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Mayor Marty Walsh
Suffolk County District Attorney Rachael Rollins
Boston City Council

Dear Mayor Walsh, District Attorney Rollins, Boston City Council, and all State and other local elected officials:

The National Lawyers Guild-Massachusetts is gravely concerned with the ongoing situation in Portland, Oregon. As we write this letter, reports continue to roll in from Portland, where unidentified federal agents have been arresting protestors without due process. According to [reports](#), people have been rushing into the streets in unmarked uniforms, refusing to identify themselves or their agency, and taking people away in unmarked vans.

According to a [memo](#) shared within Customs and Border Patrol (an agency of the U.S. Department of Homeland Security) dated July 1st, 2020, the agents seen on video arresting people without due process are a special task force created in response to President Trump's [Executive Order](#) on *Protecting American Monuments, Memorials, and Statues and Combating Recent Criminal Violence*.

Acting Homeland Security Deputy Secretary Ken Cuccinelli has [stated](#) that "this is a posture we intend to continue not just in Portland but in any of the facilities that we're responsible for around the country", suggesting that he intends to dispatch unidentified federal agents to other cities in the U.S. On July 20th, 2020, DHS [announced](#) its plans to send federal agents to Chicago in the coming week.

We demand that our local officials protect the people from this federal overstep. We demand a pledge from our local leaders that they will NOT allow federal agents to come in and enforce Trump's racist agenda of intimidating, injuring, and jailing protestors. We demand that our constitutional and civil rights be recognized, protected, and honored - which will not happen if this city allows unidentified agents to roam the streets to detain, tear gas, and terrorize people without due process.

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"... to the ends that human rights shall be regarded as more sacred than property interests."
- Preamble to the Constitution of the National Lawyers Guild, 1937

The Trump administration wants us to believe that this is simply a normal law enforcement task - that federal agents are simply doing what local police are failing to do. However, it is crucial to remember that DHS agents are **not** given the [training necessary](#) to respond to protests, mass demonstrations, or riots. There is no requirement that they wear any markings, thus their identity is hidden when making arrests, and therefore they completely dodge accountability for the harm they cause. On July 11th, 2020, one of those unidentified agents [shot a protestor](#) in the face with an impact munition, shattering the bones in his face and sending him to the hospital in critical condition. He has since been moved to [serious condition](#), but it is unclear at the moment whether he will have permanent sight loss or brain trauma.

Even though a federal judge has [upheld](#) a Portland municipal order severely restricting the use of tear gas by police, federal agents continue to use tear gas and projectile weapons against protestors. The severe and dangerous overreach currently being shown by this administration should put every leader of every city on edge.

The threat posed by this tyrannical overreach is so clear that Oregon Attorney General Ellen Roseblum has sued the Department of Homeland Security. The lawsuit seeks a restraining order to keep agents with Homeland Security, U.S. Marshals Service, U.S. Customs and Border Protection and the Federal Protection Service from making any further arrests. According to [NBC News](#):

The lawsuit claims that such actions compel citizens who are "reasonably afraid of being picked up and shoved into unmarked vans — possibly by federal officers, possibly by individuals opposed to the protests" from exercising their First Amendment right to assembly. The suit also claims that law enforcement violated the Fourth and Fifth Amendment by seizing people without a warrant and denying them due process of law.

The fact that Customs and Border Control agents are allowed to roam the streets, making unauthorized arrests, creates an extra chilling effect for our immigrant neighbors. Boston calls itself a Sanctuary City; moments like this are when that commitment is put to the test.

We further demand that Governor Charlie Baker, Attorney General Maura Healey, and the state legislature of Massachusetts simultaneously use state resources to protect protestors from this federal overreach.

As long as our elected officials fail to address the decades of systemic racism that exists in the criminal legal system and in society, the people will continue to take the streets. We are entitled to the right to protest and we intend to keep exercising that right. We demand that our City protect protestors while we continue to demand justice for Black lives. We demand a swift and firm rebuke of this administration's harmful tactics, as well as a public pledge that this will not happen in our streets.

Sincerely,

Urszula Masny-Latos, *Executive Director*
Erica Medina, *Chapter Officer*
National Lawyers Guild-Massachusetts Chapter