

15 January 2019

Commissioners Hardesty and Eudaly ~
Portland, Oregon City Council



I continue to call for an audit of Joint Terrorism Task Force (JTTF) relationship points to the City of Portland.

Reading the November 2018 post [Portland FBI's Joint Terrorism Task Force](#) – FBI justification for Portland JTTF – I found that, in 2015, the FBI “worked with investigators from Portland Fire & Rescue ... to determine whether those with ties to domestic terrorism groups [were] responsible.”

Collaboration is certainly not confined to two Portland Police Bureau (PPB) officers. The City disclosed a Criminal Justice Analyst in their employ was attached to JTTF. [The post](#) was taken down in the Wheeler administration.

Disentanglement from JTTF was likely incomplete in 2005. The subsequent [City memorandum](#) (MoU) allowed the PPB Chief's Criminal Intel Unit to continue collusion “on a case-by-case basis.” Only officers with Top Secret clearance could comply: the FBI retained the very same assets they'd always had, within the Bureau.

November's propaganda, at the FBI post above, makes no mention of surveillance, intercepts, undercover operatives or infiltration; the Bureau's bread and butter. It does not disclose the FBI role, nor the obscure nexus of corporations, law enforcement and military, at the DHS [TITAN Fusion Center](#) ... with which the FBI dovetails at Salem.

I think it wise to take a [Eudaly approach](#). For Commissioners to submit pages of clarifying questions.

In the FBI's disingenuous portrayal, purported JTTF social workers offer “a holistic response including diversion with the help of families, school officials and/or mental health providers.” I'd like to see stats on *that* success rate. I'd like diversion officers' credentials compared to, say, FBI Intelligence Analysts or Special Agent Interrogators. The social workers' mission plan and benchmarks might not be top secret. Ask information officers to compare the size and budgets of team members committed to 'diversion' and those conducting surveillance and infiltration.

The FBI information office states “FBIHQ, the U.S. Department of Justice, the court system and Congress all have oversight authority over the work that the JTTF does.” Few of these participants are sufficiently independent to provide actual check on unwarranted power: given secrecy oaths and nondisclosure covenants, the rest are in the main rendered ineffective.

What is oversight? At the local level, and contrary to mutually shared protocols, JTTF did not notify Portland's Mayor until after the FBI *arrested* Mohamed Osman Mohamud in 2010. What is the pattern of non-disclosure, to those outside their chain of command? In that Portland Mayors have declined investigation required to obtain security clearance, how benign has local oversight authority been? Reading from [the current MoU](#), I'd like report from the Oregon AG, of results from annual, January oversight; or from the City's Training Advisory Committee, on efficacy of annual PPB officer training as conducted by the City Attorney.

Mohamud's case *did* rile Congress ... when facts were disclosed, long after trial. US Senators Wyden, Udall and Heinrich [took exception](#) to disclosure of warrantless wiretapping in this case; asserting US DoJ (in the

oversight chain, above) misled the US Supreme Court. Wyden has many times on US Senate Intel alluded to issues his constituents would find troublesome, had protocol permitted informed consent of the governed.

Mohamud's entrapment figures prominently on the FBI page at the above link. Portlanders Steve Wax, Steve Sady and Lisa Hay (Federal Public Defenders in 2010) might be called upon to give talking points rebutting JTTF contentions regarding the case. Prosecutors [failed to disclose](#) use of information derived under the U.S. Foreign Intelligence Surveillance Act until Mohamud had already been convicted. How does civilian oversight fare, preemptively, in an era of secret courts & secret warrants?

The FBI [failed to record](#) 'first utterances,' crucial evidence whenever defense counsel makes an entrapment case. An email written by an [FBI agent](#) on the witness list was not disclosed to Mohamud's defense until the jury was being seated. It described their client as an "ideal candidate" to approach ... as if the beleaguered teen were being selected for the Bureau's mission. Defense lawyers weren't allowed to cross-examine FBI informant '[Bill Smith](#),' paid to radicalize the FBI target.

Making a discretionary decision, the FBI put their target, Mohamud, on a 'no-fly list' so they could keep working him: Judge Anna J. Brown of (Portland and) Federal District Court for the District of Oregon as part of this case in 2014 [ordered](#) the government legitimize procedures protecting citizens' due-process rights. "Passengers must be given notice of their inclusion on the list and a rationale for the designation and be allowed to submit evidence to challenge it."

This is not ancient history. I believe a Brown decision is pending in a follow-up [case](#) brought by Yonas Fikre. The suit claims the U.S. government placed the Portlander on the no-fly list while he was abroad, "to coerce him to serve as an FBI informant and provide information on the [Portland] place where he worshipped." Fikre's counsel is Brandon Mayfield: himself a compensated victim of false, Federal prosecution: Mayfield and Fikre would be good sources for questions qualifying FBI 'diversion' from a right to travel freely.

In response to FBI claims of effective oversight, I'd ask whether any mechanisms have ever limited the scope of proposed FBI conduct. In review, have any outside the judiciary been effective? Has oversight reported on disparities in law enforcement outcomes for race, gender, sexual orientation, etc.; any classes whose civil rights are to be especially protected by the DoJ? Oversight data design and analysis could be helpful in other jurisdictions.

I'll interject the absurdity of vaunting holistic diversion to care capacity with reality that – in luring Mohamud – the Feds took a [teen with ideas of suicide](#) and groomed him for their mission.

The FBI page is intended to sway public opinion. It discloses an investigatory body also seeks to overtly influence community entities.

As the City considers funding police dedicated to yet another specific constituency (schools), disclosure on the page raises questions: "In recent years," the FBI at Portland has translated their experience "into training for several thousand other Oregon law enforcement agencies, K-12 school officials, higher education officials, mental health providers and more." I'd like independent assessment as to actual threats to any given campus. As did PPB via the City's Office of Neighborhood Involvement, the FBI is probably fear-mongering; acting to legitimize front-end criminalization in the nation's school-to-prison pipeline. Portland campuses arm up.

By choosing what it will and will not investigate, the FBI telegraphs to PPB what activity agents will make a Federal case out of. Two criticisms arise in a racial justice analysis. The *NY Times* [contends](#) that, following 2001 terrorist attacks, the FBI almost totally shelved investigation of domestic terrorism. Militant White supremacy blossomed. Alerted by conditions at Malheur National Wildlife Refuge in 2016, did the FBI assist the City of Portland in combatting the subsequent rise of Proud Boys?

The FBI dwells on Malheur in the above post. They do not disclose FBI agents [lied](#) about the extrajudicial killing of Lavoy Finicum. As the victim was en route to a community meeting, hairs stand up on the back of my neck. How is it that the FBI's elite Hostage Rescue Team misled (the public and) investigators? What influence do these conduct standards have on PPB, following officers' lethal use of force? The *Times* reporting also informed a national readership, that "In 2017, a law-enforcement official stationed at a rally in downtown Portland, Ore., turned to a member of a far-right militia group and asked for his assistance in cuffing a left-wing counterprotester, who had been tackled by a Proud Boy."

The *Times* contends domestic terrorism directed against groups, based on race and/or national origin, get relegated to 'hate crimes' status by the US DoJ. JTTF does us no service by investigation of the watchfulness standard they apply to Portland environmentalists or racial justice advocates.

In both the above post, and in (seemingly irrelevant) supporting testimony for Department of Homeland Security funding that City Council accepted in the past month, the FBI claims eco-terrorism is fixed in its sights. Perhaps you'd want to call for questions about value for dragnet surveillance from environmental groups trying to build consensus and interdict global warming from Portland.

The FBI brags above about monitoring facebook, in a 2015 case against Timothy Loren McCoy Fleming, for his threat to kill a police officer. That's what the Federal Bureau of [INVESTIGATION](#) does, when in its primary mission: monitor enemies of the state. Or, as the OR AG styled my efforts – in a [surveillance campaign](#) run that year by her office – as 'threats to policing,' for using the hashtag "BlackLivesMatter on social media."

FBI information handlers above make no mention of the agency's August 2017 [intelligence assessment](#), describing a purported threat posed to law enforcement officers by 'Black Identity Extremists.' PPB, with its [long-term history](#) of racial disparities in enforcement, needs no such encouragement. "The BIE assessment may be intended to provide the additional elements necessary to justify monitoring, questioning, and investigating Black Lives Matter or other African American protest groups," says a former FBI agent. "Potential to incite irrational police fear of black activists has too often in the past translated into unnecessary police violence against unarmed and unthreatening black men and women."

The FBI claims investigation by "Portland Division's JTTF and the FBI's civil rights squad" remains "ongoing" against Jeremy Christian, for his 2017 Max attack. Has the City of Portland received any actionable intelligence, to counter the rise of militant White Supremacy currently active in their jurisdiction? Has FBI collaboration with the Metro Gang Task Force, described in [the current MoU](#), been vetted for racial disparities by this 'civil rights squad'?

In [this post](#) I describe variance in legal standards by which the City of Portland and JTTF intervene on targets. For case assessment, FBI surveillance and use of informants requires no "particular factual predication." On paper at least, PPB Directives, the Oregon Constitution and state law set a higher bar. General custom may be "articulable and reasonable suspicion" of "significant criminal activity." I humbly submit JTTF, as backed by secret courts, are a bad influence on protections granted Portlanders in the US Bill of Rights and UN Charter.

My post goes into greater detail, reflecting on JTTF impairment of PPB's perceived legitimacy.

I contend the JTTF has not been holding to a behavioral standard worthy of public trust. It is time to ascertain what ill effects have accrued to the City, while acting as collaborators. It is appropriate that Findings inform the City of Portland's decision regarding further compliance with these bad actors. It is probably time your constituents better understand the role of the PPB Chief's Criminal Intelligence Unit. Those who decree what should be kept secret no doubt subvert informed consent of the governed, a hallmark of the republic JTTF allegedly defends.

Best,

Roger David Hardesty