

Moore-Love, Karla

From: Roger David Hardesty <rdhardesty@CenturyLink.net>
Sent: Wednesday, April 02, 2014 6:59 AM
To: Hales, Mayor; Commissioner Fish; Commissioner Saltzman; Commissioner Fritz; steve@portlandoregon.gov; Moore-Love, Karla
Cc: JAH
Subject: JTTF - Implement HRC Recommendations

Mayor Hales, Commissioners ~

"The Commission strongly encourages Council to address concerns regarding civilian and elected oversight of the Portland Police ..."

- From HRC's 2011 report on concerns about re-joining JTTF, posted [here](#).

Much has transpired since the Human Rights Commission testified to concerns regarding the City of Portland's civil and human rights commitments and obligations, and reinstatement of our relationship with the Joint Terrorism Task Force (JTTF) ... on an 'as-needed' basis.

The HRC report is a quick read. I encourage you to reflect on their concerns regarding Police Accountability and Civilian Oversight. Given startling revelations about broadly implemented, warrantless search, I'm sure the HRC would now more strongly word their cautions regarding Information Gathering ... to call for civil authority to have a more important role over intelligence operations. 2011 Stop Data, finally released this year, confirms a then-identified need, reported in the section on Disparate Impacts.

Now somewhat removed from the decision to proceed on an 'as needed' basis, some perspective can be had, considering objectives vs. implementation, and City Council's role as civil rights protectors. I'm highly concerned that Chief Reese's reports to Council have been insufficient for informed, civil authority to actually provide this envisioned oversight.

But we are not without resources.

Surprisingly, US Trial Attorney Jonas Geissler last month credited Jo Ann & me with helping envision the Community Oversight and Advisory Board, likely to be approved in the US DoJ, Civil Rights Division, Agreement with the City. May I now suggest we prioritize the formative process of formally structuring such oversight?

Let's put JTTF cooperation in abeyance until we address civilian and elected oversight in a broad sense. If all goes well, we'll soon be able to draw on a pool of talented and committed community members ... intelligently focused on assuring civil rights protections achieve their rightful place in policing. I assert we do not at this time 'need' to continue the JTTF relationship. A decision to go forward in the future will be informed by studied reasoning, brought from the COAB to Council.

I'd like to know that Portland City Council has the ability to pause and reflect on lessons learned.

Can you imagine the significant possibilities, if you give HRC the, through their participation in COAB, to set benchmarks for JTTF participation and PPB feedback to Council?

A concerned citizen, I would like you to put the JTTF relationship on hold until an advisory board can report, for your recommendation, a public document ... setting out expectations about the role of Federal police, operating in conjunction with PPB and civil authority, while the state and Federal Constitution retain respect.

To rubber-stamp ongoing, secret policing at this time will send the wrong signal. Let's show 'em that Portland takes police oversight seriously. That conditions have changed. That by open, coordinated effort, human rights will receive some protection from our Commissioners. After a deliberative process, City Council will be able to make a cogent case whether a 'need' remains.

Roger David Hardesty

Moore-Love, Karla

From: Alan Silver <hedda.lee@gmail.com>
Sent: Tuesday, April 01, 2014 1:12 PM
To: Commissioner Fish; Moore-Love, Karla; Hales, Mayor
Subject: JTTF

Good afternoon Mayor Hales and Commissioner Fish,

Please follow in the solid footsteps of Mayor Tom Potter, and vote to discontinue the city's collusion with the Joint Terrorism Task Force. This 'partnership' privileges federal officials to the detriment of local control of the operations and activities of city police officers, which is unacceptable. Transparency is necessary, but it is not enough. End the city's coöperation with JTTF.

Thank you,

Alan Silver

Moore-Love, Karla

From: Herman M. Frankel, M.D. <frankelh@comcast.net>
Sent: Tuesday, April 01, 2014 6:15 AM
To: Moore-Love, Karla
Subject: CORRECTED COPY of Written Testimony to Portland City Council Calling for Termination of Participation in Joint Terrorism Task Force

04/01/14 6:15am PDT

From: Herman M. Frankel, M.D. (frankelh@comcast.net)

To: karla.moore-love@portlandoregon.gov

Subject: CORRECTED COPY of Written Testimony to Portland City Council Calling for Termination of Participation in Joint Terrorism Task Force

Dear Ms. Moore-Love:

I've just sent to you (and to members of the Portland City Council) a corrected copy (<jttf128b.docx>, 04/01/14) of the written testimony that I sent yesterday (<jttf128.docx>, 03/31/14) expressing my strong support for terminating Portland's participation in the Joint Terrorism Task Force. (In the second paragraph of the corrected copy, I've changed "Top Secret" to "Secret," and inserted the words "our Police Commissioner" after "Mayor Hales.")

I'll be grateful to you for discarding the 03/31/14 <jttf128.docx>, and replacing it with the 04/01/14 <jttf128b.docx>

Thank you!

Let's keep working together to make our world a more just, better, safer, healthier, and more beautiful place for

everyone, one interaction at a time.

Warmly,

Herman M. Frankel, M.D.

3310 NW Savier Street

Portland, OR 97210-1937
503-227-4892

Moore-Love, Karla

From: Herman M. Frankel, M.D. <frankelh@comcast.net>
Sent: Tuesday, April 01, 2014 6:03 AM
To: Hales, Mayor; Commissioner Fish; Commissioner Fritz; Commissioner Novick; Commissioner Saltzman
Cc: Moore-Love, Karla
Subject: CORRECTED COPY of Written Testimony to Portland City Council Calling for Termination of Participation in Joint Terrorism Task Force
Attachments: jtff128b.docx; jtff02.docx; jtff06.pdf

04/01/14 6:02am PDT

From: Herman M. Frankel, M.D. (frankelh@comcast.net)
To: mayorcharliehales@portlandoregon.gov, nick@portlandoregon.gov,
Amanda@portlandoregon.gov, novick@portlandoregon.gov,
dan@portlandoregon.gov

Copy to: karla.moore-love@portlandoregon.gov

Attachments: <jtff128.docx>, <jtff02.docx> and <jtff06.pdf>

Subject: CORRECTED COPY of Written Testimony to Portland City Council Calling for Termination of Participation in Joint Terrorism Task Force

Dear Mayor Hales and Commissioners Fish, Fritz, Novick, and Saltzman:

Grateful for your consistent openness to considering the testimony of your constituents, I'm writing now to express my strong support for terminating Portland's participation in the Joint Terrorism Task Force. Attached is a one-page document (<jtff128b.docx>, to replace <03/31/14 <jtff128.docx>) containing a corrected copy of my written testimony (04/01/14) about this matter, accompanied by two documents containing cited relevant background information (<jtff02.docx> and <jtff06.pdf>). (In the second paragraph of <jtff128b.docx, my current written testimony, I've changed "Top Secret" to "Secret," and inserted "our Police Commissioner" after "Mayor Hales.")

Thank you for your ongoing commitment to protecting our civic traditions, our civil rights, and our democracy itself; and to protecting the safety and well-being of all of us who live, work, study, travel, and worship here in Portland. Let's all keep working together to make our world a more just, better, safer, healthier, and more beautiful place for everyone, one interaction at a time!

Warmly,

Herman M. Frankel, M.D.

3310 NW Savier Street

Portland, OR 97210-1937

Written Testimony to Portland City Council
Calling for Termination of Participation in Joint Terrorism Task Force

Herman M. Frankel, M.D. (March 31, 2014)

Mayor Hales and Commissioners Fish, Fritz, Novick, and Saltzman:

Grateful for your consistent openness to considering the testimony of your constituents, I'm writing now to express my strong support for terminating Portland's participation in the Joint Terrorism Task Force.

Like others, I have testified in the past that in order to safeguard individual rights protected by the US Constitution and by Oregon law (ORS181.575), it is essential to maintain local civilian oversight of local law enforcement personnel, rather than assigning such oversight of personnel to any federal agency. With regard to Portland employees in the Portland Police Bureau being granted "Secret" security clearance in order to work with the Joint Terrorism Task Force (or any other federal task force), it is essential that whichever local civilian personnel are responsible for oversight be granted the same level of "Secret" security clearance. If Mayor Hales, our Police Commissioner, has not received security clearance because the FBI Special Agent in Charge considered that such clearance was to be granted only on a "need to know" basis and that the Mayor "didn't need to know," then that alone calls for a City Council decision to end its relationship with the JTTF.

But of course there is more. I've attached, for your review, two recent examples of my own testimony.

In my "Public comment about the City of Portland's Draft JTTF (Joint Terrorism Task Force) Review Work Plan, Revised 12/10/2010" (attached as <jttf02.docx>), I briefly reviewed the legal basis (including ORS181.575) for requiring local civilian oversight of local law enforcement personnel; and the historical background, dating as far back as 1789 and including actions by the Portland City Council in 2003 and the Multnomah County Board of Commissioners in 2004.

Also attached is my 13-page written testimony for the 02/24/11 meeting of the Portland City Council ("Primum non Nocere – First of All, Do No Harm: The Need for Local Civilian Oversight of Any Proposed FBI Joint Terrorism Task Force") (attached as <jttf06.pdf>). In this document I recounted the experience of Brandon Mayfield in 2004, quoting in detail from the 331-page document titled, "A Review of the FBI's Handling of the Brandon Mayfield Case," released in March 2006 by the Oversight and Review Division of the US Department of Justice Office of the Inspector General. I was numbed by the Review's 52 pages (Review pages 127 – 179) of chilling analysis of the FBI's technical errors that led to the fingerprint misidentification, to the affidavit, and to Mr. Mayfield's arrest and imprisonment. Worse, I was stunned – and terrified – to learn of the human mistakes that that any caring observer with access to all the facts could have identified. How could they have been prevented or detected early? By making sure that responsible, caring, and independent observers with access to all the facts were overseeing the process. (A copy of the Review may be accessed by copying and pasting this link: documents.theblackvault.com/documents/terrorism/MayfieldFBI_OIG.pdf.)

Thank you for your ongoing commitment to protecting our civic traditions, our civil rights, and our democracy itself; and to protecting the safety and well-being of all of us who live, work, study, travel, and worship here in Portland. Let's all keep working together to make our world a more just, better, safer, healthier, and more beautiful place for everyone, one interaction at a time!

To be sent to:
mayorcharliehailes@portlandoregon.gov
nick@portlandoregon.gov
Amanda@portlandoregon.gov
novick@portlandoregon.gov
dan@portlandoregon.gov
karla.moore-love@portlandoregon.gov

Dan Handelman : 503-236-3065

03/31/14 11:03am PDT

From: Herman M. Frankel, M.D. (frankelh@comcast.net)

To: mayorcharliehailes@portlandoregon.gov, nick@portlandoregon.gov,
Amanda@portlandoregon.gov, novick@portlandoregon.gov,
dan@portlandoregon.gov

Copy to: karla.moore-love@portlandoregon.gov

Attachments: <jttf128.docx>, <jttf02.docx> and <jttf06.pdf>

Subject: Written Testimony to Portland City Council Calling for Termination of
Participation in Joint Terrorism Task Force

Dear Mayor Hales and Commissioners Fish, Fritz, Novick, and Saltzman:

Grateful for your consistent openness to considering the testimony of your constituents, I'm writing now to express my strong support for terminating Portland's participation in the Joint Terrorism Task Force. Attached is a one-page document (<jttf128.docx>) containing my written testimony (03/31/14) about this matter, accompanied by two documents containing cited relevant background information (<jttf02.docx> and <jttf06.pdf>).

Thank you for your ongoing commitment to protecting our civic traditions, our civil rights, and our democracy itself; and to protecting the safety and well-being of all of us who live, work, study, travel, and worship here in Portland. Let's all keep working together to make our world a more just, better, safer, healthier, and more beautiful place for everyone, one interaction at a time!

Warmly,

Herman M. Frankel, M.D.
3310 NW Savier Street
Portland, OR 97210-1937

12/17/10 7:40am PST

From: Herman M. Frankel, M.D., 3310 NW Savier Street, Portland, OR 97210; 503-227-1860

To: Samadams@ci.portland.or.us, amanda@ci.portland.or.us, Nick@ci.portland.or.us,
randy@ci.portland.or.us, dan@ci.portland.or.us

Subject: JTTF: Message to the Portland City Council expressing support for civilian oversight

Protect civil rights by maintaining local civilian oversight of local law enforcement personnel, rather than assigning such oversight to any federal agency.

Mayor Adams, Commissioner Fritz, Commissioner Fish, Commissioner Leonard, and Commissioner Saltzman:

Thank you for inviting public comment about the City of Portland's "Draft JTTF (Joint Terrorism Task Force) Review Work Plan, Revised 12/10/2010."

Civilian oversight

ORS181.575 reads as follows:

181.575 Specific information not to be collected or maintained. No law enforcement agency, as defined in ORS 181.010, may collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct. [1981 c.905 §8]

It is my understanding that in order to protect the rights of individuals under United States and Oregon law, it is essential to maintain local civilian oversight of local law enforcement personnel, rather than assigning such oversight of personnel to any federal agency. With regard to Portland employees in the Portland Police Bureau being granted "Top Secret" security clearance in order to work with the Joint Terrorism Task Force (or any other federal task force), it is essential that whichever local civilian personnel are responsible for oversight – Police Commissioner, Mayor, City Attorney – be granted the same level of "Top Secret" security clearance.

Background

In 1789, before agreeing to sign the Constitution, the representatives of our thirteen colonies created our Bill of Rights, to protect the rights of the people from assault by a powerful central government.

This stands at the heart of our democracy.

On October 29, 2003, the Portland City Council unanimously passed a resolution "**Expressing concern about the USA P.A.T.R.I.O.T. Act.**" On December 9, 2004, the Multnomah County Board of Commissioners passed a similar resolution, expressing explicit **commitment to protect civil rights in the era of the U SA PATRIOT Act.**

As I understand it, the issue currently under consideration is that of protecting civil rights by maintaining local civilian oversight of local law enforcement personnel, rather than assigning such oversight of personnel to any federal agency.

If we, our civil rights, and our Constitution are to be protected from the actions of federal agencies, our local elected officials must maintain civilian oversight over the activities of all city employees, including our law enforcement professionals. This is a matter of priority and principle, not a matter of yielding to threats of punishment or offers of payment.

“First they came for the Communists, but I was not a Communist so I did not speak out. Then they came for the Socialists and the Trade Unionists, but I was neither, so I did not speak out. Then they came for the Jews, but I was not a Jew so I did not speak out. And when they came for me, there was no one left to speak out for me.” (Pastor Martin Niemöller)
http://www.jewishvirtuallibrary.org/jsource/Holocaust/Niemoller_quote.html

“... If they take you in the morning, they will be coming for us that night.” (James Baldwin to Angela Davis, 1971) <http://www.nybooks.com/articles/10695> .

Reaffirmation of commitment to democracy

I'm grateful to you, our Mayor and City Commissioners, for repeatedly appealing for active public participation – in this case, input and testimony – in the making of decisions that affect the lives of all of us who live, work, study, travel, and worship here. Thank you.

Warmly,

Herman M. Frankel, M.D.
3310 NW Xavier Street
Portland, OR 97210-1937
503-227-1860

Primum non Nocere – First of All, Do No Harm:
The Need for Local Civilian Oversight of Any Proposed FBI Joint Terrorism Task Force

Written Testimony for Thursday 02/24/11 meeting of Portland (OR) City Council

Herman M. Frankel, M.D.

Mayor Adams, Commissioner Fish, Commissioner Fritz, Commissioner Leonard, and
Commissioner Saltzman:

Thank you yet again for your courage and integrity in repeatedly inviting and considering
public comment about the possibility of Portland participation in the proposed FBI Joint
Terrorism Task Force.

I join with others in calling upon you to protect us, and our civil rights, by maintaining
local civilian oversight of local law enforcement personnel, rather than assigning such
oversight to any federal agency; and to insist that as a condition of any formal discussion
about Portland's participation in any proposed FBI joint terrorism task force, top secret
security clearance be granted to our Mayor, our Police Commissioner, and our City
Attorney.

In recent weeks, as was the case when this matter was considered in 2005, a great many
Portlanders have called upon you to protect civil rights and Oregon law by maintaining
local civilian oversight of local law enforcement personnel, rather than assigning such
oversight to any federal agency. My intent now is to add to this call the reminder that
everyone – including every employee of the FBI – is capable of making mistakes, and
that it is your responsibility and ours to protect all Portlanders from harm caused by
failure to prevent or deal promptly with such mistakes.

Please let me remind you of two sets of such mistakes.

On May 6, 2004, the US Attorney for the District of Oregon asked the United States
District Court for the District of Oregon to authorize the arrest and detention of 37-year-
old Portland area lawyer and Muslim convert Brandon Mayfield as a material witness in a
case involving coordinated commuter train bombings in Madrid on March 11.

In a nine-page affidavit (filed on May 6, 2004), FBI Agent Richard Werder
outlined how a single fingerprint found led to Mayfield's arrest. The affidavit was
filed by prosecutors (the US Attorney for the District of Oregon and Assistant US
Attorneys) to obtain the warrant to arrest Mayfield as a material witness.

Shortly after the Madrid explosions, investigators found the fingerprint on a
plastic bag containing detonators in a van nearby. The attack left 191 dead and
more than 2,000 wounded.

Besides the fingerprint, Werder's affidavit also cited as justification: Mayfield handled the child custody case involving one of the defendants in the Portland Seven federal jihad case. A phone call was made two years ago on the anniversary of the Sept. 11 attacks between Mayfield's residence and an Ashland man who runs an Islamic charity. That man, Pete Seda, now is on a federal terror watch list. Mayfield's law firm was listed in a business directory run by a Portland man who was a business associate of Wadih El-Hage, Osama bin Laden's personal secretary. El-Hage was convicted in the 1998 bombing of two U.S. embassies in Africa. Mayfield was observed driving to the Bilal mosque in Beaverton "on several different occasions."

The federal investigation showed that Mayfield had not traveled out of the country and that his passport expired last year. But authorities were concerned that Mayfield may have traveled to Spain under an assumed name or knew people associated with the Madrid attack, the documents show.

...

"This is a cautionary tale of how the fear of terror can lead even well-meaning individuals to take precipitous action that can have a devastating impact on an innocent individual, eroding civil liberties and traumatizing a community," said Steven Wax, the federal public defender for Oregon and Mayfield's lawyer. (Noelle Crombie and Les Zaitz, The Oregonian, Tu 05/25/04)
http://www.oregonlive.com/search/index.ssf?/base/front_page/10854861643540.xml?oregonian?fpfp

So much of the federal investigation into possible links between Brandon Mayfield and the deadly Madrid terror bombings was cloaked in secrecy.

You name it: Secret search warrants. Sealed court documents. And, of course, the gag order that kept the Beaverton attorney from uttering a word about his captivity until the case was dismissed Monday morning (May 24, 2004).

But amazingly, the fact that he was being watched by the FBI starting in March was never much of a secret to Mayfield.

...

The Mayfields would arrive home to find window blinds adjusted much higher than any one could reach. Footprints left in the living room's plush white carpet were larger than any of those belonging to Mayfield, his wife, Mona, and his two sons.

...

"This is the state of affairs we find ourselves in today," he said. "We find ourselves living in a climate of fear."

Once, a deadbolt that the Mayfields never used was found locked. Another time, the family came home and discovered digital clocks and the VCR blinking, as if someone had tripped the breaker.

"Mona is very observant," Mayfield's brother, Kent Mayfield, who is visiting from Halstead, Kan. "She noticed."

Because no money or valuables were missing, Mayfield figured someone other than a burglar was repeatedly breaking in.

...

Mayfield said the Constitution guarantees "that we are safe and secure in our home" without the fear of being subjected to unreasonable searches and seizures. "That is not happening," he said.

Unbeknown to anyone, he warned, "FBI agents will go into your home. They will fiddle around with your possessions. They can walk in and out of your bedrooms and your homes, and will maybe take things and bring them back, and you won't know."

(Joseph Rose, The Oregonian, Tu 05/25/04)

http://www.oregonlive.com/search/index.ssf?/base/front_page/10854867513540.xml?oregonian?fpfp

May 6, 2004: Mayfield is arrested and imprisoned.

May 24, 2004: The government announces that the FBI has erred in its identification of Mayfield and moves to dismiss the material witness proceeding.

...

Over the course of some 19 days, Brandon Mayfield experienced the nightmare of an innocent man connected to a capital offense by seemingly conclusive evidence. At the end of those 19 days, he was exonerated. But his life has not gone on as it did before. This has been a life-changing experience for all who were involved. Anyone who reads and reflects upon his story must likewise realize that, in these troubled and troubling times, the conditions formerly underlying one's confidence in the stability of civil society, and trust in governmental authority, have been undermined. Without any forewarning, terrorist acts can destroy the lives of innocent people. In the climate of fear that terrorism engenders, the response of government to perceived terrorist threats can just as swiftly and surely wreak havoc on individuals who mistakenly become targets of its suspicion and victims of its counter-terrorism tactics. (These quotations are drawn from "A Multitude of Errors: The Brandon Mayfield Case," by Steven T. Wax and Christopher J. Schatz, which appeared in the September/October 2004 issue of *Champion Magazine*, a publication of the National Association of Criminal Defense Lawyers.)

<http://www.nacdl.org/public.nsf/0/9090373de4fa9c7d85256f3300551e42?OpenDocument>

People make mistakes.

Exactly what mistakes led to the arrest and imprisonment of innocent 37-year-old Portland-area attorney and Muslim convert Brandon Mayfield on May 6, 2004? How could these mistakes have been prevented or detected early?

Seeking answers to these questions, I examined the 331-page document titled, "A Review of the FBI's Handling of the Brandon Mayfield Case," released in March 2006 by the Oversight and Review Division of the US Department of Justice Office of the Inspector General. (This document may be accessed by copying and pasting this link: documents.theblackvault.com/documents/terrorism/MayfieldFBIIOIG.pdf.)

On pages 29-32, the Review identifies three FBI latent fingerprint experts who concluded, on March 19, 2004, that the image of the fingerprint found by the Spanish National Police (SNP) on the plastic bag in Madrid matched those of Brandon Mayfield: a Unit Chief in the FBI Laboratory Latent Prints Unit (LPU), a Supervisor in the LPU, and a retired FBI latent fingerprint examiner with 35 years of experience who was providing services to the LPU on a contract basis. (The term "latent" refers to fingerprints left on evidence, as distinguished from "inked" or "known" fingerprints collected intentionally.) The degree of confidence in the certainty of their conclusion was asserted, in documents subsequently provided to the Court (Review page 80), to be "100 percent identification."

The following events are among those presented on a "Timeline of Major Events" on page 28 of the Review:

Mar 11, 2004: Explosions on commuter train in Madrid kill nearly 200 people.

Mar 19, 2004: The FBI LPU identifies Mayfield as the source of a fingerprint (LFP 17) recovered by the SNP (Spanish National Police). The FBI opens an investigation of Mayfield, including 24-hour surveillance.

Apr 13, 2004: The SNP issues report concluding that its comparison of Mayfield's prints was "negative."

Apr 21, 2004: FBI LPU Unit Chief meets with SNP representatives in Madrid to discuss the FBI's identification of Mayfield.

May 4, 2004: Media inquiries begin regarding a possible American suspect in the Madrid train bombings.

May 6, 2004: The US Attorney's office seeks a material witness warrant and search warrants based on the LPU's identification of Mayfield as the source of LFP 17. Judge Jones issues the warrants and Mayfield is arrested and his home and office are searched.

May 19, 2004: The SNP informs the FBI that it has identified (an Algerian named Ouhmane) Daoud as the source of LFP 17 and of another fingerprint (LFP 20).

May 20, 2004: Judge Jones releases Mayfield to home detention.

May 22, 2004: FBI LPU representatives meet with the SNP in Madrid to obtain high quality copies of Daoud's known fingerprints.

May 24, 2004: After an overnight re-examination, the FBI LPU declares LFP 17 to be "of no value" for identification.

May 24, 2004: Judge Jones dismisses the material witness proceeding. The FBI apologizes to Mayfield.

I was numbed by the Review's 52 pages (Review pages 127 – 79) of chilling analysis of the FBI's technical errors that led to the fingerprint misidentification, to the affidavit, and to Mr. Mayfield's arrest and imprisonment. Worse, I was stunned – and terrified – to learn of the human mistakes that that any caring observer with access to all the facts could have identified. How could they have been prevented or detected early? By making sure that responsible, caring, and independent observers with access to all the facts were overseeing the process.

Here are three examples:

1. On March 19, 2004, the FBI Latent Print Unit (LPU) identified Mr. Mayfield as the source of a fingerprint recovered by the Spanish National Police, and the FBI opened an investigation of Mr. Mayfield, including 24-hour surveillance (Review page 28); BUT: Although the LPU Quality Assurance Manual requires that a Peer Review be conducted before a Report of Examination is issued to ensure "that appropriate examinations had been performed and that any identifications had been verified and documented" and that "conclusions are supported in the examination documentation and are within the limitations of the discipline," in this case, "the LPU examiners interviewed by the OIG confirmed, however, that in practice the Peer Review did not involve a substantive review of the basis of the examiner's conclusion and did not constitute a separate examination of the relevant fingerprints. In the absence of any requirement that the basis of the examiner's conclusions be described or recorded in the Report of Examination, in practice the Peer Review (in this case) could not actually involve a determination of whether an identification was "within the limitations of the discipline." (Review pages 122-3). The verifier "declined to be interviewed for this investigation," and "he created no documentation reflecting the mental processes that led to his conclusion of individualization (*i.e., identification*) (Review page 175).

In short, THE OIG CONCLUDED THAT THE FBI SIMPLY DID NOT FOLLOW THE PROCEDURE MANDATED IN ITS OWN QUALITY ASSURANCE MANUAL "TO ENSURE THAT APPROPRIATE EXAMINATIONS HAD BEEN PERFORMED AND THAT ANY IDENTIFICATIONS HAD BEEN VERIFIED AND DOCUMENTED."

2. On April 13, 2004, the Spanish National Police (SNP) issued a report concluding that its comparison of Mayfield's prints was "negative" (Review pages 51-52). Here is the

OIG assessment of the FBI's responses:

The April 13 Negativo Report provided an early warning to the FBI Laboratory that it had erred in identifying Mayfield and a corresponding opportunity to take a fresh look at the Mayfield identification. Although the meaning of the term "negativo" in the report was unclear to the FBI Laboratory, it was clear that the SNP Forensic Laboratory had at least preliminarily disagreed with the FBI's conclusions. The OIG found no evidence, however, that the FBI Laboratory adequately explored the possibility that it had erred in identifying Mayfield. Although (*one of the examiners and the Unit Chief in this case*) stated they took another look at the identification, they did not attempt to find out the basis of the SNP's doubts before reiterating their conclusions. Instead, Laboratory personnel told the Counterterrorism Division (CTD) on April 15 that they were "absolutely confident" in the identification. . . (*The Unit Chief*) told the OIG that his purpose in making the trip to Madrid was to explain the FBI's position, and he did not expect the SNP to make its own presentation. If so, it appears that (*the Unit Chief*) did not view the meeting as an opportunity to learn more about the SNP's position in order to inform the Laboratory's own reconsideration of the identification. The OIG believes that the Laboratory's overconfidence in the skill and superiority of its examiners prevented it from taking the April 13 Negativo Report as seriously as it should have. A better response to a conflicting determination by another forensic laboratory would have been, first, to determine the complete basis for the other laboratory's disagreement *before* committing anew to the validity of the original determination and, second, to arrange for a fresh examination of the relevant prints by a new examiner who had not previously committed himself to a particular conclusion. The FBI failed to take both these steps. (Review page 172)

In short, THE OIG CONCLUDED THAT HAVING RECEIVED THE SPANISH NATIONAL POLICE REPORT CONCLUDING THAT ITS COMPARISON OF MAYFIELD'S PRINTS WAS "NEGATIVE," THE FBI LABORATORY FAILED TO ADEQUATELY EXPLORE THE POSSIBILITY THAT IT HAD ERRED IN IDENTIFYING MAYFIELD.

3. The degree to which the (Federal) Bureau (of Investigation) went to try to tag (Mr. Mayfield) as a participant in the Madrid bombings is indicated by the contentions in (the FBI agent's) affidavit. To establish that Mayfield could have personally handled the bag in Madrid, the affidavit states, "Since no record of travel or travel documents have been found in the name of BRANDON BIERI MAYFIELD, it is believed that MAYFIELD may have traveled under a false or fictitious name, with false or fictitious documents." (Affidavit, ¶ 23. See also, Spain Bombing Glance, Associated Press, Seattle Post-Intelligencer, May 24, 2004.) To infer Mayfield's possible allegiance to militant Islamic groups such as the one suspected of masterminding the Madrid bombings, the affidavit alleges: that he had represented a Portland man in a child custody case who was later convicted of conspiring to help al-Qaida and the Taliban in Afghanistan; that he regularly attended a Mosque in the Portland area that was his place of worship; that he advertised his legal practice in a business publication described as a "Muslim yellow page directory"; and that one phone call in September 2002 was made from Mayfield's home telephone to the phone of a man in Ashland, Oregon who at the time was the U.S.

director of a Saudi Arabian based Islamic Foundation, that among other things “was involved in prison ministry throughout the United States, attempting to educate prisoners about the religion of Islam... This included distributing reading material to prisoners.” (Affidavit ¶¶ 13, 16, 18, 19. See also, Spain Bombing Glance, *supra*).

Glaring by its omission, is any allegation in (the) affidavit that Mayfield had been observed or was otherwise known by anyone, whether a government agent or informant, of being involved in any illegal activity whatsoever, much less the four March 2004 bombings in Madrid, Spain. Quite to the contrary, the affidavit paints the picture of a devotedly religious family man, who as a sole practitioner lawyer represents people in civil cases such as child custody disputes and advertises his business to reach potential clients, and who may have talked once with a man involved in providing religious (Muslim) educational materials to prisoners in this country.

http://forejustice.org/wc/mayfield/jd/brandon_mayfield_jd_issue25.htm

Here are the final sentences of the OIG assessment of the likely effect of Mr. Mayfield’s Muslim religion, activities, and acquaintances on the actions of the FBI LPU:

(The LPU Unit Chief in this case) candidly admitted that if the person identified had been someone without these circumstances, like the "Maytag Repairman," the Laboratory might have revisited the identification with more skepticism and caught the error.

The OIG concluded that Mayfield's religion was not the sole or primary cause of the FBI's failure to question the original misidentification and catch its error. We concluded that the primary factors in the FBI's failure to revisit the identification before the SNP identified Daoud were the unusual similarity between LFP 17 and Mayfield's prints and the FBI Laboratory's faith in the expertise and infallibility of its examiners and methods. However, we believe that Mayfield's representation of a convicted terrorist and other facts developed during the field investigation, including his Muslim religion, also likely contributed to the examiners' failure to sufficiently reconsider the identification after legitimate questions about it were raised. (Review page 178-9)

In short, THE OIG CONCLUDED THAT MR. MAYFIELD’S MUSLIM RELIGION, ACTIVITIES, AND ACQUAINTANCES “LIKELY CONTRIBUTED TO THE EXAMINERS' FAILURE TO SUFFICIENTLY RECONSIDER THE IDENTIFICATION AFTER LEGITIMATE QUESTIONS ABOUT IT WERE RAISED.”

Indeed, mistakes do happen.

Here’s another set.

On November 26, 2010, **Mohamed Osman Mohamud**, a nineteen-year-old Somali-American student, was arrested by FBI agents after attempting to set off what he reportedly thought was a terrorist bomb at a Christmas tree lighting in Portland, OR. He was charged with attempting to use a weapon of mass destruction.

http://en.wikipedia.org/wiki/2010_Portland_car_bomb_plot - cite note-4

Steve Duin, The Oregonian

Jihad at Pioneer Courthouse Square

Published: Saturday, November 27, 2010, 6:16 AM Updated: Saturday,
November 27, 2010, 5:47 PM

It's early.

Very early in the wake of the chilling news that the FBI thwarted a terrorist bombing at Friday night's "holiday" tree-lighting ceremony at Pioneer Square.

Just about all I have to react to, this early, is Bryan Denson's piece, filed late last night, on Oregonlive.

The nut graph, as they say:

Mohamed Osman Mohamud, 19, a Somali-born U.S. citizen, was arrested at 5:42 p.m., 18 minutes before the tree lighting was to occur, on an accusation of attempting to use a weapon of mass destruction. The felony charge carries a maximum sentence of life in prison and a \$250,000 fine.

Yes, it takes one's breath away.

Mohamud, according to the FBI affidavit, tried to contact someone involved with terrorist activities overseas. Mohamud had written essays for "Jihad Recollections," a delightful online forum advocating holy war. Mohamud had been dreaming of jihad since the age of 15, and told FBI operatives posing as terrorists that the tree-lighting ceremony was the ideal, unguarded spot to make those dreams a reality.

Yet as I read on in Denson's piece, an uncomfortable question quickly rises: How far would Mohamud have traveled down that road without the help of those very operatives?

As I said, it's early. The sun's not even up. All anyone has to go by at the moment is the FBI affidavit that was used to support the criminal complaint signed by U.S. Magistrate Judge John V. Acosta.

But that affidavit notes the following:

-- When Mohamud could not get in touch with terrorists overseas, the FBI contacted him.

-- While Mohamud "spent months working on logistics," Denson's story notes, and "allegedly identified a location to place the bomb," he "mailed bomb components to the FBI operatives, who he believed were assembling the device." Does that mean Mohamud did not build the bomb?

-- The FBI "operative" was right there with Mohamud on Nov. 4 at "a remote spot in Lincoln County, where they detonated a bomb concealed in a backpack as a trial run for the upcoming attack."

-- And the FBI transported Mohamud to Portland so that he could carry out the deadly bombing.

It's early. Very early. I'm as spooked as anyone by what might have happened last night at Pioneer Courthouse Square. And I am incredibly thankful the FBI and our national security forces are on guard.

But it's still unclear how close Mohamed Osman Mohamud would have gotten to Portland's "living room" if no one had ever shown any interest in his plans.

http://www.oregonlive.com/news/oregonian/steve_duin/index.ssf/2010/11/jihad_at_pioneer_courthouse_sq.html

Brad Schmidt, The Oregonian

Portland's JTTF debate reveals how oversight agreement with FBI not followed for bomb plot

(Published in The Oregonian: Tuesday, February 15, 2011, 9:15 PM Updated: Wednesday, February 16, 2011, 5:52 AM)

http://blog.oregonlive.com/portland_impact/print.html?entry=/2011/02/portlands_jt_tf_debate_reveals.html

Portland Mayor Sam Adams didn't know about the FBI's investigation of an **alleged plot to bomb Pioneer Courthouse Square** because federal officials didn't follow an **understanding reached when the city pulled its officers out of the FBI's Joint Terrorism Task Force.**

A high-ranking FBI official wasn't aware of the plan calling for a briefing of the mayor until after authorities had made an arrest. And **neither Adams nor Police Chief Mike Reese sought high-level security clearance** as called for in the plan, which was outlined in a 2005 city council resolution.

Those shortcomings became apparent Tuesday as civil libertarians and federal law enforcement officials testified and answered pointed questions during a four-hour hearing before the Portland City Council on whether the city should reverse a 2005 decision to pull police from the JTTF.

Portland became the first major city to withdraw from the JTTF -- a network formed locally in 1997 to foster cooperation among local and federal law enforcement officials in fighting terrorism -- over fears that Portland's participation would violate state laws banning investigations based on political or religious beliefs.

As part of the pullout, the FBI and Portland officials struck a cooperation agreement that allows officers to participate on a case-by-case basis and calls for the mayor to receive notification of terrorist threats. But critics say lapses in following the agreement raise questions about FBI trustworthiness and city officials' ability to monitor possible civil rights violations should the city rejoin the JTTF.

The City Council is expected to make a decision Feb. 24 or, if leaders aren't ready, the following week.

That decision is shaping up to be close and controversial. City leaders must consider longstanding distrust of government in ultra-liberal Portland and the memory of Brandon Mayfield's wrongful arrest by the FBI, balanced against the alleged Black Friday bomb plot in November and a renewed push from local suburban governments for Portland's involvement.

As expected, experts from the American Civil Liberties Union and the U.S. Justice Department made their pitches Tuesday -- the first to maintain a peripheral involvement aimed at protecting civil liberties, the other to assign officers to the task force for better communication and safety.

The presentations featured national players such as **Valerie Caproni**, the top attorney for the FBI; Todd Hinnen, a deputy assistant attorney general who used to advise then-U.S. Sen. Joe Biden; and Michael German, policy counsel for the ACLU.

Federal officials urged the City Council to reassign officers, rebuffing concerns about trustworthiness.

"If we were purer than Caesar's wife, on every one of these issues, and none of our employees ever made a mistake, the ACLU would still be raising questions because that's what they do," Caproni said. "I think that their concern is overstated in terms of the reality."

Federal officials said they would be open to compromises or additional concessions, beyond the 2005 agreement, to secure a commitment from Portland Police Bureau officers. "We're happy to work with you," Caproni said.

Meanwhile, ACLU representatives implored the City Council to keep Portland's officers out of the task force except for specific investigations. Representatives said FBI practices have gotten worse, not better, since 2005.

"Other cities are looking at Portland," said David Fidanque, executive director for the ACLU of Oregon, alluding to San Francisco and Oakland, Calif. "This is no time for Portland to change its mind."

Joint Terrorism Task Forces are based in 106 U.S. cities, including at least one in each of the FBI's 56 field offices. Although Police Bureau officers have not been part of it since 2005, three other local agencies participate: the Oregon State Police,

Port of Portland Police and the Washington County Sheriff's Office.

The most explosive moments Tuesday came from city **Commissioner Randy Leonard**, who opposes assigning officers to the task force.

Leonard picked apart protocols from the 2005 agreement that were supposed to ensure citizen oversight -- but were not followed -- and questioned why the ACLU hasn't made it a bigger issue. One protocol called for the FBI special agent in charge to immediately contact the mayor and police chief for briefings regarding terrorist threats.

"The very first chance the FBI had to follow this protocol and show it off, they didn't," said Leonard, who called it an "incomprehensible failure" that Adams wasn't briefed about the bomb plot.

Later, under questioning from Leonard, federal officials acknowledged that they didn't know about the agreement.

"The first time I learned of this proclamation is when you brought it up to me," said Arthur Balizan, **who became Portland's FBI special agent in charge in 2009.**

Balisan said he notified Reese on Sept. 29 when he became convinced Portland was becoming a viable target for a plot to bomb the holiday tree lighting, and he required the police chief to sign a non-disclosure agreement. "And the reason he signed that was because he did not have 'secret' clearance," Balisan said.

If a similar incident occurred now, Leonard asked, would Balizan brief the mayor and the police chief?

"Per this agreement, with the right clearances, absolutely," he said.

But Leonard said the briefing should not be contingent on the security clearance, based on his reading of the agreement.

That's when **U.S. Attorney Dwight Holton** jumped in. "I don't think this fit within the rubric," said Holton, noting that the mayor should be notified of an actual threat and not an undercover operation involving a fake bomb.

"At no time was there any, any danger," Balizan added.

That set Leonard off. He countered that federal officials thought it was dangerous enough to notify Reese, ask for a confidentiality agreement and secure Portland police involvement.

"But now you're trying to say it's not dangerous enough to let the mayor know ... a van's sitting over there by itself that a terrorist thinks is going to have a bomb in it to kill 10,000 people?" Leonard said. "That just doesn't hit me as plausible."

The conversation will resume at Portland City Hall on Feb. 24 at 2 p.m. Unlike

Tuesday's work session, public comments will be accepted.

Reaffirmation of commitment to democracy

In 1789, before agreeing to sign the Constitution, the representatives of our thirteen colonies created our Bill of Rights, to protect the rights of the people from assault by a powerful central government.

This stands at the heart of our democracy.

On October 29, 2003, the Portland City Council unanimously passed a resolution **"Expressing concern about the USA P.A.T.R.I.O.T. Act."** On December 9, 2004, the Multnomah County Board of Commissioners passed a similar resolution, expressing explicit **commitment to protect civil rights in the era of the USA PATRIOT Act.** Council Resolutions – 36179 USA PATRIOT Act resolution.pdf
<http://www2.co.multnomah.or.us/cfm/boardclerk/uploadedfiles/04-1831.pdf>

If we, our civil rights, and our Constitution are to be protected from the actions of federal law enforcement and criminal investigation agencies, and the mistakes of their personnel, our Mayor, Police Commissioner, and City Attorney must maintain civilian oversight – with Top Secret security clearance – over the activities of all city employees, including our law enforcement professionals. This is a matter of priority and principle, not a matter of yielding to threats of punishment or promises of payment.

I'm grateful to you, our Mayor and City Commissioners, for repeatedly appealing for active public participation – in this case, input and testimony – in the making of decisions that affect the lives of all of us who live, work, study, travel, and worship here. Thank you.

A special thank you to you, Commissioner Leonard, for your outrage regarding the failure of Portland FBI personnel to follow the 2005 protocol between Portland and the FBI by contacting Mayor Adams for briefings regarding the 2010 holiday tree lighting matter; their requiring the police chief to sign a confidentiality agreement and securing Portland police involvement; and their stating that they had been unaware of the protocol.

And a special thank you to you, Commissioner Saltzman. I hope that I'll remember, as long as I live, your deeply moving talk at the dedication of the Portland Holocaust Memorial on August 29, 2004. Your remarks brought to mind the words of Pastor Martin Niemoeller:

"First they came for the Communists, but I was not a Communist so I did not speak out. Then they came for the Socialists and the Trade Unionists, but I was neither, so I did not speak out. Then they came for the Jews, but I was not a Jew so I did not speak out. And when they came for me, there was no one left to speak out for me." (Pastor Martin Niemoeller, German anti-Nazi theologian and Lutheran pastor, imprisoned in Sachsenhausen and Dachau concentration camps from 1937 to 1945.)

http://www.jewishvirtuallibrary.org/jsource/Holocaust/Niemoller_quote.html

http://en.wikipedia.org/wiki/Martin_Niem%C3%B6ller

I hope that all of us will commit ourselves to remembering the names of **Brandon Mayfield** and **Mohamed Osman Mohamud**, and the words of James Baldwin to Angela Davis:

“... If they take you in the morning, they will be coming for us that night.” (James Baldwin to Angela Davis, 1971) <http://www.nybooks.com/articles/10695>.

Warmly,

Herman M. Frankel, M.D.
3310 NW Savier Street
Portland, OR 97210-1937
503-227-1860

Moore-Love, Karla

From: Debbie Aiona <MDJAIONA@ARACNET.COM>
Sent: Monday, March 31, 2014 5:32 PM
To: Hales, Mayor; Commissioner Fish; Commissioner Fritz; Commissioner Novick; dsaltzman@portlandoregon.gov
Cc: Moore-Love, Karla; Kathleen Hersh and Margaret Noel
Subject: LWV comments - Joint Terrorism Task Force
Attachments: LWV JTTF 3-14.docx

Dear Mayor and Commissioners,

Please find attached League of Women Voters of Portland comments on the JTTF annual report.

Thank you for considering our views.

Sincerely,

Debbie Aiona
LWV Portland



The League of Women Voters of Portland

310 SW 4th Avenue, Suite 520, Portland, OR 97204

(503) 228-1675 • info@lwvpdx.org • www.lwvpdx.org

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Portland Economic
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DATE: March 31, 2014

TO: Mayor Hales and Portland City Commissioners

FROM: League of Women Voters of Portland
Kathleen Hersh and Margaret Noel, Co-presidents
Debbie Aiona, Action Committee Chair

Joint Terrorism Task Force Annual Report

The League of Women Voters of Portland has a long-standing interest in the city's relationship with the FBI's Joint Terrorism Task Force (JTTF). Our review of Chief Reese's 2013 JTTF Report raises many of the same concerns we highlighted last year. The lack of detail in the report and the news about the FBI's rejection of the Mayor's application for a security clearance top the list. Until these issues are resolved, City Council should not accept the report.

The recent revelations from Edward Snowden about government surveillance underscore the importance of ensuring that Portland police officers abide by the Oregon law that protects individuals engaged in political and other non-criminal first amendment activities. When Portland reestablished its relationship with the FBI, the public was assured that the police commissioner would provide oversight and that annual reports would deliver adequate information and transparency.

The 2013 JTTF report leaves the following questions unanswered: Have our officers participated in assessments or preliminary investigations that require a low evidentiary threshold? How many hours have our officers devoted to their JTTF assignments? To what extent is that affecting work on local public safety? How many cases required their involvement and how many are closed? How does the Mayor provide oversight without a security clearance? Why does the report omit reporting on the required consultation between the Office of the City Attorney and the Oregon Attorney General?

In addition to including answers to these questions in the report, the League recommends requiring the city attorney and Independent Police Review Division director to regularly review all JTTF files created with Portland police officers' participation. Any files collected in violation of Oregon law should be purged. Periodic review by those independent parties would provide confirmation that the protections we have as Oregonians are being honored.

The League values highly public participation in government. We urge release of next year's annual JTTF report at least two weeks before the City Council hearing is scheduled. That will increase the likelihood community members will have time to review the report and offer meaningful feedback. Thank you for considering our views on this important issue.

Moore-Love, Karla

From: Herman M. Frankel, M.D. <frankelh@comcast.net>
Sent: Monday, March 31, 2014 11:04 AM
To: Hales, Mayor; Commissioner Fish; Commissioner Fritz; Commissioner Novick; Commissioner Saltzman
Cc: Moore-Love, Karla
Subject: Written Testimony to Portland City Council Calling for Termination of Participation in Joint Terrorism Task Force
Attachments: jtff128.docx; jtff02.docx; jtff06.pdf

03/31/14 11:03am PDT

From: Herman M. Frankel, M.D. (frankelh@comcast.net)

To: mayorcharliehales@portlandoregon.gov, nick@portlandoregon.gov,

Amanda@portlandoregon.gov, novick@portlandoregon.gov,

dan@portlandoregon.gov

Copy to: karla.moore-love@portlandoregon.gov

Attachments: <jtff128.docx>, <jtff02.docx> and <jtff06.pdf>

Subject: Written Testimony to Portland City Council Calling for Termination of Participation in Joint Terrorism Task Force

Dear Mayor Hales and Commissioners Fish, Fritz, Novick, and Saltzman:

Grateful for your consistent openness to considering the testimony of your constituents, I'm writing now to express my strong support for terminating Portland's participation in the Joint Terrorism Task Force. Attached is a one-page document (<jtff128.docx>) containing my written testimony (03/31/14) about this matter, accompanied by two documents containing cited relevant background information (<jtff02.docx> and <jtff06.pdf>).

Thank you for your ongoing commitment to protecting our civic traditions, our civil rights, and our democracy itself; and to protecting the safety and well-being of all of us who live, work, study, travel, and worship here in

Portland. Let's all keep working together to make our world a more just, better, safer, healthier, and more beautiful place for everyone, one interaction at a time!

Warmly,

Herman M. Frankel, M.D.

3310 NW Savier Street

Portland, OR 97210-1937

Written Testimony to Portland City Council
Calling for Termination of Participation in Joint Terrorism Task Force

Herman M. Frankel, M.D. (March 31, 2014)

Mayor Hales and Commissioners Fish, Fritz, Novick, and Saltzman:

Grateful for your consistent openness to considering the testimony of your constituents, I'm writing now to express my strong support for terminating Portland's participation in the Joint Terrorism Task Force.

Like others, I have testified in the past that in order to safeguard individual rights protected by the US Constitution and by Oregon law (ORS181.575), it is essential to maintain local civilian oversight of local law enforcement personnel, rather than assigning such oversight of personnel to any federal agency. With regard to Portland employees in the Portland Police Bureau being granted "Top Secret" security clearance in order to work with the Joint Terrorism Task Force (or any other federal task force), it is essential that whichever local civilian personnel are responsible for oversight be granted the same level of "Top Secret" security clearance. If Mayor Hales has not received security clearance because the FBI Special Agent in Charge considered that such clearance was to be granted only on a "need to know" basis and that the Mayor "didn't need to know," then that alone calls for a City Council decision to end its relationship with the JTTF.

But of course there is more. I've attached, for your review, two recent examples of my own testimony.

In my "Public comment about the City of Portland's Draft JTTF (Joint Terrorism Task Force) Review Work Plan, Revised 12/10/2010" (attached as <jttf02.docx>), I briefly reviewed the legal basis (including ORS181.575) for requiring local civilian oversight of local law enforcement personnel; and the historical background, dating as far back as 1789 and including actions by the Portland City Council in 2003 and the Multnomah County Board of Commissioners in 2004.

Also attached is my 13-page written testimony for the 02/24/11 meeting of the Portland City Council ("Primum non Nocere – First of All, Do No Harm: The Need for Local Civilian Oversight of Any Proposed FBI Joint Terrorism Task Force") (attached as <jttf06.pdf>). In this document I recounted the experience of Brandon Mayfield in 2004, quoting in detail from the 331-page document titled, "A Review of the FBI's Handling of the Brandon Mayfield Case," released in March 2006 by the Oversight and Review Division of the US Department of Justice Office of the Inspector General. I was numbed by the Review's 52 pages (Review pages 127 – 179) of chilling analysis of the FBI's technical errors that led to the fingerprint misidentification, to the affidavit, and to Mr. Mayfield's arrest and imprisonment. Worse, I was stunned – and terrified – to learn of the human mistakes that that any caring observer with access to all the facts could have identified. How could they have been prevented or detected early? By making sure that responsible, caring, and independent observers with access to all the facts were overseeing the process. (A copy of the Review may be accessed by copying and pasting this link: documents.theblackvault.com/documents/terrorism/MayfieldFBIOIG.pdf.)

Thank you for your ongoing commitment to protecting our civic traditions, our civil rights, and our democracy itself; and to protecting the safety and well-being of all of us who live, work, study, travel, and worship here in Portland. Let's all keep working together to make our world a more just, better, safer, healthier, and more beautiful place for everyone, one interaction at a time!

To be sent to:

mayorcharliehailes@portlandoregon.gov

nick@portlandoregon.gov

Amanda@portlandoregon.gov

novick@portlandoregon.gov

dan@portlandoregon.gov

karla.moore-love@portlandoregon.gov

Dan Handelman : 503-236-3065

12/17/10 7:40am PST

From: Herman M. Frankel, M.D., 3310 NW Xavier Street, Portland, OR 97210; 503-227-1860

To: Samadams@ci.portland.or.us, amanda@ci.portland.or.us, Nick@ci.portland.or.us,
randy@ci.portland.or.us, dan@ci.portland.or.us

Subject: JTTF: Message to the Portland City Council expressing support for civilian oversight

Protect civil rights by maintaining local civilian oversight of local law enforcement personnel, rather than assigning such oversight to any federal agency.

Mayor Adams, Commissioner Fritz, Commissioner Fish, Commissioner Leonard, and
Commissioner Saltzman:

Thank you for inviting public comment about the City of Portland's "Draft JTTF (Joint Terrorism Task Force) Review Work Plan, Revised 12/10/2010."

Civilian oversight

ORS181.575 reads as follows:

181.575 Specific information not to be collected or maintained. No law enforcement agency, as defined in ORS 181.010, may collect or maintain information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities, and there are reasonable grounds to suspect the subject of the information is or may be involved in criminal conduct. [1981 c.905 §8]

It is my understanding that in order to protect the rights of individuals under United States and Oregon law, it is essential to maintain local civilian oversight of local law enforcement personnel, rather than assigning such oversight of personnel to any federal agency. With regard to Portland employees in the Portland Police Bureau being granted "Top Secret" security clearance in order to work with the Joint Terrorism Task Force (or any other federal task force), it is essential that whichever local civilian personnel are responsible for oversight – Police Commissioner, Mayor, City Attorney – be granted the same level of "Top Secret" security clearance.

Background

In 1789, before agreeing to sign the Constitution, the representatives of our thirteen colonies created our Bill of Rights, to protect the rights of the people from assault by a powerful central government.

This stands at the heart of our democracy.

On October 29, 2003, the Portland City Council unanimously passed a resolution "**Expressing concern about the USA P.A.T.R.I.O.T. Act.**" On December 9, 2004, the Multnomah County Board of Commissioners passed a similar resolution, expressing explicit **commitment to protect civil rights in the era of the U SA PATRIOT Act.**

As I understand it, the issue currently under consideration is that of protecting civil rights by maintaining local civilian oversight of local law enforcement personnel, rather than assigning such oversight of personnel to any federal agency.

If we, our civil rights, and our Constitution are to be protected from the actions of federal agencies, our local elected officials must maintain civilian oversight over the activities of all city employees, including our law enforcement professionals. This is a matter of priority and principle, not a matter of yielding to threats of punishment or offers of payment.

“First they came for the Communists, but I was not a Communist so I did not speak out. Then they came for the Socialists and the Trade Unionists, but I was neither, so I did not speak out. Then they came for the Jews, but I was not a Jew so I did not speak out. And when they came for me, there was no one left to speak out for me.” (Pastor Martin Niemoller)
http://www.jewishvirtuallibrary.org/jsource/Holocaust/Niemoller_quote.html

“. . . If they take you in the morning, they will be coming for us that night.” (James Baldwin to Angela Davis, 1971) <http://www.nybooks.com/articles/10695> .

Reaffirmation of commitment to democracy

I'm grateful to you, our Mayor and City Commissioners, for repeatedly appealing for active public participation – in this case, input and testimony – in the making of decisions that affect the lives of all of us who live, work, study, travel, and worship here. Thank you.

Warmly,

Herman M. Frankel, M.D.
3310 NW Xavier Street
Portland, OR 97210-1937
503-227-1860

Primum non Nocere – First of All, Do No Harm:
The Need for Local Civilian Oversight of Any Proposed FBI Joint Terrorism Task Force

Written Testimony for Thursday 02/24/11 meeting of Portland (OR) City Council

Herman M. Frankel, M.D.

Mayor Adams, Commissioner Fish, Commissioner Fritz, Commissioner Leonard, and Commissioner Saltzman:

Thank you yet again for your courage and integrity in repeatedly inviting and considering public comment about the possibility of Portland participation in the proposed FBI Joint Terrorism Task Force.

I join with others in calling upon you to protect us, and our civil rights, by maintaining local civilian oversight of local law enforcement personnel, rather than assigning such oversight to any federal agency; and to insist that as a condition of any formal discussion about Portland's participation in any proposed FBI joint terrorism task force, top secret security clearance be granted to our Mayor, our Police Commissioner, and our City Attorney.

In recent weeks, as was the case when this matter was considered in 2005, a great many Portlanders have called upon you to protect civil rights and Oregon law by maintaining local civilian oversight of local law enforcement personnel, rather than assigning such oversight to any federal agency. My intent now is to add to this call the reminder that everyone – including every employee of the FBI – is capable of making mistakes, and that it is your responsibility and ours to protect all Portlanders from harm caused by failure to prevent or deal promptly with such mistakes.

Please let me remind you of two sets of such mistakes.

On May 6, 2004, the US Attorney for the District of Oregon asked the United States District Court for the District of Oregon to authorize the arrest and detention of 37-year-old Portland area lawyer and Muslim convert Brandon Mayfield as a material witness in a case involving coordinated commuter train bombings in Madrid on March 11.

In a nine-page affidavit (filed on May 6, 2004), FBI Agent Richard Werder outlined how a single fingerprint found led to Mayfield's arrest. The affidavit was filed by prosecutors (the US Attorney for the District of Oregon and Assistant US Attorneys) to obtain the warrant to arrest Mayfield as a material witness.

Shortly after the Madrid explosions, investigators found the fingerprint on a plastic bag containing detonators in a van nearby. The attack left 191 dead and more than 2,000 wounded.

Besides the fingerprint, Werder's affidavit also cited as justification: Mayfield handled the child custody case involving one of the defendants in the Portland Seven federal jihad case. A phone call was made two years ago on the anniversary of the Sept. 11 attacks between Mayfield's residence and an Ashland man who runs an Islamic charity. That man, Pete Seda, now is on a federal terror watch list. Mayfield's law firm was listed in a business directory run by a Portland man who was a business associate of Wadih El-Hage, Osama bin Laden's personal secretary. El-Hage was convicted in the 1998 bombing of two U.S. embassies in Africa. Mayfield was observed driving to the Bilal mosque in Beaverton "on several different occasions."

The federal investigation showed that Mayfield had not traveled out of the country and that his passport expired last year. But authorities were concerned that Mayfield may have traveled to Spain under an assumed name or knew people associated with the Madrid attack, the documents show.

...

"This is a cautionary tale of how the fear of terror can lead even well-meaning individuals to take precipitous action that can have a devastating impact on an innocent individual, eroding civil liberties and traumatizing a community," said Steven Wax, the federal public defender for Oregon and Mayfield's lawyer. (Noelle Crombie and Les Zaitz, The Oregonian, Tu 05/25/04)
http://www.oregonlive.com/search/index.ssf?/base/front_page/10854861643540.xml?oregonian?fpfp

So much of the federal investigation into possible links between Brandon Mayfield and the deadly Madrid terror bombings was cloaked in secrecy.

You name it: Secret search warrants. Sealed court documents. And, of course, the gag order that kept the Beaverton attorney from uttering a word about his captivity until the case was dismissed Monday morning (May 24, 2004).

But amazingly, the fact that he was being watched by the FBI starting in March was never much of a secret to Mayfield.

...

The Mayfields would arrive home to find window blinds adjusted much higher than any one could reach. Footprints left in the living room's plush white carpet were larger than any of those belonging to Mayfield, his wife, Mona, and his two sons.

...

"This is the state of affairs we find ourselves in today," he said. "We find ourselves living in a climate of fear."

Once, a deadbolt that the Mayfields never used was found locked. Another time, the family came home and discovered digital clocks and the VCR blinking, as if someone had tripped the breaker.

"Mona is very observant," Mayfield's brother, Kent Mayfield, who is visiting from Halstead, Kan. "She noticed."

Because no money or valuables were missing, Mayfield figured someone other than a burglar was repeatedly breaking in.

...

Mayfield said the Constitution guarantees "that we are safe and secure in our home" without the fear of being subjected to unreasonable searches and seizures. "That is not happening," he said.

Unbeknown to anyone, he warned, "FBI agents will go into your home. They will fiddle around with your possessions. They can walk in and out of your bedrooms and your homes, and will maybe take things and bring them back, and you won't know."

(Joseph Rose, The Oregonian, Tu 05/25/04)

http://www.oregonlive.com/search/index.ssf?/base/front_page/10854867513540.xml?oregonian?fpfp

May 6, 2004: Mayfield is arrested and imprisoned.

May 24, 2004: The government announces that the FBI has erred in its identification of Mayfield and moves to dismiss the material witness proceeding.

...

Over the course of some 19 days, Brandon Mayfield experienced the nightmare of an innocent man connected to a capital offense by seemingly conclusive evidence. At the end of those 19 days, he was exonerated. But his life has not gone on as it did before. This has been a life-changing experience for all who were involved. Anyone who reads and reflects upon his story must likewise realize that, in these troubled and troubling times, the conditions formerly underlying one's confidence in the stability of civil society, and trust in governmental authority, have been undermined. Without any forewarning, terrorist acts can destroy the lives of innocent people. In the climate of fear that terrorism engenders, the response of government to perceived terrorist threats can just as swiftly and surely wreak havoc on individuals who mistakenly become targets of its suspicion and victims of its counter-terrorism tactics. (These quotations are drawn from "A Multitude of Errors: The Brandon Mayfield Case," by Steven T. Wax and Christopher J. Schatz, which appeared in the September/October 2004 issue of Champion Magazine, a publication of the National Association of Criminal Defense Lawyers.)

<http://www.nacdl.org/public.nsf/0/9090373de4fa9c7d85256f3300551e42?OpenDocument>

People make mistakes.

Exactly what mistakes led to the arrest and imprisonment of innocent 37-year-old Portland-area attorney and Muslim convert Brandon Mayfield on May 6, 2004? How could these mistakes have been prevented or detected early?

Seeking answers to these questions, I examined the 331-page document titled, "A Review of the FBI's Handling of the Brandon Mayfield Case," released in March 2006 by the Oversight and Review Division of the US Department of Justice Office of the Inspector General. (This document may be accessed by copying and pasting this link: **documents.theblackvault.com/documents/terrorism/MayfieldFBI_OIG.pdf**.)

On pages 29-32, the Review identifies three FBI latent fingerprint experts who concluded, on March 19, 2004, that the image of the fingerprint found by the Spanish National Police (SNP) on the plastic bag in Madrid matched those of Brandon Mayfield: a Unit Chief in the FBI Laboratory Latent Prints Unit (LPU), a Supervisor in the LPU, and a retired FBI latent fingerprint examiner with 35 years of experience who was providing services to the LPU on a contract basis. (The term "latent" refers to fingerprints left on evidence, as distinguished from "inked" or "known" fingerprints collected intentionally.) The degree of confidence in the certainty of their conclusion was asserted, in documents subsequently provided to the Court (Review page 80), to be "100 percent identification."

The following events are among those presented on a "Timeline of Major Events" on page 28 of the Review:

Mar 11, 2004: Explosions on commuter train in Madrid kill nearly 200 people.

Mar 19, 2004: The FBI LPU identifies Mayfield as the source of a fingerprint (LFP 17) recovered by the SNP (Spanish National Police). The FBI opens an investigation of Mayfield, including 24-hour surveillance.

Apr 13, 2004: The SNP issues report concluding that its comparison of Mayfield's prints was "negative."

Apr 21, 2004: FBI LPU Unit Chief meets with SNP representatives in Madrid to discuss the FBI's identification of Mayfield.

May 4, 2004: Media inquiries begin regarding a possible American suspect in the Madrid train bombings.

May 6, 2004: The US Attorney's office seeks a material witness warrant and search warrants based on the LPU's identification of Mayfield as the source of LFP 17. Judge Jones issues the warrants and Mayfield is arrested and his home and office are searched.

May 19, 2004: The SNP informs the FBI that it has identified (an Algerian named Ouhmane) Daoud as the source of LFP 17 and of another fingerprint (LFP 20).

May 20, 2004: Judge Jones releases Mayfield to home detention.

May 22, 2004: FBI LPU representatives meet with the SNP in Madrid to obtain high quality copies of Daoud's known fingerprints.

May 24, 2004: After an overnight re-examination, the FBI LPU declares LFP 17 to be "of no value" for identification.

May 24, 2004: Judge Jones dismisses the material witness proceeding. The FBI apologizes to Mayfield.

I was numbed by the Review's 52 pages (Review pages 127 – 79) of chilling analysis of the FBI's technical errors that led to the fingerprint misidentification, to the affidavit, and to Mr. Mayfield's arrest and imprisonment. Worse, I was stunned – and terrified – to learn of the human mistakes that that any caring observer with access to all the facts could have identified. How could they have been prevented or detected early? By making sure that responsible, caring, and independent observers with access to all the facts were overseeing the process.

Here are three examples:

1. On March 19, 2004, the FBI Latent Print Unit (LPU) identified Mr. Mayfield as the source of a fingerprint recovered by the Spanish National Police, and the FBI opened an investigation of Mr. Mayfield, including 24-hour surveillance (Review page 28); BUT: Although the LPU Quality Assurance Manual requires that a Peer Review be conducted before a Report of Examination is issued to ensure "that appropriate examinations had been performed and that any identifications had been verified and documented" and that "conclusions are supported in the examination documentation and are within the limitations of the discipline," in this case, "the LPU examiners interviewed by the OIG confirmed, however, that in practice the Peer Review did not involve a substantive review of the basis of the examiner's conclusion and did not constitute a separate examination of the relevant fingerprints. In the absence of any requirement that the basis of the examiner's conclusions be described or recorded in the Report of Examination, in practice the Peer Review (in this case) could not actually involve a determination of whether an identification was "within the limitations of the discipline." (Review pages 122-3). The verifier "declined to be interviewed for this investigation," and "he created no documentation reflecting the mental processes that led to his conclusion of individualization (*i.e., identification*) (Review page 175).

In short, THE OIG CONCLUDED THAT THE FBI SIMPLY DID NOT FOLLOW THE PROCEDURE MANDATED IN ITS OWN QUALITY ASSURANCE MANUAL "TO ENSURE THAT APPROPRIATE EXAMINATIONS HAD BEEN PERFORMED AND THAT ANY IDENTIFICATIONS HAD BEEN VERIFIED AND DOCUMENTED."

2. On April 13, 2004, the Spanish National Police (SNP) issued a report concluding that its comparison of Mayfield's prints was "negative" (Review pages 51-52). Here is the

OIG assessment of the FBI's responses:

The April 13 Negativo Report provided an early warning to the FBI Laboratory that it had erred in identifying Mayfield and a corresponding opportunity to take a fresh look at the Mayfield identification. Although the meaning of the term "negativo" in the report was unclear to the FBI Laboratory, it was clear that the SNP Forensic Laboratory had at least preliminarily disagreed with the FBI's conclusions. The OIG found no evidence, however, that the FBI Laboratory adequately explored the possibility that it had erred in identifying Mayfield. Although (*one of the examiners and the Unit Chief in this case*) stated they took another look at the identification, they did not attempt to find out the basis of the SNP's doubts before reiterating their conclusions. Instead, Laboratory personnel told the Counterterrorism Division (CTD) on April 15 that they were "absolutely confident" in the identification. . . (*The Unit Chief*) told the OIG that his purpose in making the trip to Madrid was to explain the FBI's position, and he did not expect the SNP to make its own presentation. If so, it appears that (*the Unit Chief*) did not view the meeting as an opportunity to learn more about the SNP's position in order to inform the Laboratory's own reconsideration of the identification. The OIG believes that the Laboratory's overconfidence in the skill and superiority of its examiners prevented it from taking the April 13 Negativo Report as seriously as it should have. A better response to a conflicting determination by another forensic laboratory would have been, first, to determine the complete basis for the other laboratory's disagreement *before* committing anew to the validity of the original determination and, second, to arrange for a fresh examination of the relevant prints by a new examiner who had not previously committed himself to a particular conclusion. The FBI failed to take both these steps. (Review page 172)

In short, THE OIG CONCLUDED THAT HAVING RECEIVED THE SPANISH NATIONAL POLICE REPORT CONCLUDING THAT ITS COMPARISON OF MAYFIELD'S PRINTS WAS "NEGATIVE," THE FBI LABORATORY FAILED TO ADEQUATELY EXPLORE THE POSSIBILITY THAT IT HAD ERRED IN IDENTIFYING MAYFIELD.

3. The degree to which the (Federal) Bureau (of Investigation) went to try to tag (Mr. Mayfield) as a participant in the Madrid bombings is indicated by the contentions in (the FBI agent's) affidavit. To establish that Mayfield could have personally handled the bag in Madrid, the affidavit states, "Since no record of travel or travel documents have been found in the name of BRANDON BIERI MAYFIELD, it is believed that MAYFIELD may have traveled under a false or fictitious name, with false or fictitious documents." (Affidavit, ¶ 23. See also, Spain Bombing Glance, Associated Press, Seattle Post-Intelligencer, May 24, 2004.) To infer Mayfield's possible allegiance to militant Islamic groups such as the one suspected of masterminding the Madrid bombings, the affidavit alleges: that he had represented a Portland man in a child custody case who was later convicted of conspiring to help al-Qaida and the Taliban in Afghanistan; that he regularly attended a Mosque in the Portland area that was his place of worship; that he advertised his legal practice in a business publication described as a "Muslim yellow page directory"; and that one phone call in September 2002 was made from Mayfield's home telephone to the phone of a man in Ashland, Oregon who at the time was the U.S.

director of a Saudi Arabian based Islamic Foundation, that among other things “was involved in prison ministry throughout the United States, attempting to educate prisoners about the religion of Islam... This included distributing reading material to prisoners.” (Affidavit ¶¶ 13, 16, 18, 19. See also, Spain Bombing Glance, *supra*).

Glaring by its omission, is any allegation in (the) affidavit that Mayfield had been observed or was otherwise known by anyone, whether a government agent or informant, of being involved in any illegal activity whatsoever, much less the four March 2004 bombings in Madrid, Spain. Quite to the contrary, the affidavit paints the picture of a devotedly religious family man, who as a sole practitioner lawyer represents people in civil cases such as child custody disputes and advertises his business to reach potential clients, and who may have talked once with a man involved in providing religious (Muslim) educational materials to prisoners in this country.

http://forejustice.org/wc/mayfield/jd/brandon_mayfield_jd_issue25.htm

Here are the final sentences of the OIG assessment of the likely effect of Mr. Mayfield's Muslim religion, activities, and acquaintances on the actions of the FBI LPU:

(The LPU Unit Chief in this case) candidly admitted that if the person identified had been someone without these circumstances, like the "Maytag Repairman," the Laboratory might have revisited the identification with more skepticism and caught the error.

The OIG concluded that Mayfield's religion was not the sole or primary cause of the FBI's failure to question the original misidentification and catch its error. We concluded that the primary factors in the FBI's failure to revisit the identification before the SNP identified Daoud were the unusual similarity between LFP 17 and Mayfield's prints and the FBI Laboratory's faith in the expertise and infallibility of its examiners and methods. However, we believe that Mayfield's representation of a convicted terrorist and other facts developed during the field investigation, including his Muslim religion, also likely contributed to the examiners' failure to sufficiently reconsider the identification after legitimate questions about it were raised. (Review page 178-9)

In short, THE OIG CONCLUDED THAT MR. MAYFIELD'S MUSLIM RELIGION, ACTIVITIES, AND ACQUAINTANCES “LIKELY CONTRIBUTED TO THE EXAMINERS' FAILURE TO SUFFICIENTLY RECONSIDER THE IDENTIFICATION AFTER LEGITIMATE QUESTIONS ABOUT IT WERE RAISED.”

Indeed, mistakes do happen.

Here's another set.

On November 26, 2010, **Mohamed Osman Mohamud**, a nineteen-year-old Somali-American student, was arrested by FBI agents after attempting to set off what he reportedly thought was a terrorist bomb at a Christmas tree lighting in Portland, OR. He was charged with attempting to use a weapon of mass destruction.

http://en.wikipedia.org/wiki/2010_Portland_car_bomb_plot_-_cite_note-4

Jihad at Pioneer Courthouse Square

Published: Saturday, November 27, 2010, 6:16 AM Updated: Saturday, November 27, 2010, 5:47 PM

It's early.

Very early in the wake of the chilling news that the FBI thwarted a terrorist bombing at Friday night's "holiday" tree-lighting ceremony at Pioneer Square.

Just about all I have to react to, this early, is Bryan Denson's piece, filed late last night, on Oregonlive.

The nut graph, as they say:

Mohamed Osman Mohamud, 19, a Somali-born U.S. citizen, was arrested at 5:42 p.m., 18 minutes before the tree lighting was to occur, on an accusation of attempting to use a weapon of mass destruction. The felony charge carries a maximum sentence of life in prison and a \$250,000 fine.

Yes, it takes one's breath away.

Mohamud, according to the FBI affidavit, tried to contact someone involved with terrorist activities overseas. Mohamud had written essays for "Jihad Recollections," a delightful online forum advocating holy war. Mohamud had been dreaming of jihad since the age of 15, and told FBI operatives posing as terrorists that the tree-lighting ceremony was the ideal, unguarded spot to make those dreams a reality.

Yet as I read on in Denson's piece, an uncomfortable question quickly rises: How far would Mohamud have traveled down that road without the help of those very operatives?

As I said, it's early. The sun's not even up. All anyone has to go by at the moment is the FBI affidavit that was used to support the criminal complaint signed by U.S. Magistrate Judge John V. Acosta.

But that affidavit notes the following:

-- When Mohamud could not get in touch with terrorists overseas, the FBI contacted him.

-- While Mohamud "spent months working on logistics," Denson's story notes, and "allegedly identified a location to place the bomb," he "mailed bomb components to the FBI operatives, who he believed were assembling the device." Does that mean Mohamud did not build the bomb?

-- The FBI "operative" was right there with Mohamud on Nov. 4 at "a remote spot in Lincoln County, where they detonated a bomb concealed in a backpack as a trial run for the upcoming attack."

-- And the FBI transported Mohamud to Portland so that he could carry out the deadly bombing.

It's early. Very early. I'm as spooked as anyone by what might have happened last night at Pioneer Courthouse Square. And I am incredibly thankful the FBI and our national security forces are on guard.

But it's still unclear how close Mohamed Osman Mohamud would have gotten to Portland's "living room" if no one had ever shown any interest in his plans.

http://www.oregonlive.com/news/oregonian/steve_duin/index.ssf/2010/11/jihad_at_pioneer_courthouse_sq.html

Brad Schmidt, The Oregonian

Portland's JTTF debate reveals how oversight agreement with FBI not followed for bomb plot

(Published in The Oregonian: Tuesday, February 15, 2011, 9:15 PM Updated: Wednesday, February 16, 2011, 5:52 AM)

http://blog.oregonlive.com/portland_impact/print.html?entry=/2011/02/portlands_jt_tf_debate_reveals.html

Portland Mayor Sam Adams didn't know about the FBI's investigation of an **alleged plot to bomb Pioneer Courthouse Square** because federal officials didn't follow an **understanding reached when the city pulled its officers out of the FBI's Joint Terrorism Task Force.**

A high-ranking FBI official wasn't aware of the plan calling for a briefing of the mayor until after authorities had made an arrest. And **neither Adams nor Police Chief Mike Reese sought high-level security clearance** as called for in the plan, which was outlined in a 2005 city council resolution.

Those shortcomings became apparent Tuesday as civil libertarians and federal law enforcement officials testified and answered pointed questions during a four-hour hearing before the Portland City Council on whether the city should reverse a 2005 decision to pull police from the JTTF.

Portland became the first major city to withdraw from the JTTF -- a network formed locally in 1997 to foster cooperation among local and federal law enforcement officials in fighting terrorism -- over fears that Portland's participation would violate state laws banning investigations based on political or religious beliefs.

As part of the pullout, the FBI and Portland officials struck a cooperation agreement that allows officers to participate on a case-by-case basis and calls for the mayor to receive notification of terrorist threats. But critics say lapses in following the agreement raise questions about FBI trustworthiness and city officials' ability to monitor possible civil rights violations should the city rejoin the JTTF.

The City Council is expected to make a decision Feb. 24 or, if leaders aren't ready, the following week.

That decision is shaping up to be close and controversial. City leaders must consider longstanding distrust of government in ultra-liberal Portland and the memory of Brandon Mayfield's wrongful arrest by the FBI, balanced against the alleged Black Friday bomb plot in November and a renewed push from local suburban governments for Portland's involvement.

As expected, experts from the American Civil Liberties Union and the U.S. Justice Department made their pitches Tuesday -- the first to maintain a peripheral involvement aimed at protecting civil liberties, the other to assign officers to the task force for better communication and safety.

The presentations featured national players such as **Valerie Caproni**, the top attorney for the FBI; Todd Hinnen, a deputy assistant attorney general who used to advise then-U.S. Sen. Joe Biden; and Michael German, policy counsel for the ACLU.

Federal officials urged the City Council to reassign officers, rebuffing concerns about trustworthiness.

"If we were purer than Caesar's wife, on every one of these issues, and none of our employees ever made a mistake, the ACLU would still be raising questions because that's what they do," Caproni said. "I think that their concern is overstated in terms of the reality."

Federal officials said they would be open to compromises or additional concessions, beyond the 2005 agreement, to secure a commitment from Portland Police Bureau officers. "We're happy to work with you," Caproni said.

Meanwhile, ACLU representatives implored the City Council to keep Portland's officers out of the task force except for specific investigations. Representatives said FBI practices have gotten worse, not better, since 2005.

"Other cities are looking at Portland," said David Fidanque, executive director for the ACLU of Oregon, alluding to San Francisco and Oakland, Calif. "This is no time for Portland to change its mind."

Joint Terrorism Task Forces are based in 106 U.S. cities, including at least one in each of the FBI's 56 field offices. Although Police Bureau officers have not been part of it since 2005, three other local agencies participate: the Oregon State Police,

Port of Portland Police and the Washington County Sheriff's Office.

The most explosive moments Tuesday came from city **Commissioner Randy Leonard**, who opposes assigning officers to the task force.

Leonard picked apart protocols from the 2005 agreement that were supposed to ensure citizen oversight -- but were not followed -- and questioned why the ACLU hasn't made it a bigger issue. One protocol called for the FBI special agent in charge to immediately contact the mayor and police chief for briefings regarding terrorist threats.

"The very first chance the FBI had to follow this protocol and show it off, they didn't," said Leonard, who called it an "incomprehensible failure" that Adams wasn't briefed about the bomb plot.

Later, under questioning from Leonard, federal officials acknowledged that they didn't know about the agreement.

"The first time I learned of this proclamation is when you brought it up to me," said Arthur Balizan, **who became Portland's FBI special agent in charge in 2009**.

Balisan said he notified Reese on Sept. 29 when he became convinced Portland was becoming a viable target for a plot to bomb the holiday tree lighting, and he required the police chief to sign a non-disclosure agreement. "And the reason he signed that was because he did not have 'secret' clearance," Balisan said.

If a similar incident occurred now, Leonard asked, would Balizan brief the mayor and the police chief?

"Per this agreement, with the right clearances, absolutely," he said.

But Leonard said the briefing should not be contingent on the security clearance, based on his reading of the agreement.

That's when **U.S. Attorney Dwight Holton** jumped in. "I don't think this fit within the rubric," said Holton, noting that the mayor should be notified of an actual threat and not an undercover operation involving a fake bomb.

"At no time was there any, any danger," Balizan added.

That set Leonard off. He countered that federal officials thought it was dangerous enough to notify Reese, ask for a confidentiality agreement and secure Portland police involvement.

"But now you're trying to say it's not dangerous enough to let the mayor know ... a van's sitting over there by itself that a terrorist thinks is going to have a bomb in it to kill 10,000 people?" Leonard said. "That just doesn't hit me as plausible."

The conversation will resume at Portland City Hall on Feb. 24 at 2 p.m. Unlike

Tuesday's work session, public comments will be accepted.

Reaffirmation of commitment to democracy

In 1789, before agreeing to sign the Constitution, the representatives of our thirteen colonies created our Bill of Rights, to protect the rights of the people from assault by a powerful central government.

This stands at the heart of our democracy.

On October 29, 2003, the Portland City Council unanimously passed a resolution **"Expressing concern about the USA P.A.T.R.I.O.T. Act."** On December 9, 2004, the Multnomah County Board of Commissioners passed a similar resolution, expressing explicit **commitment to protect civil rights in the era of the USA PATRIOT Act.** Council Resolutions – 36179 USA PATRIOT Act resolution.pdf
<http://www2.co.multnomah.or.us/cfm/boardclerk/uploadedfiles/04-1831.pdf>

If we, our civil rights, and our Constitution are to be protected from the actions of federal law enforcement and criminal investigation agencies, and the mistakes of their personnel, our Mayor, Police Commissioner, and City Attorney must maintain civilian oversight – with Top Secret security clearance – over the activities of all city employees, including our law enforcement professionals. This is a matter of priority and principle, not a matter of yielding to threats of punishment or promises of payment.

I'm grateful to you, our Mayor and City Commissioners, for repeatedly appealing for active public participation – in this case, input and testimony – in the making of decisions that affect the lives of all of us who live, work, study, travel, and worship here. Thank you.

A special thank you to you, Commissioner Leonard, for your outrage regarding the failure of Portland FBI personnel to follow the 2005 protocol between Portland and the FBI by contacting Mayor Adams for briefings regarding the 2010 holiday tree lighting matter; their requiring the police chief to sign a confidentiality agreement and securing Portland police involvement; and their stating that they had been unaware of the protocol.

And a special thank you to you, Commissioner Saltzman. I hope that I'll remember, as long as I live, your deeply moving talk at the dedication of the Portland Holocaust Memorial on August 29, 2004. Your remarks brought to mind the words of Pastor Martin Niemoeller:

"First they came for the Communists, but I was not a Communist so I did not speak out. Then they came for the Socialists and the Trade Unionists, but I was neither, so I did not speak out. Then they came for the Jews, but I was not a Jew so I did not speak out. And when they came for me, there was no one left to speak out for me." (Pastor Martin Niemoeller, German anti-Nazi theologian and Lutheran pastor, imprisoned in Sachsenhausen and Dachau concentration camps from 1937 to 1945.)

http://www.jewishvirtuallibrary.org/jsourc/Holocaust/Niemoller_quote.html

http://en.wikipedia.org/wiki/Martin_Niem%C3%B6ller

I hope that all of us will commit ourselves to remembering the names of **Brandon Mayfield** and **Mohamed Osman Mohamud**, and the words of James Baldwin to Angela Davis:

“ . . . If they take you in the morning, they will be coming for us that night.” (James Baldwin to Angela Davis, 1971) <http://www.nybooks.com/articles/10695>.

Warmly,

Herman M. Frankel, M.D.
3310 NW Savier Street
Portland, OR 97210-1937
503-227-1860

Moore-Love, Karla

From: Teresa Roberts <trecanoe@yahoo.com>
Sent: Sunday, March 30, 2014 7:47 PM
To: Commissioner Fritz; Commissioner Fish; Hales, Mayor; Commissioner Novick; Commissioner Saltzman
Cc: Portland Copwatch; Moore-Love, Karla; Joe Walsh; The Washington Post; Katu 2; News Koin 6; News Tips; People's Police Report; Jo Ann Hardesty
Subject: Let's Get Out of the JTTF

In addition to so many citizens voting so intelligently in the recent Oregonian poll, I want to remind you of the many citizens and citizen groups that stood up last year and asked you to bail on the JTTF -- and I'm guessing we all hope this will be the year we again excuse ourselves from collusion with the fbi. Here is a link to your own video documentation of the meeting and timecode

notes: <http://www.portlandonline.com/index.cfm?c=49508&a=441848>

City Council Mtg 3-27-13 FBI & PPB JOINT TERRORISM TASK FORCE timecode sequence

[unrelated (but referenced @ 67:33): 17:50 2 students speak to increase in price of Trimet Youth pass]

24:07 Item 252: Accept Commish-in-Charge & PPB Annual Report re: PPB Participation w/JTTF

29:00 Mike Reese (PDX Police Chief & Commish-in-Charge of PPB JTTF involvement with FBI)

PPB Asst. Chief Eric Hendricks

David Woboril, PDX Deputy City Attorney

29:10 David Fidanque, ACLU of Oregon

33:48 Japanese American Citizens League

39:22 League of Women Voters

42:06 Kayse Jama, Center for Intercultural Organizing

45:52 Dan Handelman, Portland CopWatch

49:30 Greg Kafoury, Civil Rights Attorney

52:17 Mary Eng with offer from female Somalia Refugee to train PPB under auspices of AHA to be less racist in dealing with minority cultures and women

55:16 Joe Walsh, Individuals for Justice [retired vet falsely arrested last year in conjunction with JTTF undercover activity at Occupy, successfully defended by Greg Kafoury (see 49:30 above) and exonerated, but in the process outing presence of undercover FBI operating without Council knowledge]

58:06 Mark Sherman

61:00 Jason Kafoury, Civil Rights Attorney

64:22 Charles Johnson, Occupy Portland Elder Council

67:33 Teresa Roberts, Occupy Portland / Veterans for Peace

73:50 Sarah Hobbs, Veterans for Peace / Occupy Portland

76:32 Nancy Knewel, Daughter of McCarthy-Era Investigation Survivor, carrying on family tradition

78:50 Mike Reese (PDX Police Chief & Commish-in-Charge of PPB JTTF involvement with FBI) is grilled by City Commissioner Amanda Fritz re:

Are costs excessive with no peace-keeping benefits to PDX?

Why in the case of Mr. Kahn was PDX neither consulted nor advised by FBI? [@ 80:38]

Why do Reese & have access to JTTF Info with no security clearance yet Mayor & Council do not?

85:30 Commentary by Mayor Hales & Reese interact briefly

86:58 Commentary by Commish Fish re: lack of watchdogs; Mike Reese' & Woboril's weak defense ending with conclusion by Fish that our relationship with JTTF needs more discussion in open forum so individuals can testify to breaches of procedure and law by PPB & JTTF (as if Citizen Review Committee & Independent Police Review never held open forums all over town in 2012,

spearheaded by JoAnn Hardesty but suppressed & shut down by City Council) and as if Occupy Portland did not pack City Council to testify following camp eviction

92:30 PDX City Commish Dan Satzman wastes our time being his usual clueless sold-out self
93:36 New City Commissioner of Public Safety, Council President Steve Novick rakes Reese & JTTF over the coals and entire chamber laughs derisively at Reese's weak attempts to evade; Commish Fish tries to steal back the floor [~ 98:00) but our newest council member is as tentative as Hales appears in Council. Reese begs not to be subjected to public scrutiny in public forum.

ROLL CALL

99:00 Amanda makes a short speech, mistakenly trusts PPB (WAKE UP!!!) but not the FBI – makes thoughtful statements and votes NAY on accepting report

101:00 Fish makes his usual long self-congratulatory speech about how thorough council has been before logging his standard PBA-bought vote against public interest – YEA on accepting report but JTTF agreement itself up for public forum discussion

Sell-Out Saltzman deserves no timecode, takes one second, strongly supports JTTF & votes a predictable YEA

104:25 Steve Novick brings further mirth to everyone at the proceedings (except perhaps Reese-PPB & JTTF plants, quoting Mark Twain & Civil Rights Atty Greg Kfoury, surprising chambers by voting NAY (who knew a Weiner Baby could have a conscience?)

107:10 Vote Tie-Breaker, Mayor Hales blends Fish's council-self-congratulatory pabulum with his deceptively strong newspaper stance questioning the JTTF, promises the public to take a fresh look at the PPB-FBI Joint Terrorism Task Force, but doesn't want "to get off on the wrong foot" with the JTTF supporters, council or the cops (doesn't care about getting off on the wrong foot with every citizen group that testified), wimps out & votes YEA to accepting Reese's bullshit on paper.

JOINT TERRORISM TASK FORCE REPORT FROM POLICE BUREAU

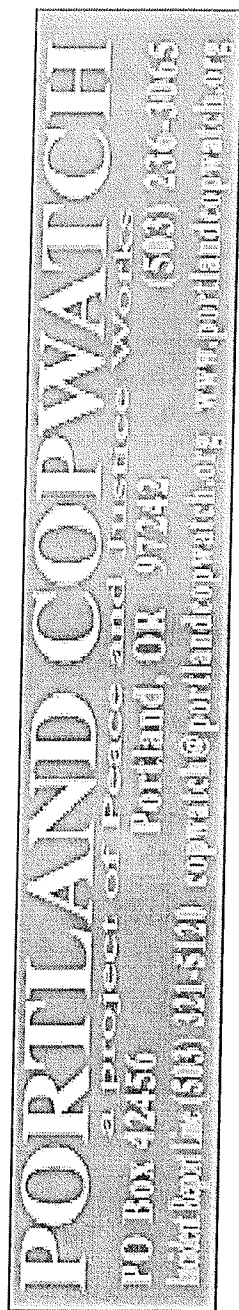
IF YOU WISH TO SPEAK TO CITY COUNCIL, PRINT YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)

ADDRESS AND ZIP CODE

Email

✓ Becky Straus	ACLU of Oregon	bstrauss@aclu-or.org
✓ Dan Handerman	Portland Copwatch	
✓ Malcolm Chaddock	Veterans For Peace / Peace Fresno	
✓ Teresa Roberts	97219	
✓ Charles JOHNSON	on Fyle	on Fyle
✓ Kathy Bushman		



COMMENTS: 2014 Joint Terrorism Task Force Report Cut and Paste: Threadbare Reports Perpetuate Distrust

from Dan Handelman, Portland Copwatch
March 26, 2014

Mayor Hales and members of City Council:

Upon reviewing the annual Joint Terrorism Task Force report from Chief Reese, we note that, as with last year's report, the new report frustratingly continues to reveal very little news about how the PPB co-mingles with one of the world's most notorious domestic intelligence agencies, including information that is theoretically public in nature. We noted last year that the Assistant Chief of Investigations (Donna Henderson) and the "Senior Deputy City Attorney who has provided legal advice to the Police Bureau for over 20 (was 15) years" (David Woboril) are not named. This kind of absurdity just causes confusion rather than protects any kind of investigative integrity or secret goings-on.*

As for the nearly word-for-word cut and paste laziness of this report, we leveled similar criticisms at the Bureau's Gun Exclusion Zone report last year, so this is becoming a pattern for the Bureau. Aside from a few grammatical changes (some for the better, some for the worse), there are some interesting new pieces of information that we had to suss out since the Chief didn't highlight them.

1—Whereas the Chief previously assigned two members of the CIU to work on cases with the JTTF, it appears that now all members of the CIU are receiving training and security clearances so that they "might" work with the FBI. One officer's clearance is still pending. This new information would be more meaningful if the Chief revealed how many officers work in the CIU, but he does not.

2—Last year the Chief said the Bureau worked with the JTTF on at least one domestic terrorism case. This year he says they worked on at least one such case with the JTTF and "other non-participatory investigating agencies." This garbled language likely means that other police departments like Portland who are smart enough not to be entangled permanently with the FBI also helped work on the case, but it is not clear. Another reference to an investigation—perhaps the same one—states that "in at least one investigation, the Bureau's CIU passed on intelligence information to investigating members, some of whom were assigned to the JTTF." We have no idea what that means.

3—The 2013 paragraph in which the Chief states he asked the City Attorney to independently verify that there were no violations of Oregon law** or federal law is now missing. However, later in the report, the Chief states that the City Attorney verified such a statement. It is not clear how that is possible since (a) the City Attorney does not have "Secret" clearance, and (b) for example, the Portland Police cooperated in the FBI sting of Mohamed Mohamud, in which warrantless wiretapping was used to build the case. Such wiretapping is considered by many people to be unconstitutional.

4—As with the 2012 report, the Chief says that no officers did work outside of Portland with the JTTF. Last year there was one assignment noted which must have occurred in 2012, but we still don't know if Portland officers went out within the state or to another state.

5—Unlike previous years, the Chief does not write that he conferred with the Commissioner in Charge to determine how many officers to assign to the JTTF. Whether this is related to Mayor Hales' lack of security clearance is unclear, since Mayor Adams also never obtained his security clearance but was consulted.

This leads to a major concern about the entire enterprise of the Bureau's cooperation with the JTTF: The resolution allowing that cooperation is based on the idea that the Commissioner in Charge will have the same security clearance as the Chief and will therefore be able to oversee any use of city employees for federal investigations. Mayor Adams never received his clearance and Mayor Hales has gone a year without clearance, meaning the PPB's participation has gone without meaningful oversight from our elected officials for the entire three years since the resolution passed.

A few other things of note that carry over from before, which in some cases carry new significance:

—The Chief still describes meeting with the Special Agent in Charge of the FBI (SAC) “on several occasions” rather than giving an exact number. He notes that the Mayor met with the SAC twice in 2013 (which presumably includes the February meeting listed in last year’s report). There is no mention, however, that the SAC was reassigned and that the resolution requires a meeting within 30 days with any new SAC to affirm Portland’s quasi-participatory status with the JTTF. And of course, the SAC’s name, while public, is also not noted. Gregory Fowler retired in November 2013, so someone else has been in charge since then; the next SAC, Gregory Bretzig, starts work on March 31.

—We have still not received information we requested (along with other organizations) in 2012 about how many hours officers are working, how much the relationship is costing the city, and how the City and FBI define the term “criminal nexus” which is used to trigger PPB participation in JTTF cases.

—The Standard Operating Procedure, which should be a public document, was taken down from the PPB’s website last year and not linked to in the annual report. A quick internet search did not turn up the document.

—As we noted last year, the resolution requires an annual check-in between the City Attorney and the Oregon Attorney General about compliance with Oregon law; we still don’t know whether that has happened since 2012.

—There is still a part of the definition of terrorism that refers to “acts of war” despite the fact that “acts of war” isn’t mentioned anywhere else in the document.

Last year, there seemed to be an implicit agreement that the City would post the draft JTTF report at least two weeks before the hearing, but this year’s report wasn’t posted until one week ago. At that, there were apparently no email notices to interested parties so we didn’t read the report until Friday afternoon, just less than 5 days in advance.

Incidentally, the resolution in question does require the Commissioner in Charge to submit his/her own report on the JTTF, which has not now happened for two years, and the Council agenda item implies that there is a report from the Commissioner:

283 TIME CERTAIN: 9:30 AM - Accept Commissioner-in-Charge and
Portland Police Bureau annual report regarding the Portland Police
Bureau participation with the Federal Bureau of Investigation Joint
Terrorism Task Force (Report introduced by Mayor Hales)

We end by using Chief Reese’s tactic of cutting and pasting directly from our analysis of last year’s report. Here’s how that analysis ended:

The Human Rights Commission issued an analysis of the
JTTF in early 2011 when the debate opened up whether Portland
should re-join (after the 2010 “Holiday Tree bombing” sting), cautioning
the City against working with the FBI for fear of damaging relationships
with communities affected by FBI activities. Those concerns are not,
in our opinion, allayed by these reports.

(Is it significant, we wonder, that last year Chief Reese noted that the Bureau seeks to work with ALL communities, with the word “ALL” in bold, and this year the word is no longer highlighted?)

Thank you as always for your time

—dan handelmann

—Portland Copwatch

*The Lieutenant at the Criminal Intelligence Unit [CIU], whom we believe is Lawrence Baird, is also not named; recently the Bureau began seriously limiting the information provided to Portland Copwatch about who is assigned to what division. The most recent roster we received doesn’t list the CIU but says Baird works in the “Chief’s Office.”

**181.575 prohibiting collection of information without suspicion of criminal activity and 181.850 prohibiting local law enforcement inquiring about immigration status



Becky Straus, Legislative Director
Testimony on Agenda Item 283: JTTF
Portland City Council
March 26, 2014

Mayor Hales and Commissioners:

Thank you for the opportunity to testify this morning in regard to your consideration of the Chief's annual report on the Police Bureau's interactions and cooperation with the FBI's Joint Terrorism Task Force (JTTF). This report is virtually identical to the information presented last year, and the year before that. In those prior years, and now again today, we urge you not to settle for a report with so few details regarding whether – and in what ways – the Bureau is in compliance with Council Resolution 36859.

Your No vote on acceptance of the report will afford another opportunity for the Chief to revise and elaborate upon the report submitted today. At the very least, the revised report should include information promised to Council a year ago, as outlined below.

Background

The ACLU of Oregon has appeared before this body on numerous occasions over the past 15 years in order to educate the Council and the public about inappropriate political, religious and ethnic surveillance carried out by the FBI and other federal, state and local law enforcement agencies.

With our coalition partners, we endeavored to sound an alarm regarding inappropriate investigative techniques and surveillance prior to the attacks of September 11, 2001. Our efforts, at least in part, led to the decision in 2005 by former Mayor Tom Potter and the Council to withdraw from formal participation in the FBI's Joint Terrorism Task Force (JTTF). When Mayor Adams renewed public discussions concerning the relationship between the Police Bureau and the JTTF in 2010, the ACLU provided expert testimony and documentary evidence regarding the conflicts between Oregon law and the guidelines and policies under which the FBI and its Joint Terrorism Task Force operates.

In 2011 we testified in support of Council Resolution 36859, which now governs the relationship between the Police Bureau and the JTTF. We did so despite our continued high degree of concern over the ability of the Bureau to navigate and respect the great differences between the very malleable federal guidelines and policies under which the FBI operates and the tighter restrictions of Oregon laws and the Oregon Constitution under which the City of Portland must operate. We remain concerned that cooperation between the Police Bureau and the JTTF will inevitably expose Portland officers to violations of Oregon law.

We arrived at our position in support of the Resolution in part because we considered it to be the continuation, not the end, of an ongoing conversation regarding the appropriate boundaries and safeguards for the Bureau's task of protecting the safety of all Portland residents, workers and visitors, while at the same time complying with and respecting the constitutional and statutory rights of individuals and organizations.

We will not repeat the well-documented (and ongoing) abuses by the FBI of the constitutionally protected activity of law-abiding American citizens and residents. We would be remiss, however, not to highlight one of the glaring differences between our posture today and that of when we sat here this same time last year. Beginning this summer, disclosures by former NSA contractor Edward Snowden have brought shocking and ongoing revelations about the vast extent of current government intelligence programs at the federal level and the shroud of secrecy that shields them from the public's awareness. These recent events are reminders of why safeguards and transparency are vital elements of any government program and why a "trust us" approach to reporting is wholly inadequate.

2014 Report

In 2011 we set out very specific expectations that we had for the annual reports on the City's relationship with the JTTF and the FBI. We urged the Mayor and the Police Chief to put the systems in place that would ensure both that the terms of the Resolution would be honored and that Portland would be a model of transparency.

After significant revisions to the first draft, the 2012 Annual Report was submitted with some detail, but not enough detail to truly inform the public of the nature of PPB's participation on the JTTF – certainly not enough to compel anyone to point to Portland as a model of transparency. Last year's report was similarly disappointing and this year's report is no different. We urge the following improvements:

Key details missing from the report

Once again, missing from this report is data indicating the number of investigations, the types of investigations, at what stage of the FBI inquiries the Police Bureau was asked to work with the JTTF, and the total number of hours the investigating CIU officers worked on terrorism inquiries. While we believe all of this information is important, we believe the most critical is for the City to disclose the number and types of inquiries in which our officers have participated.

I want to emphasize that the ACLU has never asked the City to disclose specific factual information regarding the individual matters on which the Police Bureau cooperates with the FBI. However, disclosing the number of inquiries and the stage of the inquiry at the time of the FBI request to the City would not disclose information that could compromise an ongoing inquiry or investigation.

In 2011, we had urged that the Resolution limit PPB involvement to only those inquiries designated as “full investigations” by the FBI. We had taken that position because the FBI’s investigation guidelines and policies permit them to carry out “assessments” and “preliminary investigations” without a reason to believe that the target of the inquiry is or may be involved in terrorism activity.

Based on other Freedom of Information Act requests and investigations by the Office of Inspector General, we know there is a greater likelihood that FBI “assessments” and “preliminary investigations” will result in surveillance and collection of information related to political, religious and social activities that are lawful and constitutionally protected. Only inquiries at the “full investigation” stage require a factual predicate towards a specific individual, group or organization.

Thus, if the FBI request of the Police Bureau is made during either the “assessment” or “preliminary investigation” stage, it should automatically trigger heightened inquiry by the Chief, the Commissioner-in-Charge and the active involvement of the City Attorney to ensure that the City’s involvement will not violate either the Resolution or Oregon law.

Especially because the “criminal nexus” standard of the Resolution is undefined and fuzzy, it is *critical* for the public and the Council to know *how many* inquiries PPB officers have participated in and at *what* stage (as classified by the FBI). If we knew that few, if any, of our officers worked on either “assessments” or “preliminary investigations,” it would go a long way toward public verification that the City is in compliance with the Resolution and Oregon law.

Conversely, if PPB officers were involved only in “assessments” and “preliminary investigations,” it would indicate there was a much greater likelihood that the City was in violation of the Resolution and Oregon law. Having this data is really the only way for the public to “trust but verify.”

Cumulative log of requests for cooperation

Last year Commissioner Fritz requested of the Chief and the City Attorney to log all terrorism requests made by the FBI and the stage of the inquiry at the time of the request. The Chief agreed to keep a log so that at the very least cumulative log data could be released after a period longer than one year. The City Attorney agreed to keep a log of requests for advice regarding JTTF issues. The Chief’s report does not include any information about either of these logs, whether they have been created, and the statistics they have collected.

The Chief’s report once again provides assurances that a “Senior Deputy City Attorney” has ensured that the Bureau “is in full compliance with Oregon law and the City’s Resolution regarding the JTTF.” In addition, the Chief assures us that officers have been able to seek advice from the City Attorney. However, there is no indication whether or not Bureau personnel actually have sought the advice of the City Attorney regarding requests to the Bureau from the

FBI. Again, we would hope that a log would be kept of such contacts and that at least the number of such requests could be made public.

The Mayor's lack of security clearance

Were it not for reporting by the Oregonian last week,¹ the public would not have information about the Mayor being denied Secret level security clearance. In the absence of the Mayor issuing his own report on compliance with the JTTF resolution, which would allow the public to receive information about how he is fulfilling his obligations as Commissioner-in-Charge, at the very least on this issue we ask that the Chief's report have detail about when the Mayor applied for clearance, when he was denied, and any information about why he was denied.

The obvious question to follow is how can the Mayor oversee any participation that the Bureau has on the JTTF if he is not entitled to the same amount and level of information that is disclosed to the participating officers? In other words, how is the Mayor's lack of security clearance affecting his role and responsibilities under the resolution?

Training curriculum should be made public

Finally, we note the requirement for annual training of the Police Bureau personnel who interact with the JTTF by the City Attorney's office. Last year we strongly encouraged the Mayor, and any other interested members of the Council, to attend that training at least once. We also urged the Commissioner-in-Charge (the Mayor) to make the training curriculum available to the public. At Council last year the Chief agreed to do so.

Follow-up on requests last year

In addition to commitments made to maintain a log and to disclose the training curriculum as mentioned above, a few other commitments were made a last year's Council hearing on this topic. I list them here so that the Council may have the opportunity to check on the status:

- Commissioner Fritz requested information from the Bureau on how much money they have been reimbursed from any federal grants for overtime and an accounting of how much time has been spent for overtime pursuant to such grants.
- Commissioner Fritz requested, at the urging of the League of Women Voters, that the public be afforded two weeks to review the Chief's report before it comes to Council.

Thank you again for considering our recommendations. We respectfully request that you reject the report today to allow for the revisions discussed above.

¹ http://www.oregonlive.com/portland/index.ssf/2014/03/portland_mayor_was_denied_secr.html