

# IMPROBABLE CAUSE

*The War on Terror's Assault  
on the Bill of Rights*



*Sharia Mayfield and  
Brandon Mayfield*

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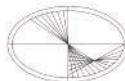
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DIVERTIR  
PUBLISHING  
*Salem, NH*

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and Brandon Mayfield

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*Dedication and Acknowledgments*

Dedicated to my wife and family (including those one step ahead of us but no longer with us), those attorneys working quietly and persistently for justice, often without thanks or praise, the judges who uphold justice, and all those men and women wrongfully oppressed or unjustly imprisoned who hang on with hope against all hope that they will one day be free.

*Brandon Mayfield*

Special thanks to Divertir Publishing, Gui, and everyone else who helped make our idea for a book a reality.

*Sharia Mayfield*



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*Letter from the Author, Sharia Mayfield*

In May, 2004, my father was wrongfully arrested as the alleged mastermind behind the 2004 Madrid Train Bombings—the deadliest terrorist attack since 9/11. With little more than a faulty fingerprint match to its credit, the FBI secured an affidavit for my father’s arrest. While he was eventually released and the FBI admitted to its “mistake,” our family was left shaken, humiliated, and paranoid. We wondered how the government could have made such a massive mistake that, in a worst-case scenario, could have earned my dad the death penalty. We wondered why the FBI had insisted on suppressing evidence of my father’s innocence, particularly the Spanish Police’s claims that his fingerprint was not a match to the one found near the detonation site in Spain. We wondered why there was so much mention of my father’s Muslim affiliations and associations in an affidavit provided to the court, as if to imply that being Muslim was incriminating in and of itself. And most importantly, we wondered which laws authorized the government to conduct secret investigations and testify in a secret court without my father present to defend himself.

Following the tragic 9/11 attacks, America allowed for the curtailment of our constitutional rights with rampant support for war, expansion of governmental surveillance, and religious profiling. These reactions were not entirely without reason. Anyone under the auspices of fear and terror would likely react the same. Unfortunately, rash decisions bear long-term consequences, and we are left piecing together our shattered rights. Just as strict constitutionalists have forewarned, reducing civil liberties during crises leads to a permanent diminution of our freedom alongside an increasing executive power. This can be best described as a “one-way ratchet.”<sup>1</sup>

Sadly, we are in a perpetual national crisis, now that the definition of armed conflict has been expanded so as to exist even when no set territories are involved, no one nation has wronged us specifically, and no end is in sight. Legislation like the Patriot Act and Authorization for Use of Military Force have allowed for mass surveillance and extrajudicial killings (i.e.

without any prior judicial review). Today, still gripped with fear, people justify these measures as a necessary evil in fighting “terrorism.”

Fear has led to the very thing the Constitution was to protect against—erosion of our liberties when we need them the most. If our Constitution cannot absorb the shock of a national crisis, cannot withstand the bows and slings of threats and terror, then what do we have to be proud of? What makes this country worthy of the honorable title of “Land of the Free and Home of the Brave” if we so readily make exceptions to our rights under the guise of fighting a foreign enemy?

This is the “War on Terror.” We cannot let terror conquer us, however. Throughout this book, I do what I can to implore you to defend our constitutional rights and to see the myriad civil rights breaches that can occur once we cease to. I ask you to valiantly and bravely stand for the liberties that make a country great: freedom to practice religion without being persecuted, freedom from unreasonable surveillance and searches, and freedom from undue process, among others. Without public outcry, these rights—and by extension, more innocent citizens like my father—will continue to be collateral damage in the “War on Terror.”

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*Authors’ Note:* The following chapters and information provided therein are based on court records, relevant sources, and the best recollection of Brandon Mayfield (and in some instances, those who have volunteered their own recollections, including family members). While we have tried our best to verify dialogues and interactional details as much as possible, please do not confuse artistic license for objective reality. We apologize in advance for any possible errors.

§ § §

<sup>1</sup> See generally Moe and Howell, *The Presidential Power of Unilateral Action*, 15 J.L. Econ. And Org. 132 (1999).

*Chapter 1*  
**May 6, 2004**

“There is no greater tyranny than that which is perpetrated under the shield of the law and in the name of justice.”

Montesquieu, *The Spirit of the Laws.*

**S**omebody must have framed Brandon Mayfield, for without having done anything wrong he was arrested, shackled, and chained one fine morning.

There were no signs of foul play in his office except for a loose gray tile on the ceiling, attached tenuously to its designated square spot. Mr. Mayfield had noticed it a few weeks earlier and wrote it off as nothing more than structural deterioration. “I’ll fix it later” he told himself, knowing he had no time for minor repairs. Juggling a career, a family, and personal ambitions (namely, philosophical musings) left him perpetually busy. He would work all day only to come home, play with the kids, eat, sleep, wake up, take the kids to school and repeat. Still, he was happy with his life and believed that the constant demands kept him young and invigorated. No signs on his face told of age—no drooping lids over his blue eyes, no wrinkles, and no grays. At 37, he had no complaints.

As Brandon Mayfield came into his law office, nestled in the thick ferns and pines of Portland’s West Slope hills, he was not expecting any surprises. He slumped down into a comfortable, black swivel chair, rolled up the sleeves of his blue dress shirt, and checked nervously for voicemails or faxes. No messages. No faxes. Nothing. It was only mildly disappointing that the locally renowned lawyer he had reached out to the day before was probably not interested in joining him on a wrongful death suit; what bothered Brandon more was that the lawyer had not bothered to respond.

Resigned to take the case on alone, Brandon was about to start drafting a brief when the phone rang. Of course, there was always some interruption just as he was getting over a writer’s block. Brandon hesitated a moment,

fingers suspended above the keyboard, before swiveling to the left and pulling the phone off the hook. What if it was the lawyer?

“Hello, Mayfield law office,” he answered with more animism than usual.

“Hey, sweetie. It’s me. I’m going to be late today. Got to finish cleaning up the house.” It was his wife and part-time legal assistant, Mona. She usually came into the two-room office an hour after he arrived and left early to pick up the kids from school.

“Oh, wasn’t expecting you. That’s fine. I’m just working on a brief anyway,” he said.

“Ok, I’ll see you later then,” she said.

“See you later, Insha’Allah.” God willing.

Brandon reclined back into his seat, rested his hands on the nape of his neck and stared up at the droopy tile on the ceiling. What if it fell off and landed right on his head? Who even thought of ceiling tiles to begin with? He really should have fixed it by now.

At about a quarter to ten, Brandon was startled by an unexpected knock. He counted three loud thumps as he jumped up, maneuvered around his crammed office, past the grey filing cabinets, and to the door. He thought it was probably his neighbor, there again to tell him his mail ended up in the wrong cubby. But instead, there were two unfamiliar figures standing in the doorway. In dark business suits, they appeared to be missionaries of some sort: a thin, pale woman with a thin nose and a bulkier man with a crew cut.

“Look, whatever it is I’m not interested,” Brandon said as he reached to close the door. But it became clear rather quickly that they were not missionaries or solicitors. His eyes wandered to their hips and he fixed his gaze momentarily on their holstered guns.

“We’re agents of the Federal Bureau of Investigation and we’re here to ask you some questions,” the male agent said as he shoved through the doorway. Brandon flung his left arm out over his gray file cabinets without thinking.

“I don’t want you in my office. You are in a law office which contains my client files, confidential client files that you have no business being around. I don’t want to talk with you.” He stood firm with his arm still outstretched and his knees locked.

“We’re going to have to ask you to cooperate by answering our questions.”

Brandon had no such plans. He thought back to a lecture he had attended a couple years earlier, shortly after moving to Portland. It was given by an outspoken East Coast lawyer, Stanley Cohen, and detailed how Muslim-Americans ought to respond to the FBI if they were ever confronted. Cohen was a lean man with curly dark hair and a cool sort of confidence. There was one resounding message that rang in Brandon's head: "Just say no. If the FBI wants to talk to you, it's not because they're your friends."

Coming back to the moment, Brandon found his own courage to resist their interrogation and responded more admonishingly, "If you have any questions then put them to me in writing. I am not answering any questions now and I am going to have to ask you to leave." His words hung momentarily in the air and fell on deaf ears. No one budged.

"We have a warrant for your arrest and a search warrant for your office."

Brandon stood motionless. A warrant? For his arrest? Within seconds, he felt writhing fingers sliding along his body.

"Hands out," the agent demanded before proceeding to frisk his sides, under-arms, and legs, paying special attention to his empty pockets. This must be a mistake, Brandon surmised. But they did not stop. He stood as if nailed to an invisible crucifix and evaded eye contact with the male agent, his disgust realized only in a visibly upset expression.

A strange thought came to Brandon in that moment. As he was being searched, and while avoiding any intimacy with the man in front of him, he looked up one more time at the drooping tile on the ceiling. Except, this time, he did not see a drooping tile. He saw his worst nightmare coming to life. Could it be? He dared not finish the thought. His mind trailed off on all the coincidences. He recalled seeing a dusty footprint on his desk many weeks ago, on the same day that his oldest son, Shane, came in to fix the desktop computer. Brandon insisted that Shane must have inadvertently stepped on the desk while working on the monitor underneath. It did not make much sense, but he had no other explanation. Now that he was being arrested, it retrospectively seemed fantastical but possible: he was being spied on all along. There was a small recording device hidden above the tile and his computer malfunctioned because the FBI had tampered with it—and the footstep was not his son's after all.

Brandon's mind raced and all these thoughts coalesced into a physical dizziness. He felt weak in the face of his impending fate and could find no strength, mentally or physically, to resist.

"Hands behind your back," the male agent said. That's when Brandon heard it, something he recognized only from cop shows and action movies. But in real life it sounded much more haunting: the clanking of swinging metal. The clickity-clack echoed in his head as the man grabbed Brandon's lifeless arms and pulled them back. A shooting pain stung his left shoulder as he struggled to adjust to the uncomfortable contortion, but it was useless. The cuffs snapped onto his wrists and choked them so tightly that it was impossible to slide them more than a couple inches up.

Despite his confusion, he never asked why he was being arrested. Perhaps it was because he did not want to give them the satisfaction of asking the much anticipated question. Or maybe it was because of the feeling deep down that he knew this would come, that he was being arrested and his law office was being searched and turned upside down because he was a Muslim lawyer. He associated with Muslims and represented Muslim clients; that was his "crime."

"Do you have any weapons on you? Any sharp objects in your pockets? Where are your keys?"

The questions came at him rapid-fire, and all he could say was, "No, no weapons."

The female agent, the diminutive "good cop," slapped her business card on the desk in front of Brandon and introduced herself. The male agent, who did not have a business card, identified himself as well. Brandon made a mental note to remember the names.

The female agent repeated, as if to reassure herself that what they were doing was authorized, "We have a subpoena ordering you to appear before a grand jury, an arrest warrant, and a search warrant for your office." Inside, Brandon became anxious as to what the allegations were, but a dull ache in his left shoulder prevented him from fully focusing. On the one hand, he wanted to ask the agent to reposition his arms in front to ease the pain; on the other, he did not want to appear weak. It was as though some primal urge had overtaken him and he could not, as a matter of some unspoken "man code," admit to being in pain.

The male agent chimed in that he would read the search warrant for Brandon's office, a long and detailed laundry-list of potential items to be searched for and seized. It included repeated references to bomb-making materials, which alarmed Brandon, but seemed mildly comical. Brandon barely had room in his office to turn around without bumping into something, and they expected to find blasting caps, fuses, and explosives in there? He concluded that it must have been standard language in search warrants, an example of a rigid and inflexible approach.

Brandon then turned defensive and demanded answers. "Who authorized this arrest and search warrant?" He wanted to know the man, the judge, behind this unwelcomed intrusion into his office. There was no doubt that whatever was happening to him was a mistake, and he could not even fathom remotely having committed an actual crime, much less one worthy of arrest. If only he could put a name to the man responsible for this then he could start to understand.

The female agent, with her spindly fingers, placed a copy of the affidavit in support of the warrant on the desk. Arms immobilized, Brandon—with no lack of finesse and some difficulty—managed to turn it around and maneuver it to the edge of the desk behind him. When he had it positioned correctly, he turned and bent down with his glasses just inches above the paper and glanced directly at the bottom line. That's all he wanted to know. There, in dried ink, was the autograph of the man who signed away his freedom and liberty: Federal Judge Robert Jones.

Brandon had first heard of Judge Jones while teaching a class for paralegals at the local College of Legal Arts several years ago. He had even admired and referenced Jones' decision to allow physician-assisted suicides to continue being legal in the face of federal opposition. Brandon did not know Judge Jones personally, but he felt a deep sense of betrayal, a severed membership from the fraternity of Oregon judges and lawyers—an excommunication of a sort. Any arrest, justified or not, was sure to ruin his reputation and any credibility or status he had acquired over the years. No matter what the outcome, he knew that his life would never be the same from then on.

If Brandon had been less scatterbrained, he would have known immediately that something was amiss about his arrest. But it was just starting to come to him in the form of an undeveloped intuition. There was something

off in the process, in the warrant itself. Something he had learned years ago in law school as a wide-eyed man with dreams to shake the world. He thought back to a segment on constitutional guarantees. Almost. But it was more specific. More important. Something to do with cause. *Probable cause.* Yes, that was it. Probable cause. There was no probable cause that a crime had been committed, let alone that he had committed it. And no probable cause meant no Fourth Amendment rights.

The warrant recitation dragged on, “all items searched and seized will be subject to an inventory...” Brandon reflexively interrupted, regaining some autonomy, despite his physical constraint. “If you are going to search and inventory my office I want to be here to make sure it’s done properly.” He, having done nothing wrong, was afraid they might try to plant something in his office.

The agents seemed rather amused at this request and said flatly, “That’s not an option. A team of others will be conducting the search and inventory. There will also be searches of your house and automobiles. We’re going to the federal courthouse.”

“My house and cars? Where are the search warrants for that?” He objected.

“It’s exactly the same as the one here.” The agent said as he pointed to a paper in his hand, but Brandon paid no attention. To him it was all illegal anyway. He had done nothing wrong. There was no cause, let alone probable cause, that he had done anything criminal.

The male agent, before escorting Brandon outside, asked again where the car keys were so that he could search Brandon’s ‘94 Chevy Corsica.

He replied, “You actually expect me to tell you?”

“Either that or we’ll just break a window,” he said in a matter-of-fact tone. It was pointless. The left side back door to the maroon car was broken and never fully latched on the hinge. A bit of tugging and it would snap right open anyway.

“Do whatever you have to do but I won’t be complicit in this unlawful search.”

The male agent then mumbled to himself that he had seen some keys on the desk that probably included the one to the car.

“Let’s go see Judge Jones,” Brandon demanded. “I am anxious to talk to him. I cannot believe he signed this.” He was sure that this was all a big misunderstanding and with a short explanation Judge Jones would realize it, apologize, and move for his release. At least, that was what Brandon hoped for.

The male agent led the cuffed man out of the building, which was actually a refurbished apartment complex, and into the public eye. Outside, it smelled of pine and decaying carcasses, the ornamental pear trees notorious for their rancid odor. The beautiful day was menacing and the bright sunlight became a surreal haze. A whole team of agents with gloves, notepads, and briefcases headed toward the office as if they were about to perform a forcible appendectomy. Bystanders milling around, peering out from windows and stairway balconies, completed his humiliation. Some probably snickered from afar that they had seen that guy and may have even talked to him. Others probably made wild speculation as to what was happening in their otherwise eventless lives. Mr. Mayfield had become the local spectacle, the subject of detached curiosity and amusement, like a car accident on a traffic-ridden road.

Hands still cuffed, Brandon was placed in the back seat of an unmarked Ford Explorer parked outside his office building. Sitting with his arms pressed against the back of the car seat only exacerbated the pain and he finally told the male agent he had an old injury.

“Can you recuff me with my hands in front?” he pleaded, admitting, to his chagrin and deflated ego, that he was in pain. But the agent would hear none of it.

Putting his face so close to Brandon’s ear that Brandon could feel his warm breath and with an intimidating voice borrowed from a bad cop show, he said, “Look me in the eye.”

Brandon did not move.

“I said look me in the eye,” the agent repeated through his teeth, and Brandon turned to face him. “Don’t you fuck with me. Don’t you dare try anything. Do you hear me? Do you understand me?”

With the meekness that arrest and being virtually immobile can create, Brandon answered, “I’m not going to try anything. I have a shoulder injury from when I was in the military and have had two surgeries before.”

After asking when exactly he had the operations, the agent then commanded him to step out of the SUV. With an eye on the crowd outside, Brandon begged, “This is embarrassing and humiliating. I work here and people are watching. Could you undo the cuffs without me getting out?”

The agent responded, in a calm tone, “Oh, you don’t have to worry about that. The media is right behind us.”

Feeling as if he had taken yet another blow, Brandon wondered if it was routine for the FBI to make public announcements of its arrests and invite reporters along for the show. Brandon did not understand the seriousness of his alleged crime and had yet to hear exactly why he was being arrested, but he did not want to be degraded more and refused to get out of the SUV. To the agent’s credit, Brandon was recuffed inside.

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The drive to the federal courthouse was quiet and uneventful. Staring out of the car window, Brandon watched the world pass by: stores, restaurants, an animal shelter, a long stretch of highway and then downtown. By then, he was calm, almost unfazed. Judge Jones would clear it all up, he thought. But he did worry about his wife and kids. How would he contact them? What would Mona do when she saw he was not in the office as planned? Or were they raiding his home at the exact same time? The last thought sent a pang of despair through his body. He did not, could not, imagine his wife being implicated in this mess that was somehow his fault.

Finally, the male agent broke the silence. Just over halfway to the courthouse, as they proceeded through the lazy traffic lights in front of Portland State University, he said in almost a whisper, “Brandon, listen very carefully to what I am about to say to you. Think long and hard about it before you decide whether to talk. Remember how the brothers stood up for Mike Hawash? They’re not going to be there for you. You think about that.”

Hawash was one of the Portland Seven, middle-aged local Muslims who had admitted to and were sentenced for hapless attempts to go to Afghanistan to join the Taliban. The local Muslim community had risen in his defense and was badly shaken by his subsequent confessions of guilt.

Why the hell did the agent presume Brandon knew about Mike Hawash or had any connection to the guy, Brandon mused. He continued staring out the window, pained by the predicament but careful not to respond to the agent. He was saving his defense for the judge and did not want to say anything that could be used against him somehow.

The worst part of it, of the arrest, was his surrendering all power, both physically and mentally. Only half an hour or so had passed, but Brandon was already exhausted and upset. Naively, he wished he had not opened the door earlier, that they would have mistakenly surmised he was not there or that he was running late that morning. He wished that the door's lock would have then kept them at bay as they jiggled it unsuccessfully and angrily. He wished they would have turned around and decided to come back later only to realize he was the wrong guy. The wrong guy to arrest. The wrong guy to ruin. The wrong guy to mess with.



*Chapter 2*  
***Infierno Terrorista***

“The means of defense against foreign danger have been always the instruments of tyranny at home. Among the Romans it was a standing maxim to excite a war, whenever a revolt was apprehended.” James Madison, 1787.

“We need a common enemy to unite us. We need a new threat.”  
Condoleezza Rice, March, 2000.

**I**n November of 2003, the Associated Press published preliminary reports that detainees held in American prisons in Iraq were being humiliated, assaulted, beaten, and even killed. The most notorious of the prisons was Abu Ghraib, now known as Baghdad Central Prison. While the reports did not gain much traction, the U.S. Central Command launched an official investigation of the military abuses in January of 2004.<sup>1</sup> By February, seventeen soldiers had been suspended, and by March official charges had been brought against six.<sup>2</sup>

It was not until late April, 2004, that the U.S. news magazine “60 Minutes II” broadcasted a story on the prisoner abuses, complete with horrifying photos illustrating the atrocities.<sup>3</sup> The public was soon shocked and haunted by images of sexual assaults, beatings, and other forms of humiliation. In one famous photo, a female soldier sports a thumbs up in front of five nude Iraqi men whose heads are covered in black hoods. In another, a man is forced to stand on a small box while electrical wires are attached to his body. In yet another, naked men are forced into a human pyramid. Americans knew that war was not always the noblest pursuit and that death and wrong-doing were inevitable, but none expected that their own military could commit such atrocities—that soldiers, under the command of higher officials, could treat other humans so inhumanely.

While the Abu Ghraib scandal slowly unraveled before the public eye, the world was afflicted by yet another tragedy. On March 11, 2004, thousands of unsuspecting passengers boarded four commuter trains in Madrid, Spain, departing from the station “Alcalá de Henares.” What would have otherwise been an uneventful, rush-hour morning under overcast skies soon turned into a national horror. Droopy-eyed artists, students, consultants, and managers boarded the subway trains heading to school or work as usual. Some stood while others sat with their heads bowed. Some were alert, others half-asleep. Many of the passengers had seen each other on their regular morning commute, while others seemed strangers. But when ten detonators exploded at approximately 7:40 a.m., sending human bodies flying and glass shattering, no one was a stranger anymore.<sup>4</sup> Men and women lay strewn across the ground naked, bloodied, and dismembered. The train’s cars were blackened and burned. Smoke filled the air. Frantic passengers jumped from windows to hard ground, a few cracking their skulls on their descent. As one male passenger described, as a testament to the horror:

“I heard a girl moaning, ‘Help me.’ There was a big metal beam on top of her. Two other girls and a man and I got her out from under the beam. By then she wasn’t conscious and I took her pulse. As I was doing that, her heart stopped. I had seen her all year on the train, but we had never talked before.”<sup>5</sup>

But there was no time for mourning when hundreds more were in need of assistance. The man ripped the scarf from the just-deceased woman and made a make-shift tourniquet to help another man who had lost his leg below the knee.<sup>6</sup> Injured victims ran haplessly, crimson streaming from their noses and eyes. Other limbless victims bled to death, their silent pleas ignored by the emergency response medics trained to help the less severely injured and maximize outreach. In a more chilling recount of the events on the ground, a first-rescuer details the plight of the dying victims:

“Inside the train there were people who were still alive but not strong enough to ask for help. They look into your eyes and you can see their eyes begging you. They have no legs. They have

no arms. But you don't help them. They're going to die. You can't save them and there are so many other people with a better chance of survival.

You can't spend too long with any one person—even one woman who was six months pregnant. I was opening up tracheas so people could breathe. Others are in hypovolemic shock, so you have to give them an IV. You can't spend more than three or four minutes with any one person and you never finish—there is always more you can do. We could hear the dead people's mobile phones. It was so shocking—these phones ringing that nobody was ever going to answer.”<sup>7</sup>

The explosions left nearly 200 dead and another 1,800 injured and would later be deemed the “terrorist hell”—the “infierno terrorista.”<sup>8</sup> There was simply no other way to describe the bloodshed, gore, and terror but as an inferno. News spread so quickly that by evening, millions of Americans had come to learn of the bombing. Televisions were flooded with “Breaking News” headlines and the now-infamous footage of a smoking train wreck.

§ § §

When Brandon Mayfield came home from work on March 11, 2004, he was not expecting an unordinary night. He grabbed a plate of food from the kitchen, descended one step into the cozy living room, and turned to see the breaking news. There was that infamous photo of a smoking train and already reports of hundreds of deaths and injuries. Mona, his wife, was plopped on the emerald-green sectional, eyes glued to the television. The two of them immediately shared a mutual, but unspoken, understanding. They were terrified and disgusted that anyone could kill so many innocent people. But they also wondered who had done it and why. What business did terrorists have in Spain? Was it a political statement? “Unbelievable,” he said before sitting down to his dinner and flipping between the news channels. “I don't know who did this, but whoever did it are criminals of the first order. I'm sick and tired of all this senseless killing,” he muttered half to himself, half to Mona.

§ § §

But even as the news was spreading, three undetonated explosives remained at large on the trains as everyone evacuated the scene. A swift police team flooded the area to investigate. In a heroic show of competence and bravery, bomb disposal professionals discovered and detonated two of the remaining explosives, and the final one was found later in the evening among train luggage. But the investigation was far from over.

Outside the “Alcalá de Henares” station, a stolen white Kangoo van was parked. Inside of it were cellphones and a plastic blue bag containing detonators. The Spanish National Police (SNP) recovered fingerprints from the plastic bag and two days later sent digital photographs of their findings to Interpol Madrid. Interpol then forwarded the prints to the FBI in Quantico, Virginia. The FBI entered the prints into a computer database in hopes of putting a finger on the mastermind behind the Madrid Train Bombings. One of the recovered prints, identified by the FBI as Latent Fingerprint #17 (LFP #17), was linked to twenty potential matches. Number four on the list? Brandon Mayfield.<sup>9</sup>

§ § §

<sup>1</sup> Ricchiardi, Sherry. “Missed Signals.” *American Journalism Review*. Aug./Sept. 2004. Web. 1 Sept. 2014. <<http://ajrarchive.org/article.asp?id=3716>>.

<sup>2</sup> “Intelligence.” Abu Ghurayb Prison Prisoner Abuse. Web. 1 Sept. 2014. <<http://www.globalsecurity.org/intell/world/iraq/abu-ghurayb-chronology.htm>>.

<sup>3</sup> See *supra* note 1.

<sup>4</sup> Loewenberg, Samuel, Courtney Rubin, and Leela Landress. “Terror on a Train.” *People*. 29 Mar. 2004. Vol. 61, No. 12. 64, available at <<http://www.people.com/people/archive/article/0,,20149665,00.html>>.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> See Miquel, Mathieu. “March 11, 2004 in Madrid: Was it really an Islamist attack?” Voltaire Network. 28 Nov. 2009. Web. 1 Sept. 2014. <<http://www.voltairenet.org/article163076.html>>

<sup>9</sup> *Id.*



*Chapter 3*  
***Convince the Spanish First.***  
***The Rest Should be Easy.***

“All political thinking for years past has been vitiated in the same way. People can foresee the future only when it coincides with their own wishes, and the most grossly obvious facts can be ignored when they are unwelcome.” George Orwell

**T**he March 11 Spain bombing occurred just before the March 15 elections in Spain, sparking rumors that it was politically motivated. The ruling party lost the elections, partly for its handling of the Madrid bombing. The contending Socialist Party won 42% of the vote, while the right wing Popular Party won only 38% of the vote.<sup>1</sup> Initially the government, under Prime Minister Jose Aznar and his Popular Party, blamed Basque separatists as the bombers.<sup>2</sup> That seemed to be the most plausible explanation. But the tides were quickly changing.

On the Saturday following the attack, only hours before the official elections, Spain announced its arrest of three Moroccans and two Indians.<sup>3</sup> At the time, this signaled that the attacks likely had nothing to do with the vote and all to do with Spain’s global clout. Thousands of Spaniards took to the streets protesting the government<sup>4</sup> and, the next day, the Spanish voted in an unprecedented 77% voter turnout.<sup>5</sup> As one first-time voter stated: “It’s the first time I voted. I feel very happy because the government had to change...because of the Iraq war.”<sup>6</sup>

The Spanish people argued that Aznar’s allegiance with Bush, and his assistance in America’s “War on Terror,” had made Spain the target of terrorist attacks. The people felt they had no business fighting a war in Iraq, and the Madrid bombing had proved their worst fears: Spain had become more vulnerable, not safer, to foreign attacks as a result of their government’s involvement in the war in Iraq.<sup>7</sup> For this reason, Aznar and his right-leaning

conservative party were reluctant to reveal that the suspects were possible Islamic extremists, likely for fear of the repercussions.

In an effort to obtain international assistance, the SNP sent digital images of fourteen latent fingerprints recovered from its investigation to INTERPOL, who forwarded the images by e-mail to the FBI on March 13, 2004.<sup>8</sup> Unit Chief Michael Wieners of the FBI Laboratory Latent Print Units (LPU) reported to work that Saturday to respond to the high-priority request. He requested assistance from a fellow examiner. Upon receiving higher resolution latents, the examiner compared the latent prints to a database with over 47 million candidates' prints using the FBI's Integrated Automated Fingerprint Identification System (IAFIS).<sup>9</sup> After comparing the original fingerprint cards, he concluded on March 16, that number four (Brandon Mayfield) candidate's left index finger matched that of Latent Fingerprint #17 (LFP #17).<sup>10</sup> Although two other examiners in the unit unofficially examined the prints and expressed doubts about a match, an assistant and two forensics analysts (including John Massey) verified the match. Copies of Brandon's original prints were subsequently sent to the Spanish National Police (SNP) on April 2, 2004.<sup>11</sup>

When the print arrived at Quantico, officials claim they asked Spain for access to the original but there was no response, and it was not clear if anyone at the FBI followed up on the request. Brandon's cards from an arrest in Wichita as a teen (detailed in Chapter 9) and from his commission in the Army were compared to the latent prints, and the FBI claimed there were an excess of 15 common points of identification.<sup>12</sup> After conducting their own tests, Spanish law enforcement officials had come to a different result and reported back to the FBI in an April 13 memo that the match was conclusively negative.<sup>13</sup>

On April 15, FBI examiners touted that they were "absolutely confident" in the match despite hearing doubts from Spanish authorities just days earlier.<sup>14</sup> Rather than "determine the complete basis" of the disagreement, the FBI "commit[ed] anew to the validity" of its original determination,<sup>15</sup> sending Wieners to meet with the Spanish National Police the following week to "explain" the FBI's basis for its match.<sup>16</sup> In a 2006 report, even the Office of Inspector General faulted the FBI's "overconfidence in the skill and

superiority of its examiners" as preventing the FBI from taking the Spanish reports "as seriously as it should have."<sup>17</sup>



MINISTRY  
OF THE INTERIOR



POLICE  
HEADQUARTERS  
FORENSIC SCIENCE  
DIVISION  
RECCION

OFFICIAL LETTER

Your reference:

[REDACTED]

Our reference:

[REDACTED]

Madrid, 13 April, 2004

SUBJECT: **ANALYSIS AND COMPARISON OF FINGERPRINTS**

In response to your document of reference, in which you requested the analysis and comparison of three deca-dactylar cards belonging to BRANDON BIERI MAYFIELD, from the FBI Laboratory in the United States, we inform you that the Special Proceedings Sections<sup>1</sup> performed the appropriate studies<sup>2</sup> of the above mentioned, with the latent prints discovered during the different crime scene inspections carried out as a result of the 11 March, 2004 terrorist attacks investigations, as well as the deca-dactylar cards of the varied suspects that were given to this Police Precinct. The result was NEGATIVE. We also report that the fingerprints have been entered in our Automatic Dactylar Identification System for their respective study regarding matters connected to the 11 March, 2004 attacks, as well as any other criminal activity. The result was also NEGATIVE.

But what was "overconfidence" of the FBI was anathema to Brandon. Despite doubt even from Portland's FBI division that there was probable cause to arrest Brandon,<sup>18</sup> the government sought to do just that. On May 6, 2004, the FBI submitted affidavits to the court in support of its search and arrest warrants. The FBI conveniently did not mention the April 13 "negative" report from the SNP. Instead, the affidavits contained "several inaccuracies that reflected a regrettable lack of attention to detail."<sup>19</sup> For example, the FBI mentioned that a "final determination had not been rendered" by the SNP, and that the SNP had only reported "preliminary" findings that were "not consistent" with those of the FBI.<sup>20</sup> That the SNP's "inconsistent" and "preliminary" findings casted doubt on the FBI's purported "100% positive match" and yet were not substantiated in the arrest warrant is particularly

egregious. In fact, nowhere in the affidavit did it mention the negative result the Spanish officials had come to. In addition, the FBI went so far as saying that it believed the SNP “felt satisfied” with the identification after meeting with the Unit Chief in April;<sup>21</sup> however, the SNP had only agreed to re-examine the identification following the meeting.<sup>22</sup>

“They had a justification for everything,” said Pedro Luis Melida Lledo, head of the fingerprint unit for the SNP, whose team analyzed the prints in question and attended the April 21 meeting with the Unit Chief Wieners. “But I just couldn’t see it.”<sup>23</sup>

Carlos Corrales, a commissioner of the SNP’s science division was also struck by the FBI’s relentless insistence Brandon Mayfield’s fingerprint was that of a terrorist. “It seemed as though they had something against him,” Mr. Corrales said, “and they wanted to involve us.”<sup>24</sup>

§ § §

Fingerprint matches are made by finding corresponding points of comparison between prints. From the time we are born we all have raised layers of skin with openings for sweat glands on our hands and the soles of our feet known as friction ridges. The friction ridges create unique patterns used by fingerprint examiners to match prints. To compare prints examiners must look for the places where the friction ridges join or split. If there are sufficient points of comparison a match is declared; if not a match is ruled out. If there is insufficient information, the match is found to be inconclusive.

The typical procedure known by the acronym ACE-V involves analysis of useful identifiers, comparison of the predicted key spatially located identifiers on one print to the comparison print, and evaluation of the quality and quantity and similarity of the comparative data, followed by verification from a separate examiner. One of the problems with this method is print examiners or computer matching programs generally make their determination based on analysis of only a partial print.<sup>25</sup> Matching partial prints to a full rolled print presents fewer details and points of comparison as well as an uncontrolled impression subject to distortions.

§ § §

<sup>1</sup> “Spanish government admits defeat.” *BBC News*. 29 Mar. 2004. Web. 28 Feb. 2015. <<http://news.bbc.co.uk/2/hi/europe/3511280.stm>>

<sup>2</sup> “Madrid Blasts: Who is to Blame?” *BBC News*. 12 Mar. 2004. Web. 29. Aug. 2014<<http://news.bbc.co.uk/2/hi/europe/3501364.stm>>

<sup>3</sup> Sciolino, Elaine, and Lizette Alvarez. “Officials Arrest 3 Moroccans and 2 Indians.” *NYT*. 14. Mar. 2004. Web. 14. Mar. 2015. <<http://www.nytimes.com/2004/03/14/international/europe/14SPAI.html>>

<sup>4</sup> *Id.*

<sup>5</sup> See supra note 1.

<sup>6</sup> *See id.*

<sup>7</sup> Cruickshank, Paul, and Peter Bergen. “Iraq 101: The Iraq Effect - The War in Iraq and Its Impact on the War on Terrorism - Pg. 1.” *Mother Jones*. 1 Mar. 2007. Web. 29 Aug. 2014. <<http://www.motherjones.com/politics/2007/03/iraq-101-iraq-effect-war-iraq-and-its-impact-war-terrorism-pg-1>>. (By as early as 2007 estimates show that the war on Iraq increased terrorism sevenfold).

<sup>8</sup> “A Review of the FBI’s Handling of the Brandon Mayfield Case.” U.S. Department of Justice. Office of the Inspector General, March 2006. Web. 29 Aug. 2014. 29-30. <<http://www.justice.gov/oig/special/s0601/final.pdf>>

<sup>9</sup> *Id.* at 118.

<sup>10</sup> *Id.* at 31.

<sup>11</sup> See *id.* at 42, footnote 22.

<sup>12</sup> *Id.* at 241.

<sup>13</sup> *Id.* at 9.

<sup>14</sup> *Id.* at 10

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* at 2

<sup>17</sup> *Id.* at 10.

<sup>18</sup> *Id.* at 62, footnote 36.

<sup>19</sup> *Id.* at 19.

<sup>20</sup> *Id.* at 64-65

<sup>21</sup> *Id.* at 244

<sup>22</sup> *Id.* at 19.

<sup>23</sup> Kershaw, Sarah. “Spain and U.S. at Odds on Mistaken Terror Arrest.” *The New York Times*. The New York Times, 5 June 2004. Web. 29 Aug. 2014. <<http://www.nytimes.com/2004/06/05/us/spain-and-us-at-odds-on-mistaken-terror-arrest.html?module=Search&mabReward=relbias%3Ar>>

<sup>24</sup> *Id.*

<sup>25</sup> Feige, David. “Printing Problems, The inexact science of fingerprint analysis” *Slate Magazine*. Web. 27 May 2004. <[www.slate.com/articles/news\\_and\\_politics/jurisprudence/2004/05/printing\\_problems.htm](http://www.slate.com/articles/news_and_politics/jurisprudence/2004/05/printing_problems.htm)>.

Chapter 4

***The Work of the Beast: Star Chambers, FISA,  
and the Fourth Amendment***

“Democracies die behind closed doors...The framers of the First Amendment ‘did not trust any government to separate the true from the false for us.’ They protected the people against secret government.”<sup>1</sup>

Judge Damon J. Keith

**T**he Star Chamber was an English court of law that operated from the late 1400's to 1641, when it was abolished after the severe mistreatment of several religious dissenters. The court at the royal palace of Westminster was made up of a number of privy councilors and common law judges. The court, as a supplement to the courts in civil and criminal matters, was set up to ensure enforcement of laws against people that ordinary courts would have difficulty in convicting of their crimes. The court sessions were held in secret with no writing and no witnesses. It has come to be looked back upon as a regrettable example of misuse and abuse of power by the English monarchy and courts.

The Star Chamber was abolished by an act of Parliament known as the Habeas Corpus Act of 1640. The man most responsible for its demise was John Lilburne. He was brought before the members of the Star Chamber for unlicensed publishing,<sup>2</sup> but instead of being charged was asked how he would plead. In his examination, he refused to take the oath on the ground that he was not bound to incriminate himself, stating that: “I have a right to know what this inquisition is about before I place my soul at risk by swearing before God to tell the truth in response to any and all irrelevant questions.”<sup>3</sup> For his refusal to cooperate, he was publicly whipped, dragged by his hands tied to the rear of an ox cart, then gagged and thrown in prison.<sup>4</sup> While in prison he wrote and published an account of his treatment, entitled “The Work of the Beast.”<sup>5</sup> Lilburne’s ordeal has been cited by jurists and scholars as the historical foundations of the Fifth Amendment.

No secret court has formally been authorized in America prior to 1978.<sup>6</sup> The U.S. Constitution makes no provision for such courts, and virtually every state constitution guarantees open and public courts.<sup>7</sup> For example, Oregon's Constitution, article 1, section 10, states that "No court shall be secret, but justice shall be administered openly and without purchase." The Fourth Amendment, which has served us well for nearly 200 years, was altered under the guise that it was necessary to make us safer. In 1978, Congress passed the Foreign Intelligence Surveillance Act (FISA) act, carving out for the first time an exception to the Fourth Amendment's probable cause requirement. By this act, Congress authorized America's very own Star Chamber, the first secret American court, known as the Foreign Intelligence Surveillance Court—a secret court whose purpose is to grant secret search and surveillance warrants and orders.

Before the FISA the, U.S. Supreme Court, in *Katz v. U.S.*, was asked to determine whether the Fourth Amendment probable cause requirement applied to surveillance of phone conversations and ruled that it did.<sup>8</sup> Charles Katz was a Los Angeles bookie who used a public pay phone booth to transmit illegal gambling bets to Miami and Boston. Without his knowledge the FBI was recording his conversations by means of an electronic eavesdropping devise attached to the exterior of the phone booth. Congress, in response, passed Title III of the Omnibus Crime Control and Safe Streets Act of 1968, codifying *Katz* and requiring a determination of probable cause by a federal judge before the government could perform electronic surveillance of phone conversations.

In 1972, the Supreme Court was asked to determine if such a requirement applied to foreign intelligence purposes or was subject to the national security exception of probable cause requirements. The court ruled there was to be no exception to the Fourth Amendment requirement of advance judicial authorization for internal domestic surveillance and recommended that Congress adopt a different standard for strictly foreign intelligence gathering.<sup>9</sup>

In the 1979 Supreme Court case *Smith v. Maryland*, the court rejected the idea that the installation and use of a pen register (an electronic device that records all numbers from a particular phone line) constituted a violation of one's "legitimate expectation of privacy" since the numbers would be available to and recorded by the phone company anyway. The court had

earlier (in *U.S. v. Miller*, 1976) also rejected any right to privacy for bank records since such information is willingly provided to third parties. However, Justice Sotomayor, in a concurring opinion (in *U.S. v. Jones*, 2012), recently noted that in today's digital age "it may be necessary to reconsider the premise that an individual has no reasonable expectation of privacy regarding information voluntarily disclosed to third parties."

Around the same time that the Supreme Court was faced with the new challenge of advancing privacy policies alongside digital innovation, the U.S. was faced with its own challenge. During the Cold War, political dissidents were targeted for surveillance by the government as suspected communists. The practice of illegally wiretapping and eavesdropping on suspected political dissidents is looked back upon as "McCarthyism." Well into the 60's, members of the Nation of Islam and the Black Panther movement were also targeted for surveillance, and in perhaps a more notorious example, even Dr. Martin Luther King Jr. fell prey to the auspices of FBI spying. As a result of the rampant abuses of government power and an unclear stance from the Supreme Court as to what was acceptable spying practice, in 1975 Congress created the Church Commission to investigate and suggest change. The committee described the unlawful government surveillance as "vacuum cleaners sweeping in information about lawful activities of American citizens."<sup>10</sup>

In response to recommendations of the Church Commission, Congress passed the FISA Act, which permitted the government to get an electronic surveillance order based on probable cause that a target was a foreign power or agent of a foreign power. The proponent had to certify that "the purpose" was to gather foreign intelligence information. FISA was a compromise aimed at protecting the American public from government over-intrusion while still allowing for narrow but important foreign intelligence gathering. A number of U.S. appellate cases both pre- and post-FISA held that warrantless searches were all right so long as the "primary purpose" was to gather strictly "foreign" intelligence, and any evidence of criminal activity was incidental.

The threat that the passage of the FISA Act and the creation of a secret court poses to our civil liberties is critical. Prior to 1978, the general consensus amongst the courts since the adoption of our Bill of Rights was that, for ordinary criminal investigations, communications interception was viewed as a grave intrusion on the rights of privacy and speech. Up until

the passage of FISA, the authority and command of the Fourth Amendment's requirement that "no warrant shall issue but upon probable cause" (that a crime has been committed) remained absolute. Unfortunately, FISA carved out a small yet dangerous exception to the probable cause requirement when it permitted surveillance based on a finding of probable cause that the surveillance target is a foreign power or an agent of a foreign power. This is a subtle but important difference. In one instance the government cannot get a warrant unless it swears with particularity who it will arrest, or what it will search, and that there is probable cause that a crime has been committed. On the other hand, after FISA was enacted, a government official could go to a secret court with an application for a secret warrant and swear that there was probable cause to believe a surveillance target was a foreign power or an agent of a foreign power, irrespective of whether any crime had been committed.

FISA, in order to give assurance to the public that this was not an example of oppressive government but merely a means to strengthen our intelligence gathering capabilities, ensured that none of the information gathered under such surveillance could under any circumstances ever be used for a criminal trial. The secret FISA court was not to grant a search warrant unless the applicant asserted that the primary purpose was to gather foreign intelligence. Of course it was only a matter of time before that safeguard, between foreign intelligence gathering and domestic criminal investigation, would be removed. September 11 was the perfect excuse to do just that, and in the wake of the terrifying attacks, the Patriot Act was passed.

Section 218 of the Patriot Act amended FISA to allow surveillance and physical searches so long as a "significant purpose" was to gather foreign intelligence<sup>11</sup>—no longer the primary purpose. This, for the first time, allowed the government to obtain surveillance and search orders even if the government's primary purpose was to gather evidence of domestic criminal activity. In other words, it is enough that the government may learn something about foreign related activities. The Patriot Act significantly extended the period the warrants are good for, included physical searches (section 207), and allowed the information gathered to be used for prosecution purposes whereas before it was strictly forbidden.<sup>12</sup> Judicial oversight is virtually nonexistent, as the FISC rejected no surveillance applications out

of the nearly 15,000 submitted between 1979 and 2002. Another 20,000 or so were submitted between 2003 and 2013 alone, only 12 of which were ultimately rejected.<sup>13</sup> That is less than 0.06%.

After 2002, the Department of Justice sought approval of its new procedures which allowed the FBI to utilize FISA even when its primary purpose was domestic law enforcement. In a startling unanimous opinion, the FISC acknowledged that government agents applying for warrants had misrepresented facts and ruled that government procedures aimed at sidestepping the Fourth Amendment were improper.<sup>14</sup> The opinion marked the first time that the FISA court made a public opinion. Not happy, the government appealed to the FISC of Review, which was the first and only opportunity for this curious court to hear a case. Like the FISC, the rules only allowed the government to appear before it and the hearings were conducted in secret. The court ruled in the government favor and overturned the decision, and because the government is the only party that can appeal, it naturally was satisfied with the opinion.<sup>15</sup>

The secret wiretaps approved and used to spy on Brandon Mayfield, his home, and law office were originally intended for use only by FBI agents conducting open-ended “intelligence” gathering activities, and not for use in criminal trials. However, they were used by the FBI as an opportunity to sift through virtually every one of Brandon’s “papers and effects” in order to build a case against him. (He would learn later that the material witness search and arrest warrants were used to do the same). The original FISA warrant application had to assert that Mr. Mayfield was a foreign power or an agent of a foreign power. The FBI’s original access to Brandon’s home therefore originated in the entirely false and unsubstantiated claim that he was an al-Qaeda member or affiliate.

Had Brandon been provided a copy of the application, he could have shown the oath or affirmation to be false or perjured. The problem with secret searches though is that, by the nature of their secrecy, one generally does not know when he has been subject to them, and thus can rarely challenge them. But for an unusual turn of events, Brandon Mayfield never would have learned that a secret warrant from a secret court—America’s Star Chamber—was ever authorized.

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<sup>1</sup> Detroit Free Press v. Ashcroft, 303 F.3d 681, 683 (2002).

<sup>2</sup> Simkin, John. “John Lilburne.” Spartacus Educational. Web. 25 Sept. 2014. <<http://spartacus-educational.com/STUlilburne.htm>>.

<sup>3</sup> Pyle, Christopher. “The Right to Remain Silent in an Age of Mass Surveillance.” *Counterpunch*. 22 Aug. 2013. Web. 14. Mar. 2015. <<http://www.counterpunch.org/2013/08/22/the-right-to-remain-silent-in-an-age-of-mass-surveillance>>

<sup>4</sup> *Id.*

<sup>5</sup> See supra note 2.

<sup>6</sup> Schmidt, Steffen W., Mack C. Shelley, Barbara A. Bardes, Lynne E. Ford, William E. Maxwell, Ernest Crain, and Adolfo Santos. “Chapter 15.” American government and politics today. Boston, MA: Suzanne Jean, 2012. 525. Print.

<sup>7</sup> Constitutional Access to Justice Provisions - Judicial Administration State Links | NCSC.org.” National Center For State Courts. Web. 25 Sept. 2014. <<http://www.ncsc.org/Topics/Judicial-Officers/Judicial-Administration/State-Links.aspx?cat=Constitutional%20Access%20to%20Justice%20Provisions#Oregon>>

<sup>8</sup> Katz v. United States, 389 U.S. 347 (1967).

<sup>9</sup> See United States v. U.S. District Court, 407 U.S. 297 (1972), also known as the Keith Case.

<sup>10</sup> Poe, M. K.. “Author Notes.” Silicon seduction. S.l.: Iuniverse Inc., 2011. 368. Print.

<sup>11</sup> Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Pub. L. No. 107-56, 115 Stat. 272, § 218 (2001) (enacted Oct. 26, 2001).

<sup>12</sup> *Id.* at § 207. In July 2003, Senators Lisa Murkowski and Ron Wyden introduced a bill entitled Protecting the Rights of Individuals Act that would provide, among other things, that sneak-and-peep authority only be available in the limited number of cases (such as risk of flight, destruction of evidence etc.) and that “a significant purpose” be replaced with “the primary purpose.” The bill has been read twice in the Senate and referred to the Committee on the Judiciary where it has apparently died.

<sup>13</sup> “Foreign Intelligence Surveillance Act Court Orders 1979-2014.” EPIC. Web. 25 Sept. 2014. <[http://epic.org/privacy/wiretap/stats/fisa\\_stats.html](http://epic.org/privacy/wiretap/stats/fisa_stats.html)>

<sup>14</sup> See *In re All Matters Submitted to the Foreign Intelligence Surveillance Court*, 218 F. Supp. 2d 611(U.S. Foreign Intell. Surveil. Ct. 2002).

<sup>15</sup> See *In re: Sealed Case No. 02-001*, 310 F.3d 717 (2002).



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## *About the Authors*



**Sharia Mayfield** earned her B.A. in Creative Writing from Stanford University and is currently completing her J.D. at Georgetown University Law Center (after having transferred from the University of Oregon Law School). She has been interviewed by Stanford's KZSU Radio, published in Berkeley's Journal of Comparative Literature, and appeared on Fox Business.

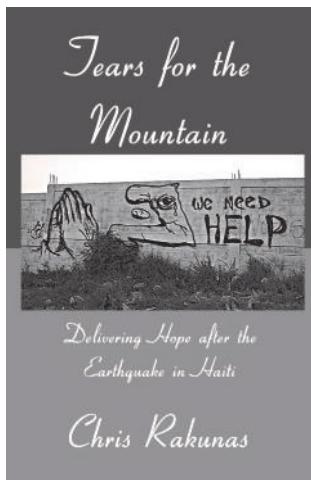
Her experience, largely detailed in this book, has propelled her passion to end mass surveillance as well as study national security law and the law of war. In addition to her notorious obsession with privacy law, she enjoys fiction writing and running in her spare time.



**Brandon Mayfield**, a former Patriot Missile Platoon Leader of the US Army, is a graduate of Washburn University School of Law. He is currently a member of the Oregon State Bar, licensed to practice in federal district courts and the 9th Circuit Court of Appeals, with his emphasis in civil litigation, civil rights, appeals, personal injury, and contracts. He has written on a number of subjects, including governmental profiling of Muslims, the implementation of the War on Terror, and fingerprint forensics, as well as lectured at Yale, Berkeley, Northwestern, and the University of Oregon, among other venues. In addition to writing and lecturing, Brandon has appeared on a number of nationally syndicated news organizations including Fox News, MSNBC, Al Jazeera, and the BBC.



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*Right there, on the gray cinderblock wall, was a jet-black piece of graffiti that I couldn't quite understand at first. Miriam must have caught the look on my face because she explained. "It's a map of Haiti," she said. It made sense suddenly. The map of Haiti had an eye placed in it so that it looked like a face. Coming down from the eye was a single giant tear drop. "Haiti is weeping."*

On Tuesday, January 12th 2010, a magnitude 7.0 earthquake shook the island nation of Haiti. The United States Agency for International Development estimated the death toll to be somewhere between 46,000 and 85,000 people, with 220,000 injured and over 1.5 million homeless. Many organizations, both from the U.S. and abroad, responded to the appeal for humanitarian aid.

Dr. Stephen Schroering and Chris Rakunas went to Haiti to deliver over 21,000 pounds of medical and surgical supplies to the New Life Children's Home in Port-au-Prince, Haiti, and several other hospitals. In *Tears for the Mountain*, Chris recounts his mission to deliver these supplies to the earthquake-ravaged island nation. Chris discusses both the triumphs and heartbreaks of the trip, the problems with distributing aid in a nation lacking the most basic infrastructure, and his unexpected encounter with a notorious Haitian warlord.

*A portion of the proceeds for this book will be donated to the New Life Children's Home in Port-au-Prince, Haiti.*

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Brandon Mayfield, a Portland resident and Muslim lawyer, is unexpectedly arrested on May 6, 2004, in connection to the March 11 Madrid train bombings that took the lives of nearly 200 people. Despite having an expired passport, no ties to Spain, and evidence that he was in Oregon on the day of the attack, Brandon is detained for weeks without charge. In a gripping true account of one of the U.S. government's biggest blunders in the "War on Terror," the Mayfields invite you into the secretive world of espionage, faulty forensics, and wrongful accusations.

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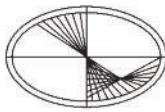
*Gerry Spence, American Trial Lawyers Hall of Fame member,  
and founder of the Trial Lawyers College.*

"If you don't mind government snooping because you've done nothing wrong, read this book. If you regard the FBI as a highly competent agency, read this book. You will be profoundly disillusioned as you learn some dark facts about America's zealous pursuit of phantom threats after 9/11. Brandon Mayfield had done nothing wrong. The FBI did everything wrong, corrupting its professional standards with sloppy technical work and intellectual dishonesty that came within a hair's breadth of locking Mayfield up for life. This compelling book is the most intimate account so far of the trauma visited upon an innocent family by the misdeeds of law enforcement. It is a page-turner that should be required reading for all agents of the FBI."

*David K. Shipler, Pulitzer prize winner and author of  
The Rights of the People: How Our Search for Safety Invades Our Liberties  
and Rights at Risk: The Limits of Liberty in Modern America.*

"Brandon Mayfield has seen his experience as an innocent victim of our anti-terrorism machinery recounted in legal opinions, news stories, and a lengthy Inspector General report excoriating the FBI for recklessly subjecting him and his family to an unjustifiable and Kafkaesque ordeal of suspicion, surveillance, and imprisonment. In this riveting book, the people who lived the experience, Brandon and his daughter Sharia, tell their own story. Their inside account of what happened when the FBI took over their lives (after incorrectly concluding that Brandon's fingerprints matched fingerprints connected with the Madrid train bombing) is eloquent and multi-dimensional. Americans often ask, why should I care about the sweeping dragnets of the USA Patriot Act if I haven't done anything wrong? Brandon and Sharia Mayfield's book provides a powerful answer to that question."

*Susan Herman, President of the ACLU.*

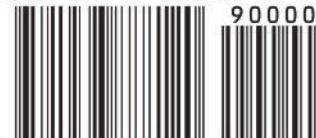


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