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ACLU OF OREGON CONCERNS ABOUT PORTLAND'S PARTICIPATION IN THE JTTF WITHOUT THE PROPER OVERSIGHT:

The following sets forth the objections we have raised for the past 5 years with Portland's participation in the JTTF and the documented abuses across the country. The proposed Resolution before Portland City Council addresses these concerns:

- **Despite the City's best intentions, all activities of the JTTF are secret.**

The FBI actions in the JTTF are cloaked in secrecy. Regardless of the best intentions of the City and its officers to ensure compliance with the Oregon law that prohibits political and religious spying, there is no way to fully ensure compliance when Portland officers participate in the JTTF.

As set forth below, we can point to examples of blatant violations by JTTFs across the country, but very little is known about most activity of the Portland JTTF. Because of the FBI's obsession with secrecy abuses and violations could remain hidden for decades by the FBI.

The ACLU has filed a Freedom of Information Act (FOIA) request with the FBI to determine if the JTTF is engaging in political and religious spying on lawful activity in Oregon, but it may be months before we receive a response to that request.

- **Don't deputize our Portland Police officers as JTTF Officers.**

Day-to-day operations of the JTTF are the responsibility of the FBI and investigations are federal investigations subject only to federal law

Portland police officers are under the sole control and instruction of federal agents. This is inconsistent with the local control over local officers.

- **Files created by the JTTF are FBI files, and are not subject to review and purging required by Oregon law.**

Portland's participation in the JTTF, whether intentional or not ends up being an end-run around the protections of Oregon law because the FBI retains complete control over the JTTF files and the "maintain" requirement of ORS 181.575 becomes meaningless.



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ORS 181.575 states in part that “No law enforcement agency...may collect or maintain information about the political, religious, or social views, associations or activities of any individual, group, association, [or] organization . . . 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.”

Portland’s City Attorney office and the Independent Police Review Division routinely review Portland Criminal Intelligence Unit files to ensure compliance with ORS 181.575, but do not review JTTF files even when those files are created by the *very same* police officers.

- **New FBI Domestic Terrorism Guidelines Remove Necessary Protections.**

In 2002, the Justice Department released new Guidelines on General Crimes, Racketeering Enterprise and Terrorism Enterprise Investigations. In doing so, it swept away protections that have been in place since the 1970s (which were a result of all the uncovering of FBI abuses).

The new Guidelines allow the government to spy on domestic groups even when there is no suspicion of wrongdoing. Once launched, such investigations can continue longer, with more intrusive investigative techniques and with less oversight, even when investigations produce no evidence of criminal activity.

These investigative techniques may include: having undercover agents/informants infiltrate organizations and attend meetings, physical or photographic surveillance, examination of records, trolling the Internet and commercial data mining services.

Portland police officers should have no connection to such overbroad investigative techniques but as members of the JTTF they very likely will.

- **City Council must require Oversight of the JTTF**

Following the 2003 review of the Portland/FBI JTTF agreement, Portland Mayor Vera Katz agreed to seek a security clearance to provide greater oversight of Portland’s participation in the Task Force. While oversight by the Mayor is one piece of the puzzle, it’s not enough. First, we don’t know the scope of Mayor Katz’ oversight and her ability to prevent Portland officers from participating in investigations that



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violate ORS 181.575. But we do know that she obtained only the lowest level of security clearance, which wouldn't allow her to have access to working files of Portland officers taking part in the JTTF. Second, the Mayor has told us she cannot disclose her actions or scope of involvement in her oversight role. That suggests that she may be under constraint from disclosing violations and abuses if she were able to identify them. Third, meaningful oversight would need to include a member of the City Attorney's staff because police officers rely on the City Attorney's office to provide legal guidance in complying with Oregon law. No one from the City Attorney's office has security clearance that allows them to give the necessary guidance. Fourth, meaningful oversight should also include the Independent Police Review Office of the City Auditor.

Portland should withdraw from the JTTF as long as the FBI refuses to allow civilian city officials to ensure that Portland police officers are in full compliance with Oregon law and the Oregon Constitution.

- **The FBI has used JTTFs across the country to spy on political organizations, religious and peace groups with no evidence of wrongdoing**

FBI Uses JTTF to Question Political Demonstrators (Fall 2004). FBI used the JTTF to monitor, interrogate and suppress anti-war and other political protestors in advance of the National Republican and Democratic Conventions. The *New York Times* chronicled how agents in Missouri, Kansas and Colorado were used to spy and interrogate activists.

FBI's "October Plan" (fall 2004). The FBI, in collaboration with other federal agencies, renewed scrutiny of mosques and interrogations of people based on their national origin, religious faith or political leanings regardless of whether they were suspected of any criminal wrongdoing, up to the November 2 presidential elections. This information was set forth in an internal document that was leaked to the press.

CIA role in the local FBI offices (fall 2004). The CIA has assigned dozens of case officers and analysts to work with local FBI Joint Terrorism Task Forces throughout the country, in an unprecedented deployment of intelligence officers on domestic soil in the history of the agency.

Questioning of Muslim and Middle Eastern US Citizens (October 2004). The ACLU of Northern California has filed a Freedom of Information Act lawsuit seeking expedited processing and release of FBI and Justice Department documents pertaining to on-



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going investigation, interviews and questioning of Muslim and US Citizens of Middle Eastern descent by the JTTFs.

Colorado:

Denver CopWatch, similar to Portland CopWatch, this group appears on a 2002 document compiled by the Denver Intelligence Unit titled "JTTF Active Case List."

American Friends Service Committee (AFSC). Founded by Quakers, there is an extensive Denver intelligence police file, complete with photographs, names, addresses and license plate numbers of participants as AFSC events. Documents detailing AFSC events appear in Denver Intelligence Unit file titled "JTTF Active Case List."

Campaign for Labor Rights, a Washington DC-based organization that works through public education and leafleting campaigns to inform and mobilize around international anti-sweatshop struggles. At protests before department stores in 2000, the Denver Joint Terrorism Task Force collected 100 pages of documents on the constitutionally-protected activities of the organization.

Colorado Campaign for Middle East Peace. Active since the early 1990s, sponsoring numerous peaceful demonstrations on US policy, Denver police intelligence unit has pages of documents reflecting surveillance of First Amendment activities, including a file compiled in 2002 titled "JTTF Active Case List."

Chiapas Coalition

End the Politics of Cruelty (EPOC)

The Human Bean Company

American Indian Movement of Colorado (AIM)

Dandelion Center

Rocky Mountain Peace and Justice Center

All these Denver-based organizations have files from the Denver Intelligence Unit dated 2002 titled "JTTF Active Case List."

Subpoenas Issued to the National Lawyers Guild (2004)

In 2004 federal prosecutor obtained a subpoena demanding that Drake University turn over records from an anti-war conference called "Stop the Occupation! Bring the Iowa Guard Home!" that the school's chapter of the National Lawyers Guild hosted in 2003. Among the information sought by the government were the names of the leaders of the Drake University Chapter of the NLG, its records dating back to January 2002, and the names of everyone who attended the conference. After public



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outcry, the subpoenas were canceled. The subpoenas were served by an Iowa deputy sheriff assigned to the local JTTF. He handed out his business card, which identified him as part of the JTTF.

Peace Fresno Infiltration (2003)

In 2003, JTTF officer infiltrated Peace Fresno and attended their meetings. The group learned Aaron Stokes (really Aaron Kilner) was an undercover officer for the Fresno County Sheriff's Department anti-terrorism unit when he was killed in a motorcycle accident and his obituary included his name and picture.