

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

CLEAR; AMERICAN CIVIL LIBERTIES
UNION; and AMERICAN CIVIL
LIBERTIES UNION FOUNDATION,

Plaintiffs,

v.

UNITED STATES CUSTOMS AND
BORDER PROTECTION,

Defendant.

No. 1:19-cv-07079-RER

DECLARATION OF SCARLET KIM

I, Scarlet Kim, declare as follows:

1. I am a Staff Attorney with the American Civil Liberties Union Foundation and counsel for Plaintiffs in the above-numbered action. I submit this declaration in support of Plaintiffs' Cross-Motion for Summary Judgment and in Opposition to Defendant's Motion for Summary Judgment.
2. Attached as Exhibit 1 is a true and correct copy of an interview with former Acting Secretary of Homeland Security, Kevin McAleenan, in the *CTC Sentinel*, dated September 2018, and available at: <https://ctc.usma.edu/wp-content/uploads/2018/09/CTC-SENTINEL-092018.pdf>.
3. Attached as Exhibit 2 is a true and correct copy of a CBP directive published by *The Northern Light* on January 29, 2020, and available at: <https://www.thenorthernlight.com/stories/source-provides-directive-telling-cbp-officers-to-detain-iranian-born-travelers,9315>.

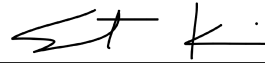
4. Attached as Exhibit 3 is a true and correct copy of the Fourth Declaration of Patrick Howard, submitted in *American Immigration Lawyers Association v. Department of Homeland Security*, No. 16-cv-02470 (D.D.C.), ECF No. 53-3, and dated November 14, 2019.
5. Attached as Exhibit 4 is a true and correct copy of a joint statement by Craig Lynes, Director of Global Compliance, Office of Global Strategies, Transportation Security Administration, U.S. Department of Homeland Security and Todd C. Owen, Executive Assistant Commissioner, Office of Field Operations, Customs and Border Protection, U.S. Department of Homeland Security submitted in the hearing, “Raising the Standard: DHS’s Efforts to Improve Aviation Security around the World,” before the Subcommittee on Transportation and Protective Security of the House Committee on Homeland Security, dated September 26, 2017, and available at: <https://docs.house.gov/meetings/HM/HM07/20170926/106421/HMTG-115-HM07-Transcript-20170926.pdf>.
6. Attached as Exhibit 5 are true and correct excerpts of documents produced by U.S. Customs and Border Protection in the FOIA case, *Council on American-Islamic Relations-Washington v. Customs & Border Protection*, No. 20-cv-00217 (W.D. Wa.), and available at: https://www.nwirp.org/wp-content/uploads/2020/11/CBP-2020-024470-Production-2_Redacted.pdf.
7. Attached as Exhibit 6 is a true and correct copy of the Declaration of G. Clayton Grigg, dated May 28, 2015, and submitted in *Latif v. Holder*, No. 10-cv-00750 (D. Or.), dated May 28, 2015.
8. Attached as Exhibit 7 is a true and correct copy of a document entitled, “Overview of the U.S. Government’s Watchlisting Process and Procedures,” dated January 2018, and

submitted by Defendants in *Elhady v. Kable*, No. 16-cv-375 (E.D. Va.), ECF No. 196-16.

9. Attached as Exhibit 8 is a true and correct copy of a fact sheet on “Terrorist Identities Datasmart Environment (TIDE)” published by the National Counterterrorism Center, current as of October 31, 2020, and available at <https://www.odni.gov/index.php/nctc-features/2691-terrorist-identities-datamart-enviornment-tide-fact-sheet-2>.

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

Executed on December 4, 2020, in Brooklyn, New York.



Scarlet Kim