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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

**TUCK WOODSTOCK; DOUG BROWN;
SAM GEHRKE; MATHIEU LEWIS-
ROLLAND; KAT MAHONEY; JOHN
RUDOFF**; and those similarly situated,

Plaintiffs,

v.

CITY OF PORTLAND, a municipal
corporation; and **JOHN DOES 1-60**,
individual and supervisory officers of Portland
Police Bureau and other agencies working in
concert,

Defendants.

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

**DECLARATION OF WM. STEVEN
HUMPHREY IN SUPPORT OF
PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

I, Wm. Steven Humphrey, declare:

1. I am the editor-in-chief of the *Portland Mercury*, an alternative bi-weekly newspaper and media company in Portland, Oregon. I have held this role since the paper opened in 2000. If called as a witness, I could, and would, testify competently to the facts below.

2. On the evening of June 2, 2020, two of our reporters, Alex Zielinski and Blair Stenvick, were covering the protests in the area around the Justice Center. Zielinski was in the middle of the crowd, while Stenvick was towards the back. Neither was near the fence surrounding the Justice Center.

3. That night, Portland police issued a warning to protesters to stay away from the fence. According to reports that I received, the crowd did not do so. Officers on the other side of the fence shot tear gas at protesters near the fence. As Zielinski and Stenvick were documenting this (from the middle and back of the crowd), the Portland police shot tear gas from the rear of the crowd as well. As a result of this tactic, Zielinski and Stenvick were trapped in the cloud of tear gas.

4. Zielinski and Stenvick were incapacitated by the tear gas, but attempted to continue reporting from the scene. The police, however, continued to throw tear gas canisters indiscriminately into the crowd, and Zielinski and Stenvick were gassed more than once. Ultimately, because we feared for their safety and wellbeing, we instructed Zielinski and Stenvick to stop covering the protests. The *Mercury* was not able to report on the protests for the rest of the night.

5. We expect the protesting activity to ramp up leading up to and around the Fourth of July, and intend to keep covering the protests as long as we can keep our reporters safe.

6. As a member of the press, we send our reporters to document important news, including the ongoing protests arising out of the killing of George Floyd and the related police response occurring every night in Portland.

7. As an employer, we are obligated to care for the safety of our reporters, including by protecting them from police violence.

8. Over the years, I have heard a number of reports that the Portland police have targeted members of the media during protests. This was true during protests over the election of Donald Trump, protests over the killing of Michael Brown, protests and counter-protests involving white supremacist groups, and others.


9. I remain fearful for the safety of my reporters based on the official Portland police announcement that they intend to continue to use force on journalists to stop journalists from recording police activities unless they are embedded with the police.

10. Attached as **Exhibit 1** is a true and correct copy of an agreement the Portland police proposed in 2018 under which select media would be invited to be embedded with and observe police command staff during a protest.

11. We have not asked to embed with the police because our dedication to objective, unbiased reporting would not permit an arrangement where our reporters are beholden to the police. It's very troubling to us that our ability to cover the subject matter would be dependent on the whims of one of the parties—in this case, the police—that we are reporting about. This is especially true in light of the Portland police's response to the George Floyd protests and their history of targeting members of the press.

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Dated: June 29, 2020

DocuSigned by:

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Wfn. Steven Humphrey