

# Secret US database on international travelers exposed

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Details have emerged of a US government program that collects information and creates a “risk profile” of all people entering and leaving the United States. The program, secretly in place since 2002, is part of much broader system of government spying and attacks on privacy rights.

According to an Associated Press (AP) article from November 30, international travelers are given a score “after computers assess their travel records, including where they are from, how they paid for tickets, their motor vehicle records, past one-way travel, seating preference and what kind of meal they ordered.” The program also accesses other federal and commercial databases. The assessment is stored for 40 years.

The program, called the Automated Targeting System (ATS), was disclosed only last month when an announcement was published in the Federal Register. The government announcement gave the impression that the program would be launched a month after the notice was published, beginning on December 4. However, according to the AP, the program has actually been in place for at least four years without any public announcement. This is clear violation of the Privacy Act of 1974, which was passed after revelations of massive privacy abuses by the Nixon administration.

According to the AP, “privacy and civil liberties lawyers, congressional aides and even law enforcement officers said they thought this [ATS] system had been applied only to cargo.” The Privacy Act requires that any new use of private information be announced in the Federal Register for public comment 30 days before implementation.

A similar program that would have been used to evaluate all domestic passengers, known as the Computer Assisted Passenger Prescreening System (CAPPS II), was proposed but eventually scrapped in 2004 after a public outcry. Now it emerges that the government has secretly

been running essentially the same program on millions of passengers entering or leaving the US for years.

The significance of this latest revelation can be understood only in the context of government efforts to accumulate vast databases of personal information on US citizens, including the monitoring of phone calls and the collection of telecommunications and internet records. The Bush administration continues to gather information through an illegal National Security Agency (NSA) warrant-less wiretapping program and another program that assembles databases based on telecommunications companies’ records of millions of telephone calls.

The ATS program collects information culled from several databases, including Passenger Name Records (PNRs), which are lists of data collected by travel agencies and airlines when reservations are made. According to a November 3 article in the *Washington Post*, the ATS also “relies on government databases that include law enforcement data, shipping manifests, travel itineraries and airline passenger data . . . The parent program, Treasury Enforcement Communications System, houses ‘every possible type of information from a variety of federal, state and local sources,’ according to a 2001 Federal Register notice.”

The notice published last month in the Federal Register asserts that the ATS system is exempt from sections of the Privacy Act that allow individuals to view private information stored in government databases in order to challenge inaccuracies. While the information is withheld from those being tracked and evaluated, it can be given to other government agencies and in some cases private corporations doing government contract work.

The evaluations are being used not only to allow or prevent people from traveling into or out of the United States, they can also be used in making employment decisions for government agencies.

The implications of such a system are far-reaching. It

allows the government to prevent the free movement of individuals on the basis of secret information that could easily include political or religious beliefs or other information protected under provisions of the US Constitution as well as legal statutes. The Homeland Security web site itself states that ATS may target individuals who “may not have been previously associated with a law enforcement action or otherwise be noted as a person of concern to law enforcement”—that is, individuals who have not committed any crime.

David Sobel, a lawyer at the Electronic Frontier Foundation, a civil liberties organization, told the AP that ATS is “probably the most invasive system the government has yet deployed in terms of the number of people affected.”

Barry Steinhardt, director of the American Civil Liberties Union’s Technology and Liberty Project, noted in a statement, “Never before in American history has our government gotten into the business of creating mass ‘risk assessment’ ratings of its own citizens.”

The CAPPS II system for domestic passengers was first proposed in 2003, and would have used databases, including PNRs, to assign a color code to every passenger—green, yellow or red. An assignment of red would prevent the passenger from flying and would require the passenger be referred to police agencies and possibly arrested. In violation of the Privacy Act, the government collected massive amounts of personal information as it was preparing to initiate the CAPPS II program, without informing the public.

Programs such as CAPPS II generated opposition not only in the US, but also in Europe, where there was enormous public resistance to the turning over of passenger data to US authorities.

After abandoning CAPPS II, the Transportation Security Agency (TSA), which monitors the ATS program and is part of the Department of Homeland Security, announced testing of a new program, called Secure Flight. This program was supposed to be narrower, using PNRs to compare all passengers to an expanded set of “no-fly” and “selectee” lists.

Again, however, individuals would have been prevented from accessing their own records and challenging information used to single them out. The scope of Secure Flight also expanded beyond what the government originally claimed, essentially growing to encompass the same techniques of data collection as CAPPS II.

Secure Flight was eventually put on hold as well, though it has not been abandoned altogether.

The government has been pushing for years to broaden its use of “no fly” lists and other mechanisms, such as CAPPS II and Secure Flight, for expanding control over travel by citizens and non-citizens alike. There have been numerous cases of individuals targeted for political reasons or as a result of mistaken identity.

In August 2004, Democratic Senator Edward Kennedy revealed that over a period of five weeks he was repeatedly told he could not fly because he appeared on a “no fly” list. Only with much difficulty was the senator able to board planes.

Two antiwar activists in California, Rebecca Gordon and Janet Adams, filed a lawsuit against the government in 2003 after being denied the ability to fly because their names were on lists. In response to the case, the government released documents on its “no fly” lists, however these were redacted to prevent disclosure of the criteria used to prevent individuals from flying.

In the case of ATS, as with similar programs of a police-state character, the government has justified its illegal actions by citing the “war on terror.” Jayson Ahern, an assistant commissioner of the Department of Homeland Security’s Customs and Border Protection Agency, told the AP, “If [the ATS program] catches one potential terrorist, this is a success.”

The legitimacy of the “war on terror” is never questioned within the political establishment in the US. In the November congressional elections, the Democratic Party did not raise in any serious way the various government spying programs instituted by the Bush administration, or the Patriot Act, the Department of Homeland Security, the Northern Command or any other agencies and post-9/11 laws that collectively establish the framework for a police state. On the contrary, the Democrats last year broadly supported the elevation of NSA chief General Michael Hayden to head the CIA. In the aftermath of the November 7 election, they are preparing to confirm former CIA head Robert Gates to replace Donald Rumsfeld as secretary of defense.



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