## Masked Up for Protest

#### CONTINUED FROM FRONT

ty Law Center known to strike up violent conflicts in Portland, and left-wing counter protestors known as antifascists or Antifa clashed last month, bloody fist fights broke out during what police called a "civil disturbance." Three arrests were made and several injuries reported.

Video footage of conservative writer Andy Ngo getting assaulted and pelted with milkshakes from what appeared to be maskclad Antifa sparked nationwide backlash and criticism of Portland Police Bureau and Mayor Ted Wheeler.

Outlaw proposed making a law making it illegal to wear a mask while a crime was being commitfuture protests.

"Legislation would really be helpful prohibiting the wearing of masks during the commission of a crime...If you knew that you can be easily identified, do you think you would be as inclined to commit that act of violence or commit that crime personally?" Outlaw asked at a press conference a few days after the clash.

Haynes told the Portland Observer that he wouldn't have a problem with police implementing a mask ban for people committing crimes, but urged that such a proposal should not "impinge upon the rights of citizens to march and to peacefully assemble for their grievances."

"We would've not had the 1964 Civil Rights bill, the '65 Civil Rights bill, the end to Jim Crow, without marches and protests," he explained.

and associate dean at Lewis and Clark Law School, said he understands the frustration the police have in terms of quelling the violence at protests and agreed that "the best way to do it, if you're going to do it, would be to specifically link the mask wearing to the commission of some other crime, and perhaps a crime of some seriousness."

Parry, who teaches courses on civil litigation, noted he does not consider himself a specialist in First Amendment rights issues but agreed any legal problems that could arise from a hypothetical law banning masks when a crime was being committed would certainly be due to free speech issues.

"The way in which you choose ted to help reduce the violence at to present yourself in public is certainly a form of expression... And if we start criminalizing that we're going to have to be awfully careful of how we tailor that in a way that gets at the specific problem that we're trying to address," he said

> Though Parry acknowledged the rationale that wearing a mask may make a perpetrator "more emboldened to assault someone," he questioned the practicality of such a law.

> "If I break the law by wearing the mask, the fact that the law is there doesn't make it any easier for them to find me. I've worn the mask; yes I've broken this additional rule, but good luck finding me."

> Parry also acknowledged that the proposal as it's been stated so far is quite vague, and that a hypothetical law banning the wearing of a mask during a crime could

John Parry, a professor of law manifest in a myriad of different ways. If it were a state statute, for instance, the determination would have to be made as to whether the law was carried out as an aggravating factor for sentencing or as an additional violation added on to some other offense, he said.

> Prior court rulings of mask bans have been mixed. For example, an anti-mask statute in Georgia,

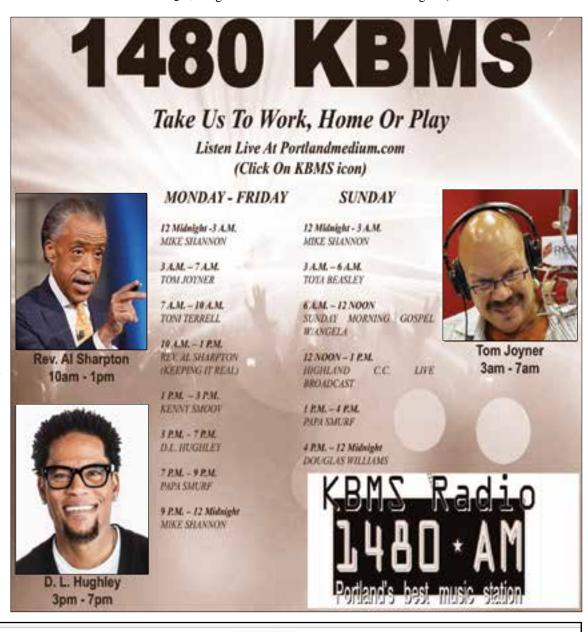
law, was recently upheld in a case where a man wore a "V for Vendetta" mask to a protest in Atlanta in 2014, related to a grand jury's decision in a police-shooting case in Ferguson, Mo.

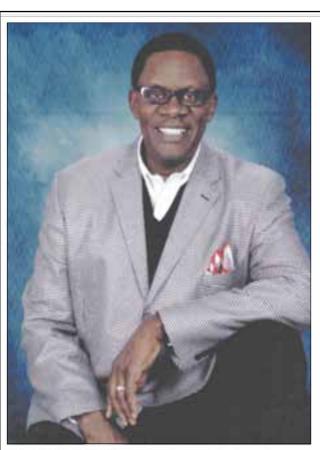
On the other hand, a federal court in Indiana struck down one of its anti-mask laws in 1998 in a case that involved the Klan challenging a Goshen city ordinance barring the use of masked hoods. The U.S. District Court judge ruling in that case stated that the law

originally created as an anti-Klan had the effect of "directly chilling speech" by infringing on the group's right to associate anony-

> Sierra Ellis, a spokesperson from Mayor Ted Wheeler's office, told the Portland Observer via email that the Mayor has been talking with Chief Outlaw about her concerns, but has not yet taken a position on the masks.

> "We need to learn more about the implications of it. We'd also like to get community leaders to weigh in," Ellis said.





Dr. Billy R. Flowers

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