



What's Happening in Portland?

Jonathan H. Adler

July 20, 2020

It is really hard to make sense of what's going on in Portland, where protests, vigils, and confrontations have been constant for almost two months. Peaceful protesters burned an iconic elk statue, toppled a George Washington statue, and allegedly set fire to a Portland Police Association office. There are nightly confrontations in front of the federal courthouse, and now unidentified federal officers seem to be roaming the streets engaging in secret-police-style tactics (when not beating protesters). It's sufficiently bad that the U.S. Attorney has called for an investigation into the actions of federal agents in Portland.

Local officials have not asked for federal assistance (even if the Portland police appear to be working with federal agents). Indeed, some have said would like the federal agents to leave. So why are they there?

At Lawfare, Steve Vladeck examines some of the legal questions, showing that the federal government has more authority to send agents into local jurisdictions for "law enforcement" purposes than many realize.

Last Friday, NPR interviewed acting Homeland Security Deputy Secretary Ken Cuccinelli in search of some answers. As Cato's Walter Olson explains, Cuccinelli's comments were not particularly reassuring. As Olson concludes, "Cuccinelli's comments confirm that what has been happening is disturbing, and badly needs oversight and investigation."

Writes Olson:

As genuine as the problem of violence and disorder in Portland may be, some of the practices being alleged are simply not acceptable ways for the American government to act and, if proven, should not be allowed to stand. . . .

Congress should also investigate and, as appropriate, draw up new legislation to clarify and limit federal police powers and tactics. . . .

Americans won't, and shouldn't, put up with anonymous, arbitrary, and unaccountable police behavior.

Congressional oversight and action cannot come soon enough, as it appears the Trump Administration is preparing to send federal agents to other cities. It is one thing if local jurisdictions request assistance. It is quite another for the federal government to act as a national police force.