

# CITY OF OAKLAND



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October 5, 2021

HONORABLE CITY COUNCIL  
Oakland, California

**Subject:** **The City of Portland and the City of Oakland v. Merrick Garland, in his official capacity as United States Attorney General; United States Department of Justice; Alejandro Mayorkas, in his official capacity as Secretary of Homeland Security; and United States Department of Homeland Security United States District Court Case No. 3:20-cv-7184-EMC (City Council – Constitutional and Statutory Violations)**

President Fortunato Bas and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing settlement and dismissal of the above-entitled claims.

This case arose out of incidents occurring between June 2020 and January 2021. In June and July 2020, then-President Trump’s administration took unprecedented steps to create a new policy purporting to authorize the deployment of federal agents to United States cities. The then-President, then-acting Department of Homeland Security (DHS) Secretary Chad Wolf, and then-Attorney General William Barr individually and collectively offered varied and pretextual justifications for the deployments, including citing statutes allowing federal agencies limited authority to protect federal property, and generally citing “violence” and “anarchy” in progressive cities. Portland, OR, was the most high-profile target of the Trump Administration’s policy, but other cities were repeatedly threatened with such deployments, including Oakland.

In October 2020, the City of Oakland joined the City of Portland and a national nonprofit, the Public Rights Project, in filing a challenge to DOJ and DHS. After the lawsuit and after President Biden took office, he issued a new and crucial executive order, which rescinded the Trump June 2020 executive order that undergirded the policy at issue in our case. With that executive order rescinded and with other key agreements by Defendants about the constitutional matters in the lawsuit, the parties believe it is appropriate to dismiss this case without prejudice.

The Council authorized settlement and dismissal of this case in Closed Session on Thursday, September 23, 2021 (moved by Councilmember Noel Gallo and seconded by Councilmember Carroll Fife - 8 Ayes, 0 Noes).

Respectfully submitted,

A handwritten signature in blue ink that reads "Ryan G. Richardson".

Ryan G. Richardson for  
BARBARA J. PARKER  
City Attorney

Attorneys Assigned:  
Zoe Savitsky  
Malia McPherson