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IN THE CIRCUIT COURT FOR THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

STATE OF OREGON,

Plaintiff,

v.

JOSEPH OWAN GIBSON

Defendant.

Case No. 19CR53042

**SUBPOENA DUCES TECUM**

To: CUSTODIAN OF RECORDS, RECORDS DIVISION  
1111 SW 2<sup>nd</sup> Avenue, Room 1126  
Portland, OR 97204

YOU ARE HEREBY COMMANDED TO APPEAR before the Circuit Court for the County of Multnomah, 1200 SW 1<sup>st</sup> Avenue, Portland, OR 97204, on July 15, 2022, at 9:00 a.m. as a witness in a criminal action prosecuted by the State of Oregon against Joseph Gibson on behalf of defendant Gibson.

YOU ARE REQUIRED, ALSO, TO BRING WITH YOU the following:

- (a) All communications between any representative of the Portland Police Bureau and any other public employee or official concerning the initiation of criminal charges against defendant Gibson;
- (b) All communications between any representative of the Portland Police Bureau and any representative of the Multnomah County District Attorney's Office concerning investigation of the events at Cider Riot on May 1, 2019;
- (c) All documents discussing or referencing the political content of defendant Gibson's activities or "Patriot Prayer" activities within the City of Portland; and

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(d) All communications between any representative of the Portland Police Bureau and any other public official concerning the lack of charges against those occupying the premises, including outdoor patio, of the Cider Riot Bar) on May 1, 2019 (generally referred to as Antifa).

For purposes of this subpoena, you may limit the search to documents generated or received between May 1, 2019 and September 30, 2019.

Dated this 10<sup>th</sup> day of June, 2022.

s/James L. Buchal  
James L. Buchal, OSB No. 921618  
MURPHY & BUCHAL LLP  
P.O. Box 86620  
Portland, OR 97286  
Tel: 503-227-1011  
Fax: 503-573-1939  
E-mail: [jbuchal@mbllp.com](mailto:jbuchal@mbllp.com)  
*Attorney for Defendant*

Witness Fees: \$10.00  
Mileage: \$5.00  

---

Total: \$15.00

**From:** King, Robert  
**Subject:** FW: June 29th  
**To:** Simpson, Peter; Steinbronn, Wendi; Jones, Kristina; Wallo-Strauss, Terri; UNDERHILL Rod  
**Cc:** Dennis, Kristin; Park, Eileen; Wheeler, Ted  
**Sent:** June 20, 2019 8:11 PM (UTC+00:00)

The email below sent June 17<sup>th</sup>. The link , links to the article below which sets a clear tone that the goal is to engage in criminal acts. Robert

**From:** Peace Love Equality <[peaceloveandequality@protonmail.com](mailto:peaceloveandequality@protonmail.com)>  
**Date:** June 17, 2019 at 1:37:44 AM PDT  
**To:** undisclosed-recipients;;  
**Subject:** June 29th Antifa and Patriot Riot at Pioneer Square  
**Reply-To:** Peace Love Equality <[peaceloveandequality@protonmail.com](mailto:peaceloveandequality@protonmail.com)>

Antifa and Patriots are planning to have a massive armed skirmish in downtown Portland in June 29th. They plan for this to be bigger and worse than last year. Antifa and patriots will assuredly bring weapons and engage in combat and riot if police do not manage the event better than last summer. Expect guns, knives, bats, saps, knuckle gloves, bear mace and a variety of other weapons.

<https://itsgoingdown.org/proud-boy-call-for-violent-return-top/>  
Robert

---

**From:** King, Robert  
**Sent:** Thursday, June 20, 2019 1:06 PM  
**To:** Reese, Mike <mike.reese@mcso.us>  
**Subject:** June 29th

Battle for PDX part 2.

[Announcement](#) Proud Boys Call For a Violent Return to Portland; Mobilization Planned in...

## Proud Boys Call For a Violent Return to Portland; Mobilization Planned in Defense

By  
[Rose City Antifa](#)  
-  
June 14, 2019  
13816



Members of the Proud Boys and Patriot Prayer are planning a violent return to Portland, Oregon while antifascist groups are

**mobilizing in defense. The following is a call from Rose City Antifa for a mobilization.**

On Saturday, June 29, the [Proud Boys hate group](#) is planning to invade downtown Portland, looking for targets for violent attacks. This incursion is being set up as "The Battle of Portland Part Two," occurring nearly one year after the June 30, 2018 Patriot Prayer / "Joey Gibson for U.S. Senate" rally that brought white nationalists and fascists from across the country to assault anti-fascists.

Rose City Antifa and allied groups are calling the community to come out to the streets of Portland on June 29, 2019, to defend our city against this attack. We are asking that people show up at Chapman Square at 12:00PM that day.

One might ask, why should we go out to meet a gang of violent white nationalists looking for a fight? If we don't show up, won't they just go home disappointed?

The fact is, when white nationalists and fascists seek violence, they will not go home without it. Their social media posts make it clear that they want a fight. Their history here in Portland shows that when they want to find a target, *they will find one*.

This can mean assaulting random pedestrians, like when [Proud Boys Tiny Toese, Donovan Flippo, and Russell Schultz assaulted a man on NE Broadway on June 8, 2018](#), or [May 11, 2018, when the same Proud Boys assaulted teenagers at the Vancouver Mall after taunting them with racist rhetoric](#).

It can mean looking for progressive/left-wing activists to attack, [such as on July 20, 2018 when far-right brawlers attacked an anti-ICE protest](#), or when [Proud Boy Russell Schultz sprayed liquid feces at the same protesters](#).

It can mean seeking out community events and meetings to target, such as on [January 19, 2019 when Joey Gibson and Proud Boys shouted hate speech through a megaphone outside of a Democratic Socialists of America meeting](#), or when [on May 1, 2019 when Patriot Prayer and other associated white nationalists attacked a party at local bar, Cider Riot](#). And it is clear that [the city and the Portland Police Bureau will allow and facilitate this violence, as they have in the past at any number of Patriot Prayer and Proud Boy events, despite their hollow words to the contrary](#).

Anti-fascists must draw a firm line, and defend their community against this incursion of [racist](#), political violence. Below is a small sampling of the sort of propaganda that the Proud Boys and their supporters are disseminating in the lead up to June 29. Our city must stand united against this wave of homophobic, anti-Semitic violence, and tell the Proud Boys that they will never win here in Portland. We must defend those who the Proud Boys would target, and stop them from using our city as a hunting grounds for their fascist impulses.



**Robert J. King**  
**Senior Policy Advisor on Public Safety to Mayor Ted Wheeler**  
Pronouns: He/Him/His  
1221 SW Fourth Avenue, Suite 340  
Portland, OR 97204  
Phone: 503.823.4027  
[Robert.King@portlandoregon.gov](mailto:Robert.King@portlandoregon.gov)  
<https://www.portlandoregon.gov/wheeler/>  
[twitter](#) | [facebook](#) | [instagram](#)



















































































**From:** WEISBERG Brent  
**Subject:** FW: Luis Marquez Prosecution for Jan 20 protest incident  
**To:** Katie Shepherd  
**Cc:** Police - Public Information Officer  
**Sent:** July 26, 2019 10:54 PM (UTC+00:00)  
**Attached:** Screen Shot 2019-07-26 at 11.43.59 AM.png, Screen Shot 2019-07-26 at 12.15.34 PM.png

The Multnomah County District Attorney's Office does not prosecute individuals based on their ideologies or affiliations with political or non-political organizations. Each case is inherently unique and is independently litigated.

Upon receipt of your inquiry, the Multnomah County District Attorney's Office re-reviewed everything that was submitted to our office by the Portland Police Bureau with regard to State v. Luis Marquez. No correspondence or communication between Portland Police and Joey Gibson was submitted for our review prior to, or after, a charging decision being made. Neither Mr. Gibson, nor anyone else, had any influence on the charging decision in this matter.

Because the case against Mr. Marquez is pending, the Oregon State Bar Press Guidelines and the Oregon State Bar Rules of Professional conduct prohibit us from making any additional statements.

The police reports and all other documents associated with this case are exempt from public release, at this time, pursuant to 192.345 (3).

We have no further comment.

**From:** Katie Shepherd [mailto:kshepherd@wwweek.com]  
**Sent:** Friday, July 26, 2019 1:09 PM  
**To:** WEISBERG Brent <Brent.WEISBERG@mcda.us>  
**Subject:** Luis Marquez Prosecution for Jan 20 protest incident

Hi Brent,

I am attaching two screenshots of emails I received from the Police Bureau through a public records request.

These emails show Lt. Jeff Niiya reacting to a complaint from Joey Gibson about the conduct of an antifascist demonstrator, Luis Marquez. Niiya says police should have arrested Marquez for repeatedly blocking the path of Gregory Isaacson, a vocal Patriot Prayer supporter and Parks Bureau employee.

The emails link to a YouTube video that show Marquez repeatedly attempting to block Isaacson's participation in a Jan. 2018 march. He stands in front of Isaacson, who is on a bike and blocks his path.

Niiya suggests Marquez should have been arrested. Later, Lt. Franz Schoening says he believes it is a prosecutable offense. Marquez was later charged with a crime for this incident, on March 29, 2019 for harassment.

I have several questions I'd like to ask about this. I think I have some readers who will see this as collaboration between police, prosecutors and Patriot Prayer – I hope the following questions will help clarify MCDA's part in this investigation and prosecution.

- 1) Why did the MCDA choose to prioritize prosecuting this largely non-violent confrontation and bring charges against Marquez?
- 2) MCDA and the Bureau have been sent videos of very violent altercations, but few prosecutions have stemmed from those videos. What is the reason MCDA dedicated resources to prosecuting this non-violent incident, but has not brought charges in assaults caught on camera at violent riots on June 30, 2018, Oct. 13, 2018, and May 1, 2019? Are those incidents still under investigation?
- 3) Because this investigation began with a complaint from Joey Gibson, it may create the impression for some of my readers that police and prosecutors are doing the bidding of Gibson, or at least were influenced by Gibson, in pursuing this harassment charge against Marquez. What would MCDA or Rod Underhill say in response to people who might draw that conclusion?
- 4) Does MCDA or Underhill have any concerns that this investigation was unduly influenced by a far-right activist seeking to retaliate against his political enemies?
- 5) Lt. Niiya mentions in his email that part of Gibson's complaint is that Marquez infringed on Isaacson's First Amendment rights. Was a First Amendment right violated in MCDA's opinion?
- 6) Is there any other information or helpful context you want to provide about MCDA's approach to prosecuting possible crimes at protests?

I'd like to give you a few days to respond to these questions – my deadline is Monday afternoon, July 29 at 3pm. I'm hoping to hold this for print next week, so I can have a little flexibility on that. But if you're able at least to talk by 3pm Monday (on background would be fine) to give me a sense of what your responses are that would help me prep the story for the paper.

Will you let me know if you get a similar inquiry from any other reporters?

Please feel free to call my cell to discuss: 858-254-7242.

Thank you,

Katie Shepherd

--



Katie Shepherd, Staff Writer

[Willamette Week](#)

503.243.2122

Click to Email: [Katie Shepherd](#)

Confidentiality: This e-mail transmission may contain confidential and/or privileged information. The information contained herein is intended :

**From:** Niiya, Jeffrey  
**Subject:** FW: ANTIFA scumbag Luis Marquez trolling bicyclist at Trump impeachment rally - YouTube  
**To:** Pool, Michael; Tackett, Todd; Mooney, James; Stensgaard, Chadd  
(Chadd.Stensgaard@portlandoregon.gov); Bren, Ryan; Kammerer, Erik; Wuthrich, Steven  
**Cc:** Lee, Ryan; Stainbrook, Rick (Rick.Stainbrook@portlandoregon.gov); Schoening, Franz  
**Sent:** January 25, 2018 12:06 AM

Joey Gibson sent this to me and was upset we allowed Luis Marquez violate this person's 1<sup>st</sup> amendment rights. I want you to see how Luis is dressed to blend in with the normal people who came out for this event. Yet, he is still leading the other black bloc.

We need to watch for these tactics of them trying to blend in on these more mainstream events. I would argue Luis could have and maybe should have been arrested since they were at the back of the march and most likely would not have caused a huge flashpoint.



**From:** Schoening, Franz  
**Subject:** RE: ANTIFA scumbag Luis Marquez trolling bicyclist at Trump impeachment rally - YouTube  
**To:** Niiya, Jeffrey; Pool, Michael; Tackett, Todd; Mooney, James; Stensgaard, Chadd; Bren, Ryan; Kammerer, Erik; Wuthrich, Steven  
**Cc:** Lee, Ryan; Stainbrook, Rick  
**Sent:** January 28, 2018 5:45 PM

Looks like a prosecutable case to me. Ask Joey if his friend wants to sign a complaint? Would be pretty easy to generate a GO and send it to the DA's office.

**From:** WEISBERG Brent  
**Subject:** FW: Two men charged following disturbance outside Cider Riot in Northeast Portland  
**To:**  
**Sent:** August 8, 2019 11:57 AM (UTC+00:00)

Media:

Early this morning, Mr. Cooper, 24, turned himself into the Multnomah County Sheriff's Office at the Multnomah County Justice Center.

He was booked into the Multnomah County Detention Center at 12:07 a.m. (8/8/19) on the warrant resulting from the grand jury indictment.

Mr. Cooper was released on his own recognizance at 4:48 a.m. (8/8/19).

We \*expect\* Mr. Cooper to appear, out of custody, in JC4 this morning; however, the final court appearance list will be finalized sometime before 7 a.m.

**From:** Multnomah Co. District Attorney's Office [mailto:info@flashalert.net]  
**Sent:** Wednesday, August 7, 2019 3:51 PM  
**To:** WEISBERG Brent <Brent.WEISBERG@mcda.us>  
**Subject:** Two men charged following disturbance outside Cider Riot in Northeast Portland

## TWO MEN CHARGED FOLLOWING DISTURBANCE OUTSIDE CIDER RIOT IN NORTHEAST PORTLAND

News Release from **Multnomah Co. District Attorney's Office**  
*Posted on FlashAlert: August 7th, 2019 3:50 PM*

Downloadable file: [PR-19-178-Ian\\_Kramer\\_and\\_Matthew\\_Cooper.pdf](#)

August 7, 2019

### Two men charged following disturbance outside Cider Riot in Northeast Portland

Today, Multnomah County District Attorney Rod Underhill announced that a grand jury charged Ian Kramer, 45, with one count of assault in the second degree, one count of attempted assault in the second degree, one count of unlawful use of mace in the second degree, one count of disorderly conduct in the second degree and two counts of unlawful use of a weapon – and that Matthew Cooper, 24, was charged with one count of disorderly conduct in the second degree and one count of harassment for an incident that resulted in a 31-year-old woman being physically injured on May 1, 2019 outside Cider Riot, located in the 800 block of Northeast Couch Street in Portland, Oregon.

The indictment alleges that Kramer unlawfully, intentionally and knowingly use a dangerous weapon – an asp baton – to cause physical injury to a woman; that he unlawfully and intentionally attempted to cause physical injury to another person using the baton; that he unlawfully and recklessly discharged mace against another person and that he unlawfully and recklessly created a risk of public inconvenience, annoyance and alarm by engaging in fighting and violent, tumultuous and threatening behavior.

Furthermore, the indictment alleges Cooper unlawfully and recklessly created a risk of public inconvenience, annoyance and alarm by engaging in fighting and violent, tumultuous and threatening behavior and that he unlawfully and intentionally harassed and annoyed the same woman allegedly assaulted by Kramer by subjecting her to offensive physical contact.

This investigation started on May 1, 2019 when the Portland Police Bureau responded to the 800 block of Northeast Couch Street on reports of a large disturbance. During the investigation, law enforcement learned the identity of an adult female who had been injured during the disturbance.

On August 7, 2019, at approximately 11 a.m. members of the Portland Police Bureau's Detective Division and the U.S. Marshals Service Pacific Northwest Violent Offender Task Force located Kramer near North Lombard Street and North Dwight Avenue in Portland and took him into custody.

Kramer is scheduled to be arraigned on August 8, 2019 at 9:45 a.m. in Courtroom #3 of the Multnomah County Justice Center.

Law enforcement, working with the Multnomah County District Attorney's Office, continue to investigate this incident.

As such, no additional information about this case can be released.

An indictment is only an accusation of a crime. Both Kramer and Cooper are presumed innocent unless and until proven guilty.

#MCDA#

---

Contact: Brent Weisberg, Communications Director  
Multnomah County District Attorney's Office  
Phone: 503.988.6567 | Email: [Brent.Weisberg@mcda.us](mailto:Brent.Weisberg@mcda.us)

---

**Contact Info:**  
Brent Weisberg  
Communications Director  
Multnomah County District Attorney's Office  
503.988.6567  
Email: [Brent.Weisberg@mcda.us](mailto:Brent.Weisberg@mcda.us)  
Twitter: @BrentWeisberg

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**From:** REES Donald  
**Subject:** FW: STATEMENT OF JAMES L. BUCHAL CONCERNING THE CRIMINAL CHARGE AGAINST JOSEPH GIBSON  
**To:** Simpson, Peter  
**Sent:** August 15, 2019 7:49 PM (UTC+00:00)

FYI

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**From:** WEISBERG Brent  
**Sent:** Thursday, August 15, 2019 12:30 PM  
**To:** UNDERHILL Rod; HOWES Jeffrey; REES Donald  
**Subject:** FW: STATEMENT OF JAMES L. BUCHAL CONCERNING THE CRIMINAL CHARGE AGAINST JOSEPH GIBSON

FYI.

I'm not even going to reply to this unless otherwise directed.

**From:** Katie Shepherd [<mailto:kshepherd@wwc.com>]  
**Sent:** Thursday, August 15, 2019 12:26 PM  
**To:** WEISBERG Brent <[Brent.WEISBERG@mcdca.us](mailto:Brent.WEISBERG@mcdca.us)>  
**Subject:** Fwd: STATEMENT OF JAMES L. BUCHAL CONCERNING THE CRIMINAL CHARGE AGAINST JOSEPH GIBSON

Does MCDA want to respond to this?

----- Forwarded message -----

**From:** James Buchal <[jbuchal@mbllp.com](mailto:jbuchal@mbllp.com)>  
**Date:** Thu, Aug 15, 2019 at 12:23 PM  
**Subject:** STATEMENT OF JAMES L. BUCHAL CONCERNING THE CRIMINAL CHARGE AGAINST JOSEPH GIBSON  
**To:** [counsel@buchal.com](mailto:counsel@buchal.com) <[counsel@buchal.com](mailto:counsel@buchal.com)>

Today an alleged website malfunction at the office of the Multnomah County District Attorney's office has revealed that the District Attorney (without waiting for his grand jury to indict), has rushed to file criminal charges against Mr. Joseph Gibson. The District Attorney claims that Mr. Gibson committed the crime of "riot" (ORS 166.015), which requires proof of "tumultuous and violent conduct" by Mr. Gibson. There are multiple videos of the events at Cider Riot, and not one of them shows Mr. Gibson engaging in violent conduct.

Mr. Gibson was repeatedly pepper-sprayed and spat upon by violent members of Antifa, none of whom have been arrested or charged for their conduct on May 1st. It is not as though the government is ignorant of the identity of the Antifa combatants; even now, the Oregon Liquor Control Commission refuses to release an investigative report about Cider Riot that Mr. Gibson requested long ago, which should identify other combatants.

These charges represent a total failure of the Multnomah County District Attorney's office to distinguish between violent conduct and the exercise of First Amendment rights. Worse still, by arresting only one side of the alleged "riot," the District Attorney of Multnomah County is by all appearances acting as a special prosecutor for Antifa.

These criminal proceedings are part and parcel of the dishonest campaign by Portland leaders to blame out-of-town demonstrators for violence that began and persists because Antifa wants to shut down any right-wing demonstrations in Portland. Antifa publicly asserts its insistence on shutting down these demonstrations by any means necessary, and to date, nearly all the perpetrators of Antifa violence have escaped justice.

If Mr. Gibson's conduct on May 1st constitutes "riot," so does the conduct of thousands of peaceful demonstrators who have appeared on the streets of Portland standing near violent Antifa members. The District Attorney's decision to destroy constitutional protections against free speech by charging a peaceful protester with a crime of violence makes this a dark day for the rule of law in Oregon.

James L. Buchal  
Murphy & Buchal LLP  
3425 SE Yamhill Street, Suite 100  
Portland, OR 97214

Phone: 503-227-1011  
Fax: 503-573-1939

--



Katie Shepherd, Staff Writer

[Willamette Week](#)  
503.243.2122  
Click to Email: [Katie.Sherpherd@wwc.com](mailto:Katie.Sherpherd@wwc.com)

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**From:** Simpson, Peter  
**Subject:** RE: STATEMENT OF JAMES L. BUCHAL CONCERNING THE CRIMINAL CHARGE AGAINST JOSEPH GIBSON  
**To:** REES Donald  
**Sent:** August 15, 2019 7:52 PM (UTC+00:00)

Thanks.

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**From:** REES Donald [mailto:Donald.REES@mcdca.us]  
**Sent:** Thursday, August 15, 2019 12:49 PM  
**To:** Simpson, Peter <Peter.Simpson@portlandoregon.gov>  
**Subject:** FW: STATEMENT OF JAMES L. BUCHAL CONCERNING THE CRIMINAL CHARGE AGAINST JOSEPH GIBSON

FYI

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**Sent:** Thursday, August 15, 2019 12:26 PM  
**To:** WEISBERG Brent <Brent.WEISBERG@mcdca.us>  
**Subject:** Fwd: STATEMENT OF JAMES L. BUCHAL CONCERNING THE CRIMINAL CHARGE AGAINST JOSEPH GIBSON

Does MCDA want to respond to this?

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**Date:** Thu, Aug 15, 2019 at 12:23 PM  
**Subject:** STATEMENT OF JAMES L. BUCHAL CONCERNING THE CRIMINAL CHARGE AGAINST JOSEPH GIBSON  
**To:** [counsel@buchal.com](mailto:counsel@buchal.com) <[counsel@buchal.com](mailto:counsel@buchal.com)>

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These criminal proceedings are part and parcel of the dishonest campaign by Portland leaders to blame out-of-town demonstrators for violence that began and persists because Antifa wants to shut down any right-wing demonstrations in Portland. Antifa publicly asserts its insistence on shutting down these demonstrations by any means necessary, and to date, nearly all the perpetrators of Antifa violence have escaped justice.

If Mr. Gibson's conduct on May 1st constitutes "riot," so does the conduct of thousands of peaceful demonstrators who have appeared on the streets of Portland standing near violent Antifa members. The District Attorney's decision to destroy constitutional protections against free speech by charging a peaceful protester with a crime of violence makes this a dark day for the rule of law in Oregon.

James L. Buchal  
Murphy & Buchal LLP  
3425 SE Yamhill Street, Suite 100  
Portland, OR 97214

Phone: 503-227-1011  
Fax: 503-573-1939

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[Willamette Week](#)

503.243.2122

Click to Email: [Katie Shepherd](#)

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**From:** Carole Caldwell  
**Subject:** Joseph Gibson  
**To:** brad.kalbaugh@mcdca.us  
**Cc:** James Buchal; Traynor, Christopher  
**Sent:** August 15, 2019 8:42 PM (UTC+00:00)  
**Attached:** Decl. of Gibson iso Special Motion to Strike 7-22-19 with exhibits 1-11.pdf, Memo iso Special Motion to Strike 7-22-19.pdf, Ltr. to DA Kalbaugh 8-15-19.pdf

Dear Mr. Kalbaugh,

Please see the attached correspondence from Mr. Gibson's attorney, James Buchal. A copy of this correspondence is also being transmitted by First Class mail.

Sincerely,

*Carole Caldwell*

*Assistant to James L. Buchal*

Murphy & Buchal LLP

3425 SE Yamhill Street, Suite 100

Portland, OR 97214

Tel: 503-227-1011

Fax: 503-573-1939

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6 IN THE CIRCUIT COURT FOR THE STATE OF OREGON  
7 FOR THE COUNTY OF MULTNOMAH

8 CIDER RIOT, LLC; and ABRAM  
9 GOLDMAN-ARMSTRONG,

10 Plaintiffs,

11 v.

12 PATRIOT PRAYER USA, LLC; JOSEPH  
13 "JOEY" GIBSON; IAN KRAMER;  
14 CHRISTOPHER PONTE; DAVID WILLIS;  
MACKENZIE LEWIS; MATTHEW  
COOPER; and JOHN DOES 1-25.

15 Defendants.

Case No. 19CV20231

**DEFENDANT PATRIOT PRAYER USA,  
LLC'S & JOSEPH "JOEY" GIBSON'S  
MEMORANDUM IN SUPPORT OF  
SPECIAL MOTION TO STRIKE**

16  
17 **Preliminary Statement**

18 Mr. Joey Gibson "has unpopular thoughts about freedom, guns, abortion and spirituality,  
19 and he voices them on a public stage". E. Hovde, *The Oregonian*, "The misunderstood Joey  
20 Gibson," Oct. 28, 2018 (copy submitted herewith as Exhibit 5 to the Declaration of Joey Gibson in  
21 Support of Motion to Strike ("Gibson Strike Decl.") This is a textbook case of a Strategic Lawsuit  
22 Against Public Participation ("SLAPP"), in which plaintiffs unabashedly seek to misuse the Courts  
23 of Oregon as a tool to silence Mr. Gibson's First Amendment activity in what is quintessentially  
24 public space for First Amendment activities: the streets and sidewalks of Portland.

25 Plaintiffs are closely identified with "Antifa," a loosely structured group of organizations,  
26 that seek to replace American Constitutional government by any means necessary with what they

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DEFENDANT PATRIOT PRAYER USA, LLC'S & JOSEPH "JOEY"  
GIBSON'S MEMORANDUM IN SUPPORT OF SPECIAL MOTION TO  
STRIKE  
Case No. 19CV20231

James L. Buchal, (OSB 921618)  
MURPHY & BUCHAL LLP  
3425 SE Yamhill Street, Suite 100  
Portland, OR 97214  
Tel: 503-227-1011  
Fax: 503-573-1939

1 call a “democratic socialist” regime. Defendant Gibson, and by extension the entity Patriot Prayer  
2 USA, LLC (“LLC”), a Washington limited liability company of which he is the 100% owner (there  
3 are no other members), opposes socialist revolution.

4 Ironically, the result sought in this case, seeking to assign responsibility to Mr. Gibson as a  
5 protest leader for any and all misconduct in connection with a demonstration by any participant on  
6 “his side,” would, if applied, generally cripple the activities of the Antifa groups supported by  
7 plaintiffs. Indeed, if this motion is denied, defendants will be required to counterclaim against  
8 plaintiffs and bring in Antifa members as third-party defendants, both for the injuries suffered by  
9 Mr. Gibson (repeated pepper sprays to the face by a mob of Cider Riot patrons), and because the  
10 Antifa violence is alleged to have injured plaintiffs (see also Point I(C)(6) *infra*).

11 **Statement of Facts: The Political Context of the Dispute**

12 It is common knowledge that beginning with the multi-week occupation of the Park Blocks  
13 in downtown Portland in the fall of 2011 by Occupy Portland, radical Leftist groups have rapidly  
14 grown in number and influence in the City of Portland. The City’s political leaders routinely permit  
15 them to engage in large assemblies without permits, to block traffic in violation of Oregon criminal  
16 statutes (*e.g.*, ORS 166.025(1)(d)), and most pertinently for this case, to “engage[] in fighting or in  
17 violent, tumultuous and threatening behavior” (ORS 166.025(1)(a)). Very few arrests have been  
18 made, with most charges dismissed, perhaps because Portland juries favor Antifa protestors. (*See*  
19 Declaration of Joey Gibson in Support of Motion for a Change of Venue (“Gibson Venue Decl.”)  
20 ¶ 35 & n. 39.)

21 Not surprisingly, these groups have proliferated, and for purposes of this motion, defendants  
22 Gibson and the LLC will identify them as “Antifa,” and identify those who appear in public,  
23 masked and generally wearing black attire, as “members of Antifa”. (*See also* Gibson Strike Decl.  
24 ¶ 7.) Defendants do not intend to insinuate that these groups have formal, documented members.

25 News reports in the Oregonian and elsewhere report a long list of incidents of violence,  
26 property damage, and disorder caused by members of Antifa, escalating with the election of

1 President Trump,<sup>1</sup> and continuing in opposition to his policies,<sup>2</sup> and Republicans generally,<sup>3</sup> as to  
2 which there can be no claim that Mr. Gibson or the LLC contributed to the violence. It has been  
3 reported that members of Antifa even violently attacked a registered Democrat who supported  
4 Bernie Sanders “because he possessed a ‘fascist symbol’—an American flag.”<sup>4</sup>

5 The problems caused by Antifa are in fact nationwide, but a full exposition is beyond the  
6 scope of this memorandum. While the City of Portland and other governmental agencies have been  
7 curiously slow to recognize the threat posed by Antifa, a petition hosted on the official White House  
8 website asking the federal government to formally designate Antifa as a terrorist organization  
9 garnered over 368,000 electronic signatures.<sup>5</sup>

### 10 The Motivations and Goals of Mr. Gibson

11 Mr. Gibson reasonably believes, based on public statements by members of Antifa, that they  
12 are intent on destroying the Constitution of the United States and substituting a totalitarian  
13 government. (*Id.* ¶¶ 8-11 (reviewing evidence) & Exs. 1-3 (public statements). Mr. Gibson feels  
14 called, as a spiritual and political matter, to oppose the rise of these groups, and to that end, has held  
15 almost ninety events around the Pacific Northwest to build support for the Constitution and  
16 conservative ideals, and oppose the rise of totalitarian socialism. (*Id.* ¶¶ 12-13, 16.) The events are

17 <sup>1</sup> See, e.g., T. Hernandez, *The Oregonian*, “Portland wakes up to damage from anti-Trump riot,”  
18 Nov. 11, 2016) (available at [https://www.oregonlive.com/portland/2016/11/pearl\\_district\\_ne\\_portland\\_wak.html](https://www.oregonlive.com/portland/2016/11/pearl_district_ne_portland_wak.html)); *The*  
19 *Oregonian*, “Saturday night Portland anti-Trump protest: 19 arrested in downtown  
20 demonstrations,” Nov. 13, 2016 (available at [https://www.oregonlive.com/portland/2016/11/mayor\\_police\\_hold\\_press\\_confer.html#incart\\_big-photo](https://www.oregonlive.com/portland/2016/11/mayor_police_hold_press_confer.html#incart_big-photo)).

21 <sup>2</sup> J. Ryan, *The Oregonian*, “Portland May Day march erupts into fiery riot; 25 arrested,” May 2,  
22 2017 (available at [https://www.oregonlive.com/portland/2017/05/portland\\_may\\_day\\_demonstration.html](https://www.oregonlive.com/portland/2017/05/portland_may_day_demonstration.html)).

23 <sup>3</sup> J. Hale, *The Oregonian*, “Organizers cancel 82nd Avenue of Roses Parade, after protesters  
24 threaten to shut it down,” April 25, 2017 (available at [https://www.oregonlive.com/rosefest/2017/04/organizers\\_cancel\\_82nd\\_avenue.html](https://www.oregonlive.com/rosefest/2017/04/organizers_cancel_82nd_avenue.html)).

25 <sup>4</sup> L. Suarez Sang, Fox News, “Portland Antifa protestors caught on video bullying elderly motorist,  
26 woman in wheelchair,” Oct. 10, 2018 (available at <https://www.foxnews.com/us/portland-antifa-protesters-caught-on-video-bullying-elderly-motorist-woman-in-wheelchair>).

<sup>5</sup> <https://petitions.whitehouse.gov/petition/formally-recognize-antifa-terrorist-organization-0>

1 organized by posting them on Facebook (*id.* ¶ 15); Mr. Gibson exercises no control over who shows  
2 up or how they behave—though he has been called upon in the face of Antifa provocation to urge  
3 those who show up to exercise restraint, as he did in this case. (*Id.* ¶¶ 18-19.)

4 Outside Portland, nearly all of these “Patriot Prayer” events have *not* been marred by  
5 violence (*id.* ¶ 20); inside Portland, members of Antifa regard it as their political duty to “de  
6 platform” Mr. Gibson and disrupt his events by any means necessary. (*Id.* ¶¶ 31-33.) Nevertheless,  
7 as set forth in the Gibson Venue Declaration, Mr. Gibson has been the subject of an extraordinary  
8 and malicious campaign of libel by Portland leaders, members of the news media, and members of  
9 Antifa, which have not only prejudiced the Portland community against him, but created a climate  
10 of fear and oppression that would chill any statements or action perceived as favoring him

11 Mr. Gibson reasonably identifies plaintiffs as giving material support to Antifa, to the degree  
12 where the “Cider Riot” establishment, consistent with its name, may fairly be called an “Antifa  
13 bar”. (Gibson Strike Decl. ¶¶ 37-47.) Among other events, Cider Riot had publicized, through a  
14 Facebook Post, a “May Day Afterparty!” for May 1, 2019 (*Id.* Ex. 8.) It was reported to be open to  
15 the public and “hosted by Rose City Antifa and Cider Riot”. (*Id.*) Mr. Gibson’s only visit to the  
16 immediate vicinity of Cider Riot was to stand on the sidewalk on May 1, 2019, and to publicize the  
17 Antifa connection to the bar by livestreaming his visit on Facebook. (*Id.* ¶¶ 2, 60.)

18 Plaintiffs’ allegations concerning conduct before May 1<sup>st</sup> are entirely false, or entirely  
19 irrelevant to any claim by plaintiffs, and subject to an ORCP 21E motion to strike.<sup>6</sup> With regard to  
20 plaintiff’s allegations concerning Mr. Gibson’s conduct prior to arriving at Cider Riot on May 1<sup>st</sup>,  
21 defendants submit the Declaration of Andy Ngo to authenticate video of some such conduct;  
22 masked Antifa members struck Mr. Gibson and attempted to provoke him into acting violently.  
23 (*See* Ngo Decl. ¶ 4 & Gibson Strike Decl. Ex. 9 (video footage)). That plaintiffs reframe these and  
24

25 \_\_\_\_\_  
26 <sup>6</sup> That motion is reserved for future consideration pursuant to ORS 31.152(1) (“The special motion  
to strike shall be treated as a motion to dismiss under ORCP 21 A but shall not be subject to ORCP  
21 F”).

1 other events as Mr. Gibson “spoiling for a fight” and “baiting” Antifa demonstrators (*see* Am.  
2 Cmpl. ¶¶ 17-18) characterizes their general lack of truthfulness.

3       The Gibson Strike Declaration addresses in great detail what happened during the visit to the  
4 sidewalk and street near the outdoor seating area at Cider Riot on May 1<sup>st</sup>, and none of it involved  
5 tortious conduct by him or the LLC. (Gibson Strike Decl. ¶¶ 54-82.) Mr. Gibson was assaulted  
6 even before he reached the sidewalk, spit upon, had objects thrown at him, and was repeatedly  
7 pepper-sprayed—all by Cider Riot patrons. (*Id.* ¶ 70.) He engaged in no physical conduct other  
8 than warding attackers off, but maintained a stream of speech identifying the premises as an “Antifa  
9 central,” and generally calling attention to the bad behavior of Antifa members. (*E.g.* ¶¶ 70-73.)  
10 When he observed bad behavior on the part of those on the sidewalk protesting the event, he called  
11 that out as well. (*E.g., id.* ¶ 70.)

12       Two other incidents merit mention. At some point during the proceedings, a black-masked  
13 individual, believed to be an employee or contractor hired by plaintiffs to provide security for the  
14 event, began to fight one of the individuals on the sidewalk. (*Id.* ¶ 76.) Mr. Gibson attempted to  
15 keep matters from escalating by urging others not to intervene on behalf of one side or the other; the  
16 crowd did allow the two men to fight, and they eventually shook hands. (*Id.* ¶ 77.) Thereafter,  
17 while Mr. Gibson was attempting to leave, another participant, over whom Mr. Gibson and the LLC  
18 also had no control, apparently attacked a woman and knocked her to the ground on the street near  
19 the bar, injuring her.<sup>7</sup> (*Id.* ¶ 80.) Mr. Gibson apologized immediately and expressed anger that this  
20 had occurred. (*Id.*)

21  
22  
23  
24  
25 <sup>7</sup> It has been reported that the woman struck was an Antifa activist involved at sabotaging the  
26 sound system at a Portland State University event hosting former Google engineer James  
27 Damore, fired for expressing the view that there were sex-based differences that accounted for  
28 disparate numbers of male and female software engineers. (*See*  
<https://twitter.com/MrAndyNgo/status/1124137746501496834>.)

1 **Argument**

2 **I. THIS COURT SHOULD GRANT THE SPECIAL MOTION TO STRIKE.**

3 **A. The Special Motion to Strike Under Oregon Law.**

4 ORS 31.150 provides a “special motion to strike,” which may be made under this section  
5 against any claim in a civil action that arises out of:

6 “(c) Any oral statement made, or written statement or other document  
7 presented, in a place open to the public or a public forum in connection  
8 with an issue of public interest; or

9 “(d) Any other conduct in furtherance of the exercise of the  
10 constitutional right of petition or the constitutional right of free speech in  
11 connection with a public issue or an issue of public interest.”

12 ORS 31.150(2). The special motion to strike is “to be liberally construed in favor of the exercise of  
13 the rights of expression described in ORS 31.150(2),” including subsections (c) & (d). ORS  
14 31.152(4).<sup>8</sup>

15 Mr. Gibson and the LLC have “the initial burden of making a prima facie showing that the  
16 claim against which the motion is made arises out of a statement, document or conduct described in  
17 subsection (2) of this section” and, having met that burden, “the burden shifts to the plaintiff in the  
18 action to establish that there is a probability that the plaintiff will prevail on the claim by presenting  
19 substantial evidence to support a prima facie case”. ORS 31.150(3).

20 In other words, ORS 31.150 requires the court to engage in a two-pronged process to decide  
21 the special motion to strike. The Court first decides whether defendants have met the threshold  
22 burden of showing that plaintiff's claims against them arise from statements or conduct covered by  
23 ORS 31.150(2)(c) or (d) (the “arising out of” prong). We demonstrate that below.

24 <sup>8</sup> In California, “[t]he directive to construe the statute broadly was added in 1997, when the  
25 Legislature amended the anti-SLAPP statute ‘to address recent court cases that have too narrowly  
26 construed California’s anti-SLAPP suit statute.’” *Nygard, Inc. v. Uusi-Kerttula*, 159 Cal.App.4th  
27 1027, 1039, 72 Cal.Rptr.3d 210 (2008). Following California's experience, the Oregon Legislature  
28 added a similar instruction to ORS 31.150 in 2009. ORS 31.152(4) (SB 543 of 2009) amended  
Oregon's statute to add the “liberally construed in favor of the exercise of the rights of expression”  
language.

1 When the court finds defendants have made this threshold showing, the burden of proof and  
2 persuasion shifts to plaintiff to show “that there is a probability that the plaintiff will prevail on the  
3 claim by presenting substantial evidence to support a prima facie case.” ORS 31.150(3). *Staten v.*  
4 *Steel*, 222 Or. App. 17, 27 (2008), *rev. den.*, 345 Or. 618 (2009).

5 If the plaintiff fails to meet his burden for any reason, whether legal or due to lack of  
6 substantial evidence, the Court is to grant defendants’ motion and enter a judgment of dismissal  
7 without prejudice. ORS 31.150(1). A losing plaintiff may elect to stand on the dismissed pleading  
8 and immediately appeal or may refile its case with different pleadings. A losing defendant may  
9 choose to immediately appeal the denial of the Special Motion under a limited judgment. *Id.* For  
10 this reason, in most cases, upon decision of this motion, the case will no longer be before the trial  
11 court, either because it has been dismissed or because it has been appealed.

12 The role of the Court with respect to the evaluation of evidence in an anti-SLAPP motion is  
13 unique in Oregon civil procedure. Crucially, and unlike the Court's role upon summary judgment,  
14 the Court in substance weighs the evidence and grant the motion if Plaintiff fails to provide  
15 “substantial evidence to support a *prima facie* case”.

16 This particular evidentiary standard was added by the Oregon Legislature to the anti-SLAPP  
17 template provided by the California statute. Its adoption demonstrates an intent to require more  
18 than a bare “prima facie case,” by requiring “substantial evidence” to support such a case. The  
19 Oregon Court of Appeals has explained that Plaintiff carries a “heav[y] burden” to defeat this  
20 motion:

21 If the moving party makes that showing, which it may be able to do based on the pleadings  
22 alone, the nonmoving party then has the burden of establishing a prima facie case that is  
23 sufficient to show that there is a probability that it will prevail. That burden is potentially  
24 much heavier than merely establishing the existence of a disputed issue of fact. In deciding  
whether the plaintiff has met its burden, the trial court may need to weigh the evidence,  
something that it cannot do on a motion for summary judgment.”

25 *Staten*, 222 Or. App. at 31 (citations omitted) (emphasis added).



1 In short, while under summary judgment procedure, a finding of the slightest evidentiary  
2 dispute on a material fact requires the Court to deny the motion, in the special motion procedure,  
3 “some” evidence does not suffice. Should there be any dispute of fact, then plaintiff’s evidence on  
4 that fact must outweigh contrary evidence in the record, and be sufficient to invoke the right to a  
5 jury resolution of the claims, *see Handy v. Lane County*, 360 Or. 605, 618 n.9 (2016).  
6 And whether the evidence is sufficient to reach the jury must be evaluated, as set forth below, in  
7 light of both the First Amendment’s restriction of jury consideration in cases such as this, and the  
8 express intent of the Legislature, stated in ORS 31.152(4), that the special motion is meant to  
9 “provide a defendant with the right to not proceed to trial in cases in which the plaintiff does not  
10 meet the burden specified in ORS 31.150(3).

11 **B. Plaintiffs’ Claims Arise Out of Conduct Described in ORS 31.150(2).**

12 Under ORS 31.150(3), the court must first decide whether a plaintiff’s claim “arises out of a  
13 statement, document or conduct described in subsection (2) of this section.” Here, plaintiffs’ claims  
14 against Mr. Gibson and the LLC involve “oral statement[s] made . . . in a place open to the public or  
15 a public forum in connection with an issue of public interest” (ORS 31.150(2)(c)); the entire claim  
16 arises from “conduct in the furtherance of the exercise of the constitutional right of . . . free speech  
17 in connection with a public issue or an issue of public interest” (ORS 31.150(2)(d)). *See generally*  
18 *Staten*, 222 Or App at 27.

19 **1. The challenged conduct involved public and oral statements.**

20 The right to assemble and engage in advocacy in a traditional public forum such as a public  
21 sidewalk is “conduct in the furtherance of constitutionally protected free speech.” *See Hill v.*  
22 *Colorado*, 580 U.S. 703, 714-15, 120 S. Ct. 2480, 147 L. Ed. 2d 597 (2002) (noting that “the First  
23 Amendment interests of petitioners are clear and undisputed” because “their leafleting, sign displays  
24 and oral communications are protected by the First Amendment,” and that the “public sidewalks,  
25 streets and ways” they chose to exercise their rights “are ‘quintessential’ public forums for free  
26 speech.”); *NAACP v. State of Alabama*, 357 U.S. 449, 461 (1958) (“Effective advocacy of both

1 public and private points of view, particularly controversial ones, is undeniably enhanced by group  
2 association, as this Court has more than once recognized by remarking upon the close nexus  
3 between the freedoms of speech and assembly.”).

4 Plaintiffs cannot argue that the protests fall outside the scope of constitutional protection  
5 merely because they are alleged to have been coercive or offensive. *See Organization for a Better*  
6 *Austin v. Keefe*, 402 U.S. 415, 91 S. Ct. 1575, 29 L. Ed. 2d. 1 (1971) (“The claims that the  
7 expressions were intended to exercise a coercive impact on respondent does not remove them from  
8 the reach of the First Amendment.”); *Hill*, 580 U.S. at 715 (“The fact that the messages conveyed  
9 by those communication may be offensive to their recipients does not deprive them of constitutional  
10 protection.”).

11 **2. Plaintiffs’ claims arise from a “public issue” or “an issue of public**  
12 **interest.”**

13 The U.S. Supreme Court provided extensive guidance in distinguishing between matters of  
14 public or private concern in *Snyder v. Phelps*, 562 U.S. 443, (2011). The case upheld the right of  
15 the infamous Westboro Baptist Church to picket military funerals “to communicate its belief that  
16 Gods hates the United States for its tolerance of homosexuality”. *Id.* at 443. The case confirms that  
17 defendants’ conduct relates to a matter of public concern, establishes that the protections of the First  
18 Amendment are a zenith with respect to such conduct, and further demonstrates that its offensive  
19 nature to plaintiffs (and perhaps others) requires careful court protection.

20 The Court held:

21 “Speech deals with matters of public concern when it can ‘be fairly considered as relating  
22 to any matter of political, social, or other concern to the community, *Connick*, supra, at  
23 146, 103 S. Ct. 1684, 75 L. Ed. 2d 708, or when it ‘is a subject of legitimate news  
24 interest; that is, a subject of general interest and of value and concern to the public,’ *San*  
25 *Diego*, supra, at 83-84, 125 S. Ct. 521, 160 L. Ed. 2d 410. *See Cox Broadcasting Corp. v.*  
26 *Cohn*, 420 U.S. 469, 492-494, 95 S. Ct. 1029, 43 L. Ed. 2d 328 (1975); *Time, Inc. v. Hill*,  
385 U.S. 374, 387-388, 87 S. Ct. 534, 17 L. Ed. 2d 456 (1967). The arguably  
‘inappropriate or controversial character of a statement is irrelevant to the question  
whether it deals with a matter of public concern.’ *Rankin v. McPherson*, 483 U.S. 378,  
387, 107 S. Ct. 2891, 97 L. Ed. 2d 315 (1987).”

1 *Snyder*, 562 U.S. at 453. Under California law, upon which Oregon’s law is modeled,<sup>9</sup> “the issue  
2 need not [even] be “significant” to be protected by the anti-SLAPP statute—it is enough that it is  
3 one in which the public takes an interest.” *Nygard, Inc.*, 159 Cal.App.4th at 1041.

4 The U.S. Supreme Court further confirmed that

5 “[S]peech on ‘matters of public concern’ . . . is ‘at the heart of the First Amendment’s  
6 protection.’ *Dun & Bradstreet, Inc. v. Greenmoss Builders, Inc.*, 472 U.S. 749, 758-759,  
7 105 S. Ct. 2939, 86 L. Ed. 2d 593 (1985) (opinion of Powell, J.) (quoting *First Nat. Bank*  
8 *of Boston v. Bellotti*, 435 U.S. 765, 776, 98 S. Ct. 1407, 55 L. Ed. 2d 707 (1978)). The  
9 First Amendment reflects ‘a profound national commitment to the principle that debate  
10 on public issues should be uninhibited, robust, and wide-open.’ *New York Times Co. v.*  
11 *Sullivan*, 376 U.S. 254, 270, 84 S. Ct. 710, 11 L. Ed. 2d 686 (1964). That is because  
“speech concerning public affairs is more than self-expression; it is the essence of self-  
government.” *Garrison v. Louisiana*, 379 U.S. 64, 74-75, 85 S. Ct. 209, 13 L. Ed. 2d 125  
(1964). Accordingly, ‘speech on public issues occupies the highest rung of the hierarchy  
of First Amendment values, and is entitled to special protection.’ *Connick v. Myers*, 461  
U.S. 138, 145, 103 S. Ct. 1684, 75 L. Ed. 2d 708 (1983) (internal quotation marks  
omitted).”

12 *Snyder*, 562 U.S. at 451-452.

13 The Court also emphasized that

14 “Such speech cannot be restricted simply because it is upsetting or arouses contempt. ‘If  
15 there is a bedrock principle underlying the First Amendment, it is that the government may  
16 not prohibit the expression of an idea simply because society finds the idea itself offensive  
17 or disagreeable.’ *Texas v. Johnson*, 491 U.S. 397, 414, 109 S. Ct. 2533, 105 L. Ed. 2d 342  
18 (1989). Indeed, ‘the point of all speech protection . . . is to shield just those choices of  
content that in someone’s eyes are misguided, or even hurtful.’ *Hurley v. Irish-American*  
*Gay, Lesbian and Bisexual Group of Boston, Inc.*, 515 U.S. 557, 574, 115 S. Ct. 2338, 132  
L. Ed. 2d 487 (1995).”

19 *Snyder*, 562 U.S. at 458.

20 Nor is it of any consequence to First Amendment protection that Mr. Gibson’s decision to  
21 livestream his visit to the sidewalk in front of Cider Riot met with hostility from the Antifa crowd.

22 As the Supreme Court has emphasized, speech

23 “may indeed best serve its high purpose when it induces a condition of unrest, creates  
24 dissatisfaction with conditions as they are, or even stirs people to anger. Speech is often  
provocative and challenging. It may strike at prejudices and preconceptions and have  
profound unsettling effects as it presses for acceptance of an idea.”

25 <sup>9</sup> The Oregon Legislature “intended California case law would inform Oregon courts regarding the  
26 application of ORS 31.150 to ORS 31.155.” *Page v. Parsons*, 249 Or. App. 445, 461 (2012),

1  
2 *Terminiello v. City of Chicago*, 337 U.S. 1, 4 (1949).

3 The Court may regard Mr. Gibson's attempts to induce the Antifa participants to see the evil  
4 of their ways as no more likely to succeed than the Westboro Church's attempts to change social  
5 views concerning homosexuality, but the conduct is protected.

6 A motion to dismiss pursuant to ORS 31.150 is particularly appropriate because,

7 "[i]n a case such as this, a [Multnomah County] jury is 'unlikely to be neutral with  
8 respect to the content of [the] speech,' posing 'a real danger of becoming an instrument  
9 for the suppression of . . . 'vehement, caustic, and sometimes unpleasan[t]'" expression.  
10 *Bose Corp.*, 466 U.S., at 510, 104 S. Ct. 1949, 80 L. Ed. 2d 502 (quoting *New York Times*,  
11 376 U.S., at 270, 84 S. Ct. 710, 111 L. Ed. 2d 686). Such a risk is unacceptable;  
"in public debate [we] must tolerate insulting, and even outrageous, speech in order to  
provide adequate "breathing space" to the freedoms protected by the First Amendment."  
*Boos v. Barry*, 485 U.S. 312, 322, 108 S. Ct. 1157, 99 L. Ed. 2d 333 (1988) (some  
internal quotation marks omitted)."

12 *Snyder*, 562 U.S. at 458.

13 The issue of support of totalitarian movements, whether or not disguised as democratic  
14 socialism, is a matter of intense public interest and debate within the United States. The conduct of  
15 masked gangs commonly taking over Portland streets, in support of advocacy for socialist or  
16 anarchist revolution is sufficiently contrary to public policy to be the subject of federal criminal  
17 statutes like the Smith Act, 18 U.S.C. § 2385, under which anyone who "organizes or helps or  
18 attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage  
19 the overthrow or destruction of any such government by force or violence; or becomes or is a  
20 member of, or affiliates with, any such society, group, or assembly of persons, knowing the  
21 purposes thereof" can be charged a federal felon, presumably including plaintiffs. *See also Scales*  
22 *v. United States*, 367 U.S. 203, 251-52 (1961) (upholding conviction for membership in the  
23 Communist Party; "the evidence amply showed that Party leaders were continuously preaching  
24 during the indictment period the inevitability of eventual forcible overthrow . . .").

25 It is a perfectly lawful, and indeed laudatory, objective for defendants to oppose such  
26 groups, and those who aid and abet their activities.

1 In short, Mr. Gibson and the LLC have met their initial burden under ORS 31.150(2) by  
2 showing that plaintiffs' claims arise out of "conduct in the furtherance of the constitutional right to  
3 free speech in connection with a public issue or an issue of public interest" or oral or written  
4 statements "presented in a place open to the public or a public forum in connection with an issue of  
5 public interest."

6 **C. Plaintiffs Have the Burden of Showing a Probability That They Will Prevail on the**  
7 **Merits of Their Claims.**

8 The burden now shifts to plaintiffs to affirmatively demonstrate they have "substantial  
9 evidence" to support their claims, and "that there is a probability" that they will prevail on the  
10 merits of their claims. Plaintiffs will not be able to satisfy their *prima facie* burden for any of their  
11 four common-law tort claims against Mr. Gibson or the LLC. The conduct of Mr. Gibson and the  
12 LLC does not amount to negligence, intentional infliction of emotional distress, trespass, or  
13 intentional interference with economic or contractual relations.

14 **1. Plaintiffs Gibson and the LLC Are Not Responsible for the Conduct of Other**  
15 **Demonstrators.**

16 As set forth in the accompanying declaration, neither Mr. Gibson nor the LLC engaged in  
17 much of the conduct alleged by plaintiffs, giving rise to a variety of pleaded allegations attempting  
18 to hold Mr. Gibson and/or the LLC responsible for all conduct pleaded. *See, e.g.*, ¶ 13 ("Patriot  
19 Prayer's tactics"), ¶ 14 ("Gibson and his followers"), ¶ 15 (defendants "either participated in,  
20 directed, conspired, or engaged in conduct that foreseeably led to the spray-painting"), ¶ 17  
21 ("coordinated"), ¶ 21 (referring to "Patriot Prayer member"), ¶ 23 ("encouraged his followers");  
22 ¶ 24 ("directed his group"), ¶ 27 ("directing, conspiring, neglecting to prevent, or engaging in  
23 conduct that foreseeably led to the injuries"), ¶¶ 34-35 (referring to "defendants and their agents").

24 Under the First Amendment courts reviewing tort claims arising out of political protests  
25 have always exercised special care not to assign responsibility for misconduct to those who want to  
26 organize or participate in protests, but cannot control the conduct of protest participants. Again,

1 were this not the law, thousands of people protesting downtown in Portland on a regular basis could  
2 be held liable for the conduct of Antifa members.

3 The seminal case of *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886 (1982), demonstrates  
4 the approach required by the First Amendment in the precise context of demonstrations with  
5 asserted economic consequences giving rise to civil claims for damages.<sup>10</sup> The case arose from a  
6 suit by seventeen white merchants who filed suit in the Chancery Court of Hinds County,  
7 Mississippi, for losses sustained during a seven-year boycott of their businesses by black  
8 individuals and organizations seeking racial equality and integration, during which there were  
9 marches, picketing, threats, and several significant acts of boycott-related violence.

10 The Mississippi Supreme Court upheld common law tort liability for all the participants,  
11 finding that:

12 "In carrying out the agreement and design, certain of the defendants, acting for all others,  
13 engaged in acts of physical force and violence against the persons and property of certain  
14 customers and prospective customers. Intimidation, threats, social ostracism, vilification,  
15 and traduction were some of the devices used by the defendants to achieve the desired  
16 results. Most effective, also, was the stationing of guards ('enforcers,' 'deacons,' or 'black  
17 hats') in the vicinity of white-owned businesses. Unquestionably, the evidence shows that  
18 the volition of many black persons was overcome out of sheer fear, and they were forced  
19 and compelled against their personal wills to withhold their trade and business intercourse  
20 from the complainants." App. to Pet. for Cert. 39b (quoted 393 So. 2d, at 1300).

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21 <sup>10</sup> Similar considerations apply in the criminal context. As the United States Court of Appeals for  
22 the Seventh Circuit explained in reviewing the convictions of the "Chicago Seven" for organizing  
23 the 1968 protests against the Vietnam War in Chicago,

24 "When the group activity out of which the alleged offense develops can be described as a  
25 bifarious undertaking, involving both legal and illegal purposes and conduct, and is within the  
26 shadow of the first amendment, the factual issue as to the alleged criminal intent must be judged  
27 strictissimi juris. This is necessary to avoid punishing one who participates in such an  
28 undertaking and is in sympathy with its legitimate aims, but does not intend to accomplish them  
by unlawful means. Specially meticulous inquiry into the sufficiency of proof is justified and  
required because of the real possibility in considering group activity, characteristic of political  
or social movements, of an unfair imputation of the intent or acts of some participants to all  
others."

*United States v. Dellinger*, 472 F.2d 340, 392 (7th Cir. 1972).

1 NAACP, 458 U.S. at 894-95. The violence established beyond doubt included two incidents of  
2 shots being fired at a house, a brick thrown through a windshield, and damage to a flower garden;  
3 other incidents, such as slashing of tires and beatings were also documented. *Id.* at 904-05. The  
4 level of violence far exceeded anything here alleged.

5 The Supreme Court recognized that while states may impose “tort liability for business  
6 losses that are caused by violence and by threats of violence,” “[w]hen such conduct occurs in the  
7 context of constitutionally protected activity, however, “precision of regulation” is demanded. *Id.* at  
8 916 (quoting *NAACP v. Button*, 371 U.S. 415, 438). “Specifically, the presence of activity  
9 protected by the First Amendment imposes restraints on the grounds that may give rise to damages  
10 liability *and on the persons who may be held accountable for those damages.*” *Id.* at 916-17  
11 (emphasis added).

12 The Supreme Court reversed findings of liability for those who regularly attended and  
13 participated in NAACP meetings, there being no showing that “any illegal conduct was authorized,  
14 ratified, or even discussed at those meetings”. *Id.* at 924. The Supreme Court reversed liability for  
15 “individuals who were either ‘store watchers’ or members of the ‘Black Hats.’ There is nothing  
16 unlawful in standing outside a store and recording names. Similarly, there is nothing unlawful in  
17 wearing black hats, although such apparel may cause apprehension in others.” *Id.* at 926.

18 The Supreme Court also reversed liability for the leader of the boycott, Evers, premised on  
19 his “emotional and persuasive appeals for unity in the joint effort, or his ‘threats’ of vilification or  
20 social ostracism,” involving “highly charged political rhetoric”. *Id.* at 926. Evers had even made  
21 “references to the possibility that necks would be broken and to the fact that the Sheriff could not  
22 sleep with boycott violators at night”. *Id.* at 927. As was the case here, the speech involved fell  
23 within the scope of the First Amendment, and there was “no evidence -- apart from the speeches  
24 themselves -- that Evers authorized, ratified, or directly threatened acts of violence”. *Id.* at 929.

25 Just as the NAACP sought to “vindicate rights of equality and of freedom” (*id.* at 914), so  
26 too do Mr. Gibson and the LLC seek to protect American freedoms from a rising tide of Leftist

1 violence. The ultimate objectives of Mr. Gibson and the LLC—to save American from a  
2 totalitarian communist government—are “unquestionably legitimate”. *Id.* at 934.

3 Indeed, the California Court of Appeal, addressing protests that arose when “a video store in  
4 Westminster placed the flag of the North Vietnamese communists and a poster of Ho Chi Minh in  
5 the window,” has confirmed that “[c]harges of communism are part of the heat of the political  
6 kitchen”. *Lam v. Ngo*, 91 Cal. App. 4th 832, 849 (2001) (dismissing complaint against protest  
7 leader based on anti-SLAPP statute). Following *NAACP v. Claiborne Hardware Co.*, *supra*, and  
8 recognizing that the case involved “discrete ‘elements of criminality’” and “tortious conduct  
9 unprotected by the First Amendment,” the California Court of Appeal carefully reviewed the record  
10 for “evidence of authorization, direction, or ratification of ‘specific’ constitutionally unprotected  
11 tortious activity by the organizer of a protest before the organizer can be held responsible for the  
12 consequences of the activity”. *Lam*, 91 Cal. App. 4th at 845 (citing *NAACP*, 458 U.S. at 927).

13 The evidence concerning conduct of the defendant, Ky Ngo, was far more reprehensible  
14 than any conduct by Mr. Gibson here, involving screaming at people, including threats to the  
15 restaurant owner’s daughter “in Vietnamese the equivalent of, 'I will send these pictures to Playboy  
16 magazine.' ” *Ngo*, 91 Cal. App. 4th at 846. Mr. Gibson confined himself to making true comments  
17 during his livestream, and far from authorizing, directing or ratifying any tortious conduct, sought to  
18 limit it and immediately apologized when it occurred.

19 Locally, the same anti-SLAPP ruling resulted to strike the complaint of Schumacher Furs  
20 and Outerwear of Portland, a store that was put out of business by protests described by the Federal  
21 District Court that ruled on the ORS 31.150 motion as follows:

22 “In November 2005, animal rights advocates began staging weekly protests outside SFO,  
23 usually on Saturdays. The protests sometimes involved dozens of people, many of whom  
24 blocked the entrance to SFO, displayed signs with anti-fur messages, played videotapes on a  
25 portable television depicting animals being skinned alive for their fur, chanted anti-fur  
26 slogans, shouted obscenities and threats to passers by and to Plaintiffs and their employees,  
and followed customers as they exited SFO. Some protestors participated in these activities  
nude. During this period of time the sidewalks, windows and doors of SFO were  
occasionally befouled by fecal matter, urine, chalk and red paint. Protestors also allegedly



1 issued death threats to Plaintiffs, appeared outside their personal residence, and  
2 communicated with the lessor of the SFO retail store.

3 *Schumacher v. City of Portland*, 2008 U.S. Dist. LEXIS 5443, \*3-4, No. 07-CV-00601-MO (D. Or.  
4 Jan. 23, 2008). The Court had taken care to assess the sufficiency of evidence against the named  
5 defendants, and found it wanting.

6 The single visit to Cider Riot by Mr. Gibson cannot possibly make out a *prima facie* case for  
7 plaintiffs under the foregoing and controlling legal standards. As in *Lam*, this Court's "conclusion  
8 that the record contains no support for a prima facie case that [Mr. Gibson,] as an individual,  
9 authorized, directed or ratified these acts does not mean that someone isn't liable for them." *Lam*,  
10 91 Cal. App. 4th at 851. But there is no case to be made that Mr. Gibson and the LLC are liable,  
11 and the complaint must be dismissed as against them.

12 Finally, the vague and conclusory allegations of Mr. Gibson's involvement in the  
13 misconduct of others are of the sort long held insufficient under Oregon law even without regard to  
14 the First Amendment. *See, e.g., Keller v. Commercial Credit Co.*, 149 Ore. 372, 376 (1935)  
15 ("charge of conspiracy must be based upon something more substantial than suspicion"); *Lawver v.*  
16 *Lawver*, 86 Ore. App. 721, 726 (1987) (rejecting "vague and conclusory" pleading). With  
17 defendants demonstrating a *prima facie* case for application of ORS 31.150, the burden shifts to  
18 plaintiffs to identify *evidence* beyond these allegations.

19 In his Declaration, Mr. Gibson has reviewed his conduct on and before May 1<sup>st</sup> in  
20 painstaking detail and has explained that he exercises no control over those who plaintiffs assert are  
21 "members" or "followers". As a matter of Oregon law, even if these individuals were his agents  
22 (and they are not),

23 "to impose vicarious liability for a nonemployee agent's physical conduct, the principal  
24 must have — or appear to have — a right to control how the act is performed — that is,  
25 'the physical details of the manner of performance' — that is characteristic of an  
26 employee-employer relationship."

1 *Eads v. Borman*, 351 Ore. 729, 739-740 (2012). Nothing about a group of people choosing to  
2 protest evil within the City of Portland remotely connotes any such degree of control. In this  
3 particular case, Mr. Gibson simply showed up based on a telephone call from a friend; there was not  
4 planning or organization by him or the LLC, and not even use of the Facebook event posting service  
5 through which Mr. Gibson has organized nearly ninety events—events that were not marred by  
6 violence until initiated by Antifa.

7 At no time have Mr. Gibson or the LLC ever had any intent to engage in protest through  
8 other than lawful means. Where participants in a protest have behaved badly, Mr. Gibson has done  
9 his best to shut down and minimize the conduct through such powers of persuasion as he can bring  
10 to bear. (Gibson Strike Decl. ¶ 22.)

11 **2. Plaintiffs Cannot Establish a Probability of Prevailing on Count 1: Negligence.**

12 Cider Riot was on notice from the Oregon Liquor Control Commission (OLCC), based on  
13 another political incident on January 20, 2018, of its own legal duties to (1) forbid “noisy or  
14 disorderly activities on the licensed premises or in areas the licensee controls that are adjacent to  
15 our outside the premises” (OAR 345-006-0347(2)) and (2) to evict any person who has engaged in  
16 noisy, disorderly or unlawful activities” from the premises—including employees or contractors  
17 (OAR 345-006-0347(4)). (Gibson Strike Decl. Ex. 6.) (The political violence back in 2018—again  
18 apparently the product of Cider Riot’s decision to support Antifa—had nothing to do with Mr.  
19 Gibson or the LLC, and is not addressed in plaintiffs’ complaint.)

20 Simply put, what Oregon law required then, and required on May 1, 2019, was for plaintiffs  
21 to ensure that their patrons, employees and contractors did not respond violently to Mr. Gibson  
22 standing on the sidewalk outside and identifying the establishment as “Antifa Central.” Far from  
23 demonstrating any “willingness and ability to control adequately the licensed premises and patrons’  
24 behavior in the immediate vicinity of the premises which is related to the licensee’s sale or service  
25 of alcohol under the licensee’s exercise of the license privilege” (ORS 471.315(c)), plaintiffs’  
26 employees or contractors made no attempt whatsoever to regulate the conduct of patrons. (Gibson

Strike Decl. ¶ 82.) Worse still, upon information and belief, plaintiffs’ own employee or contractor engaged in a bout of one-on-one combat (not with Mr. Gibson; Gibson Strike Decl. ¶ 76) for which plaintiffs now seek to hold Mr. Gibson liable (Am. Cmpl. ¶ 22).

It is an inversion of law to suggest that defendants Gibson and the LLC breached some legal duty owing to the bar. It was plaintiffs that owed a legal duty to members of the public, including Mr. Gibson and the LLC, and their breach of OLCC regulations constitutes negligence *per se*. By contrast, plaintiffs cannot show that Mr. Gibson and the LLC breached any duty owing to plaintiffs, failing to use reasonable care and judgment to avoid harm under the circumstances consistent with the constitutional, lawful and laudatory objective of attempting to draw attention to the evils posed by plaintiffs’ operation of a gathering place (and fundraising) for Antifa.

More significantly, the common law wrongful conduct doctrine precludes Cider Riot and its owner from grounding any cause of action on their own illegal or immoral conduct. 1A CJS, Actions, § 29, at 386 (“a person cannot maintain an action if, in order to establish his cause of action, he must rely, in whole or in part, on an illegal or immoral act or transaction to which he is a party”); *see also* 1 Am Jur 2d, Actions, § 45, at 752. Operating a hangout for a violent, seditious gang meets can fairly be characterized as immoral conduct in this sense, and the failure to maintain order and eject unruly patrons, and even joining in one-on-one conduct is illegal conduct under the OLCC governing rules.<sup>11</sup>

### **3. Plaintiffs Cannot Establish a Probability of Prevailing on Count 2: Trespass.**

It is a long been the law in Oregon that trespass “comprehends of *physical* invasion of the property by either the person or causing a physical object to enter upon or over the property of another. *Thornton v. Port of Portland*, 233 Or. 178, 209-210 (1962) (emphasis added). The first

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<sup>11</sup> This rule applies even in the case of misconduct by both parties. “As between parties *in pari delicto*, that is equally in the wrong, the law will not lend itself to afford relief to one as against the other, but will leave them as it finds them.” 1A CJS, Actions, § 29, at 388; *see also* 1 Am Jur 2d, Actions, § 46, at 753. We do not mean to suggest any misconduct on the part of Mr. Gibson and the LLC, but this doctrine would cover others who may not have operated within the bounds of the law.

1 problem with plaintiffs' trespass claim is that they were and are operating a business open to the  
2 public, so that even if a defendant did set foot in the premises, there would be no trespass unless and  
3 until "lawfully directed" to leave the premises "by the person in charge". *See* ORS 164.205.

4 More importantly, Mr. Gibson and the LLC never physically entered upon private property  
5 or caused any object to enter the premises; Mr. Gibson at all relevant times confined his activities to  
6 the sidewalk and street in front of the establishment. Allegations that Mr. Gibson or the LLC  
7 engaged in "pepper-spraying into the crowd, onto Cider Riot's property" or was "holding street  
8 brawls outside" or "engaging in harmful batteries against its patrons" are malicious fiction. He did  
9 no such thing, and engaged in reasonable efforts to limit misconduct by others.

10 **4. Plaintiffs Cannot Establish a Probability of Prevailing on Count 3: Intentional**  
11 **Infliction of Emotional Distress.**

12 Cider Riot LLC has properly dismissed its claims for intentional infliction of emotional  
13 distress, but no trier of fact could find that its owner suffered actionable emotional distress by  
14 reason of the conduct of defendants Gibson or the LLC. Neither Mr. Gibson nor the LLC engaged  
15 in any kind of conduct that could possibly support this kind of liability. E.g., *Snyder, supra*  
16 (dismissing emotional distress claim for the grieving parents at son's funeral); *see also Ortberg v.*  
17 *Goldman Sachs Group*, 64 A.3d 158, 164 (D.C. Ct. App. 2013) (even for protests at home address,  
18 "the conduct complained of is part and parcel 'of the frictions and irritations and clashing of  
19 temperaments incident to participation in a community life,' especially life in a society that  
20 recognizes a right to public political protest").

21 The essential frivolousness of the emotional distress claim may be summarized in the  
22 statement issued by Rose City Antifa immediately following the events of May 1<sup>st</sup>:

23 "When PPB [the Portland Police Bureau] approached Cider Riot twenty minutes after  
24 Gibson & his goons were repelled, they were not allowed into the establishment, but  
25 relayed a message asking whether anyone who had been assaulted wished to give a  
26 statement. The whole room erupted in laughter."

1 The statement went on to say that “the May Day show continues in high spirits!”.<sup>12</sup>

2 **5. Plaintiffs Cannot Establish a Probability of Prevailing on Count 4: Intention**  
3 **Interference with Economic Relations.**

4 With respect to the claim for intentional interference with economic relations, the tort has  
5 six elements.

6 “(1) the existence of a professional or business relationship (which could include, e.g., a  
7 contract or a prospective economic advantage), (2) intentional interference with that  
8 relationship, (3) by a third party, (4) accomplished through improper means or for an  
improper purpose, (5) a causal effect between the interference and damage to the economic  
relationship, and (6) damages.”

9 *McGanty v. Staudenraus*, 321 Ore. 532, 535 (1995). Because the conduct of Mr. Gibson and the  
10 LLC was within the bounds of the exercise of First Amendment rights, there is here no interference  
11 “through improper means or for an improper purpose,” much less evidence of all the other elements  
12 plaintiffs must demonstrate to establish with “substantial evidence to support a prima facie case”  
13 (ORS 31.150(3)).

14 Apart from contexts in which demonstrators are interfering with the exercise of abortion  
15 rights, raising countervailing constitutional concerns, courts throughout the nation have long  
16 recognized that it is an inherent feature of protests that they may force a business to change its  
17 conduct, or suffer financial losses, and have refused to allow the business to shut down First  
18 Amendment rights through claims such as these. This was a feature of the common law long before  
19 the rise of anti-SLAPP statutes.

20 For example, the Supreme Court of Pennsylvania held no common law right of action  
21 existed where Catholic church caused cancellation of Jehovah’s Witness contract. *Watch Tower*  
22 *Bible & Tract Soc. v. Dougherty*, 337 Pa. 286, 288, 11 A.3d 147, 148 (1940) (“A right of action  
23 does not arise merely because a group withdraws its patronage or threatens to do so and induces  
24 others to do likewise where the objects sought to be obtained are legitimate”). And the Supreme  
25 Court of California required dismissal of claims concerning an environmentalist campaign directed

26 <sup>12</sup> <https://twitter.com/RoseCityAntifa/status/1123813935621263361>.

1 at a newspaper. *Environmental Planning & Information Council v. Superior Court*, 36 Cal. 3d 188,  
2 197, 680 P.2d 1086 (1984).

3 When protesting evil, there is certainly an intent to diminish the evil in question. But Mr.  
4 Gibson and the LLC have no objection to the operation of plaintiff Cider Riot or its owner as a cider  
5 bar; what they object to is its hosting of armed gangs of thugs who are a nuisance to the City of  
6 Portland, quite apart from any activities of defendants. (Gibson Strike Decl. ¶ 57.) They are  
7 privileged to make this case within the bounds of the law.

8 **6. There Are No Damages Caused by Mr. Gibson or the LLC as a Matter of Law.**

9 No one present on May 1<sup>st</sup> at Cider riot was privileged to respond to Mr. Gibson's  
10 appearance and statements with force or violence. *See generally State v. Riley*, 137 Wn.2d 904, 912  
11 (Wash. 1999) (remarking that a contrary rule "could lead to the conclusion that insults about gang  
12 affiliation justify a violent response"). Put another way, the rule of law itself denies the Leftist  
13 position that mere words can be "violent," and justifying a violent response. The few times Mr.  
14 Gibson fended off attacks and made contact with opposing members of Antifa cannot justify the  
15 violence either.

16 Plaintiffs seek damages for, among other things, the asserted emotional stress of seeing  
17 violence, "additional security, clean-up and lost profits". (*See Am. Cmplt.* ¶ 39.) Mr. Gibson and  
18 the LLC did not legally cause the damage; it was caused by the decisions of members of Antifa  
19 patronizing the bar (and, upon information and belief even employees and contractors of plaintiffs)  
20 to engage in acts of violence without legal justification as far as Mr. Gibson is concerned. To the  
21 extent this case is not dismissed—and it should be—it will presumably become necessary for Mr.  
22 Gibson and the LLC to file third-party complaints against these individuals and implead them.

23 **Conclusion**

24 Plaintiffs' claims against Mr. Gibson and the LLC are precisely the kind of claims that the  
25 anti-SLAPP statute was intended to eliminate short of full-scale litigation, and given the protections  
26 of the First Amendment and Article I, § 8 of the Oregon Constitution, plaintiffs cannot "establish

1 that there is a probability that the plaintiff will prevail on the claim by presenting substantial  
2 evidence to support a prima facie case.” ORS 31.150(3). Their claims should be stricken, and Mr.  
3 Gibson and the LLC should be awarded their reasonable attorney fees and costs pursuant to ORS  
4 31.152(3).

5 Respectfully submitted this 22<sup>nd</sup> day of July 2019.

6  
7 s/James L. Buchal  
8 James L. Buchal, OSB No. 921618  
9 MURPHY & BUCHAL LLP  
10 3425 SE Yamhill Street, Suite 100  
11 Portland, OR 97214  
12 Tel: 503-227-1011  
13 Fax: 503-573-1939  
14 E-mail: jbuchal@mbllp.com  
15 *Attorney for Defendants* PATRIOT PRAYER  
16 USA, LLC and JOSEPH “JOEY” GIBSON  
17  
18  
19  
20  
21  
22  
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24  
25  
26

1 **CERTIFICATE OF SERVICE**

2 I, Carole A. Caldwell, hereby declare under penalty of perjury under the laws of the State of  
3 Oregon that the following facts are true and correct:

4 I am a citizen of the United States, over the age of 18 years, and not a party to or interested  
5 in the within entitled cause. I am an employee of Murphy & Buchal LLP and my business address  
is 3425 SE Yamhill Street, Suite 100, Portland, Oregon 97214.

6 On July 22, 2019, I caused the following document to be served:

7 DEFENDANT PATRIOT PRAYER USA, LLC'S & JOSEPH "JOEY" GIBSON'S  
8 MEMORANDUM IN SUPPORT OF SPECIAL MOTION TO STRIKE

9 in the following manner on the parties listed below:

10 David Willis (X) (BY FIRST CLASS US MAIL)  
11 3979 NE West Devils Lake Rd Unit C ( ) (BY E-MAIL)  
Lincoln City, OR 97367 ( ) (BY FAX)  
12 ( ) (BY HAND)

13 Christopher Ponte (X) (BY FIRST CLASS US MAIL)  
14 257 W Dartmouth ( ) (BY E-MAIL)  
15 Gladstone, OR 97027 ( ) (BY FAX)  
( ) (BY HAND)

16  
17 Mackenzie Lewis (X) (BY FIRST CLASS US MAIL)  
18 1725 SE 8th ave ( ) (BY E-MAIL)  
Camas, WA 98607 ( ) (BY FAX)  
19 ( ) (BY HAND)

20 Ian Kramer (X) (BY FIRST CLASS US MAIL)  
21 7541 N. Dwight ( ) (BY E-MAIL)  
22 Portland, OR 97203 ( ) (BY FAX)  
( ) (BY HAND)

23  
24  
25  
26  
27 23  
28 DEFENDANT PATRIOT PRAYER USA, LLC'S & JOSEPH  
"JOEY" GIBSON'S MEMORANDUM IN SUPPORT OF SPECIAL  
MOTION TO STRIKE  
Case No. 19CV20231

James L. Buchal, (OSB 921618)  
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/s/ Carole Caldwell

# Murphy & Buchal LLP

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**James L. Buchal**

telephone: 503-227-1011  
fax: 503-573-1939  
e-mail: [jbuchal@mbllp.com](mailto:jbuchal@mbllp.com)

August 15, 2019

**BY FIRST CLASS MAIL & E-MAIL ([brad.kalbaugh@mcda.us](mailto:brad.kalbaugh@mcda.us))**

Brad Kalbaugh  
Multnomah County District Attorney's Office  
600 Multnomah County Courthouse  
1021 SW 4th Ave  
Portland OR 97204

Re: *State v. Gibson*

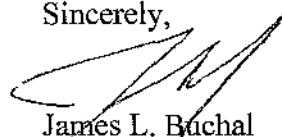
Dear Mr. Kalbaugh,

I have learned this morning that, notwithstanding an ongoing grand jury investigation, your office has issued a criminal information charging Mr. Joseph Gibson with the crime of "riot". I represent Mr. Gibson in the case of *Cider Riot LLC, et al. v. Gibson, et al.*, Multnomah Cty., Case No. 19CV20231. I understand you may not yet be aware that Mr. Gibson has filed a detailed sworn statement concerning his activities on May 1st, a copy of which is transmitted herewith.

I am also enclosing the a legal memorandum which outlines, including in criminal cases, the heightened standard of proof required by federal constitutional law where, as here, Mr. Gibson was exercising his First Amendment rights to draw attention to this local business' decision to support the violent anti-American activists generally known as Antifa.

We believe that in the interests of justice the Grand Jury must be permitted to review this Declaration. And when it determines that there is no basis on which Mr. Gibson can be charged with "tumultuous and violent conduct"—the only conclusion that may be drawn from the evidence—the District Attorney must dismiss the criminal information.

Sincerely,



James L. Buchal

Copy to Det. Chris Traynor by email only.

# Murphy & Buchal LLP

3425 SE Yamhill Street, Suite 100  
Portland, Oregon 97214

**James L. Buchal**

telephone: 503-227-1011  
fax: 503-573-1939  
e-mail: [jbuchal@mbllp.com](mailto:jbuchal@mbllp.com)

August 15, 2019

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Brad Kalbaugh  
Multnomah County District Attorney's Office  
600 Multnomah County Courthouse  
1021 SW 4th Ave  
Portland OR 97204

Re: *State v. Gibson*

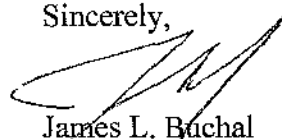
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Sincerely,



James L. Buchal

Copy to Det. Chris Traynor by email only.

1  
2  
3  
4  
5 IN THE CIRCUIT COURT FOR THE STATE OF OREGON  
6 FOR THE COUNTY OF MULTNOMAH

7 CIDER RIOT, LLC; and ABRAM  
8 GOLDMAN-ARMSTRONG,

9 Plaintiffs,

10 v.

11 PATRIOT PRAYER USA, LLC; JOSEPH  
12 "JOEY" GIBSON; IAN KRAMER;  
13 CHRISTOPHER PONTE; DAVID WILLIS;  
14 MACKENZIE LEWIS; MATTHEW  
15 COOPER; and JOHN DOES 1-25.

16 Defendants.

Case No. 19CV20231

**DECLARATION OF JOEY GIBSON IN  
SUPPORT OF DEFENDANTS' SPECIAL  
MOTION TO STRIKE**

17 Joey Gibson declares:

18 1. I am a defendant in this action. I own 100% of Patriot Prayer USA, LLC, a  
19 Washington limited liability company (hereafter, "LLC"), and am authorized to speak on behalf of  
20 the LLC. Unless otherwise specified below, I make this Declaration based on my personal  
21 knowledge or information as alleged herein in support of my special motion to strike plaintiffs'  
22 complaint pursuant to ORS 31.150, and also to support my companion motion for a change of  
23 venue.

24 2. Plaintiffs' complaint contains a great deal of false and misleading information about  
25 me beyond the bare facts concerning my visit to the sidewalk and streets adjacent to Cider Riot on  
26 May 1, 2019, which is the only time I have been near the establishment. To the extent the Court  
wishes to know the true facts concerning that incident, my response begins in paragraph 54 below.

27 1  
28 DECLARATION OF JOEY GIBSON IN SUPPORT OF DEFENDANTS'  
SPECIAL MOTION TO STRIKE  
Case No. 19CV20231

James L. Buchal, (OSB 921618)  
MURPHY & BUCHAL LLP  
3425 SE Yamhill Street, Suite 100  
Portland, OR 97214  
Tel: 503-227-1011  
Fax: 503-573-1939

3. Nevertheless, it seems appropriate to respond to plaintiffs' personal attacks, and in some cases, I present hearsay in the form of newspaper and other accounts, because plaintiffs make accusations about events with which I was not involved, and it seems appropriate to provide the Court with the information I have heard or which has been published in local media.

## Why I Engage in Protected First Amendment Activity

4. I and many others believe that the United States is currently engaged in a spiritual struggle against evil, manifested in many ways. One manifestation of this evil is the rise of violent, thuggish gangs operating in the City of Portland, Oregon, which attack fundamental American values and support a Godless socialist or communist regime, the establishment of which would threaten America's future.

5. One of the first times the threat in Portland was really driven home to me was when I was in downtown Portland after the election of President Trump in November 2016, and saw a pregnant woman trapped in a car, with masked demonstrators and others attacking the car, even smashing its windshield with a baseball bat, for no apparent reason. I was one of only a couple of people trying to protect her from the crowd.<sup>1</sup>

6. There are a variety of these violent groups operating in Portland, including “Rose City Antifa,” “RASH Northwest” (which describes itself as a Chapter of RASH, standing for Red & Anarchist Skinheads), the “Pacific Northwest Antifascist Workers Collective,” “Portland’s Resistance,” “Stand Up,” “Occupy ICE PDX” and “Fight Back”.

7. For purposes of this Declaration, I will use the term “Antifa,” short for “anti-fascist,” to characterize these groups. I will also refer to individuals associated with their groups and/or their beliefs as “members” of Antifa, recognizing that there is no single “Antifa” entity, and the groups mentioned above probably have no formal membership. It is a form of shorthand, just as plaintiffs call people who stand with me at events “members of Patriot Prayer”.

<sup>1</sup> A video report by KGW concerning this incident is posted at [https://youtu.be/T259Yh\\_cxJM](https://youtu.be/T259Yh_cxJM).

1           8.       While Antifa styles itself as combating fascism, it is, according to social media posts  
2 by some members or groups, devoted to the overthrow of the most fundamental principles of liberty  
3 and freedom in the United States. Attached as Exhibit 1 is a screenshot of a Twitter post (a/k/a  
4 “Tweet”) of the Rose City Antifa account on July 5, 2018, expressing the aspiration that the  
5 “Dekkklaration [of Independence] and the Constitution will soon be relics of the past, just like the  
6 statues of the racist Generals throughout the Racist States”.

7           9.       In addition to fomenting violence and property destruction on the streets of Portland,  
8 Antifa publicly praises it. Attached as Exhibit 2 is a screenshot of a Twitter post of the Rose City  
9 Antifa account on July 5, 2018, in which photographs are posted in which property is burning,  
10 declared to be “inspiring,” and Antifa declares: “today they call us the enemy, tomorrow we will be  
11 the police force they bow to and we will enforce the tenants [sic] of our Democratic Socialist  
12 society by any means necessary.” The tenets of Antifa beliefs are extreme and extend to the  
13 abolition of private property, as reflected in Exhibit 3, a screenshot of a July 14, 2018 Twitter post  
14 from the Rose City Antifa account.

15           10.     As time passes, Antifa’s violence and support for it grows more extreme. It is  
16 publicly reported that since this suit was filed, a Seattle man, leaving a manifesto claiming “I am  
17 Antifa,” attacked an Immigration and Customs Enforcement facility in Tacoma, armed with a rifle  
18 and incendiary devices; after setting several vehicles on fire he was shot dead by police while trying  
19 to ignite a propane tank.<sup>2</sup> Local Portland Antifa groups then organized an event to “[s]tand with us  
20 to honor our fallen comrade”.<sup>3</sup> For plaintiffs, allied with groups in comradeship with violent  
21 terrorists, to sue me based on false accusations of support of violence is diabolically hypocritical.

22           11.     Members of Antifa commonly hide their faces behind masks (one of their mottos is  
23 “no face, no case”) and they have been involved, long before this suit was filed or I took an interest  
24 in their activities, in repeated instances of violence and public disorder in Portland, Oregon and

25 <sup>2</sup> <https://www.foxnews.com/us/washington-man-killed-at-ice-detention-center-manifesto>

26 <sup>3</sup> <https://twitter.com/OccupyICEPDX/status/1150894738289000448>.

1 throughout the Nation. I have personally witnessed masked members of Antifa beating and abusing  
2 people on many occasions, without any provocation beyond the mere presence of people  
3 erroneously labelled as fascists or racists, and the injustice of this conduct, often tolerated by law  
4 enforcement agents in Portland and elsewhere, deeply concerns me. In the most recent incident  
5 since the filing of this complaint, reporter Andy Ngo was severely beaten and sent to the hospital  
6 after a demonstration on June 29, 2019, an event that received nationwide attention.

7 12. I love America and am deeply and personally distressed to see the rise of those who  
8 appear to hate it, constantly make dishonest and unfair attacks upon it, and pose a threat to public  
9 order. I feel called to expose this evil within our community. I regard myself as a patriot, and one  
10 who prays that my fellow Americans will come to see the threat posed by groups like Antifa and  
11 make it as socially unacceptable for young people to be associated with such groups as it would be  
12 for them to be associated with the Nazi or neo-Nazi movements they resemble. I also aim to  
13 encourage governmental action to limit the activities of Antifa.

14 13. My primary goal in holding public events is to reach and save members of the public  
15 by restoring an appreciation for the Nation's founding principles, both spiritual and as embodied in  
16 our Constitution and Bill of Rights. In general, I attempt to engage members of Antifa one and one  
17 and come to a dialog, trying to get them to wake up and cease affiliation with Antifa. When  
18 members of Antifa respond with violence, I remain nonviolent and do my best to publicize their  
19 response, so as to show Americans the nature of Antifa, and the threat it poses.

#### 20 **How I Organize Events, and the Problem of Violence**

21 14. The LLC is a media company which accepts donations and funds my activities as  
22 described below. It is not a membership organization, and there are no members of Patriot Prayer  
23 USA, LLC besides me. It has no contracts, formal or informal, with any other person or entity.

24 15. The primary avenue I use to organize events is a Facebook account,  
25 @PatriotPrayerUSA. Through "event" postings on Facebook, I invite people to come and  
26 participate in events where I appear and engage in protest activities. At no time, however, was any

1 May 1, 2019 event at Cider Riot posted on that page, nor did I make any other efforts to organize  
2 and event at Cider Riot that day.

3 16. I have conducted nearly ninety events from 2017 to 2019, organized through my  
4 Facebook page, of which only about fifteen were held in Portland. A true copy of the Facebook  
5 page listing these events is attached hereto as Exhibit 4.

6 17. One of those rallies was the subject of a favorable opinion piece in *The Oregonian*,  
7 the aftermath of which is discussed at length in my Declaration in support of my motion for a  
8 change of venue, filed herewith. Specifically, on or about October 23, 2018, I held a rally at  
9 Washington State University in Vancouver, and an Oregonian columnist Elizabeth Hovde, who is  
10 an adjunct professor at the University, accurately reported as follows:

11 “For two hours, I watched challenging, inquisitive, respectful conversations  
12 happening on the campus plaza between people of different political persuasions.  
13 Instead of the violence predicted, Gibson brought something we need more of:  
14 talk that leads to increased understanding about opposing thoughts and the people  
15 behind them. It was the kind of conversation that helps people find common  
16 ground.”

17 (A true copy of Ms. Hovde’s column is attached hereto as Exhibit 5.) There was, as she reported,  
18 “zero violence” at the rally.

19 18. The people who come to these events are commonly referred to as “Patriot Prayer  
20 members” in the press, but I cannot control the people who chose to come, or follow me of their  
21 own free will, or simply show up on their own, and they sometimes engage in conduct of which I  
22 disapprove. At no time did I exercise control over any defendant in this action, other than the LLC,  
23 which I do control.

24 19. I can only exercise what influence I have to urge individuals present to restrain  
25 themselves, which I do as best I can. I have a consistent, publicly reported pattern of seeking to  
26 discourage any violence among people attending my events.<sup>4</sup> Some of my activity at Cider Riot on

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27 <sup>4</sup> See, e.g., C. Parks, *The Oregonian*, “Live updates: Free-speech, Antifa protests converge in  
28 Portland,” June 4, 2017 (“Organizer Joey Gibson tells the crowd to please ‘not beat up anybody on



1 May 1st was an effort to restrain those who were under attack from the Antifa contingent at the bar,  
2 events I describe in detail below.

3 20. None of the violence at the events I have promoted on Facebook involved violence  
4 initiated by me. As far as I know, none of those events involved violence initiated by anyone  
5 choosing to stand with me. However, some of the events have drawn a violent response from  
6 Antifa elements. Specifically, at approximately eleven events of the events listed in Exhibit 5, two  
7 of which were held outside of Portland, members of Antifa showed up and assaulted event  
8 participants.

9 21. For example, in May 2017, it was publicly reported that a biology professor at  
10 Evergreen State University in Olympia was attacked by students for daring to write that: “On a  
11 college campus, one’s right to speak—or to be—should never be based on skin color.” When I  
12 organized a rally in support of the professor on the campus on June 15, 2017, with the objective of  
13 protesting political correctness and hatred, persons I identified as members of Antifa by their black  
14 or dark clothes and face masks and protest signs violently attempted to disrupt the rally. I was hit in  
15 the face with a can and pepper-sprayed, and the tires of my vehicle and those of others attending  
16 and opposing political correctness and hatred were slashed. Can I prove precisely who did this?  
17 No, but this is the sort of behavior that confirms my will to publicize the activities of these groups.

18 22. It my personal and spiritual objective to avoid violence, and neither I nor the LLC  
19 have as our goal the creation of violence. I want to change minds, or that failing, to draw attention  
20 to the evils that are closing American minds. On many occasions, I have walked into dangerous  
21 situations, and been attacked, but I have never fought back, though I may on occasion push people  
22 away who are attacking me and fend off blows.

23 23. In addition to frequently speaking in university settings to young people, I sometimes  
24 appear on the radio; the very events about which plaintiffs complain were the subject of interview  
25

26 your way out of here.’’) (available at  
27 [https://www.oregonlive.com/portland/2017/06/portland\\_free\\_speech\\_protests.html](https://www.oregonlive.com/portland/2017/06/portland_free_speech_protests.html)).

1 on the Lars Larson show. Interestingly, during the show, Mr. Larson suggested that plaintiff Cider  
2 Riot was subject to regulation by the Oregon Liquor Control Commission, and that it would be  
3 appropriate to bring to the attention of the Commission the behaviors evident on May 1, 2019, by  
4 Cider Riot patrons and others.

5 24. The ability of Americans with powerful moral and political objections to the conduct  
6 of their fellow citizens (and others) to voice these objections, and call attention to these issues, has a  
7 long and honored tradition in American history. This includes Martin Luther King’s determination  
8 to march in Southern cities under conditions where Southerners used the same sort of language now  
9 used by plaintiffs in their complaint to complain about the conduct of protestors.

10 25. One might argue that MLK “baited” Bull Connor into turning his fire hoses upon the  
11 marchers in Birmingham, Alabama, just as our appearance brings forth the evil within Antifa  
12 supporters so that it is manifest and visible to the American Republic. Just as the images of the  
13 marchers in the Birmingham Campaign being attacked with fire hoses and police dogs turned  
14 American public opinion against Southern racists, so too do images of Antifa violence turn  
15 American public opinion against the destructive political changes or even revolution sought by  
16 Antifa, and bring about law enforcement activities to limit the growth and development of Antifa.

17 **Response to Plaintiffs’ Scurrilous Attacks**

18 26. In the companion declaration in support of my motion for a change of venue, I  
19 discuss the incredible hostility of Portland leaders, journalists, and the “progressive” community  
20 that constitutes an overwhelming majority of Portlanders and likely jurors. This hostility is fueled  
21 by a pattern of biased reporting discussed in detail in that Declaration.

22 27. Plaintiffs’ complaint builds upon this effective propaganda campaign by filling their  
23 complaint with terms like “right-wing extremist group Defendant Patriot Prayer USA, LLC”. (¶ 1.)  
24 I view the use of these terms as part and parcel of a larger political strategy of the Left to portray  
25 particular political positions which until recently enjoyed bipartisan support—such as support for  
26

individual rights under the Second Amendment and support for enforcement of national borders against illegal immigration—as “extreme”. I am not an extremist, and neither is the LLC.

28. The complaint also attempts to associate me and the LLC with “white supremacy, white nationalism, and general xenophobia” (§ 1). None of these concepts have anything to do with me or the LLC. I am on record at one event as having I am half-Japanese, and many of the attendees at events I have promoted are not white. While I did not promote the visit to Cider Riot on May 1st, I note that more than one nonwhite individual attended to show opposition to radical anarchy and socialism.

29. By August 2018, I found the nature of media coverage of my activities sufficiently biased that I publicly offered a \$2,000 reward for anyone who could come forward with any statement from the hundreds of hours of public appearances I had personally made which was “far right wing” or “hateful”. The reward remains unclaimed.

30. Nor have I or the LLC “marked Portland as a target for violent intimidation” or had any objective “to shutdown public democratic spaces through incitements of violence”. (¶ 1). I have indeed seen Portland as one of many locations for me to exercise my First Amendment rights, for reasons explained in detail below, but my objective is never to initiate violence. At all relevant times, residents of Portland who are exposed to the ideas or positions I present have the choice of responding with words—or with thrown objects, pepper spray, and fists.

31. By contrast, violent Antifa groups with which plaintiffs are associated have a stated objective of using violence to “de-platform” those with whom they disagree politically, calling them “fascists”. They include me in that class. In substance, it is these groups that do what I am accused of: “shutdown public democratic spaces through incitements of violence” (¶ 1.) Some of the Antifa groups are organized into networks, such as the “Torch Network,” which declares on its website that the first “point of unity” among the groups is to “disrupt fascist and far right organizing and activity”.

1           32. For example, it was publicly reported that one of these groups, Rose City Antifa,  
2 released a video encouraging people to counter-protest my Gibson for Senate Freedom March in  
3 August 2018, in which they stated: “History has shown that militant resistance is a necessary and  
4 important tool in the fight against fascism. . . . We make no apologies for the use of force in  
5 keeping our communities safe from the scourge of right-wing violence.”<sup>5</sup> In contrast to this violent  
6 perspective, I have never advocated the use of force in this fashion. I am careful to state that  
7 violence is only justified in self-defense against physical violence—not in defense against ideas to  
8 which people object.

9           33. At all relevant times within Portland, the Antifa groups have substantially  
10 outnumbered me and others who have chosen to stand with me as a matter of their political  
11 expression, and it is Antifa whose goal is “to intimidate” or “conduct campaigns of terror under  
12 cover of night”. (¶ 12.) Neither I nor the LLC intimidated plaintiffs or “minorities, immigrants  
13 and/or leftists,” much less conducted “campaigns of terror under cover of night”. (¶ 12.) These  
14 accusations are false and malicious.

15           34. It is also important to understand that members of the Left, like plaintiffs and their  
16 attorneys, use words like “violence” and “intimidation” in a non-conventional way. As a matter of  
17 political objective, the Left seeks to blur any line between words and deeds and frequently  
18 characterizes mere exposure to political positions with which they disagree as “violence” or  
19 “intimidation,” thereby to rationalize or legitimize their own use of actual violence or intimidating  
20 tactics.

21           35. Plaintiffs also allege that “Patriot Prayer exists as a cipher for other violent groups to  
22 conduct paramilitary actions in the Portland metro area,” then alleging that “their [presumably  
23 referring to other violent groups’] activities have culminated in a number of protests marked by  
24 state and right-wing violence”. (¶ 12.) The “state violence” to which plaintiffs refer is the Portland

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25 <sup>5</sup> A. Templeton, *OPB News*, “Joey Gibson, Lacking Oregon Permit, Says He Will Not Carry Gun At  
26 Rally,” Aug. 3, 2018 (available <https://www.opb.org/news/article/joey-gibson-oregon-rally-gun-patriot-prayer-antifa/>).

1 Police Bureau responding to Antifa violence, and most (but not all) of the people arrested at  
2 Portland demonstrations have, to the extent their political affiliation was known, been on the Left,  
3 and not the right-wing.

4 36. With regard to the allegation that that “Patriot Prayer exists as a cipher for other  
5 violent groups to conduct paramilitary actions in the Portland metro area,” as set forth above, most  
6 of the events I organize on Facebook are outside Portland, and are successful without violence; as  
7 noted above, I have continually made efforts to avoid violence, and as set forth below, I did so on  
8 May 1, 2019 as well.

9 **Why I Perceive Plaintiffs as the Object of Legitimate Political Protest**

10 37. I believe that plaintiff Cider Riot, LLC and its owner Abram Goldman-Armstrong  
11 are closely allied with Antifa, and that this association is publicly known and opposed by many  
12 people other than myself. For example, attached as Exhibit 6 is a true copy of an Oregon Liquor  
13 Control Commission “Intake/Compliance Action Report” relating to events occurring near the  
14 premises of plaintiff Cider Riot on January 20, 2018; it is reported that plaintiff Abram Goldman-  
15 Armstrong “was holding a political event following a protest in downtown Portland. A group of  
16 patrons was outside in the ‘patio’ area when an unknown person began to heckle them and make  
17 political comments,” after which a fight ensued.

18 38. I had nothing to do with this event at Cider Riot. It was one year after the  
19 inauguration of President Trump, and I had put up a Facebook event inviting people to a Night  
20 Time Freedom March (*see* Exhibit 1, at 4); and many Leftist groups were out “protesting Trump,  
21 fascism and advocating for progressive politics,” to quote *Willamette Week*.<sup>6</sup>

22 39. Many public reports confirm that the Cider Riot premises have been repeatedly made  
23 available for various causes associated with Antifa. For example, the *Portland Mercury* reported  
24

25 <sup>6</sup> K. Shepard, *Willamette Week*, “Women’s March and Trump’s Inauguration,” Jan. 18, 2018  
26 (available at <https://www.wweek.com/news/city/2018/01/18/half-a-dozen-protests-planned-in-downtown-this-weekend-to-mark-anniversary-of-womens-march-and-trumps-inauguration/>).

1 that on September 8, 2018, Cider Riot hosted an event described in the Portland Mercury as  
2 follows:

3 “Rose City Antifa, African & Native Solidarity PDX, and the Pacific NW  
4 Antifascist Workers Collective come together to help host this discussion focused  
5 on the strategies and practices used by the German Antifaschistische Aktion  
6 group dating back to 1932 and moving all the way to the present.”<sup>7</sup>

7 40. Attached as Exhibit 7 is a true copy (albeit cropped) of a screenshot I captured off  
8 Facebook reporting a January 25-27, 2019 event hosted by Cider Riot and “RASH Northwest,”  
9 which claims to be the “fourth benefit event for . . . The International Anti-Fascist Defense Fund”.  
10 According to a Facebook post from the Rash Northwest Account, merchandise sold at the benefit  
11 included things like T-shirts with pictures of masked men with the caption “Fight Fascism” or  
12 “Fight Me Proud Boy”.

13 41. According to newspaper reports, Cider Riot also presented “an opportunity to listen  
14 to Dr. Stanislav Vysotsky as he provides an overview of fascist and anti-fascist movements in  
15 modern day America” on April 4, 2019. I note that after the attack on reporter Andy Ngo discussed  
16 above, Dr. Vysotsky penned an article in justification of Antifa violence entitled: “Antifa in  
17 America: Militant Anti-fascism Isn’t Terrorism, It’s Self Defense”.<sup>8</sup>

18 42. Attached as Exhibit 8 is a true copy (albeit cropped) of a screenshot I captured off  
19 Facebook reporting an event hosted by Cider Riot and “Rose City Antifa,” called a “May Day  
20 Afterparty”. This was the event, discussed in detail below, that I came to protest, and forms the  
21 core of allegations for which plaintiffs seek damages. According to newspaper reports, Cider Riot’s  
22  
23

24 <sup>7</sup> Available at <https://www.portlandmercury.com/events/22469322/history-and-strategy-of-german-antifascism>.

25 <sup>8</sup> S. Vysotsky, *Haaretz*, July 3, 2019 (available at <https://www.haaretz.com/world-news/.premium-antifa-in-america-militant-anti-fascism-isn-t-terrorism-it-s-self-defense-1.7425726>).

1 association with Antifa continues, with the hosting of an event called “Antifa United Presents The  
2 Life And Death of Marsha P. Johnson” on May 3, 2019.<sup>9</sup>

3 43. I have also observed T-Shirts advertising Cider Riot, posted online, which utilize the  
4 Cider Riot logo as follows:



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9  
10 44. While I do not know if Cider Riot expressly authorized this T-Shirt, I consider it to  
11 be further evidence of the close association between the entity and Antifa.

12 45. Similarly, while I do not personally know plaintiff Abram Goldman-Armstrong, I  
13 assume from his fostering of an ongoing relationship with Antifa, and hosting the events listed  
14 above through his business, that he is supportive of their political views, and I have seen a  
15 photograph of him wearing a hat emblazoned with a red hammer and sickle (the classic symbol of  
16 the Soviet Union), over which a red skull is imposed:

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26 <sup>9</sup> Available at <https://www.portlandmercury.com/events/26376449/antifa-united-presents-the-death-and-life-of-marsha-p-johnson/>.



46. I understand that many may find the use of hammer and sickle insignia to be inoffensive, but to me it is the emblem of an evil ideology that has murdered hundreds of millions of innocents during the twentieth century; to me, it should be as socially unacceptable to wear a symbol like this as it would be to wear a swastika. The addition of the skull over the hammer and sickle to me underscores the violent socialist element represented by Antifa ideology.

47. As outlined above, I honestly and firmly believe that the political views and activity of defendants pose a danger to the future of this country, that it is entirely fair to call Cider Riot an “Antifa bar.” The conduct through which I and the LLC are accused of injuring plaintiffs consists, as set forth below, of no more than me exercising my First Amendment right to make these and other views known as effectively as I know how within the bounds of the law. This conduct was part of my overall campaign, as described above, to support law and order, fundamental constitutional rights, particularly the right of free speech, and to draw attention to the growing menace that Antifa poses to these rights and the Nation’s future.

#### **Plaintiffs’ Allegations Concerning Specific Events Before May 1st**

48. The first specific event about which plaintiffs complain is the claim that (1) the LLC “attempted to disrupt a meeting of the Democratic Socialists of America (DSA) on January 18,



1 2019; and that (2) on January 19, 2019, I attempted to violently trespass on the International  
2 Workers of the World (IWW) Union Hall. (§ 13.) These accusations are false, and have nothing to  
3 do with the operation of a cider bar by Mr. Goldman-Armstrong.

4 49. I have heard that a few individuals attempted to protest the DSA meeting on January  
5 18, 2019, were asked to leave, and did so. I was not present on January 18, 2019, and neither I nor  
6 the LLC organized that protest.

7 50. I heard afterwards that a large group of approximately thirty masked assailants then  
8 attacked the protesters after they left, sending two of them to the hospital. I also heard that one of  
9 the victims was black.

10 51. This was precisely the kind of conduct that, again, in my view, exemplifies the evil  
11 nature of Antifa, and so I did determine to come and protest the IWW premises the next day,  
12 Saturday, January 19, 2019, and did so, standing on the sidewalk in front of the premises. I did not  
13 attempt to trespass on the premises, and never entered them.

14 52. I am aware that there was confrontation with a masked individual, believed to be  
15 associated with Antifa, in the course of which he retreated into a store across the street, but the  
16 notion that I “battered people on East Burnside” on this day, or directed others to do so, is fiction. I  
17 did not touch the individual in question. Nor did I batter anyone from an “anarchist affinity group”  
18 at a “‘March for Life’ anti-abortion rally”. There is a good deal of footage of me on the Internet  
19 attending various public events, at which members of Antifa will frequently engage in offensive  
20 physical contact with me, spit on me, or even strike me in an attempt to provoke me to violence; it  
21 is my perception that my efforts to repel such contact or ward off blows are what plaintiffs, with  
22 characteristic inversion of the truth, characterize as a “battery” to members of Antifa.

23 53. Plaintiffs allege that on January 24, 2019, the premises of plaintiff Cider Riot and  
24 two other locations were vandalized with graffiti. Neither I nor the LLC did this, or directed others  
25 to do so. Indeed, as plaintiffs allege (§ 16), I did publicly denounce the incident as a “false flag”  
26

1 aimed at blackening my reputation, and that is what I think more probably than not did happen,  
2 though I do not know for sure.

3 **The Events of May 1, 2019**

4 54. Plaintiffs allege that I spent time prior to arriving at the Cider Riot premises on May  
5 1st “attempting to bait confrontations with demonstrators attending rallies and marches throughout  
6 Portland”. (¶ 18.) I am aware that numerous Leftist groups take the occasion of May Day to  
7 celebrate communism and attack America, and I believe it is important to call out this conduct as  
8 un-American and dangerous to the Nation’s future, so I did spend much of the day walking around  
9 downtown Portland with protestors.

10 55. I did not “batter” anyone while attending the downtown demonstrations. Rather, I  
11 was physically attacked by an Antifa group who hit me in the face, dislodging my glasses, and stole  
12 my hat. The group then further attempted to provoke me to respond violently by placing their hands  
13 in front of my face and similar conduct. I did not respond to their provocations. The entire event  
14 was recorded by Mr. Andy Ngo and posted on YouTube, and appears at approximately 1:39 to 2:24;  
15 a true copy of this video, which I caused to be downloaded from YouTube from the address  
16 authenticated by Mr. Ngo in his Declaration, is submitted herewith as Exhibit 9.<sup>10</sup>

17 56. As discussed above, I generally attempt to engage in dialog with those willing to  
18 engage, and attempt to identify common ground and persuade them to see things differently. On  
19 May 1, 2019, for example, one of the protesters standing with the Antifa crowd began to yell at me,  
20 and I successfully persuaded him to step aside, and we engaged in a civil conversation and found  
21 common ground. I was able to engage in the sort of dialog on several occasions during the day.

22 57. As noted above, the core event of this lawsuit, a visit to a May Day celebration by  
23 Antifa at Cider Riot, was not an event I organized. I have no personal animosity toward plaintiff  
24 Goldman-Armstrong or the other owners of plaintiff Cider Riot; I am only interested in the use of  
25

26 <sup>10</sup> Also available at <https://www.youtube.com/watch?v=tb4KREvKYBA>.

1 the Cider Riot bar to provide a base and support for Antifa activities, and believe that plaintiffs'  
2 doing so is a matter of significant public concern.

3 58. I had no plans in advance of May 1<sup>st</sup> to go to the Cider Riot premises, but received a  
4 phone call from a friend that others were going to go there after the May Day demonstrations  
5 downtown, and decided to go.

6 59. I believe it is fair to call my conduct confrontational, and certainly annoying to  
7 members of Antifa, but I do not initiate violence against members of Antifa and did not initiate any  
8 violence against any patrons of Cider Riot on May 1<sup>st</sup>. Nor do I think it fair to call my conduct  
9 harassing or menacing. It was my goal on May 1st and in general to confront members of Antifa  
10 with the truth, not to attack with abusive words or gestures.

11 60. To that end, I approached the premises carrying my cell phone and recording and  
12 live-streaming the entire encounter through Facebook. A copy of the video livestream I filmed on  
13 May 1<sup>st</sup> is submitted herewith as Exhibit 10.

14 61. As I arrived, I noticed that, as expected, the bar had a crowd of patrons sitting  
15 outside that I would characterize as members of Antifa given the dark clothing and face masks. I  
16 did not see anyone I would characterize as normal patrons not part of the Antifa event.

17 62. Plaintiffs allege that most of those arriving were "clad in armor and visibly carry  
18 weapons". That is false. I was not clad in armor or carrying any weapons; I did observe one or two  
19 protestors wearing helmets and carrying sticks. Given the violence of Antifa members, who  
20 according to press accounts later gave a reporter, Andy Ngo, a brain injury by clubbing him on the  
21 head, wearing helmets would be prudent for political opponents in the presence of Antifa crowds.

22 63. Before I had even crossed the street to get to the sidewalk in front of the bar, a  
23 person dressed in black and wearing a mask left the premises and came out into the street. I  
24 recognized the individual as one who had previously assaulted me, so I asked if he or she (it was  
25 unclear which) was going to assault me again and was told I was not welcome. The individual  
26

1 attempted to block me, making contact with my body, but I persisted toward the sidewalk adjacent  
2 to the bar, pointing out that it was a public sidewalk, and asking the person to deescalate.

3 64. Arriving on the sidewalk, I filmed the crowd, stating that the premises were an  
4 “Antifa bar” and asking anyone observing the live stream to take note of the various features of the  
5 crowd, including all the people wearing masks. As part of my goal was to show the violent and  
6 ugly nature of the Antifa members present, in response to their demands that I leave the area, I  
7 dared them to do something. I did not use foul or abusive language in doing so.

8 65. I was not trying to start a fight, for I would not fight back. I have been punched to  
9 the ground before by members of Antifa without making any violent response,<sup>11</sup> just as I was struck  
10 earlier in the day and did not respond violently, and did not do so when repeatedly attacked on the  
11 sidewalk and street outside Cider Riot on May 1<sup>st</sup>. The members of Antifa—and plaintiffs—know  
12 that I pose no physical threat to them.

13 66. I was almost immediately spit upon, and I wiped it off on the persons who I thought  
14 at the time had spit on me. With hindsight, I regret that, but there was no adverse reaction from the  
15 person involved. The individual mentioned in paragraph 63 approached me again, and pushed me; I  
16 asked him or her not to touch me, at which point another person on the sidewalk pulled down his or  
17 her face covering, and the person who had pushed me knocked my phone to the ground. This is the  
18 event characterized as me “battering” this individual (§ 21).

19 67. At this point, some of the people off to my right began to spray each other with  
20 pepper spray. The patrons in the bar possessed large cans of bear spray, not the smaller concealable  
21 cannisters a woman could put in her purse.

22 68. My review of several videos of the event causes me to believe that the pepper-  
23 spraying began after an Antifa member standing on bar premises threw a drink at someone on the  
24

---

25 <sup>11</sup> For example, I entered an Antifa event in Berkeley, California, with my hands raised in a gesture  
26 of surrender, and was attacked by a mob; I live-streamed the event, which I uploaded to YouTube  
with additional footage that showed the events more clearly, it remains on line at  
<https://youtu.be/R2q175aemII>.

1 sidewalk. I did not physically observe this at the time, but at approximately 8:41 in the YouTube  
2 video of Mr. Noah Bucchi, one can see this; a true copy of this video, which I caused to be  
3 downloaded from YouTube from the address authenticated by Mr. Bucchi in his Declaration, is  
4 submitted herewith as Exhibit 11.

5 69. At this point, I remarked that there was now a riot at Cider Riot, and that the Antifa  
6 members had taken the bait, meaning that they had responded to my presence, and the presence of  
7 others, with violence, and had, as usual, initiated it.

8 70. I also yelled at the other people on the sidewalk not to throw anything, but to let  
9 them be violent, remarking that those involved were violent and hateful, wearing masks, and  
10 causing a riot. At no time did I pepper spray anyone, though I was repeatedly sprayed in the face  
11 with pepper spray by patrons of the bar; I only responded by saying, in substance, look at how they  
12 are acting. I also called the premises "Antifa central," noted that the premises were serving alcohol,  
13 and urged viewers of the video to look up who was supporting this activity.

14 71. Members of the crowd on the premises repeatedly attempted to provoke me to  
15 violence, screaming phrases like "let's go" and "go home, Nazis". I pointed out that the patrons  
16 were the ones acting like Nazis, adding, in substance, that I was exercising my First Amendment  
17 rights. They continued to pepper spray me. When asked why I was there, I responded: "to expose  
18 you" and "to expose this".

19 72. The patrons continued to pepper spray me and others, ignoring my comment that I  
20 was entitled to be on the sidewalk in front of the establishment. I asked why there was so much  
21 hate present, and invited members of Antifa to come talk to me. As noted above, I had had success  
22 with this approach in other circumstances.

23 73. An Antifa member also attacked a filmmaking student, who was filming the May  
24 Day activities for a student project, damaging his camera. Looking at tapes afterwards, it appears  
25 that this individual emerged from within the bar, attacked the student, and immediately returned to  
26

1 the bar; plaintiff Goldman-Armstrong then prevented the student from following him in. By all  
2 appearances, plaintiff Goldman-Armstrong acted to protect the attacker.

3 74. This is consistent with my understanding of the training received by Antifa members.  
4 They are divided, for example, into yellow and red sections. The yellow section is most often seen  
5 in public and is loud but seldom breaks the law; the red section hangs back, appears and does  
6 something violent, and then retreats back into the crowd. Upon information and belief, plaintiffs  
7 are involved in training Antifa members in techniques such as this at premises adjacent to the bar.

8 75. The Antifa members continued to pepper-spray me and others; I urged others to calm  
9 down, to let the Antifa members display their nature. When the Antifa crowd accused me of being  
10 aggressive, I correctly denied it, and asked if they were against aggression. They said they were not  
11 against aggression, and continued to express aggression, by continuing to pepper-spray me until my  
12 face turned red from the chemicals. I said that pepper-spraying was the behavior of Nazis, advising  
13 them that I believed in the First Amendment, and that I would not dissuade them from attempting to  
14 exercise their First Amendment rights.

15 76. I became apprehensive that the crowd was about to attack me and others, and  
16 retreated off the sidewalk. At this point, the bar patrons advanced onto the street, and I observed  
17 that an Antifa member and one of the other anti-Antifa demonstrators were engaged in a sparring  
18 match with each other. Upon information and belief, the black-masked individual was in fact an  
19 employee of Cider Riot.

20 77. I vigorously attempted to de-escalate the situation, stating that if the two participants  
21 wanted to engage in mutual combat, other parties should put their weapons away and I forcefully  
22 urged no one to intervene. My efforts were successful, and the two individuals sparred for a while,  
23 ultimately shaking hands after the fight was over.

24 78. Plaintiffs allege that I “facilitated and refereed a street fight,” “dictat[ing] the rules,”  
25 and “keep[ing] others from intervening”. I did not facilitate the fight, which started on its own  
26 without any involvement by me. Rather, I responded to a threat of escalated violence by urging

1 others to stand down. I also observed that this was more appropriate conduct than “cheap-shotting”  
2 people, by which I meant the practice of Antifa members of simply punching people without  
3 warning.

4 79. After the fighting episode, I was ready to leave the area. I was pleased that the  
5 Antifa crowd had not engaged in punching people in an underhanded and cowardly manner.  
6 Unfortunately, the Antifa crowd continued to escalate the situation, which became a little chaotic,  
7 and I attempted to calm down the other protestors, urging them to leave. At one point, I stepped  
8 between one of the protestors and a female Antifa member who was trying to attack him.

9 80. Unfortunately, one of the other protestors then attacked this female Antifa member,  
10 an event for which I immediately and repeatedly apologized. I became very angry with the attacker  
11 and others who I felt had not behaved with restraint, and told them so, repeatedly shouting at them  
12 to leave the area. I was very disappointed because up until then, the protest had, paradoxically,  
13 ended up until then on a good note with the individuals shaking hands. Plaintiffs allege that the  
14 attacker was my “associate”. I do not consider him an associate of mine, have no control over his  
15 activities, and immediately condemned them when they occurred. I note that these events occurred  
16 across the street from plaintiff Cider Riot.

17 81. At one point, I asked viewers, if they cared about Portland, to “take care of this  
18 establishment” meaning that they should advise the Oregon Liquor Control Commission of the  
19 improper management, and attempt to induce, through lawful means, regulatory measures that  
20 would prevent Cider Riot from serving as a host for a violent and unlawful group. I have not  
21 encouraged any false statements concerning Cider Riot. The truth of their support for a violent,  
22 anti-American political group is more than enough.

23 82. I believe that within the crowd of masked individuals were one or more persons  
24 hired by plaintiff Cider Riot LLC to provide security on the premises, and at no time during the  
25 encounter did they (or anyone appearing to act on behalf of the bar) attempt to control the  
26

misconduct of the patrons, which included not just pepper-spraying me and others, but also menacing me and others on the sidewalk with weapons, including brass knuckles.

83. While plaintiffs say they suffered business losses, they are required to comply with Oregon Liquor Control Board regulations, which I do not believe are consistent with permitting Cider Riot to host a large Antifa crowd wearing masks and carrying weapons, much less permitting them to attack onlookers. If plaintiff Cider Riot LLC suffered any lost business, which I doubt, it was caused for the most part by the large Antifa crowd of patrons wearing masks and spraying pepper spray onto those standing on the sidewalk, and engaging in other acts of violence.

84. I did post a list of what I understood to be the owners of Cider Riot on Facebook, including the publicly-available information from the Oregon Secretary of State. Again, I made no false statements and did not encourage others to make them; I wanted Americans to understand who was behind funding the Antifa group. In my opinion, this is First Amendment protected speech, and I do not violate the law by making publicly-available information available to the public.

85. My positions in this Declaration are consistent with numerous public statements I have made. I told Lars Larson during a radio interview that bars in Vancouver, Washington will not let patrons wear biker vests, because they do not want problems in the establishment, but Cider Riot is

“allowing people to come in with masks on, and . . . with weapons, batons, and this is in the middle of downtown Portland, and I don’t understand why people find this appropriate. . . For me, ‘cause they’re all communists, it’s just the same thing as if there were a bar that had a bunch of Nazis in it, you know; it’s insane to me, it’s unbelievable; Nazis who run around and just beat people up because they’re walking right by on the sidewalk.”

Mr. Larson then asked me: “I know there are people out there who are saying . . . if Joey Gibson and his people would just stick to themselves and don’t go to these public places, then there would be no trouble. What would you say to those people?” I responded that that would be “ridiculous, because they’re going to continue to grow, and it’s going to embolden them . . .”.




86. I am convinced that unless members of the public step forward to protest Antifa activities, those activities will continue to increase in strength. Indeed, it has been said that the only thing necessary for the triumph of evil is for good men to do nothing. I am not perfect, but I consider myself a good man, stepping forward to do something about a rising evil in this Nation rather than doing nothing.

87. I believe that the true purpose of the lawsuit is to advance the political aims of Mr. Goldman-Armstrong and his Antifa associates, rather than to compensate for any imagined loss of business income, and to silence efforts to draw attention to Antifa activities in Portland.

I hereby declare that the above statements are true to the best of my knowledge and belief and that I understand they are made for use as evidence in court and are subject to penalty for perjury.

Dated this 22<sup>nd</sup> day of July, 2019.

  
Jocy Gibson



Rose City Antifa

July 5 at 2:57 PM

And it's about time. There is virtually no chance the Conservatards will hold the majority in Congress at the Mid-terms. That means the fundamental transformation can continue and the momentum of the Democratic-Socialist movement is poised to impeach Donald Trump. Rest assured, we will be at polling locations across Amerikkka enforcing and pushing back. The Dekkklaration and the Constitution will soon be relics of the past, just like the statues of the racist Generals throughout the Racist States.

*[The following text is a heavily distorted and illegible scan of a document, likely the Declaration of Independence, with significant noise and artifacts.]*

M.WASHINGTONTIMES.COM

## Facebook flags Declaration of Independence as hate speech

In the week of America's Independence Day, the algorithms of Facebook...



EXHIBIT

PAGE 1 OF 1



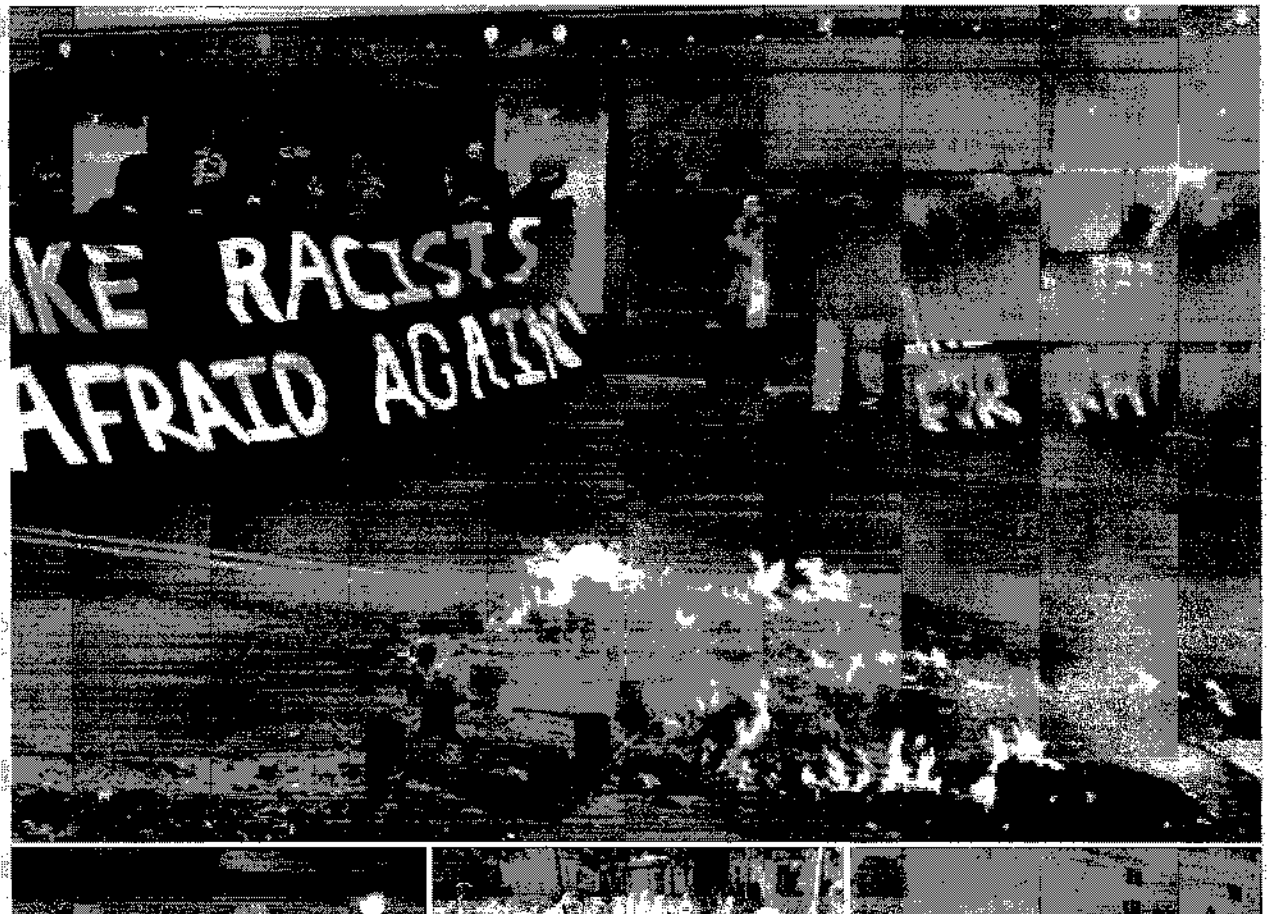
Rose City Antifa

July 5 at 1:33 PM · 🌐

Inspiring photographs of our brothers sisters and others, today they call us the enemy, tomorrow we will be the police force they bow to and we will enforce the tenants of our Democratic Socialist society by any means necessary.

"They'll tell you you're too loud, that you need to wait your turn and ask the right people for permission. Do it anyway."

Alexandria Ocasio-Cortez





Rose City Antifa

July 14 at 7:07 PM · 🌐

...

#DemocraticSocialists #Anarchy





Patriot Prayer

@PatriotPrayerUSA

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## Upcoming Events

Share Events

JUL  
14

## Rally for Freedom in Battle Ground

Tomorrow 2 PM · Shared to Columbia County Republic...

Keweenaw Park

Battle Ground, WA

Get Tickets

Interested

AUG  
10

## Second Amendment Rally &amp; Patriot Prayer P...

Sat 3 PM · 2 friends are going

Coos Bay Boardwalk

Coos Bay

Interested

## Past Events

JUN  
29

## God and Freedom Rally

Sat 2 PM · 215 guests

Klickitat Court House Washin..

Goldendale, WA

JUN  
29

## Klickitat- We Will Not Comply

Sat 2 PM · 150 guests

Klickitat Court House Washin..

Goldendale, WA

JUN  
9

## Cowlitz Blue Line 2 mile march

Sun 2 PM · 446 guests

Louisiana st &amp; 16th ave

JUN  
4

## WOU Republicans are Hosting Joey Gibson

Tue 4:30 PM · Shared to Oregon Women for Trump (O...

Patriot Prayer

JUN  
1

## Tri-Cities God and Freedom Rally

Sat 2 PM · 553 guests

Howard Aron Park

Richland, WA

MAY  
29

## Morton, Wa 2nd amendment city council

Wed 7 PM · 60 guests

Bob Lyle Community Center...

MAY  
19

## Lewis County 2nd amendment rally

Sun 1 PM · 305 guests

Gus Backstrom City Park

Morton, WA

MAY  
11

## Pro-Life rally for the innocent in NY

Sat 1 PM EDT · 570 guests

West Capitol Park, Albany

MAY  
6

## Battle Ground City Council for the 2nd amen...

Mon 7 PM · 73 guests

105 SW 1st St, Battle Ground...

APR  
29

## Billy Wilson court date rally.

Mon 12 PM · 142 guests

Clark County Courthouse

Vancouver, WA

## Flash Flag Wave for DeRosier's Family

Joey Gibson  
4702 Evergreen Blvd, Vanc...

EXHIBIT

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OF 5

APR 24	Wed 10 AM - 110 guests	
APR 15	<b>2nd amendment: Woodland City Council</b> Mon 6:30 PM - 135 guests	200 E. Scott, Woodland, WA
APR 13	<b>Woodland: Sanctuary City 2nd amendment</b> Sat 1 PM - 250 guests	1010 Atlantic Ave, Woodland...
APR 6	<b>Kititas County Lincoln Pre-Dinner Gun right...</b> Sat 5:30 PM - 33 guests	700 N Poplar St, Ellensburg...
APR 5	<b>CWU College freedom weekend party</b> Apr 5 - Apr 6 - 220 guests	West entrance to Black hell o...
APR 1	<b>2nd amendment: Battle Ground City Council</b> Mon 7 PM - 100 guests	109 SW 1st St, Battle Groun
MAR 31	<b>March: Battle Ground 2nd amendment sanct...</b> Mar 10 - Mar 31 - 593 guests	Kwanas Park Battle Ground, WA
MAR 28	<b>Battle Ground City Hall for the 1st amendment</b> Thu 4 PM - 55 guests	City of Battle Ground, Washi... Battle Ground, WA
MAR 23	<b>Patriot Prayer bus party to the Salem rally:...</b> Sat 10:30 AM - 75 guests	Parking lot at Columbia way
MAR 18	<b>2nd amendment: Camas City Council</b> Mon 7 PM - Shared to NorthWest Trump Alliance for Ch...	516 NE 4th Ave Camas, WA...
MAR 14	<b>2nd amendment: Ridgefield City Council</b> Thu 6:30 PM - Shared to NorthWest Trump Alliance for...	510 Pioneer St, Ridgefield...
MAR 13	<b>2nd amendment: La Center City Council</b> Wed 6:30 PM - 197 guests	214 E 4th St, La Center, WA...
MAR 5	<b>Free Billy Wilson: Clark County Council Mee...</b> Tue 6 PM - 100 guests	1300 Frankan St, Vancouver
MAR 4	<b>2nd amendment: Battle Ground City Council</b> Mon 7 PM - 515 guests	109 SW 1st St, Battle Groun
MAR 2	<b>Free Billy Wilson Rally</b> Sat 1 PM - 305 guests	Clark County Courthouse Vancouver, WA
FEB 25	<b>Enforce the 2nd amendment: Washougal Cit...</b> Mon 7 PM - 311 guests	1701 C St, Washougal, WA...
FEB 24	<b>Enforce the 2nd amendment: Washougal-Li...</b> Sun 5 PM - 646 guests	Unitless LLC Washougal, WA
FEB 23	<b>Joey Gibson and the Three Percent of Wash...</b> Sat 6 PM - 582 guests	Gowen 301 Seattle, WA
FEB 23	<b>Enforce 2nd Amendment: North Clark Count...</b> Sat 12 PM - 580 guests	Horseence Lake (Washington) Woodland, WA
FEB 19	<b>Thurston County - 2A Sanctuary Ordinance</b> Tue 1:45 PM - 384 guests	Thurston County of - Countho... Olympia, WA
	<b>Enforce the 2nd Amendment: Island County</b>	 <b>Joey Gibson</b> 785 Wynn Rd, Greenbank...

EXHIBIT

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OF

5

FFB 2	Sat 3 PM - 851 guests	
JAN 29	<b>Pierce County - 2A Sanctuary Ordinance</b> Tue 2:50 PM - 749 guests	930 Tacoma Ave S, Room 1
JAN 28	<b>Lewis County - 2A Sanctuary Ordinance</b> Mon 9:45 AM - 170 guests	351 NW North Street, 98522
JAN 22	<b>Klickitat County: enforce the 2nd amendment</b> Tue 11 AM - 55 guests	400 E. Sprink Dr, The Dalles, ...
JAN 20	<b>Cowlitz County: enforce the 2nd amendment</b> Sun 1 PM - 375 guests	301 Academy St. Kelso, WA
JAN 13	<b>Demand 2nd Amendment Ordinances Now</b> Sun 10 AM - 94 guests	2388 Centerville Hwy, Cente...
JAN 12	<b>Demand 2nd Amendment Ordinances Now</b> Sat 10 AM - Shared to Rural Oregon Patriots	710 SW Rock Creek Dr, Stev...
DEC 22	<b>Jesus March</b> Sat 12 PM - 322 guests	Vancouver Landing Amphith... Vancouver, WA
DEC 18	<b>Skamania County: Protect the 2nd amendm...</b> Tue 9 AM - 245 guests	Skamania County District Co...
DEC 8	<b>Skamania: Constitutional sanctuary county</b> Sat 10 AM - 505 guests	710 SW Rock Creek Dr, Stev...
NOV 9	<b>Grays Harbor College: Patriot Prayer rally</b> Fri 2 PM - 48 guests	Grays Harbor College Aberdeen, WA
NOV 9	<b>Centralia College: Patriot Prayer rally</b> Fri 10 AM - 62 guests	Centralia College Centralia, WA
NOV 3	<b>Pray for Planned Parenthood</b> Sat 10 AM - 185 guests	2001 E. Madison St. Seattle
NOV 2	<b>University of Washington: 2nd amendment</b> Fri 3 PM - 290 guests	Red Square at UW Seattle, WA
NOV 2	<b>Lower Columbia College: 2nd amendment</b> Fri 10 AM - 283 guests	1500 Maple St. Longview, W...
OCT 24	<b>Clark College: NO 1-1639 rally</b> Wed 12 PM - 237 guests	Patriot Prayer
OCT 23	<b>WSU Vancouver: Oppose fascist gun laws</b> Tue 12 PM - 251 guests	WSU Vancouver Vancouver, WA
OCT 22	<b>Clark College: Oppose fascist gun laws</b> Mon 12 PM - Shared to Oregon Republican League	Clark College - Vancouver, ... Vancouver, WA
OCT 13	<b>Flash march for Law and Order in PDX</b> Sat 6 PM - Shared to Rural Oregon Patriots	Nordstrom Downtown Portland Portland
SEP 22	<b>Free Alex Jones Rally</b> Sat 1 PM CDT - 1,557 guests	Woodridge Park Austin, TX
	<b>Gibson For Senate Freedom March</b>	



AUG 4	Sat 12 PM - Shared to The Hero of Patrick Henry Nat...	Portland
JUN 30	<b>Freedom &amp; Courage Rally</b> Sat 4 PM - Shared to Rural Oregon Patriots	Terry D. Schunk Plaza Portland
JUN 9	<b>Defund Planned Parenthood</b> Sat 12 PM - 171 guests	Planned Parenthood Kent, WA
JUN 3	<b>Tiny's Freedom March</b> Sun 5 PM - 381 guests	Terry D. Schunk Plaza Portland
MAY 20	<b>Seattle Open Carry March</b> Sun 3 PM - 247 guests	Stewart St & Westlake Ave
MAY 20	<b>Seattle Open Carry March</b> Sun 3 PM - 1,661 guests	Westlake Ave & Stewart St.
MAY 1	<b>May Day support Proud Boys</b> Tue 3 PM - 92 guests	Westlake Park Seattle, WA
MAR 25	<b>Freedom First Rally</b> Sun 2 PM - 294 guests	Centerplace Regional Event ... Spokane Valley, WA
MAR 24	<b>Meet Joey Gibson</b> Sat 11 AM - 204 guests	815 George Washington Wy...
FEB 25	<b>Indoor Freedom Rally Major Announcement</b> Sun 5 PM - Shared to NorthWest Trump Alliance for Ch...	Red Cross Building At The H... Vancouver, WA
FEB 10	<b>Freedom Rally at Univ of Washington</b> Sat 1 PM - 835 guests	Red Square at UW Seattle, WA
FEB 9	<b>Stand Up For Free Speech And People's Rig...</b> Fri 9 AM - 72 guests	Planned Parenthood Olympia, WA
JAN 20	<b>Night Time Freedom March</b> Sat 5 PM - 477 guests	Salmon Street Fountain Portland
JAN 20	<b>Patriot March - San Francisco (counter actio...</b> Sat 12 PM - Joey Gibson went	Civic Center Plaza, San Fran... San Francisco, CA
JAN 20	<b>Patriot Prayer Going To Women's march</b> Sat 10 AM - 400 guests	Cal Anderson Park Seattle, WA
DEC 23	<b>March for Jesus</b> Sat 1 PM - 3 friends went	Salmon Street Fountain Portland
DEC 12	<b>NW stands against Hillary.</b> Tue 6 PM - 2 friends went	Ariene Schnitzer Concert Hall Portland
DEC 9	<b>March for Kate Steinle Portland</b> Sat 1 PM - Shared to Rural Oregon Patriots	Terry D. Schunk Plaza Portland
NOV 11	<b>Freedom March Berkeley</b> Sat 2 PM - Joey Gibson went	People's Park (Berkeley) Berkeley, CA
OCT 15	<b>Support the American Flag</b> Sun 2 PM - Shared to Rural Oregon Patriots	Oregon State Capitol Salem
	<b>Peaceful Vancouver Freedom March</b>	 <b>Joey Gibson</b> 110 Columbia St, Vancouver



SEP 10	Sun 2 PM UTC+08 · Shared to Republican Liberty Caucus...	
AUG 26	<b>News Conference</b> Sat 7 PM · 3 friends went	Alamo Square, San Francisco San Francisco, CA
AUG 13	<b>Freedom Rally Seattle</b> Sun 2 PM · 3 friends went	Westlake Park Seattle, WA
AUG 6	<b>Freedom March</b> Sun 2 PM · 5 friends went	Salmon Street Fountain Portland
JUN 30	<b>Freedom March</b> Fri 5 PM · 3 friends went	Salmon Street Fountain Portland
JUN 15	<b>Free Speech Evergreen State College</b> Thu 5:30 PM · 2 friends went	The Evergreen State College Olympia, WA
JUN 4	<b>Trump Free Speech Rally Portland</b> Sun 2 PM · 9 friends went	Terry D. Schunk Plaza Portland
MAY 13	<b>Antifa Watch</b> Sat 2 PM · Joey Gibson went	Chapman Square Portland
MAY 11	<b>Antifa WATCH</b> Thu 4:20 PM · Shared to NorthWest Trump Alliance for...	600 SE 140th Ave, Portland, OR
MAY 6	<b>Olympia stands against Antifa</b> Sat 4 PM · Shared to NorthWest Trump Alliance for Ch...	2505 Washington St SE, Oly...
MAY 1	<b>Stand Against Communism</b> Mon 4 PM · Joey Gibson went	401 Pine St, Seattle, WA 981...
APR 29	<b>March for Free Speech 82nd ave</b> Sat 10 AM · 4 friends went	Montavilla City Park Portland
APR 2	<b>Rally for Trump and Freedom</b> Sun 1 PM · 6 friends went	Patriot Prayer

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# Elizabeth Hovde: The misunderstood Joey Gibson

Posted Oct 28, 2018

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By Elizabeth Hovde | For The Oregonian/OregonLive

"We're here to talk to students," Joey Gibson told me Tuesday before his Patriot Prayer rally at Washington State University Vancouver. And that's exactly what he did.

For two hours, I watched challenging, inquisitive, respectful conversations happening on the campus plaza between people of different political persuasions. Instead of the violence predicted, Gibson brought something we need more of: talk that leads to increased understanding about opposing thoughts and the people behind them. It was the kind of conversation that helps people find common ground. (Disclosure: I'm a WSUV adjunct professor who had a lot of interest in seeing how things went down on campus.)



## Travel Solo, Make Friends

Traveling alone can be lonely. Here's how to connect safely on your solo trips.

1

**AD** The New York Times

There was zero violence at the rally, as no groups showed up to offer it. Just in case, 15 Clark County sheriff's deputies were there alongside campus police. I saw a Washington State Patrol trooper, as well. The deputies I spoke with before the rally were comfortable with the situation and told me they felt very supported in their law-keeping efforts. "That's why we work over here," one Clark County deputy said.

Contrast that with what has occurred at recent protests in Portland. The violence there prompted Daryl Turner, the president of the Portland police union, to call on Portland City Council members "to quit sitting on their hands," decry violence, hold people accountable and "support our officers when we act to preserve public safety."

Turner also wrote in a recent Facebook post, "Our officers and our community face those who believe they can harass, assault and victimize Portlanders at will with no threat of arrest, indictment or conviction." After discussing the balance needed for protecting free speech and ensuring safety, Turner called the city out for a "culture of enablement" that's partly responsible for putting Portland in national headlines.

Mayor Ted Wheeler and the Portland City Council need to make it clear that Portland's streets are not open for takeovers and violent behavior. Free speech can happen without hijacking other citizens' ability to move about safely.



#### **Travel Solo, Make Friends**

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**AD** The New York Times

1

The Patriot Prayer rallies in Vancouver this week were refreshing and productive, even if not well-attended. At Tuesday's rally, I counted about 100 people, a mix of curious students, supporters, media and the police. That's not surprising. Antifa didn't show. Concerned about students' safety, the university's chancellor and

EXHIBIT 5  
PAGE 2 OF 5

some professors advised students to ignore the speakers and avoid the event. It was left up to individual professors whether to hold class that day, and some canceled.

During the question-and-answer time Gibson facilitated, there was disagreement about Initiative 1639, a gun-control proposal on Washington state's ballot. Some, like the Patriots, think its passage -- and storage guidelines it would require -- would undermine the ability to have guns in homes for self-defense. Supporters of the initiative said that any effort to prevent gun violence should overrule concerns.

Everyone I talked to, however, agreed that the rally itself was tame and respectful. Student Julianna Christian said concern about Patriot Prayer "was blown out of proportion" and much of it biased. She said the warnings and worry made campus "a ghost town."

"The guy who walked up to us and gave us information was super nice," student



#### Travel Solo, Make Friends

Traveling alone can be lonely. Here's how to connect safely on your solo trips.

AD The New York Times

Agnes Moldovan told me. "I thought it'd be crazy. But it was just a good conversation."

A.J. Alonzo, a former student of mine who had been in the area of a recent Portland protest, was at the WSU rally. He echoed Union President Turner's concerns about police protection in Portland.

Contrary to what Alonzo had been told to expect, he said he didn't see or hear a message of white supremacy or racism. "Students were asking why there would be

white supremacists on campus." He shook his head and exclaimed, "This is a protest about gun rights!" Patriot Prayer, by the way, is led by guys who aren't white, and there wasn't a racist word in the leaders' speeches on Tuesday. Quite the opposite, in fact.

Connecting and having conversations -- even with racists that Gibson says he disagrees with -- is a main practice of Gibson's and one he talked about at length Tuesday. You have a better chance of changing someone's opinion that way, Patriot Prayer leaders argued.

If more regulations aren't the answer to address a violent society, asked one student, what is? In his answer, Gibson sounded like a modern-day prophet. "The answer is spiritual," he said.

Those words echoed his earlier speech. He said that for himself, freedom was second only to God. "The reason I do what I do is I believe in God. I believe in Jesus, and I believe he is the answer to some of the biggest problems that we have in this country."



Gibson didn't look like the harasser and violent bully I've been reading about, even if he attracts white nationalists and violent counter-protesters. I'll keep watching, but<sup>1</sup> I think he's far more unique in this region: Gibson has unpopular thoughts about freedom, guns, abortion and spirituality, and he voices them on a public stage.

Before the rally, students made signs and wrote words like "love" and "unity" in chalk where Gibson would appear. Much of the political activist's talk incorporated that message. He was standing on a lot of common ground.

*Elizabeth Hovde's column appears on the fourth Sunday of the month.*

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# OREGON LIQUOR CONTROL COMMISSION INTAKE/COMPLIANCE ACTION REPORT

CASE #:

1. PREMISES #: <b>55708</b>	7. RECEIVED BY: <b>S. Pitton</b>	DATE: <b>01/24/18</b>
2. LICENSEE: <b>Cider Riot LLC</b>	8. COMPLAINANT: <b>PPB#18-22582 &amp; #18-23115</b>	
3. TRADENAME: <b>Cider Riot</b>	9. ADDRESS:	
4. ADDRESS: <b>807 NE Couch St.</b>	10. CITY/ZIP:	
5. CITY/ZIP: <b>Portland, 97214</b>	11. PHONE:	
6. PHONE: <b>503-662-8275</b>	12. ASSIGNED TO: <b>S. Pitton</b>	DATE: <b>01/24/18</b>

## 13. ALLEGED VIOLATIONS:

<input type="checkbox"/> Minors	<input type="checkbox"/> Service Permits	<input type="checkbox"/> Financial Assistance
<input type="checkbox"/> VIPs	<input type="checkbox"/> Unlawful Activity	<input type="checkbox"/> Food Service
<input checked="" type="checkbox"/> Disorder	<input type="checkbox"/> Unauthorized Interest	<input checked="" type="checkbox"/> Other:
<input type="checkbox"/> Neighborhood Livability	<input type="checkbox"/> Drinking on Duty	<input type="checkbox"/> Other:

On 1/24/2018 I reviewed PPB #18-22582 & #18-23115. On 1/20/18 Police reported being called to the area of 8<sup>th</sup> and NE Couch St. on a fight. Officers contacted one person who had been assaulted. He denied wanting to press charges, but said the fight started outside Cider Riot premises #55708. Later Police responded to Providence Hospital where another person was claiming to have been assaulted. The two incidents stemmed from the same fight. The same date, I spoke with Licensee Abram Goldman-Armstrong. He said he was holding a political event following a protest in downtown Portland. A group of patrons were outside in the "patio" area when an unknown person began to heckle them and make political comments. The heckler was not a patron and was standing in the street when the two patrons from left the licensed area and engaged the heckler. Goldman-Armstrong said a fight ensued and after several minutes the heckler ran off, but both patrons were injured. The police were called and one of the patrons filed a report but the other left and was taken to the hospital. Goldman-Armstrong denied having video coverage of the area, again pointing out the fight occurred in the street. He also pointed out that he did not have security for the event and pointed out that in the future security will be present. Goldman-Armstrong was cautioned about evicting both parties in such altercations, and on the need to safeguard patrons at such events to prevent disorder from occurring on or near the premises.

15. COMPLAINANT REQUESTS CONTACT:	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
16. ASSESSMENT:	<input checked="" type="checkbox"/>	Open Investigation	<input type="checkbox"/>	Add to Open Investigation
17. CONCLUSION:	<input type="checkbox"/>	Proven	<input checked="" type="checkbox"/>	Unproven
18. STATUS:	<input checked="" type="checkbox"/>	Closed	<input type="checkbox"/>	Continued
19. ACTION:	<input checked="" type="checkbox"/>	Verbal Instruction	<input type="checkbox"/>	Refer to AP&P
<input checked="" type="checkbox"/>	Other: <b>Education provided</b>			
20. CONTACT PERSON: <b>Licensee Abram Goldman-Armstrong SP#491198 EXP:3/20</b>				DATE: <b>01/24/18</b>
<input checked="" type="checkbox"/>	In Person	<input type="checkbox"/>	Telephone	<input type="checkbox"/> Other:
21. SPECIFIC LAWS REFERENCED: <b>OAR 845-006-0347(2) Permitted Disorderly Activity, OAR 845-006-0347(4) Fail To Evict.</b>				

INSPECTOR: <b>S. Pitton</b>	DPSST #: <b>14159</b>	DATE: <b>01/24/18</b>
APPROVED BY:	EXHIBIT <u>6</u>	DATE: <u>020118</u>

ALL WORKED UP  
WARTRIBE  
BERATOR  
RUINED IT  
SIDEWALK SLAM

THE PROWLERS  
VIOLENT TRADITIONS  
LOADB  
CLAYMORE  
SKULK

**SUNDAY**

SOUL AND REGGAE ALLDAYER WITH:  
D ROCK SMALL AXE SOUNDSYSTEM PDX  
QUEEN CITY SOUL CLUB (CINCINNATI)  
JET CITY SOUND SYSTEM (SEATTLE)  
LEFT OF THE DIAL (OAKLAND)  
IMPACT SOUND SYSTEM (PDX)  
DJ JAMEY B

**JANUARY 25TH-27TH**

**\$10 AT THE DOOR**  
NO ONE WILL BE TURNED AWAY  
FOR LACK OF FUNDS!!  
**CIDER RIOT!**  
807 NE Couch St.  
Portland, OR 97232

BENEFIT FOR THE INTERNATIONAL  
ANTI-FASCIST DEFENSE FUND  
FRI-SAT 5PM-12AM

JAN  
25

## Rock Against Fascism PDX

Public · Hosted by RASH Northwest and Cider Riot

★ Interested ✓ Going

Jan 25 at 4 PM – Jan 27 at 12 PM  
about 3 months ago

Cider Riot  
807 NE Couch St, Portland, Oregon 97232

Show Map

About

Discussion

### Details

Rock Against Fascism PDX is our fourth benefit event for the The International Anti-Fascist Defense Fund. After the massive success of our last four we have decided to do a full weekend this time with bands and DJs from all over North America.

Come have fun and raise money for a good cause

Sugg



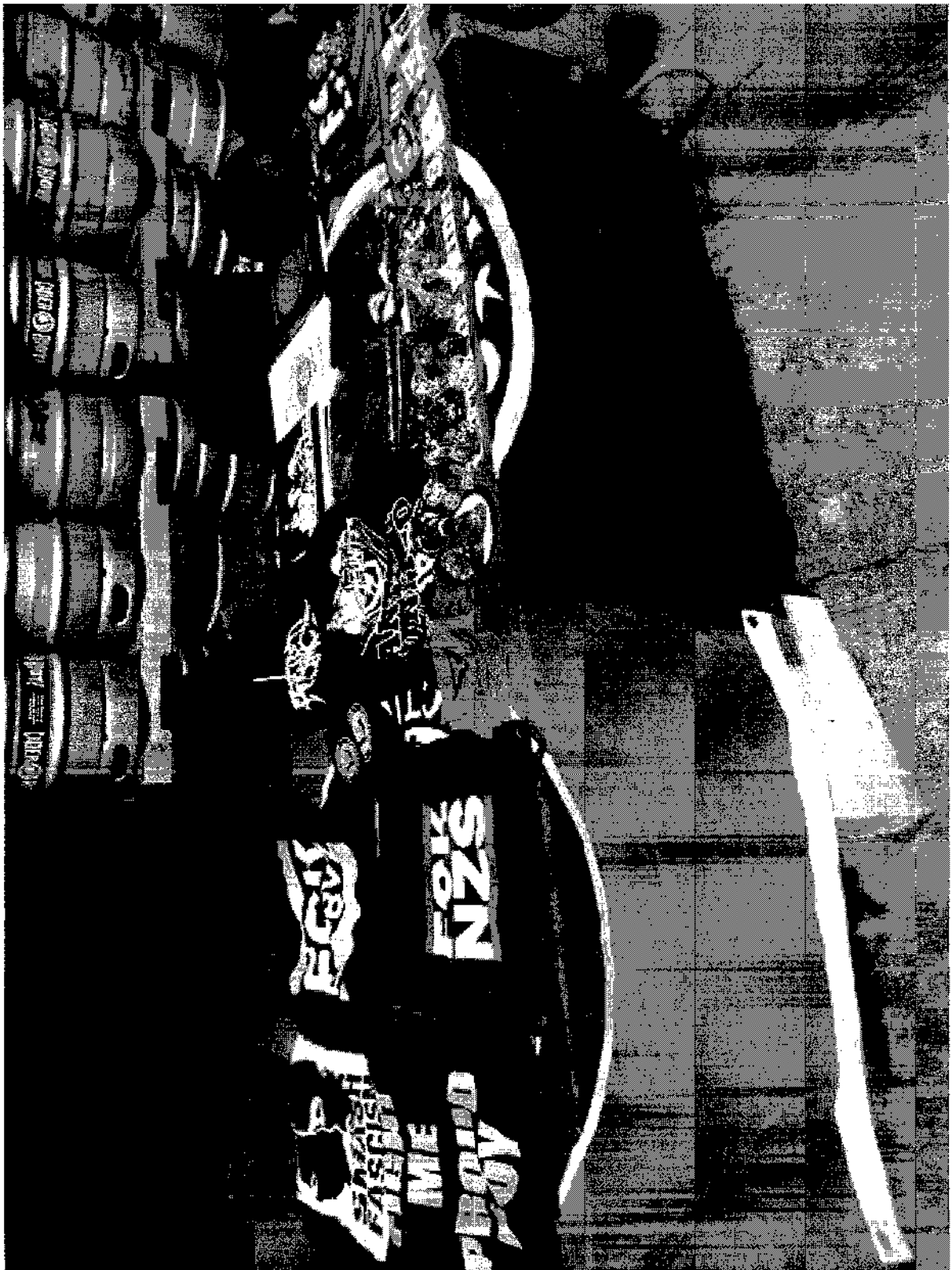
APPEAL



Englis  
Franc

Privat  
Cook  
Facal







Public · Hosted by Rose City Antifa and Cider Riot

✓ Going

[Show Map](#)

## Discussion

DJs: Dark Entries & Soul Survivor

Privacy  
Cookie  
Facebook

## EXHIBIT 9

(Filed Conventionally)



# EXHIBIT 10

(Filed Conventionally)



# EXHIBIT 11

(Filed Conventionally)



1 **CERTIFICATE OF SERVICE**

2 I, Carole A. Caldwell, hereby declare under penalty of perjury under the laws of the State of  
3 Oregon that the following facts are true and correct:

4 I am a citizen of the United States, over the age of 18 years, and not a party to or interested  
5 in the within entitled cause. I am an employee of Murphy & Buchal LLP and my business address  
is 3425 SE Yamhill Street, Suite 100, Portland, Oregon 97214.

6 On July 22, 2019, I caused the following document to be served:

7 **DECLARATION OF JOEY GIBSON IN SUPPORT OF DEFENDANTS' SPECIAL**  
8 **MOTION TO STRIKE**

9 in the following manner on the parties listed below:

10 David Willis (X) (BY FIRST CLASS US MAIL)  
11 3979 NE West Devils Lake Rd Unit C ( ) (BY E-MAIL)  
Lincoln City, OR 97367 ( ) (BY FAX)  
12 ( ) (BY HAND)

13 Christopher Ponte (X) (BY FIRST CLASS US MAIL)  
14 257 W Dartmouth ( ) (BY E-MAIL)  
15 Gladstone, OR 97027 ( ) (BY FAX)  
( ) (BY HAND)

16  
17 Mackenzie Lewis (X) (BY FIRST CLASS US MAIL)  
18 1725 SE 8th ave ( ) (BY E-MAIL)  
Camas, WA 98607 ( ) (BY FAX)  
19 ( ) (BY HAND)

20 Ian Kramer (X) (BY FIRST CLASS US MAIL)  
21 7541 N. Dwight ( ) (BY E-MAIL)  
22 Portland, OR 97203 ( ) (BY FAX)  
( ) (BY HAND)

23  
24  
25  
26  
27  
28  
DECLARATION OF JOEY GIBSON IN SUPPORT OF  
DEFENDANTS' SPECIAL MOTION TO STRIKE  
Case No. 19CV20231

23  
James L. Buchal, (OSB 921618)  
MURPHY & BUCHAL LLP  
3425 SE Yamhill Street, Suite 100  
Portland, OR 97214  
Tel: 503-227-1011  
Fax: 503-573-1939

Juan C Chavez, OSB No. 136428 (X) (BY FIRST CLASS US MAIL)  
P.O. Box 5248 (X) (BY E-MAIL)  
Portland, OR 97208 ( ) (BY FAX)  
Tel: 503 944-2270 x212(W) ( ) (BY HAND)  
E-mail: jchavez@ojrc.info  
clerk@chavezlawpdx.com  
lawclerk@chavezlawpdx.com

Alexander Meggitt, OSB No. 174131 (X) (BY FIRST CLASS US MAIL)  
P.O. Box 5248 (X) (BY E-MAIL)  
Portland, OR 97208 ( ) (BY FAX)  
Tel: 503 944-2270 x209(W) ( ) (BY HAND)  
E-mail: ameggitt@ojrc.info

/s/ Carole Caldwell

**From:** Jones, Kristina  
**Subject:** FW: Final Proud Boys Statement Prior To "End Domestic Terrorism" Rally  
**To:** Adams, Jennifer; Alisha King; Allen, Kevin; altstadr@trimet.org; Becker, Timothy; Chatman, Rich; Douthit, Dan; Jones, Kristina; King, Robert; Park, Eileen; Rivera, Dylan; Ross, Mark; Ruby, Jason; Santos, Marshall; Sonoff, Kevin; Sperling, Robert; Steele, Beth Anne; Weisberg, Brent; White, Brandon  
**Sent:** August 16, 2019 10:13 PM (UTC+00:00)

---

**From:** King, Robert [mailto:Robert.King@portlandoregon.gov]  
**Sent:** Friday, August 16, 2019 12:11 PM  
**To:** Ibarra, Carlos <Carlos.Ibarra@portlandoregon.gov>; Allen, Kevin <kallen@portlandoregon.gov>; Jones, Kristina <Kristina.Jones@portlandoregon.gov>; Wallo-Strauss, Terri <Terri.Wallo-Strauss@portlandoregon.gov>  
**Subject:** FW: Final Proud Boys Statement Prior To "End Domestic Terrorism" Rally

Wanted to make sure you all saw this. Pay particular attention to the admonition at the end not to bring weapons. Robert

---

**From:** Wheeler, Mayor <[MayorWheeler@portlandoregon.gov](mailto:MayorWheeler@portlandoregon.gov)>  
**Sent:** Friday, August 16, 2019 9:06 AM  
**To:** Park, Eileen <[Eileen.Park@portlandoregon.gov](mailto:Eileen.Park@portlandoregon.gov)>; King, Robert <[Robert.King@portlandoregon.gov](mailto:Robert.King@portlandoregon.gov)>; Grant, Nicole <[Nicole.Grant@portlandoregon.gov](mailto:Nicole.Grant@portlandoregon.gov)>  
**Subject:** FW: Final Proud Boys Statement Prior To "End Domestic Terrorism" Rally

FYI



**Sierra Ellis**  
**Constituent Services Specialist**  
Pronouns: She/Her/Hers  
1221 SW Fourth Avenue, Suite 340  
Portland, OR 97204  
Phone: 503.823.4120  
[Sierra.ellis@portlandoregon.gov](mailto:Sierra.ellis@portlandoregon.gov)  
[https://www.portlandoregon.gov/wheeler/](https://www.portlandoregon.gov/wheeler/twitter)  
[twitter](#) | [facebook](#) | [instagram](#)

**From:** Miami Proudboys Vice City <[miamiproudboys@gmail.com](mailto:miamiproudboys@gmail.com)>  
**Sent:** Thursday, August 15, 2019 10:23 PM  
**To:** Wheeler, Mayor <[MayorWheeler@portlandoregon.gov](mailto:MayorWheeler@portlandoregon.gov)>; Commissioner Fish <[nick@portlandoregon.gov](mailto:nick@portlandoregon.gov)>; Commissioner Eudaly <[chloe@portlandoregon.gov](mailto:chloe@portlandoregon.gov)>; Commissioner Fritz <[amanda@portlandoregon.gov](mailto:amanda@portlandoregon.gov)>; Commissioner Hardesty <[joann@portlandoregon.gov](mailto:joann@portlandoregon.gov)>; Police - Public Information Officer <[ppbpio@portlandoregon.gov](mailto:ppbpio@portlandoregon.gov)>; [oregonfop@gmail.com](mailto:oregonfop@gmail.com); [edwardsfop7@gmail.com](mailto:edwardsfop7@gmail.com); [kshepherd@week.com](mailto:kshepherd@week.com); [azielinski@portlandmercury.com](mailto:azielinski@portlandmercury.com); [jevans@seattletimes.com](mailto:jevans@seattletimes.com); [mbernstein@oregonian.com](mailto:mbernstein@oregonian.com); Dennis, Kristin <[Kristin.Dennis@portlandoregon.gov](mailto:Kristin.Dennis@portlandoregon.gov)>  
**Subject:** Final Proud Boys Statement Prior To "End Domestic Terrorism" Rally



## **Portland Officials Refuse To Arrest Antifa Terrorists, Roundup Patriots Before Rally**

**Miami, FL --** Following an embarrassing and impotent performance on Fox News, Portland Mayor Ted Wheeler has decided to randomly pursue criminal charges against right-leaning political activists in the days leading up to the August 17th "End Domestic Terrorism" rally aimed at drawing attention to the documented and deranged violent tactics of Antifa. This coordinated Gestapo-style roundup of free speech advocates is not a mistake or randomly timed. Considering the lack of arrests or warrants issued for dozens of violent Antifa domestic terrorists still at large from previous melees, these disturbing movements prove an underlying political motivation for the recent actions from the Portland Mayor and Portland Police Bureau.

Wheeler refused to name the domestic terrorist group by name during his Fox News interview, but claimed that the Portland Police Bureau was still investigating Antifa's brutal beating of gay journalist Andy Ngo, which left him hospitalized with a brain bleed. Despite a mountain of evidence, and Rose City Antifa claiming responsibility for the gay-bashing, no warrants have been issued or arrests made. Antifa has been allowed to run roughshod over law enforcement and the citizens in Portland for years, using their fists and blunt force objects to bludgeon their opponents into silence or self-imposed exile from subsequent political gatherings for fear of ending up in a bodybag or forever maimed at the hands of the black masked psychopaths.

Just recently, an Antifa obsessed and alt-left linked madman killed 9 people and injured more than a dozen during a mass-shooting in Dayton, Ohio. The perpetrator was an active advocate of Antifa, specifically their use of violence against anyone who opposes their desire for a progressive anarcho society.

On Thursday, the Portland Police Bureau falsely claimed on Twitter that it had been unable to coordinate with the organizers of the "End Domestic Terrorism" rally, despite organizers having already begun communication with a liaison officer. While the organizers of the "End Domestic Terrorism" rally remain steadfast in their support for law enforcement officers, putting such dubious claims out to the public serve no purpose other than to stoke the flames of division and discontent.

**"Unfortunately, it looks like an Antifa sympathizer or a politically motivated public relations staffer with the Portland Police Bureau is intent on creating a cloud of confusion surrounding Saturday's gathering. As such, it is extremely important for us to make clear several things yet again; we will not tolerate violence or racism, those looking to engage in racism or violence should stay home or you will be mocked and humiliated in the most peaceful manner possible. We have been in contact with a liaison officer with the Portland Police Bureau and find it very concerning that they are claiming otherwise. We have engaged with local and federal law enforcement regarding their concerns from the beginning. To say otherwise is simply not true,"** stated organizer Enrique Tarrio, who serves as the Chairman of the Proud Boys.

The "End Domestic Terrorism" rally has turned into a hotly debated discussion on the activities of Antifa, a group that every sane American wants labeled as a domestic terrorist organization, following a cascade of violence initiated by the group that has swept from coast-to-coast since the election of Donald Trump. Portland, Oregon has been the birthpoint of the group's more violent and anti-American activities.

**"The Proud Boys have a long history of defending rallygoers and draining local bars of their beers and booze. We will have several prominent constitutional law attorneys on standby this weekend in the event that Antifa or the Portland Police Bureau infringe on our constitutionally protected right**

to assemble peacefully and communicate our love for America and all things patriotic," concluded Joe Biggs, a two-time Purple Heart combat veteran who is also organizing and overseeing the "End Domestic Terrorism" rally.

*No weapon that is formed against thee shall prosper; and every tongue that shall rise against thee in judgment thou shalt condemn. This is the heritage of the servants of the LORD, and their righteousness is of me, saith the LORD. - Isaiah 54:17*

**\*\*\*PUBLIC NOTICE FROM ORGANIZERS TO POTENTIAL ATTENDEES\*\*\***

Anyone that intends on joining the "End Domestic Terrorism" rally on Saturday in Downtown Portland should refrain from bringing any items or objects that could be considered weapons. You will be ejected, sight-unseen, period.

NO VIOLENCE, NO HATE, NO BAD VIBES.

If you are not on-site by 11am, please stay home. It is imperative that all rallygoers arrive on time for their own safety.

*Press inquiries and media requests can be sent to Jacob Engels at [engelsja@gmail.com](mailto:engelsja@gmail.com) He can also be reached at 231-360-1411.*

####

**From:** D. Angus Lee  
**Subject:** Ltr. to Det. Traynor sep1919 (RFS)  
**To:** chris.traynor@portlandoregon.gov; Outlaw, Chief; brad.kalbaugh@mcdca.us; Traynor, Christopher  
**Cc:** James Buchal; Carole Caldwell  
**Sent:** September 19, 2019 2:50 PM (UTC+00:00)  
**Attached:** Ltr. to Det. Traynor sep1919 (RFS).pdf, ATT00001.htm

Det. Traynor and Chief Outlaw:

Please see the attached letter and request for criminal investigation.

Best regards,



**ANGUS LEE**  
**LAW FIRM, PLLC**

www.ANGUSLEELAW.com  
(P) 360-635-6464 (F) 888-509-8268  
9105A NE HWY 99, Suite 200  
Vancouver, WA 98665

---

Thursday, September 19, 2019 A.D.

Det. Chris Traynor  
Portland Police Bureau  
1111 SW 2nd Ave.  
Portland, OR 97204  
E-mail: [chris.traynor@portlandoregon.gov](mailto:chris.traynor@portlandoregon.gov)

Chief Danielle Outlaw  
Portland Police Bureau  
1111 SW 2nd Ave.  
Portland, OR 97204  
E-mail: [Chief.outlaw@portlandoregon.gov](mailto:Chief.outlaw@portlandoregon.gov)

Brad Kalbaugh  
Multnomah County District Attorney's  
Office  
1021 SW 4th Ave  
Portland OR 97204  
E-mail: [brad.kalbaugh@mcda.us](mailto:brad.kalbaugh@mcda.us)

**RE: GOLDMAN-ARMSTRONG, ABRAM  
REQUEST FOR INVESTIGATION**

Dear Det. Traynor,

By this letter, Mr. Gibson requests that Mr. Goldman-Armstrong be investigated and prosecuted for his criminal conduct of making false statements, obstruction (ORS 162.235), and evidence tampering (by making evidence unavailable through deception) (ORS 162.295).

Upon review of the discovery provided in this matter, it is abundantly clear that during the course of the investigation into the events of May 1, 2019, at Cider Riot, the owner of Cider Riot, Mr. Abram Goldman-Armstrong (1) made false statements to law enforcement when he stated that Cider Riot's surveillance system did not include cameras on the outside of Cider Riot, and (2) intended to obstruct justice and make unavailable relevant and exculpatory evidence, thereby hindering a fair and complete investigation.

The fact that Cider Riot had an external video camera overlooking the courtyard is evidenced by (1) readily available videos of the incident, (2) a recent site visit by our private investigator, and (3) google street view historical records.

With this letter, we are providing you recent photographs of the exterior of Cider Riot, which show the external security camera overlooking the Cider Riot courtyard as well as the data cable going from the camera to the entrance of Cider Riot.

Also attached for your review are historical photos of the "street view" of the Cider Riot building going back several years. These photos show that, prior to ownership by Cider Riot, no external security camera existed. However, in 2017, after Cider Riot took ownership of this location, the

currently-in-place external security camera was installed overlooking the courtyard. That same camera was in place at the time of the May 1, 2019 incident.

In fact, as you should already know, on May 1, 2019, Lt. Wheelwright reported that she spoke with Mr. Goldman-Armstrong, who complained that Mr. Gibson and others “had trespassed onto his property.” Officer Nicole Miller reported that, Mr. Goldman-Armstrong told the officers that **“the bar would have video of the incident which he would provide to police.”** (emphasis added). Officer Miller “provided him [her] card with [her] e-mail address to send the video of the incident.”

Despite having told Officer Miller that he had video of the incident, and that he would provide it to her, he provided no video. Two days later, Mr. Goldman-Armstrong changed his story.

You, Det. Traynor, reported:

[a]s part of the investigation on May 3, 2019, I spoke with Mr. Abram Goldman-Armstrong (owner of the Cider Riot pub) about the incident. Amongst the issues discussed were threats he received as a result of the incident and subsequent law suit and the availability of surveillance footage maintained by the bar. In response to my questions, **Mr. Goldman-Armstrong explained** whilst the bar had a surveillance system inside the establishment **it did not have cameras which captured the outside courtyard area where the violence unfolded.**

(emphasis added).

Whereas Cider Riot did in fact have cameras which captured the outside courtyard area, Mr. Goldman-Armstrong told the truth to Officer Miller on the day of the incident. However, after he had time to view the video and consider the impact the video would have on his already anticipated law suit and claim of trespass, Mr. Goldman-Armstrong falsely stated that his establishment did not have such cameras. He did so so that the external video of the incident would be unavailable to you. Perhaps more importantly, he intended to make the external video of the incident unavailable to Mr. Gibson and others whom Mr. Goldman-Armstrong had already falsely accused of trespass.

Mr. Goldman-Armstrong’s subsequent claim that his internal security video footage was lost is simply preposterous on its face and evidences his true desire to make all video evidence unavailable.

On the day of the incident, he told police he had video and would provide it. Just two days later, however, he told you that he was already considering legal action. The success of this legal action would depend on the unavailability of the exculpatory evidence on the internal and external video. The only reason Mr. Goldman-Armstrong would not have saved a copy of the internal and external video is because it cut against his expected law suit and patently false claims of trespass.

The missing video is crucial to a full understanding of the events in question as it is the only camera from an elevated position. Indeed it was the only camera that would have captured the activity of

the back rows of the Antifa group during the incident. As you certainly know, a common Antifa tactic is to have its members throw objects from the back rows where they are not usually visible.

This internal and external video is also the only video likely to have captured the identity of unmasked Antifa prior to or after the incident. Such evidence could have helped the defense locate possible witnesses. It could have also helped law enforcement identify those whom engaged in criminal acts on the Antifa side.

While it may no longer be possible to obtain the video of the external security camera, its prior existence should be formally investigated by the Portland Police. Likewise, Mr. Goldman-Armstrong should be formally investigated for making false statements to you in the course of an official investigation, obstructing, and tampering with evidence.

A person commits the crime of tampering with physical evidence if, with intent that it be ... **unavailable** in an official proceeding which is then pending or to the knowledge of such person is about to be instituted, the person: (a) Destroys, ... conceals or removes physical evidence impairing its verity or availability; or ... (c) Prevents the production of physical evidence by an act of ... deception against any person.

(ORS 162.295). Here, Mr. Goldman-Armstrong had video, told police he would provide the video for what was clearly an official proceeding “about to be instituted,” then prevented law enforcement from obtaining the video through his deception and concealment thereby making this evidence “unavailable.” Mr. Goldman-Armstrong engaged in evidence tampering and obstruction plain and simple.

Presumably you are aware of your obligation to seek out and disclose exculpatory evidence such as blatant dishonesty by a potential witness in the course of an investigation, or tampering with evidence by said witness. *See Brady v. Maryland*, 373 U.S. 83 (1963) (violation a defendant’s due process rights by failing to turn over potentially exculpatory evidence); *United States v. Bagley*, 473 U.S. 667 (1985) (*Brady* rule applies to impeachment evidence).

However, it appears that you did not visit the location of Cider Riot to confirm the absence of security video and you failed to seek a search warrant for available video footage at the establishment. This is troubling as (1) you are the lead detective, and (2) the external camera is plainly visible in video obtained and viewed by you. This suggests a willingness to simply accept the Antifa version of events and demonstrates a bias against Mr. Gibson that has now harmed him in the form of lost exculpatory evidence.

//  
//  
//

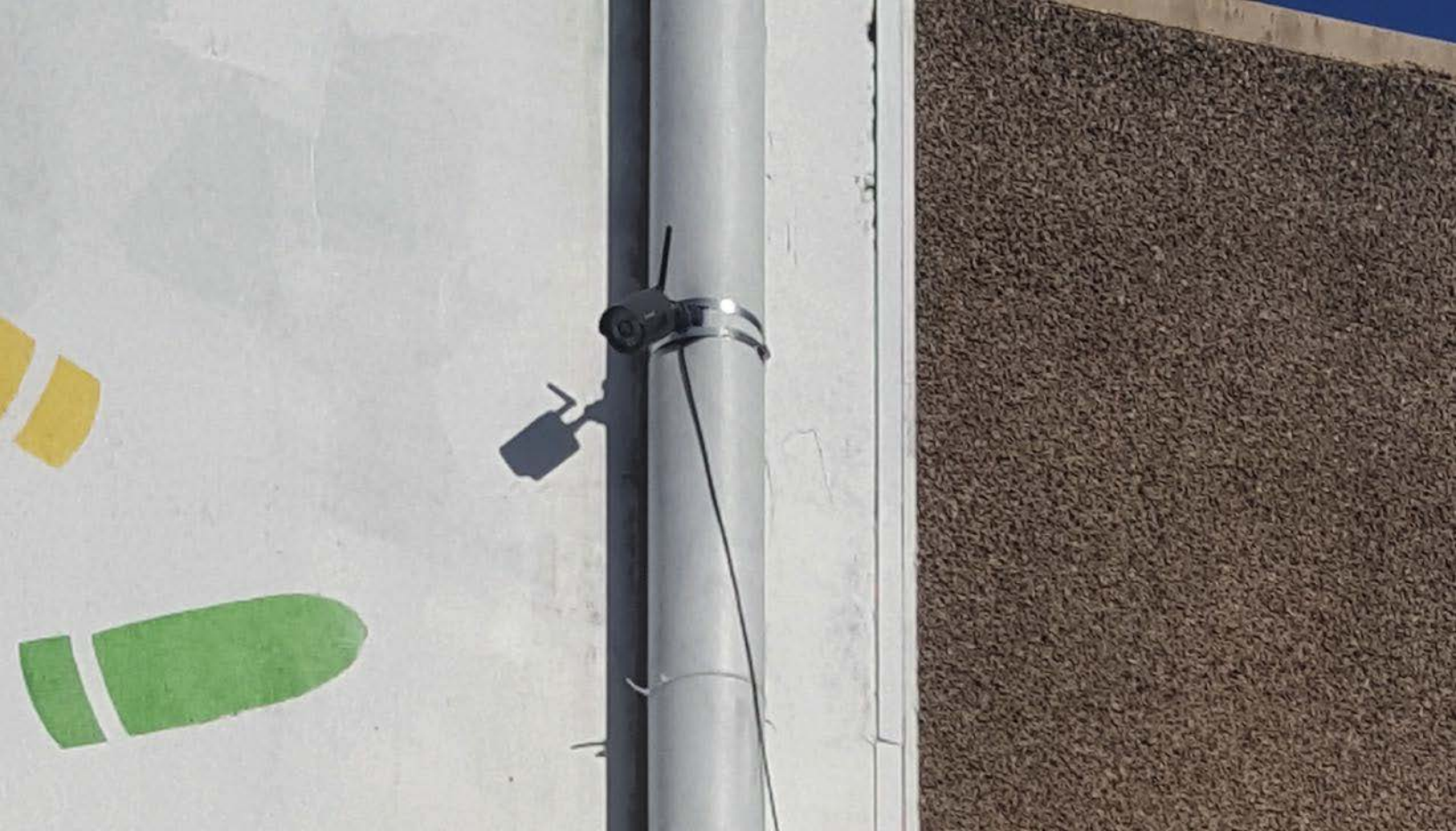
Det. Chris Traynor  
Thursday, September 19, 2019 A.D.  
Page 4 of 4

Mr. Goldman-Armstrong's deceit and your apparent lack of commitment to a full and fair investigation has caused the loss of evidence which would have been exculpatory for Mr. Gibson. Mr. Gibson is a victim of Mr. Goldman-Armstrong's obstruction and tampering. We demand that this criminal action by Goldman-Armstrong be fully investigated and prosecuted.

Sincerely,

D. Angus Lee

Encl.: Google "street view"  
Photos of external camera



















101 NE 8th Ave  
Portland, Oregon

Google

Street View - Jul 2017



2007 2017



Google



Imagery captured: Jul 2017 © 2017 Google



101 NE 8th Ave

Portland, Oregon

Google

Street View - Jul 2015



Currently shown: Jul 2016

2007 2017

Google





101 NE 8th Ave  
Portland, Oregon



Street View - May 2014



Currently shown: May 2014

2007 2017



Google



Imagery last seen: 2014-11-11 © 2014 Google, Imagery last seen: 2014-11-11

101 NE 8th Ave  
Portland, Oregon  
Google



Google



101 NE 8th Ave  
Portland, Oregon

Google

Street View - Apr 2009



Currently shown: Apr 2009

2007 2017



Google







**From:** KALBAUGH Brad  
**Subject:** FW: Ltr. to Det. Traynor sep1919 (RFS)  
**To:** Traynor, Christopher  
**Sent:** September 19, 2019 4:04 PM (UTC+00:00)  
**Attached:** Ltr. to Det. Traynor sep1919 (RFS).pdf, ATT00001.htm

I have a JSC with Kramer @ 10.

I expect the defense attorney to have his client sign a 60 day waiver and discuss a continuance.

I will keep you updated.

---

**From:** D. Angus Lee [mailto:angus@angusleelaw.com]

**Sent:** Thursday, September 19, 2019 7:50 AM

**To:** chris.traynor@portlandoregon.gov; Chief.outlaw@portlandoregon.gov; KALBAUGH Brad <Brad.KALBAUGH@mcda.us>; Christopher.traynor@portlandoregon.gov

**Cc:** James Buchal <jbuchal@mbllp.com>; Carole Caldwell <ccaldwell@mbllp.com>

**Subject:** Ltr. to Det. Traynor sep1919 (RFS)

Det. Traynor and Chief Outlaw:

Please see the attached letter and request for criminal investigation.

Best regards,

Confidentiality: This e-mail transmission may contain confidential and/or privileged information. The information contained herein is intended



Thursday, September 19, 2019 A.D.

Det. Chris Traynor  
Portland Police Bureau  
1111 SW 2nd Ave.  
Portland, OR 97204  
E-mail: [chris.traynor@portlandoregon.gov](mailto:chris.traynor@portlandoregon.gov)

Chief Danielle Outlaw  
Portland Police Bureau  
1111 SW 2nd Ave.  
Portland, OR 97204  
E-mail: [Chief.outlaw@portlandoregon.gov](mailto:Chief.outlaw@portlandoregon.gov)

Brad Kalbaugh  
Multnomah County District Attorney's  
Office  
1021 SW 4th Ave  
Portland OR 97204  
E-mail: [brad.kalbaugh@mcda.us](mailto:brad.kalbaugh@mcda.us)

**RE: GOLDMAN-ARMSTRONG, ABRAM  
REQUEST FOR INVESTIGATION**

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currently-in-place external security camera was installed overlooking the courtyard. That same camera was in place at the time of the May 1, 2019 incident.

In fact, as you should already know, on May 1, 2019, Lt. Wheelwright reported that she spoke with Mr. Goldman-Armstrong, who complained that Mr. Gibson and others “had trespassed onto his property.” Officer Nicole Miller reported that, Mr. Goldman-Armstrong told the officers that **“the bar would have video of the incident which he would provide to police.”** (emphasis added). Officer Miller “provided him [her] card with [her] e-mail address to send the video of the incident.”

Despite having told Officer Miller that he had video of the incident, and that he would provide it to her, he provided no video. Two days later, Mr. Goldman-Armstrong changed his story.

You, Det. Traynor, reported:

[a]s part of the investigation on May 3, 2019, I spoke with Mr. Abram Goldman-Armstrong (owner of the Cider Riot pub) about the incident. Amongst the issues discussed were threats he received as a result of the incident and subsequent law suit and the availability of surveillance footage maintained by the bar. In response to my questions, **Mr. Goldman-Armstrong explained** whilst the bar had a surveillance system inside the establishment **it did not have cameras which captured the outside courtyard area where the violence unfolded.**

(emphasis added).

Whereas Cider Riot did in fact have cameras which captured the outside courtyard area, Mr. Goldman-Armstrong told the truth to Officer Miller on the day of the incident. However, after he had time to view the video and consider the impact the video would have on his already anticipated law suit and claim of trespass, Mr. Goldman-Armstrong falsely stated that his establishment did not have such cameras. He did so so that the external video of the incident would be unavailable to you. Perhaps more importantly, he intended to make the external video of the incident unavailable to Mr. Gibson and others whom Mr. Goldman-Armstrong had already falsely accused of trespass.

Mr. Goldman-Armstrong’s subsequent claim that his internal security video footage was lost is simply preposterous on its face and evidences his true desire to make all video evidence unavailable.

On the day of the incident, he told police he had video and would provide it. Just two days later, however, he told you that he was already considering legal action. The success of this legal action would depend on the unavailability of the exculpatory evidence on the internal and external video. The only reason Mr. Goldman-Armstrong would not have saved a copy of the internal and external video is because it cut against his expected law suit and patently false claims of trespass.

The missing video is crucial to a full understanding of the events in question as it is the only camera from an elevated position. Indeed it was the only camera that would have captured the activity of

the back rows of the Antifa group during the incident. As you certainly know, a common Antifa tactic is to have its members throw objects from the back rows where they are not usually visible.

This internal and external video is also the only video likely to have captured the identity of unmasked Antifa prior to or after the incident. Such evidence could have helped the defense locate possible witnesses. It could have also helped law enforcement identify those whom engaged in criminal acts on the Antifa side.

While it may no longer be possible to obtain the video of the external security camera, its prior existence should be formally investigated by the Portland Police. Likewise, Mr. Goldman-Armstrong should be formally investigated for making false statements to you in the course of an official investigation, obstructing, and tampering with evidence.

A person commits the crime of tampering with physical evidence if, with intent that it be ... **unavailable** in an official proceeding which is then pending or to the knowledge of such person is about to be instituted, the person: (a) Destroys, ... conceals or removes physical evidence impairing its verity or availability; or ... (c) Prevents the production of physical evidence by an act of ... deception against any person.

(ORS 162.295). Here, Mr. Goldman-Armstrong had video, told police he would provide the video for what was clearly an official proceeding “about to be instituted,” then prevented law enforcement from obtaining the video through his deception and concealment thereby making this evidence “unavailable.” Mr. Goldman-Armstrong engaged in evidence tampering and obstruction plain and simple.

Presumably you are aware of your obligation to seek out and disclose exculpatory evidence such as blatant dishonesty by a potential witness in the course of an investigation, or tampering with evidence by said witness. *See Brady v. Maryland*, 373 U.S. 83 (1963) (violation a defendant’s due process rights by failing to turn over potentially exculpatory evidence); *United States v. Bagley*, 473 U.S. 667 (1985) (*Brady* rule applies to impeachment evidence).

However, it appears that you did not visit the location of Cider Riot to confirm the absence of security video and you failed to seek a search warrant for available video footage at the establishment. This is troubling as (1) you are the lead detective, and (2) the external camera is plainly visible in video obtained and viewed by you. This suggests a willingness to simply accept the Antifa version of events and demonstrates a bias against Mr. Gibson that has now harmed him in the form of lost exculpatory evidence.

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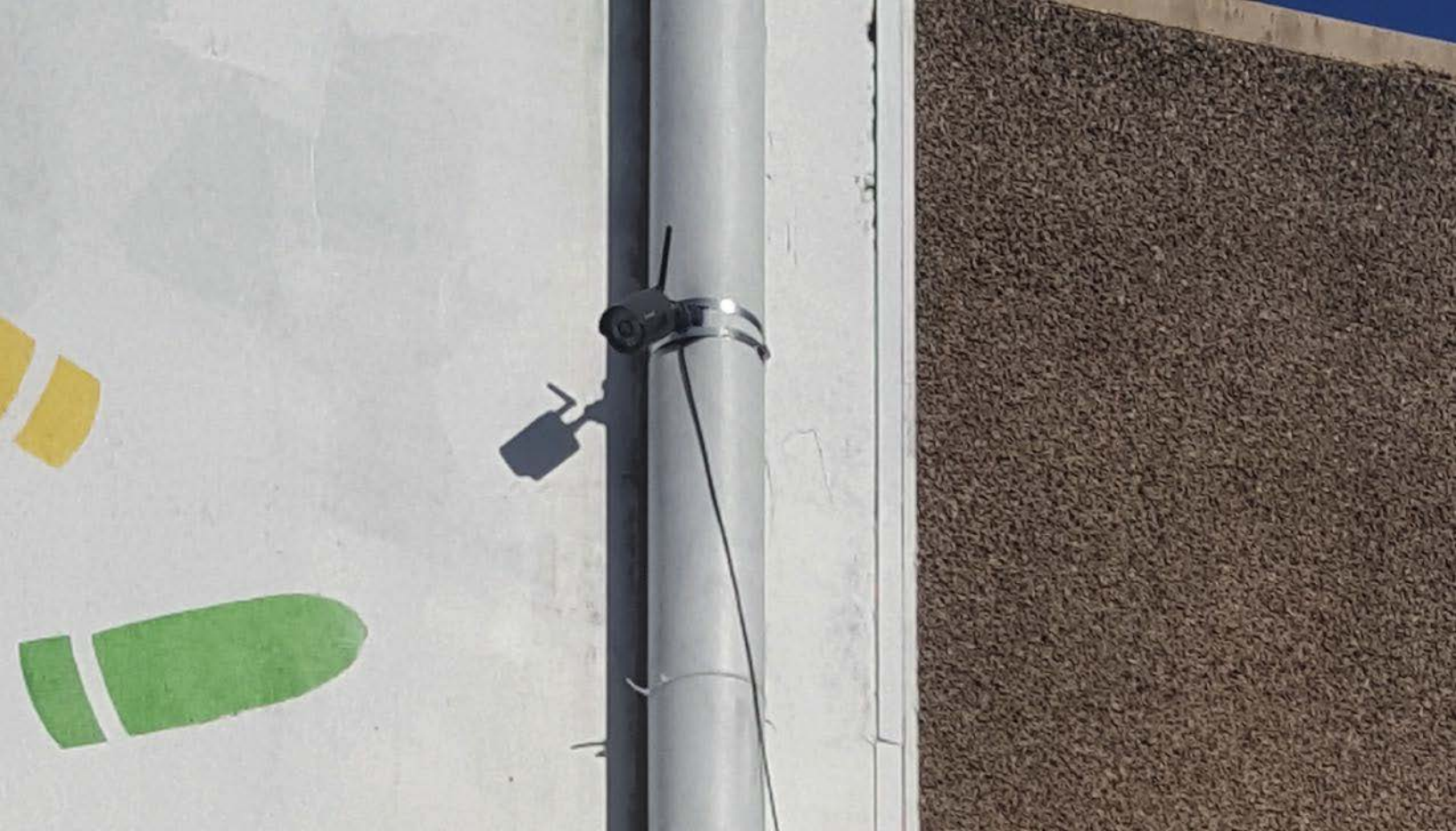
Det. Chris Traynor  
Thursday, September 19, 2019 A.D.  
Page 4 of 4

Mr. Goldman-Armstrong's deceit and your apparent lack of commitment to a full and fair investigation has caused the loss of evidence which would have been exculpatory for Mr. Gibson. Mr. Gibson is a victim of Mr. Goldman-Armstrong's obstruction and tampering. We demand that this criminal action by Goldman-Armstrong be fully investigated and prosecuted.

Sincerely,

D. Angus Lee

Encl.: Google "street view"  
Photos of external camera





















101 NE 8th Ave  
Portland, Oregon

Google

Street View - Jul 2017



2007 2017



Google



Imagery copyright: Jul 2017. © 2017 Google. Street View. Terms. Report a problem.

101 NE 8th Ave

Portland, Oregon

Google

Street View - Jul 2015



Currently shown: Jul 2016

2007 2017

Google



101 NE 8th Ave  
Portland, Oregon

Google

Street View - May 2014



2007 2017



Google

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101 NE 8th Ave  
Portland, Oregon  
Google



Google



101 NE 8th Ave  
Portland, Oregon  
Google

Street View - Apr 2009



2007 2017



Google





**From:** Traynor, Christopher  
**Subject:** FW: Cider Riot OLCC report  
**To:** KALBAUGH Brad  
**Sent:** September 25, 2019 7:52 PM (UTC+00:00)  
**Attached:** Cider Riot NVT.docx

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**From:** Welp Genny \* OLCC [mailto:Genny.Welp@oregon.gov]  
**Sent:** Wednesday, September 25, 2019 12:51 PM  
**To:** Traynor, Christopher <Christopher.Traynor@portlandoregon.gov>  
**Subject:** Cider Riot OLCC report

Hi Chris –

Good talking with you. I received permission from our legal department to release this report to you – the redaction were based on my summarization of your police report primarily and anything that would have compromised your investigation.

Let me know if you have any questions,

Thanks

Genny Welp  
Regulatory Specialist - Liquor Inspector  
DPSST 59564  
Oregon Liquor Control Commission  
9079 SE McLoughlin Blvd  
Portland, Oregon 97222  
503-545-9054



**PUBLIC SAFETY DIVISION**  
**INTAKE/COMPLIANCE ACTION REPORT**

- ☒ Alcohol  
☐ Marijuana  
☐ Medical Marijuana

Case#:	19-03461	Received By:	OLCC
License / Premises #:	55708	Complainant:	Complainant
License Type:	WY	Phone:	Complainant Phone
Licensee:	Cider Riot LLC	Email:	Complainant Email
Tradename:	Cider Riot!	Assigned To:	Metro
Address:	807 NE Couch St	Complainant Requests Contact: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
City/Zip:	Portland/97232		
Phone:	503-662-8275		

Complaint Received By:	Genny Welp
Date/Time Complaint Received:	5/3/19

**PERSONS INVOLVED**

Name (LN, FN, MI)	Permit #	Sex	DOB	Phone / Email	Address
Goldman-Armstrong, Abram (Licensee)		Male	4/28/78	503-730-5597	807 NE Couch St
LeVasseur, Joseph (DPSST security)	73269	Male		401-297-2135	807 NE Couch St
Gearheart, Breanne (permittee)	626835	Female	4/29/80	503-662-8275	807 NE Couch St
Lewis, Monelle (Permittee)	3H4K37	Female	5/8/79	503-662-8275	807 NE Couch St
Gibson, Joey		Male		360-635-3081	
Ngo, Andy (Journalist)		Male	4/6/87	503-888-1716	andycngo@gmail.com
Bucchi, Noah (OSU Journalist)		Male	5/3/1997	503-477-1921	

**REPORT SUMMARY**

On May 1, 2019 while hosting a May Day after party for Antifa, Cider Riot! licensee Abram Goldman-Armstrong, allowed patrons to stage and engage in a riot on the licensed premises with opposing group Patriot Prayer for approximately 30 minutes.

**REPORT NARRATIVE**

On May 1, 2019 at approximately 6:00 pm, Cider Riot! Owner Abram Goldman-Armstrong was hosting a May Day after party event that he had advertised on Facebook. (See Attachment 1). Based on pre-



registrations he expected 100-150 people to be present and stated he believed about that many people were there with the majority inside and a few on the patio as it was a nice day. There were two bartenders (permittee Gearheart and Lewis), one DPSST certified security (LeVasseur), and Licensee Goldman-Armstrong on duty at the time of the event. Goldman-Armstrong stated that around 7:00pm his patrons became nervous that Patriot Prayer members would be coming to the bar based on social media posts and information they received from look-outs they had in the area.

At 7:29 pm PPB received a call from a nearby business of Cider Riot! complaining of a disturbance of about 30 people who were about to March. (See Attachment 2) The complainant believed they were Antifa members and some had helmets on and one had a baton. Officer Wolf had been advised earlier in the day that a group of people had planned a May Day protest with an after party planned at the Cider Riot! While driving to the above location officer Wolf was advised that the other faction involved in the disturbance was a group that is routinely opposed to those who were having the after party.

PPB decided to stage under the Morrison Bridge and observe the proceedings via Air 2 and an undercover officer at the scene. Officer Barnard in Air 2 observed two groups confronting each other with multiple fist fights breaking out on the sidewalk in front of 807 NE Couch Street. Many of these people were coming back into the patio area of the establishment. Officer Barnard also stated he observed several people use mace in what appeared to be an unlawful manner. Undercover officer Cioeta observed two groups of people arguing in the middle of the street in front of the above address. One group he believed to be Patriot Prayer of which there were about 15 members and the other group in the patio area of Cider Riot! and on the street to be members of the group Antifa. There were approximately 50 of the Antifa group outside. It was obvious to officer Cioeta that both groups were making the choice to be there and that at any time the Patriot Prayer group could have walked away, and the Antifa group could have gone inside the bar or walked away. Based on the information they were receiving from Air 2 and officers at the scene, specifically that besides physically fighting, pepper spray had been deployed numerous times, sticks were involved, and objects had been thrown, they decided not to immediately go in. PPB developed a plan that took into consideration the possibility that once they intervened, the violence could be re-directed toward the police. Because they had limited resources at the time and it was clear that the people directly involved in the disturbance were there by choice and were free to leave at any time, the police opted to confront each group separately as they left. (See Attachment 3)(PPB Report 19-141483)

At 7:59, dispatch stated there was a medical call to the above address that someone had been knocked unconscious. Officers learned it was a passerby calling in the information and not anyone from the location. (See Attachment 2)

As officers were driving east on the Burnside bridge they saw the patriot prayer group who had left Cider Riot! and contacted them. Officers asked the group if they needed assistance as several people had abrasions on their faces and cut lips. They declined assistance. Officers then instructed them that if they returned to Cider Riot! they would be arrested. The group said they were going home. (PPB Report 19-141483)

Four officers contacted the Licensee Goldman-Armstrong and asked if there were any victims to the event or who needed medical attention. Licensee Goldman-Armstrong went inside the business and came back out saying no one was wanting to talk to police. Licensee Goldman-Armstrong stated the

bar would have video of the incident which he would provide to police. Lt. Wheelwright provided Goldman-Armstrong his business card that showed his email address for Goldman-Armstrong to send the video to. (PPB Report 19-141483).

On 5/15/19 at 3:07 PM, Inspector Vetter and I arrived at the above address to investigate the riot that occurred on 5/1/19. I presented Licensee Abram Goldman-Armstrong with my state issued business card and identified myself as an OLCC liquor inspector investigating the events of May 1, 2019. Goldman-Armstrong stated that he was on his way to set up an event and would speak to us on 5/16/19 with his lawyer present as he had filed a civil suit against Joey Gibson. I explained to Goldman-Armstrong that this was an administrative investigation and he did not need a lawyer present. He stated since our records were available to the public he didn't feel comfortable talking to us without his lawyer. I stated I didn't mind if his lawyer was present, so we arranged to meet the next day, 5/16/19 at 3:30pm.

On 5/15/19 at 7:46 PM, I spoke with journalist Andy Ngo. Ngo was at the event on May 1, 2019, both in the morning at the downtown protest and also at the Cider Riot! event. Ngo was standing across the street filming the events when he was sprayed with bear mace by a patron who randomly ran out of the patio area and across the street to spray people, she then turned and sprayed him and ran back to the patio area. (See Attachment 4). Ngo stated he had said nothing and only was filming the event. He stated he was incapacitated by the spray and couldn't see but a kind woman, whom he did not know, helped him get across the street to safety. Ngo said he witnessed many people on both sides with weapons including a pick or knife, brass knuckles, batons and mace. He also observed people spraying, spitting throwing beer and beer bottles and fist fighting. He stated he was surprised that the owner allowed everyone to stay on his premises and at no time did he ever hear anyone trying to evict people from the premises.

On 5/16/19 at 1:50 PM, I interviewed OSU journalist Andy Bucchi. Bucchi stated he was at the event filming a documentary for Oregon State University. He stated two men told him to get off the premises that it was private property and he was not allowed. He told the men he was on the public sidewalk filming as a journalist. Later in the event, a man came up and hit his camera with a bat and broke it. The man then ran into Cider Riot's bar area. Bucchi stated he then followed the patron to try and get his information in order to have him replace the broken part of his camera. Bucchi stated that as he approached the door the owner, Goldman-Armstrong came out and told him he could not go in. Bucchi explained to the owner what had happened and that he wanted the man's information. Bucchi stated he was pushed away by Goldman-Armstrong and several other men. (See Attachment 6). Bucchi stated Goldman-Armstrong then walked to the front of the crowd to film and several patrons pushed him down off the curb to the ground hitting him in the side of the face. Bucchi stated about four patrons made sure he stayed there while another patron poured beer on him.

On 5/16/19 at 3:31 PM, Inspector Vetter and I interviewed Licensee Goldman-Armstrong at Cider Riot! Abram stated they were having a May Day after party that had been advertised on their Facebook page and that about 150 patrons attended which they had anticipated. (See Attachment 1). He stated he had one DPSST certified security at the door checking ID's the entire night. I asked how they decided who to let in and out of the bar during the riot? Goldman-Armstrong stated they used a sharpie marker to write on the patrons hand if they had been let in prior to the riot. Abram stated he also had two bartenders working, a bar back and one security guard. Later, in an email dated 5/23/19 (Attachment

7), he stated he was mistaken and only had two bartenders and one security, and he was the bar back.

I asked Goldman-Armstrong if he had tried to evict anyone from the premises and he stated he told a reporter, Noah Bucchi, that he was not allowed to go inside the bar after a patron who had smashed his camera. Goldman-Armstrong stated he did not try to evict anyone from the premises but that he had gone out several times and taken picture of the instigator, Joey Gibson.

Goldman-Armstrong stated that he did not see any of his patrons engaging in illegal activity and that it was Patriot Prayer members on the sidewalk who were throwing things and macing his patrons. He stated that his patrons may have maced back but it was only in self-defense. Goldman-Armstrong stated that he had been a bartender for over 20 years and was well aware of all the rules.

I asked Goldman-Armstrong if he had called police when the riot broke out and he stated he believed a neighbor of Cider Riot! had called police but he did not know what time. He then stated around 8:00pm he had told his bartender to call police but they didn't arrive until 8:30. According to the bar log dated 5/1/19 bartender Breanne said she called the police non-emergency line at about 8:00 pm and was told police response was already present. She did not leave a statement or request further assistance. (See attachment 8).

I asked Abram if he or any of his employees were aware that people were injured during the riot. He stated yes he was aware of this and that he has the name and information of the girl who was knocked out. He stated no one from the bar called for medical help.

I asked Goldman-Armstrong for the names and contact information of the employees who were working at the time of the event and he stated he did not feel comfortable sharing that information with us for the safety of his employees. He stated they had received threats from people calling into the bar. I explained to Goldman-Armstrong that I would need to interview these employees for my investigation and that it was a violation for him to withhold information that was necessary for an OLCC investigation. He stated he was not trying to interfere with the investigation. Goldman-Armstrong asked if his employees could remain nameless in my report as it could be requested as public record. I stated I did not believe so but that I would check with our legal department.

After checking with our legal department, I informed Goldman-Armstrong via email that I could not redact their names from our report. (See Attachment 9). Abram texted me on 5/22/19 that he would pass my contact information on to his employees and have them call me. On 5/23/19 I received an email from the pub manager Breanne Gearheart not wanting to give me her name or the name of the other bartender, as it would put them in "immediate danger" due to ongoing harassment. (See Attachment 10) She stated they would like to make an official statement on 6/2/19. On 5/24/19 I emailed a response to Gearheart stating I could not redact their names from my report and I didn't need a formal statement from them but would just pop down and interview them at the bar when they were next working. (See Attachment 10)

5/29/19 at 3:22 PM, I interviewed via phone, Joseph LeVasseur, DPSST security who was on duty for Cider Riot! on May 1, 2019. LeVasseur stated he started his shift around 5:30 PM, he believed. He remembers it was before the band was setting up. His responsibilities included standing at the door and checking ID's and it was understood that if someone needed to be evicted or 86'd he should do

that. He also stated that he knew before his shift that Patriot Prayer had threatened to come but he didn't take it seriously as they are always threatening to come. He stated he obtained this information from some online chat rooms.

LeVasseaur stated that prior to the riot time of 7:30pm there were only a couple of people on the patio having drinks but when the patrons inside received word that Patriot Prayer was coming down the street almost everyone in the bar ran out to "defend the bar."

Originally he stated he was at the outside door the entire time checking ID's and that during the riot he would only let certain people in. I asked how he distinguished who he allowed back in the bar during the riot and he stated he had been given a printout of all the Patriot Prayer members so he could identify them easily. LeVasseaur also stated since the Antifa people had masks on it was very easy to identify them. Later in the interview he stated that he was not at the door the entire time as he had been maced and needed to go inside to receive first aid. He also stated that it was mainly older people who had been hit with bottles and maced that re-entered the inside area.

LeVasseaur stated that he told two people, both reporters, that they were evicted and not allowed in because he believed they were actually part of Patriot Prayer and were just posing as reporters. I asked LeVasseaur if he tried to evict any of the patrons during the riot and he said no, he did not try because it was pointless as no one would have listened to him. I asked if he had then called the police and he stated no.

I asked LeVasseaur if he had noticed any weapons or mace being carried by any of the patrons prior to the riot breaking out and he stated, "No, they must have stashed them in the planters out on the patio, or had them in their backpacks when they came in." I asked if he had observed any patrons throwing beer bottles, glasses or any other objects out into the sidewalk/street area and he stated no, he had only observed things coming into the patio area but it could have happened. LeVasseaur then stated he did observe the patrons on the patio macing into the street but only after they had been maced first. I asked LeVasseaur what he was wearing during the riot as I was going to be watching video and wanted to identify him. LeVasseaur seemed very uncomfortable and said a black shirt. I had to prompt him several times more to describe himself in more detail.

On 5/30/19 at 6:00pm, Inspectors J. Welp, M. Young and I arrived at Cider Riot to interview pub manager Breanne Gearheart who was bartending during the riot on May 1, 2019. I approached Gearheart and gave her my state issued business card and identified myself as an OLCC inspector. Gearheart stated she didn't really want to meet with me right then because of the civil suit that is going on. She stated she had contacted the lawyer in the civil suit to set up a meeting with her and OLCC but hadn't heard back from him yet. I explained to Breanne that this was an administrative issue and she did not need to have a lawyer present. She asked me to give her an overview of what that meant and I explained to her that because she had a service permit issued by the OLCC to mix, serve and sell alcohol that there was an expectation that she would cooperate with any investigation that we were conducting into events that happened while she was working. She said she understood and would speak to me without the lawyer being present.

Gearheart stated she started her shift at 3:30pm on May 1, 2019 and worked until close. Her primary duty during the event was bartending. She stated that there were about 100 people there and the

majority of them were inside. There was a calm atmosphere inside and just a few patrons out on the patio drinking.

Gearheart stated that around 7:30pm the majority of the people inside, "masked up" and ran to the patio because they heard Patriot Prayer was here. Breanne stated she believed they ran out to defend the bar from Patriot Prayer people coming inside. She also stated she did not observe any weapons or bear spray on the patrons in the bar but they did not search backpacks.

I asked Gearheart what prompted her to call the police at 8:00 pm after the riot. She stated that there were so many injured people who had come in that needed attention for pepper spray and she wanted to see if anyone else had called police. Gearheart stated the people were treated by "street medics" that were inside the bar. I asked what a "street medic" was and she stated people that are not medically trained but who have street knowledge on how to treat riot injuries like mace. Gearheart stated that no one from the bar called for medical assistance that she was aware of. Later in the evening she heard someone had been knocked out during the riot. She stated that she was unsure of what to do in the situation and that is why she called the non-emergency number and didn't leave a statement or request additional information. I instructed Gearheart that she could always call 911 and let them determine the level of the emergency. Gearheart stated she would do that next time.

Gearheart stated she never went outside during the riot as she felt it was unnecessary because the owner and security were out there already and there was nothing she could do. She stated she understood that if she saw harassing behavior in her patrons that she had the responsibility to evict them from the premises but that she never saw that inside the bar. Gearheart stated that they typically patrol the outdoor area every 10-15 minutes when alcohol is being taken outside but since there was a riot going on she didn't feel safe to go out. Gearheart's statements matched what she had written in the bar log on 5/1/19 ( See Attachment 8)

On 6/11/19 at 12:39pm, I spoke with permittee Monelle Lewis, who was the bar back on May 1, 2019, by phone. Lewis stated she started her shift on 5/1/19 at 5:00 pm and worked till close. Her primary duty was bar back, for which she normally would go out and collect glasses from the patio but she ended up spending the entire night inside. Lewis stated everything inside was calm and for a while people were coming in that had been maced receiving help from the "street medics". Lewis stated she did not help anyone as she was not trained in that. She stated she didn't feel the need to go outside even though she knew things were going on because the owner and security were out there taking care of it.

Usually Lewis would patrol the patio every 10-15 minutes but she was afraid to go out during the riot and there was coverage out there. I asked Lewis if she had called the police at any time and she stated she did not as other people already had. I asked Lewis if she saw people going in and out from the patio during the riot and she stated only about 6 people came in to get medical attention and that she didn't know why people went out in the first place because she was very busy serving drinks.

I asked Lewis what her understanding was of harassing behavior and the need to evict patrons and she stated if there is harassing behavior and you feel comfortable doing so you should evict people. If you don't feel comfortable you should call the police. I explained to Lewis the responsibility to evict patrons who are harassing or engaged in unlawful activities and to call the police if patrons refuse to

leave. Lewis stated they have a lot of longstanding patrons who will always jump in and help them evict people who are causing problems. I instructed Lewis that patrons should never be helping to evict other patrons for their own safety and if harassing or unlawful activities are being engaged in, both parties must be evicted for a minimum of 24 hours. Lewis stated she was unaware of that but would do that in the future. She also stated there was no need to evict inside the bar because everyone was well behaved and calm.

On 6/9/19 I e-mailed Licensee Goldman-Armstrong to positively ID the DPSST security guard for the event on 5/1/19 (see Attachment 11 & 12). On 6/11/19 I e-mailed him again and he responded with a positive ID.

On 6/12/19 at 2:40pm I spoke via phone to Licensee Goldman-Armstrong and asked him if he was aware that his security guard was involved in a mutual combat fight in the street during this event? (See Attachment 13 & 14). Goldman-Armstrong stated he was aware of this. He stated at the time he was watching it happen he was surprised but after the fight, security LeVasseur explained to him that the people in the street were looking for someone to fight one-on-one. LeVasseur told him if he won the fight then the people in the street would leave. Goldman-Armstrong stated LeVasseur felt because he was trained in MMA it would be better for him to fight than any of the patrons. Goldman-Armstrong stated that since the police were not coming, LeVasseur felt this would be the quickest way to end the encounter.

I asked Goldman-Armstrong what his thoughts were on the fight LeVasseur engaged in and he stated after it was explained to him by LeVasseur he did not think it was unreasonable. Goldman-Armstrong stated that soon after the fight with LeVasseur ended the other group left, so it seemed to work well. I asked Goldman-Armstrong what were his specific instructions to LeVasseur before the event started and he stated he wanted him to check ID's at the door and make sure the wrong people didn't come in. I asked Goldman-Armstrong what he meant in our first interview when he stated he had gone with different security because of a communication issue. Goldman-Armstrong stated it had nothing to do with the May 1st event. He stated he found a woman who is very good at diffusing situations with words and has a lot more experience in these things so he is using her now for security.

I informed Goldman-Armstrong I had spoken with permittee Lewis and had given her instruction on not allowing patrons to help evict others from the premises. I also stated we talked about the need to evict both parties when harassing behaviors first occur. Goldman-Armstrong stated he was very aware of that rule and that it had been pointed out to him a few years ago.

On 6/12/19 at 10:45am, I spoke with Patriot Prayer leader Joey Gibson on the phone. Gibson stated he came to Cider Riot! to challenge the owner on freedom of speech because he knew Cider Riot! was an Antifa bar and there would be at least 50 Antifa people there. Gibson stated there were other people there who were not with his group. Gibson stated he never heard the owner or the security try to evict anyone except the two journalists who were just filming off the property. He stated the owner, Goldman-Armstrong pushed Bocchi away from the door when he was trying to get the name and number of the guy who broke his camera and that Goldman-Armstrong had let the guy run back into his bar.

I asked Gibson what precipitated the MMA fight in the street and he stated he walked up to the two

guys who had agreed to mutually fight each other and when another guy tried to interfere he said let them fight its mutual consent. Gibson stated no one was aware that LeVasseur was security. Gibson stated after the fight LeVasseur shook hands with all of them. Gibson stated Licensee Goldman-Armstrong stood by and watched LeVasseur fighting the other guy. (See Attachment 14). Gibson stated that Goldman-Armstrong is suing him and he asked how he could obtain information on the outcome of our investigation. I instructed Gibson that our investigation is currently ongoing and would take some time and informed him for any public records you need to make a formal request.

Gibson was also concerned that Goldman-Armstrong said in a public interview he had called the police and they didn't come when he does not believe he ever did call the police. He stated that Goldman-Armstrong was also suing him for making frivolous complaints to the OLCC when no one he knew of had complained.

Gibson also stated that no one at any time from his group set foot on the licensed premises, they were only on the street and public sidewalk, and so the statement that the Antifa patrons were just protecting themselves in self-defense by spraying people in the street and throwing bottles and glasses was ridiculous.

On 6/13/19 at 10:21am, I spoke with security LeVasseur a second time, over the phone. I asked LeVasseur what his understanding was of the circumstances in which DPSST security would mace people. LeVasseur stated in order to get people off private property and in self-defense. I asked LeVasseur if he had identified himself as a security officer before he maced people during the riot and he stated he did not know what I was talking about and he didn't know anything about mace. (See Attachment 15). I stated that I had viewed a video in which he was clearly macing people. LeVasseur stated, "what, can I see that video?" I informed LeVasseur that the video was on YouTube and titled Cider Riot Part 2. LeVasseur then stated he never identified himself as security the entire riot.

I asked LeVasseur to tell me about the MMA fight that took place in the street in which he was fighting another man. LeVasseur stated he had moved over to the other side of the patio because he had been maced several times. He then corrected that statement to say he never was actually maced but it was floating in the air and so he moved to the other side. LeVasseur stated four men he identified as Chris, Ian Cramer, Matthew Cooper and Jacob Ray Atkins charged him and were going to "beat the crap out of him" and Joey Gibson intervened and said let them fight one-on-one. LeVasseur stated he basically had to decide if he wanted to fight four-on-one or one-on-one. LeVasseur stated since he was MMA trained he felt it was better that he fight rather than someone else who was not trained, and if it ended the riot it made sense. I asked LeVasseur what he thought DPSST would think of him engaging in an MMA street fight while he was on duty and he stated, "It comes with the territory." LeVasseur stated what he did worked, and since police were clearly not coming to help he felt it was his duty to end the riot. I asked if he had called the police and he stated no but dozens of people inside had already called the police. I asked if he was referring to patrons or bartenders and he stated the bartender called police. LeVasseur stated after the fight he shook everyone's hands and told them "you guys gotta go." I asked if he had identified himself as security when telling them they needed to leave and he stated no.

LeVasseur stated he felt he had "de-escalated" the riot because everyone was watching him fight and not fighting each other. He stated after the fight he went and told Goldman-Armstrong what he had

done and that he thought he had got them to leave and Goldman-Armstrong replied, "oh, good."

I asked LeVasseur if he was still the security for Cider Riot! and he stated no, that was just a one-time thing and that his regular job is security at Division Heights.

I asked LeVasseur why he failed to give me this information in our first interview and had instead told me he was standing at the door the entire riot. LeVasseur stated "that video on YouTube has gone viral and I was trying to protect myself. I don't want some Patriot Prayer guy in Texas sending me a mail bomb."

I asked LeVasseur if there was anything else he wanted to tell me and he stated no. He then asked me if DPSST was going to come after him about the mace. I informed LeVasseur that what DPSST does with the information in my report is separate from OLCC and I could not speak for them.

On 6/20/19 at 7:30pm I left a message with Nicole to have her roommate Heather Clark call me back about injuries she sustained during the riot. (PPB Report 19-141483) I have not heard back as of finishing this report.

The OLCC has received multiple complaints from concerned citizens throughout the state who viewed footage of the riot on the news and YouTube. (See Attachments 16-24). Most expressed outrage that the OLCC would allow a licensed bar to operate as an "Antifa headquarters, allow complete disregard for weapons laws and not step in to protect those in our community." I have tried to respond to every complainant that wished to be called back or emailed. I have included several 1st hand accounts that directly pertain to the violations in question. I have received no complaints from patrons of the bar. These complainants have emailed video links to YouTube videos that show the events unfold in basically three parts, links to Fox New 12 broadcasts, and some interviews with journalist Any Gno and Noah Bocchi.

Permitting Unlawful Activity OAR 845-006-0347(3)  
Permitting Disorderly Activity OAR 845-006-0347(2)(a)

On May 1, 2019 from approximately 7:30pm to 8:00pm patrons, licensee, and DPSST security of Cider Riot! participated in a riot as defined by ORS 166.015. (See Video Cider Riot Part 2 3:05/13:21 -Cider Riot Part 3 9:45/12:10). The licensee took pictures and was aware of patrons with illegal weapons on his premises and was aware that patrons were using those weapons. The Licensee, Security, and permittee's were aware that people were being injured during the riot. (See Attachment 25 & 26). Licensee Goldman-Armstrong stated that his patrons were only acting in self-defense but clearly, according to video, he was present and watching as patrons displayed aggressive behavior. Undercover police on the scene noted that both parties could have left the premises at any time and everyone there was choosing to be there and initiate aggressive behavior. (PPB Report 19-141483).

Fail to Evict OAR 845-006-0347(4)(a)

Licensee Goldman-Armstrong stated he evicted one person the entire time of the riot, the OSU journalist Noah Bucchi who was trying to get information on his broken camera. Goldman-Armstrong stated he did not try to evict any of his patrons as they did nothing wrong. He also stated in a second



interview that he was very aware of the requirement to evict all patrons who showed harassing behavior. Goldman-Armstrong stated he did not call police but after the riot instructed his bartender to call police.

On 1/24/18 OLCC Inspector S. Pitton investigated PPB reports 18-22582 and 18-23115 which pertained to an assault in front of Cider Riot! that happened after a political event following a protest in downtown Portland. Inspector S. Pitton Instructed licensee Goldman-Armstrong that he needed to evict both parties in an altercation and that he needed to safeguard patrons at such events to prevent disorder from occurring on or near the premises. (See Attachment 27).

DPSST Security Joseph LeVasseur failed to ever identify himself as Security for Cider Riot! and only evicted the two journalist on the sidewalk who were calmly filming. He stated he did not call the police at any time.

False Statement ORS 471.425(1)

DPSST Security Joseph LeVasseur stated in his first interview on 5/29/19 that he stood by the door and checked ID's the entire night including during the riot. He stated the only time he left was when he had been maced and had to go inside to clean up and then he came back to the door. He also stated he did not know of anyone macing anyone but it might have happened. In LeVasseur second interview on 6/13/19 he admitted that he had not been at the door during the riot and that he had not been maced and gone inside but in fact had been all over the premises patio and had maced people and engaged in a fight in the street. It was also very clear through watching countless video coverage that LeVasseur was very aware of patrons using weapons and macing people. At one point LeVasseur is standing directly behind a man with brass knuckles and a baton extended. When I asked LeVasseur why he had not disclosed all this to me in the first interview he stated he was in fear of Patriot Prayer groups retaliation as the video had gone viral.

Licensee Goldman-Armstrong stated that he instructed permittee Gearheart to call police at 8:00 and permittee Gearheart stated she called the police on her own as she was concerned by the amount of injured patrons.

Evidence OAR845-006-0345(4)

On 5/1/19 PPB officer Miller was told by Goldman-Armstrong that the bar would have video of the incident which he would provide to police. He was given Miller's card to provide the video to her email. (PPB report 19-141483) Goldman-Armstrong did not provide bar video to the police and stated he had recorded over it when I asked for the video.

Main Video Breakdown:

Cider Riot! Part 1\YouTube Stumptown Matters

Time (5:13)

0:00 – 0:50/5:13 Journalists arriving with some Patriot Prayer members to Cider Riot!

1:01/5:13 – Two Journalists are stopped on sidewalk outside Cider Riot! by patron in black/red shirt, black mask and goggles. Journalist in black jacket on left with green/grey backpack is Noah Bucchi

(victim in police report #19-143459).

1:18/5:13 - The man to the right of screen with dark hair, glasses and mask is DPSST security Joseph LeVasseur (73269) - Tells journalists "this is private property, you are not allowed to be here."

2:06/5:13 - Many Antifa patrons of Cider Riot! on the licensed patio and sidewalk.

3:05/5:13 - Journalist identifies that there are Patriot Prayer members and Proud Boys in attendance.

4:32 - 5:12/5:13 - Majority of Patrons coming out onto patio and waiting.

## Cider Riot! Part 2/ YouTube Stumptown Matters

Time 13:21

0:05-0:20/13:21 - Joey Gibson arrives in front of Cider Riot! and female patron from patio with black hat and black mask on left pushes with body and gets in his face and he pushes back.

0:47/13:21 - Patron and Patriot Prayer member start sparing.

1:33/13:21 - Patron spits on Joey Gibson.

1:41/13:21 - Joey Gibson wipes spit on patron.

2:32-2:34/13:21 - Joey Gibson puts an arm up and keeps patron away/ Man in helmet unmask patron. Patron spits 3 times on Joey Gibson.

2:37/13:21 - Same patron hits Gibson's phone to the ground and guy in helmet pushes her back.

2:41 patrons on patio try to hold other patrons back from attacking patriot prayer group.

2:59-3:04/13:21 Patron on right of screen picks up beer and throws it on someone who then sprays her.

3:05/13:21 Patron on right of screen in black and red sprays Patriot Prayer people with mace. DPSST security Joseph at top of screen watching.

3:07-3:57/13:21 - multiple patrons and Patriot Prayer group spraying and throwing beer and beer bottles at each other. DPSST security goes to the front of the crowd and is watching. Multiple patrons going in and out of door.

4:02/13:21 - people on both sides with asps and patron with brass knuckles.

4:03-4:34/13:21 Multiple patrons throwing cups and bottles into the street.

4:35-5:20/13:21 multiple patrons spraying bear mace...

6:10/13:21 Journalist Noah Bucchi gets his camera damaged by patron.

6:11/13:21 Security on right of screen spraying mace into crowd and patron in center of screen with brass knuckles

6:28-6:45/13:21 Licensee Abram Goldman-Armstrong comes out door and Bucchi goes to find the patron who ran back inside the bar and is pushed by Licensee Goldman-Armstrong and two patrons.

7:03/13:21 Licensee Goldman-Armstrong takes picture of Journalist.

7:36-7:53/13:21 Licensee goes to front of crowd to take pictures of Patriot Prayer group.

8:07/13:21 Licensee Goldman-Armstrong goes back inside bar.

9:15/13:21 Bucchi picks up his broken camera pieces.

9:37/13:21 Licensee standing on table yelling "that's Assault" at people and filming.

10:14/13:21 Security by umbrella going to the other side of patio.

10:38/13:21 Licensee goes back in bar.

11:10/13:21 Security on left is on sidewalk with mace in both hands

11:44-11:51/13:21 Patron sprays mace in Gibson's face and throws can at him while security stands to the left watching. Man in helmet throws can back into patio.

13:10-13:20/13:21 Licensee in front of crowd filming.

## Cider Riot! Part 3/YouTube Stumptown Matters

Time 12:10

0:36/12:10 Security on left starting to engage in fight  
1:08-1:43/12:10 Security on far left engaging in fight with someone, disengaging, starts to fight again.  
1:57-3:18/12:10 Security engages in one-on-one MMA-style street brawl with Patriot Prayer member.  
3:21/12:10 Patron taunting a man gets hit in the mouth.  
3:55-4:27/12:10 Security re-engages in one-on-one in street with same man. Knocks him down.  
4:47/12:10 Security shakes everyone's hands and waves.  
5:33/12:10 riot appears to be disbanding.  
5:56/12:10 patrons throw something and insight more fighting.  
6:14/12:10 Patrons are now in crosswalk taunting.  
7:16/12:10 Both sides in street interfering with traffic.  
7:40/12:10 Security comes out and tries to wave people back to patio.  
7:52/12:10 Security tries to pull patrons back.  
8:38/12:10 female on left with hair in bun about to get knocked unconscious.  
8:42/12:10 female patron grabs Gibson's shirt as he is leaving and people try to push her back.  
8:44/12:10 female patron throws a punch.  
8:50/12:10 female patron is hit off camera and falls in cross walk on camera.  
8:54/12:10 patrons pull female patron to safety.  
9:00/12:10 Man in helmet trying to hit people with baton.  
9:14/12:10 Angry patrons start following Patriot Prayer Members aggressively.  
9:20-9:49/12:10 Patrons with SAP and baton and brass knuckles pursing and hitting with baton –  
Journalist trying to get them to leave off.  
10:00 Security guard to left of tree with group pursuing leaving members of Patriot Prayer.  
10:28 Security guard to left of crosswalk sign.  
10:39 Patrons turn to go back.

## **CHARGES RECOMMENDED FOR LICENSEE / PERMITTEE**

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*Include relevant OAR or ORS reference*

Permitting Unlawful Activity OAR 845-006-0347(3)  
Permitting Disorderly Activity OAR 845-006-0347(2)(a)  
Fail to Evict OAR 845-006-0347(4)(a)  
False Statement ORS 471.425(1)  
Evidence - OAR 845-006-0345(4)

## **EVIDENCE / ATTACHMENTS**

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1. Cider Riot! Facebook May Day Antifa After Party Announcement.
2. BOEC CAD Report Dated May 1, 2019.
3. Portland Police Bureau Report 19-141483.

4. Andy Ngo Sprayed with mace (KPTV 12).
5. KPTV.com transcript of interview with OSU student Noah Bocchi.
6. Licensee Goldman-Armstrong pushing Noah Bocchi (Pic).
7. E-mail dated 5/22/19 from Goldman-Armstrong.
8. Bar log dated 5/1/19.
9. E-mail dated 5/22/19 from inspector G. Welp.
10. E-mail dated 5/23/19 from permittee Gearheart.
11. Picture of DPSST Security Joseph LeVasseur.
12. E-mail dated 6/11/19 from Goldman-Armstrong.
13. Picture of DPSST Security Joseph LeVasseur fighting in the street.
14. Picture of Licensee Goldman-Armstrong watching security LeVasseur fight in the street.
15. Picture of DPSST Security Joseph LeVasseur spraying mace/patron with brass knuckles.
16. E-mail complaint dated 5/2/19. (Chuck Tuna).
17. Mailed complaint dated 5/3/19. (Concerned Portlander).
18. Mailed complaint dated 5/3/19. (Jonathan Groft).
19. License Services complaint dated 5/4/19. (Jeff Handley).
20. Mailed complaint dated 5/4/19. (Andy Ngo).
21. E-mail complaint dated 5/4/19. (Antonio Taylor).
22. E-mail complaint dated 5/5/19. (Main Screen Turn On).
23. E-mail complaint dated 5/5/19. (D Frion).
24. E-mail complaint dated 5/7/19. (Jeff Jarvis).
25. Picture of Licensee Goldman-Armstrong taking photos during riot.
26. Picture of patron with baton and brass knuckles.
27. OLCC Intake Report dated 1/24/18.
28. Picture of Patriot Prayer leader Joey Gibson arriving at Cider Riot!
29. Picture of patron slapping phone out of Joey Gibson's hands.
30. Picture of Patriot Prayer member shoving patron in face.
31. Picture of patron throwing glass of beer on Patriot Prayer member.
32. Picture of first bear spray from Patriot Prayer member.
33. Picture of patron returning bear spray on Patriot Prayer member.
34. Picture of victim Heather Clark (PPB Report 19-141483) attacking Joey Gibson as he leaves.
35. Picture of victim Heather Clark knocked unconscious by man off camera.
36. Picture of patrons with a baton after striking leaving journalist and patron with ASP.
37. E-mail dated 5/17/19 from Licensee Goldman-Armstrong.
38. E-mail dated 5/16/19 from Licensee Goldman-Armstrong with pictures
39. Portland Police Bureau Report 19-143459 Noah Bucchi assault.
40. Video Cider Riot Part 1/YouTube Stumptown Matters (Time 5:13).
41. Video Cider Riot Part 2/YouTube Stumptown Matters (Time 13:21).
42. Video Cider Riot Part 3/YouTube Stumptown Matters (Time 12:10).
43. Video Andy Ngo attacked with chemical spray.
44. No Victims of Portland Antifa May Day Riot KPTV 12.
45. Tucker Carlson – Andy Ngo Attack.

<b>Assessment:</b>	<input checked="" type="checkbox"/> Open Investigation <input type="checkbox"/> Close at Intake		
<b>Action:</b>	<input type="checkbox"/> Verbal Instruction <input checked="" type="checkbox"/> Send to AP&P		
<b>Refer to External Agency:</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Name of Agency:</b>	
<b>Supplemental Report:</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
<b>Licensee Contact:</b>	Abram Goldman-Armstrong	<b>Date/Time:</b>	5/15/19 @
<b>Contact Phone:</b>	503-730-5597	<b>Contact Email:</b>	Licensee Contact Email
<b>Contact Type:</b>	<input checked="" type="checkbox"/> In Person <input type="checkbox"/> Telephone <input type="checkbox"/> Email <input type="checkbox"/> Other		

**Licensee Represented By An Attorney:** ☐ Yes ☒ No

**Attorney Contact Information:** Licensee Abram Goldman-Armstrong stated he is not being represented by an attorney for our purposes. He is represented in a civil case but would like all correspondence to go to Cider Riot! address on file.

<b>INSPECTOR:</b>		<b>DPSST #</b>	<b>DATE</b>
Genny Welp		59564	

*Print Name*

*Sign Name*

<b>APPROVED BY:</b>		<b>DPSST #</b>	<b>DATE</b>

*Print Name*

*Sign Name*

**From:** Edie Rogoway  
**Subject:** Re: Cider Riot - Joseph LeVasseur  
**To:** Traynor, Christopher  
**Cc:** KALBAUGH Brad  
**Sent:** September 26, 2019 1:48 AM (UTC+00:00)

Thanks Detective,

Brad as I told Detective Traynor, I offered to call on Mr. LeVasseur's behalf today pro bono and invoke/get the 411 on the investigation.

I don't know that I will do anything beyond that, however, I will update him and will email you both if/when there is an attorney on board or if I have info to share.

Best,

Edie

On Wed, Sep 25, 2019 at 6:15 PM Traynor, Christopher <[Christopher.Traynor@portlandoregon.gov](mailto:Christopher.Traynor@portlandoregon.gov)> wrote:

Ms. Rogoway, thank you for your call. I understand you have spoken with Mr. LeVasseur and at this time are invoking his right to remain silent. As we discussed, Mr. Kalbaugh from the DA's Office is handling this case and I would encourage you to speak with him regarding your questions and concerns. I understand your number is 503 750-3480.

Brad, Mr. LeVasseur was the Security Guard on duty on May 1, 2019 who OLCC identified as the person who engaged in the "mutual" fight north of the bar with the Patriot Prayer associate with the red cap.

--

**Edie Rogoway**

**Attorney:** [Rogoway Law](#)

**Creator:** [Edie's List](#)

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**From:** Edie Rogoway  
**Subject:** Re: Cider Riot - Joseph LeVasseur  
**To:** Traynor, Christopher  
**Cc:** KALBAUGH Brad  
**Sent:** September 26, 2019 1:51 AM (UTC+00:00)

One thing I forgot, Brad this could be a win-win/make things much more simple if the State wants to give Mr. LeVasseur immunity.

Best,

Edie

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--

**Eddie Rogoway**

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