



December 9, 2025

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Dear Governor Kotek, Attorney General Rayfield, District Attorney Vasquez, Mayor Wilson, and Chief Day,

We respectfully urge your offices, consistent with applicable law, to open investigations into the activities of federal agents in Portland and surrounding areas. In incidents across the state, federal agents have repeatedly committed

criminal acts that are not immunized by federal law. Federal agents have kidnapped and assaulted residents with no criminal records or reason to believe they are undocumented, as part of an orchestrated retaliation campaign against Oregon and Portland for their perceived political affiliation. Furthermore, they have systematically used excessive force to attempt to disrupt peaceful protests of the ICE detention facility in Portland. Publicly available information indicates that these operations are part of a criminal conspiracy directed and condoned by President Donald Trump and senior officials in the Trump administration with full knowledge of their unlawful nature, and warrant prompt investigation by your offices.

## **Background**

The Trump administration began brazen operations targeting Latino and immigrant communities in Oregon on June 2, 2025.<sup>1</sup> Since then, federal agents have detained multiple individuals, often in unmarked cars and in sensitive areas like schools and courthouses.<sup>2</sup> Some of the individuals taken have pending asylum claims or petitions to adjust their status and many have no criminal records.<sup>3</sup> On September 11, 2025, ICE agents laid on top of a man during his arrest for over two minutes while he said “I can’t breathe” in Spanish multiple times.<sup>4</sup> On October 2, 2025, ICE agents arrested an American citizen who showed them his driver’s license and detained him for several hours before releasing him without explanation, threatening he would “get the dog” if he did not comply.<sup>5</sup> On October 14, 2025, agents detained Victor Cruz—a man with a work permit and no criminal

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<sup>1</sup> Brad Schmidt, *Immigration arrest at courthouse marks first for Portland*, The Oregonian (June 3, 2025), <https://www.oregonlive.com/politics/2025/06/immigration-arrest-at-courthouse-marks-first-for-portland.html> (last accessed Oct. 31, 2025).

<sup>2</sup> Aimee Green & Yesenia Amaro, *Witness video shows immigration arrest of man in downtown Portland: ‘Like he was just snatched off the street’*, The Oregonian (June 20, 2025), <https://www.oregonlive.com/pacific-northwest-news/2025/06/witness-video-shows-immigration-arrest-of-man-in-downtown-portland-like-he-was-just-snatched-off-the-street.html> (last accessed Nov. 4, 2025).

<sup>3</sup> Yesenia Amaro, *‘Mommy’s coming’: Video shows what happened before ICE arrested parent outside Oregon preschool*, The Oregonian (July 25, 2025), <https://www.oregonlive.com/politics/2025/07/mommys-coming-video-shows-what-happened-when-ice-arrested-parent-outside-beaverton-preschool.html> (last accessed Nov. 4, 2025); Maxine Bernstein, *ICE detains Iranian man on his way to gym in Oregon*, The Oregonian (June 26, 2025), <https://www.oregonlive.com/crime/2025/06/ice-detains-iranian-man-on-his-way-to-gym-in-oregon.html> (last accessed Nov. 4, 2025).

<sup>4</sup> YouTube, *“I can’t breathe,” man tells ICE agents in Spanish five times during his arrest in Portland*, The Oregonian (Oct. 18, 2025), <https://www.youtube.com/watch?v=mSeAwZN8mnU> (last accessed Nov. 7, 2025).

<sup>5</sup> Yesenia Amaro, *ICE arrests US citizen in Oregon. Attorney decries ‘illegal abduction’*, The Oregonian (Oct. 14, 2025), <https://www.oregonlive.com/politics/2025/10/ice-arrests-us-citizen-in-oregon-attorney-decries-illegal-abduction.html> (last accessed Nov. 7, 2025).

record—based on a case of mistaken identity.<sup>6</sup> Rather than admit their mistake and release Cruz, federal agents have stonewalled any attempt at accountability,<sup>7</sup> though Cruz has since been released on a \$3,000 bond after being held for a month.<sup>8</sup> In October, ICE agents raided a house with rifles drawn and detained two residents without asking for identification, Napoleon Andres Magaña and his stepfather, Arturo Garcia Cabrera, then transferred Garcia Cabrera to four states before releasing him in Mississippi with no money and no way home.<sup>9</sup> A DHS official later admitted that it was a case of mistaken identity.<sup>10</sup> On November 21, 2025, ICE agents arrested and detained a 17-year old Latino citizen with no probable cause before releasing him a few hours later.<sup>11</sup> Federal officials’ claim that the minor “attacked” agents with his car should be viewed with suspicion.<sup>12</sup> There is a troubling pattern of federal agents throughout the country claiming any vehicle movement as grounds to use deadly force, even where the vehicle poses no threat to them.<sup>13</sup>

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<sup>6</sup> Yesenia Amaro, *Oregon lawmakers demand release of Hillsboro man wrongfully detained by ICE*, The Oregonian (Oct. 28, 2025), <https://www.oregonlive.com/politics/2025/10/oregon-lawmakers-demand-release-of-hillsboro-man-wrongfully-detained-by-ice.html> (last accessed Nov. 3, 2025).

<sup>7</sup> *Id.*

<sup>8</sup> The Oregonian, *Oregon man released after being wrongfully detained by ICE for weeks, congresswoman says*, (Nov. 11, 2025), [https://www.oregonlive.com/washingtoncounty/2025/11/oregon-man-released-after-being-wrongfully-detained-by-ice-for-weeks-congresswoman-says.html?e=978ab8d10c70ecb8310d88a8dd47f54e&utm\\_source=Sailthru&utm\\_medium=email&utm\\_campaign=Newsletter\\_ice\\_protests%202025-11-08&utm\\_term=Newsletter\\_ice\\_protests](https://www.oregonlive.com/washingtoncounty/2025/11/oregon-man-released-after-being-wrongfully-detained-by-ice-for-weeks-congresswoman-says.html?e=978ab8d10c70ecb8310d88a8dd47f54e&utm_source=Sailthru&utm_medium=email&utm_campaign=Newsletter_ice_protests%202025-11-08&utm_term=Newsletter_ice_protests) (last accessed Nov. 13, 2025).

<sup>9</sup> Yesenia Amaro, *ICE in Oregon: Pointing rifles at family, stopping teens at gunpoint, pinning man during arrest*, The Oregonian (Nov. 4, 2025), <https://www.oregonlive.com/politics/2025/10/ice-in-oregon-pointing-rifles-at-family-stopping-minors-at-gunpoint-laying-on-top-of-man-during-arrest.html> (last accessed Nov. 7, 2025); Yesenia Amaro, *ICE agents detained the wrong people in Oregon, then stranded one in Mississippi*, The Oregonian (Nov. 7, 2025), <https://www.oregonlive.com/politics/2025/11/ice-agents-detained-the-wrong-people-in-oregon-then-stranded-one-in-mississippi.html> (last accessed Nov. 7, 2025).

<sup>10</sup> *Id.*

<sup>11</sup> Yesenia Amaro, *High school senior, a U.S. citizen, detained by ICE in Oregon*, The Oregonian (Nov. 23, 2025), <https://www.oregonlive.com/portland/2025/11/high-school-senior-in-oregon-a-us-citizen-detained-by-ice.html> (last accessed Nov. 24, 2025).

<sup>12</sup> Fedor Zarkhin, *Feds say Oregon 17-year-old used his car to ‘violently attack’ ICE agents*, The Oregonian (Nov. 25, 2025), [https://www.oregonlive.com/portland/2025/11/feds-say-oregon-17-year-old-used-his-car-to-violently-attack-ice-agents.html?lctg=69050a3509e6e6636809738a&utm\\_source=Sailthru&utm\\_medium=email&utm\\_campaign=Newsletter\\_morning\\_briefing%202025-11-25&utm\\_term=Newsletter\\_morning\\_briefing](https://www.oregonlive.com/portland/2025/11/feds-say-oregon-17-year-old-used-his-car-to-violently-attack-ice-agents.html?lctg=69050a3509e6e6636809738a&utm_source=Sailthru&utm_medium=email&utm_campaign=Newsletter_morning_briefing%202025-11-25&utm_term=Newsletter_morning_briefing) (last accessed Dec. 1, 2025).

<sup>13</sup> Molly DeVore, *ICE Agent Who Killed Man In Alleged Self-Defense Said Injuries Were ‘Nothing Major,’ Video Shows*, Block Club Chicago (Sep. 23, 2025), <https://blockclubchicago.org/2025/09/23/ice-agent-in-franklin-park-fatal-shooting-said-his-injuries-were-nothing-major-report-says/> (last accessed Nov. 14, 2025); Renee Hickman & Brad Brooks, *Footage of deadly ICE shooting in Chicago suburb challenges official narrative*, Reuters (Sep. 25, 2025), <https://www.reuters.com/world/us/police-records-witness-accounts-complicate-dhs-narrative-fatal-chicago-area-ice-2025-09-24/> (last accessed Nov. 14, 2025); Renee Hickman, *Bodycam footage*

The incidents above represent a sample of publicly reported operations. Given the targets of these operations may be undocumented, or have undocumented family members, they likely represent only a sliver of the criminal acts being committed against Oregon residents by federal agents.

The federal government operates a processing center in Portland, on land owned by the city and loaned to the federal government for the limited purpose of holding individuals detained by immigration authorities for no more than twelve hours.<sup>14</sup> The facility does not have a functioning HVAC system and is not fit for long-term stays.<sup>15</sup> But the City of Portland has had to file a land use violation notice because the government has misused the center for longer stays twenty-five times between October 1, 2024 and July 27, 2025,<sup>16</sup> the vast majority of which took place after Trump took office.<sup>17</sup>

Unsurprisingly, several protests have been organized outside the facility, opposing the Trump administration's militarization of immigration actions.<sup>18</sup> These have been largely peaceful; and the Portland Police Bureau has been able to respond appropriately to the isolated incidents in which protesters allegedly engaged in criminal acts without impeding the right of the majority of protesters to continue their constitutionally protected activities.<sup>19</sup> But instead of taking lead from local authorities and allowing protected First Amendment activity to continue, federal agents assigned to the facility have in fact instigated conflict and attacked peaceful protestors. Indeed, the PPB's Deputy Police Chief testified in July 2025 that federal agents "have been, night after night, actually instigating and causing some of the ruckus that's occurring down there."<sup>20</sup>

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*conflicts with DHS account of Chicago woman's shooting by Border Patrol, lawyer says*, Reuters (Oct. 9, 2025), <https://www.reuters.com/world/us/bodycam-footage-conflicts-with-dhs-account-chicago-womans-shooting-by-border-2025-10-08/> (last accessed Nov. 14, 2025).

<sup>14</sup> *Land use violation at the ICE facility*, City of Portland, <https://www.portland.gov/federal/about-ice/ice-land-use-violation> (last accessed Oct. 31, 2025).

<sup>15</sup> Keith Wilson, *Portland Mayor: ICE Facility Is a Disaster Waiting To Happen*, Newsweek (Oct. 18, 2025), <https://www.newsweek.com/portland-mayor-ice-facility-disaster-opinion-10892062> (last accessed Oct. 30, 2025).

<sup>16</sup> *Land use violation at the ICE facility*, City of Portland, <https://www.portland.gov/federal/about-ice/ice-land-use-violation> (last accessed Oct. 31, 2025).

<sup>17</sup> Fedor Zarkhin, *ICE in Portland broke detention rules 25 times, violating agreement, city says*, The Oregonian (Sep. 17, 2025), <https://www.oregonlive.com/portland/2025/09/ice-in-portland-broke-detention-rules-25-times-violating-permit-city-finds.html> (last accessed Dec. 1, 2025).

<sup>18</sup> Zane Sparling, *Tracking the rise and fall of Portland ICE protests: Key developments as Trump troops arrive soon*, The Oregonian (Oct. 14, 2025), <https://www.oregonlive.com/portland/2025/09/tracking-the-rise-and-fall-of-portland-ice-protests-key-developments-as-trump-troops-arrive-soon.html>.

<sup>19</sup> *Id.*

<sup>20</sup> Fedor Zarkhin, *Federal cops 'instigating' confrontations with protesters outside ICE building, Portland police official says in court*, The Oregonian (Sep. 27), <https://www.oregonlive.com/crime/2025/09/federal-cops-instigating-confrontations-with-protesters-outside-ice-building-portland-police-official-says-in-court.html> (last accessed Oct. 31, 2025).

Nonetheless, arrests dwindled by the end of the summer and protests outside the facility were consistent, but small.<sup>21</sup> However, on September 27, 2025, Trump called for military intervention in Portland, claiming to “authoriz[e] Full Force”<sup>22</sup> despite Governor Kotek’s insistence that military force was unnecessary.<sup>23</sup> On September 28, 2025, Secretary of Defense Pete Hegseth issued a memorandum authorizing the federalization of 200 Oregon National Guard members.<sup>24</sup> In a speech to senior military officials on September 30, 2025, Trump falsely claimed that the city “looks like a war zone,”<sup>25</sup> that it was “under invasion from within,” that it was “[n]o different from a foreign enemy, but more difficult in many ways because they don’t wear uniforms,” and that cities should be used as “training grounds.”<sup>26</sup>

Trump, Hegseth, and other senior officials knew or should have known that the city was not a war zone, that a small number of protesters were engaged in constitutionally protected activities, and that he had no basis for mobilizing troops against Portland residents. However, Trump and senior advisors have been long planning to send the National Guard into cities run by Democrats, with the goal of normalizing the mobilization of the military against political dissenters.<sup>27</sup> Whether there was one protest or twenty, Trump long planned to send troops to Portland because Trump sees it as the base of his political enemies, who he falsely claims are “antifa” and “anarchists.”<sup>28</sup>

This unconstitutional plan has been blocked for now by the federal courts. On October 4, 2025, Judge Immergut issued a Temporary Restraining Order, finding,

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<sup>21</sup> Maxine Bernstein, *Arrests outside Portland ICE building have dropped throughout summer*, The Oregonian (Sep. 27, 2025), <https://www.oregonlive.com/crime/2025/09/arrests-outside-portland-ice-building-have-dropped-throughout-summer.html> (last accessed Nov. 3, 2025).

<sup>22</sup> The Oregonian & Tatum Todd, *Trump says he’ll send troops to Oregon, officials urge Portlanders to ‘not take the bait’*, The Oregonian (Sep. 27, 2025), <https://www.oregonlive.com/portland/2025/09/live-updates-trump-authorizes-sending-federal-troops-to-portland.html> (last accessed Nov. 3, 2025).

<sup>23</sup> Noelle Crombie, *7 minutes to make the case: How Oregon’s governor tried to talk Trump out of sending troops to Portland*, The Oregonian (Sep. 29, 2025), <https://www.oregonlive.com/politics/2025/09/7-minutes-to-make-the-case-how-oregons-governor-tried-to-talk-trump-out-of-sending-troops-to-portland.html> (last accessed Nov. 3, 2025).

<sup>24</sup> Temporary Restraining Order, *Oregon v. Trump*, 25-cv-1756, at \*14-15 (D. Or. 2025), <https://www.documentcloud.org/documents/26180522-tro/> (last accessed Nov. 4, 2025).

<sup>25</sup> Douglas Perry, *President Trump likens what’s happening in Portland to World War II, calling city ‘a nightmare’*, The Oregonian (Oct. 1, 2025), <https://www.oregonlive.com/portland/2025/09/president-trump-likens-whats-happening-in-portland-to-world-war-ii-calling-city-a-nightmare.html> (last accessed Nov. 3, 2025).

<sup>26</sup> Bernd Debusmann Jr. & James FitzGerald, *US cities should be military training grounds, Trump tells generals*, BBC (Sep. 30, 2025), <https://www.bbc.com/news/articles/cvgq044n72po> (last accessed Oct. 14, 2025).

<sup>27</sup> Kat Lonsdorf, *Trump’s National Guard deployments aren’t random. They were planned years ago*, NPR (Nov. 3, 2025), <https://www.npr.org/2025/11/03/nx-s1-5593112/national-guard-mass-deportations-trump-2026> (last accessed Nov. 3, 2025).

<sup>28</sup> Press Release, *PORTLAND: Fake News Ignores Antifa Violence, Residents’ Pleas for Help*, White House (Oct. 8, 2025), <https://www.whitehouse.gov/articles/2025/10/portland-fake-news-ignores-antifa-violence-residents-pleas-for-help/> (last accessed Nov. 4, 2025).



among other things, that there was no “rebellion” and no other lawful basis to send the military to enforce the law against a peaceful civilian population.<sup>29</sup> As she held, “this country has a long and foundational tradition of resistance to government overreach, especially in the form of military intrusion into civil affairs” and that the “[d]efendants have made a range of arguments that, if accepted, risk blurring the line between civil and military federal power.”<sup>30</sup> Judge Immergut has since issued a permanent injunction, finding that the government witnesses lacked credibility and reiterating that there is no rebellion in Portland.<sup>31</sup>

Unfortunately, federal agents proved willing to interfere with protesters’ constitutional rights, including through the use of violence. Mere hours after Judge Immergut blocked Trump’s illegal attempt to send the United States military against its own civilians, federal agents engaged in a mass deployment to clear out protestors.<sup>32</sup> In the past, federal agents had cleared the area in front of the facility when vehicles entered or exited, then returned to the facility.<sup>33</sup> That night, however, federal agents pushed protestors hundreds of yards into adjacent city streets, far from the federal facility, firing tear gas, flash-bang grenades and pepper balls without any provocation and continuing to fire as they retreated back to the facility.<sup>34</sup> Only one arrest, at the beginning of the deployment, was observed and no reason for the deployment was clear on the ground.<sup>35</sup> However, it seems likely the show of force was intended to stifle any sense of victory among the protestors who may have been reading Judge Immergut’s decision in real time.<sup>36</sup>

More examples of unlawful conduct outside the detention facility, largely occurring after Trump’s announcement of military deployment, include:

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<sup>29</sup> Temporary Restraining Order, *Oregon v. Trump*, 25-cv-1756, at \*18-31 (D. Or. 2025), <https://www.documentcloud.org/documents/26180522-tro/> (last accessed Nov. 4, 2025).

<sup>30</sup> *Id.* at \*30. On October 5, 2025, Judge Immergut convened an emergency hearing to prevent the Trump administration’s attempted circumvention of her TRO by sending out-of-state troops to Oregon and expanded the scope of the TRO. Maxine Bernstein, *Read transcript of Oregon judge’s decision on National Guard deployment to Portland*, The Oregonian (Oct. 6, 2025), <https://www.oregonlive.com/crime/2025/10/read-transcript-of-oregon-judges-decision-on-national-guard-deployment-to-portland.html> (last accessed Nov. 3, 2025).

<sup>31</sup> Findings of Fact and Conclusions of Law, *Oregon v. Trump*, 25-cv-1756, (D. Or. 2025), <https://www.documentcloud.org/documents/26221005-govuscourtsord1892701460/> (last accessed Nov. 13, 2025).

<sup>32</sup> Troy Brynerson & Alex Zielinski, *Federal tactics on Portland protesters escalate, hours after judge rules against Trump*, OPB (Oct. 5, 2025), <https://www.opb.org/article/2025/10/05/federal-tactics-on-protesters-escalates-hours-after-judge-rules-against-trump/> (last accessed Oct. 31, 2025).

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> See, e.g., Associated Press, *Judge temporarily blocks Trump administration from deploying troops in Portland*, Chicago Tribune (Oct. 4, 2025, at 7:01 PM CDT), <https://www.chicagotribune.com/2025/10/04/judge-temporarily-blocks-troops-portland/>.

- Tackling a peaceful protestor from behind and detaining him.<sup>37</sup>
- Using chemical agents with such frequency a local school was forced to close.<sup>38</sup>
- Repeatedly assaulting and spraying peaceful protestors with chemical agents without provocation.<sup>39</sup>
- Detaining and threatening to shoot ambulance drivers called by federal agents to transport an individual (an injured protestor) to the hospital, because those ambulance drivers abided by city regulations and properly refused to allow federal agents to ride in the ambulance.<sup>40</sup> For thirty minutes, the agents obstructing the ambulance from delivering the individual and carrying out their duties.
- Assaulting, detaining, and charging a clarinet player with assault who was peacefully playing with a band across the street from the facility.<sup>41</sup> Her “crime” appears to be the fact that she was peacefully present in a crowd when a different individual, being chased by federal agents, ran into her.
- Detaining and assaulting a blind, 4-foot-6-inch man carrying a walking cane for over an hour for being slightly over a property line, though he moved away from the line when federal agents arrived.<sup>42</sup>

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<sup>37</sup> Ward Jolles, *Portland man sues DHS after video shows federal agent tackling him from behind at protest*, FOX12 (Aug. 28, 2025), <https://www.kptv.com/2025/08/28/portland-man-sues-dhs-after-video-shows-federal-agent-tackling-him-behind-protest/> (last accessed Oct. 30, 2025).

<sup>38</sup> Tanvi Varma, *South Portland school forced to move over tension between protesters & ICE, says director*, KATU (Aug. 21, 2025), <https://katu.com/newsletter-daily/cottonwood-school-forced-to-move-due-to-tension-between-protesters-and-ice-says-director-south-portland-oregon-immigration-customs-enforcement-building> (last accessed Nov. 4, 2025).

<sup>39</sup> Ariel Salk & Tim Steele, *After ‘No Kings,’ protestors tear gassed at Portland ICE facility*, KOIN (Oct. 19, 2025), <https://www.koin.com/news/portland/ice-facility-protest-portland-no-kings-night-10182025/> (last accessed Oct. 31, 2025); Jonathan Bach, *Federal officer blasts chemical spray into vocal but nonviolent Portland protestor, video shows*, The Oregonian (Oct. 3, 2025) <https://www.oregonlive.com/crime/2025/10/federal-officer-blasts-chemical-spray-into-vocal-but-nonviolent-portland-protester-video-shows.html> (last accessed Oct. 31, 2025); Fedor Zarkhin, *Video shows federal agents striking, spraying nonviolent Portland protesters*, The Oregonian (Sep. 23, 2025), <https://www.oregonlive.com/crime/2025/09/video-shows-federal-agents-striking-spraying-nonviolent-portland-protesters.html> (last accessed Oct. 31, 2025).

<sup>40</sup> Andrew Schwartz, *Documents Allege a Federal Agent at Portland ICE Threatened to Shoot an Ambulance Driver*, Willamette Week (Oct. 12, 2025), <https://www.wweek.com/news/2025/10/12/documents-allege-a-federal-agent-at-portland-ice-threatened-to-shoot-an-ambulance-driver/>.

<sup>41</sup> Zane Sparling, *Federal agents barrel into band at Portland ICE protest, arrest clarinetist, accuse her of assault*, The Oregonian (Oct. 15, 2025), <https://www.oregonlive.com/portland/2025/10/federal-agents-barrel-into-band-at-portland-ice-protest-arrest-clarinetist-accuse-her-of-assault.html> (last accessed Oct. 31, 2025); Ariel Iacobazzi, *Clarinetist playing ‘Ghostbusters’ arrested at ICE facility*, KOIN (Oct. 14, 2025), <https://www.koin.com/news/portland/clarinetist-playing-ghostbusters-arrested-at-ice-facility/> (last accessed Oct. 31, 2025).

<sup>42</sup> Shane Dixon Kavanaugh, *Blind protestor dragged, detained by feds says agents picked ‘the weakest person they could find’*, The Oregonian (Oct. 24, 2025), <https://www.oregonlive.com/politics/2025/10/blind-protester-dragged-detained-by-feds-says-agents-picked-the-weakest-person-they-could-find.html> (last accessed Nov. 3, 2025).

- Assaulting and using projectiles against a peacefully protesting elderly couple.<sup>43</sup>

In many of these incidents, the victims were recording and/or verbally criticizing federal agents. Notwithstanding the Trump administration’s internal guidance to federal officers,<sup>44</sup> “[t]he First Amendment protects . . . right to record law enforcement officers engaged in the exercise of their official duties in public places.” *Askins v. U.S. Dep’t of Homeland Sec.*, 899 F.3d 1035, 1044 (9th Cir. 2018). Furthermore, “the First Amendment protects a significant amount of verbal criticism and challenge directed at police officers.” *Houston. v. Hill*, 482 U.S. 451, 461 (1987). “The freedom of individuals verbally to oppose or challenge police action without thereby risking arrest is one of the principal characteristics by which we distinguish a free nation from a police state.” *Id.* at 462–63. Those protections remain, despite the Trump administration’s attempts to aggressively reinterpret federal criminal statutes designed to protect federal buildings from property damage.<sup>45</sup>

The political nature of the deployment has been confirmed by subsequent events. On October 7, 2025, Secretary of the Department of Homeland Security Kristi Noem visited the facility and met with Mayor Wilson, Police Chief Casey, Multnomah County Sheriff Nicole Morrissey O’Donnell, and Oregon State Police Superintendent Casey Coddling.<sup>46</sup> Noem later described local officials as “a bunch of pansies,” and was “extremely disappointed” in her meeting.<sup>47</sup> It was later revealed that Portland refused to take unconstitutional steps to restrict its citizens’ First Amendment rights, including a permanent “perimeter” preventing protestors from

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<sup>43</sup> Gosia Wozniacka, *Federal agents knock down elderly couple during Portland protest*, The Oregonian (Oct. 4, 2025), <https://www.oregonlive.com/politics/2025/10/federal-agents-knock-down-elderly-couple-during-portland-protest.html> (last accessed Oct. 31, 2025).

<sup>44</sup> Forbes Breaking News, *Kristi Noem Claims Videotaping ICE Agents Is ‘Violence’ Following Camarillo, California Farm Raids*, YouTube (July 14, 2025), <https://www.youtube.com/watch?v=uDFX4q6huH8>, at 0:26 min (last visited Oct. 14, 2025); see also Dell Cameron, *DHS Tells Police That Common Protest Activities Are ‘Violent Tactics’*, Wired (July 10, 2025), <https://www.wired.com/story/dhs-tells-police-that-common-protest-activities-are-violent-tactics/> (last accessed Oct. 14, 2025).

<sup>45</sup> Maxine Bernstein, *Homeland Security fast-tracks expanded arrest powers off federal property*, The Oregonian (Nov. 6, 2025), [https://www.oregonlive.com/crime/2025/11/homeland-security-fast-tracks-expanded-arrest-powers-for-federal-officers-off-of-federal-property.html?lctg=69050a3509e6e6636809738a&utm\\_source=Sailthru&utm\\_medium=email&utm\\_campaign=Newsletter\\_morning\\_briefing%202025-11-06&utm\\_term=Newsletter\\_morning\\_briefing](https://www.oregonlive.com/crime/2025/11/homeland-security-fast-tracks-expanded-arrest-powers-for-federal-officers-off-of-federal-property.html?lctg=69050a3509e6e6636809738a&utm_source=Sailthru&utm_medium=email&utm_campaign=Newsletter_morning_briefing%202025-11-06&utm_term=Newsletter_morning_briefing) (last accessed Nov. 7, 2025).

<sup>46</sup> Anthony Macuk, *Portland law enforcement leaders make statements after meeting with Homeland Security Secretary Kristi Noem*, KGW8 (Oct. 7, 2025), <https://www.kgw.com/article/news/politics/national-politics/portland-law-enforcement-leaders-meeting-noem/283-cdeaf6cf-4d62-4289-9dae-f94ac37df31d> (last accessed Nov. 4, 2025).

<sup>47</sup> OregonLive Public Safety Team, *Kristi Noem came to Portland, and people protested with dogs, dancing: Get caught up*, The Oregonian (Oct. 8, 2025), <https://www.oregonlive.com/portland/2025/10/kristi-noem-came-to-portland-get-caught-up.html> (last accessed Nov. 4, 2025).



protesting on public sidewalks outside the facility, a promise to arrest and prosecute any protesters that strayed from assigned “zones,” and to promise that the PPB prioritize calls from federal agents over their own citizens.<sup>48</sup>

Furthermore, rather than allow independent media to inspect the facility, the Trump administration has given MAGA-aligned “streamers” and “influencers” privileged access<sup>49</sup> and ordered the US Justice Department’s Civil Rights Division to weaponize a settlement agreement concerning use-of-force against individuals with mental health issues to protect a right-wing influencer who was arrested for assaulting protestors.<sup>50</sup>

Again, Portland was chosen for federal intervention long before any particular protest.<sup>51</sup> The willful blindness of the administration toward the facts on the ground, their attempt to control the media narrative, and their rhetoric toward local officials betrays their true purpose: to punish Portland because its residents are their perceived political enemies. And because Trump has, for now, been blocked from deploying the National Guard in Portland, he has opted instead to encourage the federal agents to treat peaceful protestors as enemy combatants.

### **Basis for Criminal Investigation**

The conduct of President Trump, senior Trump officials, and federal agents in these raids demands criminal investigation under Oregon law.

By assaulting, detaining, and using chemical agents against peaceful protestors and unlawfully arresting and detaining residents in immigration raids, federal agents and officials may be guilty of various crimes, including assault, ORS 163.160; ORS 163.165; ORS 163.175; ORS 163.185, harassment, ORS 166.065, menacing, ORS 163.190, unlawful use of an electrical stun gun, tear gas or mace, ORS 163.212, unlawful use of weapon, ORS 166.220, or recklessly endangering another person, ORS 163.195. By engaging in coordinated illegal activity to break

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<sup>48</sup> Julia Silverman, *Portland mayor doesn’t agree to most federal demands over ICE security, protests*, The Oregonian (Oct. 8, 2025), <https://www.oregonlive.com/politics/2025/10/portland-mayor-doesnt-agree-to-most-federal-demands-over-ice-security-protests.html>.

<sup>49</sup> Lillian Mongeau Hughes, *Feds grant ICE building access to conservative media, influencers, ignore local Portland press*, The Oregonian (Oct. 7, 2025), <https://www.oregonlive.com/politics/2025/10/feds-grant-ice-building-access-to-conservative-media-influencers-ignore-local-portland-press.html> (last accessed Nov. 4, 2025).

<sup>50</sup> Zane Sparling, *Feds plan ‘full investigation’ into Portland police after arrest of conservative journalist*, The Oregonian (Oct. 5, 2025), <https://www.oregonlive.com/portland/2025/10/feds-plan-full-investigation-into-portland-police-after-arrest-of-conservative-journalist.html> (last accessed Nov. 4, 2025); Letter from Harmeet Dhillon to Robert Taylor & Bob Day (Oct. 3, 2025), <https://www.portland.gov/federal/documents/letter-us-dept-justice-portland-re-viewpoint-discrimination/download> (last accessed Nov. 4, 2025).

<sup>51</sup> Kat Lonsdorf, *Trump’s National Guard deployments aren’t random. They were planned years ago*, NPR (Nov. 3, 2025), <https://www.npr.org/2025/11/03/nx-s1-5593112/national-guard-mass-deportations-trump-2026> (last accessed Nov. 3, 2025).

up a peaceful protest and deploying chemical agents in public places, federal agents and officials may be guilty of rioting, ORS 166.015, disorderly conduct, ORS 166.023; ORS 166.025 And insofar as the conduct above is intended to prevent First Amendment-protected activity, federal agents and officers may be guilty of coercion. ORS 163.275.

By unlawfully detaining peaceful protestors and immigrants, including Victor Cruz, federal agents and officials may be guilty of kidnapping. ORS 163.225; ORS 163.235.

As noted above, individuals are being kept at the Portland detention facility for more than twelve hours in substandard conditions. Portland and Oregon officials should carry out prompt investigations of the facilities, including through interviews with those who are illegally detained there; and consider appropriate legal action to protect detainees and investigate agents in charge of the facility. Federal officials and agents may be guilty of criminal mistreatment for the conditions at the facility, particularly of the individuals who were illegally detained there. ORS 163.200; ORS 163.205.

Finally, given the orchestrated nature of the raids, your offices should investigate the potential criminal liability of senior Trump officials and Trump himself.<sup>52</sup> The brutality and illegality of these operations is a feature, not a bug; they are designed to crush dissent and spread fear among President Trump's perceived political enemies and marginalized communities.

### **Immunity Does Not Preclude Prosecution**

The immunity available to federal officials under the Supremacy Clause of the U.S. Constitution is not available in all circumstances and does not preclude criminal investigation in the circumstances discussed above.<sup>53</sup> Indeed, the Police Chief of Broadview, Illinois has begun investigations of ICE officers outside a similar detention facility,<sup>54</sup> Colorado is investigating an ICE officer's use of excessive force,<sup>55</sup> and the New York State Attorney General has created a portal to

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<sup>52</sup> While the Supreme Court in *Trump v. United States*, 603 U.S. 593 (2024), held that presidents are entitled to at least presumptive immunity for official acts, using military-style force against civilians to stifle political dissent is not an official act.

<sup>53</sup> We applaud Portland's recent resolution to ensure the PPB does not become a deputized, federal law enforcement force, and especially its provisions instructing the PPB to log and track federal agents' immigration actions. Resolution 37719, <https://www.portland.gov/council/documents/resolution/adopted/37719>. However, we urge you to use your powers to investigate federal officers and agents and protect your citizens.

<sup>54</sup> Dave Savini & Samah Assad, *Broadview police chief accuses ICE agents of making false 911 calls*, CBS News (Oct. 2, 2025), <https://www.cbsnews.com/chicago/news/broadview-police-chief-thomas-mills-ice-agents-false-911-calls/> (last accessed Oct. 9, 2025).

<sup>55</sup> Jack Healy, *An Altercation With ICE Prompts a Police Chief to Push Back*, N.Y. Times (Nov. 3, 2025), <https://www.nytimes.com/2025/11/03/us/politics/durango-colorado-ice-protester.html> (last accessed Nov. 7, 2025).

track and potentially investigate federal agents who violate state law.<sup>56</sup> The City of Portland knows that federal agents are engaging in criminal activity within the city's jurisdiction,<sup>57</sup> and the Oregon Department of Justice recently testified that the use of force used by federal agents violates Oregon law.<sup>58</sup> Oregon should follow suit.

The Supremacy Clause “is designed to ensure that states do not ‘retard, impede, burden, or in any manner control’ the execution of federal law.” *New York v. Tanella*, 374 F.3d 141, 147 (2d Cir. 2004) (quoting *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 436 (1819)). It does not, however, “gran[t] a license to federal officials to flout state laws with impunity.” *Whitehead v. Senkowski*, 943 F.2d 230, 234 (2d Cir. 1991); *see also Idaho v. Horiuchi*, 253 F.3d 359, 362 (9th Cir.), *vacated as moot*, 266 F.3d 979 (9th Cir. 2001) (“When federal officers violate the Constitution, either through malice or excessive zeal, they can be held accountable for violating the state's criminal laws.”).

The Supreme Court set out the appropriate standard for assessing the availability of Supremacy Clause immunity in *Cunningham v. Neagle*: a state may not exercise criminal jurisdiction over a federal agent provided that “he was authorized to [act] by the law of the United States,” and that “in doing that act, he did no more than what was necessary and proper for him to do.” 135 U.S. 1, 75 (1890); *see also Tanella*, 374 F.3d at 147; *Clifton v. Cox*, 549 F.2d 722, 726, 728 (9th Cir. 1977) (holding that immunity will attach if the act was done in the agent’s “Scope of Authority” and was “necessary and proper”). To satisfy the second prong, two conditions must be satisfied: (1) “the subjective belief of the officer” that his action was reasonable and (2) an “objective finding that his conduct may be said to be reasonable under the existing circumstances.” *Id.* at 728. If there are genuine disputes of fact as to the officer’s reasonableness, the criminal proceedings may continue to trial to resolve those disputes. *U.S. ex rel. Drury v. Lewis*, 200 U.S. 1, 7–8 (1906).

Supremacy Clause immunity therefore does not protect federal officers who act outside the law or beyond what is subjectively and objectively necessary and

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<sup>56</sup> Press Release, *Attorney General James Launches Portal to Collect Photos and Videos of ICE Activity in New York*, New York State Attorney General’s Office (Oct. 22, 2025), <https://ag.ny.gov/press-release/2025/attorney-general-james-launches-portal-collect-photos-and-videos-ice-activity> (last accessed Nov. 4, 2025).

<sup>57</sup> Press Release, *Portland says federal government used excessive force against peaceful protesters*, City of Portland (Oct. 6, 2025), <https://www.portland.gov/federal/news/2025/10/6/portland-says-federal-government-used-excessive-force-against-peaceful> (last accessed Nov. 4, 2025).

<sup>58</sup> Maxine Bernstein, *Videos show ‘excessive’ use of force against Portland protesters, state lawyers say*, The Oregonian (Nov. 11, 2025), [https://www.oregonlive.com/portland/2025/11/video-shows-federal-officers-using-excessive-force-against-protesters-in-portland.html?lctg=69050a3509e6e6636809738a&list=Newsletter\\_weekreview&Market=OregonLive&utm\\_source=Sailthru&utm\\_medium=email&utm\\_campaign=Newsletter\\_subex\\_weekinreview%2025-11-07&utm\\_term=Newsletter\\_weekreview](https://www.oregonlive.com/portland/2025/11/video-shows-federal-officers-using-excessive-force-against-protesters-in-portland.html?lctg=69050a3509e6e6636809738a&list=Newsletter_weekreview&Market=OregonLive&utm_source=Sailthru&utm_medium=email&utm_campaign=Newsletter_subex_weekinreview%2025-11-07&utm_term=Newsletter_weekreview) (last accessed Nov. 13, 2025).

proper. When they do either, they may be held criminally liable in state court for violating state laws. *Morgan v. People of State of California*, 743 F.2d 728, 733–34 (9th Cir. 1984) (federal agents who may have been intoxicated on the job and may have instigated an altercation with civilians were not immune to state prosecution).

If a criminal investigation finds even one of the following—that federal officials lacked legal authority, did not believe their actions were authorized, or could not have reasonably believed so—then state prosecution may proceed. Here, there is strong evidence that at least one—if not all three—of those conclusions is met in many of the circumstances described above. President Trump and senior officials violated U.S. law to orchestrate these raids, engaged in conduct they likely did not believe was lawful and that no reasonable official could believe was lawful.

### **1. U.S. officials lacked legal authority for their actions during the raids.**

As discussed above, President Trump and senior officials have repeatedly made it clear, in public forums, that the military-style deployment of federal agents in Portland is an act of political retribution and stifling dissent. There is simply no lawful authority that empowers the executive to punish his political adversaries with assault and detainments. *NRA v. Vullo*, 602 U.S. 175, 188 (2024) (the government may not “use the power of the State to punish or suppress disfavored expression”). Federal agents are not President Trump’s private army that he can wield in defiance of state law with impunity.

Furthermore, while federal agents are empowered to detain people suspected of illegally residing in the United States, *see, e.g.*, 8 U.S.C. § 1226, noncitizens have constitutional rights, *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001), including the right to not be detained without a warrant or probable cause, *Almeida-Sanchez v. United States*, 413 U.S. 266, 273–75 (1973). For the same reason, federal agents have no authority to preemptively detain individuals and then require proof of citizenship as the price of freedom. *Cf. id.* at 275 (“Among deprivations of rights, none is so effective in cowing a population, crushing the spirit of the individual and putting terror into every heart. Uncontrolled search and seizure is one of the first and most effective weapons in the arsenal of every arbitrary government.”) (quoting *Brinegar v. United States*, 338 U.S. 160, 180 (1949) (Jackson, J., dissenting)). Many of the immigration actions described above appear to involve warrantless searches, without probable cause, in defiance of *Almeida-Sanchez*. Immunity does not attach in such cases. *Cf. Pales v. Paoli*, 5 F.2d 280, 280–82 (1st Cir. 1925) (where federal prohibition agent was tasked with searching every car coming into town for liquor, only “facts . . . that would have warranted a reasonably prudent man in believing [the suspect] was transporting liquor” justified a search such that immunity would attach to any criminal act conducted in the course of that search).

In some of the incidents described above, the unlawfulness is planned. These are not cases where a federal agent is within the scope of their duties, and the dispute is whether their conduct was reasonable. *See, e.g., Wyoming v. Livingston*, 443 F.3d 1211, 1226–28 (10th Cir. 2006) (federal agents were specifically authorized to track wolf populations). Instead, federal agents are being tasked by their superiors with committing crimes unrelated to any official authority. In such cases, federal immunity does not attach. *See, e.g., Drury*, 200 U.S. at 8 (holding that if a suspect had surrendered, fatally shooting him on a superiors’ orders “could not reasonably be claimed [to have been done] in the performance of a duty imposed by the Federal law.”); *Pales*, 5 F.2d at 280–82 (finding that an agent who acted as ordered in searching every car rather than those he had a reasonable basis to think were violating the law did not have immunity for crimes committed in the course of unjustified searches).

## **2. U.S. officials knew or should have known that their actions were not necessary or proper.**

The actions of federal agents described above were not necessary or proper. Even if they subjectively believed that the actions were authorized—which they likely did not<sup>59</sup>—their belief was not objectively “reasonable under the existing circumstances.” *Clifton*, 549 F.2d at 278.

Numerous videos have shown federal agents detaining or otherwise assaulting individuals with no or little provocation. As discussed above, it has been settled law in the Ninth Circuit for decades that recording matters of public interest is protected by the First Amendment, *Fordyce v. City of Seattle*, 55 F.3d 436, 439 (9th Cir. 1995), and since 2018 it has been settled that recording law enforcement in public is protected by the First Amendment, *Askins*, 899 F.3d at 1044. No reasonable officer could believe that it is appropriate to use chemical agents or assault and detain peaceful protestors. Nor could a reasonable officer believe that they should continue to detain an individual in a case of mistaken identity *after* their mistake is revealed. *Garcia v. Cnty. of Riverside*, 817 F.3d 635, 640 (9th Cir. 2016) (detainment in cases of mistaken identity violates Due Process if there are indications that “further investigation [is] warranted” or the suspect is denied “access to the courts for an extended period of time.”). Finally, no reasonable officer could think they have authority to conduct warrantless detainments of individuals without probable cause.

The administration has failed to produce any evidence it purportedly has to justify their apparently unlawful actions. The available evidence does not support a claim of immunity, and there is clear evidence that federal agents and officials are

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<sup>59</sup> Indeed, public remarks from President Trump and officials like Noem present compelling evidence that federal agents know their job is to enact political retribution, not legitimate law enforcement activities.



systematically lying about and exaggerating instances of “violence” against them.<sup>60</sup> But even if there is a dispute of fact over immunity, immunity does not and should not prevent state criminal investigations. *Drury*, 200 U.S. at 7–8; *Whitehead*, 943 F.2d at 235–36 (fact disputes precluded federal immunity); *Morgan*, 743 F.2d at 733–34 (same); *Birsch v. Tumbleson*, 31 F.2d 811, 815–16 (4th Cir. 1929) (in similar situation, factual disputes meant refusal to discharge writ of habeas corpus brought by federal officer was not an abuse of discretion); *Castle v. Lewis*, 254 F. 917, 925–26 (8th Cir. 1918) (same). Criminal investigations and indictments may pressure the federal government to release evidence that federal agents are, in fact, complying with the Constitution. But in the absence of evidence to support the lawfulness of the Administration’s actions, criminal prosecutions should proceed.

State governments have a critically important role in this nation’s system of laws that must prevent, not enable, the rise of a lawless regime. Oregon need not and should not wait for its residents to institute civil actions or for the criminal and removal proceedings to reveal the scope of the Trump Administration’s abuses, particularly given the lengths to which the Trump Administration has gone to evade oversight and hide the identities and criminal behavior of individual agents. Oregon has the power and duty to enforce its criminal laws, even against federal actors and even against powerful defendants. As the state of New York demonstrated in its prosecution of Donald Trump for falsifying business records to cover up his hush money payments to an adult film star during his 2016 campaign, *see New York v. Trump*, Verdict Sheet, Indictment No. 71543-23 (Sup. Ct. N.Y. Part 59, May 29, 2024), states have the authority and responsibility to protect their residents and enforce their laws, regardless of defendants’ wealth, power, or prestige.

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<sup>60</sup> James Queally & Brittny Mejia, *Attacks on ICE up 1,000%? Trump administration claim not backed up by court records*, L.A. Times (Dec. 1, 2025), <https://www.latimes.com/california/story/2025-12-01/dhs-1000-percent-increase-attacks-on-ice-agents-times-analysis> (last accessed Dec. 1, 2025).

## **Conclusion**

We urge your offices to immediately begin a thorough investigation to determine whether charges should be brought against those responsible for the unlawful conduct cited in this letter.

Sincerely,

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