



Project Freedom

A proposal for Justice, Peace, and Retribution for Targeted Individuals

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PROJECT FREEDOM

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PROJECT FREEDOM

I. STATEMENT OF THE PROBLEM

Under the guise of “national security,” for decades agencies of the United States government maintained cruel, illegal, covert human experimentation projects that they hid from the American public, which they subsequently admitted having carried out on unsuspecting American citizens.

From 1953 to 1966, the Central Intelligence Agency (CIA) sponsored the MK-ULTRA program to control human behavior. *CIA v. Sims*, 471 U.S. 159 (1985). The program’s stated purpose was that of developing brainwashing and interrogation techniques. *Orlikow v. United States*, 682 F. Supp. 77 (D.D.C. 1988). Unsuspecting subjects underwent long-lasting, cruel experimentation without their knowledge or consent.

During 1975–1976, Congress carried out an investigation of the MK-ULTRA program. The “Church Committee,” under the direction of the late senator Frank Church, held hearings that resulted in the apparent shut down of the program. Upon concluding his investigation, Senator Church tried to rein in the corrupted intelligence agencies when he publicly warned everyone that:

“The National Security Agency’s capability at any time could be turned around on the American people, and no American would have any privacy left, such is the capability to monitor everything: telephone conversations, telegrams, it doesn’t matter. There would be no place to hide. If a dictator ever took over, the N.S.A. could enable it to impose total tyranny, and there would be no way to fight back.”

Likewise, Defendant Federal Bureau of Investigation’s (“FBI”) COINTELPRO program that started in the 1930s was designed to crush political opposition using illegal surveillance and persecution tactics.

In the year 2000, speaking before Congress about the COINTELPRO Defendant FBI then- director Louis J. Freeh admitted in a House Appropriations subcommittee hearing that:

“[T]he FBI did operate a program that did tremendous destruction to many people, to the country and certainly to the FBI.” Freeh then vowed to “redress some of the **egregious illegal action, maybe criminal action** that occurred in the past.” (Emphasis ours).

No single individual at the FBI or the CIA was ever held criminally responsible for the obliteration of so many lives perpetrated under these two programs. Because of this, both agencies merged and repackaged those highly illegal programs into the human experimentation Program that subsists today. Its global scope aims to control and destroy opposition.

On April 26, 2011, former FBI Senior Special Agent-in-Charge Ted Gunderson stated in an affidavit under penalty of perjury that thousands of innocent victims have been targeted by an illegal government ongoing, active, nationwide rogue criminal enterprise that is active twenty-four hours a day within the US, whose increase in scope, intensity, and sophistication was made possible by the new communications and surveillance technologies. *Labella v. Fed. Bureau of Investigation*, 11-CV-0023 (NGG) (LB) (E.D.N.Y. Mar. 16, 2012). **Exhibit 1.**

The Program consists of a sophisticated public-private partnership whereby the experimental subjects—taken from the non-investigative subject Handling Codes 3 and 4 of the Terrorist Screening Database are referred to as “Targets.” They are subjected to illegal and unconstitutional phone taps, illegal re-routing of business and private phone calls for harassment purposes, surreptitious entry into home, office, and vehicle, virtual surveillance in the home conducted by illegal placement of miniature remote, wireless cameras (often accessible through the internet), illegal internet spyware, illegal GPS tracking (often through their own mobile phones), regular fixed and mobile surveillance, mail misdirection, mail theft and tampering, financial and employment sabotage, slander campaigns, poisoning, assaults and murder, illegal set-ups on drug charges and other felony charges, amongst many other civil rights abuses.

Hundreds of thousands of American citizens and lawful US residents such as Plaintiffs and TJ Members have been subjected on a continuous and

uninterrupted basis to this illegal Program funded with billions of American taxpayer money.

Despite the clear and limiting text of HSPD-6, Defendant FBI has admitted that the TSDB contains names of people with no ties to terrorism. In a statement given under penalty of perjury in *Elhady v. Kable*, 391 F.Supp.3d 562 (E.D.VA 2019), rev'd 993 F.3d 208 (2021), former TSC deputy director Timothy Groh expressed that the TSDB contains information on individuals who constitute "an exception" to the "reasonable suspicion standard" "who are not considered 'known or suspected terrorists'" and "are not screened as such." (**Exhibit 2**). In the course of litigation in the case *Targeted Justice v. Garland* before the Southern District of Texas, Samuel Robinson, Deputy Director at the TSC stated under penalty of perjury that people who are placed on the TSDB that do not meet the reasonable suspicion terrorist criteria are included therein under "secret criteria."

The Targeted Individual program obtains its experimental subject roster from two secret unconstitutional subcategories embedded within the Terrorist Screening Database (TSDB) that the FBI admits contains the names of people that do not meet the "reasonable suspicion" terrorist criteria, and "do not represent a terrorist threat to national security.: See footnotes 4 and 7 of Exhibit 2).

II. SUMMARY OF THE PROPOSAL

Targeted Justice respectfully submits for your consideration the creation of a specialized Congressional committee determined to reclaim what this nation used to be, and bring an end to the heinous Targeted Individual program that contravenes the basic constitutional and human rights precepts that this country was built upon.

The first part of the proposal entails a fact-finding process that includes: agency information requests and subpoenas; public hearings to be made part of the Congressional Record including the testimony of the Program's handlers, victims, and experts, and the subsequent committee reports, recommendations, and referrals to law enforcement agencies and Special Counsel for the prosecution of the high crimes and misdemeanors carried out

by the agency officials in charge of the Program.

The second part of the proposal entails the committee members' leadership in proposing and getting passed essential legislation that will end the Program, prevent a new one from being crafted, provide retribution to victims, and create checks-and-balances systems to ensure that never again will the government players align to organize such a nefarious surveillance and torture apparatus.

Although the compensation, retribution, treatment, and accessory programs proposed seem to entail substantial expenditures, Targeted Justice proposes the Committee action only requires the shifting of budgets: instead of financing the illegal black budget Program and its ancillary operations, the resources can be allocated for the elimination of the Program, and the compensation and rehabilitation of victims.

The third part of this proposal requires the active involvement of the remaining honest officials in the law enforcement agencies with the responsibility of prosecuting the crimes against humanity that will serve as a punishment as well as a deterrent for any future possibility of any such heinous program.

III. DETAILED SCOPE OF THE PROPOSAL

A. Congressional Action: Investigation of the Program

Executive Order 13526 provides that: "in no case shall information be classified, continue to be maintained as classified, or fail to be declassified in order to conceal violations of law, inefficiency, or administrative error." Ergo, Officials at the offending agencies cannot erect a wall of confidentiality to cover up their blatantly illegal, unconstitutional, and/or criminal conduct resulting from their role in the Program.

1. Information Requests to FBI, DHS, CIA, DOD, FAA, FDA

There are many federal agencies that have substantially contributed to the Program's uninterrupted illegal operation for over two decades. On most occasions, the law demands preservation of these agency records for 99 years, so they must be made available to the Committee.

The list below offers an initial framework from which the Committee can build a thorough investigation required to adjudicate responsibilities and appropriately attempt “making whole again” the survivors of the Program.

All Committee hearings must be public and become part of the Congressional Record.

Among the key persons involved in the Program to be summoned to testify before the Committee are each key player agency representative who must declare about the agency’s torture tactics and methodologies.

2. Issue agency subpoenas

Subpoena to FBI: Complete, unredacted Terrorist Screening Database, for every year since 2003, including Subcategories Handling Codes 3 and 4 and the Terrorist Screening Center number assigned to each one. **Subpoena to CIA:** The nonconsensual human experimentation roster, per year, including the torture program crafted for each Targeted Individual, dates, locations, handlers in charge, public and private collaborators, and torture tactics and methodologies.

Subpoena to FAA: The inventory of investigated and non-investigated complaints regarding low-flying drones, planes, and helicopters, as well as any investigation carried out.

Subpoena to the US Space Force: Directed energy weapons firing logs for every weapon fired on American territory since 2003 and the firing logs on civilians in foreign countries. Recommendation to the President for the enactment of an Executive Order (EO) stating that no weapons of the US Space Force will be pointed at US civilians or foreign civilians, and never pointed at coordinates on US soil. Log files will be kept for 99 years for every weapon fired. Violators will be subject to court-martial and treason charges. This EO is to supersede any order given by any military officer.

Furthermore, the Space Force is to provide the complete roster of Space Force Directed Energy Weapons Operators since 2003. These weapon operators, referred to as the “Guardians,” have been responsible for continuous, uninterrupted crimes against humanity, firing directed energy weapons at

innocent civilians in America and around the world. They are traitors to the nation and should be investigated and must be court martialed to the fullest extent of the law.

Subpoena to the Federal Communications Commission: A list of all weaponized cellular towers equipped with microwave beam producing technology, including name of owner and operator, location, and date of construction.

Subpoenas for appearance to testify before Committee: Each agency representative: The public disclosures to be made part of the Congressional record will include the findings of the investigation, including torture tactics and methodologies.

a) Fusion Center Directors responsible for the crimes perpetrated on Targeted Individuals at the ground level in cities/states with the highest abuse of individuals:

Arizona
California
Colorado
Florida
Georgia
Michigan
New York
Ohio Oregon
Puerto Rico
Texas
Washington
Washington, DC

b) InfraGard, Citizen Corps, and Neighborhood Watch directors.

These private-to-public law enforcement partnerships have enabled civilians to perpetrate hacking, stalking, harassment, and aggression crimes against Targeted Individuals at the behest of the FBI and DHS. They recruited civilians to act as the Stasi arm of the FBI, CIA, and DHS to perpetrate hacking, stalking, harassment,

vandalism, spying, psychological operations, and aggression crimes against targeted individuals.

c) Medical Director(s) of the Program. Presumably a CIA operative, Congress has an obligation to interrogate and order the prosecution of the modern-day Joseph Mengele(s) responsible for the allocation of programs and torture on Targeted Individuals, making specific menus for each victim depending on their personality type.

d) US Space Force General Chance Saltzman in charge of operations. General Chance Saltzman must testify who regarding his orders to attack innocent Americans and civilians around the world, their pets and property, with directed energy weapons.

3. Conduct an inspection of facilities under the Denver International Airport and the Schriever Space Force Base with scientific experts.

4. Conduct Public Hearings to be made part of the Congressional Record

a. Evidence to be presented:

i. Legal

Legal testimony will include uncontroverted facts emerging from official United States documents that establish the illegality of the Terrorist Screening Center's practice of swelling the Terrorist Screening Database with innocent people in cahoots with the traitors that run the Targeted Individual program.

ii. Technical including Medical Experts/Physical Damages/Psychological Damages

- 1) Experts on directed energy weapons
- 2) Experts on Havana syndrome
- 3) Experts on remote neurological monitoring technologies
- 4) Experts on law enforcement corruption/deviation from procedures

- 5) Victims of the Program including children, grandmothers, whistleblowers, and everyday Americans from whom decades of their lives have been stolen.

These experts must provide the basis for the Committee to conduct a formal medical investigation into physical, neurological, cognitive, and psychological effects of Targeted Individuals in conjunction with specific methods of targeting used on specific Targeted Individuals, duration, intensity, combination of methods, and use of special technologies.

iii. Physical/Psychological Damage

Requires experts on Post-traumatic stress disorder and Havana Syndrome,

iv. Financial/Property Loss/Theft from Targeted Individuals.

This must include victim testimony on courts abusing their rights on divorce, family matters, eviction, money claim cases, among others.

Committee report must include full disclosure of weapons, weapons systems, technologies, medical intervention (macro and micro), neurological monitoring and intervention used in Targeted Individuals as a whole, and in every Targeted Individual, so appropriate measures of deactivating and removing technology, treatment, and rehabilitation could be instituted in every case of targeting.

b. Public disclosure made part of the Congressional Record the findings of this investigation, including torture tactics and methodologies.

2. Issue Enforcement Action Referrals on Investigative Findings

Issue articles of impeachment for agency directors and members of the judiciary complicity in the torture program.

Submit investigative findings to the Attorney General for prosecution of human rights violations, treason, and physical aggressions.

Referrals to the Office of the Special Counsel for the prosecution of executive branch officials that actively collaborated, concealed, and enabled the torture program. The Committee must make referrals for

criminal prosecution of all directed energy weapons operators that tracked and fired military-grade weaponry at innocent civilians at the Department of Defense.

Court martial for US Space Force personnel that ordered the firing of electromagnetic weapons on American soil.

The Committee must refer to and demand from the United States Attorney General the investigation and prosecution of responsible and strategic players in the Program including:

CIA program director(s)

Terrorist Screening Center director(s)

All the Space Force directed energy weapons
operators Fusion Center directors

State and tribal judges complicit in the
Program Medical director(s) of the Program

Private hospital administrators, surgeons, neurologists, dentists, and
other medical professionals that intricately collaborated with the
illegal insertion of medical devices in nonconsenting Targeted
Individuals.

3. Propose and obtain support for the enactment of legislation to immediately end the Program and offer restitution to its victims.

In terms of legislative action required, the Committee must propose and obtain support for the enactment of legislation to:

Immediately defund the Black Project of Targeted Individuals Program.

The Committee must identify the annual budgets assigned to the Program, propose and enact the required legislation to defund the Program, and ensure no such program would be feasible in the future.

Repeal Section 702 of the FISA Act.

Enact legislation to shut down the Fusion Center operations that lack

statutory support and have never served to stop a single terrorist act. There are 99 Fusion Centers that operate like rogue law enforcement operations. They are primarily in charge of the organized stalking, break-ins to private property, stealing and vandalizing of property, and psychological operations carried out by sheriff's offices, local police, Citizen Corps, Infragard, and Neighborhood Watch. The Fusion Centers are committed to the rogue violation of Americans' civil rights under the guise of national security with the full protection of corrupt law enforcement operatives that disregard citizens' genuine complaints. This legislation must include a categorical order to FBI, DHS, and CIA to notify all its partners, facilitators, and enablers in private and public enterprises of the Program's conclusion, demanding an immediate halt to all stalking, harassment, and civil rights violation practices carried out by the army of vigilantes empowered by those agencies.

Order the dissolution of Memoranda of Understanding with state and tribal cities, and police departments creating the Fusion Centers, granting them *carte blanche* to violate citizens' civil rights.

Enact legislation prohibiting Handling Codes 3 and 4 of the Terrorist Screening Database and demanding a higher standard of probable cause to include anyone under Handling Codes 1 and 2 reserved for known and suspected terrorists.

Enact legislation making a crime of the practice of maintaining state or federal blacklists of innocent people who have never been convicted of a crime as a parallel of the presumption of innocence. Current evidence proves that states and cities are crafting their own blacklists of innocent, non-investigative subjects from the TSDB, denying essential services to them that cost lives.

Enact legislation providing for a budget to annually deploy civilian monitors with top-secret clearance with complete access to US Space Force and CIA facilities that will report back to the Senate and Congress, ensuring that no human experimentation is being carried out, nor the tracking of people, nor the firing of DEWs on civilians.

Enact legislation prohibiting all agencies of the United States to carry out any nonconsensual experimentation on humans. This entails the immediate halt of any such experimentation, with notification to its victims.

Enact legislation prohibiting the CIA/US Space Force practice of tracking individuals and sending subliminal messaging throughout the population in violation of the Fourth Amendment of the United States Constitution. This entails the prohibition to the Space Force of the use of cellular towers within the United States territory and abroad.

Enact legislation prohibiting the US Space Force from operating people-tracking satellites.

Enact legislation to prohibit the private-to-public partnerships within or intelligence community collaboration in law enforcement, including the eradication of the contracts, MOUs, grants by federal agencies to law enforcement agencies and private institutions including, but not limited to, InfraGard, Citizen Corps, Neighborhood Watch, as well as universities, where civilians are involved in spying on and snitching about Targeted Individuals. This includes an absolute prohibition of partial ownership or control of private corporations by law enforcement or the intelligence community.

Enact legislation establishing that USSF weaponized satellites are to be fully disclosed at the UN and establishing an international committee outside the UN, to investigate and assess satellite damage claims for foreign citizens.

Enact legislation ensuring the de-weaponization of cellular towers. Congress must order the de-weaponization of cell towers for the following reasons:

- Beamforming technologies are not required for the vast majority of calls and data.
- The 60 GHz technology installed in many towers must be eliminated as its only purpose is that of causing suffocation and death in patients on respirators.
- Cell tower tracking technology must be banned as it is a violation of the Fourth Amendment. Anyone cupping their ears in a quiet place can listen to the “pops” that indicate you

are being tracked 24/7.

- The log files of any United States GPS coordinates used must be made a public record, if not on a military base.
- All satellite communications with commercial cell towers must be made a public record.
- New lower limits on power output from each panel on a cell tower.
- All beamforming Integrated Circuits (IC) must be registered, just like a cell tower.
([https://www.everythingrf.com/search/beamforming-ics.](https://www.everythingrf.com/search/beamforming-ics))
- Force actual compliance monitoring by FCC.

Enact legislation ordering full disclosure to each Targeted Individual and their pets illegally implanted with medical devices, including location in the body, manufacturer, date, place of procedure, including the name of the physician. Provide free medical and psychological care to Targeted Individuals, including for the establishment of new nosological units/diagnoses reflecting the type of intervention and torture never before seen by the medical professionals.

Enact legislation providing for the creation of a mandatory program to educate medical professionals on the targeting program and its effects, demanding all medical schools to include it in its curriculum as part of their federal funding conditions.

Enact a full financial retribution for Targeted Individuals. This includes, but is not limited to:

- Guaranteed medical services package. This medical component must include funding for the development and implementation of a comprehensive treatment and rehabilitation program based on the criteria comprising at a minimum: physical, neurological, cognitive, and psychological effects of Targeted Individuals in conjunction with specific methods of targeting used on Targeted Individuals, duration, intensity, combination of methods, and use of special technologies.

- Minimum baseline yearly compensation per Targeted Individual, depending on the torture they were subjected to and placing a cap on attorneys' fees. People that accept this option can file their claims within four years from the enactment of the law and agree to not sue the federal government for any act carried out during their targeting but would be free to sue any private participant, including the person that falsely nominated him or her to the TSDB. Targeted Individuals are free to decline this option and instead file their own case.
- Compensation for property and vehicle damage, excess utility billings, vandalism, and stolen property.

Enact legislation to create an agency to channel claims by Targeted Individuals.

Enact legislation creating benefits to Targeted Individuals just like military personnel or veterans have, including free medical and psychological care, and exceptional medical/surgical procedures to remove medical devices illegally implanted in them. After all, they are victims and survivors of a silent war illegally waged at them with military-grade directed energy weapons.

Enact legislation ordering the FBI and DHS to carry out immediate production of each Targeted Individual's complete dossier, including the details and parameters to which each one was subjected, and a list of paid participants, including organized stalkers, doctors, professionals, judges, attorneys, and prosecutors. Enact legislation including a full public apology and vindication for each Targeted Individual, within the United States and outside, including those that have passed away, to be published in the Congressional Record and the Federal Register and allot the funds for a "Never Again" Targeted Individuals memorial to include the names of all fallen of this program.

4. The Program Abroad

The Committee must ensure that Congress immediately defunds the

Program operations abroad and declares illegal the Memorandum of Understanding documents that the FBI entered into with 60-plus countries.

Civilians abroad face horrible consequences from the FBI's irresponsible and criminal inclusion of their identities in the TSDB. Many of them are forced into mental institutions, forced to get injections for mental illnesses they do not have, and undergo heinous gang stalking by petty criminals paid with United States taxpayer money.

The Committee must include a compensation/redress package for victims based on 10 USC § 2734 that provides for the payment of a maximum of \$100,000 in damages to be deposited for each person suffering damages resulting from United States military operations. This should be a flat amount granted to each Targeted Individual abroad, along with a full public apology by the United States of America.

B. The Role of Law Enforcement/Agencies

1. Stop the illegal practices by participating agencies within the US, including all eighteen agencies in the Intelligence Community (IC).

For decades, law enforcement agencies have been complicit in the injustice inflicted upon Targeted Individuals. The Committee must demand that agency directors immediately stop the illegal practices that colluding agencies within the United States have perpetrated, including all 18 agencies in the Intelligence Community (IC).

FBI – illegally labeling innocent Americans as “suspected terrorists” without probable cause in order to include them in the non-investigative subject portions of the TSDB and condemn them to a life of torture. FBI is to carry out immediate and full disclosure to Targeted Individuals with pending criminal cases of their TSDB stats as part of the discovery in the criminal case.

DHS – unleashing hordes of vigilantes on defenseless, innocent Americans to intimidate, stalk, harass, and spy on them. DHS is to immediately stop its Fusion Center guidance and operations and counterterrorism grant program geared at spying on and persecuting innocent Americans. Fusion Centers have

never stopped a single incident of terrorism.

CIA – running an illegal hybrid of MK-ULTRA and COINTELPRO.

NSA – illegal spying on Americans.

DOD/US Space Force – firing DEWs at innocent people. DOD is to investigate and prosecute the Space Force unit for crimes against humanity.

USPS – The agency is to stop interfering with Americans' mail delivery.

C. Medical Agencies/Facilities (NIH, CDC, FDA)

Conduct formal medical investigation into physical, neurological, cognitive, and psychological effects of Targeted Individuals in conjunction with specific methods of targeting used in particular Targeted Individuals, duration, intensity, combination of methods, and use of special technologies.

Establish new nosological units/diagnoses reflecting a type of torture never before seen by medical professionals, and develop interventions.

Create a mandatory program to educate medical professionals on the targeting program and its effects.

Develop and implement a comprehensive treatment and rehabilitation program based on the criteria listed in #1.

Create rehabilitation centers for Targeted Individuals.

FDA is to adopt and enforce a strict cradle-to-grave policy, keeping records for each medical device manufactured in or imported to the United States. This includes mandatory reporting requirements of medical professionals, technicians, physicians, and surgeons implanting patients with medical devices including, but not limited to, intermittent pulse generators, neural implants, probes, and any other kind of medical device.

D. Media Piece

1. Targeted Justice

Targeted Justice represents thousands of individuals who have been secretly

and wrongfully labeled as “suspected terrorists” with the purpose of subjecting them to an illegal human experimentation program. Targeted Justice welcomes a collaboration with Congress to bring an urgently needed end to torture and stalking that Targeted Individuals undergo daily at the hands of rogue government operatives. The Targeted Individual program has stolen years from the lives of its victims. Many have taken their own lives. The end to CIA-sponsored torture will be no more.

2. Elected Officials

After two decades, a group of courageous members of Congress have taken on the difficult endeavor of investigating and ensuring the shutting down of the highly illegal Targeted Individual program.

Everyone in Washington, DC, knows about its existence. Few had the guts to tackle it.

Targeted Justice looks forward to working alongside these patriotic men and women determined to curtail the unrestrained power that has allowed public officials to trample upon individuals’ basic human rights and provide meaningful redress and retribution for the unspeakable harms they have undergone.

It is a shame that Congress has continued to authorize as part of the black budget a highly illegal program designed to torture and destroy the lives of targeted Americans and innocent civilians around the world. The “Land of the Free” became the enslaver of hundreds of thousands, if not millions, of innocent people.

It is our duty to set free all Targeted Individuals—to the very last—that have been enslaved by this heinous program, to grant them retribution for their immense suffering, to punish those responsible for this unfathomable chapter in American history, and to set in place the mechanisms to ensure that such an atrocity never happens again.

Thank you.

EXHIBIT 1:

TED GUNDERSON'S AFFIDAVIT

TED L. GUNDERSON & ASSOCIATES

6230-A Wilshire Blvd., Suite 6
Los Angeles, California 90048
Phone: (337) 344-8876

I, Ted L. Gunderson, hereby swear under the pains and penalties of jury that the following statements are true and correct:

1. My name is Ted L. Gunderson. I am the owner and operator of Ted L. Gunderson & Associates, an international security and consulting firm based out of Santa Monica, California. I am currently a licensed private investigator in the state of California. I have performed private investigation and security work for numerous individuals, companies, and governments worldwide since founding my firm in 1979. I have worked for, amongst others, F. Lee Bailey, Esq., The California Narcotics Authority by appointment of Governor Jerry Brown, The 1984 Los Angeles Olympic Committee, and The 1979 Pan American Games in San Juan, Puerto Rico by appointment of then U.S. Attorney General Griffin Bell.
2. Previous to my work as a private investigator I spent nearly three decades in the F.B.I. Between 1951 and 1960 I was an F.B.I. Special Agent. In 1960 I was promoted as a supervisor at F.B.I. Headquarters in Washington, D.C., where I was in charge of Organized Crime and Racketeering investigations covering 26 F.B.I. Field Offices nationwide. Following the assassination of President John F. Kennedy, I was re-assigned to Special Inquiry White House Matters at F.B.I. Headquarters. In 1965 I was promoted again to Assistant Special Agent-In-Charge of Internal Security and Anti-Terrorism of the F.B.I. New Haven, Connecticut Field Office. In 1970 I was promoted to Assistant Special Agent-In-Charge of the F.B.I. Philadelphia, Pennsylvania Field Office. On July 12, 1972 I successfully negotiated with two terrorist hijackers of National Airlines Flight 496 for the release of 119 passengers at Philadelphia International Airport. In 1973 I was promoted to Chief Inspector at F.B.I. Headquarters. I also served

as Special Agent-In-Charge of the F.B.I. Memphis and Dallas Field Offices. I retired from the F.B.I. as Senior Special Agent-In-Charge of the Los Angeles Field Office of the F.B.I. with over 700 employees and a budget of over 22 million dollars in 1979.

3. I have read the Complaint in the current action of Mr. Keith Labella against F.B.I. and D.O.J. It is my professional opinion, based on information, knowledge and belief that the information sought by Mr. Labella in this F.O.I.A. suit regarding "gang stalking", "gang stalking groups" and "gang stalking methods" reasonably describes an ongoing, active, covert nationwide program that is in effect today, and, based on my investigations and experience, has been operational since at least the early 1980's. Since the 1980's gang stalking has increased in scope, intensity and sophistication by adapting to new communications and surveillance technology. These programs are using the codenames Echelon Program, Carnivore System, and Tempest Systems. The Echelon Program is administered by the N.S.A. out of Fort Meade, Maryland, and monitors all email and phone calls in the world. Carnivore System is administered by the N.S.A. out of Fort Meade, Maryland, and can download any computer system without being traced or otherwise known to the owner. Tempest Systems can decipher what is on any computer screen up to a quarter of a mile away. These programs are negatively impacting thousands of Americans and severely abusing their civil rights on a daily basis.
4. Based on my investigative work, which includes intelligence from sources such as active and former members of the Intelligence Services (including the F.B.I., the C.I.A., the N.S.A. and Military Intelligence), information from informants active in criminal enterprises, and, victim testimonies, I have come to the conclusion that thousands of victims have been targeted by an illegal government rogue criminal enterprise that is active 24 hours a day within the U.S. This conspiracy is far too active to be controlled or operated by private enterprise whose goals are achieving financial gain. These operations require extensive financing with no return on the investment. This program's operations are financed by illegal black operations, i.e., narcotics, prostitution, child

kidnapping (children sell at covert auctions for up to \$50,000 per child), human trafficking, gambling and other rackets.

5. I have documentation and know that throughout the U.S., operating 24 hours-a-day and 7 days-a-week, there is a Central Command, located within the U.S., with multiple satellite offices, whose administrators can instantly initiate surveillance, phone taps and harassment against any individual in the country. They have the technology, financing and manpower to dispense illegal surveillance and harassment against anyone at any time, day or night. I have files on numerous cases of active, programmatic, illegal government harassment currently being conducted against thousands of Americans. This makes the F.B.I.'s former COINTELPRO program, which I worked on, including in a supervisory capacity, look like a Sunday school program by comparison.
6. I firmly believe that most individuals working in the F.B.I., other intelligence agencies, and the government overall are honest, law-abiding public servants. However, a sophisticated network of rogue operatives has secretly infiltrated the F.B.I., other intelligence agencies including the C.I.A., and other key government positions. This rogue element seeks personal power and wealth and considers themselves above the law and the Constitution. They are carrying out the aforementioned surveillance and harassment activities in conjunction with organized crime, the cult movement in America including Satanic cults, other commercial and political interests, and even misguided civic organizations and neighborhood groups. This illegal surveillance and harassment program is being called gang stalking and organized stalking by the victims targeted by it. The victims are targeted for a variety of reasons including government and corporate whistleblowers, parties to financial and employment disputes, parties to marital disputes (usually divorced women), and even jilted paramours. Journalists covering controversial issues, and, even attorneys and private investigators representing unpopular clients or interests, have been targeted by this program.
7. Individuals targeted by this program have been subjected to illegal and unconstitutional phone taps, illegal re-routing of business and

private phone calls for purposes of harassment, illegal audio “bugging”, surreptitious entry into home, office, and vehicle, visual surveillance in the home conducted by illegal placement of miniature remote, wireless cameras (often accessible via internet), illegal internet spyware, illegal GPS tracking (often through their own mobile phones), regular fixed and mobile surveillance, mail misdirection, mail theft and tampering, financial and employment sabotage, slander campaigns and community ostracizing, internet disinformation and smear campaigns, poisoning, assaults and murder, illegal set-ups on drug charges and other felony charges, amongst many other civil rights abuses.

8. In addition to high-ranking members of the F.B.I., other intelligence services, and the government overall, wealthy, powerful members of criminal syndicates, multi-millionaires and the corporate elite are using the government gang stalking program to harass enemies. They can get a targeted individual harassed for the rest of that individual’s life (individual cases of gang stalking lasting for over a decade are common). The higher status members of the gang stalking conspiracy initiate the gang stalking and coordinate logistics and funding. Lower echelon government rogue operatives, lower ranking members of the military (in violation of Posse Comitatus), petty criminals and street thugs perform the actual grunt work of daily monitoring and harassment of individuals targeted by the program.
9. Based on my professional experience, extensive intelligence information and belief, it is my professional opinion that the F.B.I. is involved in and has investigative files on the subject of gang stalking, related gang stalking methods, and gang stalking groups in the F.B.I.’s vast intelligence files, that are responsive to Mr. Labella’s F.O.I.A. Complaint. Furthermore, I have personally referred numerous victims of gang stalking to the appropriate agents at the F.B.I. for investigation of their cases. I have also furnished the F.B.I. with documentation of an active, international child kidnapping ring probably operated by rogue C.I.A. agents. The F.B.I. has ignored my requests to investigate even though it is their responsibility to investigate kidnappings. I have a contact in Germany who advises me that the C.I.A. has set up secret operations on U.S. military bases for the kidnapping, sale and

trafficking of children worldwide. The F.B.I. may be using a unique codename and nomenclature for the gang stalking phenomenon in its records. However, this is a semantic difference, and, in no way changes my professional opinion that the F.B.I. has investigative files on the nationwide phenomenon of gang stalking described in reasonable and specific detail in Mr. Labella's F.O.I.A. Complaint. These F.B.I. files contain information responsive to Mr. Labella's F.O.I.A. Complaint regarding the subject of gang stalking. The F.B.I. and other intelligence agencies are administering and covering up the rogue, covert, government criminal enterprise of gang stalking. The gang stalking phenomenon appears in the records of both the F.B.I. and the N.S.A. in their records pertaining to the Echelon Program, Carnivore System, and Tempest Systems. In addition, the gang stalking phenomenon appears in the records of both the F.B.I. and the N.S.A. in their records pertaining to information collected by Narus systems. Narus is a wholly owned subsidiary of defense contractor Boeing that produces sophisticated, mass surveillance computer systems currently being used by both the F.B.I. and the N.S.A.

Dated this 26 day of April 2011.

Los Angeles, California

Ted L. Gunderson
Ted L. Gunderson

NOTARY

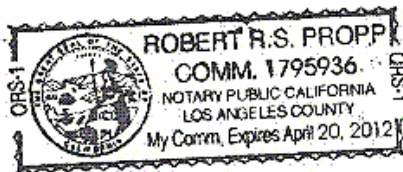
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

On 4-25-2011 before me, Robert R.S. Propp

personally appeared Ted L Gunderson



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Statement of Ted L Gunderson Associates

Document Date: 4-26-2011 Number of Pages: (5)

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Ted L Gunderson

- ☒ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

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EXHIBIT 2:

TIMOTHY GROH'S STATEMENT UNDER PENALTY OF PERJURY

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

ANAS ELHADY, et al.,

Plaintiffs,

v.

CHARLES H. KABLE, et al.

Defendants.

Case No. 1:16-cv-375

DECLARATION OF TIMOTHY P. GROH

I, Timothy P. Groh, hereby declare as follows, pursuant to 28 U.S.C. § 1746:

1. I am the Deputy Director for Operations of the Terrorist Screening Center ("TSC") and have been in this position since May 2016. I have been a Special Agent with the Federal Bureau of Investigation (FBI) since February 1996 and have served in a variety of criminal investigative, counterterrorism, and senior management positions. In my capacity as the Deputy Director for Operations of the TSC, I supervise nine units and approximately three hundred individuals (including both government employees and contractors). I am responsible for the overall operations of the TSC, including maintaining the Terrorist Screening Database (TSDB), managing encounters, and sharing intelligence with domestic and foreign partners.

2. I submit this declaration in support of the motion for summary judgment filed by the government in *Elhady v. Kable*, 16-cv-375 (E.D.V.A.). The matters stated herein are based on my personal knowledge, my background, training and experience relating to terrorist watchlisting and counterterrorism investigations, and my review and consideration of information available to me in my official capacity, including information furnished by FBI and

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TSC personnel in the course of their official duties; my conclusions have been reached in accordance therewith.

3. As set forth below, in support of the Government's summary judgment motion, this declaration will address various topics concerning the function and operation of the Government's terrorist watchlisting system, including an overview of the TSDB and its history, nominations to the TSDB and its subsets, interagency information sharing, encounters, quality assurance, the removal process, oversight, and redress. Finally, this declaration will describe the risks associated with disclosing TSDB status, including the risks to national security and law enforcement interests.

OVERVIEW OF THE CONSOLIDATED U.S. TERRORIST WATCHLIST

4. Following the attacks of September 11, 2001, to further protect the homeland, the President through Homeland Security Presidential Directive-6 (HSPD-6), September 16, 2003, directed the USG to consolidate its approach to terrorism screening and watchlisting, facilitate information sharing, and protect privacy and civil liberties while managing the process. Thereafter, Congress likewise mandated greater sharing of terrorist information among federal departments and agencies, while still protecting privacy and civil liberties.¹

5. As part of this effort, to facilitate information sharing, the USG integrated terrorist identity information from federal departments and agencies into a single database – the Terrorist Screening Database (TSDB) - for use by various government agencies in support of their screening and vetting activities. The TSC was established to manage the TSDB. The TSC was created by the Attorney General, Secretaries of Homeland Security and State, and the Director of Central Intelligence pursuant to Homeland Security Presidential Directive-6 (HSPD-6) of

¹ Intelligence Reform and Terrorism Prevention Act, Pub. L. No. 108-458 § 1016 (2004) (codified at 6 U.S.C. § 485).

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September 16, 2003. The TSC is a multi-agency center that consolidates the USG terrorist watchlists into a single database and provides for the appropriate and lawful use of terrorist information in screening and vetting processes. Prior to the creation of the TSC in 2003, nine USG agencies maintained twelve different terrorist watchlists. The TSC is administered by the Federal Bureau of Investigation (FBI) in coordination with the Department of Homeland Security (DHS), the Department of State (State), the Department of Justice (DOJ), and the Office of the Director of National Intelligence (ODNI).

6. Effective and timely information-sharing is crucial to preventing terrorist attacks. In recent years, through the information sharing system supported by the TSDB, the United States has been able to track potential terrorist plots by coordinating derogatory information from the intelligence community with encounter information from law enforcement or other screening partners.² As was noted by the 9-11 Commission, this was not possible before 9-11 when, for example, the CIA might have known an individual had ties to terrorism--but did not know the individual was in the United States, while local law enforcement knew the individual was in the United States--but did not know the individual had ties to terrorism. The common operating picture afforded by the information sharing system (as supported by the TSDB) is absolutely critical to preventing such terrorist plots from coming to fruition in the future.

7. The overall watchlisting processes and procedures are the subject of continual internal reviews by agency officials charged with ensuring overall fairness and effectiveness, a process that includes review by legal counsel and agency privacy and civil liberties officers. In addition to these internal agency reviews, the overall watchlisting processes and procedures are also evaluated by external authorities on a regular basis, to include the Offices of Inspectors General,

² See Paragraph 37 for the definition of "encounter" in the watchlisting context.

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the Government Accountability Office, Congress, and independent bodies, such as the Privacy and Civil Liberties Oversight Board. The U.S. Government (USG) is committed to protecting the United States from terrorist threats and attacks and seeks to do this in a manner that protects the freedoms, privacy, and civil rights and liberties of U.S. persons and other individuals with rights under U.S. law.

8. The TSDB, commonly referred to as the “Terrorist Watchlist”, contains both biographic and biometric identifying information (e.g., name, date of birth, photographs, iris scans, and/or fingerprints) of known or suspected terrorists.³

9. The TSDB does not contain classified national security information, although much of the information in the TSDB is derived from classified sources. As a result, some information in the TSDB is deemed unclassified only for watchlisting and screening purposes.

10. TSDB information is “For Official Use Only//Law Enforcement Sensitive,” which means the information is protected from disclosure and is accessible only to persons who have an official “need to know,” such as federal law enforcement officials for their screening and vetting activities. Moreover, it is my understanding that the Transportation Security Administration (TSA) has determined that an individual’s status on the subsets of the TSDB that TSA uses for passenger pre-board screening constitutes Sensitive Security Information (SSI). Generally, prohibited disclosure of internal government information--let alone information marked for official use only or protected by statute and privilege--constitutes a serious breach of official duties.⁴

³ Additionally, the TSDB includes identifying information of certain individuals who are not categorized as known or suspected terrorists. These limited exceptions are more fully described in FN 7.

⁴ For example, for an FBI employee, unauthorized disclosure of information obtained as an employee would be a violation of his or her employment agreement, which could result in loss of security clearance or subject the employee to disciplinary sanctions.

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11. The TSDB includes subset categories of known or suspected terrorists who may be subject to additional security screening before being permitted to board an aircraft or who are prohibited from boarding flights on US carriers as well as flights into, out of, over or within US airspace. These categories are used by the TSA to secure commercial air travel against the threat of terrorism.⁵ Individuals may be required to undergo additional security screening for reasons other than a match against a TSDB record. For example, passengers may be designated for additional security screening by virtue of random selection.

12. As a result of the dynamic intelligence environment, regular reviews of the data, and the redress process, the TSDB is almost constantly changing. The TSDB is continuously reviewed and updated. Identities are added, have their status changed, or are removed. In fact, information in the TSDB is commonly updated more than one thousand times per day and updated information is made available to screening partners at intervals consistent with each individual partner's ability to ingest that information, which is often in real or near-real time.

13. There are no quotas or numerical goals for the TSDB.

14. The vast majority of the identities in the TSDB are foreign nationals who are not located in the United States and have no known nexus to the United States. In fact, US persons (citizens and lawful permanent residents) make up less than .5 percent (i.e., one two-hundredth) of the identities in the TSDB.

15. The applicable procedures and standards for the TSDB are memorialized in an interagency document called the Watchlisting Guidance. It includes a comprehensive overview

⁵ The categories are commonly referred to as the Expanded Selectee, Selectee, and No Fly Lists. The Expanded Selectee List consists of individuals who meet the reasonable suspicion standard for TSDB inclusion and for whom the TSDB record contains a full name and a full date of birth. Inclusion on the Selectee List or No Fly list requires additional substantive derogatory criteria.

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of the TSDB watchlisting enterprise and is not publicly available.⁶

16. As further described below, inclusion in the TSDB is subject to multiple levels of review. These processes are intended to ensure that TSDB information is thorough, accurate, and current and to protect the privacy and civil liberties of all travelers. First, before any individual is added to the TSDB, the nominating agency assesses the available, relevant information, including any exculpatory information, to determine whether the applicable standard is met, and the TSC completes a de novo review of available, relevant information to make the same assessment before the individual is included in the TSDB. In addition, TSC conducts biannual reviews of all US citizens and lawful permanent residents in the TSDB to ensure continued placement is warranted based on available, relevant information. Further, individuals who experience travel-related screening difficulties such as delayed or denied boarding may seek redress through the DHS Traveler Redress Inquiry Program (DHS TRIP) and, if the individual is a match to the TSDB, the TSC Redress Unit and the nominator will consider the individual's inquiry and other available, relevant information to make a determination as to whether continued placement is warranted.

NOMINATIONS TO THE TSDB

17. The procedure for submitting information about individuals for inclusion in the TSDB is referred to as the nomination process. Inclusion on the watchlist results from an assessment based on analysis of available intelligence and investigative information that the individual meets the applicable criteria for inclusion on the watchlist. The standard for inclusion in the TSDB is generally one of **reasonable suspicion** which is defined later in this declaration.

18. Nominations to the TSDB are made by USG agencies based on credible information

⁶ The WLG is updated on a periodic basis. It was drafted and approved by all affected agencies and ultimately went into effect only after consideration by the Deputies Committee of the National Security Council (NSC).

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from law enforcement, immigration records, homeland security, and intelligence communities. Additionally, foreign partners may submit identities to be considered for nomination to the TSDB.

19. Nominating agencies provide identities which meet the standard for inclusion in the TSDB to the National Counterterrorism Center (NCTC), for identities with a nexus to international terrorism, and the FBI, for identities with a nexus to domestic terrorism.

20. Before an individual is added to the TSDB, the nomination undergoes a careful and precise multi-step review process at the nominating agency, at the NCTC or FBI (as appropriate), and then again at the TSC to ensure compliance with interagency standards for inclusion. If the nomination has an international nexus to terrorism it is reviewed by NCTC, otherwise it is reviewed by the FBI.

21. The NCTC maintains classified national security information concerning international terrorists within its Terrorist Identities Datamart Environment (TIDE). Pursuant to Section 1021 of the Intelligence Reform and Terrorism Prevention Act of 2004, the NCTC serves as the primary organization in the USG for analyzing and integrating all intelligence possessed or acquired by the USG pertaining to terrorism and counterterrorism, excepting intelligence pertaining exclusively to domestic terrorists and domestic counterterrorism.

22. To include a known or suspected terrorist nomination in the TSDB, the nomination must include sufficient identifying information to allow encountering agencies to be able to determine whether the individual they are encountering is a match to a record in the TSDB, and enough information to establish a reasonable suspicion that the individual is a known or suspected terrorist.⁷ Specifically, to meet the reasonable suspicion standard for inclusion in the

⁷ Limited exceptions to the reasonable suspicion standard exist for the sole purpose of supporting certain special screening functions of DHS and State (such as determining eligibility for immigration to the U.S.). Individuals

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TSDB as a known or suspected terrorist, the nominator must rely upon articulable intelligence or information which, based on the totality of the circumstances and, taken together with rational inferences from those facts, creates a reasonable suspicion that the individual is engaged, has been engaged, or intends to engage, in conduct constituting, in preparation for, in aid or in furtherance of, or related to, terrorism and/or terrorist activities.

23. The USG continuously evaluates its standards for inclusion in the TSDB and its subset lists.

24. Mere guesses or “hunches” or the reporting of suspicious activity alone are not sufficient to establish reasonable suspicion.

25. Nominations must not be based solely on the individual’s race, ethnicity, or religious affiliation, nor solely on beliefs and activities protected by the First Amendment, such as freedom of speech, free exercise of religion, freedom of the press, freedom of peaceful assembly, and the freedom to petition the government for redress of grievances.

NOMINATIONS TO THE NO FLY AND SELECTEE LISTS

26. Nominations to the No Fly or Selectee Lists (which are subsets of the TSDB) must satisfy additional distinct criteria, in addition to meeting the reasonable suspicion standard for inclusion in the TSDB as a known or suspected terrorist.⁸ The TSC is responsible for

included in the TSDB pursuant to such exceptions are not considered “known or suspected terrorists” and are not screened as such. As a result, any U.S. person who is in the TSDB pursuant to an exception to the reasonable suspicion standard would not be required to undergo heightened aviation security screening at airports on that basis (but could be selected for other unrelated reasons, such as random selection).

⁸ Any individual, regardless of citizenship, may be included on the No Fly List when the TSC determines the individual meets additional criteria. at least one of the following criteria, where the individual poses:

- (1) a threat of committing an act of international terrorism (as defined in 18 U.S.C. § 2331(1)) or domestic terrorism (as defined in 18 U.S.C. § 2331(5)) with respect to an aircraft (including a threat of piracy, or a threat to airline, passenger, or civil aviation security);
- (2) a threat of committing an act of domestic terrorism (as defined in 18 U.S.C. § 2331(5)) with respect to the homeland;
- (3) a threat of committing an act of international terrorism (as defined in 18 U.S.C. § 2331(1)) against any US Government facility abroad and associated or supporting personnel, including US embassies, consulates and

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determining if the underlying information meets the criteria for inclusion. The TSA Administrator has final authority over implementation of the No Fly and Selectee Lists and makes final determinations concerning inclusion on the No Fly List for U.S. persons seeking redress through DHS TRIP.

27. For security reasons, the criteria for inclusion on the Selectee List are not public. This is because disclosure of the Selectee criteria could give known or suspected terrorists information that may assist in developing strategies to circumvent security screening. Additionally, in some instances, disclosing the criteria for inclusion on the Selectee List might provide an individual who believes he is on the Selectee List enough additional information to deduce the nature or content of the underlying derogatory information the intelligence community has collected on him. This additional context would allow the individual to identify the nature of investigative interest in him and to alter his behavior, destroy evidence, take new precautions against surveillance, and change the level of any terrorism-related activity in which he or she is engaged.

28. The TSC reviews each nomination to determine whether it complies with standards for inclusion. At the conclusion of the TSC's review, TSC personnel either accept or reject the nomination for inclusion in the TSDB and, if appropriate, inclusion on either the Selectee or No Fly subsets.

29. Being subject to additional screening at an airport or inspection at the U.S. border (or its functional equivalent) does not necessarily mean a person is in the TSDB. To ensure the safety and security of the traveling public, TSA may require individuals to undergo additional

missions, military installations (as defined by 10 U.S.C. 2801(c)(4)), US ships, US aircraft, or other auxiliary craft owned or leased by the US Government; or,
(4) a threat of engaging in or conducting a violent act of terrorism and who is operationally capable of doing so.

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security screening before they are permitted to enter the sterile area of an airport or to board an aircraft for a variety of reasons, as further explained in the Declaration of Hao-y Tran Froemling.

INTERAGENCY INFORMATION-SHARING

30. Pursuant to HSPD-6, agencies and officials authorized or required to conduct terrorist screening or to use information for diplomatic, military, intelligence, law enforcement, immigration, transportation security, visa, and protective processes are given access to terrorism information to facilitate their respective public missions.

31. TSC exports subsets of TSDB data to partner agencies and foreign partners for use by those partners in a variety of lawful terrorist screening functions.

32. TSC exports subsets of TSDB information to the following federal government entities: DHS, Department of State (State), FBI (including the National Crime Information Center, NCIC), and the Department of Defense. For other agencies (specifically the Nuclear Regulatory Commission, the Overseas Private Investment Corporation, the U.S. Agency for International Development, the Special Investigator General for Afghanistan Reconstruction, and the National Institute for Occupational Safety and Health), TSC runs lists of names against the TSDB and reports the results to the agency requester. Agencies and officials authorized or required to conduct terrorist screening or to use information for diplomatic, military, intelligence, law enforcement, immigration, transportation security, visa, and protective processes are given access to terrorism information to facilitate their respective missions, and use it in accordance with their own legal authorities. TSC does not have authority to manage or oversee the screening functions of its partner agencies, but TSC is fully aware of the terms under which such information may be shared and the restrictions upon access, disclosure, and use of that

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information. Memoranda of understanding (MOUs) between TSC and its screening partners specify the terms by which TSDB information is shared and used. As a result, TSC can attest that its screening partners use TSDB information for lawful screening purposes, in accordance with their own legal authorities, and subject to the restrictions specified in relevant MOUs. Prohibited disclosure of internal government information, let alone information protected by statutory law and privilege (such as TSDB information), constitutes a serious breach of official duties.

33. TSC exports subsets of TSDB data to foreign partners (including all Visa Waiver Program countries) with which TSC has entered into foreign partner arrangements. As with domestic screening partners (described above), TSC reasonably expects foreign partners to use TSDB information for lawful screening purposes, in accordance with their own legal authorities, and subject to the restrictions specified in relevant arrangements.⁹

34. TSC exports a subset of TSDB data to NCIC, a database administered by the FBI for use by law enforcement. This export from TSC to the NCIC is referred to as the Known or Suspected Terrorist (KST) File. Detailed information about the NCIC can be found at <https://www.fbi.gov/services/cjis/ncic>, and it is further addressed in the Declaration of Michael A. Christman.

35. TSC is aware that DHS may share certain information with private entities in certain limited circumstances, when necessary to facilitate its mission and subject to limitations on use and disclosure of this information.

⁹ For examples of such restrictions upon foreign partner use and dissemination of TSDB information, please see the following information sharing agreements, which are publically available at the State website:

Albania (<https://www.state.gov/documents/organization/264334.pdf>);
Bulgaria (<https://www.state.gov/documents/organization/264667.pdf>);
Hungary (<https://www.state.gov/documents/organization/278373.pdf>);
Slovenia (<https://www.state.gov/documents/organization/197956.pdf>).

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36. TSC does not provide TSDB information or access to the TSDB directly to any private company, and TSC is not aware of any mechanism, policy or practice that would permit it to be shared with entities such as car dealerships, banks, financial institutions, or gun dealers.

ENCOUNTERS

37. In the context of watchlisting, an “encounter” is an event in which an individual is identified during a screening process or law enforcement stop to be a potential match to an individual who is in the TSDB (“a TSDB identity”). An encounter can be a face-to-face interaction (e.g. inspection at a U.S. port of entry, visa interview, or traffic stop by local law enforcement), electronic (e.g., Electronic System for Travel Authorization (ESTA) application or a visa application), or paper-based (e.g. review of visa petition).

38. When an encounter occurs, the agency and/or the encountering officer may contact the TSC to confirm whether the individual matches the TSDB identity.¹⁰ TSC’s identity resolution process is performed in real time and is usually completed in a few minutes.

39. If the individual is confirmed to match the TSDB identity, the encounter is considered a “positive encounter.” Only after the encounter is determined to be “positive,” will the encountering agency take appropriate action according to internal procedures and policies and consistent with the application of its regulatory and statutory standards. In other words, if internal procedures require the encountering officer to conduct additional screening of a TSDB identity, that additional screening is conducted only after the encounter is confirmed as a positive encounter.¹¹

¹⁰ It is my understanding that certain encountering agencies, such as the Transportation Security Administration (TSA), perform internal identity resolution before seeking final confirmation from the TSC.

¹¹ In cases where a traveler’s biographic information (name, date of birth, etc.) is the same or similar to the biographic information of a TSDB identity, the DHS TRIP process can provide assistance in distinguishing the traveler from the TSDB identity and thus expedite the identity resolution process.

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40. Thus, the identity confirmation process is meant to ensure accuracy in matching encountered individuals to TSDB identities and ensuring the encountering agency will take appropriate action for properly matched individuals (such as enhanced screening). In the case of an encounter that is determined not to be a positive match to a TSDB identity, the encountered individual should not experience any additional screening or inconvenience on the basis of possible TSDB inclusion, beyond the few minutes it may take to complete the identity resolution process (generally noticeable only in the case of face-to-face interaction with an encountering agent, as opposed to electronic or paper-based encounters).

QUALITY ASSURANCE REVIEWS

41. To maintain thorough, accurate and current terrorism information, the TSDB is subjected to rigorous and ongoing quality control measures to ensure nominations continue to satisfy the criteria for inclusion; and information offered in support of the nomination is reliable and up-to-date.

42. Quality control measures include reviews and evaluations by the 1) nominating agency, 2) NCTC or FBI, and 3) TSC to verify that each nomination meets the appropriate criteria for inclusion in the TSDB and any appropriate subset list prior to an identity being added to the TSDB. These reviews and evaluations also provide a means to identify any changes to the information over time that could affect inclusion.

43. For example, nominating agencies conduct annual reviews of all their nominations of US persons to the TSDB. Nominations of non-US persons receive reviews, as well. Each nominating agency must have internal procedures to prevent, identify, and correct any errors. These procedures include the review of retractions and/or corrections of information that may have been used to support a nomination.

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44. In addition to the nominating agencies' review prior to nomination, the TSC regularly reviews data in the TSDB to ensure that the underlying information supports the nomination and performs audits to confirm the data in the TSDB is thorough, accurate, and current. The TSC also conducts a biannual review for all US person records in the TSDB. Additionally, for all persons, there is a review at the time of each encounter when there is a potential match to a TSDB identity. Available, relevant information, including any exculpatory information, is carefully reviewed to evaluate whether the record still meets the standard for inclusion.

45. At any time, a USG agency (whether or not it is the nominator) that identifies new or updated information about a watchlist record, is expected to make a request to NCTC/TSC to modify or remove that record.

46. The multiple reviews described above conducted by the nominating agencies, NCTC, and TSC help ensure that terrorist identity information used to support law enforcement and screening functions is thorough, accurate, and current.

REMOVAL PROCESS

47. If it is determined during the quality assurance reviews that a change should be made to a record in the TSDB, the TSC, coordinating with the nominating agency and any other relevant agencies, takes steps to clarify the record. Additions, modifications, and removals are executed to ensure that the watchlisting process and procedures remain compliant with applicable law and to ensure that only those individuals for whom there is sufficient information to meet the applicable standards are included in the TSDB. Examples of situations where a record may be removed from the TSDB in the normal course of business include:

- (1) To promptly adjust or delete erroneous information,

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- (2) When new information becomes available to update the record including information that refutes or discredits the original information that supported the individual's watchlist status.

OVERSIGHT

48. Relevant USG departments' and agencies' Inspectors General and the U.S. Government Accountability Office regularly review terrorist watchlist, screening, and redress processes. Such reviews have resulted in additional quality assurance mechanisms at TSC, which have improved accuracy and efficiency.

49. The Privacy and Civil Liberties Oversight Board (an independent bipartisan agency within the Executive Branch) and Congress also provide oversight.

50. Congress conducts oversight through its committees including, but not limited to, the House and Senate Intelligence Committees, the House and Senate Homeland Security Committees, the House and Senate Appropriations Committees, and the House and Senate Judiciary Committees.

51. The TSC also has both an embedded legal unit and a dedicated privacy and civil liberties attorney to provide continuous advice and counsel.

REDRESS PROCESS

52. The DHS Traveler Redress Inquiry Program (DHS TRIP) is a resource for individuals to resolve travel-related screening difficulties, including for those who believe they have been unfairly or incorrectly delayed, denied boarding, or identified for additional screening or inspection at airports or US ports of entry. The DHS TRIP website <http://www.dhs.gov/dhs-trip>, provides a single point of contact for travelers.

53. As part of the redress process, DHS TRIP provides the traveler with an opportunity to

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submit any relevant information. The DHS TRIP process provides additional information that assists the USG in determining whether TSDB placement is warranted.

54. To resolve redress inquiries, DHS TRIP works with DHS component agencies and other USG agencies such as State, and the Department of Justice (including the FBI and TSC).

55. The TSC supports DHS TRIP by helping to resolve inquiries of travelers who are an exact or possible match to an identity in the TSDB. Approximately 98% of DHS TRIP inquiries have no connection with any identity in the TSDB.

56. In the few cases where a traveler is an exact or possible match to an identity in the TSDB, DHS TRIP works with the TSC's Redress Office, a separate component within the TSC that processes inquiries related to the use of TSDB data by screening agencies.

57. Upon receipt of an inquiry from the DHS TRIP program office, the TSC Redress Office independently reviews the available information about the traveler and documentation provided by the traveler to determine whether the traveler is a positive match to an identity in the TSDB.

58. If the traveler is a positive match to an identity in the TSDB, a TSC Redress Office analyst will review, whether the identity in the TSDB continues to satisfy the criteria for inclusion or should be removed or have its status otherwise modified. The TSC's Redress Office will also contact the nominating agency and NCTC or the FBI to assist in the resolution of the complaint. Part of that process includes the nominator participating to ensure that any new or exculpatory information is considered as part of the redress review.

59. After reviewing the available information, to include any information submitted by the traveler, the TSC's Redress Office determines whether the traveler's record should remain in the TSDB, be modified, or be removed, unless the legal authority to make such a determination

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resides, in whole or in part, with another government agency.¹² In such cases, the TSC Redress Office will implement the decision-making agency's determination.

60. When changes to a record's status are warranted, TSC's Redress Office ensures such corrections are made and verifies that such modifications or removals are carried over to the various screening systems that receive TSDB data. DHS TRIP sends a determination letter advising the traveler of the results of the adjudication of the redress inquiry.

61. Because of security concerns, the USG's general policy is neither to confirm nor deny a person's watchlist status. Accordingly, an individual who files an inquiry with DHS TRIP is not advised of their current or past watchlist status.

62. Additional process is available to a US person (defined as a US citizen or US lawful permanent resident) denied boarding because of their presence on the No Fly list. If certain requirements are met, they will be apprised of their status on the No Fly List through the DHS TRIP process, and will be provided an opportunity to request and receive additional information regarding their status and an opportunity to respond. This No Fly list redress process for U.S. persons culminates with the TSA Administrator reviewing the available information, including a recommendation from TSC, and either issuing a final order maintaining the person on the No Fly List or removing the person from the No Fly List, or remanding the case back to TSC with a request for additional information or clarification.

63. The U.S. Government is committed to ensuring that the redress process is fair and responsive, as part of its commitment to protect the American public from terrorist threats, while

¹² As described in Paragraph 62, the TSA Administrator or his/her designee, in coordination with other relevant agencies, makes final determinations concerning inclusion on the No Fly List for U.S. persons seeking redress through DHS TRIP.

at the same time, safeguarding privacy and civil liberties. The Declaration of Deborah Moore contains more information about the DHS TRIP redress process.

RISKS OF HARM TO NATIONAL SECURITY OF DISCLOSING TSDB STATUS AND UNDERLYING INFORMATION

64. Disclosure of TSDB status of specific individuals, or disclosure of the underlying information supporting placement on the TSDB, could reasonably be expected to risk circumvention of the law and cause harm to national security.

65. It is the policy of the US government not to disclose any individual's status in the TSDB or a subset, beyond the limited disclosures contemplated by the Government's DHS TRIP procedures. Disclosure of an individual's TSDB status outside of this narrowly-defined exception could reasonably be expected to risk circumvention of the law and cause harm to law enforcement and counterterrorism investigations. More specifically, disclosure of this information would facilitate terrorists and terrorist groups in their operations and planning by assisting them in determining which of their potential operatives are listed in the TSDB and which are not. Additionally, such knowledge could compromise ongoing counterterrorism investigations by giving members of terrorist groups the opportunity to gauge whether a particular individual is the subject of an FBI counterterrorism investigation, causing the person to alter his or her behavior, destroy evidence, take new precautions against surveillance, or change the level of any terrorism-related activity in which he or she is engaged. Terrorists would then be able to exploit the information to piece together how their activities might go undetected.¹³

¹³ The possible consequences of disclosing TSDB status were discussed in greater detail in the Declaration of Timothy P. Groh submitted in opposition to Plaintiffs' first motion to compel production of various documents and interrogatory responses.

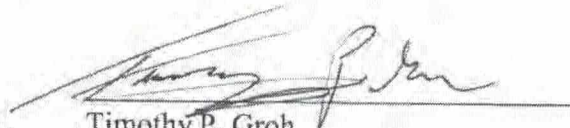
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66. Similarly, if, in addition to the disclosures contemplated by the Government's DHS TRIP procedures, the government were required to disclose that an individual is *not* in the TSDB, this would necessarily confirm the TSDB status of any individual not eligible for such a disclosure. It would also be of considerable value to terrorist groups to confirm which individuals are not the likely subject of ongoing investigations and who are more likely to evade detection and escape scrutiny.

67. Even where an individual has been subject to enhanced screening, the lack of confirmation of TSDB status is still valuable to the Government in its watchlisting and screening efforts. Because there are many reasons an individual might be required to undergo enhanced screening (or even repeated enhanced screening) unrelated to TSDB status, the ambiguity left open by the absence of official confirmation denies important operational information to terrorist adversaries.¹⁴

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 11th day of March 2019.



Timothy P. Groh
Deputy Director for Operations
Terrorist Screening Center

¹⁴ An individual who is not in the TSDB may be required to undergo additional screening or inspection for a wide variety of reasons unrelated to the terrorist watchlist. Thus, it cannot be argued that a known or suspected terrorist will necessarily be able to deduce his or her own status in the TSDB based upon his experiences at airports or at the border.