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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

INDEX NEWSPAPERS LLC, a Washington limited-liability company, dba **PORTLAND MERCURY**; **DOUG BROWN**; **BRIAN CONLEY**; **SAM GEHRKE**; **MATHIEU LEWIS-ROLLAND**; **KAT MAHONEY**; **SERGIO OLMOS**; **JOHN RUDOFF**; **ALEX MILAN TRACY**; **TUCK WOODSTOCK**; **JUSTIN YAU**; and those similarly situated,

Plaintiffs,

v.

CITY OF PORTLAND, a municipal corporation; **JOHN DOES 1-60**, officers of Portland Police Bureau and other agencies working in concert; **U.S. DEPARTMENT OF HOMELAND SECURITY**; and **U.S. MARSHALS SERVICE**,

Defendants.

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

DECLARATION OF KAT MAHONEY REGARDING EVENTS OF JULY 23-25, 2020

I, Kat Mahoney, declare:

1. I am an Oregon resident who lives in the City of Portland. I am an independent attorney and unpaid legal observer, a role that I have served in since 2017. I have attended the Portland protests nearly every night for the purpose of documenting police interaction with protesters. If called as a witness, I could and would testify competently to the facts below.

2. I wear a blue ACLU vest that clearly identifies me as a legal observer.

3. On the night of July 23 and into July 24, 2020, I was attending the protests in downtown Portland as a legal observer. I was there with a fellow legal observer, Rachelle Collins.

4. At around 12:45 a.m., I was on SW 3rd Avenue facing the federal courthouse. Federal agents began aggressively firing through the fence at protesters on the other side. As they began approaching my position, I moved north on SW 3rd Avenue away from them, and then slightly onto SW Salmon Street to continue filming and observing the events taking place.

5. Suddenly, for no reason, a federal agent shot a pink paint bullet directly at my head. A paint bullet also hit Rachelle on her neck.

6. This is a true and accurate copy of a picture Rachelle took of my head immediately after the federal agent's paint bullet hit me.



7. After the federal agent shot me, I felt shocked and surprised that he would do this because it was my understanding that the Court had issued a TRO telling the federal agents that they could not continue to target legal observers.

8. There was no discernible reason to shoot in our direction. There were members of the press a few inches to our left, and we were 6 to 10 feet away from protesters, who were not doing anything violent. Based on our position and the position of people around us, I believe that the federal agents targeted us because of our blue ACLU legal observer vests.

9. On the evening of July 25, federal agents maced me and three other legal observers at point-blank range. I recorded a video of the following events, a true and correct copy of which can be viewed at <https://tinyurl.com/FedsMaceLOs2>.

10. At around 11:33 p.m., I and three other legal observers were standing on SW Salmon Street, a few feet east of the intersection with SW 3rd Avenue. I was wearing my blue ACLU legal-observer vest, as was another ACLU legal observer. With us were two NLG legal observers wearing green NLG legal-observer headwear (one hat and one helmet).

11. One federal agent walked along the fence spraying mace at protesters as though he were watering a line of flowers. Me and the other three legal observers were recording. The protesters he maced had not done anything to merit such treatment; one may have touched the fence but not in any kind of threatening or violent way. This agent stopped before he reached us. These events take place from 0:06 to 0:10 of the above video.

12. Then, another federal agent walked up with a can of mace, pointed it at roughly head-level, and casually pulled the trigger, even as we were pointing to our respective legal-observer indicia and yelling that we were legal observers. We were inundated with mace. When he was done covering us in mace, he stepped back into his formation. These events take place from 0:13 to 0:20 of the above video.

13. We yelled and asked for his name, but neither he nor any other federal agent identified themselves to us. We informed the agents that they were in violation of the Court's order and that they were in contempt of court, but they did not care about that, either.

14. Some mace ran down the seam of my respirator, along the edges of my hairline. That area continued to burn for the entire night until I was able to go home and shower.

15. I intend to continue covering the protests, but I am fearful for my safety. Federal agents' actions have forced me to play it safer, for example, by deterring me from going behind a skirmish line to observe how federal agents treat protesters who remain behind. I submitted a declaration in support of Plaintiffs' motion for a temporary restraining order against the federal agents explaining how federal agents had purposefully tear-gassed me while I wearing my legal observer vest and was observing from a public park far from protesters. This is the fourth declaration I have submitted in this case. I am especially fearful because if federal officers won't even follow this Court's orders, then I have nowhere else to turn.

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

Dated: July 26, 2020

DocuSigned by:

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Kat Mahoney