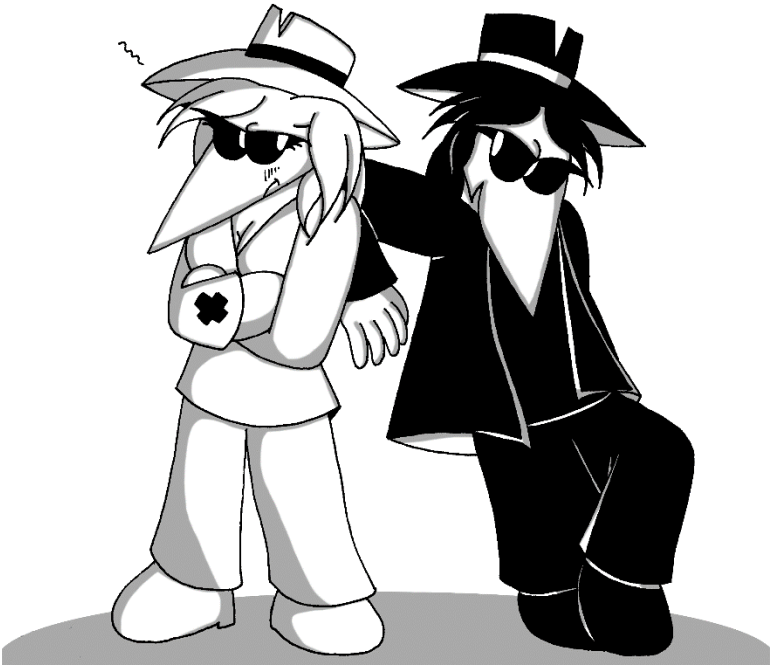
# Somebody's Watching You

## Government Spying in the Pacific Northwest



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# Government Spying in the Pacific Northwest

September 2023

## It's a Trap!
### *Undercover Cops, Informants, and Cooperating Witnesses*

Since 9/11, (actual or perceived) Arabs and Muslims have been viewed by law enforcement as a potential threat on no basis other than religion or ethnic background. Multiple law enforcement agencies – including local police, the Federal Bureau of Investigation (FBI), the Department of Homeland Security (DHS) and a partnership of these agencies called the Joint Terrorism Task Force (JTTF) – have diverted public resources to monitoring and entrapping* members of these communities as part of the United States' "War on Terror."

As part of these practices, law enforcement agencies pressure members of the targeted communities to engage in "community policing" to secretly assist in surveillance and entrapment of specific individuals and organizations. Since these tactics by law enforcement are becoming more common, it is important for you to know what types of individuals may be part of community policing. There are three main categories of people who secretly may be collecting information for law enforcement or trying to ensnare you in illegal behavior:

**Undercover Cops** are police officers who don't identify themselves as such. They may claim to be interested in joining your social/religious/activist group, having political discussions, or worshiping with you.

**Informants** are not sworn officers employed by the government but they may be paid or coerced or provided other incentives. They are often people with ties to a community or movement or a group who can be leveraged to provide assistance.

**Cooperating Witnesses** are people who agree to provide information to law enforcement and testify against others usually in exchange for leniency in their own cases.

**We will refer to them collectively as "undercover agents."** Here are some important things to know → → →

**UNDERCOVER AGENTS ARE COMMONLY FROM WITHIN YOUR RELIGIOUS, POLITICAL, CULTURAL, OR ETHNIC COMMUNITIES.**

**UNDERCOVERS DO NOT HAVE TO TELL YOU THAT THEY ARE WORKING FOR THE POLICE (even if you ask them).**

**UNDERCOVER AGENTS CAN PARTICIPATE IN, AND EVEN ENCOURAGE, ILLEGAL ACTIVITIES** in furtherance of a legitimate law enforcement purpose. For example, they can provide drugs or other contraband to their targets, and they can provide the means or materials to commit a crime.

## Somebody's Watching You

Why should we care about our digital footprints, about monitoring and surveillance of our daily activities? Do normal, honest, hard-working people really have anything to hide?

During his 2013 interview of Edward Snowden, in Hong Kong, Glenn Greenwald asked: "Why should people care about surveillance?" Edward Snowden's reply is even more pertinent today than it was in 2013: *"Because even if you're not doing anything wrong, you're being watched and recorded. And the storage capability of these systems increases every year consistently, by orders of magnitude, to where it's getting to the point you don't have to have done*

*anything wrong. You simply have to eventually fall under suspicion from somebody, even by a wrong call, and then they can use the system to go back in time and scrutinize every decision you've ever made, every friend you've ever discussed something with, and attack you on that basis, to sort of derive suspicion from an innocent life and paint anyone in the context of a wrongdoer."* (Democracy Now, 2013)

The American Civil Liberties Union (ACLU) stated *"Privacy today faces growing threats from a growing surveillance apparatus that is often justified in the name of national security. Numerous government agencies—including the National Security Agency, the Federal Bureau of Investigation, the Department of Homeland Security, and state and local law enforcement agencies—intrude upon the private communications of innocent citizens, amass vast databases of who we call and when, and catalog "suspicious activities" based on the vaguest standards. The government's collection of this sensitive information is itself an invasion of privacy. But its use of this data is also rife with abuse. Innocuous data is fed into bloated watchlists, with severe consequences—innocent individuals have found themselves unable to board planes, barred from certain types of jobs, shut out of their bank accounts, and repeatedly questioned by authorities. Once information is in the government's hands, it can be shared widely and retained for years, and the rules about access and use can be changed entirely in secret without the public ever knowing."* (ACLU, 2022)

Even the most truthful and innocent comment can be used to bring criminal charges against you, or to get you listed as a “threat” by some government agency. U.S. Supreme Court Justice Stephen Breyer, writing in Rubin v. United States 524 U.S. 1301 (1998) stated: *“The complexity of modern federal criminal law, codified in several thousand sections of the United States Code and the virtually infinite variety of factual circumstances that might trigger an investigation into a possible violation of the law, make it difficult for anyone to know, in advance, just when a particular set of statements might later appear (to a prosecutor) to be relevant to some such investigation.”*

It may be true that you have nothing to hide, but it is also true that most people have things about their lives that they consider private, things that they don’t share with the public at large and things that should not be monitored and recorded by government agencies “*based on the vaguest standards”.*

Even if government agencies are not monitoring and surveilling you for official purposes, police and government agents are misusing confidential government databases to stalk and harass innocent victims, and retaliate against whistleblowers and others who speak out against government misconduct.

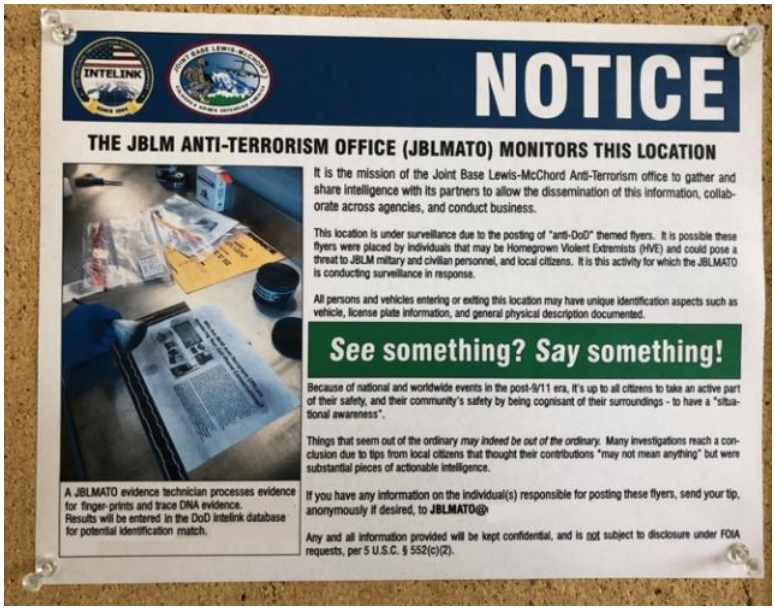
*“Police officers across the country misuse confidential law enforcement databases to get information on romantic partners, business*

*associates, neighbors, journalists and others for reasons that have nothing to do with daily police work, an Associated Press investigation has found. Criminal-history and driver databases give officers critical information about people they encounter on the job. But the AP's review shows how those systems also can be exploited by officers who, motivated by romantic quarrels, personal conflicts or voyeuristic curiosity, sidestep policies and sometimes the law by snooping. In the most egregious cases, officers have used information to stalk or harass, or have tampered with or sold records they obtained."* (Gurman, 2016)

The Center for Constitutional Rights stated *"unconstitutional government spying and infiltration have regularly been used to disrupt and entrap social movements, activists, and members of vulnerable communities. In the post-9/11 era, surveillance has undermined and fundamentally reoriented our democratic institutions: mass collection of data on ordinary citizens is no longer the exception, but the rule."* (Center for Constitutional Rights, 2022)

In 2019, the Joint Base Lewis-McChord [WA] Anti-Terrorism Office (JBLMATO) posted notices in the civilian communities around the military base and conducted surveillance of off-base businesses after community members protested the use of Stingray electronic surveillance devices to monitor their cellular telephone communications. After members of the civilian community posted warnings about the use of

Stingray, the JBLMATO responded with its own notice, warning that the businesses that objected to the surveillance of the civilian community by the military were being placed under surveillance, and calling the individuals who posted warnings of the illegal military surveillance, “Homegrown Violent Extremists” because they had dared question the government and had posted “anti-DOD themed flyers”.




Joint Base Lewis-McChord (JBLM) later claimed that the JBLMATO Notices posted in the civilian community were not an “official” activity of the military base. It should be noted however that the JBLMATO has a long history of surveillance and monitoring of the civilian community when community

members engaged in political protests and advocacy in opposition to government policy.

## Why Are JBLM Anti-Terrorism Officers Monitoring Your Cell-Phone Conversations?


- In November 2018, the Tacoma News Tribune reported that, *"Tacoma has appealed a court decision that resulted in a nearly $300,000 payout after a judge ruled the city violated state law by withholding records related to a police surveillance device called a cell site simulator. In paperwork filed last week, Tacoma asked the Washington State Court of Appeals to review the ruling by Pierce County Superior Court Judge Helen G. Whitener. The judge found the city violated the state Public Records Act by deliberately withholding 11 records from the American Civil Liberties Union and three Tacoma plaintiffs. The documents concerned the use of the surveillance device — known as a Stingray — which mimics a cell phone tower and compels all nearby devices — not just the target's phone — to connect to it. That concerned the ACLU and other civil liberties or privacy-focused groups. For violating the records law Whitener said June 25, Tacoma should pay $182,340, plus $115,530 for attorney fees and other costs."*
- In a January 2019 motion for a protection order to prohibit the release of information to the public and the press, Joint Base Lewis-McChord (JBLM) expressed a concern about public disclosure of information alleging that **Anti-Terrorism Officers in the JBLM Directorate of Emergency Services (DES) "were using Stingray, electronic warfare equipment, to unlawfully spy on citizens."** (Why would JBLM seek to conceal this if it wasn't true?)


**Federal law enforcement agencies have a dark history of targeting political and progressive movements. Some of the dirty tricks they use against these movements include: infiltration of organizations to discredit and disrupt their operations; campaigns of misinformation and false stories in the media; forgery of correspondence; fabrication of evidence; and the use of grand jury subpoenas to intimidate activists.**

**Today American citizens must know and understand the threat posed by federal law enforcement agents and their tactics as well as several key security practices that offer the best protection against their illegal tactics.**

**See: (Panagacos v. Towery, 782 F.Supp. 2d 1183 (2011)**

And just what "anti-DOD themed flyers" where being posted in the community, that caused the JBLMATO to declare that those posting those fliers were "Homegrown Violent Extremists"? Apparently, the fliers did nothing more than ask 'Why Are JBLM

Anti-Terrorism Officers Monitoring Your Cell-Phone Conversations?" and warned the community about their illegal surveillance tactics.

In her book, Spying on Democracy, Heidi Boghosian, the former director of the National Lawyers' Guild, wrote about the JBLMATO saying: *"In the words of the government agencies involved, they aimed to neutralize PMR [Port Militarization Resistance, a political group that opposed the war in Iraq] through* ***a pattern of false arrests and detentions, attacks on homes and friendships, and attempting to impede members from peacefully assembling and demonstrating anywhere, at any time. Harassment was systematic and pervasive…*** *The case revealed that today's military has continued to engage in COINTELPRO-type operations and shows the extent to which the lines between the military and civilian law enforcement have blurred. Forces now used against ordinary people engaged in free speech and protest include, increasingly, weapons and tactics used by the U.S. military for combat missions. The drift from passive intelligence gathering to offensive counterintelligence is one manifestation of the difference between civilian law enforcement principles and the military's exclusive focus on defeating perceived enemies through combat, propaganda, and covert operations... The role of civilian law enforcement, in theory, is to protect the public and the Constitution whereas the role of the military is to identify the enemy and neutralize them... When the*

*military starts identifying peaceful dissenters here as the enemy, God help us all."*

According to an article in the Northwest Guardian, the official newspaper of Joint Base Lewis-McChord, Army antiterrorism officers on the military base asked both the military and civilian communities to report questionable social media posts to them.

JBLM NORTHWEST guardian

AUTHORIZED WEBSITE OF JOINT BASE LEWIS-MCCHORD

News | Sports | Weekend | Community Ledger | Viewpoint | Education | Transitions | Health Beat | Sustai

Search the Northwest Guardian for: Search

Print E-Mail

**There's no such thing as too vigilant, official says**

Laura M. Levering/Northwest Guardian

Dan Vessels, antiterrorism officer, said nothing is too trivial to report. People observing the installation, taking photographs, soliciting questions, questionable postings on Twitter or Facebook or anything that seems out of place should be reported to officials.

"If you see something that doesn't seem right, report it and let the right people determine if it's right or wrong," Vessels said.

The community can report suspicious activity to the JBLM Protection Division Facebook page or Twitter account. Both are monitored 24/7. They can also call the office at 966-7319/7317

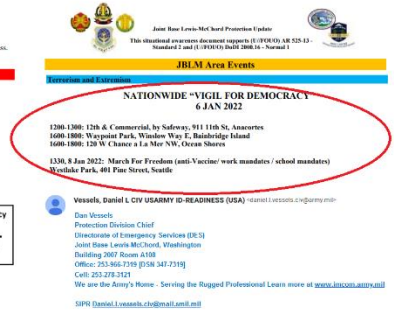
**"Nothing is too trivial to report... questionable postings on Twitter or Facebook or anything that seems out of place should be reported to officials."**

And, according to the article, the antiterrorism office states that "nothing is too trivial to report". This type of monitoring has a chilling effect on the 1st Amendment rights of American citizens when even the most trivial comment on social media is being collected and databased government agents. (Levering, 2011)

It appears that the JBLMATO even set up their own Facebook and Twitter accounts to encourage reporting of activities in the civilian community and to

move the reporting method outside of official military channels where it might be identified as being unauthorized, or become the subject of a request under the Freedom of Information Act (FOIA).

It is clear that collecting information about individuals because of their social media posts, violates Federal law and regulations. In accordance with DoD Directive 5240.01 and E.O. 12333, it is DoD policy that: [DoD Personnel] *"May not investigate U.S. persons or collect or maintain information about them solely for the purpose of monitoring activities protected by the First Amendment or the lawful exercise of other rights secured by the Constitution or laws of the United States"* but that doesn't mean that some corrupt government agent isn't collecting information about even your most trivial social media posts and comments.


In January 2022, the San Francisco Bay Area Independent Media Center (Indybay), reported that the 'JBLM DES Protection Division [is] Still Illegally Spying on You', revealing that the JBLM DES

Protection Division was collecting and disseminating information about a "Vigil for Democracy" and a "March for Freedom"? Both of these events were peaceful political rallies that had no connection to JBLM or the military in general. This type of government monitoring has a chilling effect on 1st Amendment protected speech and political activities. (JBLM Cop Watch, 2022)

According to the ACLU of Washington - For years, with seemingly little to no oversight, the Naval Criminal Investigative Service (NCIS) has been monitoring vast amounts of non-military U.S. Internet traffic and communications, looking for evidence of criminal activity. A NCIS officer, monitoring computers in the state of Washington, believed he was entitled to conduct Internet surveillance of any computer within a specific jurisdiction and did not have to limit his monitoring to U.S. military or government computers or personnel. The problem? The individuals being monitored by NCIS, like most residents of Washington, are civilians and had no connection to the military. The Posse Comitatus Act (PCA), a federal statute enacted in 1876, prohibits the military from investigating civilians and otherwise participating in civilian law enforcement activities.

The ACLU goes on to state *"The PCA's legal protections are crucial to preserving the important constitutional limitations on military involvement in civilian activities. While the military should know these limits, as we've uncovered through Freedom of*

*Information Act requests, it has repeatedly conducted improper civilian surveillance. That includes U.S. Army-issued National Security Letters, a honey pot established by the Air Force that violated the Foreign Intelligence Surveillance Act and an order of the Foreign Intelligence Surveillance Court, and Army Cyber Counterintelligence officers covertly attending the Black Hat computer security conference without proper authorization.*

*While the PCA is a criminal statute, it appears the government has never charged anyone with violating it since it passed 136 years ago. Given the history of improper military excursions into civilian affairs, the expansive Internet surveillance that occurred here, and the fact technological advancements make it easier for the military to conduct widespread Internet surveillance, the only way to deter military officials from intruding into civilian affairs is to exclude evidence it improperly obtains."* (Fakhoury, 2015)

In August 2021 the FBI arrested a Washington State man after the man's mother posted a photo on Facebook of the man participating in the January 6th Capitol Riot in Washington DC. “According to a criminal complaint, two of [the man’s] relatives saw on Facebook what appeared to be a photo of him inside of the Capitol Building on Jan. 6, 2021. The two family members reported the image and were interviewed by police.” Police then reviewed the mother’s Facebook

and arrested the man in question. (Q13 Fox News, 2021)

In a 2018 probable cause statement, written as part of a District Court Violation Notice (DCVN) – (a DCVN may be issued by a federal law enforcement officer for violations of certain federal laws and, if occurring on federal property, certain state laws. Violations include improper parking, illegal camping, speeding, civil disturbances, fish and wildlife infractions, and other offenses) JBLM DES Military Police Investigators (MPI) stated that they had "conducted a link analysis from open-source collection of **everything published, by the subject of the MPI investigation, accessible on the Internet**." This type of broad collection of information about a person - even through open source - is specifically prohibited by DOD regulations, but this prohibition was, it seems, simply ignored by the JBLM MPI. – It is, however, just this type of broad, sweeping collection that Edward Snowden warned about in 2013, when he said *"it's getting to the point you don't have to have done anything wrong. You simply have to eventually fall under suspicion from somebody, even by a wrong call, and then they can use the system to go back in time and scrutinize every decision you've ever made, every friend you've ever discussed something with, and attack you on that basis, to sort of derive suspicion from an innocent life and paint anyone in the context of a wrongdoer".*

Everything that we do, on-line, via cellular networks, in e-mail, on social media, or anywhere in cyberspace has the potential to be monitored, recorded, and used to harm us in some way. This monitoring and surveillance is massive government over-reach and abuse of authority, showing a complete disregard to the privacy rights and civil liberties of those people caught in their intrusive dragnets. Therefore, we must take steps to protect ourselves in cyberspace, just as we do in the physical world.

A search of your electronic life is not your only concern. Government agents can infiltrate private, political, and activist organizations. We saw an example of this illegal infiltration of these organizations in the case of Panagacos v. Towery, 782 F.Supp.2d 1183, 1191 (W.D. Wash. 2011) where personnel from the Joint Base Lewis-McChord DES Protection Division's Anti-Terrorism Office (JBLMATO), in Washington state, infiltrated political organizations opposed to the war in Iraq.

According to an article in the Olympian Newspaper, Ex-worker at JBLM Collected Activist Data *"A former Joint Base Lewis-Mc-Chord employee who spied on war protests in Olympia helped compile detailed information on protesters, including their names, photos, addresses and, in some cases, Social Security numbers, according to 133 pages of law enforcement records released by the City of Tacoma." The documents detail years of surveillance of protest*

*groups by Joint Base Lewis-McChord and the South Sound Regional Intelligence Group. The detailed information collected about the protesters continues to be stored by area law enforcement agencies to this very day."* (Pawloski, 2011)

It should be noted that DOD regulations prohibit this type of collection, stating *"No DoD personnel will be assigned to attend public or private meetings, demonstrations, or other similar activities for the purpose of acquiring information… without specific prior approval by the Secretary of Defense, or his designee."* (DoDD 5200.27)

An article in Defending Rights and Dissent, reported that "New Records Reveal Army Infiltrator Orchestrated Multi-Agency Spy Ring Targeting Leftists, Anarchists Army illegally supplied intelligence on nonviolent antiwar protesters to FBI and police in multiple states." An informant was paid by the Army to infiltrate political groups and share unlawfully obtained intelligence with a growing network of law enforcement agencies, including the FBI, and police departments in Los Angeles, Portland, Eugene, Everett, and Spokane. The informant (Towery) who worked at Joint Base Lewis-McChord, not only coordinated his actions with local, state and federal law enforcement agencies, many of whom are named defendants in the Panagacos v. Towery case, he also admitted to eavesdropping on a confidential, privileged attorney-client email listserv of criminal defendants and their legal counsel. Such conduct is a

constitutional violation, but Towery also took sensitive information from the listserv vital to a pending criminal trial and passed it on to Washington State Fusion Center officials who then transmitted it to prosecutors, forcing a mistrial in a case the defense was winning handily. The case was later dismissed for prosecutorial misconduct. (Defending Rights and Dissent, 2014)

Pierce County Sheriff's Det. Chris Adamson, director of the Washington State Fusion Center's "Intelligence Group 5″ and one of Towery's [handlers] said in a March 26, 2014 deposition that he used intelligence from Towery to place activists on a widely disseminated domestic terrorism list used by law enforcement. Adamson had no trouble equating sit-ins and civil disobedience blockades with domestic terrorism "if they were trying to obstruct governmental process" or if "they're tying up law enforcement resources."

Both Towery and his supervisor at Joint Base Lewis-McChord - DES Protection Division Chief Thomas R. Rudd - admitted to anonymously spying on email listservs run by various political groups. Towery, Rudd and other Army personnel also violated Posse Comitatus, which prohibits the military from enforcing domestic laws on U.S. soil. [Note: Thomas Rudd retired from JBLM in 2019, and was replaced as Chief of the JBLM DES Protection Division by Daniel L. Vessels.]

Towery's information was circulated to police departments in multiple states, and used to disrupt planned protests by **preemptively and falsely arresting activists**.

"On multiple occasions, PMR activists were pulled over on their way to protests and arrested on bogus charges that were later dismissed. Activists engaged in symbolic civil disobedience were violently attacked by police and arrested en masse. Information obtained surreptitiously by the Army was used to disrupt a criminal prosecution then under way in state court. The Army even distributed dossiers on some of the plaintiffs to law enforcement, characterizing the activists as terrorist threats." (Hermes, 2017)

After an Army investigation in 2009, Thomas Rudd said he was reprimanded for his conduct but, despite this, Rudd admitted in an April 2014 deposition that he continued to anonymously spy on email listservs and social media postings of political activists throughout Washington, Oregon, and California.

The JBLM DES Protection Division / JBLMATO engaged in a multi-year pattern of illegal spying on political activists, monitored electronic communications, created databases containing the personal identifying information of American citizens, and labeled them domestic terrorists for peacefully protesting government policy. Even after being ordered to stop their illegal activity, according to court

depositions, government employees in the Protection Division continued to anonymously spy on American citizens and monitor their communications. This illegal collection of information about, and surveillance of, American citizens by government civilian employees in the JBLM DES Protection Division / JBLMATO continues even to this very day.

Government bullying and retaliation by JBLM against anyone reporting illegal activities of the Protection Division / JBLMATO is of great concern. Of perhaps even greater concern is the use of false information, manufactured evidence, and perjured testimony in reports by JBLM law enforcement. Because of the JBLMATO's official misconduct and false reporting; JBLM Military Police Investigations (MPI) law enforcement reports have been tainted with false information, and individuals who have committed no crime have been charged with offenses that they did not commit. The corruption of the JBLM DES has spread like a plague, infecting other JBLM agencies as well as off-post agencies that have received JBLM DES false and malicious reporting and entered information from JBLM into their own records and systems of records.

If you question JBLM's illegal activities, or request information about the military base through the Freedom of Information Act (FOIA) you are very likely to become a target of on-going surveillance and monitoring by the JBLM DES Protection Division.

**SWORN STATEMENT**

For use of this form, see AR 190-45; the proponent agency is PMG.

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Title 10, USC Section 301; Title 5, USC Section 2951; E.O. 9397 Social Security Number (SSN).

**PRINCIPAL PURPOSE:** To document potential criminal activity involving the U.S. Army, and to allow Army officials to maintain discipline, law and order through investigation of complaints and incidents.

**ROUTINE USES:** Information provided may be further disclosed to federal, state, local, and foreign government law enforcement agencies, prosecutors, courts, child protective services, victims, witnesses, the Department of Veterans Affairs, and the Office of Personnel Management. Information provided may be used for determinations regarding judicial or non-judicial punishment, other administrative disciplinary actions, security clearances, recruitment, retention, placement, and other personnel actions.

**DISCLOSURE:** Disclosure of your SSN and other information is voluntary.

| 1. LOCATION | 2. DATE *(YYYYMMDD)* | 3. TIME | 4. FILE NUMBER |
|---|---|---|---|
| Joint Base Lewis McChord, WA | 20171031 | 1300 | |

| 5. LAST NAME, FIRST NAME, MIDDLE NAME | 6. SSN | 7. GRADE/STATUS |
|---|---|---|
| Vessels, Dan | | GS-12 |

8. ORGANIZATION OR ADDRESS
Directorate of Emergency Services (DES), JBLM Garrison

9. I, Dan Vessels, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q8. There have been various ICE comments submitted by someone who claims to be an MP. Did you have any of the below conversations with an MP? If so, what was your recollection of the conversation?

e. Keeping track of a guy named Drew Hendricks
Answer: Yes, Drew Hendricks is our #1 anarchist protestor. He organizes protests and does FOIA requests on us. I have had the discussion with people in the line of duty about Drew Hendricks and how we keep an eye on him.

**AFFIDAVIT**

I, Dan Vessels, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3 . I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

VESSELS.DANIEL.LEE.1104859794

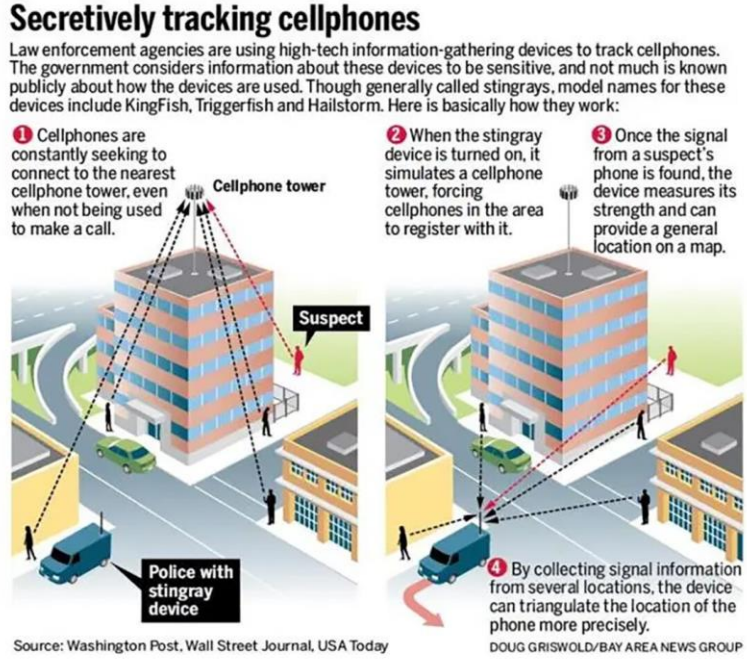
*(Signature of Person Making Statement)*

*(October 2017 excerpt from a Sworn Statement wherein Mr. Vessels admits to monitoring a local political activist – Drew Hendricks - because he submits FOIA requests. – Obtained via Public Records Request.)*

The above excerpt from a sworn statement by JBLM DES Protection Division Chief Daniel L. Vessels confirms that JBLM is monitoring a local activist, Drew Hendricks because Mr. Hendricks organizes protests and submits FOIA requests for information from JBLM.

Still another example of government agencies abusing their authority was seen in a 2019 motion to the United States District Court for the Western District of Washington, where the Joint Base Lewis-McChord (JBLM) Staff Judge Advocate sought to prevent the defendant in a misdemeanor case from having direct access to the evidence against him,

because the government feared that information would be released to the media. Just what information was the government concerned about being released to the media? In the government's own words in the motion: *"It is alleged that [Defendant] has a long-standing professional and personal feud against D.V. and T.R. Several of their arguments stem from [Defendant's] claim that D.V. and T.R. are unlawfully releasing personal identifiable information and collecting intelligence on U.S. citizens. Further, [Defendant]... alleges that JBLM DES is using Stingray, electronic warfare equipment, to unlawfully spy on citizens."*



Yes, the government submitted a motion to the court to prevent a defendant in a misdemeanor case from having copies of the evidence against him, in order to conceal the fact that the JBLM military base was conducting illegal surveillance of the civilian community and using Stingray, electronic warfare equipment, to unlawfully spy on citizens." (Although JBLM was successful in obtaining a court order to seal records showing illegal surveillance of the civilian community, the motion for the protective order acknowledging JBLM's use of 'Stingray electronic warfare devices' is available on Public Access to Court Electronic Records (PACER)).

The use of "*Stingray, electronic warfare equipment, to unlawfully spy on citizens"* was not limited to the JBLM military base, but was also being used by the police department in Tacoma, WA (the city adjacent to JBLM). According to the Tacoma News Tribune newspaper, Tacoma police were "using surveillance devices to sweep up cellphone data" for years. (Martin, 2016)

Like the JBLM military base, the Tacoma Police Department sought to conceal their use of Stingray devices. According to the ACLU of Washington, in 2021, the City of Tacoma was ordered to pay a total of $311,607 to resolve a case in which the Tacoma Police Department improperly withheld information related to its use of a cell site simulator, an invasive surveillance device.

KOMO 4 News reported that you may be connecting with a device that can trick your phone into thinking it's a cell tower, so it can spy on you. A cell site simulator or Stingray can intercept your phone signal, and essentially trick it into connecting to it and 'potentially suck up all your data' like conversations and text messages. (Esteban, 2018)

Government agencies frequently engage in surveillance of individuals and groups that they deem to be a "threat". That “threat” need not be real, nor it seems, does the government needs probable cause to believe that you have broken the law before targeting you with their surveillance apparatus. And it is not just mass surveillance as we saw in Edward Snowden’s disclosures in 2013. Local police departments or out-of-control personnel from your local military base may be collecting and disseminating information about you, even without any evidence to suggest that you have broken any law.

Brendan Maslauskas Dunn, one of the PMR political activists, wrote: *“Many of us were routinely harassed. My house in Olympia, where I lived with several other activists, was under almost constant surveillance by police. They regularly parked their cars across the street, facing our house, and often came onto our property to harass us. I also discovered that the police at the college I attended kept a picture of me on their wall alongside that of another PMR activist for reasons I am still unaware of.*

*In Tacoma, a surveillance camera was secretly installed on a utility pole across the street from Pitch Pipe. In September 2007, and again in the same month in 2009, I was detained and interrogated by Canadian border officials on trips to British Columbia. The first time, they threatened to put me in a Canadian jail without charge, temporarily confiscated my passport and deported me. The second time, I was informed I had an FBI number. A criminal trial called the Olympia 22 that stemmed out of the 2006 port protests was also sabotaged by law enforcement... when they hacked into our attorney-client listserv."* (Dunn, 2014)

Writing for *The Seattle Globalist* in July 2014, Lael Henterly showed an example of the Domestic Terrorism Index developed by the JBLM Protection Division and how it was used to label political activists as domestic terrorists. The information entered into this Domestic Terrorism Index was fed to the WA State Fusion Center and to the Regional Intelligence Groups working with police departments throughout the state. (Henterly, 2014)

**DOMESTIC TERRORISM CONFERENCE**
**INDEX ENTRY FORM**

1. ***DELETE*** INDIVIDUAL/ORGANIZATION LISTED BELOW WHICH APPEARS ON PAGE_____
2. ***UPDATE*** INDIVIDUAL/ORGANIZATION LISTED BELOW WHICH APPEARS ON PAGE_____
3. ***NEW*** ENTRY LISTED BELOW___X___

**NAME: _Brendan M. Dunn____ DOB: [redacted]**
**MONIKER/ALIASES: Maslauskas**
**ADDRESS: [redacted] CITY: Olympia STATE/PROVINCE: WA**
**PHONE#: RACE[redacted] HEIGHT[redacted] WEIGHT[redacted]**
**SEX [redacted] EYE[redacted] HAIR[redacted]**

Information about you may also be entered into a system called eGuardian. The information entered into eGuardian is migrated to the FBI's internal Guardian system, where it is assigned to the appropriate Joint Terrorism Task Force (JTTF) for further investigative action.

A significant problem with the eGuardian system is that the information entered into the system often lacks probable cause, or even a reasonable suspicion of criminal activity. Agencies with access to eGuardian can enter false or misleading information into the system, creating government records on American citizens who have done nothing wrong.

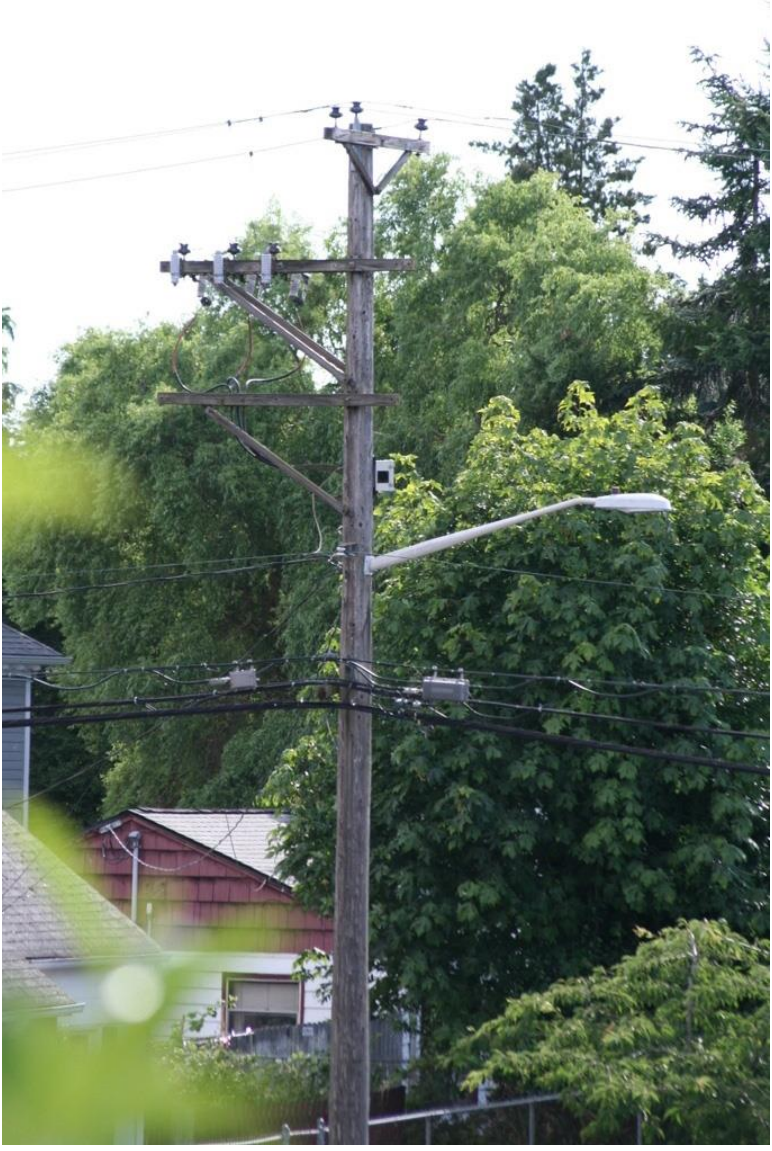
This was just what happened in 2020 when anti-terrorism officers at the Joint Base Lewis-McChord (JBLM) DES Protection Division entered false information into the eGuardian system in order to harass and intimidate individuals who had publicly objected to JBLM's monitoring and surveillance of civilian communities in violation of DOD regulations and Federal law.

Individuals whose names were entered into eGuardian were then be contacted by JTTF agents in an effort to intimidate them into silence and conceal the illegal surveillance and monitoring of civilian communities, throughout Washington, Oregon, and California, by the JBLM Anti-Terrorism Office (JBLMATO), DES Protection Division.

The Brennan Center for Justice and New York University School of Law has said that the *"FBI Joint Terrorism Task Forces (JTTFs) inflict harm on local communities through racial profiling, harassment, suspicionless surveillance and investigations, and exploitation of immigration enforcement, all of which are authorized under federal guidelines loosened after 9/11. The FBI relies on the labor of state and local law enforcement officers assigned to the JTTFs, who agree to follow federal guidelines even if they conflict with state and local law, policies, and regulations. Civil rights advocates and community groups in Portland, San Francisco, and Oakland organized successful campaigns and lobbying operations to demand that their city legislatures hold local police accountable to local laws and ultimately withdraw from the JTTFs when the FBI refused to allow such public accountability. Advocates from each of these cities will discuss their efforts to organize public resistance to JTTF activities, enlist their elected representatives, craft legislation, and ultimately end local police participation in JTTFs, providing a model for other localities."* (Brennan Center, 2021)

While civil rights advocates in a few cities have been successful in getting local police departments to withdraw from the JTTF, there are many other departments that are still illegally gathering information about you and entering it into the eGuardian (and similar) databases.

The following photos show a surveillance camera mounted on a utility pole outside of a home (Pitch Pipe) in Tacoma, WA.



(Concerned Independent Journalists, 2008)

While casual observations of a person's forays in and out of their home do not usually fall within the Fourth Amendment's protections, the US Supreme Court has held that this type of video surveillance of a person's home does violate the Fourth Amendment. The Court found that *“A person does not surrender all Fourth Amendment protection by venturing into the public sphere. To the contrary, 'what [one] seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected.'" [...] What's more, the Supreme Court recognized that long-term tracking of a person's movements "provides an intimate window into a person's life, revealing not only his particular movements, but through them his 'familial, political, professional, religious, and sexual associations.”* (Cushing, 2019)


In the summer of 2020, there were large protests in both Portland and Seattle in response to the death of George Floyd at the hands of police. JBLM was present in both cities, using Stingray (JBLM records call these devices "Hailstorm") to

gather cell-phone data from everyone in the protest areas. The military enters the data they collect into INTELINK, JARVISS, and eGuardian databases and shares that information with their partners in the Washington State Fusion Center, the Oregon Titan Fusion Center, and various local police agencies. (Everbridge, 2023)

KGW8 News found Portland police spent more than 65 hours flying surveillance over protesters. The Center Square Oregon reported that the ACLU is suing Portland cops for 'unlawful' surveillance of protests. And The Intercept reported that an Air Force surveillance plane designed to carry state-of-the-art sensors typically reserved for war zones has been circling above Portland. (Iboshi, 2020) (Gruver, 2020) (Biddle, 2020)

Government surveillance is not just about gathering evidence of criminal activity. Surveillance is also a form of harassment and intimidation used against individuals in a malicious attempt to reduce the quality of their life so they will: be intimidated into silence, have a nervous break-down, become institutionalized, experience constant mental, emotional, or physical pain, become homeless, or even commit suicide.

In June 2023, it was reported that JBLM was denying veterans in crisis access to the military installation and refusing them counseling and access to suicide prevention resources, based on lists developed by the JBLM DES Protection Division

identifying veterans in crisis as posing a threat to good order and discipline on the military installation. But this is nothing new at JBLM. **Madigan Army Medical Center employees, who have direct contact with hundreds of JBLM soldiers who have mental health diagnoses, stated that there is a pattern of soldiers with proven medical dysfunctions being kicked to the curb and dehumanized.** (Mirfendereski, 2019)

In August 2023, the San Francisco Bay Area Independent Media Center (Indybay) reported that “Joint Base Lewis-McChord, WA is "monitoring" addiction recovery meetings (AA / NA) (both on base and in the surrounding civilian communities) and keeping a database of individuals seeking recovery support, calling these people a "threat to good order and discipline". **No person can feel safe seeking addiction recovery support knowing that the JBLM ATO is infiltrating these recovery support meetings, recording vehicle license plates in the parking lots outside of places where these meetings are held, monitoring our cell-phone conversations, and keeping a database of Service Members, Family Members, Veterans, and Civilians in recovery** - claiming that these people pose a threat to good order and discipline on JBLM.” (W., 2023)

## Trust of Government

According to the Pew Research Center only about 2 in 10 (21%) of Americans believe that they can trust the government to do what is right “just about always” (2%) or “most of the time” (19%). (Pew Research Center, 2022)

When it comes specifically to trusting the police, Pew Research found that most Americans have at least some confidence in the police, but only 26% of Americans reported having “a great deal of confidence” in the police. The majority of those who reported having trust and confidence in the police were white, middle-aged, Americans who likely have little if any contact with the police on a regular basis. Minority populations reported far less confidence in the police, with up to two-thirds of Black men reporting that they had been unfairly stopped by the police, at least once. (Pew Research Center, 2022) What should be noted here is that three-quarters (74%) of Americans do NOT have a great deal of confidence in the police.

It should go without saying that speaking out against police violence or government overreach shouldn’t land you in a surveillance database. But it can, and it does. According to the ACLU, they have received thousands of pages of public records revealing that law enforcement agencies are secretly acquiring social media spying software that can sweep activists [and other American citizens] into a web of digital surveillance. (Ozer, 2016)

It is clear that you cannot trust the police to tell the truth or to write accurate and unbiased reports. Furthermore, government agencies can use their police powers to target and harass anyone. As a police commander at Joint Base Lewis-McChord (JBLM) once said ***"You don't have to actually have done anything wrong, we just have to make it look like you did."*** Even if the police don't win their case in court, they can and do use bogus citations as a means of harassment and retaliation.

Because we do not (cannot) trust the government and its armed enforcers – the police – it is important to develop a security culture as part of our normal lifestyle.

## What Is Security Culture?

Security culture is a set of practices used to avoid, or mitigate the effects of, police surveillance and harassment and state control.

One of the best definitions of security culture was provided by Crimethinc in 2004, and begins: *"A security culture is a set of customs shared by a community whose members may be targeted by the government, designed to minimize risk. Having a security culture in place saves everyone the trouble of having to work out safety measures over and over from scratch, and can help offset paranoia and panic in stressful situations—hell, it might keep you out of prison, too. The difference between protocol and*

*culture is that culture becomes unconscious, instinctive, and thus effortless; once the safest possible behavior has become habitual for everyone in the circles in which you travel, you can spend less time and energy emphasizing the need for it, or suffering the consequences of not having it, or worrying about how much danger you're in, as you'll know you're already doing everything you can to be careful. If you're in the habit of not giving away anything sensitive about yourself, you can collaborate with strangers without having to agonize about whether or not they are informers; if everyone knows what not to talk about over the telephone, your enemies can tap the line all they want and it won't get them anywhere."*

The Ruckus Society says *"A security culture is a set of customs and measures shared by a community whose members may engage in sensitive or illegal activities. Security culture practices minimize the risks of members getting arrested or their actions being foiled"*

The Civil Liberties Defense Center (CLDC) stated: *"Good security culture is one of the first and most important things a serious activist should learn. The idea is to minimize the effects of infiltration, disruption, and surveillance through practices that help keep activists, groups, and networks safer. Importantly, it helps political activists prevent paranoia and dispels the unfortunate idea that they should just*

*give up any effort to maintain confidentiality against State and corporate surveillance."*

The Deep Green Resistance News Service wrote: *"The modern surveillance state is unparalleled. Many people are legitimately afraid of state repression. But this fear can easily become paranoia and paralysis. As a result, some people will not get involved in radical organizing at all. Others will stay involved, but their paranoia will drive people away. The result? Our movements die. How do we combat this? By creating a "security culture" in our groups. Security culture is a set of practices and attitudes designed to increase the safety of political communities. These guidelines are created based on recent and historic state repression, and help to reduce paranoia and increase effectiveness."*

A Practical Security Handbook for Activists and Campaigns (v 2.7) states: *"Security culture is important because we live in a world where upsetting the status quo to change the world for the better is generally met by a backlash. Governments, law enforcement agencies and corporations all have vested interests in criminalizing, disrupting and suppressing activist groups of all persuasions. Security culture is needed to ensure our continued success. We also have a basic right to protect our privacy and anonymity from unwarranted intrusion... Security culture is not a single thing; it is a process and a state of mind. You cannot put down and pick up security culture at whim. For security culture to be*

*effective and worth the time and effort put into it, it has to be built into your life. Ideally, it becomes second nature; that is, you automatically go through the processes that keep you secure. This creates a mindset that helps you avoid errors of judgement you may regret later."*

The following resources can help you develop a security culture and protect yourself against government surveillance, spying, and harassment:

**ACLU of Washington - Know Your Rights** (https://www.aclu-wa.org/know-your-rights)

**Civil Liberties Defense Center** (https://cldc.org/)

**Digital Security - RiseUp Seattle** (https://riseup.net/en/security)

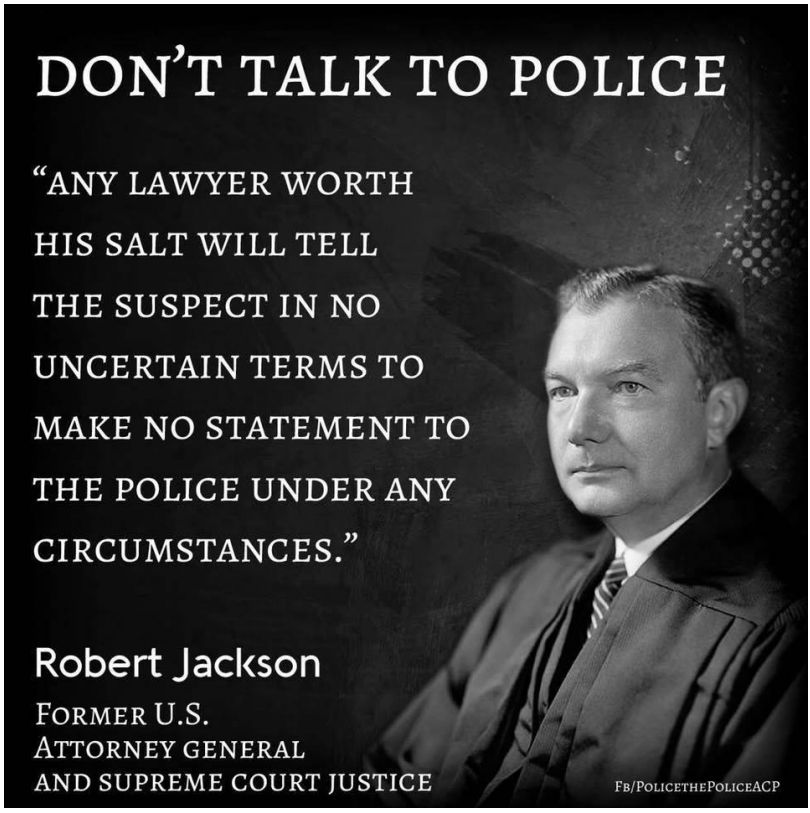
**Electronic Frontier Foundation - Surveillance Self-Defense** (https://ssd.eff.org/)

**National Lawyers Guild - Know Your Rights** (https://www.nlg.org/know-your-rights/)

**RATS! Your guide to protecting yourself against snitches, informers ... (**https://rats-nosnitch.com/)

**Restore Privacy** (https://restoreprivacy.com/)

**Security-in-a-Box - Front Line Defenders** (https://securityinabox.org/en/)

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