

The Oregonian

Portland City Council Rejects Mayor Ted Wheeler's Protest Restrictions Plan

*By Gordon Friedman
November 14, 2018*

Portland Mayor Ted Wheeler's proposal to give himself new powers to restrict protests failed 2-3 on Wednesday when Commissioner Nick Fish cast the deciding vote against it.

"After careful consideration, I cannot support this ordinance," Fish said, calling his decision "a close call" based on his view that better alternatives may exist.

This leaves the city of Portland, viewed by many people as a liberal bastion, vulnerable to more protests led by right-wing activists who bring their provocations into the heart of the city, baiting opponents to show up in force too. How police will keep them apart and keep participants and bystanders safe remains an open question. To date, whether police turned out in force or were badly outnumbered, such dueling protests have led to injuries, arrests and property damage.

Wheeler's ordinance would have given him the power to issue orders dictating the conditions of protests if the group or groups planning to demonstrate had a history of violence and, in his judgment, would jeopardize public safety.

The mayor said he and Police Chief Danielle Outlaw developed the idea in response to the increasing number of violent demonstrations in Portland since 2016, during which right-wing protesters often provoke left-wing counter-demonstrators into fistcuffs or fighting with improvised weapons.

Outlaw has said those protests are difficult to police. She and the mayor contend new so-called "time, place and manner" restrictions on public gatherings would keep the public safer.

But a majority of the city commissioners were not convinced.

Eudaly said she believes Wheeler and Outlaw are well-intentioned and want to curtail political extremism. Yet Eudaly said she cannot "vote to expand their powers" in light of her view that significant police reforms are necessary.

Fritz decried the violent protests -- declaring that "white supremacists are not welcomed in Portland and the City Council should make that clear in every decision we make" -- and said Wheeler's proposal would not have made much of a difference to police.

Fish, an attorney, said he is wary of any restrictions on free speech, calling them a measure of last resort that may not pass legal muster. And he said he is not persuaded that police officials have used their existing authority enough to arrest lawbreakers at protests.

"I'm not convinced that we've done everything we can with the tools already at our disposal," Fish said.

Wheeler repeated his talking points Wednesday -- calling his proposal legal, reasonable and necessary -- while criticizing news coverage that called into question whether restricting protests is constitutional.

"I learned one thing from this, colleagues, if you put an ordinance out and there's any question about its legality, make sure your lawyers get to the media first, because once that frame is set it is very hard to turn that frame around," the mayor said.

And Wheeler, who has been dogged by the regular demonstrations since taking office, on Wednesday expressed his exasperation and weariness.

He said he tried and failed to keep right-wing agitators away from Portland by making public pleas. And he noted that the federal government declined his request to deny the right-wing Patriot Prayer group a protest permit -- a request that drew Wheeler widespread condemnation because it was seen as an effort to curtail free expression.

Yet Wheeler also expressed his resolve.

"We're going to do a lot of different things," he said. "We're going to continue to enforce the laws."

Evasive Answers, Staunch Defense: Portland Police Stand By Protest Responses

*By Gordon Friedman
November 14, 2018*

In written answers provided Tuesday, the Portland Police Bureau gave evasive explanations about crowd control and police violence, including deflecting questions about legal settlements, violence by protesters and police crowd-control tactics.

In 16 pages of responses to questions by Commissioner Chloe Eudaly, the bureau offered a strong defense of its officers and their handling of turbulent demonstrations.

Police officials said responding to large, unpredictable protests is difficult and expensive, costing more than \$3.6 million in overtime since 2016. They provided lawyerly responses to the most provocative of Eudaly's questions, but said they are working to improve city policing.

During a hearing last week, Eudaly pelted Police Chief Danielle Outlaw and her closest advisers with questions about police conduct at protests and a perceived bias toward right-wing groups. Eudaly got few immediate answers and requested the bureau provide written responses to her questions.

In those responses, Police Bureau officials said police officers have demonstrated "no favoritism" to right-wing groups including Patriot Prayer and Proud Boys, or to Antifa or other left-wing counter-demonstrators. Yet it acknowledged its image problem.

"We understand the perception of bias," bureau officials wrote, "and we are currently assessing our tactical responses to alleviate concerns of bias in the future without compromising safety."

Eudaly declined to comment Wednesday. In her questions to police, the commissioner asked why violent people are not always pulled from crowds of protesters and arrested by police. The bureau said that is "not always feasible" and increases the likelihood police will use force.

When Eudaly asked about use of flash-bang grenades on protesters in August, Police Bureau officials said officers' use of the crowd-control devices was not "indiscriminate." They said a police lieutenant's comment that right-wing protesters are "more mainstream" was taken out of context. And they said police officers do not "escort" right-wing protesters, but merely follow them as they march.

Eudaly also asked for evidence to back up the Police Bureau's assertion that left-wing demonstrators threw objects at police during an August rally. Outlaw and her deputies have said

those projectiles were what prompted bureau leaders to authorize use of riot-control munitions on protesters and bystanders, some of whom suffered serious injuries.

"There are ongoing investigations into these allegations," bureau officials wrote. Police officers been injured by objects thrown by protesters, they wrote. But nothing in their written response indicated those injuries occurred during the August protest.

Eudaly asked why those who have been arrested for violent behavior at demonstrations are not prosecuted "more harshly." Police officials deferred to the district attorney's office.

In response to Eudaly's question about the number of settlements paid to protesters for excessive use of force by police, officials said they did not have an answer. And when asked about police tactics at a protest last year, officials said they could not answer because a lawsuit had been filed.

Eudaly also implored the Police Bureau to say that right-wing are "the real threat" to public safety in Portland. "We believe we answered this at the hearing" during which Eudaly questioned Chief Outlaw, bureau officials wrote.

In that hearing, Outlaw declined Eudaly's request to criticize right-wing or white nationalist views or Patriot Prayer provocations. Her police officers focus only on people's behaviors and actions, she said.

Portland City Council OK's Limits on Plastic Straws, Utensils

*By Gordon Friedman
November 14, 2018*

The Portland City Council passed a policy Wednesday to curtail the use of plastic straws and utensils, making them available only by request citywide.

Straws and other single-use plastics are bad for the environment and the city should discourage their use, Mayor Ted Wheeler said. Doing so aligns with the city's climate-friendly policy goals, he said.

More than 100 Portland businesses have already taken the step voluntarily, electing to provide plastics by request only or offering straws and utensils made from paper, bamboo or metal.

That's good for businesses because they save money in the long run by offering reusable utensils, said Nancy Nordman of the Surfrider Foundation, a national organization that works to protect waterways and beaches.

Nordman offered New Seasons Market as an example. She said it has prevented more than 100,000 single-use straws from entering the waste system since voluntarily joining the #DitchTheStrawPDX program.

Portland has long had eco-friendly policies, including a ban on Styrofoam containers since 1990 and a plastic bag ban since 2011.

Council members voted 4-0 to approve the plastic restrictions policy Wednesday, with Commissioner Nick Fish absent. It now moves to second reading, a perfunctory step that all but guarantees its final approval. The new rules take effect July 1, 2019.

"It's imperative that we consider our consumption habits," Mayor Ted Wheeler said. "We need to start changing the culture today."

The Portland Tribune

Council Rejects Wheeler Protest Ordinance

By Nick Budnick

November 14, 2018

Commissioners reject effort to increase city authority to intervene to curb potential violence.

The Portland City Council on Wednesday rejected Mayor Ted Wheeler's proposed ordinance intended to curb increasing violence during political protests.

The 3-2 vote for now put an end to an idea that would have

given the city greater authority to intervene and regulate the time, place and manner of protests, especially when it comes to ones that did not secure a permit.

Commissioner Nick Fish cast the deciding vote, praising Wheeler's effort to tackle the problem but citing constitutional concerns and expressing hope that opponents of the ordinance would join the city to pursue alternative efforts to combat violence.

The proposed seven-page, 2,500-word ordinance would have allowed the city to take steps to separate groups of protesters with a history of violent clashes.

But when it was introduced last week many, like the ACLU of Oregon, raised constitutional concerns about the proposal. And critics like Commissioner Chloe Eudaly used the idea to grill police on crowd control tactics that, she noted, usually leave left-wing protestees with injuries, rather than the right-wing "white nationalists" who don't align with community values. She reiterated that message Wednesday.

"We need a concerted community effort to shut these right wing extremists down," she said.

Commissioner Amanda Fritz agreed, and criticized a lack of public discussion before the ordinance was introduced. "Arguing about the restrictions in court when they may not even help much on the ground is not a wise use of the taxpayers' money," she said.

Commissioner Dan Saltzman, however, credited Wheeler with proposing a concrete step that, he said, would have halted right-wing extremists from "playing us like fiddle." He defended police conduct, saying "they're human" and react to insults and attacks. He noted that it has been 80 years since the November 1938 Kristallnacht events that triggered brutal violence by Nazis against the Jews in Germany.

"It may not be constitutional, but we need to try things," he said, noting that he is not a lawyer. "The current path we're on provides no answers."

Wheeler made the closing arguments on the ordinance, and tried to clarify issues he said had been misinterpreted by opponents or the media. He noted that the U.S. Constitution allows for time, place and manner restrictions on protests.

"While we are concerned about the rights of protesters... we are also concerned about the rights of everybody else who lives in this community," he said.

He challenged the opponents to work with the city to tackle the issue at hand rather than shift all the focus to police crowd control efforts — which are already subject to ongoing city and community oversight efforts.

"This was a very reasonable, preemptive tool to have in our tool kit," he said "We are still interested in doing something other than the status quo because the status quo is clearly not working for our community."

Portland Votes to Restrict Use of Plastic Straws, Stirrers

By Steve Law

November 14, 2018

City Council is poised to adopt a 'by request' policy for restaurants, bars - even schools and hospitals - before patrons can get a plastic straw with their drinks, among other restrictions on the use of throwaway plastics.

People dining out or going out for drinks in Portland must learn to ask their server if they want a plastic straw.

Starting next July, Portland is set to become a "by-request" city when it comes to distributing plastic straws, or plastic drink stirrers, at restaurants, bars and takeout establishments.

The Portland City Council voted unanimously on Wednesday for a new ordinance that seeks to sharply restrict the use of throwaway plastics at eating and drinking establishments. Though the ordinance will require a second vote before it's formally adopted, that's highly likely after the council held a hearing on the proposal Wednesday and there was nobody opposed. Even the state restaurant and lodging lobby representative endorsed the ordinance.

"The only criticism I've heard about this policy so far is it doesn't go far enough," said Mayor Ted Wheeler, who first introduced the idea last spring.

The move responds to an international campaign to "ban the straw," which has become a potent symbol of all the plastic garbage that winds up littering our rivers and winding up in the oceans, where it can endanger wildlife that ingests the little plastic bits.

Wheeler asked city staff last spring to research the idea of banning plastic straws, and related throwaway plastics, and reach out to people with disabilities as well as restaurants, among others. The result was a more nuanced policy that doesn't go as far as some cities, but goes farther in some respects.

Portland opted for a "by-request" policy rather than an outright ban, in large part to address concerns that some people with disabilities or recovering from injuries require straws to drink.

But Portland nixed the idea of allowing compostable plastic straws, as permitted by some other cities. That's because they take so long to break down in the environment that they aren't suitable for use in gardening and other landscape treatments, and thus aren't permitted in city compost bins.

The Portland ordinance also goes further than plastic straws and stirrers. When the ordinance takes effect in July, restaurant and bar servers also must ask their Portland customers if they want plastic utensils and single-serving condiments — think those little bags filled with catsup, mustard and mayonnaise — before giving them out, including to-go orders.

And the requirements will apply to public schools, hospitals and other institutional cafeterias.

There won't be any limits on plastic lids for drinks, as there's no good alternatives widely available — yet.

So far, about 120 private businesses, including Widmer Brothers brewing, prominent restaurants and the Portland Spirit tourist boat company, have responded to the "Ditch the Straw" campaign led by the Surfrider Foundation, a surfer group that advocates for ocean conservation and environmental protections.

Businesses are finding that the new policy can save them money.

Portland Spirit has avoided the need to supply 8,000 to 10,000 straws so far, said Nancy Nordman, coordinator of the Portland Ditch the Straw campaign. The ¿Por Qué No? Taquerias have reduced their use of plastic straws from 4,000 a month to 1,000 a month, she told the council.

Some companies have started offering bamboo straws or metal straws with silicone tips, while some Portlanders have taken to carrying around reusable straws when they go out.

The staff from the Bureau of Planning and Sustainability did not evaluate those alternatives, noting that each one comes with different environmental impacts, and may in fact lead to greater carbon emissions than the use of plastic straws.

"You're looking at using a massive amount of resources in a different way," testified Pete Chism-Winfield, a sustainability bureau waste specialist who helped draft the policy. City staff concluded that the best way to lower the environmental impact is to reduce the need to produce the products. For example, it was pointed out that people getting takeout food often are laden with plastic cutlery and condiments right before they take their meals home, where they have reusable cutlery and big jars of condiments.

Amy Rathfelder, Wheeler's environmental policy analyst, said the world is clearly moving in the direction of alternatives to the use of plastic straws and other throwaway items.

Wheeler stressed that this is just one of many ways to cut down on plastic trash in the environment.

"We are clearly on a path to eliminating single-use plastics," he said. "This is our first line in the sand."

The Bureau of Planning and Sustainability will commence an outreach campaign in January to educate eateries and other food and drink establishments about the new ordinance requirements. The Multnomah County Health Department, which inspects restaurants, has agreed to educate businesses about the new requirements.

Levying penalties for those who flout the rules will be a "last resort" for enforcement, Chism-Winfield said.

Red Electric Trail Bridge Ready to Roll

*By Stephanie Basalygna
November 15, 2018*

Planned span for walkers, bikers would connect to SW Trails network in part of town with limited sidewalks.

Developers wondering how the city of Portland uses system development charges collected from new construction projects need look no further than the West Hills.

There the Portland Bureau of Transportation is gearing up to begin construction soon on a bridge for pedestrians and bicyclists that will connect Southwest Bertha Boulevard and Southwest Capitol Highway as part of the Red Electric Trail System.

The bridge is a key part of the trail system, a series of safe urban trails that trace the route that an interurban electric passenger train system called the Red Electrics traveled through the southwest area of Portland in the early 20th century. A group called SW Trails had mainly worked with the city of Portland Parks and Recreation Department to create the system, but PBOT was tapped for the bridge portion because of the agency's experience building those structures.

The \$3.9-million cost to design and build the bridge will be paid for with a grant from ConnectOregon and money from park and transportation system development charges, according to Nicole Peirce, capital project manager for PBOT.

PBOT and designer KPFF Consulting Engineers originally planned a more rustic design featuring large logs for the bridge.

A series of community meetings eventually led to a final design with a lighter, more modern feel. Stainless-steel tube handrails will run on top of weathered steel railing posts and stainless-steel cable infill. Scored concrete will make up the bridge deck.

"There's a look, if you're looking straight at the front of the bridge, that you're in the tree canopy level," Peirce said. "It will very much feel like you're in the trees, in the air."

The presence of older trees in the area, though, required some extra effort when it came to determining the bridge alignment.

"The biggest challenge was running through the trees and trying not to take out the mature ones, and we managed to accomplish that," Peirce said.

Work on the bridge is expected to start early next year. Trees marked for removal to make way for the bridge will have to come down at the end of February or in early March, in order to avoid affecting migratory birds, Peirce said. Water lines and utilities also will be laid in late winter or early spring. Actual construction of the structure will start in late spring. The entire project is expected to take between 10 and 12 months.

The bridge is part of PBOT's Southwest In Motion Plan, an effort to take a big-picture look at improving biking and walking connectivity in the area. PBOT representatives will discuss the 5-year action plan, which includes the bridge project and other projects funded but not yet built, during a Nov. 29 open house at Jackson Middle School. Peirce is hoping for a large attendance.

"We definitely want to hear from people about how they walk and bike in the neighborhood," she said.

Find out more

What: Southwest In Motion Plan open house presented by the Portland Bureau of Transportation

Where: Jackson Middle School, 10625 S.W. 35th Ave., Portland

When: Thursday, Nov. 29, 5:30-7:30 p.m.

More information: <https://bit.ly/2SWo4ob>

Willamette Week

Portland City Council Rejects Mayor's Plan to Restrict Violent Protests

*By Katie Shepherd and Rachel Monahan
November 14, 2018*

The ordinance created a rift between the mayor's office and local civil rights advocates.

Portland City Council has rejected Mayor Ted Wheeler's proposal to increase the power of police to control the violent political brawls in city streets.

The mayor's ordinance failed by a 3-2 count, with Commissioner Nick Fish casting the deciding vote.

"I'm not convinced we've done everything we can with the tools already at our disposal," Fish said before voting no. "That includes arresting people who violate our laws."

Fish said the city should use laws already on the books to stop right-wing extremists from picking fights with masked antifascists.

"It's long overdue," Fish said, "that we all link arms and tell the Proud Boys, Patriot Prayer, and those who would bring hate into our community: Stay home."

The rejection is a remarkable and embarrassing rebuke for Wheeler, a mayor who has received national attention for his struggles to stop political extremists from holding what amount to scheduled brawls. He and Police Chief Danielle Outlaw said they needed the new rules so officers could keep protesters apart without using force.

Today, he expressed resentment.

"There are two people in this city who are routinely held accountable for violence on the streets," Wheeler said. "And both of them are sitting in this chamber: Chief Outlaw and myself."

Wheeler introduced the ordinance without the support of a majority of his fellow commissioners, who he needed to pass it. Both commissioners Amanda Fritz and Chloe Eudaly quickly announced their opposition before the ordinance was formally introduced. Fish was undecided, but ultimately voted no.

Wheeler also declined to work with civil-rights advocates on an option that might have garnered wider support.

Today, he blamed the defeat in part on his critics. He said: "I learned one thing from this, colleagues, if you put an ordinance out and there's any question about its legality, make sure your lawyers get to the media first, because once that frame is set it is very hard to turn that frame around."

At City Council this morning, unlike last week, when opponents packed the chamber to testify against it, only a few dozen people arrived in the council chamber, many appearing at council for other matters. That's in large part because no public testimony was allowed before the vote, as is standard at second reading.

A handful of opponents wore plain white stickers with all-capital black writing "Protest is not a crime."

Wheeler announced the proposal on Oct. 15—but the press conference to pitch his new idea was marred by a political gaffe. The mayor revealed that Portland police had found four right-wing Patriot Prayer supporters stationed on parking garage rooftop with what Wheeler called a "cache of firearms."

Those comments led to a flurry of sharp criticism for both the mayor and the police. The Police Bureau later clarified that the rifles were stored in the trunk of a truck and ammunition was stored elsewhere in the vehicle. Officers did not make arrests or confiscate the guns, because the men were properly licensed.

Over the past month, Wheeler and his staff mounted a full-throated campaign to pass the ordinance. He and police chief Danielle Outlaw held 10-minute sit-downs with local reporters to champion the proposal. He tweeted alarming warnings about potential Election Day protests and reminders of past violence at right-wing rallies. He repeatedly attacked Mat dos Santos, the legal director at the American Civil Liberties Union of Oregon, after dos Santos called the ordinance unconstitutional. Wheeler's office recruited an out-of-state constitutional expert to analyze whether the ordinance, on its face, would be a First Amendment violation.

In the hours before the City Council vote, Wheeler offered one last appeal for his ordinance on Twitter: "You and I know how ugly it can get on twitter. So, I want to take this moment to thank all the residents, business owners, state lawmakers, mothers and fathers who took the time to call and email – sharing their support. Who took the time to understand."

The ordinance has created a rift between the mayor's office and local civil rights advocates.

The ACLU, National Lawyers Guild Portland chapter, and many other civil rights organizations condemned the ordinance as impractical and likely unconstitutional. Some civil-rights advocates tried to convince the mayor to embrace an alternative approach.

Wheeler's spokeswoman says the mayor's staff is still considering those proposals, which she says would not have been undermined by the ordinance.

The next rally by the right-wing group Patriot Prayer is scheduled for Saturday, Nov. 17.

Wheeler said today that he and police will not throw in the towel to extremists.

"I asked for this tool as an additional tool," he said. "We're going to do a lot of different things. We're going to continue to enforce the laws with the tools that we have available. We are still interested in doing more than the status quo."

At a Memorial for Mulugeta Seraw, Portland Adds Signs to Mark the Streets Where He Was Murdered

By Anna Del Savio
November 14, 2018

Permanent signs acknowledging the death of Seraw were added to street signs in the neighborhood where he was killed.

Thirty years after Mulugeta Seraw, an Ethiopian immigrant, was beaten to death by three white supremacists, the city has added sign caps on street signs in the Southeast Portland neighborhood where he was murdered.

Family, members of the city's Ethiopian community, neighbors and students from nearby a school gathered on Wednesday morning for the unveiling of the sign caps. The 16 signs, added to street signs between Burnside and Stark below Laurelhurst Park, say Seraw's name in English and Amharic, the official language of Ethiopia, and the years he was born and died.

Elinor Langer, who wrote a book about Seraw's death, stood on the corner of Southeast 31st Avenue and Pine Street. The corner "looks exactly the same today as it did then. It's one of the places in Portland that hasn't changed," Langer said. "But now it has changed, because the signs are here, and we're here."

Seraw's killers pleaded guilty and were convicted without a trial. But two years after Seraw's death, his death came further into the spotlight. In 1990, the Southern Poverty Law Center successfully sued California white supremacist Tom Metzger for "vicarious liability" in Seraw's death. Metzger founded the White Aryan Resistance, or WAR, which Seraw's killers were affiliated with.

When Seraw was murdered, he had a six-year-old son, Henock Seraw, in Ethiopia. James McElroy, a SPLC lawyer who worked on Seraw's case, later adopted Henock.

Fighting back tears, McElroy echoed the words of Berhanu. "I think the most impressive thing is to see this group of kids from school. They are our hope and they are the best opportunity for change," he said.

Portland Commissioner Chloe Eudaly described the murder of Seraw as "a rude awakening for many progressive white Portlanders."

"His murder shocked a portion of our community, but it didn't shock every Portlander," Eudaly said. "It certainly didn't shock our black neighbors, who had been living in fear of what happened to Mulugeta happening to them."

Nkenge Harmon Johnson, president and CEO of the Urban League of Portland, said the threat of violent racism continues in Portland.

"Our eyes are wide open," said Harmon Johnson. "We know that the Patriot Prayer boys and the Proud Boys and the white nationalists and those other hoodlums who seek to make us unsafe, who want to bring us back to 30 years ago when Mulugeta was beaten on these streets by those thugs—we know there are folks who want to bring us back to that. But look at all of you here today."

The Portland Mercury

Portland City Council Rejects Mayor's Protest Restrictions

By Alex Zielinski

November 14, 2018

Portland City Council has voted against adopting Mayor Ted Wheeler's contentious new protest ordinance.

The ordinance, introduced less than a month ago, attempted to limit the number of violent clashes between right-wing and left-wing groups by restricting the location, duration, and size of protests in Portland. These limitations would have only applied to instances when two groups who have a "history of violence" against one another planned to protest in Portland without applying for a city permit to protest.

A number of constitutional lawyers, civil rights advocates, and elected officials have spoken out against the ordinance, arguing the policy would have a chilling effect on Portlanders wanting to peacefully demonstrate instead of safeguarding their civil rights (as Wheeler had suggested). Wheeler did gain the last-minute support of Georgetown Law professor Mary McCord, who said the ordinance would withstand constitutional challenges if implemented correctly.

But her analysis did not convince the council's swing vote, Commissioner Nick Fish, to side with Wheeler.

"First, I have concerns about the constitutionality of the protest ordinance," Fish said before casting his vote in opposition. "At the very least, it sets up a costly and divisive legal battle. Second, I'm not convinced that we've done everything we can with the tools already at our disposal."

Commissioners Amanda Fritz and Chloe Eudaly joined Fish in voting against the ordinance, citing constitutional concerns, transparency issues, and fears about the policy ignoring the heightened threat of hate groups in Portland.

"The City of Portland has a long and shameful history of discrimination, hate crimes, and racism," said Fritz. "White supremacists are not welcome in Portland, and the city council should make that clear in every decision we make."

Commissioners also questioned if the proposed rule would have even applied to any future violent protests, based on its limited scope.

That's because the city attorneys' edits to the initial draft of the ordinance greatly restricted its use, and—as lawyers with the ACLU of Oregon pointed out—the majority of past protests in downtown Portland that have turned violent already had a city permit, meaning they wouldn't be impacted by the new rules. Groups that apply for a city permit already agree to police restrictions on where and when they hold a protest.

Fritz said that implementing an ordinance that will do little to impact the city's genuine concerns around violent protests is a waste of time and money.

"Lawyers will debate whether this policy is constitutional," said Fritz. "Arguing about the restrictions in court, when they may not even help much on the ground, is not a wise use of taxpayer's money."

Eudaly underscored her specific concerns with the assumption baked into Wheeler's policy that creates a false equivalency between right-wing extremists and left-wing counter-protesters.

"Counter-protesters occupy a broad protest of the left... and the vast majority of them are peaceful," Eudaly said. "Yet, I often hear them all characterized as lawless anarchists."

Most major rallies in downtown Portland that have resulted in violence have been organized by the Vancouver alt-right group Patriot Prayer.

All three dissenting commissioners said they shared Wheeler's interest in cracking down on violent protests in Portland—but that this wasn't the way to do it.

Wednesday's vote came less than a week after city council held a hearing to allow the public a chance to share their thoughts on the slated ordinance. Nearly all people signed up to testify opposed the rules.

"With a policy that proposes to tell people when and how they can protest, the community needs to be engaged in forming a proposal," said Fritz. "The ordinance should not be the starting point for these conversations."

Representatives with the ACLU, the Council on American-Islamic Relations, the Oregon Justice Resource Center, and the Western States Center have all expressed interest in working with the city to create a more comprehensive response to the rise of Portland protests that end in violence.

"I cannot ignore the many community voices that have raised fair concerns with this approach and have offered to be part of a different solution," said Fish.

In his closing remarks, Wheeler called the proposal a "reasonably pre-emptive tool," and said this isn't the end of his office's attempt to curb violent rallies.

"So where does this leave us?" he asked the council chambers Wednesday. "We are still interested in doing something more than the status quo. I'll continue to work with anybody who has a good idea."

The Daily Journal of Commerce

Approval Sought for City's Building Purchase

*By Chuck Slothower
November 13, 2018*

The Portland City Council is scheduled to vote Wednesday whether to formally approve the Housing Bureau's \$3 million purchase of the Westwind Apartments in Old Town Chinatown.

Assuming commissioners give the go-ahead, the Housing Bureau will begin immediate "life, health and safety-related repairs while finalizing a longer-term development plan for the building and its residents," a draft ordinance states.

When the bureau first announced the acquisition in September, officials said a teardown of the 70-unit building would be likely. The 115-year-old building at 333 N.W. Sixth Ave. is in poor condition.

The building occupies a quarter-block parcel. The Housing Bureau estimates redevelopment of the property would cost approximately \$21 million, which would be paid for with dollars from

the \$258.4 million affordable housing bond voters approved in 2016. Multnomah County has also pledged to contribute \$4 million to the project.

The existing structure would be replaced by a building with affordable housing and supportive services. Residents could need to relocate, either temporarily or permanently, during the rehabilitation work, the draft ordinance states.

The city has until Nov. 30 to close the purchase from the owner, Westwind Building LLC. State records show the entity is associated with the Michael and Pennie Narver Trust, with an address in Newberg.

Portland City Council to Hear Appeal of Project's Approval

By Josh Kulla

November 14, 2018

Northwest Housing Alternatives' proposed 148-unit affordable housing project in the Alphabet District doesn't quite have the green light for construction yet.

The Portland City Council later this month will hear an appeal of the planned two-building project, which earlier this year received approval from the Portland Historic Landmarks Commission.

Plans for 1727 N.W. Hoyt St. call for construction of a pair of new buildings – one five stories and the other a four-story addition to the existing three-story Buck-Prager Building. The five-story “North” building would have 100 workforce housing units, while the four-story “South” addition would combine with the existing building to provide 48 senior housing units.

Carleton Hart Architecture designed the project.

Opponents say the buildings as designed would be outsize for the neighborhood. The appeal filed on behalf of the Northwest District Association claims that criteria for approval were not met and multiple procedural errors were committed during the review process.

The City Council will hold the hearing at 2 p.m. on Nov. 29 in its chambers at 1221 S.W. Fourth Ave.

The Portland Observer

Mayor's Protest Curbs Draw Fire

By Danny Peterson

November 14, 2018

Eudaly, Hardesty oppose new powers

Portland Mayor Ted Wheeler's proposed ordinance to give the city more power to curb potentially violent protests ran into opposition from incumbent City Commissioner Chloe Eudaly and City Commissioner-elect Jo Ann Hardesty Thursday when the ordinance saw its first hearing.

The regulation would grant the mayor power to designate where and when protestors can gather under certain circumstances: If the groups have a violent history; when bystander or protestor safety is at risk; or if there is otherwise evidence of likelihood of violence to take place.

Dan Saltzman, who is retiring in January, was the only City Commissioner to voice support for the measure. The American Civil Liberties Union of Oregon and other civil rights advocates argue the proposal has the potential to infringe on Constitutionally-protected speech and assembly rights and lacks meaningful oversight for abuse.

Police Chief Danielle Outlaw spoke in favor of the measure, citing public safety needs. She said added staffing for recent protests that have grown violent have cost taxpayers over \$440,000.

Hardesty, who became the first black woman elected to Portland City Council just two days prior to the City Hall hearing on the issue, and will succeed Saltzman, testified that Wheeler's curbs would disproportionately be enforced against people of color.

"We don't all experience police the same way," Hardesty said. "We cannot have a police force for white people, and then a police force for everybody else." She added she's been "extremely disappointed" how Portland police have responded to "out of town hate groups who show up and take over our downtown streets."

Though Hardesty said she trusts in Portland Police Chief Danielle Outlaw, the city's first female black chief, she said that the former Oakland, Calif. police officer "is absolutely mistaken that we should give the police chief the power to decide who protests and how."

Hardesty urged postponing deciding on the proposal until after she's sworn in, in January. She also criticized police for not telling the truth about why they resorted to using force against left-wing antifascists in response to an Aug. 4 protest in downtown Portland. The police response was also referenced by City Commissioner Eudaly in her line of questioning about past police action.

The protest in question saw multiple injuries of leftist protestors, but few reported actions taken against right-wing group Patriot Prayer, despite a report more than a month later that some members of that group held weapons on a rooftop. That protest was one of many in the past two years in which right- and left- wing groups have clashed, some of which resulted in violence.

"How many lawsuits is the city fighting related to police use of force against demonstrators, and how much money has defending these suits cost Portland?" Eudaly asked.

Deputy Attorney Robert Taylor replied, "Thirteen, but the suits don't cost anything to defend because the city has staff attorneys." (Eudaly responded that had the lawsuits not been filed, the lawyers could spend their time working on other things).

When Eudaly asked why police used exploding munitions and pepper spray against non-violent protestors who disobeyed dispersal orders, Assistant Chief Ryan Lee responded that disobeying such an order is breaking the law.

Eudaly also wanted to know why police kettled and photographed the IDs of more than 300 left-wing protestors in July 2017; why some police told Independent Police Review investigators that far-right extremists seemed "more mainstream;" and whether any of the Patriot Prayer protestors had been injured by crowd-dispersal munitions, as Antifa protestors had on Aug. 4. Officials said pending lawsuits prevented them from commenting directly on many of the issues raised.

Eudaly said she's going to vote "no" on the proposed ordinance. While the measure was first referred to the council as an emergency, the mayor pulled the emergency clause just before its hearing and as a result, the measure could go into effect 30 days after it is passed, instead of right

away, and does not require unanimous approval by the council. The measure will be taken up again on Thursday.

Commissioner Amanda Fritz said she's against the proposal. Commissioner Nick Fish has not voiced a position.

Called Out for Racism

November 14, 2018

Newspaper responds: Didn't intend to be hurtful

Willamette Week last week published an offensive front page cartoon depicting Portland Police Chief Danielle Outlaw that harkened to the historically racist characterizations of African Americans in history, Portland Mayor Ted Wheeler charged last week.

Wheeler said the drawing was childish and demeaning and to make his point he Tweeted two side-by-side covers from the weekly publication, one that dignified a person suspected of being in a hate group and the other representing Portland's top law enforcement officer.

"On the left, an icon of the alt-right, humanized. On the right, a caricature of our Police Chief, harkening back to the Jim Crow era. Both from the same publication. We know @wweek can do better than this," Wheeler said.

In an interview with KGW, Wheeler said Outlaw also objected to the cartoon's depiction.

Story update: On Wednesday, Willamette Week published a response to the concerns it has heard objecting to the Chief Outlaw illustration it published. The newspaper said the feedback has caused it to think about its blind spots in providing coverage to the Portland community, explaining how the decision to run the illustration was made by a Willamette Week editor, news editor and art director who are all white. "We didn't see the potential for hurt in this cover. That tells us we need to bring more perspectives than our own to evaluate our work," a statement from the publication said.

OPB

Portland Mayor's Controversial Protest Ordinance Fails In City Council

*By Amelia Templeton
November 14, 2018*

Portland City Council has voted against a proposal from Mayor Ted Wheeler that would have given him the power to designate a time and place for protests between groups with a history of violence.

Commissioners Nick Fish, Chloe Eudaly and Amanda Fritz voted against the proposal.

Wheeler introduced the measure in response to what he characterized as escalating street violence. The right-wing groups Patriot Prayer and Proud Boys have repeatedly used the city as a staging ground for protests, provoking counter-protests and at times brawling violently with left-wing groups including Antifa.

Fish was widely seen as the swing vote. He said the vote was “a close call” and explained he was concerned the ordinance would set up a costly and divisive legal battle.

Civil rights groups, most notably the ACLU of Oregon, had lobbied against the ordinance and said it believed it left the city vulnerable to a lawsuit. The ACLU said the mayor’s proposal infringed on the rights to freedom of speech and assembly and was likely unconstitutional.

Fish said he’d like the city to send a message to Patriot Prayer and Proud boys to “stay home,” but that the ordinance wasn’t the right approach.

“I’m not convinced that we’ve done everything we can with the tools already at our disposal,” Fish noted, casting his no vote. “That includes arresting people who violate our laws.”

Wheeler and Commissioner Dan Saltzman voted for the ordinance. They argued that the Portland Police Bureau needs more tools to prevent violence on the streets.

“We all fully respect everybody’s right to protest and exercise their rights to free speech, but there’s also a public safety factor,” Saltzman said, arguing that it was reasonable for the mayor to try to separate groups that are antagonists.

“Patriot Prayer and Proud Boys, they’re playing us like a fiddle,” Saltzman said. “They know they can come down to Portland because they know they can provoke the response.”

Commissioners Eudaly and Fritz had made it known last week they would not support the ordinance.

Last week, Eudaly publicly grilled Portland Police Bureau Chief Danielle Outlaw about her response to right-wing extremism and police use of force against protesters.

She noted that the bureau had provided new written answers to her questions, and struck a more conciliatory note before casting her no vote.

“The mayor and the police chief have good intentions with this ordinance,” she said. “Even if they can’t be as explicit as I can, know they want to stop right-wing extremists from disrupting our city and threatening our residents as much as I do,” she said.

Business groups, including the Portland Business Alliance and Travel Portland were the most prominent advocates for the mayor’s ordinance, arguing that the frequent violent clashes in the streets were hurting the city’s reputation.

Eudaly urged local businesses to deny service to members of right-wing extremist groups — and urged Portland residents to boycott businesses that continue to work with the groups.

“They shouldn’t be helping them peddle hate, raise money, print T-shirts, or publish websites,” she said.

The vote represented a significant defeat for both the mayor and for Outlaw.

Outlaw sat quietly in the front row while the Council voted.

Wheeler quipped that anybody who could count could see the ordinance wasn’t going to pass, but delivered a full-throated defense of it anyway.

“I thought this was a very reasonable preemptive tool to have in our toolkit,” he said. “We are still interested in doing something more than the status quo, because the status quo is clearly not working for our community.”

The mayor and the city attorney’s office had, by all accounts, been working on the ordinance since August, when a protest in Portland attracted right-wing groups from across the country.

But Wheeler rolled it out suddenly in October, after a spate of national and right-wing media outlets slammed him for several incidents of protesters fighting with each other and bystanders.

He introduced the ordinance with little of the behind-the-scenes work at City Hall that characterizes most major policy developments. Wheeler informed his four colleagues on the Council of it just hours before a press conference announcing it.

Before casting his vote, Wheeler blamed the media for the ordinance's defeat.

"If you put an ordinance out there and there is any question about its legality, make sure your lawyers get to the media first, because once that frame is set it is very very hard to turn that frame around," he said.

Portland's Arts Agency Hires Madison Cario To Top Job

By April Baer

November 14, 2018

Madison Cario, a Georgian university administrator, is about to become the fifth executive director in the history of the Regional Arts and Culture Council.

A self-described "artist, alchemist, and interrupter" (via a LinkedIn profile), Cario wasn't available to talk at the time of the announcement, but shows a portfolio of arts and administration work across several disciplines. They've spent the past four years leading Georgia Tech's Office of the Arts, an arm of the university that oversees a performing arts venue in midtown Atlanta and commissions projects with campus and community artists. Previous posts include work at the Annenberg Center for the Performing Arts in Philadelphia's University of Pennsylvania, as well as a playwriting fellowship.

There's no small amount of relief surrounding Cario's appointment. RACC has been headless since June 2017, when longtime executive director Eloise Damrosch retired. In the interim, there have been changes in leadership on the RACC board: a city audit critical of lax oversight of RACC and the agency's accounting of its work, a public acknowledgment that the region is hemorrhaging the affordable space that makes art possible and reboots to the executive search in response to concerns about equity.

RACC's staff size and budget are several times larger than Cario has handled before, but some of the agency's constituents are optimistic they could start to heal the problems of the last few years.

Commissioner Chloe Eudaly, Portland City Council's arts liaison, was not available for comment on Cario's hire. Roya Amirsoleymani is Artistic Director & Curator of Public Engagement at Portland Institute for Contemporary Art (PICA). PICA is one of several dozen arts groups that receives city cash through RACC, and Amirsoleymani was part of the cohort of community members who came to the RACC board with equity concerns. Amirsoleymani says she has not met Cario, but took their direct, on-the-ground artistic experience and engagement work as positive signs.

"It's time to shake things up and imagine new possibilities," she said. "At a time when making connections across art, politics, and social change is especially critical. Madison seems like someone who will help lead that charge."

Cynthia Fuhrman is managing director of Portland Center Stage, the largest theater in Portland, and one of the largest arts institutions in the state.

“Coming from a university setting, there are parallels to working in the bureaucracy — having to walk that fine line at RACC, a combination of a public agency and a private nonprofit,” Fuhrman said. “There are obviously a lot of stakeholders to respond to and to work with, and I think that that’s not unlike the situation in academic environments. She added she’s glad to see someone with arts producing and presentation experience in the job.

Linda McGeady, RACC’s board chair, said Cario is the right candidate because of a mix of credentials and style.

“They are just a factory of ideas, and they exude a real taste for the mechanics of the job: the development of staff, for the funding, for all of those really essential behind the scenes elements that aren’t the most glamorous but really are so essential to using public funds wisely to developing a clear strategy.”

Portland’s arts ecosystem might be characterized by a sense of unease. While the city is still home to internationally recognized talents in music, literature, contemporary art and design, the need for reassurance about RACC and its future goes beyond city hall. It’s as if the next generation of leadership in the arts has yet to emerge, due in part to scarce resources.

Oregon Symphony President Scott Showalter has yet to meet Cario, but observed that there’s been very little high-level public discussion about what role the arts have to play in the city.

“If more elected and business leaders would actively promote our vibrant arts scene as much they do other aspects of our culture,” Showalter said, “doing so costs nothing, and everyone in Portland would benefit.”

Cario will visit Portland several times through the holidays, but will begin the new job in mid-January.