

Defund the Police State, Before It's Too Late

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The American police state is currently making its boldest test run to date in Portland, Oregon, escalating violence and lawlessness against the peaceful population of an American city. The people of Portland have responded with increased resistance, but support from officials elected to defend the Constitution is scarce and weak.

Oregon's two senators, Ron Wyden and Jeff Merkley, are both Democrats with reputations for being on the better side of important issues. But until July 20, their best response to federal secret police operating without restraint in Portland had been to wring their hands and [call for a federal investigation](#) of the uninvited federal forces that have ratcheted up street violence and terrorized the city.

On July 20, the two senators made their biggest move yet, an amendment to pending legislation. Supported by 18 other senators and several members of the House, their press release "announced that they are introducing the [Preventing Authoritarian Policing Tactics on America's Streets Act](#), which would block the Trump administration from deploying federal forces as a shadowy paramilitary against Americans." This sounds a whole lot better than it looks, since it's only an amendment to the National Defense Authorization Act, unlikely to pass the Republican majority or, in the extreme, a presidential veto. It's what you might call Potemkin legislation. The establishment of a police state is happening now, after decades of preparation, and this is a "solution" that will never matter.

What's the matter with these people? The deployment of secret police, unidentified and unidentifiable, defying local control, should be recognized as a Rubicon crossing that cannot be allowed without kissing constitutional government one last goodbye. Why are these senators and their staffs not out in the streets with their constituents? What don't they get that's not worth even a single evening of their taxpayer-funded jobs?

Senator Merkley seems to understand on some level the significance of this crisis, having [issued a statement on July 17 \(more pushback!\)](#) that refers to two federal, executive-branch agencies, the Department of Homeland Security (DHS) and the Department of Justice (DOJ):

DHS and DOJ are engaged in acts that are horrific and outrageous in our constitutional democratic republic. First, they are deploying paramilitary forces with no identification indicating who they are or who they work for. Second, these agents are snatching people off the street with no underlying justification. Both of these acts are profound offenses against Americans. We demand not only that these acts end, but also that they remove their forces immediately from our state. Given the egregious nature of the violations against Oregonians, we are demanding full investigations by the inspectors general of these departments.

Oregon has five congressional representatives, two of whom – Earl Blumenauer and Suzanne Bonamici, both Democrats – joined their senators in calling for an investigation. The other three – Democrats Peter DeFazio and Kurt Schrader, Republican Greg Walden – had even less objection to secret police patrolling Portland. There were no reports of them or their staffs taking a stand with their constituents in the streets.

Representative DeFazio [issued a press release fretting](#) about “reports” but failing to acknowledge the actual violence perpetrated by unidentifiable federal officers on peaceful protesters. The best DeFazio did was promise no action while vaguely expressing something like mild distress:

“I am deeply disturbed by the reports coming out of Portland about the escalating use of force against citizens peacefully exercising their First Amendment rights....”

In June, Rep. Schrader joined his senators and reps Blumenauer and Bonamici in a press release complaining about a [possible surveillance aircraft flown by a federal agency](#) over earlier protests following the police murder of George Floyd. The lawmakers wrote a letter to the U.S. Marshalls Service (USMS) asking for answers about a USMS-linked aircraft that spent three hours circling Portland protests on June 13. As for police-state tactics in Portland, Rep. Schrader seems so far to be AWOL. Also missing in action is Republican Rep. Walden, who is not running for re-election. [Silent on federal secret police](#), Walden on July 21 called for a “safe, effective, accessible COVID-19 vaccine.”

Oregon’s Democratic governor Kate Brown has been consistently, insistently objecting to the federal secret police presence since it first [started escalating police violence on July 11](#), when a USMS officer shot an immobile, peaceful protestor in the head with a “less than lethal” round that shattered the man’s skull. No one in state or local government requested any federal help. Those officials are unanimous in wanting the feds to leave.

Governor Brown has requested that the Department of Homeland Security (DHS) [immediately withdraw its unwelcome officers](#) from Portland, but with no effect. DHS officials have not responded to the Oregon governor’s office. In effect, the federal policing in Portland is an experiment in martial law with no justifying declaration of martial law. Acting DHS head Ken Cucinelli told NPR: “This is a posture we intend to continue, not just in Portland but in any of the facilities that we’re responsible for around the country.” The secret police presence in Portland does not limit itself legitimately to protecting federal facilities but operates freely outside its legal jurisdiction with no restraint by any other authority. This lawlessness appears to be a form of anarchy.

In the midst of her apparent impotence, Gov. Brown used [strong language in a July 20 tweet](#):

“This is a democracy, not a dictatorship. We cannot have secret police abducting people in unmarked vehicles. I can’t believe I have to say that to the President of the United States.”

On July 17, Oregon attorney general Ellen Rosenblum announced that [the state was about to file a lawsuit](#) in federal court:

... against the United States Department of Homeland Security, the United States Marshals Service, the United States Customs and Border Protection, the Federal Protection Service and their agents alleging they have engaged in unlawful law enforcement in violation of the civil rights of Oregonians by seizing and detaining them without probable cause (see AG Rosenblum vs John Does 1-10 Complaint).

In addition to its lawsuit, Oregon planned to seek an immediate temporary restraining order (TRO) against the federal government's police state activities. If granted by the court, the TRO "would immediately stop federal authorities from unlawfully detaining Oregonians."

One of the incidents prompting the state lawsuit – when peaceful, standing-still protestor Donovan LaBella, 26, had his skull fractured by a projectile fired by an unidentified secret police officer – is also the subject of a criminal investigation by the Oregon Department of Justice, joined by the Multnomah County District Attorney.

Another lawsuit filed July 21, charges the US with [violating the tenth amendment of the Constitution](#), that reserves to the states all rights not specifically granted in the Constitution to the federal government, such as local law enforcement. The multiple plaintiffs in this case include two state representatives, the First Unitarian Church of Portland, and the American Civil Liberties Union.



Portland, Oregon during George Floyd protests, 2020 (Source: [Wikimedia Commons](#))

With the possible exception of the TRO, which would likely be appealed, none of the state's measures promises any immediate relief.

Portland [Mayor Ted Wheeler, 57](#), is a timber fortune heir who once climbed Mt. Everest. In the current crisis, Wheeler seems hardly able to climb out of bed. By a quirk of local government, Wheeler was also able to assign himself the role of Portland's police commissioner, which is both legal and a conflict of interest. Portland Police Bureau has a long, dismal history of bias and violence that Wheeler has been loath to address. In 2018, half of all Portland Police arrests were homeless people.

During the protests after the George Floyd murder, Mayor Wheeler imposed a curfew on Portland, despite objections that it would encourage police abuse. He lifted the curfew two days later, after nights of excessive police use of tear gas and other chemical weapons.

Wheeler issued a statement saying he shared people's concerns about police using chemical weapons during a pandemic that causes serious lung problems. But Wheeler refused to ban police use of chemical weapons. His statement went on to enshrine his inaction in language amazingly lacking in any sense of leadership:

Today, I directed Portland Police Chief Jami Resch that gas should not be used unless there is a serious and immediate threat to life safety, and there is no other viable alternative for dispersal. I strongly believe that gas should not be used to disperse crowds of nonviolent protestors or for general crowd management purposes. It should only be used in response to violence that threatens life safety. My priority and focus are to protect the lives of demonstrators, our first responders, and the people in custody at the Justice Center.

That statement was issued June 6, and police use of chemical weapons in Portland has continued, unhindered by the mayor who is also police commissioner. Before issuing the May curfew in Portland, Mayor Wheeler asked the governor to mobilize the National Guard to patrol Portland. At a June 1 press conference, Gov. Brown said: "Mayor Wheeler asked me over the weekend to mobilize the National Guard and put them in direct confrontation with protesters. This was not the first time the mayor has asked to mobilize the National Guard and not the first time I have declined."

Mayor Wheeler has said publicly that he would like the federal secret police to leave Portland, but he has not made a big issue of it. In spite of his expressed concern for peaceful protestors, he has not chosen to join them on the streets any more than the rest of Oregon's reluctant leadership class.

Real leadership in Portland is coming from the streets and has been growing in response to the violent tactics of the federal police state.

Doing what no one in Oregon government attempted to do, a ["Wall of Moms," mothers and grandmothers](#), has emerged to stand as a human shield between the federal aggressors and the protestors. The feds tear-gassed them anyway.

[At least one woman](#) (possibly two or more) confronted the federal phalanx of heavily armed and body armored men [with nothing but her own naked body](#). The feds shot pepper balls at her.

In one of the most vivid videos coming out of Portland, [Christopher David, 53, a career Navy vet](#), approaches a line of secret police in camo to ask them a question or two. David hadn't paid much attention to the first seven weeks of protest on Portland, but unidentified militia kidnapping bystanders in unmarked vehicles got his attention. The Naval Academy graduate told USA today:

What they were doing was unconstitutional. Sometimes I worry that people take the oath of office or the oath to the Constitution, and it's just a set of words that mean nothing. They really don't feel in their heart the weight of

those words.

David is a large man, a head taller than most of the secret police that he approached, but his approach was slow, calm, deliberate, non-threatening. One of the feds hit him in the chest with a baton, knocking him off balance, backwards a step. He recovered, presumably still intent on asking the officers about their oath to the Constitution. Then one of the feds clubbed him three times (breaking his hand) and another reached out to pepper spray him in the face. He tried to slap the pepper spray away as he backed up, then turned away from the feds who had just given him the short course in police state violence.

[Acting DHS secretary Chad Wolf](#) is a former lobbyist who has been with DHS since March 2017. His early work centered on the Trump administration's practice of separating immigrant children from their parents, but he told Congress it was not his job to say whether the policy was right or wrong. Recently, Wolf has been vociferous in his defense of US police state practices in Portland. In a statement which is technically true, but does not actually deny the underlying accusation of savagery, Wolf said: "These police officers are not storm troopers, they are not Gestapo. That description is offensive."

Yes, that description IS offensive. It's intended to be offensive. And it's also accurate in characterizing the behavior of American secret police. Is it better or worse to know that Wolf sent them into the field [even though he knew they had not been trained](#) in riot control or mass demonstration management?

Even other DHS employees are worried, according to Buzzfeed, which reports that "DHS employees are worried the Portland Protest Response is destroying their agency's reputation." Wait, what reputation is that? DHS, you'll recall, is a mega-agency with no coherent mission, created in bi-partisan fashion in the panic after 9/11 (Ron Wyden voted for it in a 90-9 Senate vote). It was never a good idea. Right-wing authoritarians had written the legislation long before 9/11, then used the crisis as an occasion to take a massive step forward along America's evolution toward a police state. Where we are now should be no surprise to anyone, any more than the mostly supine response so far to the initial deployment of our Homeland Security police and the presidential promise to take it nationwide.

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