Ending government weaponization

A bipartisan case for enforceable TSDS due process

- Concerns about opaque watchlisting and political misuse cross party lines.
- Congress can enact protections that bind every administration.



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A WEAPONIZED GOVERNMENT AGAINST FREE SPEECH

As the ICE protests have demonstrated, anyone that voices their opposition to the government in power will be labeled a "suspected terrorist" to weaponize the gov't against them.



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Ending government weaponization:

SPYING, ABUSE OF FISA 702, LAWFARE - IT ALL COMES FROM THE SAME SOURCE: The FBI's Terrorist Screening Dataset

- A 106-page classified FISC opinion reveals another interpretation of the law that allegedly allows the FBI to underreport abuses of the FISA program.
- No constitutional basis exists for secret laws or secret interpretations of public statutes.

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HOW DID WE GET HERE?

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The system’s origins

2003

HSPD-6

September 16 directive ordered consolidated terrorism screening with constitutional safeguards.

2004

TSDB operations

The first consolidated TSDB became operational on March 12.

2004

Congress required redress

December 17: Public Law 108-458, § 4012, required appeal and correction procedures.

2007

DHS launched TRIP

February launch created a central intake point for travel-related redress.

In 2026, the consolidated database has operated for 22 years.

HSPD-6; DOJ OIG 05-27; Pub. L. 108-458 § 4012; GAO-14-796T

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The redress gap beyond air travel

Existing procedures

- DHS TRIP accepts travel-screening complaints.
- A review can lead to correction or removal.
- Special disclosure procedures apply to certain U.S. persons denied boarding under the No Fly List.
- NO REDRESS MECHANISM FOR 97% OF THE PEOPLE SECRETLY PLACED ON THE LIST FOR LIFE

The reform objective

- A direct right to learn one's TSDS status, regardless of the category.
- Strict probable cause and reasonable suspicion for nomination, and notice and opportunity to contest the evidence.
- No nomination of "non-investigative subjects"
- Independent review and deadlines, even without a travel incident.

A travel complaint process does not provide every listed person a universal status-and-exit procedure because it is only available for Handling Codes 1 (No Fly- confirmed terrorist) and 2 (Suspected Terrorist)

FBI watchlisting overview, April 2024, pp. 7–8; Senate majority staff report, December 2023

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What the historical OIG data show

Handling code	Records	Share
Code 1	193	0.18%
Code 2	125	0.11%
Code 3	24,210	22.04%
Code 4	81,994	74.64%
Other	2,991	2.72%
No code	336	0.31%
Total	109,849	100.00%

96.68%

Codes 3 and 4 - do not meet reasonable suspicion criteria

In the reviewed 2004 subset, reported in the 2005 audit. Since 2008, no audits.

DOJ OIG Audit 05-27, June 2005, pp. viii and 30

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The Watchlist:

"(The TSDB) has never stopped an act of terrorism."

DOJ OIG Audit 05-27, June 2005, pp. viii and 30

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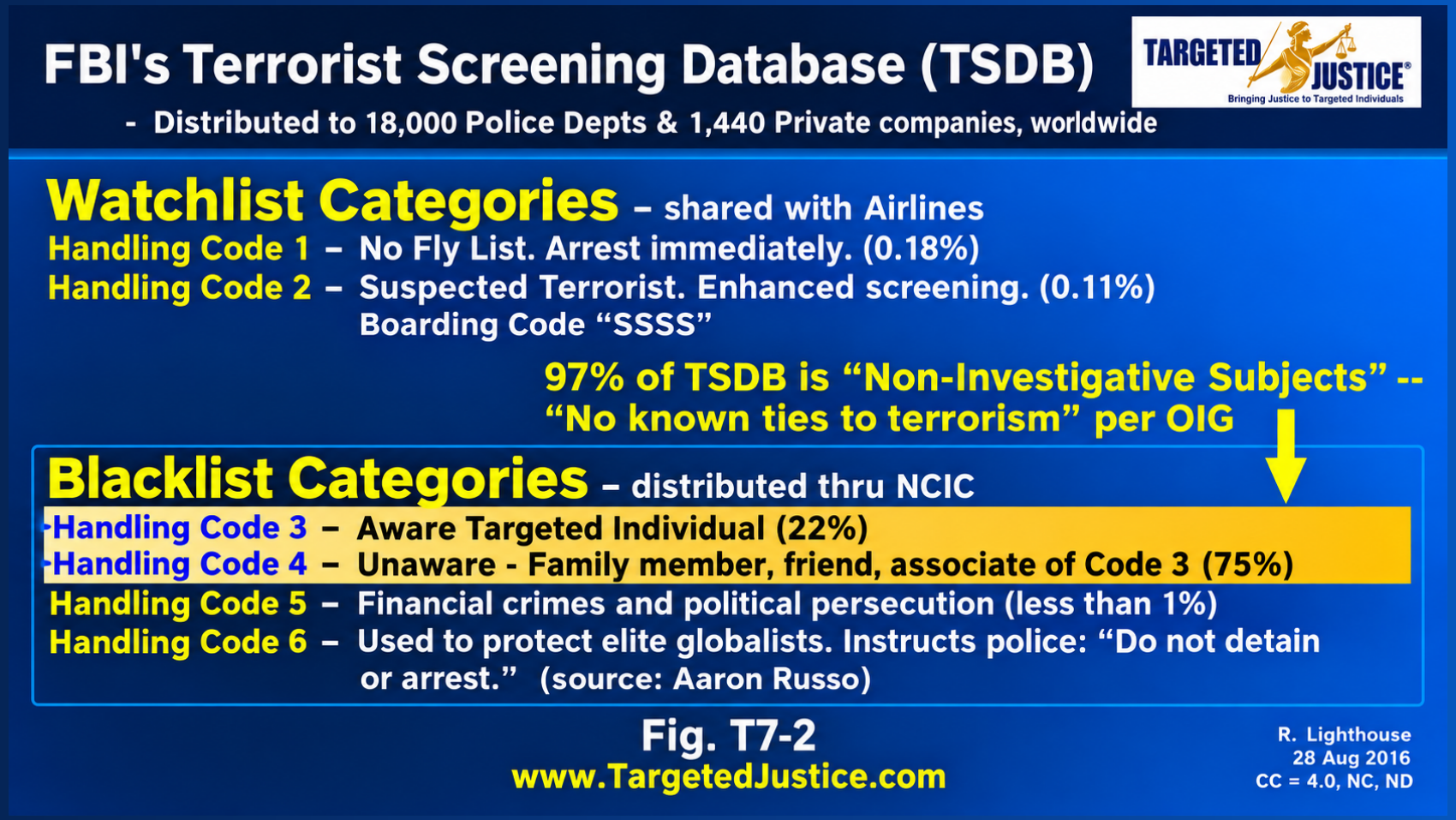
Targeted Justice's interpretation



Advocacy graphic. The OIG audit does not establish its current population, motive, or Code 5–6 claims.

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Repeated audits identify control failures

2007

Quality review missed errors

Errors or inconsistencies remained in 38% of 105 reviewed records. A separate redress sample required substantial corrections.

2008

Nominations bypassed headquarters

Field submissions and weak controls created risks of incomplete or inappropriate entries.

2009

Nonstandard processes lacked controls

OIG described more than 62,000 nominations through nonstandard processes and stale records.

2014

Maintenance weaknesses persisted

Nomination deadlines and the system tracking non-investigative subjects still needed improvement.

DOJ OIG Audits 07-41, 08-16, 09-25 and 14-16, as cited in the draft's findings

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Watchlist consequences extend beyond airports

Current reach

- Federal agencies use watchlist data for border, visa, immigration, military-access and law-enforcement screening.
- A 2023 Senate report identified more than 500 private-sector entities with access to a subset for law-enforcement purposes.
- Distributed through the NCIC to 18,000 law enforcement, 12,000 organizations and over 800 corporations
- It is not for screening terrorists. It is a government weaponization roster.

Why downstream rules matter

- Every recipient needs a defined lawful purpose.
- Corrections must reach every receiving system.
- Deletion must be verifiable, with access cut off for noncompliance.

FBI Threat Screening Center guidance; Senate majority staff report, December 2023

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Safeguards that protect both parties

Concerns raised in public oversight

- Political use of investigative powers and access to elected officials' communications.
- Religious profiling and scrutiny of parents who petition public officials.
- Retaliation against and chilled lawful speech such as whistleblowers, targeted parents, people opposing COVID-19 mandates, J6ers and catholics, classifying them as "domestic extremists" subjected to weaponization and lawfare.

Rules that survive a change in power

- Individual evidence, independent judges and public legal standards.
- Disclosure of source bias and exculpatory information.
- 5th and 6th Amendment guarantees of notice and opportunity to confront your accuser.
- Remedies available to every protected U.S. person.

A change in leadership cannot substitute for enforceable limits. Mr. Patel has failed his promise of de-weaponizing the FBI.

Congressional oversight statements, 2025; DOJ reports on religious and parental-rights concerns, 2026

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Targeted Justice's request for investigation

≈97%

Percentage of people listed under Code 3–4 non-investigative subjects - people that do not represent a threat to national security.

It's the government weaponization roster.

It affects us all.

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The FBI 2024 reclassification

UNDER THE BIDEN REGIME:

- FBI began using a different legal standard for "reasonable suspicion." Not the definition per US Supreme Ct.
- Reclassified Code 3–4 subjects as suspected terrorists.
- However, when they travel, they are not screened as such.

The records Congress should obtain

- Prior and revised guidance, category definitions and legal memoranda.
- Before-and-after counts, source records and change logs.
- Evidence of individualized reassessment and notices.

The April 2024 FBI overview still describes some associates who may fall below reasonable suspicion.

FBI overview, April 2024, p. 2 n. 7; draft Appendix B(4) and § 11(d)

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The proposed Act

Terrorist Screening Integrity and Due Process Act of 2026

Evidence

Probable cause and reliable, corroborated facts

Independent review

Judicial authorization with meaningful notice

A usable exit

Status disclosure, correction and enforceable deadlines

Legacy cleanup

30-day removals and 180-day judicial review

No evasion

Limits on use, downstream copies and shadow lists

Accountability

Civil remedies, audits and protection against retaliation

September 2026 discussion draft, §§ 1–20

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Who could be listed under the Act

Individualized terrorism evidence

- Probable cause of specified terrorism or knowing material-support conduct, including concrete operational steps.
- Only No Fly or Selectee categories for U.S. persons.
- No Fly requires clear and convincing proof that a less restrictive measure would be inadequate.
- Must have Constitutional Review for all US citizens. No exceptions. No loopholes. This is the step where FBI Field Office sends nomination to NCTC.

Protected activity cannot supply the basis

- Speech, peaceful protest, religion and political association.
- Journalism, legal representation, litigation and protected whistleblowing.
- Family ties, private accusations and travel patterns without corroborating conduct.

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A controlled nomination process

1	2	3	4	5
Field proposal	**Headquarters review**	**NCTC quality gateway**	**Judicial authorization**	**TSC entry**

- No direct field-office, task-force, fusion-center or individual submission.
- Legal name, date of birth and a verified unique identifier are mandatory.
- Private allegations require independent corroboration and disclosure of bias.
- A tip or data feed cannot become a nomination by accident or after a tailored “assessment”

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The case for a congressional inquiry

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Targeted Justice asks Congress to investigate alleged misuse and examine the records behind watchlist decisions.

22 years without an act of Congress codifying a list that infringes upon Americans' most basic constitutional rights.



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Independent judges and an adversarial hearing

A permanent review structure

- At least 21 district judges from at least 9 circuits, serving staggered 7-year terms.
- Permanent staff, secure facilities and independent cleared special advocates.
- Magistrates assist with administration, but cannot issue listing or renewal orders.

Enforceable hearing rights

- At least 14 days' notice, meaningful reasons and counsel.
- A chance to present evidence and challenge adverse information.
- Written findings, government burden of proof and fresh evidence for renewal after one year.

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One portal with enforceable deadlines

5	15	72	30
business days	**days**	**hours**	**days**
Acknowledge the request	**Give a yes-or-no TSDS status answer**	**Correct verified mistaken identity**	**Decide other correction requests**

- Disclose the category, listing date, judicial-authorization date and meaningful reasons.
- Integrate DHS TRIP and Privacy Act access, amendment and redress.
- Provide de novo judicial review with the burden on the government.
- Under the Privacy Act, they should provide this information but refuse to.

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Emergency powers and protection for children

A narrow emergency exception

- Attorney General or Deputy certification of a specified imminent risk.
- A judge must still find probable cause and verify identity.
- 72-hour order, extendable once for up to 7 days on a renewed showing.

Special rules for minors

- Parent or guardian notice and independent counsel, subject to the narrow emergency exception.
- Extraordinary facts for No Fly listing under age 14.
- Stronger corroboration at ages 14–17 and a new order at age 18.

An emergency order requires prompt notice and ordinary proceedings, or immediate removal.

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A staged cleanup of existing records

Day 0

New rules apply

New nominations must comply immediately. Status, correction and anti-retaliation rights start without waiting for regulations.

By day 30

Remove deficient records

Remove Code 3/4 equivalents, records outside authorized categories, missing identifiers, specified stale records and records without a supported open case.

By day 180

Judicial review or removal

Obtain an order for every other legacy record through staged monthly cohorts, or remove it.

Changing a code or label cannot cure a deficient record.

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Removal must reach every recipient

24

hours

Remove a record after a mandatory off-ramp

3

business days

Send binding deletion notices to all known recipients

5

business days

Domestic recipients certify deletion

- Triggers include mistaken identity, death, expired authority and court-ordered removal.
- A closed investigation or unreliable source requires removal when current probable cause no longer remains.
- Suspend access immediately when a recipient fails to certify deletion.

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Limits on use and shadow lists

Defined permissible uses

- Authorized aviation screening.
- A documented officer-safety inquiry during a lawful encounter.
- No employment, banking, housing, benefits or other civil use without separate congressional authority and due process.

No substitute system

- Cover scores, alerts, models and files that operationalize TSDS status.
- Apply the same safeguards to fusion centers, contractors and MARS or successor systems.
- Preserve ordinary lawful investigative files that do not evade the Act.

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Remedies with consequences

Relief for the affected person

- Correction, removal and downstream expungement.
- Declaratory and injunctive relief, plus reasonable attorney's fees and costs.
- Actual or statutory damages for knowing or willful violations.

Accountability for misuse

- Statutory damages of at least $1,000 per continuing course, capped at $50,000 per person per proceeding.
- Punitive damages for qualifying malicious or reckless conduct.
- Enforceable anti-retaliation rights and discipline up to removal.

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Oversight that follows the entire system

Independent review

- A coordinated Inspector General review at least every two years.
- Review nomination quality, stale records, minors, discrimination risks and redress.
- Audit recipients without advance notice and recertify access annually.

Information Congress can use

- Keep immutable query, use, disclosure, correction and deletion logs for seven years.
- Publish annual machine-readable results and transition counts.
- Give oversight committees current guidance and every revision.

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Implementation Congress can fund and enforce

60 days	**Suspend conflicting rules** Identify and suspend contrary guidance. Issue an interim implementation rule.
180 days	**Complete regulatory conformity** Revise TSA, Secure Flight, DHS TRIP, NCIC and other rules. Issue the final rule.
2027–31	**Fund independent capacity** Authorize judiciary, advocate, IG and GAO funding, secure facilities, the portal and correction technology.
On enactment	**Protect rights immediately** Rules cannot delay or narrow statutory rights. Severability preserves the remainder of the Act.

Draft §§ 14 and 16–20

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What Congress should do next

01	**Sponsor review**	Assign staff to review and develop bipartisan sponsorship of the discussion draft.
02	**Oversight briefing**	Require the current category map, U.S.-person counts, nomination standards and downstream-recipient inventory.
03	**Record preservation**	Preserve nomination files, source materials, recoding history, access logs, complaints and deletion records.
04	**Independent investigation**	Test Targeted Justice's allegations against records and testimony, with protections against retaliation.
05	**A two-week follow-up**	Set a staff meeting to resolve drafting questions and establish a legislative and oversight timetable.

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Congress has a duty to act

AT LEAST

30

federal district-court lawsuits

Across 14 federal judicial districts

Nationwide safeguards require legislation

- Individual lawsuits cannot provide uniform statutory safeguards.
- Guarantee notice, independent review and enforceable removal.
- Apply the same due process protections under every administration.

Documented minimum, not a nationwide total.
Includes TSDB/TSDS, No Fly and Selectee challenges.

Public dockets and opinions, reviewed October 13, 2026. Full case inventory in speaker notes.

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Twenty-two years is long enough

Government retaliation for lawful speech is un-American and violates the First Amendment.

Congress should require reliable evidence, independent review and a real path off an unsupported watchlist.

A terrorist screening system must focus on genuine threats and protect the rights of the people it serves.

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Bill coverage: foundations and individual rights

Section	Subject	Core protection
§§ 1–3	Title, findings and purposes	Evidence-based screening, national security and enforceable due process.
§ 4	Definitions and coverage	U.S. persons, operational steps, probable cause, identifiers and authorized categories.
§ 5	Authorization and use limits	No Fly / Selectee only, identity safeguards, possible-match limits and recipient controls.
§ 6	Nomination integrity	Headquarters certification, NCTC gateway and corroborated sources.
§ 7	Independent adjudication	Review panel, notice, counsel, special advocates, exculpatory disclosure and annual renewal.
§§ 8–9	Emergencies and minors	Strict emergency clock, parental notice, independent counsel and review at age 18.
§ 10	Status, redress and remedies	One portal, deadlines, Privacy Act rights, court relief and anti-retaliation.

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Bill coverage: cleanup and institutional controls

Section	Subject	Core protection
§ 11	Legacy transition	30-day removals, 180-day judicial review, narrow holds and no cure by recoding.
§ 12	Automatic removal	Mandatory off-ramps, binding deletion, certification and recipient accountability.
§ 13	Anti-evasion	Derivative scores, alerts, fusion centers and MARS subject to the same safeguards.
§§ 14–15	Conformity and oversight	TSA, DHS TRIP and NCIC rules, coordinated audits, logs and public reporting.
§§ 16–17	Capacity and accountability	Independent funding, technology, discipline, protected disclosures and rulemaking.
§ 18	NCTC amendment	Narrow domestic-information quality review, with no domestic investigative authority.
§§ 19–20	Severability and effect	Immediate rights and nomination rules, with the specified legacy transition.

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Principal sources

Legislative baseline	HSPD-6 (September 16, 2003); Pub. L. 108-458 § 4012 (December 17, 2004); GAO-14-796T (2014).
Audit record	DOJ OIG Audits 05-27, 07-41, 08-16, 09-25 and 14-16, cited and summarized in the draft.
Watchlist and redress	Senate HSGAC majority staff, Mislabeled as a Threat (December 2023); FBI watchlisting overview (April 2024).
Political-use concerns	Congressional oversight statements (2025); DOJ working-group reports on religious and parental-rights concerns (2026).
Proposal and advocacy	September 2026 Proposed BiPartisan bill

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Source distinctions for questions from staff

97%	A rounded historical Code 3/4 share in one audit subset. It is not an established current share or a measure of non-investigative subjects.
0.29%	The historical Code 1/2 share. Handling-code percentages do not measure the proportion of actual terrorists.
TRIP	2004 statutory appeal requirements, 2007 program launch. Eligibility is not confined to Codes 3 and 4.
2024 and 70%	The claimed mass conversion and political-affiliation estimate require underlying records and verification.
The bill	A discussion draft. Probable cause is a proposed statutory protection; specific additional inquiry mandates require new text.

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