

U.S. Department of Homeland Security

From: U.S. Department of Homeland Security
Sent: Monday, July 6, 2020 10:06 AM
To: (b)(6), (b)(7)(C)
Subject: ICYMI: Acting Secretary Wolf's Interview On Fox and Friends

U.S. DEPARTMENT OF HOMELAND SECURITY

Office of Public Affairs

ICYMI: Acting Secretary Wolf's Interview On Fox and Friends

Top Takeaways

- "I think any city that is having increases in violence is burning, is having the rioting and looting, it's by choice at this point. Those local elected officials are making a choice to keep their cities very unsafe and dangerous. The President has been very clear we are here to support, we are here to provide resources and we'll do that at their request."
- "The Department of Homeland Security also protects about 9,000 federal facilities across the country. What we saw in Portland over the weekend is also very, very disturbing. We had about 700 to 750 individuals targeting and assaulting law enforcement there in Portland. DHS along with the U.S. Marshal Service was able to repel them and we made a number of arrests there as well, but yes, it's very, very disturbing. We will continue to protect federal facilities, federal monuments, federal statues but, again, we need that help and assistance from the state and local officials. If they are not going to protect their cities the president has been very clear, we will and we will step in."
- "From my perspective this is no longer about peaceful protesting, this is about angry, violent criminal mobs taking over certain cities and again, I go back to Portland where you have over five weeks every night of violent clashing and protesting, targeting law enforcement officials and it's very disturbing, it's a lack of political leadership in that city and again, if you want to know what defund the police looks like, Portland is a great example, they have voted to take \$50 million from the Portland police department's budget. That 86 different positions and the violence is going to continue and continue there until the political leadership steps in and restores law and order and the federal government is there to support them."



BRIAN KILMEADE: Three minutes after the hour. Let's ask somebody giving advice to the President, should he get that invitation from a city to help out. He is the acting DHS Secretary Chad Wolf. Mr. Secretary, does the federal government need to be invited into a situation like Chicago?

ACTING SECRETARY CHAD WOLF: Well, thanks for having me on this morning. Absolutely, I would say yes. These cities and states need to ask for the federal help. The president has been very clear, the Department of Homeland Security has been very clear as well as the Department of Justice, we are there to help, they need to ask for it, we can come in as we did here in D.C. about last month where we restored that law and order back to the city, stopped churches from being burned, we do have the ability to do this, we just need to be invited and have those state and local authorities ask for the federal government's help.

AINSLEY EARHARDT: Mr. Secretary, if you read all the headlines or watch some of these channels, they act like President Trump wants to strong arm the governors and he wants to come in and take over. All is he doing is offering help. Can't we come together as a country? Can't we say yes, we will take federal dollars and take your help, Mr. Trump, we will work together, we will clean up these cities?

ACTING SECRETARY CHAD WOLF: Right. This is about law and order and the President has been very clear, we are here to help them. I think any city that is having increases in violence is burning, is having the rioting and looting, it's by choice at this point. Those local elected officials are making a choice to keep their cities very unsafe and dangerous. The President has been very clear we are here to support, we are here to provide resources and we'll do that at their request.

STEVE DOOCY: Mr. Secretary people live in these communities that seen so much gun

violence you got to figure people are thinking how much longer do I want to live here because in this particular locality suddenly there is a lot of gun violence, there is crime and on top of everything else, the taxes are through the roof. Here in New York City they quantified it at least half a million people have left since mid-March with COVID and the looting and violence as well, you got to figure that's happening all across the country.

ACTING SECRETARY CHAD WOLF: I think you do. I think the message that we send to criminals or violent opportunists when we talk about defunding the police, I think this is also a contributing factor. A lot of these metropolitan cities really pushing to defund the police, restrict their budgets, reduce the number of police officers and law enforcement officers that are on the streets, and I think it's having a very dangerous effect, I think you are seeing that in a number of these cities.

BRIAN KILMEADE: President says listen ten years in jail if you start defiling these statues and these monuments, but it didn't stop them over the weekend. You saw what happened in Baltimore with the Columbus statue, you saw what happened with Fredrick Douglas in Rochester, you see rally's everywhere, then there's the arrest of one of the guys who tried to take down Andrew Jackson, turns out he has Antifa links. Where does this investigation go and do you have an overall map that plots and tells you where all these monuments are so you know how and where to guard them?

ACTING SECRETARY CHAD WOLF: Absolutely, so, we are working with the Department of Justice as well as the Department of Interior when we talk about statues and monuments. The Department of Homeland Security also protects about 9,000 federal facilities across the country. What we saw in Portland over the weekend is also very, very disturbing. We had about 700 to 750 individuals targeting and assaulting law enforcement there in Portland. DHS along with the U.S. Marshal Service was able to repel them and we made a number of arrests there as well, but yes, it's very, very disturbing. We will continue to protect federal facilities, federal monuments, federal statues but, again, we need that help and assistance from the state and local officials. If they are not going to protect their cities the president has been very clear, we will and we will step in.

AINSLEY EARHARDT: Chad, we had Lawrence Jones on earlier and he was out there in the chop zone and he said this is no longer about Black Lives Matter. You have that little girl that was 8 years that died in Atlanta and her own dad said, "if you say you care about black lives why are you taking one of your own?" What's reaction to all of this to that how far we have come and distracted from the initial protest?

ACTING SECRETARY CHAD WOLF: Yeah from my perspective this is no longer about peaceful protesting, this is about angry, violent criminal mobs taking over certain cities and again, I go back to Portland where you have over five weeks every night of violent clashing and protesting, targeting law enforcement officials and it's very disturbing, it's a lack of political leadership in that city and again, if you want to know what defund the police looks like, Portland is a great example, they have voted to take \$50 million from the Portland police department's budget. That 86 different positions and the violence is going to continue and continue there until the political leadership steps in and restores law and order and the federal government is there to support them.

STEVE DOOCY: Mr. Secretary, this is happening at the same time there is this global pandemic of COVID sweeping the world. I saw out of Los Angeles, I believe a judge has ordered ICE to free the migrant children who are being held at detention centers. The concern though is that their parents are still being held. Can you give us an update on that situation?

ACTING SECRETARY CHAD WOLF: Sure. Well, we have a number of court cases that we are dealing with at the moment regarding our ICE detention facilities and how we keep individuals in detention while at the same time making sure that they are safe from COVID.

So, we've reduced the number of people in our facilities down to about 70% to 75% trying to do that social distancing and separation, but at the end of the day, these are individuals that have no legal right to be here in the Country. We have picked them up, they are here illegally, and we are going through a process to return them back to their country of origin. We're doing that as safe as possible and every individual that we return, we repatriate back we give them a COVID test and try to do everything in our power to make sure they are safe to be transported back. So, we'll continue to do that, but, at the end of the day, we're not as some courts have asked us to do and some activists have asked us to do is let everyone out of ICE detention facilities, that's about 25,000 folks. We're not going to do a jail break, that's not what we do. We're going continue to keep individuals, again, that have no right to be here, many are criminals, and make sure they get deported.

BRIAN KILMEADE: Mr. Secretary, thanks so much for joining us today, you have a full plate.

ACTING SECRETARY CHAD WOLF: Thank you

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(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Tuesday, June 9, 2020 12:18 PM
To: WATCH CBP INTEL
Subject: ~~(U//FOUO)~~ 09 June 2020 - 24 Hour Roll-up
Attachments: 09 June 2020 1300 24 Hour Roll-Up Incident Report - Nationwide Protests.pdf



~~(U//FOUO)~~ Nationwide Protests
~~(U)~~ Current Situation

~~(U//FOUO)~~ The nation has seen an increase in protests, sponsored by multiple domestic organizations, following the death of George Floyd. Based on open source and social media reporting, the majority of these protests, sponsored by the "Black Lives Matter" ^{USPER} movement have remained peaceful. However, due to nefarious actors using these protests as façades, there have been incidents where law enforcement (LE) officials have needed to respond with escalated force – incidents including the use of pepper spray, riot shields, and rubber bullets. LE have had to use non-lethal, and in some cases lethal, force to control the civil unrest in cities around the nation. LE has suffered over 100 injuries, dozens of LE vehicles destroyed, and there are reports of police stations being burnt down. While many of these protests have occurred around major cities, some have occurred near CBP locations to include CBP headquarters where there has been protests and some looting.

~~(U)~~ In Philadelphia, as of 9 June, members of the Pennsylvania National Guard remain stationed outside City Hall and the Municipal Services Building. The National Guard was deployed to Philadelphia in the early morning hours of 1 June following a weekend of violence and looting. Since then, protests in the city have been overwhelmingly peaceful. According to the Mayor, the troops will remain until they are no longer needed.

~~(U)~~ Thousands of protesters who have been arrested in Los Angeles for violating curfew or failing to disperse will not be prosecuted, county and city officials announced 8 June and will instead take a non-punitive approach to resolving cases in which people who have taken to the streets protesting police brutality.

~~(U)~~ The curfew in Cincinnati ended last night, 8 June, and lasted a total of 10 days. Over those 10 days, 513 individuals were arrested for violating the curfew.

(b)(7)(E)

~~(U)~~ Field Collaboration

(U//~~FOUO~~) (b)(7)(E)

(b)(7)(E)

(b)(6), (b)(7)(C)

(b)(7)(E) *Current and Emerging Threats Division*

Office of Intelligence

U.S. Customs and Border Protection

Office number

Direct number

(b)(6), (b)(7)(C)

"Leadership is not about being in charge. Leadership is about taking care of those in your charge." – Simon Sinek

STUNTZ, SHELBY (OCC)

From: STUNTZ, SHELBY (OCC)
Sent: Saturday, July 25, 2020 6:09 PM
To: FALK, SCOTT K (OCC); WILLIAMS, MARTA (OCC)
Cc: COUREY, MARC BENNETT (OCC); (b)(6), (b)(7)(C) (OCC); (b)(6), (b)(7)(C) (OCC); (b)(6), (b)(7)(C) (OCC); (b)(6), (b)(7)(C) (OCC); (b)(6), (b)(7)(C) (OCC); (b)(6), (b)(7)(C) (OCC)
Subject: FW: Filing #3 Portland - Skinny on Portland Today
Attachments: (004) Motion for TRO.pdf

(b)(5)

More to come.

Shelby Stuntz
(A) Associate Chief Counsel, LA
Office of Chief Counsel, US CBP

(b)(6), (b)(7)(C) direct)
office)
cell)

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From: (b)(6)
Sent: Saturday, July 25, 2020 2:18 PM
To: (b)(6)
(b)(6)
Cc: (b)(6); STUNTZ, SHELBY (OCC); (b)(6), (b)(7)(C) (OCC); (b)(6), (b)(7)(C) (OCC); (b)(6), (b)(7)(C) (OCC); (b)(6), (b)(7)(C) (OCC)
(b)(6), (b)(7)(C)

Subject: FW: Filing #3 Portland

All,

The medics have now filed a TRO. The brief is due 5pm Tuesday.

(b)(6)
Attorney
Office of the General Counsel
U.S. Department of Homeland Security
(b)(6) (mobile)
(b)(6)

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From: (b)(6) (CIV) (b)(6)
Sent: Saturday, July 25, 2020 4:59 PM
To: (b)(6)
(b)(6), (b)(7)(C) (OCC) (b)(6), (b)(7)(C)
(b)(6)
(b)(6), (b)(7)(C) (OCC) (b)(6), (b)(7)(C) (USMS)
(b)(6) (USMS) (b)(6) (USMS)
(b)(6) (USMS) (b)(6)
Cc: (b)(6) (CIV) (b)(6)
(b)(6) (CIV) (b)(6) (CIV) (b)(6)
(b)(6) (CIV) (b)(6) STUNTZ, SHELBY (OCC) (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) (OCC) (b)(6), (b)(7)(C)
(b)(6)

Subject: RE: Filing #3 Portland

All,

Apologies in advance for the multiple workstreams this email is introducing (b)(5)

(b)(5)

Best,

(b)(6)

From: (b)(6)
Sent: Wednesday, July 22, 2020 7:44 PM
To: (b)(6) (CIV) (b)(6) (CIV) (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) (OCC) (b)(6), (b)(7)(C)
(b)(6)
(b)(6), (b)(7)(C) (OCC) (b)(6), (b)(7)(C) (USMS)
(b)(6) (USMS) (b)(6) (USMS)

(b)(6) (USMS) (b)(6)
Cc: (b)(6) (CIV) (b)(6) (CIV) (b)(6)
(b)(6) (CIV) (b)(6) (CIV) (b)(6)
(CIV) (b)(6), (b)(7)(C) STUNTZ, SHELBY (OCC) (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) (OCC) (b)(6), (b)(7)(C)
(b)(6)

Subject: Filing #3 Portland

All,

(b)(5)

Best Regards,

(b)(6)

Attorney
Office of the General Counsel
U.S. Department of Homeland Security

(b)(6) mobile)

(b)(6)

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STUNTZ, SHELBY (OCC)

From: STUNTZ, SHELBY (OCC)
Sent: Thursday, June 11, 2020 4:51 PM
To: FALK, SCOTT K (OCC); (b)(6), (b)(7)(C) (OCC)
Cc: (b)(6), (b)(7)(C) (OCC); (b)(6), (b)(7)(C) (OCC)
Subject: FW: ~~(U//FOUO)~~ 11 June 2020 1300 24 Hour Roll-Up Incident Report - Nationwide Protests

So the highlight below caught my attention this morning and in case it caught yours also. I wanted to pass along that all is ok with our folks that live near the Capitol Hill Autonomous Zone in Seattle. (b)(6), (b)(7)(C) reports that she checked with (b)(6), (b)(7)(C) (b)(7)(E) (b)(7)(E) The Zone was empty then, but he's heard it packs in during the day and evening. (b)(6), (b)(7)(C) fairly close, too. But both have reported they feel safe.

We'll keep you posted if anything gets squirrely.

Shelby Stuntz
(A) Associate Chief Counsel, LA
Office of Chief Counsel, US CBP
(b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C) On Behalf Of WATCH CBP INTEL
Sent: Thursday, June 11, 2020 9:38 AM
To: WATCH CBP INTEL; (b)(7)(E)
Subject: ~~(U//FOUO)~~ 11 June 2020 1300 24 Hour Roll-Up Incident Report - Nationwide Protests



~~(U//FOUO)~~ Reporting Notice: This product was prepared by U.S. Customs and Border Protection, Office of Intelligence, National Intelligence Watch.

~~(U//FOUO)~~ Nationwide Protests

~~(U//FOUO)~~ Current Situation

~~(U//FOUO)~~ The nation has seen an increase in protests, sponsored by multiple domestic organizations, following the death of George Floyd. Based on open source and social media reporting, the majority of these protests, sponsored by the "Black Lives Matter" ^{LISPER} movement have remained peaceful. However, due to nefarious actors using these protests as façades, there have been incidents where law enforcement (LE) officials have needed to respond with escalated force – incidents including the use of pepper spray, riot shields, and rubber bullets. LE have had to use non-lethal, and in some cases lethal, force to control the civil unrest in cities around the nation. LE has suffered over 100 injuries, dozens of LE vehicles destroyed, and there are reports of police stations being burnt down. While many of these protests have occurred around major cities, some have occurred near CBP locations to include CBP headquarters where there has been protests and some looting.

~~(U//FOUO)~~ Protests continue throughout the nation. Much of the protests on the night of 10 June, remained peaceful with scattered reports of violence.

~~(U//FOUO)~~ Operations Support - Incident Report

~~(U//FOUO)~~ Since 8 June, Seattle's East Precinct has backed down from the protesters and removed barricades and boarded up their buildings. Since then, protesters have moved in, proclaiming the area the "Capitol Hill Autonomous Zone," where the police are forbidden, food is free and documentaries are screened at night. On 10 June, President Trump stated he will use federal force to take the city back, if it cannot be done at the state level.

~~(U//FOUO)~~ A journalist who was blinded by a rubber bullet while covering George Floyd protests in Minneapolis filed a lawsuit Wednesday in U.S. District Court against city and state law enforcement.

~~(U//FOUO)~~ Los Angeles Police Department has announced that since the start of the protests, seven employees have been assigned to non-field duties due to improper actions during the protests. The department has assigned 40 investigators to look into every complaint thoroughly and hold every officer accountable for their actions.

~~(U//FOUO)~~ (b)(6) a Seattle man who shot a protester in the arm as he sped into a crowd on Capitol Hill on 7 June, was charged on the afternoon of 10 June with first-degree assault.

~~(U//FOUO)~~ According to a city spokesperson in Philadelphia on 10 June, the Pennsylvania National Guard, which had been deployed in the city since June 1, packed up to leave but would "remain on call."

~~(U//FOUO)~~ A local Black Lives Matter organizer in Richmond, VA stated the rallies that go about damaging parts of the city muddle the message behind the protests. He went on to say that the protests are meant to bring awareness of the killing of the people in our community and to protect each other.

~~(U//FOUO)~~ Starting around 2000 hours on 10 June, demonstrators beheaded four Confederate statues before pulling one down using a tow rope in Portsmouth, Virginia. When the statue was pulled down, it landed on top of a protester, and that man was taken to the hospital in critical condition.

~~(U//FOUO)~~ According to a police spokesperson for the Atlanta Police Department on 10 June, two more Atlanta police officers accused of excessive force against two college students during protests in the city late last month have been fired.

(b)(7)(E)

~~(U//FOUO)~~ Field Collaboration

~~(U//FOUO)~~ (b)(7)(E)

(b)(7)(E)

BLESSEY, CAROLINE M (OCC)

From: BLESSEY, CAROLINE M (OCC)
Sent: Wednesday, June 3, 2020 7:03 PM
To: FALK, SCOTT K (OCC); WILLIAMS, MARTA (OCC); (b)(6), (b)(7)(C) (OCC)
Cc: (b)(6), (b)(7)(C) (OCC)
Subject: ACC HOU Daily Texas Roundup with various civil unrest updates attached.
Attachments: El Paso detainee tested positive for COVID.msg; El Paso Updates.msg; RE: Houston Field Office Support to Port Houston Port Police with Facility Security .msg; BBT Executive Summary re: Saturday's BLM Protest in Alpine, TX.msg

Laredo Daily

(b)(5), (b)(6), (b)(7)(C)

El Paso Daily

(b)(5), (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Marfa Daily

(b)(5), (b)(6), (b)(7)(C)

Del Rio Daily

(b)(5), (b)(6), (b)(7)(C)

Houston Daily

(b)(5), (b)(6), (b)(7)(C)

(b)(5), (b)(6), (b)(7)(C)

RGV Daily

Staff Attorney Items of Interest

(b)(5), (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) impersonating (b)(6), (b)(7)(C) on (b)(7)(E)



(b)(6), (b)(7)(C) OCC

From: (b)(6), (b)(7)(C) OCC
Sent: Thursday, June 11, 2020 5:46 PM
To: FALK, SCOTT K (OCC); STUNTZ, SHELBY (OCC); WILLIAMS, MARTA (OCC)
Cc: (b)(6), (b)(7)(C) OCC
Subject: RE: ~~(b)(6), (b)(7)(C)~~ 11 June 2020 1300 24 Hour Roll-Up Incident Report - Nationwide Protests

As an additional update, I just got off of an SFEB call, during which FPS spoke about the Autonomous Zone. The Seattle and Portland areas are very used to occupational protests, and they view this particular one as predominantly peaceful with, of course, the opportunity for infiltration by disruptive groups. They do not see a DHS nexus to this particular protest, and thus do not see a reason for federal presence. Based on past experience, a measured, patient, and thoughtful approach is being recommended over reactive approach. The federal assist to FPS to protect federal property in other locations in this AOR still in play.

Large protests expected in the downtown area tomorrow and Saturday. It is being reported that Seattle PD will have limited to no involvement in policing the event, so big disruptions to traffic expected. I only hope any disruption is limited to traffic.

I will keep in continued close communication with the team here, especially (b)(6), (b)(7)(C) and will keep you updated. Officials have advised that most of the activity has been from 10pm-2am, and recommend extra vigilance during these hours. No one is expected to be in the office tomorrow.

My best,

(b)(6), (b)(7)(C)

Assistant Chief Counsel

Office of the Assistant Chief Counsel
U.S. Customs and Border Protection
1000 Second Avenue, Suite (b)(6), (b)(7)(C)
Seattle, Washington 98104
Office (b)(6), (b)(7)(C)

Mobile: (b)(6), (b)(7)(C)
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Cc: (b)(6), (b)(7)(C) OCC; (b)(6), (b)(7)(C) OCC
Subject: RE: ~~(b)(6), (b)(7)(C)~~ 11 June 2020 1300 24 Hour Roll-Up Incident Report - Nationwide Protests

Thanks, Shelby. I'd appreciate regular updates on how our folks are doing there.
-Scott

Scott Falk
Chief Counsel
U.S. Customs and Border Protection
(b)(6), (b)(7)(C) (Office)
(b)(6), (b)(7)(C) (Mobile)
(b)(6), (b)(7)(C) (Fax)

*"It is no use saying, 'We are doing our best.' You have got to succeed in doing what is necessary."
Winston Churchill*

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Shelby Stuntz
(A) Associate Chief Counsel, LA
Office of Chief Counsel, US CBP
(b)(6), (b)(7)(C)

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(U//FOUO) A journalist who was blinded by a rubber bullet while covering George Floyd protests in Minneapolis filed a lawsuit Wednesday in U.S. District Court against city and state law enforcement.

(U//FOUO) Los Angeles Police Department has announced that since the start of the protests, seven employees have been assigned to non-field duties due to improper actions during the protests. The department has assigned 40 investigators to look into every complaint thoroughly and hold every officer accountable for their actions.

(U//FOUO) (b)(6), (b)(7)(C) Seattle man who shot a protester in the arm as he sped into a crowd on Capitol Hill on 7 June, was charged on the afternoon of 10 June with first-degree assault.

~~(U//FOUO)~~ According to a city spokesperson in Philadelphia on 10 June, the Pennsylvania National Guard, which had been deployed in the city since June 1, packed up to leave but would "remain on call."

~~(U//FOUO)~~ A local Black Lives Matter organizer in Richmond, VA stated the rallies that go about damaging parts of the city muddle the message behind the protests. He went on to say that the protests are meant to bring awareness of the killing of the people in our community and to protect each other.

~~(U//FOUO)~~ Starting around 2000 hours on 10 June, demonstrators beheaded four Confederate statues before pulling one down using a tow rope in Portsmouth, Virginia. When the statue was pulled down, it landed on top of a protester, and that man was taken to the hospital in critical condition.

~~(U//FOUO)~~ According to a police spokesperson for the Atlanta Police Department on 10 June, two more Atlanta police officers accused of excessive force against two college students during protests in the city late last month have been fired.

~~(U//FOUO)~~ (b)(7)(E)

- ~~(U//FOUO)~~
- ~~(U//FOUO)~~
- ~~(U//FOUO)~~
- ~~(U//FOUO)~~

(b)(7)(E)

~~(U//FOUO)~~ Field Collaboration

(b)(7)(E)

COUREY, MARC BENNETT (OCC)

From: COUREY, MARC BENNETT (OCC)
Sent: Monday, August 24, 2020 9:34 PM
To: MORGAN, MARK A; PEREZ, ROBERT E
Cc: SEGUIN, DEBBIE W; SCOTT, RODNEY S; ORTIZ, RAUL L; PORVAZNIK, ANTHONY J; Owen, Todd C (EAC OFO); FORET, VERNON T; FERRARA, WILLIAM; SABATINO, DIANE J; FALK, SCOTT K (OCC); WILLIAMS, MARTA (OCC); STUNTZ, SHELBY (OCC);

(b)(6), (b)(7)(C)

Subject: RE: Index Newspapers -- Portland Civil Unrest Litigation -- Preliminary Injunction Ordered Today

Attachments: Index Newspapers Portland Civil Unrest Preliminary Injunction 8-20-20.pdf; PI Guidance - Index Newspapers.pdf

(b)(5), (b)(6)

Please let us know if you have any questions or would like to discuss. Thank you.

Bennett Courey
CBP Associate Chief Counsel (Enforcement and Operations)

(b)(6), (b)(7)(C)
*** Attorney Work Product / Attorney Client Privileged ***

From: COUREY, MARC BENNETT (OCC)
Sent: Thursday, August 20, 2020 8:33 PM
To: MORGAN, MARK A **(b)(6), (b)(7)(C)**; PEREZ, ROBERT E **(b)(6), (b)(7)(C)**
Cc: SEGUIN, DEBBIE W **(b)(6), (b)(7)(C)**; SCOTT, RODNEY S **(b)(6), (b)(7)(C)**
ORTIZ, RAUL L **(b)(6), (b)(7)(C)**; PORVAZNIK, ANTHONY J **(b)(6), (b)(7)(C)**
Owen, Todd C (EAC OFO) **(b)(6), (b)(7)(C)**; FORET, VERNON T **(b)(6), (b)(7)(C)**
FERRARA, WILLIAM **(b)(6), (b)(7)(C)**; SABATINO, DIANE J **(b)(6), (b)(7)(C)**
FALK, SCOTT K (OCC) **(b)(6), (b)(7)(C)**; WILLIAMS, MARTA (OCC) **(b)(6), (b)(7)(C)**
(b)(6), (b)(7)(C); STUNTZ, SHELBY (OCC) **(b)(6), (b)(7)(C)**

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: Index Newspapers -- Portland Civil Unrest Litigation -- Preliminary Injunction Ordered Today

(b)(5)

(b)(5), (b)(6)

(b)(6), (b)(7)(C)

~~** Attorney Work Product - Attorney Client Privileged **~~

From: COUREY, MARC BENNETT (OCC) (b)(5)

Sent: Thursday, August 6, 2020 7:06 PM

To: MORGAN, MARK A (b)(6), (b)(7)(C); PEREZ, ROBERT E (b)(6), (b)(7)(C)

Cc: SEGUIN, DEBBIE W (b)(6), (b)(7)(C); SCOTT, RODNEY S (b)(6), (b)(7)(C)

ORTIZ, RAUL (b)(6), (b)(7)(C); PORVAZNIK, ANTHONY J (b)(6), (b)(7)(C)

Owen, Todd C (EAC OFO) (b)(6), (b)(7)(C); FORET, VERNON T (b)(6), (b)(7)(C)

FALK, SCOTT K (OCC) (b)(6), (b)(7)(C); WILLIAMS, MARTA (OCC)

(b)(6), (b)(7)(C); STUNTZ, SHELBY (OCC) (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: RE: Index Newspapers -- Portland Civil Unrest Litigation -- TRO Extended

(b)(5)

Please let us know if you have any questions or would like to discuss. Thank you.

Bennett Courey

CBP Associate Chief Counsel (Enforcement and Operations)

(b)(6), (b)(7)(C)

~~** Attorney Work Product - Attorney Client Privileged **~~

From: COUREY, MARC BENNETT (OCC)

Sent: Thursday, July 23, 2020 7:14 PM

To: MORGAN, MARK A (b)(6), (b)(7)(C); PEREZ, ROBERT E (b)(6), (b)(7)(C)

Cc: SEGUIN, DEBBIE W (b)(6), (b)(7)(C); SCOTT, RODNEY S (b)(6), (b)(7)(C)

ORTIZ, RAUL (b)(6), (b)(7)(C); PORVAZNIK, ANTHONY J (b)(6), (b)(7)(C)

Owen, Todd C (EAC OFO) (b)(6), (b)(7)(C); FORET, VERNON T (b)(6), (b)(7)(C)

FALK, SCOTT K (OCC) (b)(6), (b)(7)(C); WILLIAMS, MARTA (OCC)

(b)(6), (b)(7)(C); STUNTZ, SHELBY (OCC) (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: Index Newspapers -- Portland Civil Unrest Litigation -- TRO Likely/Imminent

(b)(5), (b)(6)

(b)(5), (b)(6)

We will keep you posted. Please let us know if you have questions or if you would like to discuss. Thanks very much.

Bennett Courey
CBP Associate Chief Counsel (Enforcement and Operations)

(b)(6), (b)(7)(C)

** Attorney Work Product / Attorney Client Privileged **

From: COUREY, MARC BENNETT (OCC)

Sent: Monday, July 20, 2020 8:27 PM

To: MORGAN, MARK A (b)(6), (b)(7)(C); PEREZ, ROBERT E (b)(6), (b)(7)(C)

Cc: SEGUIN, DEBBIE W (b)(6), (b)(7)(C); SCOTT, RODNEY S (b)(6), (b)(7)(C)

ORTIZ, RAUL (b)(6), (b)(7)(C); PORVAZNIK, ANTHONY J (b)(6), (b)(7)(C)

Owen, Todd C (EAC OFO) (b)(6), (b)(7)(C); FORET, VERNON T (b)(6), (b)(7)(C)

FALK, SCOTT K (OCC) (b)(6), (b)(7)(C); WILLIAMS, MARTA (OCC)

(b)(6), (b)(7)(C)

STUNTZ, SHELBY (OCC)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: Index Newspapers -- TRO Motion Filed in District of Oregon

(b)(5), (b)(6) (b)(7)(c)

Please let us know if you have questions or would like to discuss. We will continue to keep you posted regarding significant developments in this litigation.

Bennett Courey
CBP Associate Chief Counsel (Enforcement and Operations)

(b)(6), (b)(7)(C)

~~* Attorney Work Product, Attorney Client Privileged *~~

STUNTZ, SHELBY (OCC)

From: STUNTZ, SHELBY (OCC)
Sent: Saturday, July 25, 2020 11:22 AM
To: COUREY, MARC BENNETT (OCC)
Cc: FALK, SCOTT K (OCC); WILLIAMS, MARTA (OCC); (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: Wise v City of Portland and DHS (Third case - Protest Medics)
Attachments: 20200722_001 (b)(6), (b)(7)(C)_guest_complaint.pdf

Summary re 3rd piece of litigation for front office. Notably, no motion for TRO, yet, just a complaint at this stage.

(b)(5)

Shelby Stuntz

(A) Associate Chief Counsel, LA
Office of Chief Counsel, US CBP

(b)(6), (b)(7)(C) {direct
office}

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U.S. Department of Homeland Security

U.S. Customs and Border Protection

Operations Support - Incident Report

08 June 2020

~~(U//FOUO)~~ **Reporting Notice:** This product was prepared by U.S. Customs and Border Protection, Office of Intelligence, National Intelligence Watch.

~~(U//FOUO)~~ Nationwide Protests

~~(U)~~ Current Situation

~~(U//FOUO)~~ *The nation has seen an increase in protests, sponsored by multiple domestic organizations, following the death of George Floyd. Based on open source and social media reporting, the majority of these protests, sponsored by the "Black Lives Matter"^(USPER) movement have remained peaceful. However, due to nefarious actors using these protests as façades, there have been incidents where law enforcement (LE) officials have needed to respond with escalated force – incidents including the use of pepper spray, riot shields, and rubber bullets. LE have had to use non-lethal, and in some cases lethal, force to control the civil unrest in cities around the nation. LE has suffered over 100 injuries, dozens of LE vehicles destroyed, and there are reports of police stations being burnt down. While many of these protests have occurred around major cities, some have occurred near CBP locations to include CBP headquarters where there has been protests and some looting.*

~~(U)~~ The Seattle Police Department confirmed that they took a suspect into custody after the man drove his car into a crowd of protesters in Seattle and shot someone during a demonstration Sunday evening. Video of the incident posted on social media shows that after the man left his car, he brandished a gun and ran into a crowd of protesters before firing his weapon. The 27-year old male victim is in stable condition.

~~(U)~~ A Brooklyn man who delivered a threat to New Yorkers during a live interview on 6 June has been charged with multiple offenses, including making terroristic threats. During a live interview a man who identified himself as (b)(6) threatened to burn down the Diamond District if New York Governor Andrew Cuomo and New York City Mayor Bill de Blasio did not meet with protestors. (b)(6) whose real name is (b)(6) has been charged with one count each of making terroristic threats, aggravated harassment and false reporting. As of 1500, he is in central booking and has not been released.

~~(U)~~ The Philadelphia Police Department have reported receiving recorded messages with a male voice calling for officers to be fired or to quit. The recording then states, "We're coming for you." The messages note that the calls will repeat every 15 minutes until justice is brought to individuals who violated protestors' rights. Any agency receiving similar calls is asked to contact the DVIC at (b)(6) or call (b)(6).

(U) New York Mayor Bill de Blasio announced the curfew will be lifted for the city one day earlier than previously planned. The curfew was originally in effect from 8pm tonight until 5am tomorrow, 8 June, when the city moves into Phase One of reopening.

~~(U//LES)~~ On 6 June, (b)(6) was arrested after ambushing and killing a Sheriff's Deputy and injuring two other officers. Police were initially alerted to (b)(6) after they received a tip indicating he had guns and bomb making devices in his van. When deputies investigated the scene, they were reportedly ambushed with gunfire and multiple improvised explosive devices.

(b)(7)(E)

(b)(7)(E)

(b)(7)(E)

(U) Field Collaboration

~~(U//FOUO)~~

(b)(7)(E)

(b)(7)(E)

U.S. Department of Homeland Security
U.S. Customs and Border Protection

Operations Support - Incident Report

09 June 2020

~~(U//FOUO)~~ **Reporting Notice:** This product was prepared by U.S. Customs and Border Protection, Office of Intelligence, National Intelligence Watch.

~~(U//FOUO)~~ Nationwide Protests

~~(U)~~ Current Situation

~~(U//FOUO)~~ *The nation has seen an increase in protests, sponsored by multiple domestic organizations, following the death of George Floyd. Based on open source and social media reporting, the majority of these protests, sponsored by the "Black Lives Matter"^(ISPER) movement have remained peaceful. However, due to nefarious actors using these protests as façades, there have been incidents where law enforcement (LE) officials have needed to respond with escalated force – incidents including the use of pepper spray, riot shields, and rubber bullets. LE have had to use non-lethal, and in some cases lethal, force to control the civil unrest in cities around the nation. LE has suffered over 100 injuries, dozens of LE vehicles destroyed, and there are reports of police stations being burnt down. While many of these protests have occurred around major cities, some have occurred near CBP locations to include CBP headquarters where there has been protests and some looting.*

~~(U//LES)~~ There are multiple reported injuries to law enforcement officers. As of 7 June, FBI Field Offices reported the violence and criminal activity during protection of lawful protest has resulted in one federal officer killed, 147 federal officers injured, one local officer killed (SF), and 606 local officers injured around the country during protests, frequently from projectiles.

~~(U//FOUO)~~ As of 8 June, U.S. Attorneys' Offices charged 78 individuals with varying crimes including: use of explosive or fire to damage or destroy a vehicle used in interstate commerce; traveling in interstate commerce or using a facility of interstate commerce to incite a riot; organize, promote, encourage, participate in, or carry on a riot; use of an explosive device; and conspiracy to destroy by fire and explosive.

~~(U//LES)~~ To date, FBI reported more than 13,900 arrests made by various law enforcement agencies across the nation.

~~(U//LES)~~ According to the ATF, since the start of the unrest, 82 federal firearms licensees' burglaries have occurred of an estimated 1,117 firearms; 884 reported arsons; 80 explosives incidents and 51 ATF arrests to date.

~~(U)~~ In Philadelphia, as of 9 June, members of the Pennsylvania National Guard remain stationed outside City Hall and the Municipal Services Building. The National Guard was deployed to Philadelphia in the early morning hours of 1 June following a weekend of violence and looting. Since then, protests in the city have been overwhelmingly peaceful. According to the Mayor, the troops will remain until they are no longer needed.

~~(U)~~ Thousands of protesters who have been arrested in Los Angeles for violating curfew or failing to disperse will not be prosecuted, county and city officials announced 8 June and will instead take a non-punitive approach to resolving cases in which people who have taken to the streets protesting police brutality.

(U) The curfew in Cincinnati ended last night, 8 June, and lasted a total of 10 days. Over those 10 days, 513 individuals were arrested for violating the curfew.

(b)(7)(E)

~~(U)~~ Field Collaboration

~~(U//FOUO)~~

(b)(7)(E)

(b)(7)(E)

COUREY, MARC BENNETT (OCC)

Subject: Civil Unrest Response
Location: Conference Line: (b)(6), (b)(7)(C) pin (b)(6), (b)(7)(C)
Start: Friday, June 5, 2020 11:00 AM
End: Friday, June 5, 2020 11:30 AM
Show Time As: Tentatively accepted

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: COUREY, MARC BENNETT (OCC)

Required Attendees:

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) FALK, SCOTT K (OCC);
BUCHOLTZ, KATHLEEN (OCC) (b)(5), (b)(6) (b)(7)(c)
(b)(5), (b)(6) (b)(7)(c)

(b)(6), (b)(7)(C) WILLIAMS, MARTA (OCC);

(b)(6), (b)(7)(C)

CARPIO, PHILIP (OCC); STUNTZ, SHELBY (OCC) (b)(6), (b)(7)(C)
SMITH, FREDERICK B (OCC) (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Optional Attendees:

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Attachments:

CBP Operational Response (6_5_2020).docx

Attaching this morning's WebEOC-posted operational response report for reference. Talk shortly. Thanks.

Bennett

(b)(6), (b)(7)(C)

U.S. Department of Homeland Security
U.S. Customs and Border Protection

Operations Support - Incident Report

10 June 2020

~~(U//FOUO)~~ **Reporting Notice:** This product was prepared by U.S. Customs and Border Protection, Office of Intelligence, National Intelligence Watch.

~~(U//FOUO)~~ Nationwide Protests

~~(U)~~ Current Situation

~~(U//FOUO)~~ *The nation has seen an increase in protests, sponsored by multiple domestic organizations, following the death of George Floyd. Based on open source and social media reporting, the majority of these protests, sponsored by the "Black Lives Matter"^{USPER} movement have remained peaceful.* However, due to nefarious actors using these protests as façades, there have been incidents where law enforcement (LE) officials have needed to respond with escalated force – incidents including the use of pepper spray, riot shields, and rubber bullets. LE have had to use non-lethal, and in some cases lethal, force to control the civil unrest in cities around the nation. LE has suffered over 100 injuries, dozens of LE vehicles destroyed, and there are reports of police stations being burnt down. While many of these protests have occurred around major cities, some have occurred near CBP locations to include CBP headquarters where there has been protests and some looting.

~~(U//FOUO)~~ While protests have continued across the country, civil disturbances involving violence and destruction have all but ceased leading up to the funeral of George Floyd on 9 June. In response to this decrease several National Guard Units are beginning to be demobilized and are returning home. The downward trend of violence is likely to continue unless there is a triggering event reinvigorates tensions.

~~(U//FOUO)~~ DHS is reporting that there has been an increase in doxing of law enforcement of the course of the several weeks. DHS assess this trend will likely continue in the near term and law enforcement officers should take necessary precautions to (b)(7)(E)

(b)(7)(E)

~~(U//FOUO)~~ According to the FBI reporting on 9 June, there were no new law enforcement injuries reported during the previous 24 hours related to the nationwide protests. However, there was one new law enforcement injury being reported from Springfield, MO on 9 June. The police officer was struck by a vehicle after it went through a barrier at the police station. Open source reporting states the suspect in the vehicle ramming incident has been identified as (b)(6) (b)(6)^{USPER}. (b)(6) was previously identified by in early May for making threats against law enforcement. At this time the motive for the attack is still unclear.

~~(U)~~ A Milwaukee man is facing a federal charge after prosecutors say he pointed a laser pointer at FBI and Wisconsin National Guard helicopters on multiple occasions as the aircraft flew over Milwaukee to monitor unrest in the city. The first incident occurred on 31 May as FBI agents flew over Milwaukee and observed a green laser targeting their aircraft from the ground. A Wisconsin National Guard pilot reported being targeted by a green laser from 1 June – 4 June. Prosecutors said the laser was pointed from that address again on 7 June, and officers responding to the home found a man and a woman on the porch, pointing something handheld at the sky.

~~(U)~~ Soldiers and airmen from the Tennessee National Guard returned from Washington D.C., on 9 June. More than ~~(b)(7)(E)~~ soldiers and airmen from the 278th Armored Cavalry Regiment and the 134th Air Refueling Wing were deployed to Washington D.C., on 4 June. The soldier and airmen provided additional support the Washington D.C., National Guard; law enforcement; and first responders amid gatherings in the city.

~~(U)~~ Parts of Lafayette Park in Washington D.C. are expected to open 10 June one week after fencing went up around the White House. According to a U.S. Park Police statement, the following areas will reopen: the Ellipse and its side panels, roadways, and sidewalks; E Street and its sidewalks between 15th and 17th streets; First Division Monument and State Place; and Sherman Park and Hamilton Place.

~~(U//FOUO)~~ According to DHS reporting on 9 June, foreign influence actors affiliated with Russia, China, and Iran are employing state media, proxy websites, and social media accounts to amplify criticism of the US in the death of George Floyd and subsequent events. These state actors criticize the US as hypocritical, corrupt, un-democratic, racist, guilty of human rights abuses, and on the verge of collapsing.

~~(U//FOUO)~~ Police in Chicago, Illinois on 9 June stated the department is fighting “doxing” attempts made on its officers amid protests over the death of George Floyd. Officers are concerned for their families’ safety after Tweets and Facebook posts encouraged protesters to target the homes of officers. As protests have escalated in Chicago, individuals on the social media platforms have urged protesters to go to the homes of police officers and act out. “All the Chicago cops live in Midway, Garfield Ridge, west of Austin near Archer,” Twitter user ~~(b)(6)~~ ~~(b)(6)~~ tweeted May 30. “If they have blue lights in front of their houses at night time, they are police. Go to their houses and [expletive] the houses up where they live.”

~~(U)~~ Protesters blocked a section of Interstate 40 in Winston-Salem around 7:45 p.m. on 9 June. Winston-Salem police reported that the interstate was closed for about an hour.

~~(U//FOUO)~~ A San Gabriel, California criminal defense attorney is under LAPD investigation after posts from his Instagram account called for police to be murdered offered free legal representation to anyone who kills a cop.

~~(U//FOUO)~~ As of 8 June, US Attorney's Offices has charged 78 individuals with varying crimes including use of explosives or fire to damage a vehicle used in interstate commerce, travelling in interstate commerce or using a facility of interstate commerce to incite a riot; organize, promote, encourage, participate in, or carry on a riot; use of an explosive device; and conspiracy to destroy by fire and explosive.

~~(U//FOUO)~~ Protesters have declared a "Cop Free Zone" near where Seattle, Washington. Police boarded up and abandoned their East Precinct building on the evening of 08 JUN 20 and recent photographs of the area show hand-written signs taped to barricades in the area with messages including "Capitol Hill Autonomous Zone" and "You are now leaving the USA." Another image shows "Welcome to Free Cap Hill" and "No Cops Allowed" scrawled in black marker across a plastic road barrier.

~~(U//FOUO)~~ A man on 7 June who allegedly drove his truck into a group of protesters in downtown Richmond, Virginia is an "admitted leader" of the Ku Klux Klan. The suspect has been charged with assault, battery, attempted malicious wounding, and felony vandalism. Authorities are also investigating whether hate crime charges should be brought against him.

(b)(7)(E)

~~(U)~~ Field Collaboration

~~(U//FOUO)~~

~~(b)(7)(E)~~

(b)(7)(E)

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Sunday, May 31, 2020 6:21 AM
To: CBP SITROOM CBP LEADERSHIP; CBP HQ EOC
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) CBP SITROOM- SWOS; (b)(6), (b)(7)(C) SITROOM;
WATCH CBP INTEL
Subject: Civil Unrest- CBP Assistance - Situational Awareness - May 31, 2020 from CBP SITROOM (0600)

Good morning,

Please see the below information provided for your awareness at 0600, regarding each CBP component's contribution during the current nationwide civil unrest. The CBP SITROOM is monitoring the situation. Any updates have been made in red:

USBP RESPONSE TO – CIVIL DISTURBANCE RFI – 05302020

USBP is working through RFAs and will deliver approved actions in separate emails as they are made available.

USBP CIVIL DISTURBANCE - C1 DAILY RFI - 05302020

1. Any action(s) undertaken by your Component to prepare for or respond to any incident or event related to a civil disturbance;

- **San Diego Sector** personnel are on standby to respond for support. Mobile Field Force equipment is staged and ready for deployment. SOD is prepared for immediate response if needed.
- **El Centro Sector** has placed all agents on high alert at all sector, station, and checkpoints. Messaging to all personnel. Communication and information sharing with neighboring sectors, Intel and state, local, tribal, territorial, private-sector or international partners.
- **Tucson Sector** responded to USBP tasker (b)(7)(E)
(b)(7)(E)
- **El Paso Sector:** SOD/Mobile Field Force are on standby. As a steady state, EPT is always available to respond for any assistance at any time. EPT uses ENS for emerging situations. BPA^(RFI/NE) are assigned to the Office of Emergency Management and SIU is connected to the local (b)(7)(E)
- **Special Operations Group** has issued a warning order to our teams to remain on the standard (b)(7)(E) for a possible deployment ordered by HQ. Also constructed a ConOp for that can be used for any deployments.
- **Laredo Sector** has the identified the following personnel/vehicles ready to deploy within the (b)(7)(E) (b)(7)(E) (forwarded earlier today corridor ASC on earlier RFI - National deployment for riots)
 - Total of (b)(7)(E) agents:
 - (b)(7)(E) BPAs with vehicles (b)(7)(E)

- BORTAC agents with (b)(7)(E) vehicles
 - (b)(7)(E) BORSTAR agents with (b)(7)(E) vehicles
 - MRT agents with (b)(7)(E) vehicles
- Additionally:
 - LRT currently has (b)(7)(E) EMTs
 - LRT currently has (b)(7)(E) agents sector wide
 - (b)(7)(E) d vehicles sector wide
 - LRT BIC is currently monitoring events and local protests
- CAVEAT: LRT is continuing to identify additional deployable personnel
- **Blaine Sector** currently has a CONOPs at HQ for pending support for the Federal Protective Service in the Seattle area. BLW currently has approximately (b)(7)(E) volunteer agents ready to deploy. Blaine Sector / Port Angeles Station has enacted their (b)(7)(E) due to a planned protest today currently located about (b)(7)(E) (b)(7)(E) BLW MRT on Stand-by Status for response throughout sector if needed.
- **Spokane Sector** placed all personnel have been placed on an alert and advised to exercise extreme caution. Facilities are being monitored. Spokane Sector has canvassed agents for (b)(7)(E) to affected areas should the need arise and submitted those numbers to USBP HQ.
- **Havre Sector** has notified all Stations and SIU to be prepared for the possibility of (b)(7)(E) deployments and (b)(7)(E) (b)(7)(E)
- Personnel are being notified to prepare for immediate deployment as necessary to include SOD and MFF
- **Grand Forks Sector** has initiated an EOC to ensure timely reporting
- **Detroit Sector:**
 - Beginning at 1300hrs on May 29th the DTM BIC has and will continue to monitor social media/live feeds/open source reporting to provide situational updates to the field
 - DTM SHQ EOC in place for RFAs and all reporting. Primary POC: DC Ops (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)
 - DTS Command established communication with Detroit Police HQ on 5/29 and maintains communication with their Incident Command.
 - DTS has taken precautionary measures by mandating the doubling up of agents in (b)(7)(E) vehicles, increasing security at the station, and issuing all available personal protective equipment
 - SOD deployed in support of DTS on 5/29 to increase security at the station and maintained a ready posture to supplement DPD riot control if requested (no request on 5/29)
 - DTM SHQ in communications with AMO.
 - Field commanders maintain on going communication with one another to flex resources as needed
- **Swanton Sector** is mobilizing Agents for immediate deployment if the request is made. Station Protest Response plans are being reviewed for action if needed. Each station within the Sector has assigned an (b)(7)(E) PAICs have informed station personnel to be vigilant on and off duty and report any possible activity to Station leadership and Sector Staff.
- **Houlton Sector** command staff and field commanders are monitoring the situations throughout the country and are communicating the latest information to the field for situational awareness and preparation. MRT Commander has been directed to have the team on alert in the event of a short notice deployment.
- **New Orleans Sector** has: All managers and supervisors are briefed on the evolving situations regarding George Floyd protests nationwide; All Border Patrol Agent (BPAs) and Professional Staff are receiving routine updates from station and sector management; An all-hands teleconference is planned for Monday, June 1, 2020, at 0900 hours (CDT) for messaging and continued accountability.

- **Miami Sector** is not operationally impacted at this time. MIP is leveraging out (b)(7)(E) liaisons to track/monitor all current activity. One BPA-I has been assigned to the Miami Dade EOC/Command Post to relay (b)(7)(E) Planned ANTIFA protests/riots in the cities of Hialeah, Coral Gables and Miami Gardens (S. Florida areas) are being monitored by local LEOs.
- **Ramey Sector** field units have been assigned to remain on the local (b)(7)(E) (b)(7)(E) to Sector/Station Compound.
 - (b)(7)(E) radio checks with any unit out in the field.
 - Messaging to all personnel in regards to current environment.
 - All personnel advised to inform any possible local protest.
 - Checks with local (b)(7)(E) and (b)(7)(E) BP Agent indicate that no threats / protest / any pertinent information to pass.
 - POCs for this local partners will remain in communication if any situation arises.

2.Changes (degradation or restoration) to your Component’s ability to execute or sustain its homeland-security mission; perform a mission essential function(s); or support state, local, tribal, territorial, private-sector or international partners;

- **No degradation** at this time to most sectors, however;
 - **Swanton Sector** stations deploys (b)(7)(E) agents per shifts. Having (b)(7)(E) agent a shift assigned to monitor possible activity in and around the station will have a significant impact on Swanton Sectors operational response.

3. Changes to your Component’s operating status, including the loss or restoration of Department mission-critical capabilities or the activation or deactivation of a Component-level Continuity of Operations plan;

- Most Sectors have not reported any change, but:
- **Grand Forks Sector** has partially Activated COOP Plan. (b)(7)(E) (b)(7)(E)
- **Swanton Sector** stations deploys (b)(7)(E) agents per shift. Having (b)(7)(E) agent a shift assigned to monitor possible activity in and around the station will have a significant impact on Swanton Sectors operations.

4. Accountability of personnel affected by any incident or event related to a civil disturbance, including reports of injured, deceased, or displaced Department employees and contract support personnel;

- None reported by any sectors.

5. Any amplifying information you believe would increase the Secretary’s or Deputy Secretary’s situational awareness or understanding of the situation.

- **Blaine Sector** reports multiple social media outlets report Black Lives Matter and Antifa are gathering in the Seattle area.
- **Detroit Sector** reports an organized protests are underway in Detroit this evening.
- **Miami Sector** reports a planned ANTIFA protests/riots in the cities of Hialeah, Coral Gables and Miami Gardens (S. Florida areas) are being monitored by local LEOs.

USBP

Agents at the Buffalo Sector reported an agent sustained minor injuries from a rock thrown by a demonstrator. The agent was conducting perimeter security at the Federal Courthouse located in Buffalo, NY. There were no arrests made.

AMO RESPONSE TO – CIVIL DISTURBANCE RFI – 05302020

AMO Branch Unit: Great Lakes Air and Marine Branch

Event Summary: AQR Air Support request from the Detroit Police Department / FBI Detroit

Event Location: Detroit, MI

Date/Time: 5/30/20 at 1600 Hrs.

Description and Timeline:

The Detroit Police Department is requesting (b)(7)(E) with (b)(7)(E) (b)(7)(E) law enforcement emergency related incidents (b)(7)(E) and will provide (b)(7)(E) (b)(7)(E) member support for (b)(7)(E) if approved. This (b)(7)(E) FBI Detroit overheard (b)(7)(E) and is requesting CBP AMO to provide (b)(7)(E)

Background:

On Friday 5/29/2020, Protests in the City of Detroit became resulted in confrontation with police. Over 1,000 persons protested in front of the Detroit Public Safety Headquarters which led to violence and at least 60 arrests. It is reported that a 21-year old male was fatally shot near the protests (not a police involved shooting) as a result of shots being fired into a crowd. The fatality is expected to result in additional violence. At one point during the protest, several officers were reportedly surrounded and "pinned down". Several DPD vehicles were attacked and damaged. A DPD commander was struck with a rock and hospitalized.

5/30/2020: DPD also reports knowledge of planned attacks this evening on 2 local law enforcement facilities this evening. 3 planned protests are scheduled for this evening. Currently, protestors are marching through Detroit. I am currently monitoring DPD police communications and communications indicate concern over attempts to "take over" DPD headquarters. **DPD reports protestors being dropped off at DPD HQ at this time.** DPD (b)(7)(E)

As of May 31, 2020:

Status: Operations for the Great Lakes Air and Marine Branch have ceased

Close Out: Visibility of the operation was provided via (b)(7)(E) No arrests or damage was reported at the time of this report

AMO UPDATE

AMO Branch Unit: NASOC-Grand Forks

Event Summary: NASOC-GF Launched an (b)(7)(E) support Bemidji, MN Police Department and federal authorities due to protests and riots. Along with a separate event of an active kidnapping case on Red Lake Indian Reservation North of Bemidji.

Event Summary: Bemidji, Minnesota

Date/Time: 05/30/2020 1810 (Central)

Description and Timeline: Protestors pushing back police line that is guarding the Bemidji Police Department. Protestors are throwing rocks at the building and threatening to burn it down. They also received information of a plan to burn down another law enforcement center nearby. USBP received a request for assistance from Bemidji PD and are responding.

Air and Marine Operations out of Grand Forks is actively responding to a kidnapping call in Red Lake, MN, which is near Bemidji. A male took a female at knifepoint and his vehicle was spotted on a logging road near the lake. AMO intends to assist with the kidnapping, then move to the civil unrest.

Impact on AMO Operations: One aircraft and crew dispatched to provide assistance.

OFO RESPONSE TO – CIVIL DISTURBANCE RFI – 05302020

Strategic readiness information from the Office of Field Operations (OFO) in regards to civil disturbances in multiple U.S. cities:

1. Any action(s) undertaken by your Component to prepare for or respond to any incident or event related to a civil disturbance;
 - a. OFO Communicated to all field offices the requirement to notify OFO headquarters of all requests for assistance by federal, state, and local law enforcement in response to the ongoing demonstrations.
 - b. Mustered all OFO employees on the need to maintain increased vigilance and to take necessary safety precautions on and off duty.
 - c. OFO Special Response Team operators have been placed on standby and instructed to prepare for immediate deployment to CBP locations to minimize any potential threat to operations and critical infrastructure.
 - d. Mobile Field Force Exercises are ongoing, as a preparatory precaution.
 - e. Encouraged perimeter patrols and heightened Law Enforcement presence (up armor).
 - f. Port Hardening measures stand ready and can be deployed in the event of an emerging incident.
2. Changes (degradation or restoration) to your Component's ability to execute or sustain its homeland-security mission; perform a mission essential function(s); or support state, local, tribal, territorial, private-sector or international partners;
 - a. Currently, there have been no impacts in OFO's ability to execute or sustain its Mission.
 - b. There have been no requests to support our Law Enforcement Partners at this time, although OFO stands ready to assist if requested.
 - c. Federal Protective Service has been engaged and is prepared to assist in the event of a threat to Federal Inspection Stations.
3. Changes to your Component's operating status, including the loss or restoration of Department mission-critical capabilities or the activation or deactivation of a Component-level Continuity of Operations plan;
 - a. Ports of Entry and Operations Center have been placed in a heightened security posture and continues to monitor the situation.
 - b. OFO Continuity of Operation Plans (COOP) are in place; however, there has been no requirement to activate our COOPs.
4. Accountability of personnel affected by any incident or event related to a civil disturbance, including reports of injured, deceased, or displaced Department employees and contract support personnel;
 - a. There have been no reports of injured, deceased or displayed OFO employees.

5. Any amplifying information you believe would increase the Secretary's or Deputy Secretary's situational awareness or understanding of the situation.
- a. There is no specific intelligence at this time indicating any threats to OFO or its employees.

National Capital Region (Update as of 0600 hours):

- The National Guard in Washington, D.C., is assisting U.S. Park Police as people continue to gather across the District Saturday evening
- CBP Employee Accountability confirmed and status is safe
- Employees were notified to be vigilant coming and exiting CBP HQ DC building
- Protestors around NCR
 - No apparent report of violence received as of this situational awareness.
 - Damage, vandalism and fires were reported at H Street and NW 16th Street.
 - Five DC National Guardsman were injured during the civil disturbance.
 - The CVS on 13th Street NW and Pennsylvania Avenue sustained damage and vandalism.

Respectfully,

Commissioner's Situation Room

(O) (b)(6), (b)(7)(C)



~~ATTORNEY-CLIENT WORK PRODUCT~~
~~LAW ENFORCEMENT SENSITIVE~~

This is internal guidance and should not be shared outside of your agency
without the express written permission of your counsel.

(b)(5)

~~ATTORNEY-CLIENT WORK PRODUCT~~
~~LAW ENFORCEMENT SENSITIVE~~

This is internal guidance and should not be shared outside of your agency without the express written permission of your counsel.

(b)(5)

~~ATTORNEY-CLIENT WORK PRODUCT~~
~~LAW ENFORCEMENT SENSITIVE~~

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(b)(5)

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~~LAW ENFORCEMENT SENSITIVE~~

This is internal guidance and should not be shared outside of your agency
without the express written permission of your counsel.

(b)(5)

DHS Component Actions Report
Civil Disturbances - Multiple Cities U.S. (NOC 0378-20)
1200 ET, 4 Jun 2020

Updates in Blue
Reported Once in Black

Executive Summary: After nine days of civil disturbances, DHS Components continue to support national law enforcement efforts and provide federal property protection, across the country. While many demonstrations have remained peaceful, numerous U.S. cities have experienced incidents of violence, looting and other criminal activity. To date, no Component has reported a degradation in ability to execute its mission essential functions.

- Protest activity levels for the next 24 hours are expected to remain the same; DHS Support should expect similar missions.
- USSS continues to provide additional support at the White House (WH) Complex.
- CBP Commissioner's Situation Room extended its COOP protocol until 1400 ET on 4 Jun.

DHS Personnel Deployed to NCR			
ICE	CBP	TSA	FPS
(b)(7)(E)			

Federal Emergency Management Agency (FEMA)

- There are (b)(7)(E) State EOCs activated: AZ, CA, IA, KS, MN, MO, NE, OK, PA, UT, WA & WI.
- No degradation to FEMA's mission capability and no reported impacts to employee safety.
- FEMA Regional Watch Centers (RWCs) in Regions II, III and V are working at alternate locations UFN.
- The JFO in Sioux Falls, SD (Region VIII) returned to normal operations.

U.S. Coast Guard (USCG)

- USCG has (b)(7)(E) personnel available for interagency support as needed.
- On 4 Jun, NYPD requested UAS capability from Sector NY to support civil unrest response.
- (b)(7)(E) CGIS Special Agents are on standby to support the DOJ in Washington DC; agents were sworn-in on 2 Jun. (b)(7)(E) CGIS Special Agent is supporting Port Arthur (TX) PD during protests.

- Sector Virginia is adding security at the Eastern Shore Sector Field Office in preparation of a planned protest in Chincoteague, VA; armed LE qualified watchstanders will be in-place, but out of sight, unless needed.
- Sectors Jacksonville and Miami are tracking five planned protests on 4 Jun and six planned protests on 5 Jun across FL; unknown impacts to USCG ops or facilities.
- Sector Northern New England reports multiple protests are expected across NH and ME over the next week. POTUS is scheduled to visit Guilford, ME on 5 Jun.
- Sector Delaware Bay is maintaining an active Anti-Terrorism & Force Protection (ATFP) Watch with (b)(7)(E) armed law enforcement qualified members.
- USCG Sector Long Island Sound is providing (b)(7)(E) armed watch standers during the work day to ensure base security; some subordinate units are increasing local security patrols.
- Protest activity in NYC is forecasted to continue for the foreseeable future, with curfews in place at least through 7 Jun. There is a potential protest in the vicinity of Station NY and Sector NY on 5 Jun.
- USCG HQ St. Elizabeth's Campus and USCG Station Washington have aligned with DOD and are at FPCON C.

Customs and Border Protection (CBP)

- In support of DOJ, CBP provided (b)(7)(E) personnel to support operations in the NCR.
 - Provided (b)(7)(E) LE personnel to support USPP on the evening of 3 Jun.
 - Provided (b)(7)(E) support over the NCR on the evening of 3 Jun, with (b)(7)(E) over DC (b)(7)(E) provided (b)(7)(E) and (b)(7)(E) chopped to USSS for a QRF.
 - Deployed (b)(7)(E) personnel to Lafayette Square to support USPP, USSS, and National Guard.
 - No CBP personnel have been injured in deployments.
- **Office of Field Operations (OFO)**
 - The OFO Emergency Medical Services program has upwards of (b)(7)(E) experienced licensed and credentialed Medical Providers and Law Enforcement officers strategically assigned throughout nation that are available to support local first responders.
 - Pre-Clearance Field Office, consisting of CBP Officers (CBPO) and Special Response Team (SRT), joined other members of OFO, U.S. Border Patrol and Air and Marine at CBP HQ provided assistance and support to Federal and Local law enforcement partners to respond and prevent further rioting, vandalism and destruction due to the ongoing civil unrest in the National Capital Region (NCR) area.
 - **Baltimore Field Office (BFO):**
 - The BFO deployed (b)(7)(E) CBP Officers from the area north of Washington DC/Dulles (b)(7)(E) CBP officers from the Area Port of Baltimore and (b)(7)(E) SRT operators from the BFO have been deployed to provided support to USSS

in response to the ongoing civil disobedience occurring in VA and Washington DC.

- **Detroit Field Office:**

- The Detroit Field Office received a request to support the Detroit Police Department (DPD) with (b)(7)(E) CBPOs and (b)(7)(E) supervisor CBPOs with ongoing protests and civil unrests in the metropolitan Detroit area. DPD requested (b)(7)(E) marked Government Operative Vehicles (GOV) and personnel to assist local law enforcement with perimeter control of their staging area surrounding their EOC.

- **New York Field Office:**

- NYFO has deployed (b)(7)(E) officers from the JFK Airport to assist PAPD in response to a possible civil disturbance on airport property. The responding officers will participate as a security detail.
- NYFO has deployed (b)(7)(E) Task Force officers assigned to the NY DEA to assist the NYPD in protecting the Times Square Station while NYPD officers perform crowd control and policing duties. The TFOs are joined by the NY DEA.

- **Houston Field Office:**

- The Port of Houston Port Police requested (b)(7)(E) OFO Houston Seaport CBPOs to assist with physical security of the Port Houston Barbours Cut Container Terminal. OFO Houston Seaport CBPOs are requested to serve as standby Law Enforcement officers as well as assist local, state and federal law enforcement with ongoing protests and civil unrest in the Houston, TX area.

- **San Diego Field Office:**

- San Diego will send (b)(7)(E) personnel to the San Diego Command Post and one to the FBI Command Post.

- **U.S. Border Patrol**

- Sectors have placed personnel, to include Mobile Field Forces, Special Operations Groups, BORTAC, BORSTAR, and EMTs on standby to respond to civil disturbances throughout the nation.
- All sectors, stations and checkpoints remain on high alert; personnel continue to be notified to prepare for immediate deployment as necessary to include SOD and Mobile Field Force (MFF).

- **Alpine Sector (APD):**

- On 6 Jun, (b)(7)(E) agents are on stand-by in the event a planned Black Lives Matter protest escalates and requires additional law enforcement.

- **Buffalo Sector (BUN):**

- On 3 Jun, the Buffalo HSI SAIC has requested (b)(7)(E) JSBP Special Operations Agents (BORTAC/BORSTAR) to augment an HSI SRT Quick

Reaction Force (QRF); established as a precaution in advance of demonstrations anticipated in downtown Buffalo, NY through 7 Jun.

- **Detroit Sector (DTM):**
 - On 5 Jun, DTM Riverine Unit, at the request of DNR and MSP, will deploy (b)(7)(E) agents and (b)(7)(E) vessel to the MacArthur Bridge to ensure public safety during a scheduled protest. DTM/RU is limited to patrolling the waterway and effecting life saving measure as the need arises.
- **El Paso Sector (EPT):**
 - In response to a request from Las Cruces PD (b)(7)(E) USBP agents and (b)(7)(E) SOG agents are responding to assist (b)(7)(E) mitigate risk, life safety issues.
- **Spokane Sector:**
 - On 4 Jun, agents will participate in a joint QRF to a planned Black Lives Matter protest scheduled 4 Jun. Agents will be available to respond to other (b)(7)(E) in the area.
 - **Tucson Sector:**
 - On 3 Jun, TCA will support Casa Grande PD with a total of (b)(7)(E) agents (TCA SOD Platoon 1) in order to provide local agencies with support in maintaining control of planned protests in Casa Grande, AZ.
- **Air and Marine Operations (AMO):**
 - All AMO personnel are accounted for and have not been affected by any incident or event related to a civil disturbance.
 - **Manassas Air Branch:**
 - Will provide (b)(7)(E) aerial surveillance support over NYC and the NCR during protests.
 - **Great Lakes Air and Marine Branch Buffalo:**
 - HSI Special Agent in Charge Buffalo in collaboration with Buffalo Federal / State and local partners is requesting assistance in providing situational awareness through (b)(7)(E) to the tactical command center. Specific mission objectives are the security of HSI Offices and the Western District of New York Federal Court House.

U.S. Citizenship and Immigration Services (USCIS)

- There are no reports of USCIS personnel affected by the civil disturbances.
- USCIS is not providing any law enforcement support, however USCIS is prepared to partner with FPS and local law enforcement to respond to any incident at or near its facilities.

Immigration and Customs Enforcement (ICE)

- **Enforcement and Removal Operations (ERO)**

- Field offices placed Special Response Teams (SRTs) on standby in multiple locations.
- Buffalo ERO (b)(7)(E) continues to receive information that there are planned protests at or near several government buildings in Buffalo, NY. Buffalo ERO/SRT, CBP/OFO SRT, HSI SRT, Border Patrol BORTAC are all coordinating consolidated DHS response efforts, as needed. The U.S. Marshals Service, other federal and local law enforcement SWAT have been activated and are on standby. There has been no direct request for Buffalo ERO assistance but Buffalo SRT has been placed on standby in case protests impact the Buffalo ERO Office and are ready to assist as needed.
- ERO Philadelphia is monitoring protests across Philadelphia with widespread violence, looting and confrontations with police. The Mayor instituted an 1800 curfew. Protests also occurred at other locations across the AOR, with some violence. All office locations are open, and ERO Philadelphia continues to communicate with FPS and local PD to monitor threats to ICE facilities.
- **Homeland Security Investigations (HSI)**
 - Deployed (b)(7)(E) EOs providing security support to the FBI in NW DC.
 - A total of (b)(7)(E) SRT agents/officers were augmented by FBI special agents and provided deterrence against potential looters or other individuals engaged in criminal activity during curfew.
 - HSI reported no arrests, no reports of rioting, and no looting or property damage were reported in their sector.
 - Remaining personnel were placed on standby at Potomac Center North.
 - HSI Jacksonville is assisting (b)(7)(E) in reviewing the A-File of a Russian-born, naturalized USC, convicted felon, who was arrested during a protest while in possession of a homemade explosive device and other weapons.
 - (b)(7)(E) SRT members assigned to HSI San Antonio will be flying to Washington, DC to support ongoing community safety issues.
 - (b)(7)(E) Agent assigned to HSI Phoenix is supporting the Mesa Gang Unit, providing security for businesses that are being targeted by looters and (b)(7)(E) (b)(7)(E) (b)(7)(E)
 - HSI Boston has activated their SRT and deployed them to assist law enforcement in Washington DC; they are enroute to the Washington DC area.
 - HSI St. Paul committed (b)(7)(E) Special Agents to assist the St. Paul Police Department (SPPD) with vehicle patrols and serving as (b)(7)(E) units, looking for unrest, looting and other civil disobedience. There are also (b)(7)(E) Supervisors managing the command center.
 - HSI Portland is sending (b)(7)(E) Special Agents to support FPS with onsite security at the ICE facility in Portland, OR.
 - HSI NY is deploying their SRT and RRT to assist with civil unrest in the NCR.

U.S. Secret Service (USSS)

- Current joint-ops consisting of approximately (b)(7)(E) personnel from USSS, National Guard, USPP and CBP are supporting White House (WH) operations; focus is on the south side of WH Complex.
- Over the past 24 hours, one injury to a USSS law enforcement personnel was reported during demonstrations at the WH; no damage occurred to USSS property during this period. Since 29 May, 102 USSS law enforcement personnel reported minor injuries during demonstrations at the WH Complex, 11 were hospitalized.
- NYPD has officers present in the USSS Command Post in Trump Tower with daily coordination regarding the deployment of assets at the venue.

Countering Weapons of Mass Destruction Office (CWMD)

- CWMD currently has (b)(7)(E) employees deployed across the country where protests are taking place; all have checked in and are accounted for.
- Personnel are deployed to the following cities: Boston (b)(7)(E), Dallas (b)(7)(E), Houston (b)(7)(E), Phoenix (b)(7)(E) and Cincinnati (b)(7)(E).

Cybersecurity and Infrastructure Security Agency (CISA)

- CISA continues to monitor the situation and are standing by to provide assistance to stakeholders as required.
- Region III has (b)(7)(E) protective Security Advisors virtually supporting their State/Local EMA and LE partners as needed to advise on any critical infrastructure impacts due to civil disturbances.

Management Directorate (MGMT)

- **Federal Protective Service (FPS)**
 - Since 29 May, FPS has responded to 98 protests at Federal facilities.
 - Over the past 24 hours, FPS responded to 14 protests at Federal facilities;
 - Since 29 May, 106 Federal facilities have sustained vandalism/damage.
 - Over the past 24 hours, Six Federal facilities were vandalized/damaged (spray painted graffiti and windows broken);
 - FPS cross-designated CBP and ICE Officers and Agents with FPS' law enforcement authority to assist FPS in protecting Federal facilities occupied by CBP and ICE personnel in Seattle and Tacoma, WA and Portland, OR.
 - Bureau of Prisons Officers and the FBI provided law enforcement officers in protecting Federal facilities located adjacent to Lafayette Park.
 - ICE has (b)(7)(E) Rapid Response Teams on standby to assist in responding to criminal activities (i.e., vandalism, attempts to breach) at Federal facilities located within the NCR.

- TSA provided (b)(7)(E) VIPER teams to perform investigative support and (b)(7)(E) (b)(7)(E) patrol operations at high-risk Federal facilities located within the NCR.
- FBI and the US Marshals Service assisted FPS in protecting the US Courthouse located in Charlottesville, VA.
- FPS Special Agents assigned as Task Force Officers to the FBI New York (b)(7)(E) were placed on standby to execute warrants based on an incident involving NYPD Officers.
- CBP, ICE and TSA FAMS are providing protection to multiple facilities in the downtown Washington, DC area of operations. Additional support is being coordinated in other cities, to include:
 - Atlanta, GA.
 - Phoenix, AZ.
 - Portland, OR.
 - Louisville, KY.
 - Milwaukee, WI.
 - Grand Rapids, MI.
 - Tacoma and Spokane, WA.
 - Cincinnati and Columbus, OH.
 - Jacksonville, Miami and Tampa, FL.
 - Los Angeles, Oakland, San Diego and San Francisco, CA.

Citizenship and Immigration Services Ombudsman

- No personnel injured, deceased or displaced.

Transportation Security Administration (TSA)

- In support of the DOJ, TSA deployed (b)(7)(E) Federal Air Marshals (FAMs) and (b)(7)(E) (b)(7)(E) vehicles to the NCR. These FAMs and vehicles are deploying throughout the district in coordination with FPS Officers.
 - Security of the Post Office Museum and surrounding federal buildings.
 - Security of the Export-Import Bank of the U.S. and surrounding federal buildings.
- Deployed (b)(7)(E) VIPER teams to support FPS.

Federal Law Enforcement Training Center (FLETC)

- FLETC security continues increased perimeter patrols at all sites.

Department of Homeland Security HQ (DHS HQ)

- National Operations Center provides twice daily incident reports to the Homeland Security Enterprise with interim updates to DHS leadership.
- Providing parking space on St. Elizabeth's campus for two CBP (b)(7)(E) cargo trailers containing riot equipment.

Science and Technology (S&T)

- S&T's ability to execute or sustain its mission has been unaffected; S&T is standing by to assist the Department Mission.

Military Advisor (MIL ADV)

- U.S. Northern Command NORHTCOM has directed military facilities in the NCR to elevate Force Protection Condition to FPCON C.
- The National Guard Bureau NGB reports that over (b)(7)(E) members have been mobilized in 26 states and DC in support of state and local law enforcement agencies.
- DHS has not requested any formal request for assistance (RFA) from DOD.

The next DHS Component Actions Report will be published on or about 1200 ET 5 Jun 2020.

The DHS Component Action Report is an internal DHS report that is to DHS HQ Leadership, DHS Component Leadership, and DHS Component Operations Centers

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DHS INTERNAL USE ONLY

COUREY, MARC BENNETT (OCC)

From: COUREY, MARC BENNETT (OCC)
Sent: Friday, August 28, 2020 6:54 AM
To: MORGAN, MARK A; PEREZ, ROBERT E
Cc: SEGUIN, DEBBIE W; SCOTT, RODNEY S; ORTIZ, RAUL L; PORVAZNIK, ANTHONY J; Owen, Todd C (EAC OFO); FORET, VERNON T; FERRARA, WILLIAM; SABATINO, DIANE J; FALK, SCOTT K (OCC); WILLIAMS, MARTA (OCC); STUNTZ, SHELBY (OCC);

(b)(6), (b)(7)(C)

Subject: RE: Index Newspapers -- Portland Civil Unrest Litigation -- Preliminary Injunction Stayed by Ninth Circuit

Attachments: Index Newspapers Portland Civil Unrest Preliminary Injunction 8-20-20.pdf; PI Guidance - Index Newspapers.pdf; Index Newspapers - Govt Motion for Stay Pending Appeal 082520.pdf; Index Newspapers Portland Civil Unrest Preliminary Injunction Ninth Circuit Stay 8-27-20.pdf

(b)(5)

(b)(5)

Please let us know if you have questions or would like to discuss. We will continue to keep you apprised of significant developments in this litigation.

Bennett Courey
CBP Associate Chief Counsel (Enforcement and Operations)

(b)(6), (b)(7)(C)

~~* Attorney Work Product / Attorney-Client Privileged *~~

From: COUREY, MARC BENNETT (OCC)
Sent: Monday, August 24, 2020 9:34 PM

To: MORGAN, MARK A <mark.a.morgan@cbp.dhs.gov>; PEREZ, ROBERT E **(b)(6), (b)(7)(C)**
Cc: SEGUIN, DEBBIE W **(b)(6), (b)(7)(C)**; SCOTT, RODNEY **(b)(6), (b)(7)(C)**

ORTIZ, RAUL (b)(6), (b)(7)(C); PORVAZNIK, ANTHONY J (b)(6), (b)(7)(C)
Owen, Todd C (EAC OFO) (b)(6), (b)(7)(C); FORET, VERNON T (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C); SABATINO, DIANE J (b)(6), (b)(7)(C)
FALK, SCOTT K (OCC) (b)(6), (b)(7)(C); WILLIAMS, MARTA (OCC)
(b)(6), (b)(7)(C); STUNTZ, SHELBY (OCC) (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: RE: Index Newspapers -- Portland Civil Unrest Litigation -- Preliminary Injunction Ordered Today

(b)(5), (b)(7)(E)

Please let us know if you have any questions or would like to discuss. Thank you.

Bennett Courey
CBP Associate Chief Counsel (Enforcement and Operations)

(b)(6), (b)(7)(C)

** Attorney Work Product / Attorney Client Privileged **

From: COUREY, MARC BENNETT (OCC)

Sent: Thursday, August 20, 2020 8:33 PM

To: MORGAN, MARK A <mark.a.morgan@cbp.dhs.gov>; PEREZ, ROBERT E (b)(6), (b)(7)(C)

Cc: SEGUIN, DEBBIE W (b)(6), (b)(7)(C); SCOTT, RODNEY S (b)(6), (b)(7)(C)

ORTIZ, RAUL (b)(6), (b)(7)(C); PORVAZNIK, ANTHONY J (b)(6), (b)(7)(C)

Owen, Todd C (EAC OFO) (b)(6), (b)(7)(C); FORET, VERNON T (b)(6), (b)(7)(C)

FERRARA, WILLIAM (b)(6), (b)(7)(C); SABATINO, DIANE J (b)(6), (b)(7)(C)

FALK, SCOTT K (OCC) (b)(6), (b)(7)(C); WILLIAMS, MARTA (OCC)

(b)(6), (b)(7)(C); STUNTZ, SHELBY (OCC) (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: Index Newspapers -- Portland Civil Unrest Litigation -- Preliminary Injunction Ordered Today

Commissioner and Deputy Commissioner -- This afternoon, Judge (b)(6) issued the attached Preliminary Injunction against the U.S. Government, including the Department of Homeland Security. The terms of the Preliminary Injunction are very similar to those outlined in the Temporary Restraining Order issued on July 23 and extended on

August 6. In short, the Federal Defendants are enjoined from the following:

(b)(5)

We are already working with OGC HQ and DOI with regard to the appeal of this preliminary injunction. Please let us know if you have any questions or would like to discuss. Thank you.

Bennett Courey
CBP Associate Chief Counsel (Enforcement and Operations)

(b)(6), (b)(7)(C)

~~** Attorney Work Product / Attorney-Client Privileged **~~

From: COUREY, MARC BENNETT (OCC) (b)(6), (b)(7)(C)

Sent: Thursday, August 6, 2020 7:06 PM

To: MORGAN, MARK A <mark.a.morgan@cbp.dhs.gov>; PEREZ, ROBERT E (b)(6), (b)(7)(C)

Cc: SEGUIN, DEBBIE W (b)(6), (b)(7)(C); SCOTT, RODNEY S (b)(6), (b)(7)(C)

ORTIZ, RAUL (b)(6), (b)(7)(C); PORVAZNIK, ANTHONY J (b)(6), (b)(7)(C)

Owen, Todd C (EAC OFO) (b)(6), (b)(7)(C); FORET, VERNON T (b)(6), (b)(7)(C);
FALK, SCOTT K (OCC) (b)(6), (b)(7)(C); WILLIAMS, MARTA (OCC)
(b)(6), (b)(7)(C); STUNTZ, SHELBY (OCC) (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: RE: Index Newspapers -- Portland Civil Unrest Litigation -- TRO Extended

(b)(5), (b)(6)

Please let us know if you have any questions or would like to discuss. Thank you.

Bennett Courey
CBP Associate Chief Counsel (Enforcement and Operations)

(b)(6), (b)(7)(C)

** Attorney Work Product / Attorney-Client Privileged **

From: COUREY, MARC BENNETT (OCC)

Sent: Thursday, July 23, 2020 7:14 PM

To: MORGAN, MARK A (b)(6), (b)(7)(C); PEREZ, ROBERT E (b)(6), (b)(7)(C)

Cc: SEGUIN, DEBBIE W (b)(6), (b)(7)(C); SCOTT, RODNEY S (b)(6), (b)(7)(C)

ORTIZ, RAUL (b)(6), (b)(7)(C); PORVAZNIK, ANTHONY J (b)(6), (b)(7)(C)

Owen, Todd C (EAC OFO) (b)(6), (b)(7)(C); FORET, VERNON T (b)(6), (b)(7)(C)

FALK, SCOTT K (OCC) (b)(6), (b)(7)(C); WILLIAMS, MARTA (OCC)

(b)(6), (b)(7)(C); STUNTZ, SHELBY (OCC) (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: Index Newspapers -- Portland Civil Unrest Litigation -- TRO Likely/Imminent

Commissioner and Deputy Commissioner – The hearing for the *Index Newspapers* TRO was held earlier today in Portland and we wanted to provide you a brief summary and also notify you of the likelihood that a 14-day TRO will be granted with regard to the use of force and arrests against and of journalists and legal observers. Present at the

(b)(5), (b)(6)(7)(c)

(b)(5), (b)(6)(7)(c)

We will keep you posted. Please let us know if you have questions or if you would like to discuss. Thanks very much.

Bennett Courey
CBP Associate Chief Counsel (Enforcement and Operations)

(b)(6), (b)(7)(C)

** Attorney Work Product / Attorney Client Privileged **

From: COUREY, MARC BENNETT (OCC)

Sent: Monday, July 20, 2020 8:27 PM

To: MORGAN, MARK A <mark.a.morgan@cbp.dhs.gov>; PEREZ, ROBERT E (b)(6), (b)(7)(C)

Cc: SEGUIN, DEBBIE W (b)(6), (b)(7)(C); SCOTT, RODNEY S (b)(6), (b)(7)(C)

ORTIZ, RAUL (b)(6), (b)(7)(C); PORVAZNIK, ANTHONY J (b)(6), (b)(7)(C)

Owen, Todd C (EAC OFO) (b)(6), (b)(7)(C); FORET, VERNON T (b)(6), (b)(7)(C)

FALK, SCOTT K (OCC) (b)(6), (b)(7)(C); WILLIAMS, MARTA (OCC)

(b)(6), (b)(7)(C); STUNTZ, SHELBY (OCC) (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: Index Newspapers -- TRO Motion Filed in District of Oregon

Commissioner and Deputy Commissioner -- We write to update you on the temporary restraining order request filed in Portland against DHS and the U.S. Marshals Service on Friday, July 17. As you may be aware, on June 28, several

(b)(5), (b)(6)(7)(c)

The DHS opposition to the TRO motion is due at 5:00pm PT tomorrow, and the plaintiff's reply is due on Wednesday. The Court will hold a hearing on the TRO motion on Thursday, July 23. Our office is actively engaged with FPS Counsel and OGC HQ in the preparation of the DHS opposition and defense in this matter.

Please let us know if you have questions or would like to discuss. We will continue to keep you posted regarding significant developments in this litigation.

Bennett Courey
CBP Associate Chief Counsel (Enforcement and Operations)

(b)(6), (b)(7)(C)

Attorney Work Product / Attorney-Client Privileged

STUNTZ, SHELBY (OCC)

From: STUNTZ, SHELBY (OCC)
Sent: Thursday, August 20, 2020 8:01 PM
To: COUREY, MARC BENNETT (OCC)
Cc: FALK, SCOTT K (OCC); WILLIAMS, MARTA (OCC)
Subject: FW: Index Newspapers -- Portland Civil Unrest Litigation -- Preliminary Injunction Ordered Today
Attachments: Index Newspapers v DHS - Preliminary Injunction Opinion 082020.pdf

(b)(5)

(b)(5), (b)(6), (b)(7)(c)

(b)(5), (b)(6)(7)(c)

Shelby Stuntz
Deputy Associate Chief Counsel, LA
Office of Chief Counsel, US CBP

(b)(6), (b)(7)(C) (direct)
(office)
562-243-2552 (cell)

~~**ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT** This communication might contain communications between attorney and client, communications that are part of the agency deliberative process, or attorney work-product, all of which are privileged and not subject to disclosure outside the agency or to the public. Please consult with the Office of Chief Counsel, U.S. Customs and Border Protection before disclosing any information contained in this email. If you are not the intended recipient of this transmission, please notify the sender immediately.~~

From: COUREY, MARC BENNETT (OCC) (b)(6), (b)(7)(C)
Sent: Thursday, August 6, 2020 7:06 PM
To: MORGAN, MARK A (b)(6), (b)(7)(C); PEREZ, ROBERT E (b)(6), (b)(7)(C)
Cc: SEGUIN, DEBBIE W (b)(6), (b)(7)(C); SCOTT, RODNEY S (b)(6), (b)(7)(C)
ORTIZ, RAUL (b)(6), (b)(7)(C); PORVAZNIK, ANTHONY J (b)(6), (b)(7)(C)
Owen, Todd C (EAC OFO) (b)(6), (b)(7)(C); FORET, VERNON T (b)(6), (b)(7)(C)
FALK, SCOTT K (OCC) (b)(6), (b)(7)(C); WILLIAMS, MARTA (OCC)
(b)(6), (b)(7)(C); STUNTZ, SHELBY (OCC) (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: RE: Index Newspapers -- Portland Civil Unrest Litigation -- TRO Extended

(b)(5), (b)(6), (b)(7)(c)

Please let us know if you have any questions or would like to discuss. Thank you.

Bennett Courey

CBP Associate Chief Counsel (Enforcement and Operations)

(b)(6), (b)(7)(C)

** Attorney Work Product / Attorney-Client Privileged **

From: COUREY, MARC BENNETT (OCC)

Sent: Thursday, July 23, 2020 7:14 PM

To: MORGAN, MARK A <mark.a.morgan@cbp.dhs.gov>; PEREZ, ROBERT E (b)(6), (b)(7)(C)

Cc: SEGUIN, DEBBIE W (b)(6), (b)(7)(C); SCOTT, RODNEY S (b)(6), (b)(7)(C)

ORTIZ, RAUL (b)(6), (b)(7)(C); PORVAZNIK, ANTHONY J (b)(6), (b)(7)(C)

Owen, Todd C (EAC OFO) (b)(6), (b)(7)(C); FORET, VERNON T (b)(6), (b)(7)(C)

FALK, SCOTT K (OCC) (b)(6), (b)(7)(C); WILLIAMS, MARTA (OCC)

(b)(6), (b)(7)(C); STUNTZ, SHELBY (OCC) (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: Index Newspapers -- Portland Civil Unrest Litigation -- TRO Likely/Imminent

(b)(5), (b)(6), (b)(7)(c)

(b)(5), (b)(6), (b)(7)(c)

We will keep you posted. Please let us know if you have questions or if you would like to discuss. Thanks very much.

Bennett Courey
CBP Associate Chief Counsel (Enforcement and Operations)

(b)(6), (b)(7)(C)

~~** Attorney Work Product / Attorney-Client Privileged **~~

From: COUREY, MARC BENNETT (OCC)

Sent: Monday, July 20, 2020 8:27 PM

To: MORGAN, MARK A (b)(6), (b)(7)(C); PEREZ, ROBERT E (b)(6), (b)(7)(C)
Cc: SEGUIN, DEBBIE W (b)(6), (b)(7)(C); SCOTT, RODNEY S (b)(6), (b)(7)(C)
ORTIZ, RAUL L (b)(6), (b)(7)(C); PORVAZNIK, ANTHONY J <ANTHONY.J.PORVAZNIK@CBP.DHS.GOV>;
Owen, Todd C (EAC OFO) (b)(6), (b)(7)(C); FORET, VERNON T (b)(6), (b)(7)(C)
FALK, SCOTT K (OCC) (b)(6), (b)(7)(C); WILLIAMS, MARTA (OCC)
(b)(6), (b)(7)(C); STUNTZ, SHELBY (OCC) (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: Index Newspapers -- TRO Motion Filed in District of Oregon

(b)(5), (b)(6), (b)(7)(c)

(b)(5), (b)(6), (b)(7)(c)

Please let us know if you have questions or would like to discuss. We will continue to keep you posted regarding significant developments in this litigation.

Bennett Courey

CBP Associate Chief Counsel (Enforcement and Operations)

(b)(6), (b)(7)(C)

*** Attorney Work Product / Attorney Client Privileged ***

U.S. Department of Homeland Security

U.S. Customs and Border Protection

Operations Support - Incident Report

13 June 2020

~~(U//FOUO)~~ Reporting Notice: This product was prepared by U.S. Customs and Border Protection, Office of Intelligence, National Intelligence Watch.

~~(U//FOUO)~~ Nationwide Protests

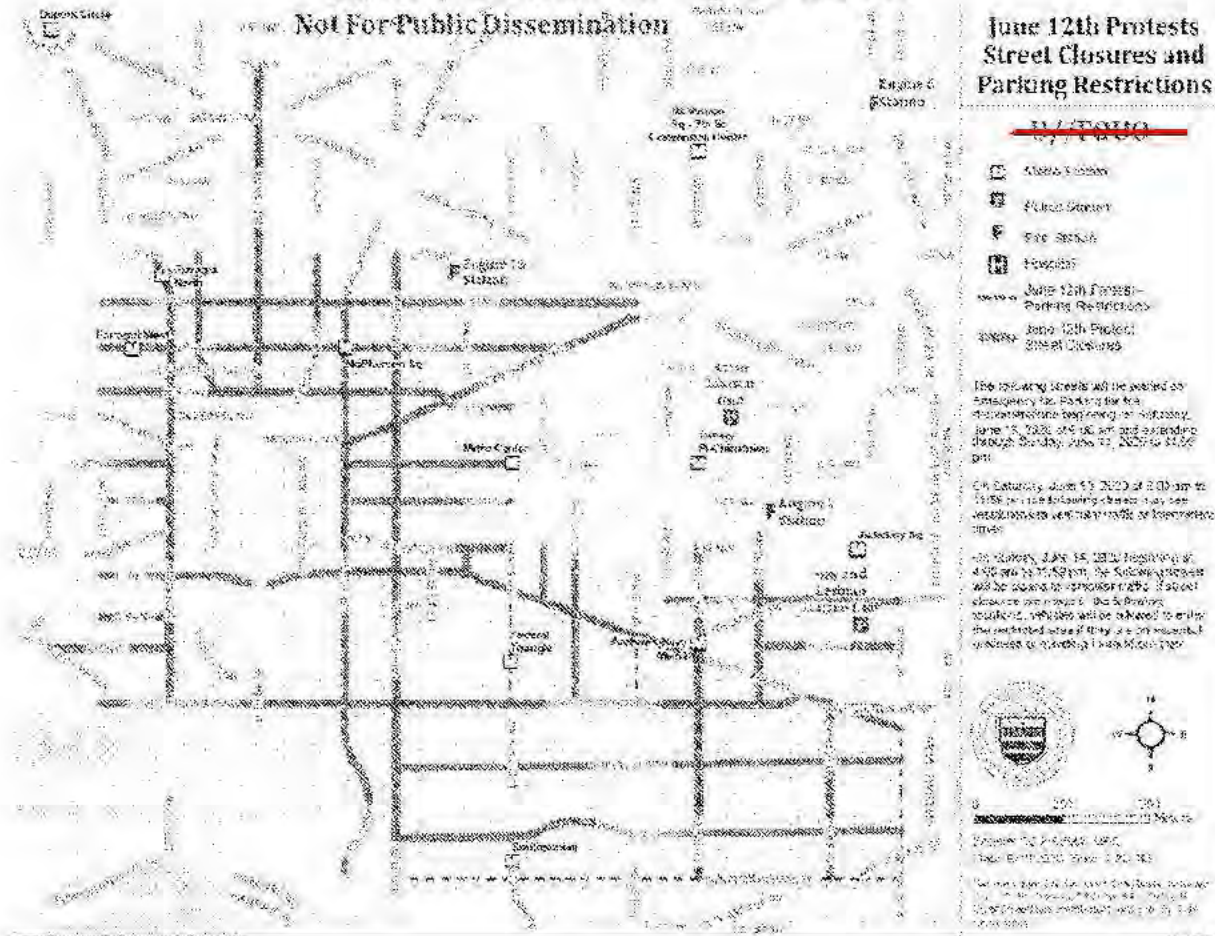
(U) Current Situation

~~(U//FOUO)~~ The nation has seen an increase in protests, sponsored by multiple domestic organizations, following the death of George Floyd. Based on open source and social media reporting, the majority of these protests, sponsored by the "Black Lives Matter"^(USPER) movement have remained peaceful. However, due to nefarious actors using these protests as façades, there have been incidents where law enforcement (LE) officials have needed to respond with escalated force – incidents including the use of pepper spray, riot shields, and rubber bullets. LE have had to use non-lethal, and in some cases lethal, force to control the civil unrest in cities around the nation. LE has suffered over 100 injuries, dozens of LE vehicles destroyed, and there are reports of police stations being burnt down. While many of these protests have occurred around major cities, some have occurred near CBP locations to include CBP headquarters where there has been protests and some looting.

~~(U//FOUO)~~ Protests are to resume this weekend with multiple protests occurring in the D.C. region. As a result, streets throughout the D.C. region (see map below) will be posted as "Emergency No Parking" and there will be restrictions to vehicular traffic at intermittent times for demonstrations beginning on Saturday, 13 June at 6:00 am and extending through Sunday, 14 June to 11:59 pm. If street closures are made, vehicles will be allowed to enter the restricted area if they are on essential business or traveling to-and-from their residence.

(U//FOUO) Road Closures in D.C. Region for 12-14 June

Not For Public Dissemination



b7E -4 Per FBI

(U//LES) [Redacted]

[Redacted]

(U//LES) According to reporting, 12 June is "National Kill a Cop" day with an "event" is scheduled called "FUCK12" and "All Cops are Bastards (ACAB)." [Redacted]

b7E -4 Per FBI

[Redacted]

(U//LES) As of 13 June, multiple agencies continue to monitor for potential violence at federal facilities in the Seattle, Washington, Portland, Oregon, and San Francisco, California areas. The Federal Protective Service assesses federal facilities in these areas could be targeted for potential violent opportunist activities over the weekend; however, there are no incidents or events involving violence in these areas and remain peaceful.

~~(U//LES)~~ The Northern California Regional Intelligence Center is passed on a bulletin from San Leandro Police Department stating it received information that Law Enforcement could be targeted tonight due to an affiliated gang member being shot in the City of Oakland last weekend by CHP. San Leandro PD is still investigating this potential threat.

~~(U//FOUO)~~ Social media continues to be used to incite violence as well as threats against POTUS, law enforcement and peaceful protests. Below contains highlights of some the social media activity:

- ~~(U//FOUO)~~ A likely California-based Facebook^{USBU} user with the profile name ~~(b)(6);(b)(7)(c)~~ ~~(b)(6);(b)(7)(c)~~ threatens to kill protestors and spread COVID-19 by spitting on packages.
- ~~(U//FOUO)~~ Social media user advises others on how to disable police Mine Resistant Ambush Protected vehicle.
- ~~(U//FOUO)~~ A San Francisco-based social media user with profile name ~~(b)(6);(b)(7)(c)~~ ~~(b)(6);(b)(7)(c)~~ posts an infographic titled "PROTEST ROLES". The infographic contained TTPs on how to participate in a protest and support each other, including the use of flammable projectiles and laser pointers.
- ~~(U//FOUO)~~ A likely Portland, Oregon-based violent opportunist pledges to kill looters and kill law enforcement; declaring it a 'Day of Reckoning'.

(b)(7)(e)

(U) Field Collaboration

~~(U//FOUO)~~ ~~(b)(7)(E)~~
(b)(7)(E)

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Tuesday, June 9, 2020 1:04 PM
To: WATCH CBP INTEL
Subject: ~~(U//FOUO)~~ 09 June 2020 - 24 Hour Roll-up - UPDATED
Attachments: 09 June 2020 1300 24 Hour Roll-Up Incident Report - Nationwide Protests.pdf

Additional information added in update.



~~(U//FOUO)~~ Nationwide Protests
~~(U)~~ Current Situation

~~(U//FOUO)~~ The nation has seen an increase in protests, sponsored by multiple domestic organizations, following the death of George Floyd. Based on open source and social media reporting, the majority of these protests, sponsored by the "Black Lives Matter" ^{LSPER} movement have remained peaceful. However, due to nefarious actors using these protests as façades, there have been incidents where law enforcement (LE) officials have needed to respond with escalated force – incidents including the use of pepper spray, riot shields, and rubber bullets. LE have had to use non-lethal, and in some cases lethal, force to control the civil unrest in cities around the nation. LE has suffered over 100 injuries, dozens of LE vehicles destroyed, and there are reports of police stations being burnt down. While many of these protests have occurred around major cities, some have occurred near CBP locations to include CBP headquarters where there has been protests and some looting.

~~(U//LES)~~ There are multiple reported injuries to law enforcement officers. As of 7 June, FBI Field Offices reported the violence and criminal activity during protection of lawful protest has resulted in one federal officer killed, 147 federal officers injured, one local officer killed (SF), and 606 local officers injured around the country during protests, frequently from projectiles.

~~(U//FOUO)~~ As of 8 June, U.S. Attorneys' Offices charged 78 individuals with varying crimes including: use of explosive or fire to damage or destroy a vehicle used in interstate commerce; traveling in interstate commerce or using a facility of interstate commerce to incite a riot; organize, promote, encourage, participate in, or carry on a riot; use of an explosive device; and conspiracy to destroy by fire and explosive.

~~(U//LES)~~ To date, FBI reported more than 13,900 arrests made by various law enforcement agencies across the nation.

~~(U//LES)~~ According to the ATF, since the start of the unrest, 82 federal firearms licensees' burglaries have occurred of an estimated 1,117 firearms; 884 reported arsons; 80 explosives incidents and 51 ATF arrests to date.

~~(U)~~ In Philadelphia, as of 9 June, members of the Pennsylvania National Guard remain stationed outside City Hall and the Municipal Services Building. The National Guard was deployed to Philadelphia in the early morning hours of 1 June following a weekend of violence and looting. Since then, protests in the city have been overwhelmingly peaceful. According to the Mayor, the troops will remain until they are no longer needed.

~~(U)~~ Thousands of protesters who have been arrested in Los Angeles for violating curfew or failing to disperse will not be prosecuted, county and city officials announced 8 June and will instead take a non-punitive approach to resolving

cases in which people who have taken to the streets protesting police brutality.

(b) The curfew in Cincinnati ended last night, 8 June, and lasted a total of 10 days. Over those 10 days, 513 individuals were arrested for violating the curfew.

(b)(7)(E)

(b) Field Collaboration

~~(b)(7)(E)~~

(b)(7)(E)

(b)(7)(E)

(b)(6), (b)(7)(C)

(b)(7)(E) *Current and Emerging Threats Division*

Office of Intelligence

U.S. Customs and Border Protection

Office number:

Direct number: **(b)(6), (b)(7)(C)**

"Leadership is not about being in charge. Leadership is about taking care of those in your charge." – Simon Sinek

(b)(6), (b)(7)(C) (OCC)

From: (b)(6), (b)(7)(C) (OCC)
Sent: Wednesday, June 3, 2020 5:47 PM
To: BLESSEY, CAROLINE M (OCC); (b)(6), (b)(7)(C) (OCC)
Cc: (b)(6), (b)(7)(C) (OCC)
Subject: RE: Houston Field Office Support to Port Houston Port Police with Facility Security

Carol,

(b)(5), (b)(6), (b)(7)(c)

(b)(6), (b)(7)(C)

Senior Attorney
Office of Associate Chief Counsel, CBP

(b)(6), (b)(7)(C) (office)
(b)(6), (b)(7)(C) (cell)

~~ATTORNEY WORK PRODUCT OR PRIVILEGED COMMUNICATION
OR BOTH. ATION RESTRICTED.~~

From: (b)(6), (b)(7)(C) (OCC)
Sent: Wednesday, June 3, 2020 4:03 PM
To: BLESSEY, CAROLINE M (OCC); (b)(7)(E)
(b)(6), (b)(7)(C)
Subject: FW: Houston Field Office Support to Port Houston Port Police with Facility Security

FYI,
On call now.

(b)(6), (b)(7)(C)

Senior Attorney
Office of Associate Chief Counsel, CBP

(b)(6), (b)(7)(C) (office)

(b)(6), (b)(7)(C) cell

~~ATTORNEY WORK PRODUCT / PRIVILEGED COMMUNICATION
CIRCULATION RESTRICTED~~

From: (b)(6), (b)(7)(C)

Sent: Wednesday, June 3, 2020 4:01 PM

To: (b)(6), (b)(7)(C) (OCC)

(b)(6), (b)(7)(C)

Subject: FW: Houston Field Office Support to Port Houston Port Police with Facility Security

(b)(6), (b)(7)(C)

Assistant Director – Border Security

Houston Field Office

Office of Field Operations

Customs and Border Protection

(b)(6), (b)(7)(C) office
cell

~~This document and any attachment(s) may contain restricted, sensitive, and/or law enforcement sensitive information belonging to the U.S. Government. It is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient.~~

From: (b)(6), (b)(7)(C)

Sent: Wednesday, June 3, 2020 2:49 PM

To: MURDOCK, JUDSON W (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Cc: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: Houston Field Office Support to Port Houston Port Police with Facility Security

FORMAT:

The Houston Field Office received the below request to support Port Houston Port Police with OFO CBP Houston Seaport CBP Officers to serve as standby Law Enforcement officers in the event they are needed to secure and protect (b)(7)(E) and law enforcement partners in connection with ongoing protests and civil unrest in the Houston, TX area.

CBP OFO: Houston Seaport CBP Officers

Event Summary: OFO Houston Seaport CBP Officers are requested to assist with (b)(7)(E) of Port

(b)(7)(E)

OFO Houston Seaport CBP Officers are requested to serve as standby Law Enforcement officers in the event they are needed to assist in efforts to ensure officer and public safety as well as assist local, state and federal law enforcement with ongoing protests and civil unrest in the Houston, TX area.

POC/Contact:

Primary: APD: (b)(6), (b)(7)(C)

Alternate(s): Chief (b)(6), (b)(7)(C)

Event Location: Port Houston Barbours Cut Container Terminal, 1515 Barbours Cut Blvd, La Porte, TX 77571

Date/Time: Support to begin at 16:00 on June 04, 2020 until to be determined.

Description and Timeline:

Port Houston Port Police was made aware of a protest planned for La Porte, TX on June 4, 2020 beginning at 16:00. CBP Houston Seaport will (b)(7)(E) CBP Officers to serve as standby Law Enforcement officers in the event they are needed to support and assist (b)(7)(E)

(b)(7)(E)

(b)(6), (b)(7)(C)

Watch Commander

Area Port of Houston/Galveston

U.S. Customs and Border Protection

Mobile

(b)(6), (b)(7)(C) Office

Direct

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(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Saturday, June 6, 2020 3:00 AM
To: WATCH CBP INTEL
Subject: ~~(U//FOUO)~~ 06 June 2020 0300 Incident Report-Nationwide Protests
Attachments: 06 June 2020 0300 Incident Report-Nationwide Protests.pdf

U.S. Department of Homeland Security
U.S. Customs and Border Protection

Operations Support - Incident Report

06 June 2020

~~(U//FOUO)~~ **Reporting Notice:** This product was prepared by U.S. Customs and Border Protection, Office of Intelligence, National Intelligence Watch.

~~(U//FOUO)~~ Nationwide Protests

~~(U)~~ Current Situation

~~(U//FOUO)~~ The nation has seen an increase in protests, sponsored by multiple domestic organizations, following the death of George Floyd. Based on open source and social media reporting, the majority of these protests, sponsored by the "Black Lives Matter" ^{USPER} movement have remained peaceful. However, due to nefarious actors using these protests as façades, there have been incidents where law enforcement (LE) officials have needed to respond with escalated force – incidents including the use of pepper spray, riot shields, and rubber bullets. LE have had to use non-lethal, and in some cases lethal, force to control the civil unrest in cities around the nation. LE has suffered over 100 injuries, dozens of LE vehicles destroyed, and there are reports of police stations being burnt down. While many of these protests have occurred around major cities, some have occurred near CBP locations to include CBP headquarters where there has been protests and some looting.

~~(U//FOUO)~~ At 0215, protesters in Portland Oregon, started to shake a fence, which was in place to control the protesters, as well as throw dozens of water bottles at the police. The police used tear gas to disperse the crowd.

~~(U//FOUO)~~ At 2306, an instigator in Washington D.C. started a fistfight and was apprehended. At 2300, a report stated the instigator was trying to fight a live streamer while the rest of the crowd tried to remove the instigator from the crowd.

~~(U//FOUO)~~ The U.S. Embassy in Mexico City prepared for protests on 5 June, and protected the embassy with barricades. Protesters did arrive and unsuccessfully attempted to breach the barricades. After failing to get past the barricades, the protesters traveled to "Casa Jalisco" (Jalisco State government building) and vandalized businesses. While walking down Avenida Reforma, the protesters displayed a large Antifa banner.

~~(U//FOUO)~~ According to a FBI criminal complaint, at least two of the three men charged on Wednesday with plotting violence in Las Vegas, had participated in (b)(6), (b)(7)(C) groups on Facebook ^{USBUS} Facebook has

responded and stated they will no longer recommend such groups to members of similar association and they the changes had already been made earlier this week.

~~(U//FOUO)~~ Social Media continues to be used to threaten officials as well as incite violence.

- ~~(U//FOUO)~~ a (b)(7)(E) social media user threatened to kill President Trump, the US Attorney General, a named police officer, and police officers assigned to work protest response.
- ~~(U//FOUO)~~ Three separate social media users incite violence against CBP personnel and leadership to include replying to a post published by Commissioner Morgan.

~~(U//FOUO)~~ As of 2150, protests continue in New York City, almost two hours past curfew. Last night, New York City police arrested 270 people for being out past curfew. Police have not said whether any arrests were made today.

~~(U//FOUO)~~ Protest continue to be peaceful for much of the nation to include Washington D.C. As of 2130, a group of 300 plus protesters were heading towards the White House area, but all protests have remained civil.

~~(U//FOUO)~~ 57 Buffalo officers resign from Emergency Response Team after two cops were suspended for pushing over a 75-year-old protester on Thursday. According to a police official, "the officers resigned because of the treatment of two of their members, who were simply executing orders."

~~(U//FOUO)~~ Seattle's mayor has banned the police use of tear gas for 30 days. Over the next 30 days, the department will adopt policies and training for use of the chemical agent.

~~(U//FOUO)~~ On Saturday, 6 June 2020, multiple First Amendment demonstrations are scheduled to occur in the D.C. area. In conjunction with this event there will be street closures and restrictions. The street closures will be restricted for vehicular traffic between 0600 and 2400. The full list of street closures can be found here:

<https://mpdc.dc.gov/release/traffic-advisory-first-amendment-demonstrations>

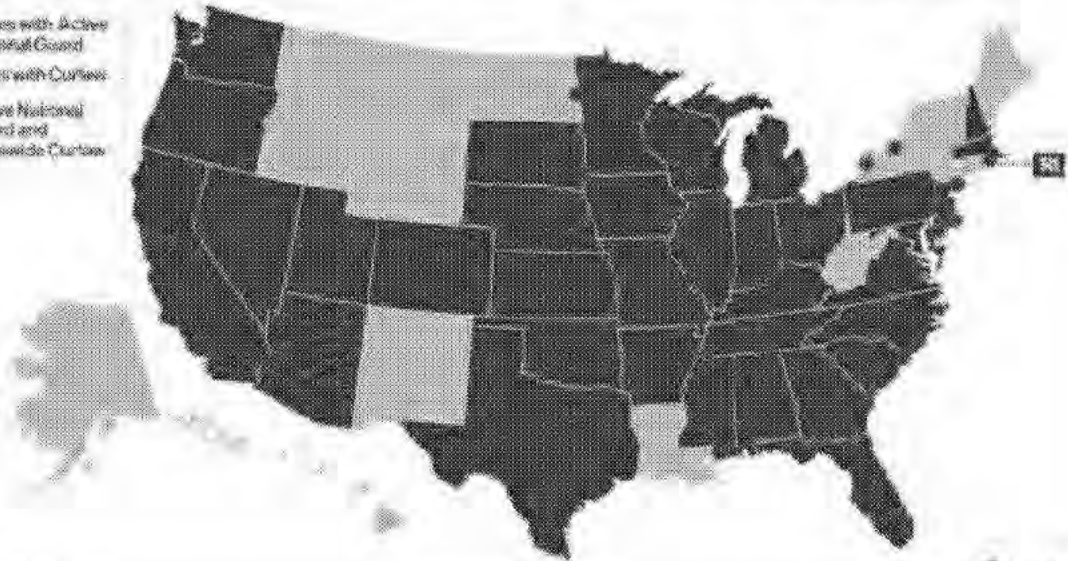


~~(U//FOUO)~~ According to open source reporting, Secretary of Defense Mark Esper has ordered the remaining active duty troops who deployed to D.C. to return to their home base: (b)(7)(E)

~~(U//FOUO)~~ At 1600, a cache of bricks was reportedly discovered in vicinity of (b)(7)(E). The cache of bricks was being cleared. The bricks were reportedly being covered by a protest sign to conceal them.

U.S. Protests Map Shows Where Curfews And The National Guard Are Active

- States with Active National Guard
- Cities with Curfews
- Active National Guard and Statewide Curfews



AS OF JUNE 4, 2020



(b)(7)(E)

~~(U)~~ Field Collaboration

~~(U//FOUO)~~

(b)(7)(E)

(b)(7)(E)

BLESSEY, CAROLINE M (OCC)

From: BLESSEY, CAROLINE M (OCC)
Sent: Friday, June 5, 2020 6:40 PM
To: FALK, SCOTT K (OCC); WILLIAMS, MARTA (OCC) (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C) (OCC)
Subject: ACC Houston Daily aka Texas Roundup with our first cat pet contestant picture below.
Attachments: FW: Favorable EEOC result from El Paso.msg

Laredo Daily

(b)(5), (b)(6), (b)(7)(C) and (b)(7)(E)

El Paso Daily

(b)(5), (b)(6), (b)(7)(C) and (b)(7)(E)

-
- **(b)(5), (b)(6), (b)(7)(C) and (b)(7)(E)**

Marfa Daily

-
-
-

(b)(5), (b)(6), (b)(7)(C) and (b)(7)(E)

Del Rio Daily

-
- **(b)(5), (b)(6), (b)(7)(C) and (b)(7)(E)**

Houston Daily

(b)(5), (b)(6), (b)(7)(C)

RGV Daily

Staff Attorney Items of Interest

(b)(5), (b)(6), (b)(7)(C)

(b)(5)

Today's pet picture

Caroline M. Blessey
Associate Chief Counsel
Office of Associate Chief Counsel
Customs and Border Protection
2323 S. Shepherd Dr., Suite (b)(6), (b)(7)(C)
Houston, TX 77019
work cell (b)(6), (b)(7)(C)

★ *Mission First.* ★ *Rule of Law Always.* ★

Please see our new Houston Region "Counsel Comms" SharePoint Site below and provide us feedback.

[https://\(b\)\(7\)\(E\)](https://(b)(7)(E))

~~ATTORNEY WORK PRODUCT/PRIVILEGED COMMUNICATION~~
~~CIRCULATION RESTRICTED~~



U.S. Department of Homeland Security
U.S. Customs and Border Protection

Operations Support - Incident Report

11 June 2020

~~(U//FOUO)~~ **Reporting Notice:** This product was prepared by U.S. Customs and Border Protection, Office of Intelligence, National Intelligence Watch.

~~(U//FOUO)~~ Nationwide Protests

~~(U)~~ Current Situation

~~(U//FOUO)~~ *The nation has seen an increase in protests, sponsored by multiple domestic organizations, following the death of George Floyd. Based on open source and social media reporting, the majority of these protests, sponsored by the "Black Lives Matter"^(ISPER) movement have remained peaceful. However, due to nefarious actors using these protests as façades, there have been incidents where law enforcement (LE) officials have needed to respond with escalated force – incidents including the use of pepper spray, riot shields, and rubber bullets. LE have had to use non-lethal, and in some cases lethal, force to control the civil unrest in cities around the nation. LE has suffered over 100 injuries, dozens of LE vehicles destroyed, and there are reports of police stations being burnt down. While many of these protests have occurred around major cities, some have occurred near CBP locations to include CBP headquarters where there has been protests and some looting.*

~~(U//FOUO)~~ Protests continue throughout the nation. Much of the protests on the night of 10 June, remained peaceful with scattered reports of violence and unrest throughout the country.

~~(U//FOUO)~~ Since 8 June, Seattle's East Precinct has backed down from the protesters and removed barricades and boarded up their buildings. Since then, protesters have moved in, proclaiming the area the "Capitol Hill Autonomous Zone," where the police are forbidden, food is free and documentaries are screened at night. On 10 June, President Trump stated he will use federal force to take the city back, if it cannot be done at the state level.

~~(U//FOUO)~~ A journalist who was blinded by a rubber bullet while covering George Floyd protests in Minneapolis filed a lawsuit Wednesday in U.S. District Court against city and state law enforcement.

~~(U//FOUO)~~ Los Angeles Police Department has announced that since the start of the protests, seven employees have been assigned to non-field duties due to improper actions during the protests. The department has assigned 40 investigators to look into every complaint thoroughly and hold every officer accountable for their actions.

~~(U//FOUO)~~ (b)(6), (b)(7)(C) a Seattle man who shot a protester in the arm as he sped into a crowd on Capitol Hill on 7 June, was charged on the afternoon of 10 June with first-degree assault.

~~(U//FOUO)~~ According to a city spokesperson in Philadelphia on 10 June, the Pennsylvania National Guard, which had been deployed in the city since June 1, packed up to leave but would "remain on call."

~~(U//FOUO)~~ A local Black Lives Matter organizer in Richmond, VA stated the rallies that go about damaging parts of the city muddle the message behind the protests. He went on to say that the protests are meant to bring awareness of the killing of the people in our community and to protect each other.

~~(U//FOUO)~~ Starting around 2000 hours on 10 June, demonstrators beheaded four Confederate statues before pulling one down using a tow rope in Portsmouth, Virginia. When the statue was pulled down, it landed on top of a protester, and that man was taken to the hospital in critical condition.

~~(U//FOUO)~~ According to a police spokesperson for the Atlanta Police Department on 10 June, two more Atlanta police officers accused of excessive force against two college students during protests in the city late last month have been fired.

(b)(7)(E)

~~(U)~~ Field Collaboration

~~(U//FOUO)~~ (b)(7)(E)

(b)(7)(E)

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Friday, June 12, 2020 12:03 PM
To: WATCH CBP INTEL
Subject: (U//FOUO) 12 June 2020 1300 24 Hour Roll-Up Incident Report - Nationwide Protests
Attachments: 12 June 2020 1300 24 Hour Roll-Up Incident Report - Nationwide Protests.pdf

U.S. Department of Homeland Security
U.S. Customs and Border Protection

INTELLIGENCE ALERT

(U//FOUO) Operations Support - Incident Report
Intelligence, National Intelligence Watch

Protection, Office of

(U//FOUO) Nationwide Protests

(U//FOUO) Current Situation

(U//FOUO) The nation has seen an increase in protests, sponsored by multiple domestic organizations, following the death of George Floyd. Based on open source and social media reporting, the majority of these protests, sponsored by the "Black Lives Matter^{USPER}" movement have remained peaceful. However, due to nefarious actors using these protests as façades, there have been incidents where law enforcement (LE) officials have needed to respond with escalated force – incidents including the use of pepper spray, riot shields, and rubber bullets. LE have had to use non-lethal, and in some cases lethal, force to control the civil unrest in cities around the nation. LE has suffered over 100 injuries, dozens of LE vehicles destroyed, and there are reports of police stations being burnt down. While many of these protests have occurred around major cities, some have occurred near CBP locations to include CBP headquarters where there has been protests and some looting.

(U//FOUO) Protests are to resume this weekend with multiple protests scheduled in the D.C. region. Streets throughout the D.C. region (see map below) will be posted as "Emergency No Parking" and may see restrictions to vehicular traffic at intermittent times for the demonstrations beginning on Saturday, 13 June at 6:00 am and extending through Sunday, 14 June to 11:59 pm. If street closures are made, vehicles will be allowed to enter the restricted area if they are on essential business or traveling to-and-from their residence.

(U//FOUO) Road Closures in the D.C. Region



(U//FOUO) Social media continues to be used to incite violence as well as threats against President Trump and law enforcement. Below contains highlights of some the social media activity:

- (U//FOUO) Multiple Twitter users incite violence towards US Customs and Border Protection employees and other law enforcement officials.
- (U//FOUO) Social Media User Alleges POTUS will die soon and posted a TTP Inciting Violent Opportunists to Access the White House.
- (U//FOUO) An anonymous Dark Web user created a post titled, "KILL THE PRESIDENT," in which the user, claiming to be a scientist, offers the sale of an undetectable poison for killing members of law enforcement and politicians.
- (U//FOUO) Social Media User Threatens and incites Violence against US Immigration and Customs Enforcement Officials

(U//FOUO) The federal courthouse ambush in Oakland, California that left Federal Security Officer David Underwood dead two weeks ago and the attack that killed Santa Cruz Sheriff's Sergeant Damon Gutzwiller, and wounded two other members of law enforcement (b)(7)(E)

(b)(6), (b)(7)(C) and (b)(7)(E)

(U//FOUO) A location-based community forum user posts a thread on Craigslist post ID: (b)(7)(E) offering to pay individuals to cause chaos and destruction in mass gatherings in Nebraska.

~~(u//FOUO)~~ On 9 June, Portland, Oregon Mayor, Ted Wheeler stated he planned to make \$7 million in cuts, including getting rid of 3 police units. However, on 11 June, Portland City Council did not come to an agreement on budget cuts.

~~(u//FOUO)~~ According to the U.S. Attorney's Office for the Western District of Washington state on 11 June said (b)(6), (b)(7)(C) who officials say burned five parked police vehicles on 30 May, has been charged with five counts of federal arson.

~~(u//FOUO)~~ U.S. Attorney for the District of Delaware announced on 11 June, that a criminal complaint was issued on Saturday, June 6, 2020, charging (b)(6), (b)(7)(C) with engaging in a civil disorder that obstructed, impeded, or interfered with a law enforcement officer's lawful duties.

~~(u//FOUO)~~ At approximately 6:45 p.m. on Wednesday, June 10, a man reportedly drove his car into cyclists in front of youth protesters gathered in the street outside of the Seattle Police Department's West Precinct, causing minor injuries and destroying at least one bike.

(b)(7)(E)

~~(u)~~ Field Collaboration

~~(u//FOUO)~~ (b)(7)(E)
(b)(7)(E)

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Saturday, June 6, 2020 8:00 AM
To: WATCH CBP INTEL
Subject: ~~(U//FOUO)~~ 6 June 2020 0800 Incident Report - Nationwide Protests
Attachments: 06 June 2020 0800 Incident Report - Nationwide Protests.pdf

U.S. Department of Homeland Security
U.S. Customs and Border Protection

Operations Support - Incident Report

06 June 2020

~~(U//FOUO)~~ **Reporting Notice:** This product was prepared by U.S. Customs and Border Protection, Office of Intelligence, National Intelligence Watch.

~~(U//FOUO)~~ Nationwide Protests

~~(U)~~ Current Situation

~~(U//FOUO)~~ The nation has seen an increase in protests, sponsored by multiple domestic organizations, following the death of George Floyd. Based on open source and social media reporting, the majority of these protests, sponsored by the "Black Lives Matter" ^{USPER} movement have remained peaceful. However, due to nefarious actors using these protests as façades, there have been incidents where law enforcement (LE) officials have needed to respond with escalated force – incidents including the use of pepper spray, riot shields, and rubber bullets. LE have had to use non-lethal, and in some cases lethal, force to control the civil unrest in cities around the nation. LE has suffered over 100 injuries, dozens of LE vehicles destroyed, and there are reports of police stations being burnt down. While many of these protests have occurred around major cities, some have occurred near CBP locations to include CBP headquarters where there has been protests and some looting.

~~(U//FOUO)~~ Syracuse, New York has extended a declaration of special emergency for 30 days due to ongoing protests. The extension will allow the city to quickly impose emergency orders and curfews.

~~(U//FOUO)~~ Multiple states reported the use of laser pointers to target law enforcement officers and hoax calls to divert law enforcement resources and personnel. There are also reports of law enforcement officers being followed home after their end of shift and in one incident, an officer's patrol car was set on fire.

~~(U//FOUO)~~ Pittsburgh police announced the creation of a new task force, Damage Assessment Accountability Task Force, which will review intelligence indicating planned violence against property, journalists, private citizens and law enforcement. Nine local, state, and federal agencies are being used to make up the task force.

~~(U//FOUO)~~ At 0215, protesters in Portland Oregon, started to shake a fence, which was in place to control the protesters, as well as throw dozens of water bottles at the police. The police used tear gas to disperse the crowd.

~~(U//FOUO)~~ At 2306, an instigator in Washington D.C. started a fistfight and was apprehended. At 2300, a report stated the instigator was trying to fight a live streamer while the rest of the crowd tried to remove the instigator from the crowd.

~~(U//FOUO)~~ The U.S. Embassy in Mexico City prepared for protests on 5 June, and protected the embassy with barricades. Protesters did arrive and unsuccessfully attempted to breach the barricades. After failing to get past the barricades, the protesters traveled to "Casa Jalisco" (Jalisco State government building) and vandalized businesses. While walking down Avenida Reforma, the protesters displayed a large Antifa banner.

~~(U//FOUO)~~ According to a FBI criminal complaint, at least two of the three men charged on Wednesday with plotting violence in Las Vegas, had participated in ~~(b)(6), (b)(7)(C)~~ groups on Facebook ^{USBUS}. Facebook has responded and stated they will no longer recommend such groups to members of similar association and they the changes had already been made earlier this week.

~~(U//FOUO)~~ Social Media continues to be used to threaten officials as well as incite violence.

- ~~(U//FOUO)~~ a ~~(b)(7)(E)~~ social media user threatened to kill President Trump, the US Attorney General, a named police officer, and police officers assigned to work protest response.
- ~~(U//FOUO)~~ Three separate social media users incite violence against CBP personnel and leadership to include replying to a post published by Commissioner Morgan.

~~(U//FOUO)~~ As of 2150, protests continue in New York City, almost two hours past curfew. Last night, New York City police arrested 270 people for being out past curfew. Police have not said whether any arrests were made today.

~~(U//FOUO)~~ Protest continue to be peaceful for much of the nation to include Washington D.C. As of 2130, a group of 300 plus protesters were heading towards the White House area, but all protests have remained civil.

~~(U//FOUO)~~ 57 Buffalo officers resign from Emergency Response Team after two cops were suspended for pushing over a 75-year-old protester on Thursday. According to a police official, "the officers resigned because of the treatment of two of their members, who were simply executing orders."

~~(U//FOUO)~~ Seattle's mayor has banned the police use of tear gas for 30 days. Over the next 30 days, the department will adopt policies and training for use of the chemical agent.

~~(U//FOUO)~~ On Saturday, 6 June 2020, multiple First Amendment demonstrations are scheduled to occur in the D.C. area. In conjunction with this event there will be street closures and restrictions. The street closures will be restricted for vehicular traffic between 0600 and 2400. The full list of street closures can be found here:
<https://mpdc.dc.gov/release/traffic-advisory-first-amendment-demonstrations>



~~(U//FOUO)~~ According to open source reporting, Secretary of Defense Mark Esper has ordered the remaining active duty troops who deployed to D.C. to return to their home base. ~~(b)(7)(E)~~

~~(U//FOUO)~~ At 1600, a cache of bricks was reportedly discovered in vicinity of 10th and L. The cache of bricks was being cleared. The bricks were reportedly being covered by a protest sign to conceal them.



(b)(7)(E)

~~(U)~~ Field Collaboration

~~(U//FOUO)~~

(b)(7)(E)

(b)(7)(E)

SITROOM

From: SITROOM
Sent: Wednesday, June 3, 2020 3:08 PM
To: CBP SITROOM CBP LEADERSHIP
Cc: SITROOM; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: (U//FOUO) DHS Component Action Report - Civil Disturbances - Multiple Cities U.S. (1200 ET 3 June 2020)
Attachments: DHS Component Actions Report for Civil Disturbances - Multiple Cities (NOC 0378-20) 1200 ET 3 Jun 2020.pdf

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~
DHS INTERNAL USE ONLY

DHS Component Actions Report
Civil Disturbances - Multiple Cities U.S. (NOC 0378-20)
1200 ET, 3 Jun 2020
Updates in Blue
Reported Once in Black

Executive Summary: After eight days of civil disturbances, DHS Components continue to support national law enforcement efforts and provide federal property protection, across the country. While many demonstrations have remained peaceful, numerous U.S. cities have experienced incidents of violence, looting and other criminal activity. To date, no Component has reported a degradation in ability to execute its mission essential functions.

- USSS continues to provide additional support at the White House Complex.
- CBP Commissioner's Situation Room extended its COOP protocol until 4 Jun.

DHS Personnel Deployed to NCR			
ICE	CBP	TSA	FPS
(b)(7)(E)			

Federal Emergency Management Agency (FEMA)

- There are (b)(7)(E) state EOCs activated: AZ, CA, IA, KS, MN, MO, OK, PA, UT, WA & WI.
- No degradation to FEMA's mission capability and no reported impacts to employee safety.
- Several FEMA facilities throughout the country are operating (b)(7)(E)
 - The Regional Watch Center (RWC) in Region V remains at alternate location due to protests in Chicago, IL.
 - RWCs in Region II and III are working from alternate locations UFN.
 - The JFO in Sioux Falls, SD (Region VIII) activated their COOP plan due to a breach of the Empire Mall; they are working from lodging UFN.
 - The Regional Response Coordination Center (RRCC) reports that Regions III, V, and VII are working remotely.

U.S. Coast Guard (USCG)

- USCG Station Washington has aligned with DOD and is at (b)(7)(E)
- Due to potential protests, Sector Northern New England temporarily increased the FPCON in (b)(7)(E) from 2 - 3 Jun as a precaution; no mission degradation reported.
- Marine Safety and Security Team (MSST) Seattle dedicated (b)(7)(E) members to provide FPCON support to Base Seattle due to civil disturbances in Seattle.
- District 13 Command Center enacted its COOP, (b)(7)(E)
(b)(7)(E)
(b)(7)(E)
- (b)(7)(E) assigned to FBI (b)(7)(E) was deployed to the US Attorney's Office Security Team in Philadelphia, PA and another CGIS special agent was deployed to the (b)(7)(E) to facilitate information sharing.
- Protest activity in NYC is forecasted to continue for the foreseeable future, with curfews in place at least through 7 Jun; there is a potential protest in the vicinity of Station NY and Sector NY on 5 Jun.

Customs and Border Protection (CBP)

- In support of DOJ, provided (b)(7)(E) personnel to support operations in the NCR.
 - As of 2200 ET 2 Jun, CBP had (b)(7)(E) personnel deployed to (b)(7)(E) (b)(7)(E)
 - Provided security support to USSS and US Park Police (b)(7)(E) (b)(7)(E)
 - Detained two subjects for non-violent offenses which were later turned over to local partners.
 - Provided (b)(7)(E) support over NCR (b)(7)(E) captured a demonstrator climbing the roof of St. Johns Church and attempted to climb onto the roof.
 - No CBP personnel have been injured in deployments.
- **Office of Field Operations (OFO)**
 - The OFO Emergency Medical Services program has upwards of (b)(7)(E) experienced licensed and credentialed Medical Providers and Law Enforcement officers (b)(7)(E) (b)(7)(E) that are available to support local first responders.
 - Pre-Clearance Field Office, consisting of CBP Officers (CBPO) and Special Response Team (SRT), joined other members of OFO, U.S. Border Patrol and Air and Marine at CBP HQ provided assistance and support to Federal and Local law enforcement partners to respond and prevent further rioting, vandalism and destruction due to the ongoing civil unrest in the National Capital Region (NCR) area.
 - **Baltimore Field Office (BFO):**
 - The Philadelphia Port Of Entry (POE) has deployed (b)(7)(E) officers to assist Philadelphia Police Department (PPD) and will be responding to the PPD Emergency Operation Center (EOC).
 - The current request is for CBPOs to assist in securing the interior of the federal building in the event of a breach. The local El Paso Police Department (EPPD) will be providing approximately (b)(7)(E) EPPD Officers, with FPS only able to provide (b)(7)(E). The BSC within the El Paso Field Office will gather the number of Officers (b)(7)(E) Mobile Field Force trained and (b)(7)(E) Special Response Teams that are available) and provide assistance, without compromising our enforcement mission.
 - **Detroit Field Office:**
 - The Detroit Field Office received a request to support the Detroit Police

Department (DPD) with (b)(7)(E) CBPOs and (b)(7)(E) Supervisor CBPOs with ongoing protests and civil unrests in the metropolitan Detroit area. DPD requested (b)(7)(E) (b)(7)(E) Government Operative Vehicles (GOV) and personnel to assist local law enforcement with (b)(7)(E) (b)(7)(E)

- **New York Field Office:**

- NYFO has deployed (b)(7)(E) officers from the JFK Airport to assist PAPD in response to a possible civil disturbance on airport property. The responding officers will participate as a security detail.
- NYFO has deployed (b)(7)(E) Task Force officers assigned to the NY DEA to assist the NYPD in protecting the (b)(7)(E) while NYPD officers perform crowd control and policing duties. The TFOs are joined by the NY DEA.

- **Houston Field Office:**

- The Houston Field Office (HFO) received a request for support from the Houston DEA, for personnel to help secure and protect Federal property and law enforcement partners in connection with ongoing protests and civil unrest in the Houston area. HFO deployed (b)(7)(E) OFO SRT operators to assist with physical security of the (b)(7)(E) (b)(7)(E) SRT will also provide support with public safety, as well as assist local, state and federal law enforcement partners. In executing the request for support, SRT operators will provide vehicles and equipment.

- **U.S. Border Patrol**

- Sectors have placed personnel, to include Mobile Field Forces, Special Operations Groups, BORTAC, BORSTAR, and EMTs on standby to respond to civil disturbances throughout the nation.
- All sectors, stations and checkpoints remain on high alert, personnel continue to be notified to prepare for immediate deployment as necessary to include SOD and Mobile Field Force (MFF).

- **Buffalo Sector (BUN):**

- (b)(7)(E) will deploy to NCSO Command Post and (b)(7)(E) NIB BPAs will augment local law enforcement partner units and assist with crowd control.

- **El Paso Sector (EPT):**

- In response to a request from Las Cruces PD (b)(7)(E) USBP agents and (b)(7)(E) SOG agents are responding to assist with tactical capabilities, mitigate risk, life safety issues.
- In response to a request from New Mexico State Police (NMSP), Alamogordo PD, and Otero County SO, will deploy MFF and Less Lethal certified agents for crowd control and life safety measures. (b)(7)(E) HSI agents are responding to assist NMSP. (b)(7)(E) Mobile Response Teams (b)(7)(E) Border Patrol Agents and (b)(7)(E) Reactionary Force agents on standby.

- **Spokane Sector:**

- SPW SIU TFO's will provide (b)(7)(E) USBP agents for (b)(7)(E) with the identification of subjects involved with possible civil unrest and or violence directed at law enforcement or law enforcement facilities.
- SPW in response to a request from Spokane Police Department deployed (b)(7)(E) Less Lethal certified agents to assist with crowd control and provide life and safety protection measures due to an ongoing and evolving "Black Lives Matter" demonstrations, in downtown Spokane, Washington. SPW agents will also deliver (b)(7)(E) to SPD (b)(7)(E)

Air and Marine Operations (AMO):

- All AMO personnel are accounted for and have not been affected by any incident or event related to a civil disturbance.
- El Paso Branch:
 - El Paso Air branch has a request for aviation assistance for a possible scheduled protest at or near the POEs and the downtown area of El Paso, TX.
- Grand Forks Branch:
 - National Air Security Operations Center (NASOC)-GF received a request for air support to support State Troopers in Minneapolis/St. Paul due to the civil unrest. They request (b)(7)(E) support beginning 2 Jun for the next three days to augment their air unit (b)(7)(E) (b)(7)(E). The request is also coordinated with HSI Minneapolis as they are providing agents on the street and leadership in the EOC.
- Great Lakes and Buffalo Branch:
 - Air Support request from Special Agent In Charge (SAC) HSI Buffalo / Other federal / State and local law enforcement for the security of federal property and law enforcement operations.
 - HSI Special Agent in Charge Buffalo in collaboration with Buffalo Federal / State and local partners is requesting assistance in providing situational awareness through (b)(7)(E) to the tactical command center. Specific mission objectives are (b)(7)(E) (b)(7)(E).
 - Air and Marine Operations Buffalo is requesting to provide (b)(7)(E) airplane, crew and (b)(7)(E) Air and Marine Tactical Communications Agent for assignment in the Tactical Operations Center to coordinate communication (b)(7)(E) (b)(7)(E).
 - Requested approval to assist Detroit PD with (b)(7)(E) (swapping crews) to provide (b)(7)(E) (b)(7)(E).
 - HSI Chicago, the Chicago Police Department (CPD), and the Aurora Police Department (APD) are requesting assistance during the civil unrest in the Chicago area. They request an (b)(7)(E) support from the Chicago Air Unit. (b)(7)(E) (b)(7)(E).
- San Angelo Branch:
 - NASOC-SA received a request for UAS air support and ISR support from USBP Assistant Chief (b)(6), (b)(7)(C). The request is a result of a scheduled peaceful protest taking place at the Del Rio Civic Center in Del Rio, Texas. Officer safety and situational awareness are expected during the event.

U.S. Citizenship and Immigration Services (USCIS)

- USCIS office in Cleveland, OH has reopened to staff. City curfew remains in place overnight from 2000 – 0600 but does not affect daily business operations.
- There are no reports of USCIS personnel affected by the civil disturbances.
- USCIS is not providing any law enforcement support, however USCIS is prepared to partner with FPS and local law enforcement to respond to any incident at or near its facilities.

Immigration and Customs Enforcement (ICE)

Enforcement and Removal Operations (ERO)

- Field offices placed Special Response Teams (SRTs) on standby in multiple locations.

- o Buffalo ERO (b)(7)(E) continues to receive information that there are planned protests at or near several government buildings in Buffalo, NY. Buffalo ERO/SRT, CBP/OFO SRT, HSI SRT, Border Patrol BORTAC are all coordinating consolidated DHS response efforts, as needed. The U.S. Marshals Service, other federal and local law enforcement SWAT have been activated and are on stand-by. There has been no direct request for Buffalo ERO assistance but Buffalo SRT has been placed on standby in case protests impact the Buffalo ERO Office and are ready to assist as needed.
- o ERO Philadelphia is monitoring protests across Philadelphia with widespread violence, looting and confrontations with police. The Mayor instituted an 1800 curfew. Protests also occurred at other locations across the AOR, with some violence. All office locations are open, and ERO Philadelphia continues to communicate with FPS and local PD to monitor threats to ICE facilities.
- **Homeland Security Investigations (HSI)**
 - o Deployed (b)(7)(E) LEOs providing security support to the FBI in NW DC.
 - A total of (b)(7)(E) SRT agents/officers were augmented by FBI special agents and provided deterrence against potential looters or other individuals engaged in criminal activity during curfew.
 - HSI reported no arrests, no reports of rioting, and no looting or property damage were reported in their sector.
 - Remaining personnel were placed on standby at Potomac Center North.
 - o HSI Jacksonville is assisting (b)(7)(E) in reviewing the A-File of a Russian-born, naturalized USC, concocted felon, who was arrested during a protest while in possession of a homemade explosive device and other weapons.
 - o (b)(7)(E) SRT members assigned to HSI San Antonio will (b)(7)(E) support ongoing community safety issues.
 - o (b)(7)(E) agent assigned to HSI Phoenix is supporting the Mesa Gang Unit, providing security for businesses that are being targeted by looters and attempting to identify potential gang members who are using the protest as a cover to commit violent crimes.
 - o HSI Boston has activated their SRT and deployed them to assist law enforcement in Washington DC; they are enroute to the Washington DC area.
 - o HSI St. Paul committed (b)(7)(E) Special Agents to assist the St. Paul Police Department (SPPD) with vehicle patrols and serving as (b)(7)(E) (b)(7)(E). There are also (b)(7)(E) Supervisors managing the command center.
 - o HSI Portland is sending (b)(7)(E) Special Agents to support FPS with onsite security at the ICE facility in Portland, OR.
 - o HSI NY is deploying their SRT and RRT to assist with civil unrest in the NCR.

U.S. Secret Service (USSS)

- There were no injuries to USSS law enforcement personnel and no damage to USSS property during WH demonstrations on 2 & 3 Jun. To date, 101 USSS law enforcement personnel have sustained minor injuries during demonstrations at the WH Complex (20 May – 3 Jun), with 11 of those individuals being hospitalized.
- Arrested two individuals for possessing BB guns in the vicinity of the White House.
- Enhanced protective shifts of Uniform Division officers are at the White House to manage civil disobedience and Ready Reserve shifts have been established to respond in the event additional manpower is required.
- Civil disturbance equipment has been obtained with additional supplies planned for delivery over the next week to enhance protective measures.

- Temporary anti-scale fencing has been installed to expand the White House complex perimeter and provide additional stand-off distance from large crowds conducting civil-disobedience.
- USSS Field Offices continue to support joint-operations with federal, state and local partners in US cities, to include Detroit, Orlando, Dallas and New York.
- There has been no degradation to the USSS's ability to sustain its homeland-security mission, perform mission essential functions, or support its partners and all USSS personnel are accounted for.

Countering Weapons of Mass Destruction Office (CWMD)

- CWMD currently has (b)(7)(E) employees deployed across the country where protests are taking place.
 - Personnel are deployed to the following cities: Boston (b)(7)(E) Dallas (b)(7)(E) Houston (b)(7)(E) Phoenix (b)(7)(E) and Cincinnati (b)(7)(E)

Cybersecurity and Infrastructure Security Agency (CISA)

- CISA continues to monitor the situation and are standing by to provide assistance to stakeholders as required.
- Initial and on-going consultations with Regional and field staff personnel on the reporting of physical and/or cyber impacts related to the on-going civil disturbances throughout the Region. R-IV will continue to monitor the situation and remains postured to respond as applicable.
- Region III has (b)(7)(E) Protective Security Advisors virtually supporting their State/Local EMA and LE partners as needed to advise on any critical infrastructure impacts due to civil disturbances.
- Several state office facilities and local police vehicles were damaged subsequent to civil disturbance actions in Providence, RI in the late evening period of 1 Jun.

Management Directorate (MGMT)

- **Federal Protective Service (FPS)**
 - In support of DOJ, provided (b)(7)(E) personnel to protect NCR federal facilities.
 - Continues to protect federal property as is its core mission; there have been no reports of injuries to personnel or damages to any DHS/FPS facilities.
 - Received assistance from CBP, ICE and TSA FAMS to protect multiple facilities in the downtown Washington, DC area of operations.
 - Currently coordinating possible additional support from DHS Components in Atlanta, Louisville, Miami, Tampa, Jacksonville, Cincinnati, Columbus, Grand Rapids, Milwaukee, San Diego, San Francisco, Oakland, Los Angeles, Phoenix, Seattle, Tacoma, Spokane, and Portland.

Citizenship and Immigration Services Ombudsman

- No personnel injured, deceased or displaced.

Transportation Security Administration (TSA)

- In support of the DOJ, TSA deployed (b)(7)(E) Federal Air Marshals (FAMs) to the NCR. These FAMs are deploying throughout Washington DC in coordination with FPS Officers.
 - Security of the (b)(7)(E) and surrounding federal buildings.
 - Security of the (b)(7)(E) and surrounding federal buildings.

Federal Law Enforcement Training Center (FLETC)

- FLETC security continues increased perimeter patrols at all sites.

Department of Homeland Security HQ (DHS HQ)

- National Operations Center provides twice daily incident reports to the Homeland Security Enterprise with interim updates to DHS leadership.
- Providing parking space on St. Elizabeth's campus (b)(7)(E)
(b)(7)(E)

Military Advisor (MIL ADV)

- U.S. Northern Command NORHTCOM has directed military facilities in the NCR to elevate Force Protection Condition to FPCON C.
- The National Guard Bureau NGB reports that over (b)(7)(E) NG members have been mobilized in (b)(7)(E) states and DC in support of state and local law enforcement agencies.
- DHS has not requested any formal request for assistance (RFA) from DOD.

The next DHS Component Actions Report will be published on or about 1200 ET 4 Jun 2020.

~~The DHS Component Action Report is an internal DHS report that is to DHS HQ Leadership, DHS Component Leadership, and DHS Component Operations Centers~~

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U.S. Department of Homeland Security
U.S. Customs and Border Protection

Operations Support - Incident Report

09 June 2020

~~(U//FOUO)~~ **Reporting Notice:** This product was prepared by U.S. Customs and Border Protection, Office of Intelligence, National Intelligence Watch.

~~(U//FOUO)~~ Nationwide Protests

~~(U)~~ Current Situation

~~(U//FOUO)~~ *The nation has seen an increase in protests, sponsored by multiple domestic organizations, following the death of George Floyd. Based on open source and social media reporting, the majority of these protests, sponsored by the "Black Lives Matter"^(ISPER) movement have remained peaceful.* However, due to nefarious actors using these protests as façades, there have been incidents where law enforcement (LE) officials have needed to respond with escalated force – incidents including the use of pepper spray, riot shields, and rubber bullets. LE have had to use non-lethal, and in some cases lethal, force to control the civil unrest in cities around the nation. LE has suffered over 100 injuries, dozens of LE vehicles destroyed, and there are reports of police stations being burnt down. While many of these protests have occurred around major cities, some have occurred near CBP locations to include CBP headquarters where there has been protests and some looting.

~~(U)~~ In Philadelphia, as of 9 June, members of the Pennsylvania National Guard remain stationed outside City Hall and the Municipal Services Building. The National Guard was deployed to Philadelphia in the early morning hours of 1 June following a weekend of violence and looting. Since then, protests in the city have been overwhelmingly peaceful. According to the Mayor, the troops will remain until they are no longer needed.

~~(U)~~ Thousands of protesters who have been arrested in Los Angeles for violating curfew or failing to disperse will not be prosecuted, county and city officials announced 8 June and will instead take a non-punitive approach to resolving cases in which people who have taken to the streets protesting police brutality.

~~(U)~~ The curfew in Cincinnati ended last night, 8 June, and lasted a total of 10 days. Over those 10 days, 513 individuals were arrested for violating the curfew.

(b)(7)(E)

(b)(7)(E)

~~(U)~~ Field Collaboration

~~(U//FOUO)~~

~~(b)(7)(E)~~

(b)(7)(E)

U.S. Department of Homeland Security

From: U.S. Department of Homeland Security
Sent: Wednesday, July 1, 2020 7:09 AM
To: (b)(6), (b)(7)(C)
Subject: DHS Announces New Task Force to Protect American Monuments, Memorials, and Statues

U.S. DEPARTMENT OF HOMELAND SECURITY

Office of Public Affairs

DHS Announces New Task Force to Protect American Monuments, Memorials, and Statues

WASHINGTON— Today, Acting Secretary of Homeland Security, Chad F. Wolf, announced the establishment of the DHS Protecting American Communities Task Force (PACT), a special task force to coordinate Departmental law enforcement agency assets in protecting our nation’s historic monuments, memorials, statues, and federal facilities.

“DHS is answering the President’s call to use our law enforcement personnel across the country to protect our historic landmarks,” said Acting Secretary Wolf. “We won’t stand idly by while violent anarchists and rioters seek not only to vandalize and destroy the symbols of our nation, but to disrupt law and order and sow chaos in our communities.”

On June 26th, President Trump issued an Executive Order to ensure that our historic monuments and statues will be protected. The Order, “Protecting American Monuments, Memorials, and Statues and Combating Recent Criminal Activity,” directs DHS, within its statutory authority, to provide personnel to assist with the protection of federal monuments, memorials, statues, or property.

As a result, DHS created the PACT, which will conduct ongoing assessments of potential civil unrest or destruction and allocate resources to protect people and property. This may involve potential surge activity to ensure the continuing protection of critical locations. DHS’s Office of Operations Coordination will also partner closely with the Departments of Justice and Interior to establish information and intelligence sharing.

“As we approach the July 4th holiday, I have directed the deployment and pre-positioning of Rapid Deployment Teams (RDT) across the country to respond to potential threats to facilities and property,” said Acting Secretary Wolf. “While the Department respects every American’s right to protest peacefully, violence and civil unrest will not be tolerated.”

###

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FALK, SCOTT K (OCC)

From: FALK, SCOTT K (OCC)
Sent: Thursday, June 4, 2020 3:31 PM
To: Maher, Joseph; COUREY, MARC BENNETT (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C); SMITH, FREDERICK B (OCC); (b)(6), (b)(7)(C) (OCC); COUREY, MARC BENNETT (OCC) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)
Subject: RE: (U//LES) DHS Component Action Report - Civil Disturbances - Multiple Cities U.S. (NOC 0378-20) (1200 ET 4 June 2020)
Attachments: FW: Information Request for Sen. Carper - Authorities to Deploy CBP Personnel and Assets.msg
Importance: High

(b)(5), (b)(6), (b)(7)(C)

Best, Scott

Scott Falk
Chief Counsel
U.S. Customs and Border Protection

(b)(6), (b)(7)(C) (Office)
(Mobile)
(Fax)

*"It is no use saying, 'We are doing our best.' You have got to succeed in doing what is necessary."
Winston Churchill*

~~ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT~~

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From: Maher, Joseph (b)(6)
Sent: Thursday, June 4, 2020 2:52 PM
To: FALK, SCOTT K (OCC) (b)(6), (b)(7)(C); COUREY, MARC BENNETT (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)
Subject: FW: (U//LES) DHS Component Action Report - Civil Disturbances - Multiple Cities U.S. (NOC 0378-20) (1200 ET 4 June 2020)

Scott, Bennett,

(b)(5)

(b)(5)

Thanks,
Joe

From: NOC.SWO.Restricted: (b)(7)(E)
Sent: Thursday, June 4, 2020 1:01 PM
Cc: NOC.SWO.Restricted: (b)(7)(E)
Subject: ~~(U//LES)~~ DHS Component Action Report - Civil Disturbances - Multiple Cities U.S. (NOC 0378-20) (1200 ET 4 June 2020)

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DHS Component Actions Report
Civil Disturbances - Multiple Cities U.S. (NOC 0378-20)
1200 ET, 4 Jun 2020
Updates in Blue
Reported Once in Black

Executive Summary: After nine days of civil disturbances, DHS Components continue to support national law enforcement efforts and provide federal property protection, across the country. While many demonstrations have remained peaceful, numerous U.S. cities have experienced incidents of violence, looting and other criminal activity. To date, no Component has reported a degradation in ability to execute its mission essential functions.

- Protest activity levels for the next 24 hours are expected to remain the same; DHS Support should expect similar missions.
- USSS continues to provide additional support at the White House (WH) Complex.
- CBP Commissioner's Situation Room extended its COOP protocol until 1400 ET on 4 Jun.

DHS Personnel Deployed to NCR			
ICE	CBP	TSA	FPS
(b)(7)(E)			

Federal Emergency Management Agency (FEMA)

- There are (b)(7)(E) State EOCs activated: AZ, CA, IA, KS, MN, MO, NE, OK, PA, UT, WA & WI.

- No degradation to FEMA's mission capability and no reported impacts to employee safety.
- FEMA Regional Watch Centers (RWCs) in Regions II, III and V are working at alternate locations UFN.
- The JFO in Sioux Falls, SD (Region VIII) returned to normal operations.

U.S. Coast Guard (USCG)

- USCG has (b)(7)(E) personnel available for interagency support as needed.
- On 4 Jun, NYPD requested UAS capability from Sector NY to support civil unrest response.
- (b)(7)(E) CGIS Special Agents are on standby to support the DOJ in Washington DC; agents were sworn-in on 2 Jun; (b)(7)(E) CGIS Special Agent is supporting Port Arthur (TX) PD during protests.
- Sector Virginia is adding security at the Eastern Shore Sector Field Office in preparation of a planned protest in Chincoteague, VA; (b)(7)(E)
- (b)(7)(E)
- Sectors Jacksonville and Miami are tracking five planned protests on 4 Jun and six planned protests on 5 Jun across FL; unknown impacts to USCG ops or facilities.
- Sector Northern New England reports multiple protests are expected across NH and ME over the next week. POTUS is scheduled to visit Guilford, ME on 5 Jun.
- Sector Delaware Bay is maintaining an active Anti-Terrorism & Force Protection (ATFP) Watch with (b)(7)(E) armed law enforcement qualified members.
- USCG Sector Long Island Sound is providing (b)(7)(E) during the work day to ensure base security; some subordinate units are increasing local security patrols.
- Protest activity in NYC is forecasted to continue for the foreseeable future, with curfews in place at least through 7 Jun. There is a potential protest in the vicinity of Station NY and Sector NY on 5 Jun.
- USCG HQ St. Elizabeth's Campus and USCG Station Washington have aligned with DOD and are at FPCON C.

Customs and Border Protection (CBP)

- In support of DOJ, CBP provided (b)(7)(E) personnel to support operations in the NCR.
 - Provided (b)(7)(E) LE personnel to support USPP on the evening of 3 Jun.
 - Provided (b)(7)(E) support over the NCR on the evening of 3 Jun; (b)(7)(E)
 - (b)(7)(E)
 - Deployed (b)(7)(E) personnel to Lafayette Square to support USPP, USSS, and National Guard.
 - No CBP personnel have been injured in deployments.
- **Office of Field Operations (OFO)**
 - The OFO Emergency Medical Services program has upwards of (b)(7)(E) experienced licensed and credentialed Medical Providers and Law Enforcement officers; (b)(7)(E)
 - (b)(7)(E) available to support local first responders.
 - Pre-Clearance Field Office, consisting of CBP Officers (CBPO) and Special Response Team (SRT), joined other members of OFO, U.S. Border Patrol and Air and Marine at CBP HQ provided assistance and support to Federal and Local law enforcement partners to respond and prevent further rioting, vandalism and destruction due to the ongoing civil unrest in the National Capital Region (NCR) area.
 - **Baltimore Field Office (BFO):**
 - The BFO deployed (b)(7)(E) CBP Officers from the area north of Washington DC/Dulles, (b)(7)(E) CBP officers from the Area Port of Baltimore and (b)(7)(E) SRT operators from the BFO have been deployed to provided support to USSS in response to the ongoing civil disobedience occurring in VA and Washington DC.
 - **Detroit Field Office:**

- The Detroit Field Office received a request to support the Detroit Police Department (DPD) with (b)(7)(E) CBPOs and (b)(7)(E) Supervisor CBPOs with ongoing protests and civil unrests in the metropolitan Detroit area. DPD requested (b)(7)(E) Government Operative Vehicles (GOV) and personnel to assist local law enforcement with (b)(7)(E)
- **New York Field Office:**
- NYFO has deployed (b)(7)(E) officers from the JFK Airport to assist PAPD in response to a possible civil disturbance on airport property. The responding officers will participate as a security detail.
- NYFO has deployed (b)(7)(E) Task Force officers assigned to the NY DEA to assist the NYPD in protecting the Times Square Station while NYPD officers perform crowd control and policing duties. The TFOs are joined by the NY DEA.
- **Houston Field Office:**
- The Port of Houston Port Police requested (b)(7)(E) OFO Houston Seaport CBPOs to assist with physical security of the (b)(7)(E) OFO Houston Seaport CBPOs are requested to serve as standby Law Enforcement officers as well as assist local, state and federal law enforcement with ongoing protests and civil unrest in the Houston, TX area.
- **San Diego Field Office:**
- San Diego will send (b)(7)(E) personnel to the San Diego Command Post and (b)(7)(E) to the FBI Command Post.
- **U.S. Border Patrol**
- Sectors have placed personnel, to include Mobile Field Forces, Special Operations Groups, BORTAC, BORSTAR, and EMTs on standby to respond to civil disturbances throughout the nation.
- All sectors, stations and checkpoints remain on high alert; personnel continue to be notified to prepare for immediate deployment as necessary to include SOD and Mobile Field Force (MFF).
- **Alpine Sector (APD):**
- On 6 Jun, (b)(7)(E) agents are on stand-by in the event a planned Black Lives Matter protest escalates and requires additional law enforcement.
- **Buffalo Sector (BUN):**
- On 3 Jun, the Buffalo HSI SAIC has requested (b)(7)(E) USBP Special Operations Agents (BORTAC/BORSTAR) to augment an HSI SRT Quick Reaction Force (QRF); established as a precaution in advance of demonstrations anticipated in downtown Buffalo, NY through 7 Jun.
- **Detroit Sector (DTM):**
- On 5 Jun, DTM Riverine Unit, at the request of DNR and MSP, will deploy (b)(7)(E) agents and (b)(7)(E) to the MacArthur Bridge to ensure public safety during a scheduled protest. DTM/RU is limited to patrolling the waterway and effecting life saving measure as the need arises.
- **El Paso Sector (EPT):**
- In response to a request from Las Cruces PD, (b)(7)(E) USBP agents and (b)(7)(E) SOG agents are responding to assist with tactical capabilities, mitigate risk, life safety issues.
- **Spokane Sector:**
- On 4 Jun, agents will participate in a joint QRF to a planned Black Lives Matter protest; scheduled 4 Jun. Agents will be available to respond to other law enforcement facilities in the area.
- **Tucson Sector:**
- On 3 Jun, TCA will support Casa Grande PD with a total of (b)(7)(E) agents (TCA SOD (b)(7)(E) in order to provide local agencies with support in maintaining control of

planned protests in Casa Grande, AZ.

- **Air and Marine Operations (AMO):**

- All AMO personnel are accounted for and have not been affected by any incident or event related to a civil disturbance.
 - **Manassas Air Branch:**
- Will provide (b)(7)(E) support over NYC and the NCR during protests.
 - **Great Lakes Air and Marine Branch Buffalo:**
- HSI Special Agent in Charge Buffalo in collaboration with Buffalo Federal / State and local partners is requesting assistance in providing situational awareness through (b)(7)(E). Specific mission objectives are the security of (b)(7)(E) (b)(7)(E)

- **U.S. Citizenship and Immigration Services (USCIS)**

- There are no reports of USCIS personnel affected by the civil disturbances.
- USCIS is not providing any law enforcement support, however USCIS is prepared to partner with FPS and local law enforcement to respond to any incident at or near its facilities.

- **Immigration and Customs Enforcement (ICE)**

- **Enforcement and Removal Operations (ERO)**

- Field offices placed Special Response Teams (SRTs) on standby in multiple locations.
- Buffalo ERO (b)(7)(E) continues to receive information that there are planned protests at or near several government buildings in Buffalo, NY. Buffalo ERO/SRT, CBP/OFO SRT, HSI SRT, Border Patrol BORTAC are all coordinating consolidated DHS response efforts, as needed. The U.S. Marshals Service, other federal and local law enforcement SWAT have been activated and are on stand-by. There has been no direct request for Buffalo ERO assistance but Buffalo SRT has been placed on standby in case protests impact the Buffalo ERO Office and are ready to assist as needed.
- ERO Philadelphia is monitoring protests across Philadelphia with widespread violence, looting and confrontations with police. The Mayor instituted an 1800 curfew. Protests also occurred at other locations across the AOR, with some violence. All office locations are open, and ERO Philadelphia continues to communicate with FPS and local PD to monitor threats to ICE facilities.

- **Homeland Security Investigations (HSI)**

- Deployed (b)(7)(E) LEOs providing security support to the FBI in NW DC.
 - A total of (b)(7)(E) SRT agents/officers were augmented by FBI special agents and provided deterrence against potential looters or other individuals engaged in criminal activity during curfew.
 - HSI reported no arrests, no reports of rioting, and no looting or property damage were reported in their sector.
 - Remaining personnel were placed on standby at Potomac Center North.
- HSI Jacksonville is assisting (b)(7)(E) in reviewing the A-File of a Russian-born, naturalized USC, convicted felon, who was arrested during a protest while in possession of a homemade explosive device and other weapons.
- (b)(7)(E) SRT members assigned to HSI San Antonio will (b)(7)(E) support ongoing community safety issues.

- o (b)(7)(E) agent assigned to HSI Phoenix is supporting the Mesa Gang Unit, providing security for businesses that are being targeted by looters and attempting to identify potential gang members who are using the protest as a cover to commit violent crimes.
- o HSI Boston has activated their SRT and deployed them to assist law enforcement in Washington DC; they are enroute to the Washington DC area.
- o HSI St. Paul committed (b)(7)(E) Special Agents to assist the St. Paul Police Department (SPPD) with vehicle patrols and serving as (b)(7)(E) (b)(7)(E) There are also (b)(7)(E) Supervisors managing the command center.
- o HSI Portland is sending (b)(7)(E) Special Agents to support FPS with onsite security at the ICE facility in Portland, OR.
- o HSI NY is deploying their SRT and RRT to assist with civil unrest in the NCR.

U.S. Secret Service (USSS)

- Current joint-ops consisting of approximately (b)(7)(E) personnel from USSS, National Guard, USPP and CBP are supporting White House (WH) operations; focus is on (b)(7)(E) (b)(7)(E)
- Over the past 24 hours, one injury to a USSS law enforcement personnel was reported during demonstrations at the WH; no damage occurred to USSS property during this period. Since 29 May, 102 USSS law enforcement personnel reported minor injuries during demonstrations at the WH Complex, 11 were hospitalized.
- NYPD has officers present in the (b)(7)(E) (b)(7)(E)

Countering Weapons of Mass Destruction Office (CWMD)

- CWMD currently has (b)(7)(E) employees deployed across the country where protests are taking place; all have checked in and are accounted for.
- Personnel are deployed to the following cities: Boston (b)(7)(E) Dallas (b)(7)(E) Houston (b)(7)(E) Phoenix (b)(7)(E) and Cincinnati (b)(7)(E)

Cybersecurity and Infrastructure Security Agency (CISA)

- CISA continues to monitor the situation and are standing by to provide assistance to stakeholders as required.
- Region III has (b)(7)(E) Protective Security Advisors (b)(7)(E) supporting their State/Local EMA and LE partners as needed to advise on any critical infrastructure impacts due to civil disturbances.

Management Directorate (MGMT)

- **Federal Protective Service (FPS)**
 - o Since 29 May, FPS has responded to 98 protests at Federal facilities.
 - i. Over the past 24 hours, FPS responded to 14 protests at Federal facilities;
 - o Since 29 May, 106 Federal facilities have sustained vandalism/damage.
 - o Over the past 24 hours, Six Federal facilities were vandalized/damaged (spray painted graffiti and windows broken);
 - i. FPS cross-designated CBP and ICE Officers and Agents with FPS' law enforcement authority to assist FPS in protecting Federal facilities occupied by CBP and ICE personnel in Seattle and Tacoma, WA and Portland, OR.
 - o Bureau of Prisons Officers and the FBI provided law enforcement officers in protecting Federal facilities located adjacent to Lafayette Park.
 - o ICE has (b)(7)(E) Rapid Response Teams on standby to assist in responding to criminal

- activities (i.e., vandalism, attempts to breach) at Federal facilities located within the NCR.
- TSA provided (b)(7)(E) VIPER teams to perform investigative support and high-visibility patrol operations at high-risk Federal facilities located within the NCR.
- FBI and the US Marshals Service assisted FPS in protecting the (b)(7)(E) located in Charlottesville, VA.
- FPS Special Agents assigned as Task Force Officers to the FBI New York (b)(7)(E) were placed on standby to execute warrants based on an incident involving NYPD Officers.
- CBP, ICE and TSA FAMS are providing protection to multiple facilities in the downtown Washington, DC area of operations. Additional support is being coordinated in other cities, to include:
 - Atlanta, GA.
 - Phoenix, AZ.
 - Portland, OR.
 - Louisville, KY.
 - Milwaukee, WI.
 - Grand Rapids, MI.
 - Tacoma and Spokane, WA.
 - Cincinnati and Columbus, OH.
 - Jacksonville, Miami and Tampa, FL.
 - Los Angeles, Oakland, San Diego and San Francisco, CA.

Citizenship and Immigration Services Ombudsman

- No personnel injured, deceased or displaced.

Transportation Security Administration (TSA)

- In support of the DOJ, TSA deployed (b)(7)(E) Federal Air Marshals (FAMs) and (b)(7)(E) vehicles to the NCR. These FAMs and vehicles are deploying throughout the district in coordination with FPS Officers.
 - Security of the (b)(7)(E) and surrounding federal buildings.
 - Security of the (b)(7)(E) and surrounding federal buildings.
- Deployed (b)(7)(E) Viper teams to support FPS.

Federal Law Enforcement Training Center (FLETC)

- FLETC security continues increased (b)(7)(E) patrols at all sites.

Department of Homeland Security HQ (DHS HQ)

- National Operations Center provides twice daily incident reports to the Homeland Security Enterprise with interim updates to DHS leadership.
- Providing parking space on St. Elizabeth's campus (b)(7)(E)

Science and Technology (S&T)

- S&T's ability to execute or sustain its mission has been unaffected; S&T is standing by to assist the Department Mission.

Military Advisor (MIL ADV)

- U.S. Northern Command NORHTCOM has directed military facilities in the NCR to elevate Force Protection Condition to FPCON C.
- The National Guard Bureau NGB reports that over (b)(7)(E) NG members have been mobilized in 26

- states and DC in support of state and local law enforcement agencies.
- DHS has not requested any formal request for assistance (RFA) from DOD.

The next DHS Component Actions Report will be published on or about 1200 ET 5 Jun 2020.

~~The DHS Component Action Report is an internal DHS report that is to DHS HQ Leadership, DHS Component Leadership, and DHS Component Operations Centers~~

(b)(6), (b)(7)(C)

Assistant Senior Watch Officer
DHS Office of Operations Coordination
National Operations Center

Comm: **(b)(6), (b)(7)(C)**
Secure: **(b)(6), (b)(7)(C)**



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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

INDEX NEWSPAPERS, LLC, *et al.*,

Plaintiffs.

v.

CITY OF PORTLAND, *et al.*,

Defendants.

Case No. 3:20-cv-1035-SI

**FEDERAL DEFENDANTS'
OPPOSITION TO PLAINTIFFS'
MOTION FOR TEMPORARY
RESTRATINING ORDER AND
PRELIMINARY INJUNCTION**

FEDERAL DEFENDANTS' OPPOSITION TO TRO & PRELIMINARY INJUNCTION

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INTRODUCTION

Plaintiffs seek the extraordinary remedy of a temporary restraining order and preliminary injunction that would hinder the ability of federal law enforcement officers to protect federal property that has been repeatedly damaged after weeks of violent protests in Portland. Plaintiffs base their request for emergency injunctive relief on alleged violations of their First Amendment rights, including the freedom of the press. Their request fails for several reasons.

First, Plaintiffs lack standing to seek emergency relief. It is well-established that a plaintiff lacks standing to obtain prospective injunctive relief for alleged future injuries based on allegations of prior harm. *See City of Los Angeles v. Lyons*, 461 U.S. 95 (1983). Yet that is Plaintiffs' gambit here—they seek to have the Court enter an emergency injunction based on alleged past encounters involving federal law enforcement officers, but have not demonstrated that similar incidents will take place in the future, much less that these *particular* plaintiffs will again experience the same alleged conduct by federal law enforcement officers. Because Plaintiffs cannot demonstrate a certainly impending injury, they lack standing to seek injunctive relief. For many of these same reasons, Plaintiffs also cannot show a likelihood of irreparable harm, a prerequisite for granting emergency injunctive relief.

Second, the relief that Plaintiffs seek is entirely improper. Plaintiffs seek a sweeping injunction that would be unworkable in light of the split-second judgments that federal law enforcement officers have to make while protecting federal property and themselves during dynamic, chaotic situations. By granting immunity to journalists and observers from lawful orders to disperse, the injunction would effectively grant those individuals immunity from otherwise applicable legal requirements and would improperly bind the hands of law enforcement, including by preventing them from taking appropriate action when individuals are engaging in criminal conduct. The proposed injunction is also unworkable from a practical

standpoint. It would require law enforcement officers responding to a violent situation threatening public safety to draw fine distinctions among a crowd based on who is wearing press identification badges and different colored hats, all under the threat of potential contempt.

Third, and finally, the balance of the equities and the public interest counsel against granting Plaintiffs' request. Freedom of the press is not being threatened by the actions of the federal defendants in protecting federal property. Equally important is the public interest in public safety, including protecting federal property, which has already been substantially damaged as a result of weeks of violent protests, as well the protection of officers and the general public against imminent threats of serious bodily injury. Simply put, the federal government has the legal obligation and right to protect federal property and federal officers, and the public has a compelling interest in the protection of that property and personnel. The press is free to observe and report on the destruction of that property, but it is not entitled to special, after-hours access to that property in the face of lawful order to disperse.

BACKGROUND

I. Recent Destruction of Federal Property and Assaults on Federal Officers in Portland

For nearly two months, Portland has witnessed daily protests in its downtown area. *See* Declaration of Gabriel Russell ¶ 3, Federal Protective Service (FPS) Regional Director, (Exhibit 1). These daily protests have regularly been followed by nightly criminal activity in the form of vandalism, destruction of property, looting, arson, and assault. *See id.*

Federal buildings and property have been the targets of many of these attacks, including the Mark O. Hatfield Federal Courthouse, the Pioneer Federal Courthouse, the Gus Solomon Federal Courthouse, the U.S. Immigration and Customs Enforcement (ICE) Building, and the Edith Green Wendall Wyatt Federal Office Building. *See* Russell Decl. ¶ 4. For example, on

May 28, 2020, the ICE Portland Field Office was targeted by a Molotov Cocktail. *See* Affidavit of Special Agent David Miller ¶ 5 (July 4, 2020), *United States v. Olsen*, 20-mj-00147 (D. Or) (Exhibit 2). The Mark O. Hatfield Courthouse has experienced significant damage to its façade and building fixtures, including the vandalism and theft of building security cameras and access control devices. *Id.* The most recent repair estimate for the damage at the Hatfield Courthouse is in excess of \$50,000. *Id.*

Officers protecting these properties have also been subject to threats, rocks and ball bearings fired with wrist rockets, improvised explosives, aerial fireworks, commercial grade mortars, high intensity lasers targeting officers' eyes, full and empty glass bottles, and balloons filled with paint and other substances such as feces. Russell Decl. ¶ 4. The most serious injury to an officer to date occurred when a protester wielding a two-pound sledgehammer struck an officer in the head and shoulder when the officer tried to prevent the protester from breaking down a door to the Hatfield Courthouse. *Id.* In addition, an officer was hit in the leg with a marble or ball bearing shot from a high-powered wrist rocket or air gun, resulting in a wound down to the bone. *Id.* To date, 28 federal law enforcement officers have experienced injuries during the rioting. Injuries include broken bones, hearing damage, eye damage, a dislocated shoulder, sprains, strains, and contusions. *Id.*; *see* Acting Secretary Wolf Condemns The Rampant Long-Lasting Violence in Portland (July 16, 2020) (Exhibit 3) (listing over 75 separate incidents of property destruction and assaults against federal officers between May 29, 2020 and July 15, 2020).

In response to the damage to federal property and assaults on federal law enforcement officers, DHS deployed federal officers to Portland for the purposes of protecting federal buildings and property. Russell Decl. ¶ 5. There are currently 114 federal law enforcement

officers from the FPS, ICE, U.S. Customs and Border Protection (CBP), and the U.S. Marshals Service (USMS) protecting federal facilities in downtown Portland. *Id.* From May 27 until July 3, officers were stationed in a defensive posture intended to de-escalate tensions by remaining inside federal buildings and only responding to breach attempts or other serious crimes. *Id.* This attempt to de-escalate was unsuccessful and an increasingly violent series of attacks culminated in a brazen effort to break into and set fire to the Hatfield Courthouse in the early morning hours of July 3, 2020. *Id.* A group of individuals used teamwork and rehearsed tactics to breach the front entry of the Courthouse by smashing the glass entryway doors. *Id.* The individuals threw balloons containing an accelerant liquid into the lobby and fired powerful commercial fireworks towards the accelerant in an apparent attempt to start a fire. *Id.*

The violence against federal officers and federal property over the Fourth of July holiday weekend resulted in the necessity of arrests of multiple individuals:

- On July 2-3, 2020, Rowan Olsen used his body to push on and hold a glass door at the Hatfield Courthouse closed, preventing officers from exiting the building and causing the door to shatter. With the door broken, a mortar firework entered the courthouse, detonating near the officers. The officers used shields and their bodies to block the open doorway for approximately six hours until demonstrators dispersed.
- On July 4, 2020, Shat Singh Ahuja willfully destroyed a closed-circuit video camera mounted on the exterior of the Hatfield Courthouse.
- On July 5, 2020, Gretchen Blank assaulted a federal officer with a shield while the officer was attempting to arrest another protester.
- On July 5-6, 2020, four men assaulted federal officers with high intensity lasers. At the time of his arrest, one of the men also possessed a sheathed machete.

See Seven Arrested, Facing Federal Charges After Weekend Riots at Hatfield Federal Courthouse (July 7, 2020) (Exhibit 4). In response to the increasingly violent attacks, DHS implemented tactics intended to positively identify and arrest serious offenders for crimes such

as assault, while protecting the rights of individuals engaged in protected free speech activity. Russell Decl. ¶ 5.

Plaintiffs' motion primarily focuses on the response by federal officials to a violent protest near the Hatfield Courthouse that occurred on the evening of July 11 into the early morning of July 12. *See* Pls.' Mot. at 4–7. During that time the crowd of protesters near the Hatfield Courthouse grew to approximately 300 people. Russell Decl. ¶ 6. A barrier of police tape was established across the front of the Hatfield Courthouse and protesters were ordered not to trespass on federal property but refused to comply with that command. *Id.* Commands were made using a long-range acoustic device that is audible even with loud crowd noises. *Id.* As a joint team of FPS, CBP, and USMS officers deployed and made an arrest for trespass, protesters swarmed the officers. *Id.* FPS officers deployed less-lethal projectile rounds to allow the arrest team to safely withdraw from federal property. *Id.* The protesters responded by throwing items that posed a risk of officer injury, including rocks, glass bottles, and mortar-style fireworks, and by pointing lasers at law enforcement personnel. *Id.* One protester encroached on a police barrier, refused to leave, and became combative while detained. *Id.* A crowd of protesters swarmed the officers and tear gas was deployed to protect officers as they withdrew to the Hatfield Courthouse. *Id.*

FPS gave protesters additional warnings to stay off federal property, and to cease unlawful activity. Russell Decl. ¶ 7. Tear gas was deployed again to push protesters back from the Hatfield Courthouse. *Id.* FPS contacted the Portland Police Bureau (PPB), who were preparing to declare an unlawful assembly. *Id.* By this time the size of the group had diminished to approximately 100 people. *Id.* Federal law enforcement teams from the Hatfield Courthouse and the Edith Green Federal Building pushed the crowd towards the park across from the

building. *Id.* The PPB arrived and closed all roads in the vicinity of the facilities. *Id.* There were multiple attacks throughout the night involving hard objects including rocks and glass bottles and commercial-grade lasers directed at officers' eyes. *Id.* Federal officers made seven arrests including three for assault on an officer and others for failure to comply with lawful orders. *Id.* The PPB declared an unlawful assembly and began making arrests for failure to disperse. *Id.* FPS also issued dispersal orders on federal property and cleared persons refusing to comply with these orders at the same time. *Id.*

II. Legal Authority to Protect Federal Property

FPS, a component of the Department of Homeland Security, is the federal agency charged with protecting federal facilities across the country. *See* Federal Protective Service Operation, at <https://www.dhs.gov/fps-operations>. Congress authorized DHS to “protect the buildings, grounds, and property that are owned, occupied, or secured by the Federal Government.” 40 U.S.C. § 1315(a). While engaged in their duties, FPS officers are authorized to conduct a wide range of law enforcement functions:

- (A) enforce Federal laws and regulations for the protection of persons and property;
- (B) carry firearms;
- (C) make arrests without a warrant for any offense against the United States committed in the presence of the officer or agent or for any felony cognizable under the laws of the United States if the officer or agent has reasonable grounds to believe that the person to be arrested has committed or is committing a felony;¹
- (D) serve warrants and subpoenas issued under the authority of the United States;
- (E) conduct investigations, on and off the property in question, of offenses that may have been committed against property owned or occupied by the Federal Government or persons on the property; and

¹ *See, e.g.*, 18 U.S.C. § 111 (assaulting a federal officer).

(F) carry out such other activities for the promotion of homeland security as the Secretary may prescribe.

40 U.S.C. § 1315(b)(2).

Additionally, the Secretary of Homeland Security may designate DHS employees “as officers and agents for duty in connection with the protection of property owned or occupied by the Federal Government and persons on the property, including duty in areas outside the property to the extent necessary to protect the property and persons on the property.” 40 U.S.C.

§ 1315(b)(1).

Congress also delegated authority to DHS to issue regulations “necessary for the protection and administration of property owned or occupied by the Federal Government and persons on the property.” 40 U.S.C. § 1315(c). Current regulations may include “reasonable penalties,” including fines and imprisonment for not more than 30 days. 40 U.S.C. § 1315(c)(2). The regulations cover many activities, including prohibiting disorderly conduct on federal property (41 C.F.R. § 102-74.390); failing to obey a lawful order (41 C.F.R. § 102-74.385); and creating a hazard on federal property (41 C.F.R. § 102-74.380(d)). *See United States v. Christopher*, 700 F.2d 1253 (9th Cir. 1983) (affirming convictions on charges of being present on federal property after normal work hours in violation of 41 C.F.R. §§ 101-20.302 and 101-20.315).

In exercising its authority to protect federal property, FPS follows DHS policy on the use of force. *See* DHS Policy on the Use of Force (Sept. 7, 2018) (Exhibit 5). Consistent with guidance from the Supreme Court, *see Graham v. Connor*, 490 U.S. 386 (1989), DHS policy authorizes officers to “use only the force that is objectively reasonable in light of the facts and circumstances confronting him or her at the time force is applied,” recognizing that officers are “often forced to make split-second judgments, in circumstances that are tense, uncertain, and

rapidly evolving.” DHS Policy at 1–2. The policy states that officers “should seek to employ tactics and techniques that effectively bring an incident under control while promoting the safety of [the officer] and the public, and that minimize the risk of unintended injury or serious property damage.” *Id.* at 3. DHS components must conduct training on “less-lethal use of force” at least every two years and incorporate decision-making and scenario-based situations. *Id.* at 5. Further, officers must demonstrate proficiency with less-lethal force devices, such as impact weapons or chemical agents, before using such devices. *Id.* DHS policy emphasizes “respect for human life,” “de-escalation,” and “use of safe tactics.” *Id.* at 3.

DHS has also emphasized to its employees the importance of respecting activities protected by the First Amendment. *See* DHS Memo re: Information Regarding First Amendment Protected Activities (May 17, 2029) (Exhibit 6). “DHS does not profile, target, or discriminate against any individual for exercising his or her First Amendment rights.” *Id.* at 1.

In addition to DHS’s authority to protect federal property, the United States Marshals Service, a component of the Department of Justice, provides security inside federal courthouses in each of the 94 federal judicial districts and in the District of Columbia Superior Court. *See* U.S. Marshals Service, Court Security, at www.usmarshals.gov/duties/courts.htm/. The Marshals Service protects judges and other court officials at over 400 locations where court-related activities are conducted. *Id.* As set forth in 28 U.S.C. § 566(a), “[i]t is the primary role and mission of the United States Marshals Service to provide for the security and to obey, execute, and enforce all orders of the United States District Courts, the United States Courts of Appeals, the Court of International Trade, and the United States Tax Court, as provided by law.” The regulations governing the duties of the Marshals Service further authorize it to provide “assistance in the protection of Federal property and buildings.” 28 C.F.R. § 0.111(f); *see also*

28 U.S.C. § 566(i) (requiring the Director of the United States Marshals Service to consult with the Judicial Conference of the United States concerning, *inter alia*, “the security of buildings housing the judiciary” and stating that the “United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.”).

The Marshals Service’s actions to protect the federal judiciary are guided by an agency-wide use of force policy. *See* United States Marshals Service, Policy Directive 14.15, Use of Force (Sept. 24, 2018) (Exhibit 7). Pursuant to that policy, the use of force must be objectively reasonable and Deputy Marshals may use less-than-lethal force only in situations where reasonable force, based upon the totality of the circumstances at the time of the incident, is necessary to, among other things, protect themselves or others from physical harm or make an arrest. *See id.* Deputy Marshals are not authorized to use less-than-lethal devices if voice commands or physical control achieve the law enforcement objective. *See id.* Further, they must stop using less-than-lethal devices once they are no longer needed to achieve its law enforcement purpose. *See id.* And in all events, less-than-lethal weapons may not be used to punish, harass, taunt, or abuse a subject. *See id.*

STANDARD FOR EMERGENCY RELIEF

The standard for a temporary restraining order is generally the same as for a preliminary injunction. *Pac. Kidney & Hypertension, LLC v. Kassakian*, 156 F. Supp. 3d 1219, 1222 (D. Or. 2016). A preliminary injunction is “an extraordinary and drastic remedy” that should not be granted “unless the movant, by a clear showing, carries the burden of persuasion.” *Lopez v. Brewer*, 680 F.3d 1068, 1072 (9th Cir. 2012). A plaintiff must show that (1) he is likely to succeed on the merits; (2) he is likely to suffer irreparable harm in the absence of preliminary relief; (3) the balance of equities tips in his favor; and (4) an injunction is in the public interest.

Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008).² “Likelihood of success on the merits is the most important factor” and if a plaintiff fails to meet this “threshold inquiry,” the court “need not consider the other factors.” *California v. Azar*, 911 F.3d 558, 575 (9th Cir. 2018). Because standing is a prerequisite to the Court’s exercise of jurisdiction, *see Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 157 (2014), the plaintiff’s claims on the merits have no likelihood of success if the plaintiffs cannot establish standing. *Id.* at 158 (“The party invoking federal jurisdiction bears the burden of establishing’ standing and must do so “the same way as any other matter on which the plaintiff bears the burden of proof, *i.e.*, with the manner and degree of evidence required at the successive stages of the litigation.”) (internal quotations and citations omitted).

Plaintiffs must meet an even higher standard in this case because they seek a mandatory injunction that would alter the status quo and impose affirmative requirements on law enforcement officers as they carry out their duties. *See Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015) (mandatory injunctions are “particularly disfavored” and the “district court should deny such relief unless the facts and law clearly favor the moving party.”) (internal quotations omitted). As explained below, Plaintiffs cannot meet this demanding standard.

² Alternatively, “serious questions going to the merits and a balance of hardships that tips sharply towards the plaintiff can support issuance of a preliminary injunction, so long as the plaintiff also shows that there is a likelihood of irreparable injury and that the injunction is in the public interest.” *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011) (citation omitted).

ARGUMENT

I. PLAINTIFFS LACK STANDING TO OBTAIN AN INJUNCTION AGAINST FEDERAL DEFENDANTS

“[T]hose who seek to invoke the jurisdiction of the federal courts must satisfy the threshold requirement imposed by Art. III of the Constitution by alleging an actual case or controversy.” *City of Los Angeles v. Lyons*, 461 U.S. 95, 101 (1983). One of the “landmarks” that differentiates a constitutional case or controversy from more abstract disputes “is the doctrine of standing.” *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992). And the first requirement of standing is that “the plaintiff must have suffered an ‘injury in fact’ – an invasion of a legally protected interest which is (a) concrete and particularized, . . . and (b) ‘actual or imminent, not ‘conjectural’ or ‘hypothetical.’” *Id.* at 560.

Where, as here, a party seeks prospective equitable relief, the complaint must contain “allegations of future injury [that are] particular and concrete.” *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 109 (1998). While allegations of past injury might support a remedy at law, prospective equitable relief requires a claim of imminent future harm. *Lyons*, 461 U.S. at 105; *see also Nelsen v. King Cty.*, 895 F.2d 1248, 1251 (9th Cir. 1990) (“[P]ast exposure to harm is largely irrelevant when analyzing claims of standing for injunctive relief that are predicated upon threats of future harm.”); *United Presbyterian Church v. Reagan*, 738 F.2d 1375, 1381 (D.C. Cir. 1984) (past harm suffered by plaintiff does not support declaratory and injunctive relief).

It is therefore well-established that a plaintiff lacks standing to obtain prospective injunctive relief for alleged future injuries based on allegations of prior harm. *Lyons*, 461 U.S. at 101–02; *Nelsen*, 895 F.2d at 1251. As the Supreme Court held in *Whitmore v. Arkansas*, 495 U.S. 149 (1990), allegations of possible future injury do not satisfy the requirements of Article

III. A threatened injury must be “certainly impending” to constitute injury in fact. 495 U.S. at 158 (quoting *Babbitt v. United Farm Workers*, 442 U.S. 289, 298 (1979)). As a result, in order to invoke Article III jurisdiction, a plaintiff in search of prospective equitable relief must show a significant likelihood and immediacy of sustaining some direct injury. *Updike v. Multnomah Cty.*, 870 F.3d 939, 947 (9th Cir. 2017) (“[S]tanding for injunctive relief requires that a plaintiff show a ‘real and immediate threat of repeated injury.’” (quoting *O’Shea v. Littleton*, 414 U.S. 488, 496 (1974))). And standing cannot be presumed or deferred just because this case is currently being considered on a TRO and preliminary injunction posture; standing is “an indispensable part of the plaintiff’s case” that “must be supported in the same way as any other matter on which the plaintiff bears the burden of proof, *i.e.*, with the manner and degree of evidence required at the successive stages of the litigation.” *Lujan*, 504 U.S. at 561.

For a plaintiff to have standing, an alleged injury must be “concrete” and “actual or imminent, not ‘conjectural’ or ‘hypothetical.’” *Lyons*, 461 U.S. at 101–02. Even where a plaintiff establishes that his rights were violated in past incidents, he nonetheless lacks standing to obtain prospective injunctive relief absent a “real and immediate threat” that he will suffer the same injury in the future. *Id.* at 105. “[P]ast wrongs do not in themselves amount to that real and immediate threat of injury necessary to make out a case or controversy.” *Id.* at 103 (citing *O’Shea v. Littleton*, 414 U.S. 488, 494 (1974) and *Rizzo v. Goode*, 423 U.S. 362, 372 (1976)). *See also Nelsen*, 895 F.2d at 1251. This “imminence requirement ensures that courts do not entertain suits based on speculative or hypothetical harms.” *Lujan*, 504 U.S. at 564. Thus, a plaintiff “who has been subject to injurious conduct of one kind [does not] possess by virtue of that injury the necessary stake in litigating conduct of another kind, although similar, to which he has not been subject.” *Blum v. Yaretsky*, 457 U.S. 991, 999 (1982).

Moreover, the plaintiff seeking injunctive relief must show not just that the predicted *injury* will reoccur, but also that the plaintiff himself will suffer it. *See, e.g., Updike*, 870 F.3d at 948 (holding that the plaintiff lacked standing for injunctive relief because his evidence was “insufficient to establish that any such wrongful behavior is likely to recur against him”); *Blair v. Shanahan*, 38 F.3d 1514, 1519 (9th Cir. 1994) (holding that a plaintiff seeking declaratory or injunctive relief must “establish a personal stake” in the relief sought). In other words, plaintiffs cannot show an entitlement to injunctive relief unless they show that they themselves are likely to suffer injury from the allegedly unlawful activities. That other individuals might suffer future harm does nothing for a plaintiff’s own standing.

The facts and reasoning of *Lyons* are instructive. At issue in *Lyons* was a civil rights action against the City of Los Angeles and several police officers who allegedly stopped the plaintiff for a routine traffic violation and applied a chokehold without provocation. In addition to seeking damages, the plaintiff sought an injunction against future use of the chokehold unless deadly force was threatened. The Supreme Court held that plaintiff lacked standing to seek prospective relief because he could not show a real or immediate threat of future harm.

That Lyons may have been illegally choked by the police . . . , while presumably affording Lyons standing to claim damages . . . does nothing to establish a real and immediate threat that he would again be stopped for a traffic violation, or for any other offense, by an officer or officers who would illegally choke him into unconsciousness without any provocation or resistance on his part.

Lyons, 461 U.S. at 104; *see also O’Shea*, 414 U.S. at 495-96 (“Past exposure to illegal conduct does not in itself show a present case or controversy regarding injunctive relief . . . if unaccompanied by any continuing, present adverse effects.”); *Rizzo*, 423 U.S. at 372 (holding that plaintiffs’ allegations that police had engaged in widespread unconstitutional conduct aimed

at minority citizens was based on speculative fears as to what an unknown minority of individual police officers might do in the future).

Courts in this Circuit have applied *Lyons* and *O'Shea* in similar contexts to hold that plaintiffs lack standing to pursue prospective injunctive relief where they were subject to past law enforcement practices but could only speculate as to whether those practices would recur. *See, e.g., Eggar v. City of Livingston*, 40 F.3d 312, 317 (9th Cir. 1994) (plaintiff who had previously been repeatedly detained, charged, and convicted of offenses without court-appointed counsel despite her indigence lacked injunctive standing because whether she “will commit future crimes in the City, be indigent, plead guilty, and be sentenced to jail is speculative”); *Murphy v. Kenops*, 99 F. Supp. 2d 1255, 1259–60 (D. Or. 1999) (plaintiffs lacked standing because it was highly speculative “that the Forest Service will exercise its discretion to issue future closure orders, that the closure orders will violate the First Amendment, that plaintiffs will violate those closure orders, and that plaintiffs will be arrested because of those closure orders”). *See also Curtis v. City of New Haven*, 726 F.2d 65, 68 (2d Cir. 1984) (vacating an injunction that had been entered against police use of mace, because the plaintiffs had not shown a “likelihood that these plaintiffs will again be illegally assaulted with mace”); *Williams v. Birmingham Bd. of Educ.*, 904 F.3d 1248, 1267 (11th Cir. 2018) (plaintiff alleging that a school resource officer employed by the police unconstitutionally used an incapacitating chemical spray on her lacked standing to pursue injunctive relief, because she did not show that a likelihood that the resource officer would again unconstitutionally spray her).

Nor can plaintiffs create standing for injunctive relief by alleging that their own fear of future government action has “chilled” their willingness to engage in First Amendment activities. When a plaintiff contends that injunctive relief is supported by such an alleged “chilling effect,”

the analysis is unchanged from the *Lyons* inquiry—the supposed chilling effect will not provide standing for injunctive relief if it is “based on a plaintiff’s fear of future injury that itself was too speculative to confer standing.” *Munns v. Kerry*, 782 F.3d 402, 410 (9th Cir. 2015); *see also Clapper v. Amnesty Int’l USA*, 568 U.S. 398, 416 (2013) (plaintiffs “cannot manufacture standing merely by inflicting harm on themselves based on their fears of hypothetical future harm that is not certainly impending”). In other words, where a plaintiff’s request for injunctive relief lacks any non-speculative basis for finding a likelihood of future harm, the plaintiff cannot circumvent Article III merely by saying that he or she is *afraid* of future harm.

Plaintiffs’ motion fails under these standards. Plaintiffs’ support their requested relief is seven declarations from individual plaintiffs that focus entirely on past events. They recount episodes involving alleged conflicts between protesters and law enforcement officers on particular dates (July 11, 12, 16, and 19)—and describe injuries they or others allegedly suffered (e.g., bruising from a nonlethal plastic round). Dkt. 43 (Davis Decl.);³ Dkt. 44 (Lewis-Rolland Decl.); Dkt. 55 (Brown Decl.); Dkt. 56 (Yau Decl.); Dkt. 58 (Howard Decl.); Dkt. 59 (Rudoff Decl.); Dkt. 60 (Tracy Decl.).⁴ But these threadbare accounts of isolated incidents fail to provide any basis for concluding that plaintiffs face certainly impending injury. Indeed, the declarations make no showing that Plaintiffs are in imminent danger of again being subjected to similar events in the future. For example, the Plaintiffs would need not only to establish that “they would have another encounter with the police but also to make the incredible assertion” that the same series of events would transpire again. *See Lyons*, 461 U.S. at 106 (stating that “[i]n order to establish an actual controversy in this case” *Lyons* would have to allege that “*all* police

³ Garrison Davis is not a plaintiff and thus cannot sustain standing in this case, but his declaration also fails to support a finding of imminent danger to any Plaintiff.

officers in Los Angeles *always* choke any citizen with whom they happen to have an encounter”) (emphasis in original). They have not and cannot make such a showing. And since courts may not simply assume that the circumstances that gave rise to an alleged constitutional violation will recur, the absence of such evidence is fatal to their request for relief. *See, e.g., Nelsen*, 895 F.2d at 1251; *Updike*, 870 F.3d at 947; *Murphy*, 99 F. Supp. 2d at 1259–60.

II. PLAINTIFFS ARE NOT LIKELY TO SUCCEED ON THE MERITS BECAUSE THEY WILL NOT SUFFER A FIRST AMENDMENT VIOLATION AND THE INJUNCTION THEY SEEK IS LEGALLY IMPROPER.

A. Plaintiffs Have Not Demonstrated that Federal Defendants Violated Their Constitutional Rights, Much Less that They Will Continue To Do So.

Plaintiffs complain of two First Amendment violations. First, Plaintiffs seek an injunction based on a claim that Federal Defendants retaliated against Mr. Lewis-Rolland, a journalist, for engaging in newsgathering activities protected by the First Amendment. *See* Pls.’ Mot. at 8–12. Plaintiffs devote substantial attention to undisputed propositions of law that newsgathering is a protected First Amendment activity that may be exercised in public places, subject to reasonable time, place and manner restrictions. But the key question in a First Amendment retaliation claim is whether the plaintiff has established that “by his actions the defendant deterred or chilled the plaintiff’s political speech and such deterrence was a substantial or motivating factor in the defendant’s conduct.” *Mendocino Envtl. Ctr. v. Mendocino Cty.*, 192 F.3d 1283, 1300 (9th Cir. 1999).

Plaintiffs have not carried their burden to establish that the use of force was “anything other than the unintended consequence of an otherwise constitutional use of force under the circumstances.” *Barney v. City of Eugene*, 20 F. App’x 683, 685 (9th Cir. 2001) (rejecting First Amendment retaliation claim where “protesters were warned repeatedly to clear the street or tear

gas would be deployed, and there is no dispute that a small group of the crowd became violent”); *see also Mims v. City of Eugene*, 145 F. App’x 194, 196 (9th Cir. 2005) (holding that use of a crowd control team “in full riot gear was not a disproportionate response and does not indicate preexisting hostility toward the protestors’ views”). Given the chaotic circumstances presented by the violent protests, Plaintiffs have not established that Defendants would not have used force “but for” a retaliatory motive. *Capp v. City of San Diego*, 940 F.3d 1046, 1059 (9th Cir. 2019). As the Ninth Circuit has recognized, the unlawful actions of a few may impair the ability of others to exercise their rights:

In balancing desired freedom of expression and the need for civic order, to accommodate both of these essential values, a measure of discretion necessarily must be permitted to a city, on the scene with direct knowledge, to fashion remedies to restore order once lost. It may be that a violent subset of protesters who disrupt civic order will by their actions impair the scope and manner of how law-abiding protesters are able to present their views.

Menotti v Seattle, 409 F.3d 1113, 1155 (9th Cir. 2005) (declining “to hold unconstitutional the City’s implementation of procedures necessary to restore safety and security” when confronted by protesters with “violent and disruptive aims” that “substantially disrupt civic order”).

Second, Plaintiffs also contend that Federal Defendants have denied Plaintiffs a right of access to observe how Federal Defendants enforce their dispersal orders. *See* Pls.’ Mot. at 12–14. It is important to clarify at the outset, however, that Plaintiffs appear to be requesting only a right to observe from public streets. Thus, even under their proposed injunction, they still must not come so close as to trespass on federal property. Plaintiffs accordingly recognize from the beginning that they have no right to be wherever protesters are. The government may certainly prohibit a public presence on its property outside of its ordinary hours of operation—an interest rooted in part in protecting that property—and an interest in First Amendment activities does not permit violation of those rules. *See Christopher*, 700 F.2d at 1259-61 (upholding conviction for

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trespassing for soliciting signatures on government property outside of normal business hours). This is true even if the property functions as a traditional public forum during the hours when it is open. *Clark v. Cmty. for Creative Non-Violence*, 468 U.S. 288, 299 (1984) (upholding prohibition on overnight sleeping to prevent damage to park); *Occupy Sacramento v. City of Sacramento*, 878 F. Supp. 2d 1110, 1120 (E.D. Cal. 2012) (granting dismissal and rejecting injunction on claim against regulation closing park overnight in order to protect it).

Plaintiffs nevertheless argue that they have a right to continued presence on public streets surrounding the federal property, even if a lawful order to disperse has been given—indeed, they are pointedly seeking a right to ignore a lawful order to disperse and to remain in place. *See* Pls.’ Mot. at 1. Yet Plaintiffs provide absolutely no support whatsoever that the press has a special right to remain in or access a location that has been lawfully closed to the general public, and in particular a place that has been lawfully closed to protesters. They argue that cases supporting press access in other contexts, specifically the Supreme Court’s decision in *Press-Enterprise Co. v. Super. Ct. of Cal.*, 478 U.S. 1 (1986) (“*Press-Enterprise II*”), support their right of access here. But that case is inapposite.

Press-Enterprise II involved a dispute over media access to a criminal judicial proceeding and that context framed the way in which the Supreme Court analyzed whether access was appropriate: whether there is a tradition of public access and whether that public access plays a significant positive role in the functioning of the particular process. *Id.* at 8-9 (noting the questions were specific to “this setting” of an in-court criminal judicial proceeding). Here, although public streets have been traditionally open to the public, the specific context is public property that has been lawfully closed to the public for the execution of law enforcement functions, including protecting against the destruction of federal property and making lawful

arrests. There is no tradition of public access to a closed forum under such circumstances—and mandating public access under such circumstances would impede achieving the important public goals of protecting public property and the safety of law enforcement personnel. *Cf. Perry v. Los Angeles Police Dep't*, 121 F.3d 1365, 1369 (9th Cir. 1997) (“A government interest in protecting the safety and convenience of persons using a public forum is a valid government objective.”). The press may have the rights of access of the general public, but they have no special rights of access to closed fora. *See California First Amendment Coal. v. Calderon*, 150 F.3d 976, 981 (9th Cir. 1998) (quoting *Branzburg v. Hayes*, 408 U.S. 665, 684 (1972) (“[T]he First Amendment does not guarantee the press a constitutional right of special access to information not available to the public generally.”)).

Even assuming, however, that the *Press-Enterprise II* standard applies, it establishes only a qualified right of access that may be overcome where “closure is essential to preserve higher values and is narrowly tailored to serve that interest.” *Press Enterprise II*, 478 U.S. at 9. As an initial matter, it is not at all clear that Plaintiffs have even been denied sufficient “access.” Although they argue that they have no “alternative observation opportunities,” Pls.’ Mot. at 13, they have not provided any argument that the vantage points they have had, much less the ones they would have in the future absent the injunction, would be insufficient. No Plaintiff asserts that any press or legal observer was unable to observe any activities merely because of the dispersal order. And there are no allegations that federal agents advanced, in an attempt to disperse rioters, more than a few blocks away from federal property. Thus, it is not at all clear why reporters and observers could not see sufficiently even if moved by an order to disperse, except for the use of crowd control munitions that could still be used under the proposed injunction. *See* Pls.’ Mot. at 3 (no liability “if a Journalist or Legal Observer is incidentally

exposed to crowd-control devices after remaining in the area where such devices were deployed”).

Moreover, even if Plaintiffs could demonstrate that they have been denied sufficient “access” to a “particular proceeding,” *United States v. Doe*, 870 F.3d 991, 997 (9th Cir. 2017), they would fail the balancing test of *Press Enterprise II*. Preserving order, life, and property are important values that may be preserved consistent with the First Amendment. Police thus may, for example, impose restrictions to “contain or disperse demonstrations that have become violent or obstructive.” *Washington Mobilization Committee v. Cullinane*, 566 F.2d 107, 119 (D.C. Cir. 1977) (stating that it is “axiomatic” that “the police may, in conformance with the First Amendment, impose reasonable restraints upon demonstrations to assure that they be peaceful and not obstructive”); *see also Madsen v Women’s Health Center*, 512 U.S. 753, 768 (1994) (finding the government “has a strong interest in ensuring the public safety and order, in promoting the free flow of traffic on public streets and sidewalks.”).

Requiring journalists and legal observers to disperse along with protesters and rioters is also narrowly tailored because allowing them to remain is not a practicable option. There is no dispute that protesters who do not disperse after a lawful order is given may be arrested. Having an unspecified number of people who lawfully may remain, however, will not only greatly complicate efforts to clear an area and restore order, it will also present a clear risk to safety. Under the proposed injunction, there is no consistent scheme for quickly identifying individuals authorized to be present. Plaintiffs propose a list of “indicia” that “are not exclusive,” which may be as small as a press pass displayed somewhere on their body and as vague as “visual identification” or “distinctive clothing” indicating that they are press. Pls.’ Mot. at 2-3. Additionally, the proposed injunction suggests that some of these, such as press passes, are only

valid if “professional or authorized,” while other items, such as a shirt that simply says “press” somewhere, may be sufficient. Pls.’ Mot. at 3. Similarly, identifying “legal observers” by the color of their hats when they are comingled in a large crowd at night with many others wearing face and head coverings is impractical. Searching each person who does not disperse for such indicia will be difficult, if not impossible, under the conditions causing an order to disperse to be given (*e.g.*, lasers, projectiles, and pyrotechnic mortars being used against federal officers), and such a search will also distract federal officers from protecting themselves against those same conditions. It would be even more impracticable to verify which of those remaining actually has “professional or authorized” credentials. Yet the risk of not verifying such individuals is grave—protesters have already attempted to interfere with arrests by federal officers, including by assaulting them, and federal officers cannot simply turn their backs to people who have “press” written somewhere on them. Leaving press and legal observers in place would present security risks to all and would severely distract from the critical mission of restoring order and protecting life and property. Accordingly, even under the inappropriate, stringent standard that Plaintiffs invoke, they are unlikely to succeed on any claim to have a right to remain in place.

B. The Legally Improper Injunction Plaintiffs Seek is Overbroad and Unworkable.

There is no basis for the Court to grant Plaintiffs’ request for an overbroad and unworkable injunction that would micromanage the manner in which federal law enforcement officers respond to dynamic and chaotic situations involving violent protesters seeking to damage federal property and harm federal officers. “It is not for this Court to impose its preferred police practices on either federal law enforcement officials or their state counterparts.” *United States v. Patane*, 542 U.S. 630, 642 (2004). Yet that is precisely what Plaintiffs’ requested injunction would do here. The federal officers protecting federal property in Portland

are doing so under difficult circumstances and must make “split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving.” *Graham*, 490 U.S. at 397. Those judgments should not be encumbered by the potential threat of contempt of court from a vague, overbroad, and—at bottom—legally improper injunction. Indeed, Plaintiffs identify no other case in which federal or state officers responding to large-scale, ongoing incidents by violent opportunists have been enjoined in the manner Plaintiffs propose here.

It is a basic principle of Article III that “a plaintiff’s remedy must be limited to the inadequacy that produced his injury in fact.” *Gill v. Whitford*, 138 S. Ct. 1916, 1930 (2018) (quotation omitted). “An injunction must be narrowly tailored to remedy the specific harm shown.” *E. Bay Sanctuary Covenant v. Barr*, 934 F.3d 1026, 1029 (9th Cir. 2019) (internal quotations omitted); see *Lamb-Weston, Inc. v. McCain Foods, Ltd.*, 941 F.2d 970, 974 (9th Cir.1991). It “should be no more burdensome to the defendant than necessary to provide complete relief.” *Califano v. Yamasaki*, 442 U.S. 682, 702 (1979).

Plaintiffs’ proposed injunction is legally improper in several respects. The injunction would exempt “Journalists” and “Legal Observers” from the requirements of following a lawful order to disperse, but Plaintiffs provide no authority that members of the press or legal observers are somehow immune from such a lawful order.⁵ The First Amendment allows the police to impose reasonable restrictions upon demonstrations, including the right to “contain or disperse demonstrations that have become violent or obstructive.” *Cullinane*, 566 F.2d at 119 (stating that it is “axiomatic” that “the police may, in conformance with the First Amendment, impose reasonable restraints upon demonstrations to assure that they be peaceful and not obstructive”);

⁵ Plaintiffs’ proposed injunction provides that “such persons shall not be required to disperse following the issuance of an order to disperse, and such persons shall not be subject to arrest for not dispersing following the issuance of an order to disperse.” See Pls.’ Mot. at 1.

see Feiner v. New York, 340 U.S. 315, 320 (1951) (“This Court respects, as it must, the interest of the community in maintaining peace and order on its streets.”); *Cantwell v. Connecticut*, 310 U.S. 296, 308 (1940) (“When clear and present danger of riot, disorder, interference with traffic upon the public streets, or other immediate threat to public safety, peace, or order, appears, the power of the state to prevent or punish is obvious.”). Members of the press and legal observers who choose to observe the violent activities of nearby protesters are not exempt from a lawful command to disperse. *Cf. Branzburg v. Hayes*, 408 U.S. 665, 684–85 (1972) (“Newsmen have no constitutional right of access to the scenes of crime or disaster when the general public is excluded”); *id.* at 684 (“the First Amendment does not guarantee the press a constitutional right of special access to information not available to the public generally.”).

The injunction would also prohibit law enforcement personnel from seizing any photographs or recordings from journalists or legal observers for any reason, even if probable cause exists to arrest them. *See* Pls.’ Mot. at 1. Further, the injunction would require that any such property be returned immediately upon release from custody, regardless of whether the individual has been charged with a crime. Plaintiffs cite no legal authority for such a provision and their motion does not even allege that federal officers have arrested any journalists, media members, or legal observers, let alone seized any equipment from them.

Additionally, Plaintiffs request that the Court enjoin federal officers from arresting or using physical force against a journalist or legal observer, unless probable cause exists to believe that such individual has committed a crime. *See* Pls.’ Mot. at 1. But that proposed remedy is the type of vague, “follow the law” injunction that is disfavored because it does not comply with Rule 65(d)’s specificity requirement. *See CuvIELLO v. City of Oakland*, 2009 WL 734676, at *3 (N.D. Cal. Mar. 19, 2009) (holding unenforceable an injunction that “basically states that

Defendants are permitted to make only lawful arrests of Plaintiffs” and are “barred from interfering with Plaintiffs’ free speech rights”). As numerous courts have recognized, “[i]njunctive orders that broadly order the enjoined party simply to obey the law . . . are generally impermissible.” *NLRB v. USPS*, 486 F.3d 683, 691 (10th Cir. 2007); *see Burton v. City of Belle Glade*, 178 F.3d 1175, 1200-01 (11th Cir. 1999); *S.C. Johnson & Son, Inc. v. Clorox Co.*, 241 F.3d 232, 240-41 (2d Cir. 2001).

Such an injunction is particularly inappropriate and unmanageable in this case where law enforcement officers are responding to a dynamic situation involving a consistent barrage of violent activity targeted against federal property and officers. DHS, the Marshals Service, and their officers should not potentially be subject to charges of contempt for violating a vague injunction in these circumstances. As the Supreme Court has emphasized, courts must “take care to consider whether the police are acting in a swiftly developing situation, and in such cases the court should not indulge in unrealistic second-guessing.” *United States v. Sharpe*, 470 U.S. 675, 686 (1985).

III. PLAINTIFFS CANNOT DEMONSTRATE IRREPARABLE HARM

Plaintiffs argue that, because they have raised a First Amendment issue, they have necessarily demonstrated the likelihood of irreparable injury. But the Ninth Circuit has held that “no presumption of irreparable harm arises in a First Amendment retaliation claim.” *Rendish v. City of Tacoma*, 123 F.3d 1216, 1226 (9th Cir. 1997). Regardless of the nature of the alleged injury, however, to be likely irreparable any harm must be likely to occur. Separate from any Article III standing concerns, where “there is no showing of any real or immediate threat that the plaintiff will be wronged again,” there is no irreparable injury supporting equitable relief. *Lyons*, 461 U.S. at 111; *see Olagues v. Russoniello*, 770 F.2d 791, 797 (9th Cir. 1985). As shown

above, and for the same reasons that Plaintiffs lack standing to seek a an injunction in the first instance, Plaintiffs' future injuries are speculative and, therefore, also insufficient to demonstrate the likelihood of irreparable injury.

IV. BOTH THE BALANCE OF THE EQUITIES AND THE PUBLIC INTEREST WEIGH AGAINST GRANTING AN INJUNCTION

Plaintiffs argue that there is a strong public interest in First Amendment principles generally, and a free press in particular. Both are true. But Plaintiffs have not established any violation of these First Amendment rights and, in any event, they fail to explain how the many countervailing public interests involved in the federal response to the Portland protests must be weighed. Those interests in fact outweigh other First Amendment equities.⁶ Some of these interests are recognized in the merits of the First Amendment claims themselves, but there are many other interests weighing against the requested injunction.

Federal agents have deployed to protect various federal properties, including the Hatfield Federal Courthouse and the Edith Green Federal Building, in response to violent rioting. Rioters have vandalized and threatened to severely damage those buildings, and they have assaulted the responding federal officers. Plaintiffs all but concede that the government has “a valid interest in protecting public safety, preventing vandalism or looting, or protecting [federal officers].” Pls.’ Mot. at 13. All of these public interests are substantial and can outweigh First Amendment interests premised on access to public property. The government has a comprehensive interest in maintaining public order on public property. *Feiner v. New York*, 340 U.S. 315, 320 (1951) (“This Court respects, as it must, the interest of the community in maintaining peace and order on its streets.”). There is an even more pointed public interest when disorder threatens the

⁶ The balance of the equities and the public interest are analyzed together here because, when the government is a party, these last two factors merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009).

integrity of that public property. *See United States v. Griefen*, 200 F.3d 1256, 1260 (9th Cir. 2000) (“The clear purpose of the order . . . was for reasons of health and safety, and for the protection of property These are compelling reasons . . . and certainly represent significant government interests.”). Congress has recognized such interests, including by making the destruction of federal property and the assault of federal officers felonies punishable by up to ten and twenty years of imprisonment respectively.. 18 U.S.C. §§ 111, 1361. Additionally, there is a fundamental First Amendment right of access to the courts, *see, e.g., Ringgold-Lockhart v. City of Los Angeles*, 761 F.3d 1057, 1061 (9th Cir. 2014), which is jeopardized by the breach and destruction of a federal court building; it is in the public interest to prevent the violation of *these* rights, too. Moreover, the federal government, just as any other property owner, has an interest in “preserv[ing] the property under its control for the use to which it is lawfully dedicated”; for government buildings, those uses are of course public uses that are in the public interest. *Int’l Soc. for Krishna Consciousness, Inc. v. Lee*, 505 U.S. 672, 679-680 (1992).

On balance, it is clearly in the public interest to allow federal officers, to disperse violent opportunists near courthouses and federal buildings when those events have turned and may continue to turn violent. *See, e.g., Grayned v. City of Rockford*, 408 U.S. 104, 116 (1972) (“[W]here demonstrations turn violent, they lose their protected quality as expression under the First Amendment”); *Griefen*, 200 F.3d at 1260 (upholding the relocation of protesters who “had already shown by their destructive conduct that they presented a clear and present danger to the safe completion of the construction project, both to other persons as well as to themselves”); *Bell v. Keating*, 697 F.3d 445, 457-58 (7th Cir. 2012) (“[O]therwise protected speech may be curtailed when an assembly stokes—or is threatened by—imminent physical or property damage.”).

Plaintiffs have not contested that the federal government has both the right and the obligation to restore order and protect federal property—an obligation that is all the more critical with respect to a federal courthouse, which must remain operational to ensure the rights of litigants including the very parties to this suit. Instead, Plaintiffs have held up the general public interest in a free press. Pls.’ Mot. at 16. Yet, as discussed in above, the courts have already thoroughly weighed the interest of public access to a free press and found it no greater than that of the public generally. *See, e.g., Branzburg*, 408 U.S. at 684–85 (“Newsmen have no constitutional right of access to the scenes of crime or disaster when the general public is excluded”); *Calderon*, 150 F.3d at 981.

Plaintiffs provide no rationale for why their equities are any greater or more deserving of protection than those of any member of the public exercising their First Amendment rights. And Plaintiffs make no argument at all why special protection of legal observers is even in the public interest, much less how their interests are to be distinguished from anyone else. Plaintiffs do argue that covering the police response in Portland is of unique public interest and importance. Pls.’ Mot. at 16 (“It would be difficult to identify a situation in which the public has a greater interest in unbiased media coverage of police and Government conduct than this one.”). It is not at all clear that it is appropriate for the Court to weigh the importance of press coverage of this protest compared to others—or how one should weigh the importance of protesting versus newsgathering—but if it were, it would also be necessary to weigh the unique danger present here of over 50 nights of protests that have routinely descended into violence and the destruction of federal property and harm to federal law enforcement officers, including the attempted destruction of the *interior* of the federal courthouse.

Additionally, the hardships the injunction would impose clearly weigh against granting it. As discussed above, Plaintiffs have failed to demonstrate that the injunction would tangibly benefit their newsgathering. By contrast, federal officers would be seriously distracted from defending themselves from attack and from restoring order and protecting property.

Accordingly, both the public interest and the balance of the equities weigh in favor of denying the injunction.

CONCLUSION

For the foregoing reasons, Plaintiffs' motion for a Temporary Restraining Order and Preliminary Injunction should be denied.

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