US Border Patrol deployed against anti-police violence protestors

By Meenakshi Jagadeesan
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Over the July 4 holiday weekend, as protests in Portland, Oregon, continued for the 38th straight day, Border Patrol (CBP) agents joined federal law enforcement officials from the US Marshals, the Federal Protective Services and Homeland Security Investigations to aid police in asserting “law and order” in the city.

The federal agencies have claimed that their task is to “protect federal property.” This has entailed “clearing the streets” in downtown Portland using impact munitions, shoving journalists covering their actions and carrying out arrests of protesters on charges ranging from assault to disorderly conduct.

The deployment of CBP agents has been presented by the Trump administration and its supporters as an essential step to restore some semblance of normalcy in a city that has allegedly been taken over by criminal elements. Speaking on Fox News’s “Fox and Friends” Sunday, Mark Morgan, the acting CBP commissioner, declared, “What we saw in Portland last night was criminal and we stood strong with our federal partners to resist that.”

The “criminal” situation that Morgan was describing was the ongoing protests against police brutality that have consistently attracted huge multi-racial crowds to downtown Portland over the past two months. This past week, the situation escalated rapidly on Tuesday and Thursday with the Portland Police categorizing the demonstrations as “riots,” and using tear gas and pepper spray to disperse the crowds. It is worth noting that both times, largely peaceful gatherings involving speeches and fireworks suddenly morphed into what the police categorized as “criminal activity” with the intervention of the police themselves.

The deployment of the federal law enforcement agents by the Trump administration is part of a dangerous, growing trend of coordination and integration with police forces, especially since the same rules do not seem to apply to local officers and federal agents.

In Portland, for instance, a federal court order temporarily prohibits the police department from using pepper spray unless there is a threat to public safety or the lives of the officers. There is also a temporary restraining order that governs the interaction of officers with journalists covering the protests. Neither rule apparently applied to the federal agents who were active in “clearing the streets” this past week.

When asked who controls when and how federal officers are deployed, Portland Police Bureau (PPB) spokesperson Lt. Kristina Jones gave a typically vague answer: “PPB is the lead agency for Portland City property; the Federal agencies are primary for federal properties.” In practice, however, this distinction did not seem to hold as the federal police agents actively participated in the dispersal of the crowds well-beyond just guarding federal buildings.

Morgan defended the actions of the federal agents as necessitated by the dereliction of duty by local officials: “These are not protesters, these are criminals who got together and organized and planned and actually brought weapons. ... Where are the local political leaders, standing up, saying this is unconscionable, this is wrong, and these individuals should cease and desist and be arrested? Where are they?”

The claim that the protests are fundamentally criminal in nature is one that President Trump and his supporters have been reiterating from the very beginning without any shred of evidence. Buffered by baseless reports from a host of right-wing provocateurs, these claims have served to justify deployment of the
National Guard and other armed federal forces in direct violation of the constitutional rights of American citizens.

The CBP’s intervention against protesters has not been restricted to Portland. On May 29, a CBP Predator drone flew over the Twin Cities to monitor the protests that erupted in the wake of the police murder of George Floyd in Minneapolis, Minnesota. At that time, a CBP spokesperson claimed that the drone had been sent “at the request of our federal law enforcement partners in Minneapolis,” without specifying which agency had asked for it.

A few days later, 350 CBP troops were deployed to confront protestors in Washington, D.C. In a typically inflammatory tweet, acting commissioner Morgan claimed: “These ‘protests’ have devolved into chaos & acts of domestic terrorism by groups of radicals & agitators. @CBP is answering the call and will work to keep DC safe.”

The CBP is a peculiar federal agency in that it actually has authority over a zone that runs from the border to 100 miles inland, all around the perimeter of the United States. This zone encompasses Washington, DC, along with nine of the ten largest U.S. cities and the entirety of ten states, including Hawaii, Connecticut and Florida. This is an area with a population of over 200 million, the overwhelming majority of US residents.

Within this zone, CBP officers can stop individuals and conduct searches without warrants in violation of the Fourth Amendment right against “unreasonable searches and seizures.” Such searches could include the confiscation or copying of electronic devices like cell phones or computers and even manual searches of body cavities, so long as there is a “reasonable suspicion”—a much lower threshold than the “probable cause” required by local law enforcement to get a search warrant—that a border-crosser may be hiding contraband.

These powers make the agency a particularly dangerous tool of the oppressive apparatus of the state, and thus extremely attractive to the ruling elite. It is not an accident that Trump has spent a substantial amount of time, effort and resources in further militarizing CBP and Immigration and Customs Enforcement.

The fact that CBP could fly a predator drone over Minneapolis, a city that is 250 miles from the closest international border, in violation of the Justice department’s 100-mile zone rule and not face any consequences, should be a warning to the working class on how future protests and strikes will be dealt with. The powers that have been built up in the war on immigrant workers are now being turned against the entire working class.

In this context, Morgan’s claim about CBP’s presence in Portland is even more ominous: “We’re going to escalate to the use of force that’s needed to repel these criminals and apprehend them and prosecute them. ... We’re not walking away from our federal facilities like police departments have in some communities. We’re staying.”

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