

Disturbing Developments in Portland

By Don Sutherland

On Friday, *The New York Times* [reported](#):

Federal agents dressed in camouflage and tactical gear have taken to the streets of Portland in unmarked vans, seizing and detaining protesters and unleashing tear gas in what Gov. Kate Brown of Oregon has called “a blatant abuse of power.”

The article provided no evidence that the protesters had damaged or attempted to damage federal property. It also provided no account that the protesters had been engaged in violence.

Assuming this initial reporting holds up, what happened was little more than federally-sanctioned tyranny. After all, the Fourth Amendment declares, “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause...” There were no warrants issued for these detentions. There appears to have been no probable cause. If so, the detentions amounted to lawlessness carried out not by those who were detained, but by those doing the detaining.

This development renews suggestions that “law and order” as defined by the Trump Administration is a cynical concept. It is a definition in which order is pursued in the absence or even at the expense of law. President Trump’s repeatedly tweeted professions of seeking “law and order” are, in nature and substance, no different from King George III’s speech in 1776 in which he proclaimed of the Thirteen Colonies, “My desire is to restore to them the blessings of law and liberty.”

The British Monarch’s “blessings of law and liberty” had already brought about severe hardship. That oppression had culminated in the Continental Congress’ declaring independence as a last resort after the King had repeatedly rejected the Colonies’ petitions for relief. Based on reporting of what took place in Portland, Trump’s “law and order” is no less tyrannical than King George III’s “blessings of law and liberty.”

Neither is legitimate. Neither safeguards the most fundamental rights that belong to every American or, for that matter, ought to belong to every person in every part of the world. Rights enshrined in the U.S. Constitution and articulated in the Universal Declaration of Human Rights were ignored.

Those who deprive Americans of their basic Fourth Amendment rights, simply because those very same Americans were exercising their First Amendment rights, engage in illegitimate and unlawful behavior. The same holds true for their counterparts in authoritarian states that strip their people of basic rights.

Following news coverage of the detentions in Portland, Acting Secretary of Homeland Security, Chad Wolf, tweeted of the agents responsible for the detentions in Portland, “Our men and

women in uniform are patriots.” Wolf provided no evidence that crimes had actually been committed by the detained protesters.

That such acts would be attributed to “patriots” provides just another symptom of the democratic retrogression that has been underway during the Trump Administration. Patriots don’t unlawfully detain people who are causing no destruction to property or who are not engaging in acts of violence. Patriots don’t detain people simply for exercising their First Amendment rights. Patriots don’t deprive people of their Fourth Amendment rights.

What happened in Portland is disturbing. That it happened in the United States, with long-established constitutional protections of basic rights, is even more troubling.