no meaningful oversight."

Bloody Weekend Brawl in Portland: 'I Understand Why Public is Alarmed'

By Maxine Bernstein

October 15, 2018

Portland police had limited notice of Patriot Prayer's planned demonstration in downtown Saturday night, pulled in officers from three precincts, detectives and rapid-response teams to cover it, then moved in once blows broke out between different factions protesting, Assistant Chief Ryan Lee said Monday.

"If you have people spoiling for a fight and looking for where the police aren't, they're going to find it," Lee said. "We don't have the ability to be omnipresent."

Chief Danielle Outlaw, speaking separately to Warner Pacific University students about her bureau's response to protests, dismissed suggestions that police were less likely to take action against Patriot Prayer demonstrators versus anti-fascist protesters.

"We don't police based off of ideologies," she said.

Their comments came as the city once again grabbed the national spotlight for a bloody brawl in downtown between supporters of right-wing Patriot Prayer and the group's local leftist adversaries. Mayor Ted Wheeler also called a news conference to discuss the melee.

Patriot Prayer leader Joey Gibson of Vancouver had billed his demonstration as a march for "law and order" to criticize the mayor's oversight of the city's police force. Gibson pointed to another march the weekend before that included viral video of a confrontation between protesters demonstrating against a recent police shooting and an elderly driver without police intervention.

People in the brawl Saturday faced off outside a popular bar on Southwest Washington Street and used bear spray, bare fists and batons against each other. Patriot Prayer followers and black-clad antifa exchanged taunts, then punches.

While a video caught the rivals fighting outside Kelly's Olympian bar, they represented only about a fifth of the estimated 100 to 150 demonstrators who converged downtown, Lee said.

Police saw people with hard-knuckled gloves, guns, batons and knives as well as pepper spray, but didn't move to confiscate weapons and made no arrests.

Lee said officers responded to the violence within about a minute and a half and fired less-lethal rounds to stop the fighting and allow medics assigned to police to assess and treat any injuries.

The 40mm "marking foam" rounds can leave a colored-mark on someone to help officers identify them as potential suspects, he said. Officers also fired an FN 303 launcher, which can shoot pepper projectiles or pink-marking paint, he said.

The bureau considered whether officers could intervene and safely seize the weapons "without it becoming a flashpoint" and decided not to, he said. They also decided against making immediate arrests outside Kelly's Olympian, knowing there likely was video surveillance footage that can be used to investigate further and charge people later.

That enabled the officers present to remain free to respond to any other skirmishes that resulted, Lee said. He declined to say how many officers were assigned to the demonstration.

"I understand why the public is alarmed by what they're seeing," Lee said. "I don't think the violent and tumultuous conduct should ever be tolerated."

Officers must allow people to engage in free speech yet will step in when criminal conduct occurs, Lee said.

Outlaw said sometimes the bureau decides not to send in officers to avoid inflaming an already tense situation. Police must consider if officers can go in safely and whether their response might escalate the encounters.

Detectives are investigating the fight that broke out and ask that anyone who has information contact the police, they said.

"Finding a balanced approach isn't easy," Outlaw said. "It's a fine line that we walk because we can do too much or and be perceived as not doing enough."

Lee said some responsibility rests with protesters who just want their voices heard and don't condone violence. They should separate themselves from any violent contingent and point out to police those who are creating a disturbance, he said.

"It becomes very difficult for us to weed through them," Lee said.

The chief said the bureau will continue to evaluate its actions at protests and work to improve its responses. Police Bureau veteran Bryan Parman was the incident commander Saturday.

In Response to Chaotic Street Brawls, Portland May Restrict Protests

*By Gordon Friedman
October 15, 2018*

Portland may put new restrictions on when and where protesters may demonstrate if the groups protesters belong to have a history of violence, Mayor Ted Wheeler announced Monday.

The ordinance, a draft copy of which was circulated by the mayor's office, would also allow Wheeler to restrict protests if public safety "is being threatened or will be threatened" or if there is "a substantial likelihood of violence at the planned demonstrations."

A ruling by the 9th U.S. Circuit Court of Appeals court could make that legally dicey. It said in 1996 that "First Amendment activity may not be banned simply because similar activity led to or involved instances of violence."

The ACLU of Oregon issued a statement Monday saying Wheeler's proposal "raises many constitutional concerns" because it gives him discretion to regulate speech and assembly "with no meaningful oversight."

The mayor's remarks came two days after members of right-wing and anti-fascist groups brawled in downtown Portland, one of many such clashes that on the city's streets over two years.

Videos show both sides posturing aggressively before an anti-fascist protester sprays bear mace on a member of the right-wing group. Both factions then exploded into a thrashing fistfight. Police said they were understaffed at the time and responded as soon as they could.

Wheeler, seemingly at his wit's end, said enough is enough.

"I will not allow continued planned street violence between rival factions to take place," the mayor said. "I have also asked my staff to evaluate options to hold accountable those who

recklessly drain our public safety resources by using our city as a venue for planned street violence."

Wheeler also for the first time revealed that police this summer found demonstrators with a cache of guns on a downtown rooftop prior to a protest. Those protesters belonged to the right-wing group Patriot Prayer, said Assistant Chief Ryan Lee. Their weapons were seized, but later given back and no arrests were made, Lee said.

Riot police broke up Saturday evening's fistfight a minute after the first punch was thrown by shooting pepper balls into the melee. No arrests were made, the authorities said.

Other members of the Proud Boys, a nationwide far-right fraternity, fought Friday outside a Republican club in New York City, drawing calls by the state's Democratic officials, including Gov. Andrew Cuomo, for a law enforcement inquiry. Three people have been charged with assault in connection to that fight.

Wheeler said he plans to introduce his proposed ordinance as early to the City Council as early as Wednesday.

It's unclear if he has the three necessary votes to pass it.

In a statement Monday, Commissioner Chloe Eudaly said there has not been enough time to review the ordinance.

"I share the mayor's concern and the public's frustration with these violent and disruptive demonstrations," Eudaly said. "However, as a strong advocate for freedom of speech, expression and assembly I am very reluctant to support a policy that could infringe in any way on these essential constitutional rights."

Anti-Trump Protester Sues Portland Police, Claims He Was Mistaken for Car Vandal

*By Shane Dixon Kavanaugh
October 15, 2018*

A Forest Grove man who says he was tackled and wrongfully detained when cops mistook him for a vandalism suspect at an anti-Donald Trump demonstration filed a \$76,000 lawsuit against the Portland Police Bureau and Multnomah County Sheriff's Office, records show.

Daniel Martinez says he was among a throng of protesters marching against the newly minted president-elect on November 13, 2016, when officers threw him to the sidewalk on Southwest Yamhill Street, held him down with their knees and zip-tied his wrists.

The reason? Police believed he was a man suspected of vandalizing a car several days earlier, according to the suit filed Thursday in Multnomah County Circuit Court and first reported by Willamette Week.

The problem? That suspect — later arrested — was a black man who "bore no resemblance to Mr. Martinez," a Latino. In fact, Martinez was walking with a United Farm Workers flag — an emblem associated with Hispanic heritage — when he was tackled, the lawsuit alleges.

Martinez says he suffered injuries to his knees, chest and left shoulder. He also suffered lasting nerve damage to both wrists, according to the lawsuit, which also lists the city of Portland and Multnomah County as defendants.

None of the listed defendants comment on pending litigation against them, per policy.

Martinez's legal claims are the latest to raise questions about the use of force by police in Portland.

In March, six protesters alleged in lawsuits filed by the ACLU of Oregon that Portland police, who have become "increasingly militarized in their tactics," assaulted them during a series of turbulent protests between October 2016 and June 2017.

Last month, two demonstrators filed separate notices of their plans to sue Portland police for injuries they claim they suffered while protesting a Patriot Prayer rally on Aug. 4.

The Portland Tribune

City Hall Update: Clean Up City on Mayor's To-Do List

By Jim Redden

October 16, 2018

Plus, City Council approves warning signs for unsafe buildings and new Portland Housing Bureau director named.

Mayor Ted Wheeler announced that all trash cans downtown are now being emptied six days a week, and will be emptied seven days a week beginning next spring.

Wheeler made the announcement during a news conference that included a pledge of \$300,000 from the Portland Business Alliance to support the new schedule, including 100 additional, larger trash cans downtown.

The announcement is part of a promise Wheeler made to make Portland the cleanest city in the country. It was inspired by his own observations and complaints he has been receiving about the amount of trash on city streets.

Warning signs required on unsafe buildings

The City Council voted Wednesday to require the owners of most unreinforced masonry (URM) buildings to display signs warning they are not safe in earthquakes.

The mandatory 8-by-10-inch signs are a compromise from the original proposal, which required owners to bring their building up to current earthquake standards, which is very expensive.

Despite that, the requirement was opposed by many building owners and the Portland chapter of the NAACP, which argued the signs could hurt attendance at older African-American churches in town.

Callahan named housing bureau director

Mayor Ted Wheeler appointed Shannon Callahan as the permanent director of the Portland Housing Bureau on Friday.

Callahan has been serving as interim director since 2017, when Wheeler dismissed Kurt Creager as director. Before then, Callahan served as an aide to Commissioner Dan Saltzman, when he oversaw the housing bureau.

Callahan assumed control of the bureau as it was developing the framework for spending the \$258 million affordable housing bond approved by city voters at the November 2017 general election.

Only a few projects have been approved by the council, which is hoping Oregon voters will approve the proposed amendment to the Oregon Constitution at the Nov. 6 general election that will allow private companies to partner with the bureau on future projects.

The mayor praised the bureau's productivity under Callahan, saying it has never run better. He highlighted its work spending Portland housing bond funds, implementing new renter protection programs and constructing affordable housing projects.

Callahan is a lawyer who specialized in consumer protection legislation and landlord/tenant law prior to working for the city.

City Looks to Rein In 'Nadia,' Other Fictional Rental Owners

*By Steve Law
October 16, 2018*

Portland negotiating deal with Airbnb to eliminate bogus hosts like the one previously spotted by the Portland Tribune.

Mayor Ted Wheeler, who recently took control of the city bureau that inspects and regulates Airbnb and other short-term rental companies, says those companies have been operating like "the Wild Wild West" in Portland, but now "there's a new sheriff in town."

The mayor was asked about the case of Nadia, the apparently bogus Airbnb host highlighted in the Oct. 2 Tribune.

Wheeler said a pending deal being negotiated with Airbnb will make it easy to eliminate illegal or bogus listings on the short-term rental website.

"The example of Nadia is the most egregious," he said, but there are plenty of other hosts who flout city requirements.

The city's short-term rental ordinance, passed in 2014, requires that hosts live on the premises at least nine months of the year, to retain the home-sharing spirit pioneered by Airbnb and avoid turning houses in Portland neighborhoods into de facto unattended hotels.

On Monday, Oct. 8, six days after the Tribune exposed the fraudulent host, Nadia still had 120 Portland properties listed on Airbnb, plus nearly 500 in five other cities.

Nadia claimed on the Airbnb website to live in Portland, Seattle and San Diego. The photo of Nadia used with her listings, the Tribune discovered, is the exact same image used by a model for web pieces such as "100 Pretty Back to School Outfits" and "Becoming a Preppy Girl in High School." Nadia's listings also use the same photos repeatedly to depict multiple Airbnb listings in Portland and other cities.

The pending deal being negotiated with Airbnb will allow the company to register its own hosts online, if they attest that they are meeting city rules. The city would end mandatory inspections of potential Airbnb properties by the Bureau of Development Services, while retaining the right to do spot inspections.

In exchange, the notoriously secretive company would have to divulge the names and addresses of its hosts to the city.

For that reason, Wheeler did not seem concerned that a bogus host like Nadia was listed as having her ID verified on the Airbnb platform.

Airbnb declined to discuss Nadia in advance of our Oct. 2 story, and again declined an interview request for this story.

But when told the Tribune was doing a follow-up story, the company finally took action. Late Tuesday, Oct. 9, Airbnb issued the following email statement: "We have suspended these Portland listings while they are reviewed."

Without the city knowing where the thousands of Airbnb listings are, and identities and contact information for the hosts, the company "holds all the cards," Wheeler said.

But he is confident the new data will enable the city to properly regulate the industry.

"Our rich, good-looking, jet-setting Nadia is exactly why we are undergoing the negotiations with Airbnb," Wheeler said.

"She would be quickly outed" once the city gets the host data released by Airbnb, Wheeler said. "That will definitely eliminate illegal usage."

Though the city short-term rental ordinance specifies that the companies don't allow listings until the hosts obtain a permit, the companies have flouted that requirement. Less than one-fourth of all hosts have gotten the required permits.

Mike Liefeld, the supervising planner for enforcement at the Bureau of Development Services, concurs that the deal will give him crucial information to properly regulate short-term rentals. He said the city still plans to do inspections when called for at short-term rental sites.

The deal with Airbnb is close to being finalized, the mayor said, though city officials have been saying that for several months.

Initially, city officials said the deal with Airbnb, similar to one reached earlier with HomeAway, would be sealed in an amended short-term rental ordinance.

However, Wheeler said Wednesday, Oct. 10, he thought that might not be necessary, viewing it as a change in administrative procedures. Later, Michael Cox, his chief of staff, said they may ask the City Council to ratify the deal anyway, but aren't sure yet.

Gaping loophole won't be fixed

Even if the deal allows the city to crack down on hosts who never bothered to get permits, among other violations, Wheeler doesn't expect to address a loophole in the city ordinance that allows entities like Nadia to rent out vacant apartments and condos on a nightly basis. Critics say with a glut of higher-end apartments and condos recently built, a high vacancy rate hasn't put downward pressure on rents because landlords can make more money via nightly rentals through Airbnb and other platforms.

Some central city landlords have obtained new building permits that allow them to change the terms of occupancy to a hotel, Liefeld said. A landlord could turn an entire floor, or one room, or an entire condo building, into short-term rentals. That is only possible in mixed-use commercial zones.

Landlords who get such a change in occupancy no longer have to follow terms of the short-term rental ordinance at all.

City Commissioner Chloe Eudaly said that's akin to allowing unhosted hotels. She's also concerned the practice is causing rents to be higher than they otherwise would be.

It's not known if the four buildings where Nadia lists dozens of Portland rentals have obtained the necessary change in occupancy permit. That's because Airbnb doesn't divulge the addresses of its buildings, and Nadia altered the names of the buildings on the website.

Cox said the deal with Airbnb won't address such condo and apartment conversions in the downtown area. That's a "result of our zoning rather than our short-term rental policies," he said in a text message. "This deal won't touch on that."

But some city commissioners may want to address the issue.

"When Airbnb regulations come back before Council to memorialize a new approach to permitting and data sharing, we are going to have to look at the rules for modifying use of long-term housing to short-term housing," said Marshall Runkel, Eudaly's chief of staff.

Hosts upset

Some Airbnb hosts also are concerned about the new competition from higher-end apartments and condos being converted to short-term rentals.

"To the extent that 'Nadia' is renting out apartments that were meant for long-term housing, if that is legal then the question is why the heck is the city allowing it?" wonders Debi Hertert, leader of Host2Host, a trade group of mom-and-pop short-term rental hosts in Portland.

"It's true that we resent competing with illegal listings, as it sounds like 'Nadia's' are," Hertert said.

"Our members support the Portland regulation of (allowing short-term rentals of) up to two bedrooms in one home that is the primary residence of the host, who lives there at least nine months of the year," Hertert said. "We are supportive of these regulations because they protect long-term housing and we live in this community."

She thinks Airbnb's cultivation of boutique hotels to be listed on its platform are diluting the "home-sharing brand of Airbnb."

Another Airbnb host, who asked to remain anonymous for fear of retaliation by the company, said the surge of new higher-end condos and apartments is making it more difficult for the mom-and-pop hosts who are sharing rooms in their primary homes.

"They're undercutting my ability to support myself," he said. "Airbnb couldn't care less. They want the money from whoever is going to generate the most bookings."

To read a previous Portland Tribune story on the issue, go to tinyurl.com/yceqqlrt.

Wheeler: Restrictions Needed to Prevent Political Violence

By Jim Redden

October 15, 2018

Portland mayor announces he will ask the City Council to pass an ordinance to restrict confrontations between groups that have fought in the past.

In response to a series of violent political confrontations on Portland streets, Mayor Ted Wheeler has unveiled a proposed ordinance to limit protests by groups with a history of fighting.

Wheeler announced the ordinance during a hastily-called Monday afternoon press conference at City Hall. It took place two days after members of the right wing Patriot Prayer and left wing anti-fascist activist fought with each other Saturday afternoon.

"I will not allow planned street violence to continue in Portland," Wheeler said.

The proposed ordinance would allow the Police Commission to limit the time and length of such events by groups that have clashed in the past. Wheeler is the currently the Police Commissioner. Most mayors have always overseen the police bureau.

The ACLU of Oregon said it has "serious concerns" about the proposed ordinance.

"The proposed ordinance raises many constitutional concerns. The mayor's proposal grants broad authority to the mayor's office to regulate constitutionally-protected speech and assembly with no meaningful oversight for abuse," said Legal Director Mat Dos Santos, who predicted the ordinance itself will result in more protests.

But Wheeler said other cities have similar ordinances, including Seattle, which the U.S. Ninth Circuit Court of Appeals has upheld.

Wheeler cited numerous clashes downtown between Patriot Prayer and "antifa" activists that have taken place since Donald Trump was elected president at the November 2017 general election. Speaking at the press conference, Assistant Police Chief Ryan Lee said that before a scheduled Aug. 4 protest, police seized guns from Patriot Prayer member found on top of a city-owned parking garage.

Patriot Prayer members faced off with counter-protesters on opposite sides of Southwest Naito Parkway during the protest, Lee said no one was arrested and the guns were eventually returned because the owners had valid concealed weapons permits.

"Our concern is preventing potential violence," said Police Chief Danielle Outlaw, who was also with Wheeler at the press conference.

Wheeler's planned ordinance would issue "reasonable time, place and manner restrictions" that would allow protesters to exercise their constitutional rights but give the police commissioner greater tools to keep the peace and protesters separate, said the city attorney.

I was not clear when the ordinance would be introduced at press time. Wheeler said he has "an urgency" to get it passed, but it is currently a draft ordinance being reviewed by attorneys,

"The objective is to reduce street brawls and violence," Wheeler said. "This is not the way we as Americans resolve our disputes...and it gives us more tools to deal with the protests."

Wheeler also said he expects other governments to support the effort.

"We have agreements with local, state, and federal law enforcement agencies, and we will ask them to help us prevent violence. We will ask prosecutors, and jails to enforce laws against those planning or engaging in violence. And we will ask those with investigatory authority to bring forward a full suite of options for changing the dynamic on our streets," he said.

The recent clashes in Portland have received extension national media coverage, including critical comment on Fox News that Wheeler pushed back against by saying he is not a "nutcase" mayor.

Patriot Prayer leader Joey Gibson told KOIN 6 News he had mixed feelings about the proposed ordinance.

"If they're going to restrict our rights that is definitely a negative, but some of the positives, if they're actually doing this, (is so) they can actually stop people from breaking the law, then good," said Gibson.

You can read the proposed ordinance [here](#).

To read a previous Portland Tribune story on the issue, go to tinyurl.com/y8wxkt4u.

Willamette Week

ACLU On Portland Mayor's New Policy: "We Already Have Laws Against Street Fighting And Violence."

By Katie Shepherd

October 15, 2018

Mayor Ted Wheeler proposed an emergency ordinance that would allow police to place limitations on public demonstrations where two or more groups plan to fight.

The American Civil Liberties Union of Oregon thinks Mayor Ted Wheeler has overstepped his authority and threatened free-speech rights with a new policy proposal to curb violence at Portland protests.

"The proposed ordinance raises many constitutional concerns," says Mat dos Santos, legal director for the civil liberties organization. "The mayor's proposal grants broad authority to the mayor's office to regulate constitutionally-protected speech and assembly with no meaningful oversight for abuse."

Wheeler said at a press conference this afternoon that the emergency ordinance, if approved by City Council, would allow police to restrict protests to certain areas and time frames. His goal is to prevent the bloody brawls that have erupted each time the Vancouver, Wash.-based group Patriot Prayer comes to town.

The ACLU says the proposal should have been open to feedback from the public.

"Perhaps worse than the legal issues it raises, is that this ordinance is being sprung on the public with little notice as an emergency measure that will take effect immediately," dos Santos says. "This action by the mayor demonstrates a lack of trust in the public and is an end-run around our usual democratic processes. We suspect that this rushed proposal will be met with public outcry and demonstrations."

Wheeler has lately been under heightened scrutiny after a protest on Oct. 6 led to conservative media stories criticizing the police for allowing demonstrators to block traffic and bang on at least one car as it drove through the crowd. He also received backlash after street fights broke out during a far-right march on Oct. 13.

But civil rights advocates say those incidents do not justify the mayor's proposal and point to existing laws that should allow police to target law breakers. The ACLU of Oregon suspects the new rules will face legal challenges for infringing on people's First Amendment rights.

"Inevitably, this ordinance will get challenged in court," dos Santos says. "To be clear, we already have laws against street fighting and violence."

Portland Mayor Proposes Emergency Rules To Keep Warring Protest Groups From Beating People In the Streets

By Katie Shepherd
October 15, 2018

Far-right and fringe left protesters have been brawling for nearly two years in Portland.

Mayor Ted Wheeler proposed an emergency ordinance Monday afternoon that will allow Portland police to separate dueling protest groups that have turned the streets of downtown Portland into battlegrounds.

The new rules will allow officers to require protesters with a history of violence to gather in designated areas, where police will have an easier time keeping adversaries separated.

"I will not allow continued, planned street violence between rival factions to take place in Portland, Oregon," Wheeler said at a press conference this afternoon. "I have also asked my staff to evaluate options to hold accountable those who recklessly drain our public safety resources by using our city as a venue for planned street violence."

Wheeler says City Council will likely vote on the ordinance this week.

The change comes on the heels of a melee outside Kelly's Olympian bar on Oct. 13, where the right-wing groups Patriot Prayer and the Proud Boys brawled with antifascists. Police faced renewed scrutiny for failing to keep the two groups apart—and making no arrests during the mayhem.

This weekend's brawl mirrored a riot on June 30 that left one man in the hospital with a brain hemorrhage.

Today, Wheeler said that prior to an Aug. 4 rally, the Portland Police Bureau discovered right-wing protesters who had positioned themselves on the roof of a building with a cache of firearms.

What began in the spring of 2017 as improvised confrontations in downtown parks—usually marked by insults and culminating in a punch or two—has grown into chaotic rolling brawls that rage the length of a city block. Patriot Prayer and the Proud Boys have made Portland their primary destination for antagonizing masked antifascists.

Antifa has often taken the bait, throwing punches and deploying bear spray on helmeted right-wingers who use flag poles as weapons. The fights, which often pit one unlucky person against half a dozen adversaries, are bloody beatings, drawing national scorn.

Portland city officials say they cannot stop right-wing groups like Patriot Prayer from demonstrating, even though their rallies often devolve into violence. They point to First Amendment protections established by federal courts that do not allow prior violence to be the basis of banning a protest.

Instead, police will use the city's new ordinance to keep warring protesters far enough apart that people cannot exchange blows.

Correction: This post has been changed to make clear that City Council still must vote on the ordinance. The date the guns were found has been corrected.

The Portland Mercury

Members of Patriot Prayer Brought Loaded Firearms to Roof Before August Protest

*By Alex Zielinski
October 15, 2018*

Members of Patriot Prayer, a group of right-wing provocateurs from Vancouver, brought a cache of loaded firearms to the top of a parking garage in downtown Portland prior to the group's August 4th protest.

In an afternoon press conference regarding the latest's Patriot Prayer rally, Portland Police Bureau (PPB) Assistant Chief Ryan Lee explained that before the August protest kicked off, officers found a number of people standing on the roof of a parking garage above with loaded guns. The garage was directly above where the afternoon protest was expected to take place.

The firearms were confiscated and the people were "redirected," Lee said. They all had permits to carry a concealed weapon. None of them were arrested or charged.

This is the first time PPB has shared this alarming incident with the public.

"Hindsight is always perfect," said PPB Chief Danielle Outlaw. "We've pushed out a lot of information about our concerns about potential violence."

After the August 4 protest, PPB sent out multiple Tweets and emails detailing the types of weapons officers had confiscated from both right-wing and left-wing protesters. None of the updates mentioned firearms.

Outlaw said that PPB may reconsider telling the public about these kinds of incidents in the future.

The press conference was initially organized to unveil a new city ordinance—one that would place stricter regulations on planned protests if they pose a clear threat to public safety. The ordinance would allow PPB to regulate the location and time of a planned protest if it met the new criteria (outlined here).

"There are some basic ideals we should be able to agree on as Americans," said Wheeler. "We don't tolerate violence in our streets. Violence is not... a legitimate means to a political end."

Wheeler's referring to the violent Saturday night clash between members of Patriot Prayer and local anti-fascist (or "antifa") protesters.

We've seen the same scenario play out in Portland streets over and over again. This time around, Patriot Prayer held a "flash march for law and order" in downtown Portland, calling on Wheeler to crack down on antifa protesters. Patriot Prayer was especially pissed off by how people at an October 6 rally to protest the Portland police shooting of Patrick Kimmons treated a man who drove his car into the crowd of protesters (which included Kimmons' family members). This rage was further stoked by a Wall Street Journal editorial claiming Portland has been overruled by a "leftist mob."

"This is not a partisan issue," Wheeler said this afternoon. "This is not about ideology. This goes beyond Democrat and Republican. This is about delivering a strong and principled message that we will not tolerate violence in our community."

City Leaders Raise Constitutional Concerns About Mayor Wheeler's Proposed Protest Rules

*By Alex Zielinski
October 15, 2018*

Mayor Ted Wheeler outlined a new city ordinance today that would tighten rules around protests prone to violence.

The ordinance, announced days after downtown Portland witnessed yet another violent clash between right-wing and left-wing protesters, would put the police commissioner in charge of determining if a planned protest will become a threat to public safety based on "statements or conduct" by members of any protesting groups or based on "other credible information" obtained by police before the event. (A reminder: Wheeler is currently the police commissioner.)

If a protest is deemed dangerous by these new rules, the proposed ordinance allows the police commissioner to decide what time, how long, and where the slated protest will take place—along with how many participants are allowed to participate in the demonstration.

Mat dos Santos, legal director at the ACLU of Oregon, has already raised concerns about the constitutionality of this proposal.

"The mayor's proposal grants broad authority to the mayor's office to regulate constitutionally-protected speech and assembly with no meaningful oversight for abuse," said dos Santos in a press statement. "This action by the mayor demonstrates a lack of trust in the public and is an end-run around our usual democratic processes."

Dos Santos adds that, "Inevitably, this ordinance will get challenged in court."

At an afternoon press conference, Wheeler said he would like to bring the proposed ordinance before city council for a vote as soon as possible.

Not all city leaders are on board.

"My office received the Mayor's proposed ordinance... two hours before the press conference that just took place," said Commissioner Chloe Eudaly in a press release sent shortly after Wheeler's announcement. "This did not afford us enough time to review or meaningfully discuss the policy thoroughly."

Eudaly said that while she shares Wheeler's concerns with these violent rallies, she is "very reluctant" to support a policy that may infringe on Portlanders' constitutional rights.

"There is a legitimate balance to be struck between public safety and free speech," Eudaly went on. "In my view, this begins with an acknowledgment that in our city, although our policies must be content-neutral, it is far-right extremists and hate groups who are necessitating these measures."

In the past, the Portland Police Bureau (PPB) has pushed a "both sides" narrative about the reoccurring public brawls between Patriot Prayer, Vancouver's alt-right provocateurs, and Portland anti-fascist—or antif—groups.

In a radio interview following an August 4 Patriot Prayer protest, PPB Chief Danielle Outlaw explained: "It's a little bit on both sides, but you might see that one side was impacted a little bit more than the other. But we don't go into it saying we'll provide special treatment to anybody."

There is proven evidence that both members of antifa and Patriot Prayer have assaulted each other at these protests. But many say the response from Portland protesters is defensive—and is the necessary response when neither the city nor PPB have banned the out-of-state protesters from inciting violence in Portland's public spaces in every few months.

And, after today's press conference, there is proof that PPB doesn't always share violent threats posed by Patriot Prayer members with the public. At the press conference, PPB Assistant Chief Ryan Lee detailed how several Patriot Prayer-affiliated individuals brought a cache of loaded firearms to the top of a parking garage in downtown Portland prior to the group's August 4th protest.

Officers confiscated their weapons, which they all had permits to carry, but did not charge or arrest the individuals. While PPB shared an abundance of information online about other weapons confiscated by officers that day, this was the first time PPB have mentioned this incident.

Asked why PPB withheld this information from the public for two months, Outlaw responded: "Hindsight is always perfect."

OPB

Portland Mayor Proposes Fast Track Regulations For Public Protests

*By Amelia Templeton
October 15, 2018*

In a press conference Monday, Portland Mayor Ted Wheeler said he plans to introduce a bill — as early as this week— to respond to “escalating” street violence.

The bill would give the mayor, who also serves as police commissioner, the ability to dictate the location and length of protests if they are found to pose a threat to public safety or a disruption to public services.

Though Wheeler didn't mention any groups by name, the ordinance comes after frequent clashes between two feuding political groups: the far-right Patriot Prayer of Southwest Washington and left-wing antifa demonstrators in Portland. The conflicts have generated a steady stream of negative press for Wheeler, particularly in partisan media.

“I will not allow continued planned street violence between rival factions to take place on the streets of Portland,” Wheeler said.

Describing his rationale for the new rules, the mayor described a series of escalating incidents involving the two groups — including one alarming account that hadn't previously been made public.

Wheeler said on Aug. 4 “prior to the start of a scheduled demonstration, the Portland Police Bureau discovered individuals who had positioned themselves on a rooftop parking structure in downtown Portland with a cache of firearms.”

Assistant Police Chief Ryan Lee provided more detail regarding the incident. He said police officers, concerned that the men were in an elevated position over a large protest venue, seized their weapons for safekeeping and “those individuals were redirected.”

Lee said police looked to see whether the men had committed an offense that could be prosecuted, but concluded they had not because they had concealed carry permits. He identified the men as being affiliated with Patriot Prayer.

Joey Gibson, Patriot Prayer's leader, initially told OPB he wasn't aware of the incident. But he said after speaking with a contact at the police bureau, he believed Lee and Wheeler mischaracterized the incident during the press conference. According to Gibson, the men were parking their cars in the garage and were intercepted by police, who informed them that no weapons would be allowed at the Aug. 4 event. Police allowed the men to store their firearms in their vehicles, according to Gibson.

Wheeler said his ordinance — still in draft form — will give him, in his role as police commissioner, the ability to regulate the time, place and matter of demonstrations held in the city.

As the mayor described it, the rules in the ordinance could apply to a wide range of protests in Portland, well beyond the clashes between Patriot Prayer and Antifa.

Wheeler said it could be triggered in cases where two or more groups plan to demonstrate on the same day and have a history of violence, but also, more broadly, if a protest was deemed “a threat to safety of participants or bystanders, interference with the ability to access public property, or the disruption of public services,” or if there was “a substantial likelihood of violence” based on information gathered in advance.

Wheeler said violating his written orders limiting the time and location of a protest would constitute a misdemeanor that protesters could face after arrest.

“I've also asked my staff to look at ways to hold accountable those who sap our public resources by using the city as a venue for planned street violence,” he said.

Wheeler's four colleagues on the City Council only learned about the draft bill a few hours before Wheeler publicly announced his plan. In a statement emailed to the press, Commissioner Chloe Eudaly signaled that the mayor may have a difficult time earning her vote.

“I share the Mayor's concern and the public's frustration with these violent and disruptive demonstrations. However, as a strong advocate for freedom of speech, expression, and assembly I am very reluctant to support a policy that could infringe in any way on these essential constitutional rights,” Eudaly wrote.

And the ordinance could face legal hurdles. The ACLU of Oregon immediately questioned the constitutionality of the measure, and the mayor's rush to introduce it.

“Perhaps worse than the legal issues it raises, is that this ordinance is being sprung on the public with little notice as an emergency measure that will take effect immediately,” said Mat dos Santos, the group's legal director. “This action by the mayor demonstrates a lack of trust in the public and is an end-run around our usual democratic processes.”

Portland has a long history of raucous and occasionally violent street protests. It was famously dubbed “Little Beirut” by staffers of the President George H.W. Bush.