

Federal Agents Deployed in Portland: Policing, Federalism, and a Startling Pattern of Federal Overreach

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Protestors in Portland, Oregon have mobilized for more than 50 days straight in solidarity with the Black Lives Matter movement in the fight against racialized police violence. However, the Trump administration has deployed over a hundred federal agents to “protect federal property” (Kanno-Youngs). Far from this claimed reason, numerous accounts have placed unidentified federal agents throwing local protestors into unmarked vans miles away from any federal property against the direct requests of local and state officials (The Guardian; Egan).

While numerous media sources have expressed (righteous) concern for these events, few have recognized that the actions in Portland have been legitimized by a long history of questionable laws and Executive overreach. Instead, we need to recognize this moment as an exposition of the inconsistencies baked into United States law and challenge that in all its instances.

First, we must acknowledge the two-faced actions of the administration throughout these events. Trump’s Department of Homeland Security (DHS) initially pushed back against claims of overreach in the protests (Phillips), but since contradictingly confirmed firsthand accounts of unmarked vehicles and unidentified officers (Levinson, et al.). While the Trump administration paints the protests as violent and out of control, most accounts have characterized them as peaceful (Shepherd & Berman). The only exceptions were a small number of instances of aggravation that the Portland Police Department is wholly capable of handling.

Additionally, while many profess outrage that “this is not America,” the truth of the matter is that it is. Professor Vladeck of the University of Texas at Austin offers an incisive critique of the current federal government actions. Using legal rights granted to

the federal government, President Trump has ramped up operations of numerous federal law enforcement agencies, including the FBI, DEA, Bureau of Prisons, U.S. Marshals Service, and more, by deputizing agents and assigning them at discretion, often with little to no training (Olmos, et al.). In fact, as a coastal city, Portland is categorized as an “international border” which has led the DHS to leverage numerous constitutional exceptions. For example, they are leveraging loopholes to arrest people for *any* federal offense they witness in Portland. As part of an agreement for some level of power sharing in states, federal officers in Oregon are extended the same enforcement rights as local law enforcement, but Oregon’s pleas for federal officers to leave have been repeatedly ignored.

While there exists a convincing case to argue against federal officers in the courts, as the Oregon government is trying to do, the federal loopholes are plenty and strong. In fact, federal officers are not bound by law to identify themselves (Brown & Saunders). Additionally, the Trump administration is unlikely to volunteer answers in court—as it has shown time and time again—and it has grown increasingly difficult to hold federal officers accountable because of qualified immunity in many cases and the recent Supreme Court decision to make it harder for private parties to sue federal law enforcement even if immunity does not apply (*Hernández v. Mesa*).

Now is the time to take back legislative power—the ability for the federal government to deploy camouflaged officers who refuse to identify themselves at whim is a dangerous threat to our pursuit of liberty. Such government crackdowns occur each time the people decide to mobilize for true change. Political processes are not as cut and dry as we think, and we must acknowledge that in our movements for reform.

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