

ANNE MILGRAM
Attorney General of New Jersey
Attorney for the Office of the Attorney General and
Bruce Solomon, in his Official Capacity
R.J. Hughes Justice Complex
P.O. Box 112
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By: Timothy P. Crowley
Deputy Attorney General
(609)633-7087

DEBORAH JACOBS,)	SUPERIOR COURT OF NEW JERSEY
)	LAW DIVISION
Plaintiff,)	MERCER COUNTY
)	
v.)	DOCKET NO.: MER-L-3119-04
)	
PETER J. HARVEY, in his)	AFFIDAVIT OF DEPUTY ATTORNEY
Official capacity as)	GENERAL TIMOTHY P. CROWLEY
Attorney General of the)	
State of New Jersey, and)	
BRUCE SOLOMON, in his)	
Official capacity as)	
Custodian of Records of)	
The Office of the)	
Attorney General)	
)	
Defendants.)	

TIMOTHY P. CROWLEY, of full age, deposes and says:

1. I am a Deputy Attorney General of the State of New Jersey, and am assigned to represent the Defendants in the above-captioned matter. In that regard I am fully familiar with the facts of this matter.

Background

2. This litigation concerns the identification by county law enforcement of Potential Threat Elements ("PTEs") in the State of New Jersey. The term "Potential Threat Elements" was utilized in two specific U.S. Department of Homeland Security (DHS) federal grant programs after September 11, 2001: (a) the Federal Fiscal Year 2003 Urban Area Security Initiative - Part II and (b) the Federal Fiscal Year 2004 Homeland Security Grant Program (collectively, "Homeland Security Grant Programs").

3. The identification of PTEs was one of several components which made up the overall submission package (other components included submissions regarding risk and vulnerability) which was used by DHS to evaluate, and potentially provide, homeland security grant funding to the counties pursuant to the aforementioned grant programs.

4. PTEs were identified pursuant to the criteria set forth in the DHS UASI Grant Guidance and documented on the jurisdiction threat worksheet ("Jurisdiction Threat Worksheet"), a true copy of which is attached hereto as Exhibit A.

5. The identification of PTEs was only required for these two Homeland Security Grant Programs in those years (2003 and 2004). No other government programs identified

PTEs in New Jersey, and the identification of PTEs is no longer a requirement of obtaining Federal Homeland Security funding.

6. In response to the Plaintiff's OPRA request, the Defendants identified three (3) documents which identified PTEs. A total of thirty two (32) PTEs were identified on those three documents. Fifteen of them were identified by Hudson County, and the balance were identified by Cape May County and one unidentified county.

The Current Motion

7. The plaintiff in the above-captioned matter filed a motion seeking, among other things, the production of a document in the Office of Attorney General's files (bate-stamped as GA-0008) which identifies the fifteen PTEs identified by Hudson County. It appears to be a copy of a Jurisdiction Threat Worksheet generated by Hudson County to support their application for the FFY'03 UASI Part II grant program.

8. The Office of Attorney General has previously taken the position, and continues to take the position, that it would not produce this document, since it was privileged based on several articulated privileges as detailed in the Defendants' September 15, 2006 letter.

9. The current motion by Plaintiff seeks to pierce those privileges and obtain a complete version of that document, disclosing the names of the fifteen PTEs identified in Hudson County.

10. That motion was argued on May 30, 2008 before the Honorable Linda R. Feinberg, A.J.S.C. At the conclusion of that hearing, the Court ordered that the parties submit additional briefs and certifications to assist the Court in ruling on the matter.

Settlement of the Current Motion

11. However, prior to making those submissions, the Attorney General has engaged in settlement discussions with the plaintiff's counsel to resolve this motion consensually. The parties have reached the following resolution.

12. The plaintiff has agreed to withdraw the current motion in return for the following.

13. The Office of Attorney General has agreed to provide a list of fifty nine (59) entities ("PTE Subset List"), a list generated by combining the U.S. Department of State Foreign Terrorist Organizations (FTOs) list and the Anti-Defamation League's list of American Extremist Groups. Both lists are publicly available on the internet.

A true copy of the PTE Subset List is attached hereto as Exhibit B.

14. The Office of Attorney General has also agreed to provide the representations to both the Court and counsel set forth below relating to the PTE Subset List and the identification of the PTEs in New Jersey, generally.

Representations of the Office of Attorney General

15. The Office of Attorney General hereby makes the following representations respecting the PTE Subset List: (a) fourteen of the fifteen PTEs identified by Hudson County on GA 008 are on the PTE Subset List; (b) the fifteenth PTE is a well recognized criminal organization with its roots in El Salvador and Guatemala, Central America.

16. The Office of Attorney General hereby makes the following representations with regard to the thirty two (32) PTEs: (a) none of them are individuals; instead they are all organizations; (b) none of them have activities that are limited to the State of New Jersey; (c) none of them are religious or political organizations, with the exception of such organizations that publicly advocate the use of violent terrorism to achieve religious or political objectives; and (d) none of them are houses of worship.

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY

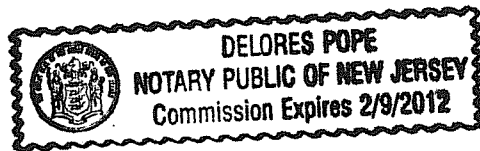
By: *Timothy P. Crowley*
Timothy P. Crowley
Deputy Attorney General

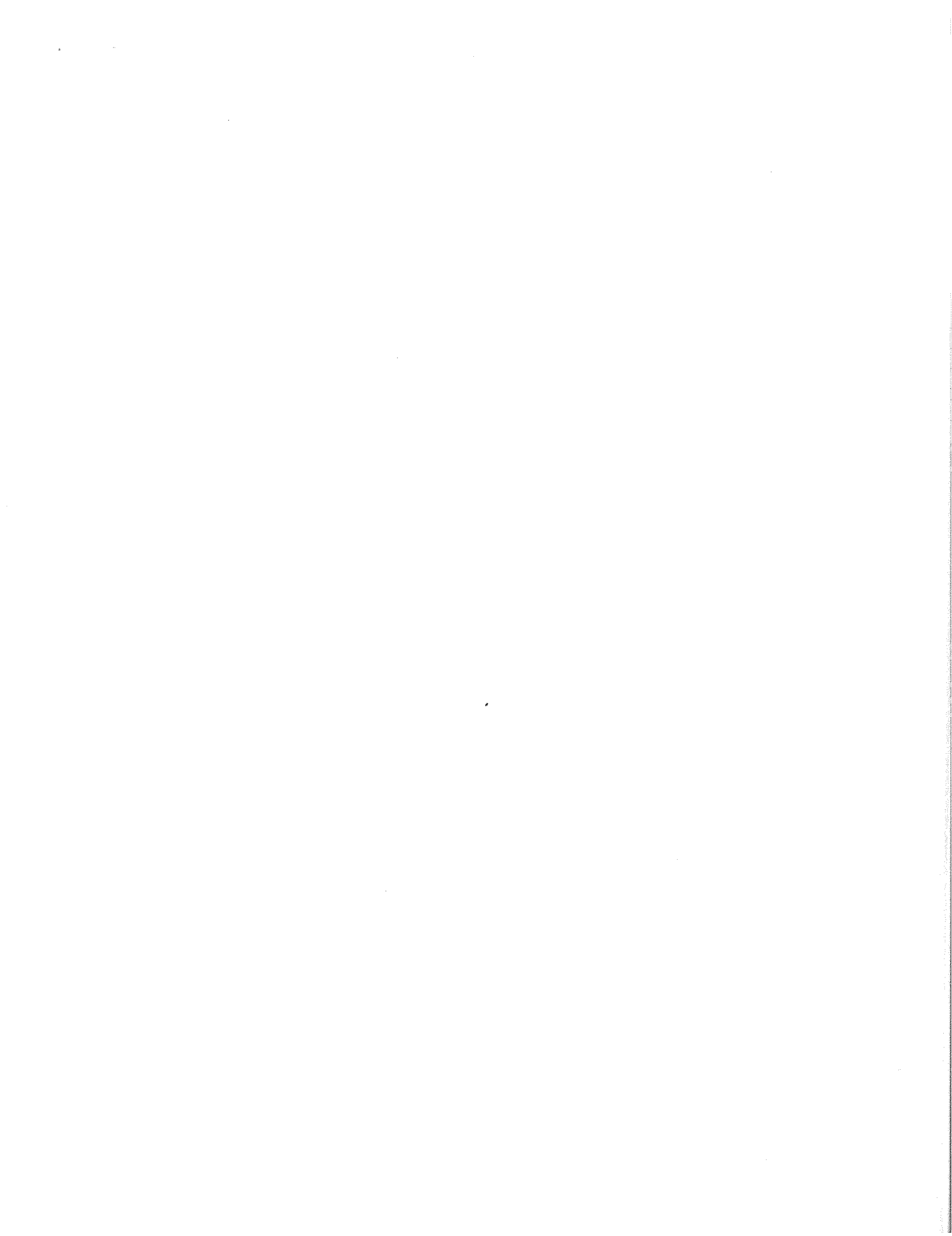
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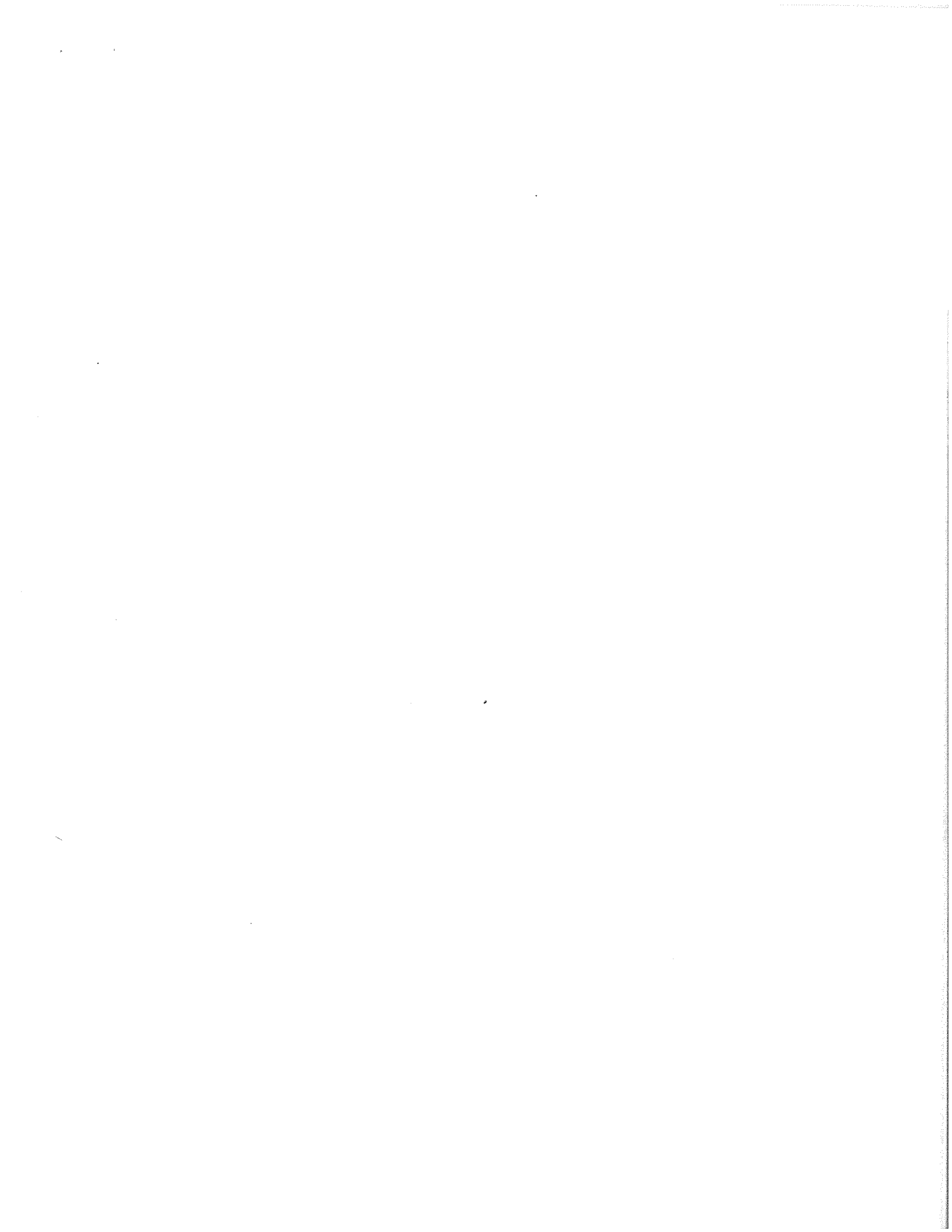
Sworn and Subscribed before me
this 10th day of June 2008.

Delores Pope
Notary Public
State of New Jersey





Jurisdiction Threat Worksheet								
Threat Factors						Threat Level (1-10)	Motivation	WMD Categories
PTE	Existence (1)	Violent History (1)	Intentions (2)	WMD Capability (2)	Targeting (4)		P=Political R=Religious E=Environmental Ra=Racial S=Special Interest Choose one or more	C=Chemical B=Biological R=Radiological N=Nuclear E=Explosive Choose one or more
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								
11.								
12.								
13.								
14.								
15.								



Abu Nidal Organization (ANO)
Abu Sayyaf Group
Al-Aqsa Martyrs Brigade
American Front
Ansar al-Islam
Armed Islamic Group (GIA)
Aryan Nations
Asbat al-Ansar
Aum Shinrikyo
Basque Fatherland and Liberty (ETA)
Communist Party of the Philippines/New People's Army (CPP/NPA)
Continuity Irish Republican Army
Council of Conservative Citizens
Creativity Movement
Elohim City
Gama'a al-Islamiyya (Islamic Group)
Greater Ministries International
HAMAS (Islamic Resistance Movement)
Hammerskin Nation
Harakat ul-Mujahidin (HUM)
Hizballah (Party of God)
Institute for Historical Review
Islamic Jihad Group
Islamic Movement of Uzbekistan (IMU)
Jaish-e-Mohammed (JEM) (Army of Mohammed)
Jemaah Islamiya organization (JI)
al-Jihad (Egyptian Islamic Jihad)
Kahane Chai (Kach)

Kongra-Gel (KGGK, formerly Kurdistan Workers' Party, PKK, KADEK)
Lashkar-e Tayyiba (LT) (Army of the Righteous)
Lashkar i Jhangvi
Liberation Tigers of Tamil Eelam (LTTE)
Libyan Islamic Fighting Group (LIFG)
Little Shell Pembina Band
Militia of Montana
Moroccan Islamic Combatant Group (GICM)
Mujahedin-e Khalq Organization (MEK)
National Alliance
National Liberation Army (ELN)
National Socialist Movement
Nazi Low Riders
New Black Panther Party for Self-Defense
Palestine Liberation Front (PLF)
Palestinian Islamic Jihad (PIJ)
Popular Front for the Liberation of Palestine (PFLP)
PFLP-General Command (PFLP-GC)
Public Enemy Number 1 (PENI)
Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn (QJBR) (al-Qaida in Iraq) (formerly Jama'at al-Tawhid wa'al-Jihad, JTJ, al-Zarqawi Network)
al-Qa'ida
al-Qaida in the Islamic Maghreb (formerly GSPC)
Real IRA
Revolutionary Armed Forces of Colombia (FARC)
Revolutionary Nuclei (formerly ELA)
Revolutionary Organization 17 November
Revolutionary People's Liberation Party/Front (DHKP/C)

Shining Path (Sendero Luminoso, SL)

United Self-Defense Forces of Colombia (AUC)

Volksfront

White Revolution

SECRET
NO FORN DISSEM