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In the lawsuit *Renshaw v. General Services Administration* (GSA), plaintiffs challenged the federal government's installation of a tall metal fence around the perimeter of the Eugene federal building as a violation of the First Amendment's protections for speech, protest, and expressive conduct. After an evidentiary hearing, a site visit to the federal building, oral arguments, and discussion about potential remedies, U.S. District Court Judge Mustafa Kasubhai granted plaintiffs' motion for a preliminary injunction and ordered GSA to restore the status quo by removing the perimeter fence. On June 26th, the court issued a 24-page written order and opinion detailing the court's ruling that was delivered orally by the court "from the bench" on June 22nd.

Background

On June 4, 2026, six Eugene residents who regularly participate in the near-daily protests at the "Free Speech Plaza" at the Eugene federal building sued the General Services Administration. GSA is the U.S. government agency responsible for procuring and installing the fence around the perimeter of the Eugene federal building, blocking access to the upper portion of the Plaza. The federal building houses the Eugene office of the U.S. Department of Homeland Security (DHS), which includes U.S. Immigration and Customs Enforcement (ICE) and the Federal Protective Service (FPS).

The Plaza and surrounding City-owned sidewalks have been the epicenter of protest-activity in Eugene for over 50 years, and this area is considered to be a traditional public forum for public expression. Throughout 2025 and 2026, protesters have regularly used the Plaza as a site for protests against the U.S. government's immigration policy and abductions of our immigrant neighbors by ICE. As one of the plaintiffs in the lawsuit testified:

The federal building “is the location where the harmful immigration policies and practices are being implemented in our name as taxpayers; and it is the location where our immigrant community members must show up for frightening ICE check-ins or where they are brought if kidnapped and separated from their families for deportation proceedings. The ICE agents that come and go from this building should see that Americans are ashamed and outraged by their actions and conduct.”

Numerous witnesses testified on behalf of plaintiffs that historically, and on an ongoing basis, gatherings in the Plaza have well exceeded that number of people who can safely assemble in the lower portion of the Plaza left outside the fence. The significantly larger upper portion of the Plaza, that is now blocked off, contains a courtyard, benches, picnic tables, a grassy knoll, shade, and respite from the honking vehicles and sometimes dangerous and noxious traffic. The elderly and folks with disabilities and mobility and sensory issues need access to the upper Plaza in order to exercise their first amendment rights at the federal building.

Overview of Legal Standards & Court’s Ruling

On June 8, 2026, plaintiffs in *Renshaw v. GSA* filed a motion for a preliminary injunction, seeking a restoration of the status quo through the removal of the fence blocking access to the upper Plaza. A plaintiff seeking a preliminary injunction generally must show that (1) they are likely to succeed on the merits, (2) they are likely to suffer irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in their favor, and (4) that an injunction is in the public interest. Where the government is the defendant opposing a preliminary injunction, the final two factors in the preliminary injunction analysis merge because any harm to the public interest impacts the balance of the equities.

Most of the court's analysis focused on the first factor, the merits of the plaintiffs' First Amendment claim. In a traditional public forum, the government may regulate the "time, place, and manner" of speech so long as the restriction meets three requirements: it is justifiable regardless of the content of regulated speech; it is narrowly tailored to serve a significant governmental interest; and it leaves open ample other avenues for communication of the information. While the court did find that the government has a "significant interest in protecting the building, its occupants, and the public," that was not enough. The court ruled that the government's solution of installing the perimeter fence that closed off the entire "upper Plaza—a historically important traditional public forum in the City of Eugene"—is not closely related enough ("narrowly tailored") to those interests. On the third element, the court ruled that the significantly smaller lower Plaza that was left open "was not an adequate alternative" when compared to the use of the entire Free Speech Plaza.

Thus, the court found that plaintiffs had met the first factor of the test for the preliminary injunction:

"Plaintiffs have established more than a likelihood of success on the merits of their claim that Defendant's decision to construct the Perimeter Fence is contrary to Plaintiffs' First Amendment rights . . . there is no serious doubt that the Perimeter Fence is an unlawful time, place, and manner restriction on Plaintiffs' rights to freely protest at a site of historical significance for political demonstration in the City of Eugene."

The court also found that the second factor had been met. The court noted that this was "particularly true now" when, on the eve of the nation's 250th year of independence, the "effective elimination of this free speech plaza, a long-standing traditional public forum . . . is a clear irreparable harm to Plaintiffs and every member of the public who speak freely on

this July 4. To restrict speech in this way is un-American. To allow the Plaza to remain closed to public demonstrations on that day, as it would be in the absence of a preliminary injunction, would irreparably harm Plaintiffs' First Amendment rights."

Finally, the Court found that the final two factors weigh strongly in favor of injunctive relief. Thus, plaintiffs met the requirements for a preliminary injunction, and the court granted plaintiffs' motion and ordered the removal of the fence.

The evidentiary hearing

The evidentiary hearing on plaintiffs' motion for a preliminary injunction was held on June 18th at the federal courthouse in Eugene, where outside the building, a colonial flag flew underneath the American flag on the same flag pole. Notably, DHS had a presence watching everyone in the security line, and behind the security machines, there were newly installed framed pictures of Trump and JD Vance on the wall. Courtroom 1 was packed at the beginning of the hearing, and an overflow courtroom with a video feed of the proceedings was set up. An endearing trait about Judge Kasubhai is that when he enters the courtroom, his courtroom deputy tells everyone to remain seated.

Plaintiffs were represented by Marianne Dugan with the Civil Liberties Defense Center. Six witnesses testified on behalf of plaintiffs at the hearing: three named plaintiffs in the case, and three other folks, including former Oregon State Senator and Lane County Commissioner Pete Sorenson who was living in Eugene when the federal building was constructed and worked in the building in 1975, shortly after it opened.

The attorney for the federal government was James Blum, who many people agreed looked very much like Stephen Miller. Despite submitting sworn written declarations to the court on

June 17th from GSA Building Manager Ryan Anderson and FPS Commander William Turner, for some unknown reason, Mini-Stephen Miller had no plans to bring a live witness at the evidentiary hearing on behalf of the government and “lodged an objection” when the judge told him he had to, but Mr. Anderson ended up coming to testify in the afternoon.

The Fence

The so-called temporary security fence was installed around the perimeter of the Eugene federal building on April 29-30, 2026. The non-scaleable security fence closes off public access to nearly 90% of the historically available protest area at the Eugene federal building, which includes the entire upper portion of the Free Speech Plaza and both access points for folks with mobility issues. According to the declaration submitted to the court by Megan Henry, an architect serving as an expert on behalf of the plaintiffs, the fence installed by the feds reduces the historically available protest area from about 50,570 square feet to about 5,640 square feet.

Changing justifications for the fence focus on “violent” and “aggressive” activists and the events on January 30th

Many justifications for the fence were brought by the federal government, but most of the justifications revolve around preventing future potential harm (like broken windows) caused by future “violent” riotous activity like what allegedly occurred on January 30th at the federal building. But that justification is undermined by the fact that the decision to erect a fence was made on January 23rd, a week prior to January 30th. Indeed, in its written decision, the court stated that it was “skeptical” of the government’s rationale that the fence “was erected in response to the January 30, 2026 riot” for that very reason. The court nonetheless ruled that the fence was a “vast overreach” to the extent it was erected in response to January 30th, reasoning that a “single night of violence here does not justify entirely closing off a

traditional public forum with a long and rich history as a free speech plaza.”

Both FPS Commander Turner and Anderson submitted sworn written declarations to the court that provide different timelines about the escalation of protests at the federal building. Turner’s version says there were “several instances of violent activists engaging in menacing behavior such as breaking windows, harassing the public and employees, and making threats at people entering the Eugene” federal building “with the first incident of violence directed at the facility and the employees” occurring on September 23, 2025, and “the height of this violence” occurring the afternoon of January 30, 2026. Anderson stated in his declaration that “beginning in or around January 2026, the protest activity escalated and began to involve more aggressive and confrontational conduct.”

What was completely omitted from the detailed timelines given by both Turner and Anderson in their declarations were the **events on January 27th**, when DHS engaged in escalating and violent tactics against peaceful protesters, including pepper balls, arrests, chemical munitions, and DHS declaring a riot. Activists at the time speculated that the escalation was to clear the space so that DHS could release the protesters who had been detained earlier in the day without appearing to succumb to the demands of the protesters throughout the day to release them. Why would this date be omitted from the timelines submitted by the federal government? Perhaps because the decision to build the fence had already been made, and DHS made a conscious, violent escalation to try and provoke protesters to responding in kind to provide further justification for the fence?

Part of the federal government’s argument for why the fence was needed was the impact of protesters’ loud and aggressive behavior on veterans seeking services at the building Veterans Health Administration (VHA). But VHA had completely vacated the building before the fence was built, with no intention of

returning, and the annex building is now vacant. According to another source, most of the occupants in the annex building were kicked out of their offices by Monday, January 26th, the day before the significant escalation by DHS on January 27th.

In an email to the City of Eugene on Feb 26, 2026, Anderson summarized the "Duration and Purpose" of the then-proposed fence, saying "the temporary fence is required for approximately two years to protect the building, employees, and facilitate repairs to damaged structures." We learned from Anderson's written declaration and live testimony that the two-year estimate is to allow time for a complete renovation of the lobby at the federal building, the so-called "hardening project" that "may take 18 months to complete due to the long lead times associated with the riot glazing GSA intends to install." The Court stated in its opinion that the installation of the fencing for the purpose of repairs and hardening upgrades is "premature and not properly tailored to any specific needs of the as-yet approved hardening project."

At the hearing, the judge did not seem to buy the argument that the fence was temporary either. But if the fence was intended to be temporary, wouldn't a governmental entity rent the fence? **Turns out the feds bought the fence outright, and spent \$269,225, both for the fence and its installation.**

In his declaration, Anderson justified the fence to the court as a way "to deter aggressive protestors from interfering with agency missions, accessing the courtyard, and disrupting Facility operations." Anderson also stated that "the amount of graffiti in the courtyard, plaza, and surrounding areas was substantial and required the diversion of normal building services and resources to address cleanup and mitigation." Anderson included 19 photos of sidewalk chalk and graffiti in his declaration, the first four of which were aerial photos of the sidewalk and streets, AKA not federal property and not GSA's responsibility to clean up.

The feds also used the impacts of the fence on subsequent protests as a post hoc justification for the fence, with Turner claiming the fence is a “critical tool for maintaining order” at the federal building and that “no violent attacks have occurred since the fence was installed, and protestors can still engage in their First Amendment activities.” Anderson stated that “the installation of the fence has reduced the ability of protestors to interfere directly with access to the building, courtyard, employees, visitors, and agency missions.” Turner speculated that “if the fence were to be removed, it is likely that incidents of violence directed at the facility would increase consistently with the pattern observed prior to the fence’s installation.”

Turner also claimed that “unlawful activity associated with the protests that include loud and unreasonable noise and disorderly conduct” continues on a daily basis at the federal building. Anderson mentioned “instances involving the use of bullhorns that disrupt federal agency operations.” But the judge made sure to ask all the witnesses about the volume of the protests historically, confirming that loud protests, with the use of megaphones, are the norm and thus a part of their right to free speech in this traditional public forum.

The first public announcement regarding the fence was on February 12, 2026, when Eugene Police Chief Skinner told the Eugene Police Commission that a fence would be erected shutting off access to the courtyard area of the federal building, following protests two weeks earlier. He stated: “We are facilitating the arrival of some fencing that will go up there”; that the purpose of the fence would be “helping to better articulate kind of the spaces where the protesting can or should occur”; and that crossing the barrier should let protesters “know that you’re likely going to be met with a with a fairly resistive outcome.” Skinner stated that he expected the City to be issuing permits to “close streets down for a variety of different things to help facilitate” the

federal government's erection of the fence at the federal building.

In addition to all the reasons the feds put forth for why the fence was needed, the feds also argued that the fence was a reasonable "time, place, manner" restriction on public expression because there is apparently a permitting process available for protesters who want to use of the upper Plaza. These "Use of Space Permits" have never been required to use the Plaza, were described by Anderson as a courtesy to security, and have never been enforced as a necessary prerequisite to assembly. And because the feds have not articulated any standards for how it decides whether to grant a permit to use the Plaza, the court ruled that "the permit scheme is not Constitutional." The court also rejected the permitting scheme for two more reasons: (1) the time it takes to process a permit application (which is unknown and includes a national approval) prevents the use of the upper Plaza for "timely protests" that are "immediately responsive to current events"; and (2) access to a fenced-in upper Plaza is "not the same as access to the open Plaza and poses significant safety concerns" because even if a permit could be obtained to use the upper Plaza and the 3 padlocked gates were unlocked, "dispersal and safe exit in the event of an emergency would be severely restricted."

After considering all the evidence from the parties at the hearing (some of which the judge had to pry out of the feds), Judge Kasubhai ruled from the bench on June 22nd, stating that he was not convinced that the placement of the fencing was designed for the stated purposes of improving the building but that the true purpose was to eliminate the use of space by the public when exercising their First Amendment rights.

How was the decision to erect a security fence made? What was considered? Why that location?

By mid-January 2026, the Facility Security Committee (FSC) for

the Eugene federal building discussed whether a security fence could be obtained and installed. According to Anderson, “by January 23rd, a majority of the FSC voted” to do exactly that.

At the evidentiary hearing, we learned that when making the decision on the fence, the feds did not consider any alternatives to the fence or its location (e.g., grates over the windows or putting the fence up against the building). According to the Turner’s declaration, it was FPS that recommended fencing off the upper plaza. Anderson could not answer the judge’s question on what the minimum setback was required to complete the planned repairs and renovations on the building. Anderson testified that when determining the location of the fence, the use of the upper Free Speech Plaza by the public was not even a consideration and that the feds’ chosen location of the fence was the “easiest, fastest way” to get the fence up due to the way the fencing lined up with the topography and property line. This convenient placement of the so-called temporary fence led to the removal of a 40-foot mature shade tree along Pearl Street.

City of Eugene’s Cozy, Supportive Relationship with the Feds

The City of Eugene has spared no expense and has gone out of its way to support the federal government and help facilitate the installation of the fence, and as discussed above, it was EPD Chief Skinner who announced the fence to the public and essentially advocated for why the fence was necessary to keep protesters out of the upper Plaza. FPS Commander Turner confirmed in his declaration that “Eugene Police Department and FPS have a stronger partnership with the fence: the Eugene Police Department can assist in de-escalating conflict more easily since the fence clearly delineates local and federal jurisdictions.”

EPD’s unquestioning support of FPS during protests has provided legitimization and cover for the federal government’s oppressive and violent behavior toward both protesters and

immigrants in our community. EPD declared a riot at the federal building on January 30th based on a false statement from FPS/DHS that protesters had breached/entered the building; that lie was unquestioningly repeated to the public and media by EPD as a “fact” that was used to justify EPD’s riot declaration and support of FPS. EPD’s riot declaration was then used both (1) by FPS to justify deploying munitions against peaceful protesters, media, and bystanders the night of January 30th, and (2) by defendant GSA to justify the installation of the fence.

The City approved a right-of-way permit for the federal government to fence off lanes of two city streets to restrict access to the federal building, telling the public that it does not have authority to deny such a permit. In correspondence between GSA and the City regarding the permit process, the City’s Permit Review Manager Mina Roth said that her team was “happy to assist” GSA, and Anderson stated: “We appreciate the City’s coordination and cooperation on this project.” The installation of the fence began just two days after the permit was approved.

On June 9th (after the *Renshaw* lawsuit and motion for preliminary injunction to take down the fence were filed in federal court), the City began constructing a new permanent sidewalk for the whopping price of \$50,000 public dollars to accommodate the so-called temporary fence.

Impacts of the fence

The public’s first amendment right to freedom of expression in the upper Free Speech Plaza at the federal building has been completely curtailed by the “temporary” security fence. As stated by the court, the remaining space in the lower Plaza “has been too small to accommodate protest events that have taken place since the fence was erected.”

Most importantly—but not the focus of the case—by shutting off

access to the upper Plaza, the fence has significantly impacted the public's ability to monitor ICE kidnappings and engage in watchdog and legal aid efforts.

Additionally, numerous witnesses testified (and submitted declarations) documenting that many people with mobility, health, and sensory issues are limited in exercising, or can no longer exercise, their First Amendment rights at the federal building without access to the shade, three benches, three picnic tables, numerous sitting-level retaining walls, and ADA ramps that are locked behind the fence in the upper Plaza. The much quieter upper plaza is also needed for memorials and grieving.

In addition to moving protesters away from being able to monitor ICE activity and seek respite in the quiet, shade, or by sitting in the upper Plaza, there are other significant dangerous impacts to protesters from being being relegated to the lower Plaza that is close to the street. These impacts regularly include:

- Honking cars interfere with people's ability to hear speakers and negatively impact people with sensory conditions.
- Danger of erratic drivers driving into protesters; Renshaw testified that one white truck lost control and collided with the stone wall on 7th.
- Counterprotesters harassing protesters is more likely to happen on the sidewalk, which is where the protests spill over into without access to the upper Plaza.
- Noxious/toxic gases from "coal-rolling" by drivers blowing exhaust on the crowd. As the court stated, "'coal-rolling' is not a mere annoyance. Members of the public, and especially the elderly, can be seriously harmed by exposure to these noxious fumes."

With the fence, there is only one entrance and exit into the

building. The three gates in the fence cannot be opened from the outside and have padlocks with keys on the inside. Not everyone who works at the building has a key to this padlocks. Judge Kasubhai expressed his shock multiple times throughout the proceeding about the serious public safety concerns posed by the fence and the locked gates in the event of an emergency and a need to evacuate. Rather than protect public safety, the fence installed at the Free Speech Plaza by the feds creates a public safety hazard. The Court stated in its opinion:

“With its inadequate solution, GSA has in turn created significant safety concerns for the public assembling outside the perimeter fencing on the street corner, and anyone, including building occupants, who would not be able to easily exit from inside the padlocked perimeter fencing in case of an emergency. The placement of the Perimeter Fence wholly excludes the public from using the upper portion of the Plaza, which the record establishes has been historically used as an important site of free speech activity dating back to the 1970s. Examining each of Defendant’s stated interests in the context of the Perimeter Fence, it is clear that the fence results in a severe restriction on speech, not tailored to serve the interests at issue.”

What’s next?

The U.S. District Court of Oregon has given the federal government until July 2nd at 7am to fully remove the fence. The feds have appealed to the Ninth Circuit Court of Appeals and filed an “emergency motion for an interim administrative stay.” On Friday, June 26th, the Ninth Circuit issued an administrative stay of the district court’s order, but only until 5pm on Monday, June 29, 2026, “to permit the district court to enter a written preliminary injunction order,” which it did later that day on June 26th, and for the feds “to decide whether to appeal that order.” We, of course, expect that the federal government will file an appeal of the

district court's written decision.

Read Judge Kasubhai's ruling [here](#).