

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jared Goyette, Craig Lassig, Michael Shum, Katie Nelson, Tannen Maury, Stephen Maturen, and The Communications Workers of America, *on behalf of themselves and other similarly situated individuals,*

Plaintiffs,

v.

City of Minneapolis; Minneapolis Chief of Police Medaria Arradondo *in his individual and official capacity*; Minneapolis Police Lieutenant Robert Kroll, *in his individual and official capacity*; Minnesota Department of Public Safety Commissioner John Harrington, *in his individual and official capacity*, Minnesota State Patrol Colonel Matthew Langer, *in his individual and official capacity*; and John Does 1-10, *in their individual and official capacities,*

Defendants.

Court File No.:
0:20-cv-01302 (WMW/DTS)

**DECLARATION OF
EDWARD OU**

I, Edward Ou, declare under penalty of perjury, as follows:

1. I am a Canadian photojournalist. I currently live in New York City, but I spent most of my career covering events in the Middle East for the Associated Press, the New York Times, Getty Images and other news media.

2. In the course of my career in the Middle East I learned how high the stakes can be in times of civil unrest. Some of my fellow journalists were injured and arrested during protests in Cairo, and several of my friends were injured and killed in Libya. Journalists I know were kidnapped in Syria and executed by ISIS on video.

3. In 2016 I left the Middle East. In 2017, I moved to New York to take a job for NBC News. I moved to New York to get away from the violence in the Middle East, because I believed I would be safer in the United States. I worked for NBC News until early 2021.

4. In May 2020 I was assigned to cover the protests in Minneapolis following the death of George Floyd. I requested the assignment because I believe in the importance of the press covering protests as a means to hold security forces accountable. I saw first-hand in Egypt covering the Arab Spring that the presence of cameras caused police to restrain themselves, while in countries like Myanmar, where the international media are not allowed to operate, the violence has been far worse. I also believe it is important for the media to publish what the issues are and give people a voice, because that is a function of a free society.

5. I arrived in Minneapolis on the night of May 30, 2020 and began covering the George Floyd protests at around 6:00 p.m. in the area close to the Metro Transit Garage on Nicollet Avenue. I was traveling with some colleagues from NBC, including Daniella (“Dani”) Silva, a reporter, and a security guard whom

NBC had assigned to protect us. We met up with a large group of other journalists who were also covering the protests in the area.

6. I knew most, if not all, of the journalists who were covering the events on the night of May 30 because I had worked alongside them covering other events in the past. At no point on the night of May 30 did I see any protester or other member of the public who is not a journalist wearing press insignia on their clothes, displaying press credentials, or otherwise claiming or pretending to be a journalist.

7. When we arrived, the protest was very peaceful. It was just a gathering of people talking and a few people making speeches. Nobody was marching or shouting and there was no rioting or looting.

8. I was aware that there was a curfew that night, but that it did not include members of the media. After we arrived, law enforcement officers began forming a line on Nicollet Avenue and marching towards the protesters from the south side of Nicollet Avenue. Some of the protesters began yelling at the law enforcement officers, but I did not see any protesters throwing things, using weapons or otherwise engaging in violent or aggressive conduct towards the police or property.

9. I, and the other journalists in our group, began moving towards the side of the street to get out of the way of the police line. I learned through my years of covering protests in the Middle East to conduct a security assessment anytime I

cover a protest. I am cautious about taking steps to protect myself and avoid getting hit. An important rule is never to get between protesters and the police. I, and the other journalists, found some alcoves on the side of the brick wall of the Metro Transit Garage and went to stand there together. The alcoves provided us with cover out of the way of the police line.

10. It was obvious that we were journalists. Many of us had Live U backpacks and were holding tripods and camera equipment, and we were displaying press badges with logos on them. I was wearing a lanyard around my neck with the NBC peacock logo and the words NBC NEWS emblazoned on it multiple times. In conducting my security assessment, I did not anticipate that any law enforcement officers would directly and purposefully target members of the press. I filmed the activity from where I was standing in the alcove. The closest protesters were approximately 12-15 feet away from where I was standing.

11. The next thing I knew, something exploded in my face. I did not see it before it hit me, but I think it might have been a concussion grenade. Then some State Troopers approached me and the other journalists who were grouped together in the alcove. I saw one of the State Troopers shaking a canister of pepper-spray. He walked up to me and deliberately sprayed me in the face. He was close enough to clearly see my lanyard and camera, so he knew that I was with the press. I am certain that he was with the State Troopers and not some other law enforcement agency because he was wearing a State Trooper uniform.

12. I believe he sprayed me with pepper-spray and not tear gas because I have been tear-gassed several times while covering protests and this was much worse. Tear gas is a powder-like substance. I was sprayed with droplets, which not only burned my eyes, but also stuck to my skin and burned my skin as well. It would not wash off with water.

13. After I got doused with the pepper-spray I got hit by something, I got hit again, and then I got slammed into a wall. I thought I was being hit with a State Trooper's baton, but I don't know for certain what happened because the pepper-spray temporarily blinded me, and I could not see. I did not realize at the time that I was bleeding.

14. I was disoriented at that point, but I recall that more concussion grenades went off. I also recall being corralled with the group of journalists around a corner towards a fenced-off area where we were trapped against a wall. Several of the journalists climbed over the wall and began helping others, who were handing their cameras and tripods across the wall. I was covered in blood, so I stopped to rest and get my bearings. We were not among any protesters and were not impeding law enforcement personnel from advancing. We were only seeking shelter.

15. A few seconds later the State Troopers came after us and threw more concussion grenades at us. Another journalist, Mike Shum, was trying to climb over the wall. I filmed a State Trooper shoving him over the wall.

16. I did not try to climb over the wall and escape because I was wounded and bleeding. I was also having trouble breathing because of the pepper-spray, and because my N-95 mask was soaked with blood. At that point a law enforcement officer came up to me and grabbed me. I believe he was a State Trooper because he was wearing a tan uniform. He began debating with another law enforcement officer about what to do with me. I told them I was a journalist and pleaded for help because I was having trouble seeing and breathing. They did not arrest me, but they did not help me either.

17. After that I was very scared and began running. Several law enforcement officers saw me bleeding and asking for help, but they would see me and keep going. I believe there was a mix of state troopers in tan and police officers wearing blue, but I am not certain.

18. Eventually I went back to the alcove near the Metro Transit Garage where we had first been attacked. By that time the police line had passed, and law enforcement officers were not in that area anymore. Another journalist I knew from the New York Times was coming from the other direction. He saw me and said, "I've got you." He brought me to a bench and sat me down and put gauze on my forehead. Several bystanders in a car also stopped to help. One guy gave me some water and another guy gave me his t-shirt to put on my face.

19. Then the law enforcement officers circled back. They fired something in our direction. It made a loud bang very close to us. We got scared and had to run

again. We ran around a corner out of the sight line of the law enforcement officers.

20. Eventually I reconnected with Dani and our security guard from NBC. I learned later that after what had happened to me and other journalists who were targeted that night, NBC ordered all of its journalists who were in the field covering the protests to go back to their hotel rooms immediately. NBC is very security conscious and wanted to protect us from additional harm.

21. Because the wound on my forehead would not stop bleeding, I went with Dani to the Hennepin County Medical Center for treatment. The hospital conducted some tests and gave me a tetanus shot. They said I might have a concussion and put four stitches in my forehead. It took them a very long time to clean the pepper spray of the wound. It kept trickling down into the wound as they tried to clean it. The whole process was incredibly painful. I was at the hospital for several hours and did not leave until around 1:00 a.m.

22. After what happened to me my editor asked if I wanted to stay and cover the protest the next night. I told her I did. On May 31, I covered a group of protesters who were marching down a freeway. I stayed on a bridge over the area where the protesters were marching, where I could cover the events without running into more trouble with law enforcement. That was when the events of the previous day really hit me. I remember feeling incredibly scared because I no

longer knew what was safe. I remember thinking there was nothing to stop the State Troopers from firing on us again.

23. That fear has never gone away. Every time I cover a protest, I am afraid. My perception of what is safe and what is not safe has been turned upside down. The fear I experience every time I cover a protest has made it very difficult for me to do my job.

24. Attached are several photographs me and my blood-soaked mask after I was injured and pepper-sprayed on the night of May 30. Also attached is a link to a video I produced describing my experiences as a journalist during the protests. https://www.youtube.com/watch?v=oX78dkW_VbM.

25. I returned to Minnesota in April 2021 to cover the protests that took place after the killing of Daunte Wright. I covered the story of a woman who lived in Brooklyn Center across the street from the Brooklyn Center Police Department. I felt safe covering that story because I was able to interview her in her own home and did not need to be close to the protesters or the police.

26. I was there one night when law enforcement officers broadcast a message ordering everyone to disperse, including the media. I was surprised to hear that message because the media were exempt from the curfew in Brooklyn Center that night. I did not think the dispersal order applied to me, however, because I was on private property and I was not interfering with the police. Attached is a video recording of the dispersal message.

27. Nevertheless, one of the law enforcement officers saw me filming the woman and her children through an open window in her home. He approached the window and pointed something at me. I do not know what it was. It might have been a stick or some kind of a launcher. He threatened me and ordered me to back off, even though I was on private property. I do not know which law enforcement agency he worked for.

28. I did not want to do anything that would cause the woman I was interviewing or her home to be attacked. I put my camera down and stayed out of sight after that happened. I was scared that they would attack us again like they did in May and June 2020, even though we weren't getting in their way.

29. What happened to me in Minnesota has fundamentally reshaped how I see the United States. Freedom of speech is an ideal that is central to the identity of the United States. In my work in the Middle East, I often saw that ideal talked about as a standard for the world to follow. But when law enforcement officers in the United States deliberately attack the press, authoritarian regimes in other parts of the world view it as a hypocritical double standard. It in turn empowers oppressive regimes to act with impunity.

30. I left the Middle East and moved to New York because I thought I would be safer here. I didn't think I would be targeted by security forces in the United States. I was naïve.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Dated: 30/04/21



Edward Ou