

# **Inside the Battle for Portland with the Independent Journalists on the Streets**

Shane Burley

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On the night of July 11, as hundreds of Black Lives Matter protesters amassed around the Justice Center in Portland, Oregon, federal Homeland Security officers opened fire with “crowd control” munitions. They shot a teargas canister directly at the head of Donovan LaBella, a peaceful protester who had been standing across the street holding a sign. The video that captured the protester — unconscious, bleeding and being carried to safety by other demonstrators and street medics — went viral almost immediately, pushing state officials to make public statements and demand that federal law enforcement pull back.

This video was shot by a 17-year-old independent journalist Garrison Davis, who was filming on his cell phone and broadcasting on Twitter. He had spent almost every night of the past two months documenting the uprising and the police’s response to it.

“We wouldn’t have the statements from [Gov.] Kate Brown today if it wasn’t for people like me filming last night,” Davis said. After the video was circulated, the governor, Sen. Ron Wyden, and most of the Portland City Council spoke up and condemned the police behavior. “I see folks running into tear gas with cameras recording to document the brutality, and I just don’t see mainstream news doing that.”

Davis is part of a growing group of independent journalists who have been documenting this massive surge of protests — both in Portland and around the country — without any major media affiliation or expensive equipment. By using social media tools like Twitter and Periscope, they are giving people a first-hand view of what is happening on the streets — something local newspapers and television stations are unable to do on a daily basis due to shrinking budgets. In essence, these independent journalists are filling the gap in coverage, creating the video that is used by the major outlets and providing a clear picture of police behavior that is only possible by being in the middle of the action.

At the same time, reporters like Davis are also documenting their own repression. As the police continue to use controversial “crowd control” tactics, the definition of who is a journalist and who is a protester has been called into question, and this may be providing cover for police to target the most essential journalists reporting from the field.

## **The Center of the Action**

As the protests emerged in Portland on May 29, the first large demonstration led to a riot in downtown Portland, and the images and reports that people saw came largely from those wielding cell phones, who were able to get in close to film both police and protesters. Many of the establishment journalists had to report from a distance or were not able to blend into the crowd, which gave them a more distant viewpoint. However, many were willing to film the faces of protesters, a practice that has come under fire as progressive activists have been threatened and targeted by the far right.

As the protests turned from days into weeks, several of the independent journalists started to establish themselves as people to follow on social media sites. Those who wanted to stay informed knew to check in with specific journalists, watch their videos and livestreams and get a direct feed from the center of the protests. “There’s no real mainstream media out here. They rely on people like me to record videos for them,” Davis said.

This is reflected in a lot of the wider coverage, which often uses the videos from independent Portland reporters in major reports. Without their on-the-ground reporting it would be hard for

the larger outlets to have a view of the events as they are happening, which means that most of the journalism that has been done about the Portland protests has heavily relied on these accounts.

“I’ve noticed that independent journalists aren’t afraid or held back,” said a journalist who goes by the handle Jung Sisypheus and is a part of Defend PDX, a media collective of radicals-turned-reporters documenting the protests. “I see folks running into tear gas with cameras recording to document the brutality, and I just don’t see mainstream news doing that. The people who are out there acting as an independent, individual, or citizen reporters have a lot more skin in the game than someone who works for a Sinclair station. So I think they’re going to do a better job.”

With the heavy-handed tactics that the police have been using, many of these unaffiliated journalists have been hit hard. While reporters from larger regional stations — such as the PBS affiliate Oregon Public Broadcasting and the *Portland Tribune* — reported being attacked by police, many of the independent journalists received less notice.

One of the stories that first brought attention to the repression was of local journalist Cory Elia, who has been a reporter for a few years, working with both the community radio station KBOO and the website the *Village Portland*. Elia says that he was outraged by the killing of George Floyd and wanted to come down to document the protest, speeches and art that people were making against police violence.

“I thought it was just going to be regular protests like in the past,” he said. “I wasn’t expecting [the] extreme levels of force that I have [now] seen used so far in multiple occasions.” Over six weeks of encounters with the police Elia reports seeing protesters and journalists beaten with batons, hit with tear gas and regularly attacked. “There were a half dozen incidents where I was struck with a baton,” he noted.

On June 30, the night that demonstrations surrounded the Portland Police Association building in North Portland, Elia was filming the rough treatment police were leveling on protesters. He says that shortly after he identified one officer by name, he was suddenly swooped up by a group of them and arrested, spending the night in jail and having his property seized. He has now been charged with two felonies and two misdemeanors, including assaulting a police officer and resisting arrest.

## **An Assault on Journalism**

The assault on journalists is not just a Portland phenomenon as reporters across the country began documenting — oftentimes with clear evidence — the aggressive abuse police were levying against them while in the line of duty. High-profile incidents in Minneapolis, New York, Los Angeles and other cities saw police beating and arresting journalists, even while they were showing their press passes or explaining that they were reporters.

As the uprising continued city to city, the blanket response from police was so aggressive that journalists became some of the most vocal advocates for a review of use-of-force protocols — particularly as the aggression threatened their ability to accurately report the situation on the ground.

Attacks on journalists in Portland became so common that the police tried to explain themselves on July 14, saying that journalists had to follow dispersal orders. This, of course, runs

counter to the very nature of journalism, which is to be there to capture events as they are happening, despite the conflicts or disruptions taking place.

“After that first week, it quickly escalated to us being treated like protesters. We weren’t being treated as neutral observers,” said Sergio Olmos, a freelance reporter who has been at the protest nightly capturing footage.

The behavior by the police created outrage and a petition signed by journalists began circulating, asking police to stop infringing on their First Amendment rights. On June 30, the Oregon ACLU filed a class action lawsuit against the city seeking to stop the Portland police from “assaulting news reporters, photographers, legal observers and other neutrals who are documenting the police’s violent response to protests over the murder of George Floyd.”

“Police do not seem interested in protecting freedom of speech, assembly or press, despite what they may claim on the LRAD,” said Tuck Woodstock, a freelance journalist who has been covering the protests and has signed on as a co-plaintiff in the ACLU suit. The LRAD is the audio system police use to communicate with protesters or to disperse them with dangerously loud sounds. “The police might even act more violent than they already have been if the videos, photos and stories journalists share weren’t used to help hold them accountable.”

Elia has filed his own suit as well, along with his co-plaintiff Lesley McLam, which alleges “the deprivation of rights guaranteed to them by the First, Fourth, Fifth and 14<sup>th</sup> Amendments to the United States Constitution.” The petition goes on to say that the behavior of the police has led to a violation of basic rights by their use of force, disallowed access to space, and disregard shown for protesters and press.

“One of the main things I am really frustrated about is the level of respect they were showing not only to myself but to every member of the media,” said Elia, who is demanding in his lawsuit, among other things, that police be put through de-escalation training. Part of the argument police made was that anyone with a phone and a social media account could call themselves a journalist. So they felt they should not have to treat them all with the same credibility as legacy media. “With the advent of livestreaming and social media there are many more independent journalists in the field ... the unlawful orders apply to everyone, without exception,” said Lt. Tina Jones in a June 14 video posted to Portland Police social media.

What much of the argument misses is that these independent journalists — many of whom are just starting out or have joined in support of the protests — are crucial to providing the in-depth coverage the public deserves.

“I’m out there to tell the story of what is happening in the streets and in our communities,” said Daniel Vincent, an independent journalist who runs the YouTube account Daniel V. Media. “Without journalists out there, documenting important stories can go untold. The police might even act more violent than they already have been if the videos, photos and stories journalists share weren’t used to help hold them accountable.”

After outcry from public officials and additional lawsuits, there were some changes put into place. Don’t Shoot PDX, a local anti-racist organization that has been organizing some of the protest actions, filed a lawsuit related to the use of tear gas, which resulted in a temporary injunction last month. Then, on July 2, a federal judge issued a “temporary restraining order” that limited some of the Portland police’s treatment of protesters, including barring arresting anyone who obviously appears to be a reporter. The independent journalists who felt targeted have followed suit by ensuring that press passes are visible and that they have “PRESS” written on clothing and helmets, clearly visible to police clearing the area with crowd control methods.

## In Come the Feds

Journalists say that the lawsuits, injunctions and high-profile response by Portland Mayor Ted Wheeler and other officials condemning the police's actions had a calming effect on the police behavior. That was until Department of Homeland Security agents were deployed to Portland following President Trump's June 26 executive order designed to protect monuments. While the Portland police were sanctioned for their aggressive treatment, and subsequently modified their protocols, the federal law enforcement personnel have no such orders.

"The ACLU lawsuit offered journalists some protections from Portland Police Bureau [or PPB]. But days later, the federal officials took over, and journalists were back to getting bull-rushed away from the scenes they were trying to cover," Woodstock said. "Federal officials operate under different rules than PPB, so it's definitely very different. We all got used to the rhythms and processes of PPB. This is a new ballgame."

The federal officers have reportedly failed to pull back and respect the rights of journalists, as the Portland police have recently done. Instead, there is a blanket use of force, where they have cleared protest spaces with an aggressive use of tear gas and crowd control munitions. This is what led to the blow that fractured the skull of LaBella.

Now the repression against journalists is back on the table as the entire city has to reckon with the incredibly aggressive law enforcement approach that has been implemented.

"I've been flash banged, tear gassed and shot with pepper rounds and rubber bullets dozens of times — often for just filming the scene, sometimes in an empty park with not even a protest happening and marked identifiably as press," said Mierin Fanucchi, an independent reporter who has been broadcasting on Twitter. "I know that there would be a higher risk — if only slightly — of being detained without my press pass, but it certainly doesn't stop us from getting shot at and gassed. More so now that the feds have been mobilized, I've been shot at, gassed and disrespected with increasing frequency and aggression."

The protests have continued nightly as both Portland police and federal law enforcement use weapons to disperse the crowds, and the anger across the city is becoming palpable. Mayor Wheeler has said that he expects the federal officers to follow the same protocols as was given to the city police, and he is facing angry denunciations and lawsuits from protesters and journalists alike. The police response seems a likely culprit for why the protests have been going on for more than six weeks in Portland, despite having somewhat subsided around the country.

"I think a lot of people are honestly committed to the idea of police reform or abolition," says Laura Jedeed, who reports for the Defend PDX collective on Twitter. "The more you go to these protests, the more names you learn and the more you realize how deep the problem goes. And feeling that brutality on your own skin does tend to inspire one to continue fighting. But if we're all being honest, it's not the only reason. With COVID, there's not a lot of sanctioned nighttime activities, and I think just socializing with humans is a huge draw."

The federal officers shocked the entire country when video from an independent journalist surfaced where officers, dressed in fatigues as though they were there for war, "snatched" a protester and shoved them into an unmarked van without warning. This seeming violation of basic rights frightened many and became the leading story across the country, as Trump's treatment of protesters has come to a head. While local officials are now demanding that federal authorities leave, they are there on Trump's orders, and there is no indication they are going anywhere.

## Committed Journalism

On the 46<sup>th</sup> night of protests, the crowds decided to move from the Justice Center back to the police union's building, where police arrested five protesters in what they said was a riot. As with previous nights, reporters, protesters and politicians raised concerns about the violent methods the police have used, which are causing serious injuries. Over the following nights, they moved around the city, and federal officers were continuing to use impact munitions and broad blankets of tear gas to clear crowds.

As the protests continue, a growing collection of independent journalists are continuing to create an uninterrupted stream of coverage of the demonstrations. Since few of these reporters are getting paid for their work — and many just have apps like Venmo or CashApp listed on their profiles — they are driven by the importance of their journalism work.

“You go out there and people really test their character,” Olmos said. “You see medics throw water on people's eyes. Outside of this it's very hard to show valor or a sense of brotherhood or sisterhood. That's the kind of thing you see in conflict areas, and we're seeing it in downtown Portland. People go down there and put themselves at risk for others, and that is pretty amazing.”

On July 17 the ACLU announced that it was filing a lawsuit against DHS to stop federal officers from “dispersing, arresting, threatening to arrest, or using physical force against journalists or legal observers.” There are multiple independent journalists named as plaintiffs in the lawsuit, including Woodstock and Olmos. Now most of the state's elected officials are calling for the officers to stand down.

Portland has already made public moves to alter the police force, such as disbanding a long-controversial gang unit, now called the Gun Violence Team. Without the close documentation of alleged abuses, this likely would not have happened. Protesters are not stopping there and are demanding a more systemic end to the structure of policing. With this in mind, the journalists documenting what is happening in the streets play a critical role in exposing the exact police practices that have sparked the demonstrations in the first place.

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*Shane Burley is a writer and filmmaker based in Portland, Oregon. He is the author of Fascism Today: What It Is and How to End It (AK Press), and is currently editing a collection of original essays for the IAS on fascism and antifascism. His work has appeared in Perspectives on Anarchist Theory and in places such as In These Times, Waging Nonviolence, Labor Notes, ROAR Magazine and Upping the Anti. Follow him on Twitter: @shane\_burley1.*

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