



Monday, December 8, 2025 *Anno Domini*

BY FIRST CLASS MAIL AND E-MAIL

Mayor Keith Wilson

City of Portland
1221 SW 4th Avenue, Room 340
Portland, OR 97204
Mayor@portlandoregon.gov

Robert Taylor

Office of the City Attorney
1221 SW 4th Avenue, Suite 430
Portland, OR 97204
cityattorneysoffice@portlandoregon.gov

Risk Management

City of Portland
1120 SW 5th Ave, 10th Floor
Portland, OR 97204-1912
LiabilityClaims@portlandoregon.gov
Fax: 503-823-6120

RE: TORT CLAIM NOTICE

DEMAND FOR PRESERVATION OF EVIDENCE

Nicholas Sortor v. City of Portland, Chief Bob Day, and Officers (to be identified)

To Whom It May Concern:

This letter serves as formal notice of a tort claim under ORS 30.275(4) on behalf of Mr. Nicholas Sortor against the City of Portland, its Police Bureau, Chief Bob Day, and as yet unnamed officers.

OVERVIEW AND LEGAL CLAIMS

1. Pattern and Practice of Political Hostility

The City of Portland and its police department maintain a long-standing pattern and practice of hostility toward conservative political viewpoints, and demonstrable tolerance, sympathy, or coordination with Antifa, a group designated as both a domestic and foreign terrorist group. The City's deliberate animus toward conservative speech, reporting, and political activity has been deeply embedded within its culture and command structure at Portland Police Bureau (PPB).

2. Causation of the Unlawful Arrest

This entrenched hostility was a moving force behind the wrongful arrest of Mr. Sortor on October 2, 2025 in Portland. He was arrested without probable cause, in violation of his Fourth and Fourteenth Amendment rights, and in retaliation for First Amendment-protected activity. The decision to arrest him originated with high-ranking

officers and command staff, deliberately designed to appease left-wing activists, including Antifa individuals present at the scene who interfered unlawfully with federal ICE operations.

3. Ratification and Ongoing Liability

After the Multnomah County District Attorney declined to prosecute Sortor, Chief Bob Day was informed of that decision, yet did not reprimand, retrain, or discipline any PPB officers. Instead, the Chief tacitly ratified the misconduct and allowed continued enforcement of discriminatory practices. That ratification renders the City liable for punitive damages under § 1983.

4. Failure to Train and Supervise

The City of Portland and Chief Day have systematically failed to train, supervise, and discipline officers in the proper, constitutional enforcement of laws during demonstrations and politically charged events. This failure has created an entrenched and dangerous double standard in PPB operations.

Through years of neglect and deliberate tolerance, the Bureau has cultivated a pattern in which officers refrain from enforcing the law against Antifa and affiliated individuals who openly commit criminal acts—assaults, menacing, disorderly conduct, harassment, and property damage—often in the presence of officers. That inaction emboldens violent actors and predictably creates volatile and unsafe environments at public events.

PPB then uses the very chaos it allowed to develop as a pretext to target and arrest individuals perceived as politically conservative, independent, or critical of Antifa. Officers and supervisors routinely brand such individuals as “agitators” merely for speaking, recording, or otherwise exercising constitutionally protected expressive activity. This practice turns a blind eye to real criminality while punishing lawful expression, thereby inverting the purpose of policing.

The City’s failure to train and its deliberate indifference to these predictable outcomes were a moving force behind Mr. Sortor’s unlawful arrest. By permitting officers to ignore clear criminal behavior from one political faction while criminalizing observation or documentation by another, PPB has fostered a culture of selective enforcement, retaliation, and political bias that directly caused the deprivation of Mr. Sortor’s constitutional rights.

5. Claims Brought

We are asserting claims under 42 U.S.C. § 1983 for unlawful arrest, First Amendment retaliation, equal protection / selective enforcement, failure to train or

supervise, and municipal liability (*Monell*). We also preserve a claim under Oregon law for wrongful arrest and any other applicable state tort or statutory claims. Mr. Sortor seeks \$10,000,000 in damages. Below we outline the facts surrounding the arrest in question, followed by a detailed recitation of the historic pattern and practice in the City of Portland.

ARREST WITHOUT PROBABLE CAUSE

On the evening of October 2, 2025, Nicholas Sortor, a nationally recognized independent journalist and political commentator, was present outside the U.S. Immigration and Customs Enforcement (ICE) facility in Portland, Oregon. A public demonstration was underway involving approximately fifty to seventy-five individuals interfering with and opposing federal immigration enforcement. Among those present were members of the self-identified Antifa contingent, dressed in black, masked, and openly hostile toward perceived counter-protesters and members of the media.

The Antifa activists had maintained a presence at the site for weeks, engaging in repeated criminal activity, including acts of disorderly conduct, harassment, and threats of violence. Despite this, the Portland Police Bureau made little or no meaningful effort to enforce the law, thereby allowing an unsafe environment to persist. Masked individuals effectively ruled the streets while uniformed officers stood by and watched.

Mr. Sortor was engaged in lawful newsgathering—recording video footage of the demonstration and using a handheld light to capture clear images in low-light conditions. While observing and documenting the Antifa activity, several individuals threatened his life, stating they would “kill him” or “Charlie Kirk him.” Police officers observed these threats but took no action to intervene or protect him. Mr. Sortor’s conduct was entirely expressive, non-violent, and fully protected under the First Amendment.

As Mr. Sortor moved from the street onto the sidewalk, a masked protester approached and used an open umbrella to push him. Almost immediately, a crowd of masked individuals converged around him. Police observed the attack but took no action to intervene. Another individual came within inches of Mr. Sortor and swung a fist at his head. Again, officers observed but did not intervene. The crowd then pushed Mr. Sortor backward into a drainage depression (bioswale) and attempted to block his exit. Police continued to watch and did not act.

Once Mr. Sortor managed to escape the masked mob, he moved quickly toward the group of officers who had been observing the incident, believing that standing near them would ensure his safety. To his shock, after only a few minutes, the police turned on him, placed him in handcuffs, and informed him he was under arrest—despite it being obvious he had committed no crime.

Mr. Sortor was detained in handcuffs for approximately 45 minutes as officers debated what to charge him with, openly acknowledging that they did not know what crime they could allege he committed. Ultimately, after discussion and apparent direction from a lieutenant or other high-ranking officer, police were instructed to book him into jail on a fabricated charge of Disorderly Conduct in the Second Degree (ORS 166.025). He was wrongfully incarcerated.

Mr. Sortor was taken into custody without probable cause and detained despite clear video evidence showing that his conduct was entirely defensive and lawful.

Subsequent review by the Multnomah County District Attorney's Office confirmed that Mr. Sortor committed no criminal act. In an internal Prosecution Decline Memorandum dated October 6, 2025, Deputy District Attorney Kevin D. Demer expressly concluded:

"Any physical contact he had with other persons was defensive in nature, reasonable under the circumstances, and therefore justified by ORS 161.195. SORTOR's conduct of attempting to video record and shine a bright light at the other side, while certainly provocative, is not criminal and does not give rise to any legally justifiable ability to respond with force."

Despite this formal exoneration, the Portland Police Bureau has taken no corrective action, issued no apology, and made no effort to address the misconduct or the entrenched pattern of politically biased enforcement that led to Mr. Sortor's wrongful arrest.

Pattern, Practice, and Culture of Portland Government

The City of Portland, through the Portland Police Bureau and other City agencies, has long pursued a policy, custom and practice of serious discrimination against those perceived to be of a conservative political viewpoint, and particularly those who have exercised First Amendment rights to bring attention to the serious problem posed by Antifa, a criminal organization with substantial public support in the City.

The City and its officials and departments are extremely hostile to a set of political beliefs associated with patriotism, religion and limited government advanced by opponents of Antifa. Such beliefs, sometimes identified with the Republican Party, are held by only a very small minority of residents of Portland, on the order of ten percent. In general, open statement of such views is likely to be met with hostility and intolerance from members of the Portland community, and defendants have personal and political motives to exercise their governmental authority to discriminate against, repress and violate the fundamental civil rights of this small minority.

Through its policy, custom and practice, the City and the PPB have deprived citizens such as Mr. Sortor of important federal constitutional rights, including but not limited to his rights of free speech and to peaceably assemble under the First Amendment, free from governmental retaliation; his right to equal protection of the laws under the Fourteenth Amendment; and his right to liberty under the Fourteenth Amendment—rights also ostensibly protected under the Oregon Constitution.

The policy, custom and practice are evident from official actions and public statements by City officials over the years. In the memo attached hereto, which is incorporated hereinafter by reference, we present a chronology of the events evidencing the pattern and practice over the last several years.

PRESERVATION OF EVIDENCE

You and your employees, agents, officers, or attorneys (hereinafter collectively “you” or “your”) are hereby given notice to immediately take all steps necessary to prevent the destruction, loss, concealment, or alteration of any paper, document, or electronically stored information (“ESI”) and other data or information generated by and/or stored on its computers and storage media (e.g., hard disks, floppy disks, backup tapes, etc.), online chat transcripts, call recordings, phone logs, call logs, account notes, calendaring systems, statements, information stored on your servers, computers, smart phones, tablets or other electronic devices and e-mail related to the claims above. This includes but is not limited to material previously sought by subpoena to the Portland Police Bureau and the Office of the Mayor in Case No. 19CR53042, except at the relevant period for preservation of evidence extends from January 1, 2017 to the present.

You should anticipate that much of the information subject to disclosure and responsive to discovery associated with the foregoing claims is stored on your current or former computer systems and other media and devices (including personal digital or data assistants, voice-messaging or voice-mail systems, online repositories, and cell phones). This would include items on the personal computers and telephones of your employees who may be utilizing such equipment to conduct business, particularly at home during the COVID epidemic.

ESI should be afforded the broadest possible definition and includes, but is not limited to, all digital communications (e.g., e-mail, voice mail, instant messaging), word processed documents (e.g. Word and WordPerfect documents and drafts), spreadsheets and tables (e.g. Excel and Lotus 123 worksheets), accounting application data (such as QuickBooks, Money, or Peachtree), billing or accounting software, image and facsimile files (including PDF, TIFF, JPG, and GIF images), Facebook or other social media posts and chats, sound recordings (including WAV and MP3 files), video recordings, all databases, all contact and relationship management data, calendar and diary application data, online access data (including temporary, internet files, History, and Cookies), all presentations (including PowerPoint and Corel), all network access and server activity

logs, all data created with the use of any Personal Data Assistant (PDA) such as Palm Pilot, HP Jornada, Cassiopeia, or other Windows-based or Pocket PC devices, all CAD files, and all back-up and archival files.

Adequate preservation of ESI requires more than simply refraining from efforts to destroy or dispose of such evidence. You must also intervene to prevent loss due to routine operations and employ proper techniques to safeguard all such evidence. Because hard copies do not preserve electronic searchability or metadata, they are not an adequate substitute for ESI. If information exists in both electronic and paper form, you should preserve them both.

LITIGATION HOLD

You are requested to immediately initiate a litigation hold for potentially relevant ESI, documents, and tangible things, and to act diligently and in good faith to secure and audit compliance with that litigation hold. You are also requested to preserve and not destroy all passwords, decryption procedures (including, if necessary, the software to decrypt the files), network access codes, ID names, manuals, tutorials, written instructions, decompression or reconstruction software, and any and all other information and things necessary to access, view, and (if necessary) reconstruct any ESI. You should not pack, compress, purge, or dispose of any file or any part thereof.

You are further requested to immediately identify and modify or suspend features of your operations, information systems, and devices that, in routine operations, operate to cause the loss of documents, tangible items, or ESI. Examples of such features and operations include, but are not limited to, purging the contents of e-mail repositories by age, capacity, or other criteria; using data or media wiping, disposal, erasure, or encryption utilities or devices; overwriting, erasing, destroying, or discarding back-up media; re-assigning, re-imaging or disposing of systems, servers, devices, or media; running antivirus or other programs that alter metadata; using metadata stripper utilities; and destroying documents or any ESI by age or other criteria.

SERVERS AND STORAGE

With respect to servers like those used to manage electronic mail and network storage, the entire contents of each user's network share and e-mail account should be preserved and not modified.

With respect to on-line storage and/or direct access storage devices attached to your mainframe computers and/or minicomputers, in addition to the above, you are not to modify or delete any ESI, "deleted" files, and/or file fragments existing on the date of this letter's delivery that contain potentially relevant information.

With regard to all electronic media used for off-line storage, including magnetic tapes and cartridges, optical media, electronic media, and other media or combinations of media containing potentially relevant information, you are requested to stop any activity which may result in the loss of any ESI, including rotation, destruction, overwriting and erasure in whole or in part. This request is intended to cover all media used for data or information storage in connection with your computer systems, including magnetic tapes and cartridges, magneto-optical disks, floppy diskettes, and all other media, whether used with personal computers, minicomputers, mainframes or other computers, and whether containing backup and/or archival ESI.

PERSONAL AND PORTABLE COMPUTERS AND SYSTEMS

As discussed above, the defendants herein appear to have a pattern and practice of utilizing personal devices and accounts with respect to information relevant to these claims. You should take immediate steps to preserve all ESI on all personal computers, cell phones and social media accounts used by your employees and agents, that in any way relate to the claims asserted above. As to fixed devices, (1) a true and correct copy is to be made of all such ESI, including all active files and completely restored versions of all deleted electronic files and file fragments; (2) full directory listings {including hidden files} for all directories and subdirectories (including hidden directories) on such fixed devices should be written; and (3) all such copies and listings are to be preserved until this litigation is ended. As to floppy diskettes, CDs, tapes, and other non-fixed media relating to this matter, they are to be collected and stored pending resolution of this litigation.

In addition to your immediate preservation of ESI, documents and tangible items on your servers and workstations, you should also determine if any home or portable systems may contain potentially relevant data or information. To the extent that you or your employees or agents have sent or received potentially relevant e-mails or created or reviewed potentially relevant documents away from his computers or systems, you must preserve the contents of systems, devices, and media used for these purposes (including not only potentially relevant data from portable and home computers, but also from portable thumb drives, CD-R discs, PDAs, smart phones, voice mailboxes, or other forms of ESI storage). Additionally, if any of your agents or employees used online or browser-based e-mail accounts or services to send or receive potentially relevant messages and attachments, the contents of these account mailboxes should be preserved.

EVIDENCE CREATED OR ACQUIRED IN THE FUTURE

With regard to documents, tangible things, and ESI that are created or come into your custody, possession, or control subsequent to the date of delivery of this letter, potentially relevant evidence is to be preserved. You should take all appropriate action to avoid destruction of potentially relevant evidence.



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Please forward a copy of this letter to all of your employees, agents, officers, or attorneys possessing or controlling potentially relevant evidence. Your obligation to preserve potentially relevant evidence is required by law.

Thank you for your attention to this matter.

Respectfully,

D. Angus Lee
Attorney for Mr. Nicholas Sortor

Encl.: Liability Claim Form
Memo on Pattern and Practice



GENERAL LIABILITY CLAIM AGAINST THE CITY OF PORTLAND

*for damages to persons or property *



File Number: _____

A claim must be filed with City of Portland Risk Management within 180 days after the occurrence of the incident or event.

Normal business hours: Monday through Friday, 8:00am to 5:00pm. Closed on official holidays.

Claims received during regular business hours will be recorded on the date received.

Faxed or emailed claims received after business hours will be recorded on the next working day.

Please be sure your claim is against the City of Portland, not another public entity.

Where space is insufficient, please use additional paper and identify information by section number and letter.

Completed forms may be mailed, emailed, faxed, or hand-delivered to:

Risk Management/Liability, 1120 S.W. 5th Ave., Suite 1040, Portland, OR 97204-1912, Ph: 503-823-5101,

Fax: 503-823-6120 LiabilityClaims@portlandoregon.gov

1. Claimant (Circle: Mr. Mrs. Ms. Miss) Mr. Nicholas Sortor Date of Birth 5/11/1998

a. Address See Angus Lee Law Firm for City _____ State _____ Zip _____

b. Home Phone _____ Business Telephone Call lawyer Cell Phone Call Lawyer

c. Occupation Reporter d. Marital Status: Single Married Divorced or Widowed

If married, name of spouse _____

d. E-mail address Please email attorney at angus@angusleelaw.com

2. If claim involves a vehicle: a. Year, make and model _____

b. License Plate Number _____ Driver's License Number _____ State _____

c. At time of accident, were you (check all that apply) Owner: _____ Driver _____ Passenger _____ N/A _____

d. Name and address of owner if different from claimant (1. Above) _____

3. Occurrence or event from which the claim arises:

a. Date 10/2/2025 Time Evening Circle AM / PM

b. Place (exact and specific location) Near ICE Facility

c. Specify the particular occurrence, event, act, or omission by the City that you believe caused the injury or damage (use additional paper if necessary): See attached letter.

d. State how the City of Portland or its employees were at fault: See attached letter.

e. Were you on the job at the time of the accident? Yes No _____

If yes, what is the name / phone number of employer Self-Employed as reporter

4. **Description:** Describe the injury, property damage or loss so far as is known at the time of this claim. _____
 See attached letter.

5. ***We are required to report all claims for injuries to Medicare/Medicaid Services***

If you were injured please provide the following: Social Security #: _____

Medicare/Medicaid Beneficiary? Yes _____ No _____

6. Give the name(s) of the City employee(s) and/or City Bureau causing the damage or injury _____
 See attached letter.

7. Name and address of any other person injured See attached letter.

8. Name and address of the owner of any damaged property if different from claimant _____
 See attached letter.

9. Damages claimed:

a. Amount claimed as of this date: \$ 10,000,000

b. Estimated amount of future costs: \$ _____

c. Total amount claimed: \$ 10,000,000

d. Basis for computation of amounts claimed (include copies of all bills, invoices, estimates, etc.): _____

See attached letter regarding punitive damages.

10. Names, addresses / phone #s of all witnesses See attached letter.

11. Any additional information that might be helpful in considering your claim _____

See attached letter.

WARNING: IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM! (ORS 162.085)

I have carefully read the statements made in this claim, including any attached sheets, and I know them to be true of my own knowledge, except as to those matters stated upon information or belief and to such matters I believe the same to be true. I understand and acknowledge that all statements made in this claim are made to a public servant of the City of Portland, and that the statements are in connection with an application for a benefit from the City of Portland.

Date: 11/4/2025 | 1:39:36 PM PST

Signed by:

Nicholas Sortor

Claimant's Signature

Nicholas Sortor

Print Name

**ANGUS LEE
LAW FIRM, PLLC**

9105A NE HWY 99, Suite 200
Vancouver, WA 98665
360.635.6464

**Murphy &
Buchal LLP**

P.O. Box 86620
Portland, OR 97286
503-227-1011

To: Harmeet K. Dhillon
Assistant Attorney General for the Civil Rights Division

From: James L. Buchal & Angus Lee

Date: Thursday, November 13, 2025 *Anno Domini*

Re: **Portland: Pattern & Practice of Violating Civil Rights of those Opposing Antifa**

This memorandum, submitted on behalf of journalist Nick Sortor, requests that the Civil Rights Division open or expand a pattern or practice investigation into the City of Portland and the Portland Police Bureau. The incidents summarized below, including Mr. Sortor's arrest, show sustained suppression of protected expression, tolerance of violence by favored actors (Antifa), and retaliatory or selective enforcement against disfavored speakers (conservatives).

These practices fall within the Division's authority under 34 U.S.C. § 12601 (formerly 42 U.S.C. § 14141) to seek equitable and declaratory relief when law enforcement engages in a pattern or practice that deprives persons of constitutional or statutory rights. Any action would complement, not duplicate, existing oversight in *United States v. City of Portland*, No. 3:12-cv-02265-SI (D. Or.), and should reach protest policing, command-level ratification, and misuse of permitting and code enforcement.

As noted in the memorandum's final section, separate executive authority may be needed under the **Insurrection Act, 10 U.S.C. § 253**. While decisions under that statute may lie outside CRD's primary jurisdiction, the record here warrants coordination across Department components.

We are pursuing civil rights and tort claims on behalf of Mr. Sortor, with a key issue being the liability of the City of Portland itself for the unlawful treatment of Mr. Sortor. We believe the CRD would benefit from an understanding of the degree to which the City has pursued a full spectrum policy of violating the civil rights of those opposing Antifa and promoting Antifa objectives, including with respect to federal immigration law.

Misconduct in furtherance of the City Policy extends beyond the law enforcement activities which might be addressed through existing consent decree in *United States v. Portland* to include such elements as misuse of permitting and other regulatory authority, campaigns of defamation, and even physical actions (allowing Antifa to block roads to bar entry to Portland for those opposing Antifa).

For your review below is a chronology of events in Portland that demonstrate the pattern, practice and policy of unconstitutional use of City (and other local) authority to protect Antifa

operations and advance Antifa political objectives shared by the City.¹ We believe that these facts demonstrate “a pattern or practice of conduct by law enforcement officers . . . deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States” within the meaning of 34 U.S.C. § 12601, and would support a civil action by the Division “for appropriate equitable and declaratory relief to eliminate the pattern and practice”. *Id.* A Portland ruling that victims of this pattern and practice have no individual remedy against these injustices is on appeal.²

2016: The City Policy Turns Virulent

While the chronology of City Policy can be traced back many years, the 2016 election of President Donald Trump gave rise to widespread public disorder in Portland, and more particularly, the rise in political violence by Antifa against its political opponents, including supporters of the President. A general pattern began to emerge of the City and its officials making excuses for Antifa violence, and blaming those who Antifa attacked for “provoking” it by being present and expressing disfavored viewpoints. Ultimately, this position would metastasize into a policy, custom and practice of misusing criminal justice and other official authority to excuse Antifa violence and criminalize non-criminal objection to such violence.

2017: Increasing Antifa Energy and City Support

The City of Portland and Antifa advocate a number of congruent policy goals, and share a particular focus on opposing federal immigration law enforcement. On March 22, 2017, the City Council adopted Resolution No. 37277, the “Declare the City of Portland a Welcoming City, Sanctuary City, and an Inclusive City for all resolution,” which further committed the City to a policy of opposing federal efforts to enforce immigration law and directing that Portland Police “shall not cooperate with ICE except as expressly required by Federal Law”.³

Many citizens sought to bring attention to the dangers posed by Antifa. One individual in particular, Joseph Gibson, used Facebook to organize assemblies of demonstrators advocating policies opposed to Antifa.

By the spring of 2017, Antifa was sufficiently emboldened to threaten to attack a longstanding Portland cultural tradition, the 82nd Avenue of Roses Parade, scheduled for April 29, 2017. An Antifa member issued an e-mail threat to the Parade organizers, the 82nd Avenue of Roses Business Association, demanding they cancel the registration of the local Republican Party to march in the Parade, or Antifa would attack the Parade (“You have seen how much power we have downtown and that the police cannot stop us . . .”). The Republican Party sought the assistance of Mayor Wheeler, District Attorney Underhill and Police Chief

¹ The White House’s October 8th chronology, <https://www.whitehouse.gov/articles/2025/10/portland-fake-news-ignores-antifa-violence-residents-pleas-for-help/>, is but a tiny fraction of the available events.

² *Gibson v. City of Portland*, No. 24-1663 (9th Cir.).

³ <https://efiles.portlandoregon.gov/recordhtml/10774926/>. It should be noted that Oregon became the first “Sanctuary State” in 1987, with ORS 180.805 through 180.810 and 181A.820 through 181A.829 restricting any use of public funds for enforcing federal immigration laws.

Marshman to take steps to identify and prosecute the author of the threat, as well as providing the Parade organizers with assurances that police would protect the parade. The officials did nothing, and the organizers therefore cancelled the Parade. In the following years, the Parade organizers capitulated to Antifa demands by simply denying Republicans the right to participate in the parade.

Mr. Gibson responded by organizing a march of the President’s supporters down the 82nd Avenue parade route. In his public and private communications, he emphasized the need to stay peaceful and let the onus for any violence fall on the instigators, Antifa. The march was attacked by Antifa elements including Luis Marquez. The police arrested Mr. Marquez, but the charges were later dropped.

Over time, Antifa would frequently attack Mr. Gibson, and frequently posted threats of violence against him and Tusitala Toese, nicknamed “Tiny” (6’ 6” in height), who sometimes appeared in public with Mr. Gibson.

In May 2017, Mr. Gibson sought and obtained a federal permit for a political event at the Terry Schrunk Plaza in downtown Portland on June 4, 2017.

On May 29, 2017, City Policy expanded even further to shut down political opposition to Antifa. Mayor Wheeler announced he had denied a City permit for the planned free speech rally on Sunday, June 4th, and stated: “I have confirmed that the City of Portland has NOT and will not issue any permits for the alt-right events scheduled on 4 June or 10 June”.⁴ The City had issued permits for left-wing events on May 1st that had degenerated into widespread violence and property damage, and appears to have continued to issue permits for left-wing events—though Antifa seldom if ever applied for permits and permitting requirements were never enforced against them.

In furtherance of the City Policy, Mayor Wheeler also made false and defamatory comments about Mr. Gibson, accusing him of “bigotry and hatred”. The Mayor and other City officials knew and relied upon local media to amplify these statements for the purpose of stirring up Antifa against Mr. Gibson and others similarly situated. They were falsely accused of being “white supremacists,” “violent, far-right extremists,” and “fascist agitators bring[ing] choreographed terror into our community”. The City’s false public statements were congruent with similar false statements broadcast by Antifa and allied interest groups and journalists.

At these times, up until a new City Charter became effective on January 1, 2025, the Mayor also served as the Police Commissioner, exercising final authority over the Portland Police Bureau and setting both the tone and policy direction for the department’s conduct and priorities. Though the Mayor is no longer the Police Commissioner, it is clear that the policing

⁴ <https://www.theguardian.com/us-news/2017/may/29/portland-attack-republican-james-buchal-militia-groups>.

decisions constituting the unlawful pattern and practice of civil rights violations are still being made at the Mayoral level.⁵

The federal permit was not revoked, and the June 4, 2017 event was marred by repeated violent attempts by masked and black-clothed Antifa attackers to disrupt it. The Portland Police riot squad did attempt to protect the rally and its participants, who were heavily outnumbered by Antifa and other counterprotestors. When Antifa rioted, the Police declared the counterprotest to constitute an “unlawful assembly,” ordering the lawful participants to disperse.

When they did not disperse, the Police engaged in a strategy called “kettling” to confine the rioters in a defined area so they could be arrested. Multiple individuals describing themselves as freelance journalists were also “kettled” and promptly sued the City and Police for use of the strategy. The City later agreed to settle the case for nearly \$1 million.⁶

Over time, the City would pay millions of dollars to rioters assertedly injured by Police during the riots, providing an important subsidy to foster the continuing protests.⁷ Ultimately, the Portland Police Bureau adopted formal policy severely restricting its ability to control public disorder, elements of which have been locked in place through settlements with protestors.⁸

At a June 2017 Pride Rally, street preachers were attacked by Antifa, which became a consistent pattern as Antifa targeted Christian events.

In September 2017, the Portland Police Bureau began to focus on applying City Policy to Mr. Gibson, who held a “Patriot Prayer Free Speech Rally on the Portland Waterfront. By October 2017, Mr. Gibson and the “Patriot Prayer” brand he had used for rallies in and out of Portland had become national news.

In October 2017, Mr. Gibson and others rallied at Terry Schrunk Plaza. Though the Police protected the rally from attacks by violent Antifa members, and made notional arrests—the police failed to make effective cases which continued the a pattern of dropped charges.

2018: Antifa-Driven Disorder Intensifies in Portland

On June 4, 2018 a “Trump Free Speech” rally was permitted at the Terry Schrunk Plaza, a federally owned park in downtown Portland. This time, Antifa member Luis Marquez attacked a cameraman/YouTuber named Kerry before the rally even began, stealing his camera. For this

⁵ See, e.g., <https://www.oregonlive.com/politics/2025/10/portlands-ice-protest-camp-was-suddenly-cleared-by-police-after-months-of-routine-removals-heres-why.html> (Mayor made decision to clear Antifa encampment at Portland ICE facility on October 25, 2025)

⁶ Oregon Federal District Court Case No. 2:20-cv-01035-SI.

⁷ See, e.g. <https://www.portlandmercury.com/news/2024/12/05/47533745/can-portlands-new-independent-monitor-help-prevent-police-misconduct> (\$400,000 to wheelchair bound protestor who alleged he wheelchair was kicked and he was shoved and “forcefully grabbed by the arm”).

⁸ E.g., Portland Police Directive 0635.10, § 11.3.5.4 (Police must “[e]nsure they have individualized reasonable suspicion (mass detention) or individualized probable cause (mass arrest) for each person in the group to be detained or arrested”).

crime he was arrested. Mr. Marquez claimed self-defense, and although the defense was plainly contrary to the video evidence, a Portland jury accepted it and acquitted him following a half-hearted prosecution. Several jury verdicts, as well as juror questionnaires, have confirmed a high degree of identification on the part of the Multnomah County venire with Antifa objectives, and corresponding nullification of the legal rights of those opposing Antifa.

On June 30, 2018, a larger rally was held with many out-of-state groups coming to Portland. This time Antifa made a particularly violent attack with small explosives lobbed into the crowd, leading to large-scale disorder. Antifa was perceived as losing this resulting brawl, which appeared to anger City officials such as the Mayor, who saw Antifa as an appropriate means of chasing contrary political leaders and their viewpoints out of Portland.

In a July 2018 interview with the *Oregonian*, Mayor Wheeler continued his campaign of defamation, accusing Mr. Gibson and others of being “people who come down here [to Portland] and spout their venom.” Numerous other City and County officials joined in such commentary.

At the same time, Mayor Wheeler was misusing political authority to assist those who were engaging in attacks upon Mr. Schultz, Mr. Gibson and others attempting to bring attention to the rising problem of Antifa violence in Portland.

An August 4, 2018 a right-wing rally brought a larger groups of Antifa counterprotestors. Eventually, the Police reluctantly used crowd control methods to disperse Antifa.

Also in August 2018, Mayor Wheeler ordered Portland Police not to interfere with Leftist demonstrators camped outside the U.S. Immigration and Customs Enforcement (ICE) Field Office in Portland for more than five weeks, trapping workers, stopping traffic, and ultimately shutting down the facility for a week. Public reports suggested that when ICE workers called 911 for assistance, the calls were ignored. The union representing ICE employees sent formal letters to both the U.S. and Oregon attorney generals asking them to conduct a criminal investigation into Mayor Wheeler's conduct; upon information and belief, no action was taken.

To make matters worse, by this time Antifa had already begun doxxing ICE employees. Ultimately, only after private parties attacked and damaged Antifa's barricades, did Mayor Wheeler dispatch Police and City crews to clean up the Antifa camp, ending the 2018 ICE protest. This ended the suffering of local residents in the South Waterfront area only after Antifa was allowed to control the area and set up an encampment for more than a month.

In or about October 2018, a reporter from the *Oregonian* wrote an article describing her personal experience attending a rally organized by Mr. Gibson, reporting “something we need more of: talk that leads to increasing understanding about opposing thoughts and the people behind them.” Mayor Wheeler publicly attacked the reporter on Twitter, falsely stating that Mr. Schultz and Mr. Gibson “embrace” “hate, extremism and violence” and stating, in substance, that there could be no common ground or understanding with right-wing view.

Mayor Wheeler’s agent and political consultant Jake Weigler, as part of a campaign that was, upon information and belief organized, supported or ratified by Mayor Wheeler, urged people to sign a petition calling for the reporter, Elizabeth Hovde, to be fired by the *Oregonian*. She was.

A November 2018 flash march rally drew further Antifa attacks.

2019: The City Targets Those Counterprotesting Antifa with Criminal Prosecution

On January 18, 2019, protestors against a meeting of the Democratic Socialists of America were violently attacked by Antifa. Two protestors required medical attention.

On or about February 8, 2019, the Portland City Council, led by Mayor Wheeler, passed a resolution condemning what it characterized as “a rise of white nationalist, white supremacist and alt-right hate groups, many of which have been emboldened by the words and actions of the current presidential administration,” and declaring that “the City of Portland will not tolerate hate in any form . . .”. This was widely understood to refer to (among others) the group Patriot Prayer led by Mr. Gibson, and amounted to a declaration of intolerance for Patriot Prayer and Mr. Gibson’s public statements warning about the dangers of Antifa.

The Council, including Mayor Wheeler, took this action although Mr. Gibson had appeared before the Council, stating he was “here to denounce all forms of white supremacy and hate,” explaining his religious position that the solution to hate was love.

On February 14, 2019, Mayor Wheeler publicly and falsely attacked Mr. Gibson as the “leader of a group that perpetuates hate speech”. Portland City Commissioner Jo Ann Hardesty also attacked Mr. Gibson, utilizing an official website of the City of Portland, claiming that he conducted “hate marches” within the City and, in substance, accusing him of racism and “white supremacy”.

The release of that public statement was made in response to the discovery that Portland Police Lt. Jeff Niiya, who then commanded the Portland Police Bureau’s Rapid Response Team that responded to protests in Portland had been in communications with Mr. Gibson.⁹ Even though it was reasonable for him in his position to communicate with Mr. Gibson about protest activity, Lt. Niiya was removed from the Rapid Response Team just for communicating with him. According to Mayor Wheeler, Lt. Niiya’s communications with Mr. Gibson, created “a mandate for specific training to identify and combat white supremacy”.

On February 15, 2019, Mayor Wheeler publicly announced that he and Chief of Police Danielle Outlaw, “are going to implement training for the Portland Police Bureau around how to identify white supremacy based on the recommendations of the Oregon Justice Resource Center, Council on American-Islamic Relations Oregon and the Western States Center.” More specifically, he ordered an “independent investigation to review the existence of bias in the

⁹ <https://www.nytimes.com/2019/02/17/us/portland-police-patriot-prayer-texts.html>.

actions of the P.P.B. leading up to and during demonstrations involving alt-right and anti-fascist protestors.”

This was one of many top-down actions designed to force Portland Police Bureau to follow City Policy and impose a bias in favor of Antifa. Public attacks by City leadership on the Oregonian reporter and Lt. Niiya were intended and did signal to all City employees that any official who might be disposed to display an even-handed approach to those identified with right-wing protestors would face serious and adverse personal consequences.

By March 2019, it was publicly reported that Mayor Wheeler had ordered the District Attorney of Multnomah County, Oregon, Rod Underhill to arrest right-wing protestors. Prior to 2019, the District Attorney had previously declined to pursue many prosecutions, taking the position that where it was not clear who the initial aggressor was, it was “legally and ethically questionable to file charges”. As Antifa was the initial aggressor in the vast majority of cases, this policy had the effect of allowing Antifa to attack without consequences. Right-wing counterprotestors at the May Day celebrations on May 1, 2019 were attacked by Antifa members, and in general Antifa attackers suffered no adverse consequences.

Also on May 1, 2019, Mr. Gibson and others appeared outside a Portland cider bar, known as Cider Riot, which in substance operated as a headquarters for Antifa within the City of Portland. Mr. Gibson in particular, livestreamed his appearance on Facebook, attempting to call public attention to the nature of the bar and its patrons. He and others were repeatedly and violently attacked by the Antifa mob of the bar, as was the journalist Andy Ngo and Noah Bucci, a journalism student. Mr. Gibson and others repeatedly urged others outside the bar *not* to engage in violence.

Multiple members of the PPB, including at least one plainclothes officer and aerial surveillance officers, watched all the events at Cider Riot on May 1st, but took no action to halt any of the assaults they observed. Mr. Gibson himself broadcast during the event that Antifa was engaging in a “riot at Cider Riot,” and asked his viewers to “call the police.”

On May 2, 2019, the PPB assigned Officer Christopher Traynor to investigate the events of May 1, 2019. Investigative resources focused upon the Cider Riot incident for the purpose of unconstitutionally targeting Mr. Gibson and others on the basis of their political and religious beliefs.

The PPB made no meaningful effort to identify the Antifa members who attacked Mr. Gibson and others, and no one from the Antifa mob was ever prosecuted for their attacks on Mr. Gibson and others—**though the identities of at least two such attackers were known to Officer Traynor and others**. Specifically, Officer Traynor obtained video evidence of one individual kicking Gibson and spitting on Mr. Gibson. Despite being provided the identity of that individual, and despite having been notified in writing that Mr. Gibson wanted charges pursued against that person, Officer Traynor did not arrest that individual or even bother to request charges be filed by the DA’s office.

On June 29, 2019, during a clash between right-wing counterprotestors and Antifa, journalist Andy Ngo was severely beaten and sent to the hospital. The attack on Mr. Ngo gained national attention, with Senator Ted Cruz suggesting that federal law enforcement should “investigate and bring legal action against a Mayor [Wheeler] who has, for political reasons, ordered his police officers to let citizens be attacked by domestic terrorists”.¹⁰

On or about July 8, 2019, Mayor Wheeler made further public statements concerning Mr. Gibson, and making false accusations against. Mayor Wheeler also publicly attacked Mr. Gibson’s attorney for daring to provide legal representation to Mr. Gibson.

On or about July 16, 2019, the City and its officials became aware of a “potential large-scale” protest event called “Stand Against Domestic Terrorism,” an organizing purpose of which was to bring still further attention to Antifa as a group that should be classified as a domestic terrorism concern. Among the organizers was Enrique Tarrio, the national chairman of the Proud Boys.

As early as August 2, 2019, it was publicly reported that meetings were occurring among the offices of the Mayor, City Attorney, the District Attorney, and others “to help prepare for the Aug. 17 protests”.

On August 5, 2019, Police Chief Outlaw was quoted in the *Oregonian* concerning the August 17th protest: “Don’t come. We don’t want you here.”

On August 6, 2019, Mayor Wheeler told the *Oregonian* that he had been meeting with the office of the District Attorney concerning responses to the August 17th protest. He also announced that on August 14th, he would be “bringing together elected officials, business folks, institution leaders, faith leaders, civil rights leaders and others” for what would later evolve into a political rally viciously and falsely attacking right-wing protestors for their political beliefs.

Referring to Mr. Gibson and others, he accused them of “choos[ing] to come to our beautiful, our progressive, our vibrant city to engage in acts of violence and vandalism. In other words, they are subverting that right to assembly and free speech for the purpose of committing violence.”

When the *Oregonian* reporter questioned Mayor Wheeler about a lack of focus on Antifa as the source of violence, Wheeler pretended there was no Antifa and dismissed the claim as an “unsubstantiated narrative” put forth only by “extreme media sources.”. Wheeler, the Police Commissioner was making public and clear that when it came to Antifa violence Portland Police would look away.

Focusing his ire instead on those who sought to deem Antifa a terrorist organization, the Mayor said: “The people that I’m concerned about on August 17, as I said, they are subverting, in my opinion, these core American values of the right to assembly and the right to free speech to

¹⁰ <https://x.com/tedcruz/status/1145212985692119041>.

come to our community, to commit acts of violence and vandalism.” While the Mayor gave lip service to violence being unacceptable regardless of who perpetrates it, subsequent tolerance of mass vandalism and violence by Antifa members, even assaults on police, made it clear that at all relevant times the Mayor has harbored (and acted upon) a powerful animus against right-wing protestors and those sharing similar political views that are not welcome in what the Mayor referred to a “progressive community”.

The City and its officials worked together to institute a malicious sham prosecution of Mr. Gibson and Mr. Schultz, with DA Underhill and issuing secret indictments (technically, each an “Information of District Attorney”) charging them each with riot based on their mere presence at the protest in front of Cider Riot on May 1st. The secret indictments were dated August 12, 2019.

On August 12, 2019, a deputy District Attorney, Brad Kalbaugh, signed two “Affidavits in Support of Arrest Warrant” falsely accusing Mr. Gibson and Mr. Schultz of violent and tumultuous conduct against members of the Antifa group despite clear video evidence of the entire event showing that they had not engaged in such conduct.

An investigator for the Oregon Liquor Control Commission, not bound by or following the City Policy, would later highlight in her report of the May 1st events at Cider Riot with a picture captioned as picture of “Heather Clark … attacking Joey Gibson”. She recommended that multiple charges be brought against Cider Riot for violations of Commission rules.

While Cider Riot faced no regulatory consequences, malicious charges were filed against Mr. Schultz and Mr. Gibson in retaliation for past political activity, perpetuated specifically to chill future political activity by Mr. Schultz, Mr. Gibson, and other conservatives. The baseless warrants were intended to and did result in arrests and removing Mr. Gibson from any role in the “Stand Against Domestic Terrorism” event. The City stood (and stands) with the domestic terrorists.

On August 14, 2019, Mayor Wheeler held a rally at which he and other speakers attacked Mr. Gibson and Mr. Schultz and others. Wheeler stated: “So hear me loud and clear. To those of you who plan on using Portland on August 17th as a platform to spread your hate, you are not welcome here.” A speaker he invited stated that:

“. . . white nationalists have sponsored monthly hate rallies in Portland during the summer since 2017 under the guise of exercising their free speech and assembly rights. . . . Creating false equivalencies between violent white nationalists and those willing to defend our City against their violence is unacceptable. Pandering to a national climate that accuses Portland of being soft on Antifa is unacceptable. There is no equivalence between racist, anti-Semitic, Islamophobic, homophobic violence and those who say no to it. Antifa must not be scapegoated. We are in truth a City that is anti-fascist.”

At all relevant times, no City official ever had any evidence that Mr. Gibson and/or Mr. Schultz had engaged in racist, anti-Semitic, Islamophobic, or homophobic violence, because they didn’t.

On Thursday, August 15, 2019, Mr. Gibson provided DA Kalbaugh with an extensive sworn statement explaining the events of May 1, 2019 and his role in them, requesting that the evidence be presented to the grand jury. DA Kalbaugh responded the next day saying he had reviewed Mr. Gibson's sworn statement, but would not be presenting it to the grand jury.

Also on or about Thursday, August 15, 2019, proceedings were held before the Grand Jury in Multnomah County. Though under a duty pursuant to ORS 132.320 to present "no other evidence [at a grand jury hearing] than such as might be given on the trial of the person charged with the crime in question," DA Kalbaugh presented essentially nothing *but* inadmissible evidence concerning Mr. Gibson and Mr. Schultz to the grand jury and refused to play the full video of the event for the grand jury.

Instead, and even though the investigation had proven Mr. Schultz and Mr. Gibson were innocent, DA Kalbaugh and Officer Traynor worked together to present testimony to the grand jury that falsely asserted that Officer Traynor had reviewed video evidence that showed Mr. Gibson and Mr. Schultz personally engaging in acts of violence. Officer Traynor went so far as to testify to the grand jury that there was "no doubt whatsoever" the video he reviewed showed Mr. Schultz and Mr. Gibson engaging in acts that were violent and tumultuous. That was false and both he and DA Kalbaugh knew it at the time. They also knew that they could not secure an indictment without that false testimony.

Three days days after DA Kalbaugh and Officer Traynor manipulated the grand jury, on Sunday, August 18, 2019, Mayor Wheeler issued an e-mail to Officer Traynor, Chief Outlaw and others, in which he bragged that the bogus charges against Mr. Schultz and Mr. Gibson "**had a chilling effect**" on right-wing political activity at the August 17th rally and protest.

Mr. Gibson and Mr. Schultz both spent time in custody as a result of the conspiracy and were subject to restrictions on their liberty for three years. They suffered extensive reputational and other damage. DA Kalbaugh and Officer Traynor were never disciplined for their misconduct.

On October 12, 2019, an Antifa member, Sean Kealiher, was killed near the Cider Riot bar after being hit by an SUV, which then came under gunfire.¹¹ Mayor Wheeler and other local Democrats paid public tribute to Kealiher, who had advocated vandalism, arson and attacks on police. The gunfire appeared to be the product of an associate of Kealiher named Hyatt Eshelman. Unlike Mr. Strickland, Mr. Eshelman's actual use of gunfire was never prosecuted.

As of December 31, 2019, Chief Outlaw resigned as Chief of Police and was replaced by Chief of Police Jami Resch.

¹¹ <https://www.opb.org/news/article/antifa-killed-homicide-cider-riot-sean-kealiher/>

2020: A New District Attorney Formalizes Selective Criminal Law Enforcement

On March 6, 2020, Mr. Schultz's initial defense lawyer had a conversation with DA Kalbaugh about the case and told him there was no evidence of any violent or tumultuous conduct by defendant Schultz and she wanted to know why Mr. Schultz had been charged with a crime. DA Kalbaugh did not deny her assertion that there was no evidence against Mr. Schultz, nor did he claim she was wrong, nor did he identify any violent or tumultuous conduct committed by Mr. Schultz. Rather, DA Kalbaugh admitted that Mr. Schultz was being prosecuted simply because he was standing in the location of others at the protest. On April 21, 2021, counsel for Schultz executed a Declaration offering testimony concerning these events under oath, which was filed in the criminal action, providing further public notice of the lack of any basis for maintaining criminal prosecutions of Mr. Gibson and Mr. Schultz.

Also on March 6, 2020, DA Kalbaugh told the Multnomah County Circuit Court: "Your Honor, if the State was charging Mr. Gibson with assault, the State can see that Mr. Gibson would have a very good basis to say, 'How am I being charged with assault? I don't see anything of me assaulting anyone.'"

On May 19, 2020, Michael Schmidt was elected District Attorney of Multnomah County. With the election of a new District Attorney who was openly aligned with Antifa elements,¹² the Multnomah County District Attorney's office became an even stronger co-conspirator with the City and its officials to implement the City Policy.

On June 6, 2020, Mayor Wheeler placed severe restrictions on Chief of Police Resch ability to control Antifa rioting and limited his authority to use crowd control methods to ensure order in case of riot. Mayor Wheeler limited access to tear gas and halted use of LRAD (Long Range Acoustic Devices) to disperse crowds.

On June 8, 2020, Police Chief Resch announced she was stepping down as Chief. Lt. Chuck Lovell became the new Police Chief.¹³

As early as July 1, 2020, efforts to replace DA Underhill with a new DA even more committed to maintaining the City Policy were underway, with future DA Michael Schmidt writing in an e-mail about his "commitment" presented in a meeting with "local officials" concerning policies for prosecuting protestors.

On or about July 5, 2020, Antifa member Michael Reinhoehl was arrested for possessing a loaded gun in a public place, resisting arrest, and interfering with police. But by July 30th, the

¹² <https://thepostmillennial.com/new-portland-da-admits-he-is-old-buddies-with-an-antifa-militant>. The pattern of close identification with Antifa members by City officials continues to this day.

<https://x.com/ImFiredUp2/status/1979263960101654544> (City officials pose with Antifa anti-ICE protestors in City Council chambers).

¹³ <https://www.opb.org/news/article/portland-oregon-police-chief-jami-resch-steps-down-protests/>.

DA had dropped all charges, and as set forth below, he later murdered an associate of Mr. Gibson.

On or about July 31, 2020, DA Underhill retired before his term expired, allowing the Governor of Oregon to appoint DA-elect Schmidt to take office early.

The degree of Antifa control of City facilities during 2020 (and thereafter) cannot be understated. Antifa and BLM protestors took over interstate highways, including the Interstate Bridge, with City (and Governor) support for hours on end.

On August 11, 2020, at the direction of The Wren Collective, DA Schmidt officially adopted a formal policy (“Policy Regarding Protest Related Cases”) presumptively declining most categories of crimes associated with ongoing left wing demonstrations in Portland, including

- Interference with a police officer, ORS 162.247;
- Disorderly conduct, ORS 166.025;
- Criminal trespass, ORS 164.245 and 164.255;
- Escape III, ORS 162.145;
- Harassment, when classified as a Class B misdemeanor, ORS 166.065; and
- Riot, ORS 166.015 – *Unless accompanied by a crime outside this list.*

That Policy also indicated that any charge of resisting arrest, **assaulting a police officer**, or attempting to assault officers which “arises from protesting activity should be subjected to a high level of scrutiny by the issuing deputy” and required approval of superiors for many cases.

That Policy formalized a portion of the preexisting City Policy to not prosecute most criminal cases where those that the police had arrested were protesting for causes of which the City approved (left wing). Only the most extreme forms of misconduct would be prosecuted—but not assaults by Antifa on City political opponents.

On August 10, 2020, a Leftist leader, Demetria Hester, was arrested while participating in riots involving rioters throwing two-inch rocks, full bottles of water and other projectiles at officers, and using mortars that blew up on officers. Her charges were immediately dismissed—a pattern that would persist when police would half-heartedly arrest those with leadership roles in leading public disorder in Portland.

Counsel for Mr. Gibson sought an application of the August 11, 2020 Policy to Mr. Gibson’s case, and pointing out that Ms. Hester’s role, like that of Gibson, was that of a speaker. The DA insisted (contrary to fact) that the Policy was not intended to be retroactive and would not be applied to Mr. Gibson or Mr. Schultz.

On or about August 13, 2020, DA Schmidt told the *Washington Post* that the new policy would be retroactive for hundreds of people arrested in riots relating to protests over the death of

George Floyd. Indeed, the Policy was in fact applied retroactively to all other protest cases except Mr. Gibson and Mr. Schultz. That is to say *all* other previously filed stand-alone riot cases that had previously been charged (and many other cases) were dismissed. Roughly 500 previously-filed criminal cases against the worst of the Antifa members were dismissed as a result of the Policy. Yet right-wing speakers Mr. Gibson and Mr. Schultz were still prosecuted.

August 15, 2020 a “Stand Up to Domestic Terrorism” flag-waving event took place in downtown Portland. After the event, when a right-wing demonstrator, Skylor Jernigan, came under attack while attempting to leave. He defended himself from attack and as a result was arrested and charged with multiple felonies.¹⁴

A related August 22, 2020, standoff between Antifa and anti-Antifa demonstrators took place outside Multnomah County Justice Center (jail). A right-wing demonstrator, Alan Swinney, was subsequently charged with multiple offenses for defending himself from Antifa. He was sentenced to ten years in jail,¹⁵ a sentence that may have been enhanced by his writing a supportive letter to Derek Chauvin, the Minneapolis policeman who arrested and sentenced for the death of George Floyd. There do not appear to be *any* analogous criminal prosecutions of Antifa members for similar conduct directed at counter-protestors.

On August 23, 2020, faced with a *New York Times* reporter questioning his decision to dismiss hundreds of criminal charges arising from Antifa-related protests occurring since May 2020, DA Schmidt said: “At a time when legitimacy in our criminal justice system is probably at an all-time low, we can’t be seen as using that very system to silence the speech that is being critical of it.” DA Schmidt nonetheless told the *New York Times* that his office was still going to continue the prosecution of Mr. Gibson and Mr. Schultz who had spoken against Antifa.

On August 29, 2020, faced with a pro-Trump political rally in the form of a car caravan intending to drive through downtown Portland, Mayor Wheeler and Police Chief Lovell blocked freeway ramps, in collaboration with Antifa members, in an attempt to keep conservatives out of the downtown area and restrain their political activity based on the viewpoint expressed by that activity.

Some Trump supporters did make it into the City, where they were cornered by Antifa mobs and the police refused to provide assistance. Mr. Gibson and Mr. Schultz came into the City to create a diversion so the Trump supporters could escape. The murderous frenzy of the Antifa attackers claimed a victim who was a friend and supporter of Mr. Gibson: Aaron Joseph Danielson. Danielson was wearing a “Patriot Prayer” hat when he was murdered by

¹⁴ Multnomah County Case No. 20CR45800.

¹⁵ Multnomah County Case No. 20CR50067.

Michael Reinoehl, an Antifa assassin whose unlawful firearm charge from a previous riot had been dismissed.¹⁶

On September 9, 2020, Mayor Wheeler introduced and procured passage of an ordinance, No. 190113, to bar the PPB and other City offices from utilizing facial recognition systems which Antifa and its political allies feared could result in their arrests.¹⁷ As part of the City Policy, the City and its officials generally failed to take reasonable efforts to identify Antifa suspects in the ongoing riots from 2019 to the present and even where police captured them rioting on multiple occasions, failed to follow through to the degree necessary to ensure criminal prosecutions.

On September 11, 2020, Mr. Gibson and Mr. Schultz commenced an action in federal district court seeking a injunction against their continued sham prosecution of them for riot,¹⁸ alleging that they had violated no law, their prosecution was contrary to the formal “Policy Regarding Protest Related Cases” and it violated their constitutional rights against selective prosecution.

On September 21, 2020, the United States Department of Justice issued findings that Portland was one of three jurisdictions “that have permitted violence and destruction of property to persist and have refused to undertake reasonable measures to counteract criminal activities,” even though “Portland [had] marked 100 consecutive nights of protests marred by vandalism, chaos, and even killing”.

Shockingly disparate treatment of Portland instances of unlawful weapons use continued to mount. On September 22, 2020, shots were fired near a demonstration outside the Multnomah County Sheriff’s Office at 4735 E. Burnside Street by Antifa elements, sending two people to the hospital. The Portland Police Bureau announced that the gunfire in a residential community posed “no threat to the community” and, apparently made no arrests.

On September 23, 2020, Mayor Wheeler, the Police Commissioner, continued his public tirades against right of center political protestors, warning that on September 26th, “alt-right groups and white nationalists are intent on coming into our community. These groups empower

¹⁶ Danielson and Gibson had arranged to meet each other in downtown Portland the day of the murder, and in fact Gibson was only a couple of blocks from Danielson, and walking towards the meeting location, when Reinoehl (who was lying in wait) ambushed Danielson and murdered him in a cold blood. While Reinoehl was later killed by police in Washington State, his apparent handler/accomplice was never found or charged. The day before killing Danielson, Reinoehl had attended a conservative rally in Camas, Washington that Mr. Gibson had publicly announced he would attend. Reinoehl was in disguise, stalking Gibson, and was wearing exactly what he would later wear when he murdered Danielson.

¹⁷ Oregon law enforcement officials were already crippled in their ability to investigate ongoing conspiratorial organizations like Antifa because of ORS 181A.250, barring Oregon law enforcement officials from even collecting information about “associations and activities . . . unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect that the subject of the information is or may be involved in criminal conduct”. The statute is interpreted so broadly that police were held to have violated the law by “livestreaming” riot footage that included assertedly peaceful protestors. *ACLU of Or., Inc. v. City of Portland*, 338 Or. App. 750, 759, 567 P.3d 1067, 1074 (2025).

¹⁸ District of Oregon Case No. 3:20-cv-01580-IM.

racism, intolerance and hate. Those are not Portland values, and they are **not welcome**. Hate has no home in Portland.” Through a public statement, on September 25th, Mayor Wheeler admitted that “Portland has a long **history of opposing far-right organizing**,” confirming the ongoing custom, practice, policy and conspiracy to misuse governmental power to deny conservatives their fundamental constitutional rights in Portland.

The Oregon Governor, Kate Brown, declared a “state of emergency” based on the right-wing nature of the September 26th gathering, and though Mayor Wheeler had banned the Portland Police Bureau from using tear gas, a special exception was made for its use against right wing protestors.¹⁹

2021: The City Continues to Protect Antifa as Antifa Violence Escalates

By January 8, 2021, counsel for Gibson and Schultz had obtained access to Multnomah County District Attorney charging decisions through discovery in the federal action. A detailed examination of MCDA’s charging decisions that resulted from the discovery obtained by plaintiffs in the federal case showed a consistent pattern of excusing extreme and violent conduct by Antifa members, while pursuing serious charges against their political opponents in similar circumstances (or less egregious conduct by the political opponents).²⁰

Discovery in the federal case also confirmed that defendant Schmidt had applied the policy retroactively to *all* cases that had been charged prior to the institution of the policy, with the exception of the single consolidated case against Schultz, Gibson and one other co-defendant. No riot cases factually similar to those of Schultz and Gibson were charged by defendants; and all of the riot cases that were charged against Antifa defendants involved at least one crime in addition to riot.

Federal Judge Karin Immergut concluded, in an Opinion and Order issued February 26, 2021, that “Plaintiffs make compelling arguments that their conduct does not rise to the level of ‘tumultuous and violent’ conduct under O.R.S. 166.015.” However, she refused to exercise federal jurisdiction as a matter of “*Younger* abstention.” Judge Immergut’s ruling relied upon more false representations by Multnomah County that there was additional evidence against Mr. Gibson and Mr. Schultz. There was not and the City and County officials knew that.

On May Day 2021, violence by Antifa continued at Portland demonstrations in Portland. One Antifa protestor, Charles Stubbs, attacked right-wing counterprotestors with a knife, but all charges were dropped.²¹

¹⁹ <https://www.aljazeera.com/news/2020/9/26/portland-braces-as-thousands-expected-for-proud-boy-rally>.

²⁰ The evidence is summarized and quoted in the Declaration of Angus Lee, filed 1/8/21 in Case No. 3:20-cv-01580-IM.

²¹ <https://x.com/MrAndyNgo/status/1390147085345771521>.

On or about June 17, 2021, all the Portland Police assigned to the “Rapid Response Team” responsible for police protests resigned from the Team after it was announced that one of the members would face criminal charges for excessive force.²²

On August 7, 2021, Antifa members violently attacked a Christian prayer rally along the Willamette River in downtown Portland by spraying attendees, including children, with pepper spray, using flash bombs, and throwing sound equipment in the river. No arrests were made.²³

On August 22, 2021, right-wing protestors associated with the Proud Boys re-located a “Summer of Love” rally from downtown Portland to an abandoned K-Mart in East Portland in an attempt to minimize Antifa interference. Antifa followed them there and engaged in violence acts. One right-wing protestor, 65-year-old Dennis Anderson, fired a handgun as did at least one of the Antifa members.²⁴ Mr. Anderson was prosecuted.²⁵ Yet, it appears no Antifa members were arrested in connection with the events for their use of a firearm or otherwise, even though Antifa had, in substance, came to the event in order to engage in violent intimidation of the participants.

2022: Cider Riot Trial and Other Developments

April 30, 2022 was marred by a large scale Antifa attack on a Republican campaign event in Portland (Gubernatorial candidate Stan Pulliam), with Antifa members throwing flash bang grenades, eggs, feces and paint.²⁶ When Mr. Pulliam made another campaign stop in Portland on May 2, 2022, Antifa attacked with smoke grenades and paint.²⁷ Portland is Oregon’s largest city, and it serves the interests of the long-incumbent Democratic Party regime to ensure that Republicans cannot campaign in Portland.

On July 4, 2022 a mob of about 100 Antifa protestors rampaged through downtown Portland, breaking windows, committing vandalism, and clashing with police.

Mr. Gibson, Mr. Schultz and others went on trial for riot on July 18, 2022. At the trial, the prosecution, led by Kalbaugh, called multiple eyewitnesses to the May 1, 2019 protest. Not one of them testified that either Schultz or Gibson did anything that day that was violent or tumultuous. None of them testified to any physical conduct of Gibson or Schultz that was not already on the videos that the City had had in their possession for the over three years during the persecution of these individuals.

²² <https://www.opb.org/article/2021/06/17/portland-police-officers-resign-in-mass-from-rapid-response-team/>.

²³ <https://x.com/MrAndyNgo/status/1424180595828068355>.

²⁴ <https://www.opb.org/article/2021/08/22/far-right-activists-counterprotesters-gather-in-portland/>.

²⁵ Multnomah County Case No. 21CR40618.

²⁶ [Antifa attacks Pulliam’s campaign for daring to hold Portland rally | Oregon Catalyst](https://www.oregoncatalyst.org/article/antifa-attacks-pulliam-s-campaign-for-daring-to-hold-portland-rally); [antifa attacking Mayor Stan Pulliam 4/30/2022](https://www.youtube.com/watch?v=43022) (YouTube video).

²⁷ <https://www.koин.com/local/multnomah-county/group-throws-flash-bangs-feces-during-campaign-rally-pulliam-says/>.

When the prosecution rested its case the court granted both men's motion for acquittal, finding that there was no evidence of riotous conduct by Schultz or Gibson. The Judge remarked that: "The state is trying to convict Mr. Schultz for being present at an incident that violence occurred, and they cannot do so. I am somewhat bewildered that the State has driven the case to this point. As an institution, the district attorney's office's decision to push this case to trial is surprising, given the state of the evidence."

As the Judge explained, "If the defendant could be convicted of riot in this case, there would be no protection for protestors in Oregon. If being there and using your body to take up space is sufficient, then any protester runs the risk of arrest if it turns out that tumult ensues."

By September 2022, the left wing press was bragging that "the right wing's street movement is scared to act in this city," noting that "[t]he fact that right wing brawlers were being charged with felonies made Portland a less desirable place to rally".²⁸ In substance, City Policy empowered a domestic terrorist group to use violence as a "heckler's veto" to shut down right wing protest in Portland.

2023: Decline in Antifa Protest Activity

By 2023, Republican and other conservative political activity was minimal in Portland, and further Antifa violence was not required to deter it. Some Antifa effort was redirected toward Seattle.

On November 19, 2023, a women's rights event attempting to bring attention to the adverse effects of transsexuals was attacked by Antifa elements. There was no Portland Police response to the women's requests for help.²⁹

Correspondingly, it became even clearer that the Portland community generally aligned with the City Policy. On August 8, 2023, a jury acquitted an obviously guilty Antifa attacker for his assault on journalist Andy Ngo.³⁰

The trial was marred by pro-Antifa threats of violence that suspended trial, and outright threats against the jury by one of Antifa attorneys: she told the jury she would "remember each one of their faces" after declaring herself to be Antifa.³¹

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²⁸ <https://newlinesmag.com/argument/how-portland-stopped-the-proud-boys/>.

²⁹ https://x.com/WDI_USA/status/1726339526489161728.

³⁰ Multnomah County Case No. 20CV19618.

³¹ <https://libertycenter.org/andy-ngo-trial-update/>.

2024: Antifa Violence Rising Again

On March 8, 2024, Antifa surrounded a small anti-Hamas protest. Portland Police stood by and did nothing.³²

On May 8, 2024, Antifa conducted large scale attacks in Portland, with an Antifa aligned group calling itself “Rachel Corrie’s Ghost Brigade” cutting through a fence at a police training facility and burning 15 police vehicles, also damaging private property.³³

From April 27 through May 1, 2024, the library at Portland State University was occupied by Antifa and other radicals claiming an “autonomous zone,” with forays from the zone assaulting journalists, police, and destroying property. This protest closed down the public university, marking an instance where City and Antifa objectives were not congruent, and Portland Police eventually moved in to clear the building, making arrests.

At one point, a driver was confronted with demonstrators blocking the street in the area. As the mob attacked his car, he ran away while using pepper spray against the demonstrators. He was detained by Portland Police—but not the Antifa elements blocking the street.³⁴

On June 18, 2024, Antifa members attacked a political rally held by Dan Tooze, a conservative candidate for State representative. As the rally was held just up the river from Portland, it fell under the jurisdiction of Clackamas County, and resulted in one of few criminal convictions against Antifa members--two long-violent Antifa members from Portland.

On November 5, 2024, the voters of Portland elected Keith Wilson as Mayor. He would continue the City’s pattern and practice.

2025: The City Continues Support of Antifa

With the installation of District Attorney Vasquez, the City of Portland and its officials and agencies lost an important co-conspirator in the ongoing deprivations of federal and state constitutional rights through the City Policy. District Attorney Vasquez appears to be a political moderate who *so far* seems unwilling to misuse his office to advance the City Policy. However, the City Policy continues to drive law enforcement arrest and enforcement decisions.

With the inauguration of President Donald Trump, City Policy focused more particularly on advancing “sanctuary city” goals through the protection of Antifa efforts to obstruct lawful ICE operations and facilities. On January 21, 2025, the day after the Inauguration, Mayor

³² <https://x.com/MrAndyNgo/status/1766485157115056405>.

³³ [Group claims responsibility for arson at Portland police training center](#).

³⁴ <https://www.newsday.com/news/nation/portland-state-protest-car-driver-detained-c94568>.

Wilson issued a letter to the City Council saying “we must come together to live our city’s shared values of freedom from fear and sanctuary from federal overreach in the days ahead”.³⁵

On June 15, 2025, Mayor Wilson continued the practice of endorsing efforts by Antifa and allied groups, issuing a formal statement noting damage to the ICE facility and stating, among other things, that “Portland is a sanctuary city within a sanctuary state.”³⁶ Just as Mayor Wheeler had barred Police assistance to the ICE facility in the summer of 2018, Mayor Wilson pursued the same policy. Thus while the Portland police appear to have made a handful of show arrests when protests began, they were soon directed to stand down concerning unlawful behavior at the ICE facility.

On June 24, 2025, Antifa protestors blocked the driveway to the ICE building and took other hostile action; the Police log reports: “If it were not ICE, we could assist directly.”³⁷ On June 11, 2025, Antifa rioters zip-tied and barricaded the ICE building and attempted to set it on fire while dozens of federal employees were inside.³⁸ Attempts to set the facility on fire with fireworks also occurred on July 4th, despite an aggressive ban of fireworks by the City in other contexts.

As loud nightly protests continued for weeks, local residents suffered from the noise, and disturbance. By July 8, 2025, one filed a petition for a writ of mandamus to force the City to enforce local noise ordinances and those barring the use of fireworks and the use of amplification devices.³⁹ The complaint documents extraordinary misconduct by Antifa with multiple 911 calls and other attempts to secure police assistance which were generally ignored, and triggered violent threats by Antifa against the petitioner. The complaint documents selective and discriminatory enforcement of the relevant noise control ordinances to excuse Antifa misconduct, despite routine enforcement against others, including criminal citation for use of fireworks. On September 14, 2025, the Multnomah County Circuit Court (Matarazzo, J.) denied the petition.

On August 13, 2025, U.S. Attorney General Bondi advised the City that “your jurisdiction has been identified as one that engages in sanctuary policies and practices that thwart federal immigration enforcement to the detriment of the United States. This ends now.”⁴⁰

On September 18, 2025, the City issued a “Notice of Zoning Violation” to the ICE facility, complaining, among other things, about “exterior alterations to the building without the required Design Review approval”—boarding up ground floor windows to protect from the

³⁵ <https://www.portland.gov/mayor/keith-wilson/documents/portland-city-council-sanctuary-city-status/download>.

³⁶ <https://www.portland.gov/mayor/keith-wilson/news/2025/6/15/mayor-wilson-addresses-no-kings-protest-and-ongoing-ice-facility>.

³⁷ <https://katu.com/news/local/judge-rules-in-favor-of-portland-in-lawsuit-over-protest-noise-near-ice-facility>

³⁸ <https://x.com/MrAndyNgo/status/1970254071870157063> (reproducing discovery from Multnomah County Case No. 25CV39883).

³⁹ Multnomah County Case No. 25CV39883.

⁴⁰ <https://www.portland.gov/hello/documents/letter-bondi-wilson-8-13-2025/download>.

ongoing Antifa attacks.⁴¹ This continued the City Policy extending beyond law enforcement to misuse of other City authorities through selective enforcement to assist Antifa objectives by attacking Antifa opponents.

On September 22, 2025, the President issued an Executive Order designating Antifa as a “domestic terrorist organization,” directing federal authorities to take a policy diametrically opposed to the City Policy: to “utilize all applicable authorities to investigate, disrupt, and dismantle any and all illegal operations — especially those involving terrorist actions — conducted by Antifa or any person claiming to act on behalf of Antifa, or for which Antifa or any person claiming to act on behalf of Antifa provided material support, including necessary investigatory and prosecutorial actions against those who fund such operations.”

On September 27, 2025, in response to statements by the President that he would send federal troops to protect the ICE facility, Mayor Wilson falsely stated that the President would “not find” lawlessness or violence in the city, claiming video footage showing violence in the city was from five years ago was “recycled and then recycled again.”⁴² The City responded that “sanctuary policies support public safety by building trust between local police and immigrant communities” and claimed that “federal courts have repeatedly ruled that sanctuary laws are constitutional.”⁴³

In fact, no court has held that misuse of local government law enforcement authority to protect anti-ICE activists is “constitutional”.

On September 30, 2025, a conservative video journalist, Katie Daviscourt, was assaulted by an Antifa member. She identified the Antifa woman who had assaulted her, but Portland Police have (to date) taken no action to arrest the attacker.⁴⁴

On October 2, 2025, two men described as “conservative activists” were arrested near the ICE facility, including Nick Sortor, while their Antifa attackers involved were not arrested.⁴⁵ Mr. Sortor’s attempts to draw attention to the criminal activities of Antifa were similar to Mr. Gibson’s recording and livestreaming of Antifa misconduct—but for a change in prosecutors, he might have been criminally charged. Like Mr. Gibson, Mr. Sortor even provided evidence identifying his Antifa assailant for the benefit of the Portland Police, but to date, no action has been taken by police.⁴⁶

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[https://portlandor.govqa.us/WEBAPP_rs/\(S\(jzf4q0xvtvntagh0e4ezlyqc\)\)/DownloadFile.aspx?sSessionID=&aid=419120&fid=901540/](https://portlandor.govqa.us/WEBAPP_rs/(S(jzf4q0xvtvntagh0e4ezlyqc))/DownloadFile.aspx?sSessionID=&aid=419120&fid=901540/)

⁴² <https://www.foxnews.com/politics/portland-mayor-condemns-federal-intervention-claims-videos-anti-ice-riots-were-from-years-ago>.

⁴³ <https://www.portland.gov/Hello/News/2025/8/19/portland-responds-attorney-general-bondi-sanctuary-city-status>.

⁴⁴ <https://x.com/KatieDaviscourt/status/1978850804174848383>.

⁴⁵ <https://x.com/MrAndyNgo/status/1977820498831483078?t=gGqmzVZ3z0ThIqaomrxKJg&s=09>.

⁴⁶ <https://x.com/nicksortor/status/1977113592513335798>.

Since Mr. Sortor’s arrest, the City Policy continues unabated. On or about October 13, 2025, Antifa and allies blocked the Burnside Bridge in Portland by staging a massive nude exhibition “protest” of ICE operations. No one was arrested for blocking the road or for public nudity.⁴⁷

On or about October 16, 2025, the City Council adopted a “Protect Portland Initiative” that directed “every City Bureau to document any known or reasonably suspected federal immigration enforcement activity that occurs at or directly involves City facilities, employees, or operations, and to report such information through established internal channels . . . and public communication”.⁴⁸ The Portland Police Bureau is directed, in substance, to monitor, log and verify any enforcement activity by federal agencies. All City contractors are directed to cooperate with sanctuary policies as well. In substance, all public resources of the City are to be aligned with the Antifa goal of obstructing the enforcement of immigration law.

On October 21, 2025, federal officers approached the Portland Police to complain that Portland Police were sheltering an Antifa member who had harassed federal officers by beaming spotlights in their eyes.⁴⁹ By contrast, Portland Police have approached right-wing counterprotestors to warn them again such harassing behavior when directed against Antifa.⁵⁰

City Policy now extends, in substance, to allowing Antifa elements to run yet another an autonomous zone within the City, this time near federal facilities where even 911 emergency calls complaining about Antifa will not be given a police response,⁵¹ and the City will permit multiple categories of criminal behavior when engaged in by Antifa members advancing the City’s anti-federal objectives.

The City’s selective enforcement of laws to allow Antifa violations and punish or threaten those who commit even lawful conduct in the course of protesting actions by Antifa has now reached the point where entire threads on social media⁵² are built of such examples, such as allowing Antifa protestors to block the street and then telling those who stop to complain that they are violating traffic rules.⁵³

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⁴⁷ Not a single participant was attractive. GROSS.

⁴⁸ <https://www.portland.gov/council/documents/resolution/protect-portland-initiative>.

⁴⁹ <https://x.com/nicksortor/status/1980551313655255137>.

⁵⁰ <https://x.com/DivinityMary/status/1980092565610541067>.

⁵¹ <https://x.com/hotcouponmama/status/1980165029040419185>; *see also* <https://x.com/angertab/status/1979183647774380523>.

⁵² E.g., <https://x.com/angertab/status/1981027799285592166>.

⁵³ <https://x.com/davidmedinapdx/status/1981031854406090812>.

Conclusions from Recent Years of City Conduct

The foregoing events demonstrate a powerful policy on the part of the City of Portland to misuse all available official authority to assist a domestic terrorist organization, Antifa by selective if not vindictive enforcement of civil and criminal law against those opposing Antifa, while turning a blind eye to all but the most substantial misconduct by Antifa. **The Administration faces a two-front insurrection in Portland:** a regime determined to (1) violate the civil rights of political opponents and a criminal gang empowered to do so, and (2) obstruct the exercise of federal power to enforce immigration law. **Ultimately, a two-front federal response is required as well.** The Civil Rights Division can and should seek structural injunctive relief against the civil rights violations, and federal forces on the ground can and should take direct action to arrest Antifa attackers and target those who provide support to this terrorist group.

Further, the Administration should consider **invoking 10 USC § 253**, the statute used in the South to back federal desegregation orders, **which expressly authorizes the President to use “any means” to respond to organized obstruction of both civil rights (10 USC § 253(1)) and the orderly execution of federal law (§ 253(2)).** It requires no more than a Presidential proclamation ordering dispersal from targeted federal facilities, followed by action against those who do not disperse. We recommend that that you share this memorandum with the Assistant Attorney General responsible for assessing use of the Insurrection Act, and that a task force be established within the Department to respond to the insurrection on a targeted and localized basis, beginning with Portland.