

THE TERRORIST WATCHLIST: ONE WATCHLIST AMONG A COLLECTION OF DATABASES AND WATCHLISTS

Timothy Healy, the Director of the FBI's Terrorist Screening Center, has a telling comment at the end of Charlie Savage's story on documents revealing new details about the terrorist watch list.

But Mr. Healy said the government could not reveal who was on the list, or why, because that would risk revealing intelligence sources. He also defended the idea of the watch list, saying the government would be blamed if, after a terrorist attack, it turned out the perpetrator had attracted the suspicions of one agency but it had not warned other agencies to scrutinize the person.

Mr. Healy also suggested that fears of the watch list were exaggerated, in part because there are many other reasons that people are subjected to extra screening at airports. He said more than 200,000 people have complained to the Department of Homeland Security about their belief that they were wrongly on the list, but fewer than 1 percent of them were actually on it.

It's a neat boast—that just 1 percent of the people who have reason to believe the government has them in a big database turn out to be in the database (the terrorist watch list, formally the Terrorist Screening Database or TSDB) at issue.

But given that the documents reveal an interlocking set of multiple databases, that ought to be little comfort. The Known and

Suspected Terrorist list was, somewhat disturbingly, actually the Violent Gang and Terrorist Organization File until August 2009 (see PDF 17), suggesting that the Bush Administration kept all scary brown people together in one database, but also making clear that there is now a Gang File that is very similar to the KST file. The TSDB is separate from the No Fly and Selectee lists; hypothetically the latter two lists are a subset of the former (people from the TSDB have to be submitted and approved to be put on the TSA lists), but it is not absolutely clear that is the case for the less stringent Selectee list (PDF 100 makes it clear the No Fly list is). There are the Consular Lookout and Support System and the Interagency Border Inspection System; while inclusion in the TSDB should automatically include someone in these databases, it is not clear that these databases only include those in the TSDB (PDF 55 and 59 suggest they were in 2004, though it's not clear that that is still the case). The Terrorist Screening Center also provides access to other databases—the Automated Case Support System, the Foreign Terrorist Tracking Task Force database, and TSA's Office of Transportation Threat Assessment database (PDF 26), all of which are distinct from the KST, and PDF 59 seems to make clear that the latter TSA list is not included in the TSDB. PDF 89 makes it clear there are other Department of Homeland Security and DOJ terrorist watch lists that are not the same as the TSDB. There is a Customs and Border Patrol database that includes additional information (see PDF 95) that will not be included in the TSDB.

In short, when Healy says there are many other reasons why people are subject to screening at airports, he is not saying that people aren't in a database somewhere, only that they are not in his database.

Then there's the possibility of a false positive—of someone being stopped because he had the same name as someone in the TSDB. The

documents describe how to put someone in the database with just a name and approximate age, and there at least used to be a Handling Code dedicated to people with limited biographical data (see PDF 45). And Healy himself admitted (PDF 101) that 60-70% of the people reported to the Terrorist Screening Center, some via stops and some via other bureaucratic means, are not positive matches to the list, which says some people are being stopped for no reason. Further, PDF 103 makes it clear that almost half the people who complain about being on the watchlists (that less than 1 percent Healy referred to) were either a false positive or were not appropriately on the watchlist.

So sure. The TSDB isn't necessarily the reason everyone is being stopped. But that doesn't mean the country's vast array of databases and watchlists are working properly.