

# RESOLUTION No. 37501

Authorize City Attorney to file any litigation and pursue any available legal remedy against the federal government and any of its officials, agencies, or instrumentalities to protect the rights of the City of Portland and its inhabitants and to appropriately limit the power of the federal government (Resolution)

WHEREAS, the First Amendment to the U.S. Constitution and Article I, Section 8 of the Oregon Constitution guarantee the right of the people peaceably to assemble, and to petition the government for a redress of grievances;

WHEREAS, following the murder of George Floyd, Portlanders have exercised these rights to say that Black Lives Matter;

WHEREAS, beginning on June 20, 2020, at a rally in Tulsa, President Trump began referring to Portland “leftist radicals” as part of his campaign speeches;

WHEREAS, the Associated Press has reported that militarized federal agents were deployed to Portland sometime following a June 26, 2020 executive order to “protect monuments”;

WHEREAS, these federal agents represent a new and unprecedented domestic deployment that includes Department of Homeland Security, the U.S. Marshals Service, the Federal Protective Service and U.S. Customs and Border Protection;

WHEREAS, the Trump Administration is reported to have deployed similar forces to the cities of Seattle and Washington, DC and has expressed a clear desire to impose militarized federal control in US cities to end protests, as occurred on June 22, 2020 when federal troops attacked peaceful protestors in Lafayette Square in Washington, DC;

WHEREAS, militarized federal agents began arresting Portland residents on or about July 2, 2020;

WHEREAS, on July 11, a militarized federal agent shot an unarmed protestor in the face with an impact munition;

WHEREAS, militarized federal agents in unmarked vehicles reportedly detained several Portlanders in an apparent violation of their basic constitutional rights;

WHEREAS, such actions are not compatible with American democracy;

WHEREAS, Portland supports democracy and opposes authoritarianism;

WHEREAS, Governor Kate Brown stated that President Trump “is deploying federal officers to patrol the streets of Portland in a blatant abuse of power by the federal government,” and called for the Department of Homeland Security to remove all federal troops from Portland streets;

WHEREAS, Mayor Ted Wheeler called on militarized federal agents to remain in federal buildings or leave the city;

WHEREAS, Mayor Ted Wheeler has joined with the Mayors of Seattle, Atlanta, Chicago, Washington DC and Kansas City to take a stand against unilateral federal intervention into American cities, calling for immediate removal of the President's "Rapid Deployment Unit" squads and for a congressional investigation of their unconstitutional terror tactics; and

WHEREAS, the Portland City Council views current federal operations in Portland as an unprecedented and unconstitutional abuse of power by the federal government.

NOW, THEREFORE, BE IT RESOLVED, The City Attorney's Office is authorized to file any litigation and pursue any available legal remedy, including but not limited to any claim, cross-claim, counterclaim, third-party claim, appeal, or *amicus curiae* brief, in any available court, tribunal, or administrative forum whatsoever, against the federal government and any of its officials, agencies, or instrumentalities to protect the rights of the City of Portland and its inhabitants, appropriately limit the power of the federal government, and to otherwise advance the public good consistent with this Resolution.

Adopted by the Council: **August 5, 2020**

Commissioner Mayor Ted Wheeler  
Prepared by: Tracy Reeve  
Date Prepared: 07/23/2020

**Mary Hull Caballero**  
Auditor of the City of Portland  
By *CPhillips*

Deputy

Agenda No. 647-2  
**RESOLUTION NO. 37501**  
 Title

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<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Wheeler, Fritz, Eudaly</b>	CLERK USE: DATE FILED <u>August 5, 2020</u>
<b>COMMISSIONER APPROVAL</b>  Mayor—Finance & Administration – Wheeler	<div style="text-align: center;"> <p>Mary Hull Caballero Auditor of the City of Portland</p> </div> <p>By: <u>Karla Moore-Love</u> Deputy</p> <p><b>ACTION TAKEN:</b></p>
<small>Digitally signed by Sonia Schmanski Date: 2020.07.28 11:44:43 -0700'</small> Tim Craill	
Position 1/Utilities - Fritz	
Position 2/Works - Vacant	
Position 3/Affairs - Hardesty	
Position 4/Safety - Eudaly	
<b>BUREAU APPROVAL</b> Bureau: <b>City Attorney</b> Bureau Head:	
Prepared by: Tracy Reeve Date Prepared: <b>7/23/2020</b>	
<b>Impact Statement</b> Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
<b>Portland Policy Document</b> If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>City Auditor Office Approval:</b> required for Code Ordinances	
<b>City Attorney Approval:</b> required for contract, code, easement, franchise, charter, Comp Plan	
Council Meeting Date	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input type="checkbox"/> <b>Start time:</b> _____ <b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input checked="" type="checkbox"/> <span style="float: right;">15 min</span> <b>Total amount of time needed:</b> _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA		COMMISSIONERS VOTED AS FOLLOWS:	
		YEAS	NAYS
1. Fritz	Tim Craill <small>Digitally signed by Tim Craill Date: 2020.07.28 10:57:06 -0700'</small>	<b>X</b>	
2. Vacant			
3. Hardesty		<b>X</b>	
4. Eudaly	Jamey Duhamel <small>Digitally signed by Jamey Duhamel Date: 2020.07.28 11:41:18 -0700'</small>	<b>X</b>	
Wheeler	Sonia Schmanski <small>Digitally signed by Sonia Schmanski Date: 2020.07.28 11:45:06 -0700'</small>	<b>X</b>	