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# *bandwidth*

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## **Techno-Terror II: Will the Networks Be Smarter Than the People?**

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The previous issue of *Bandwidth* presented a snapshot of how information and communication technologies can help enormously in fighting the war against terrorism. That the war will be long-term and wider than at present was made clear by President Bush in his State of the Union address: No longer counter-terrorism alone, but also a war waged against states who seek weapons of mass destruction, including pre-emption if necessary—even in the sole judgment of the United States. The President's FY2003 budget includes \$37.7 billion for homeland security, nearly double FY2002's \$19.5 billion; even this increase defers until the FY2004 budget a homeland security agenda to be developed by the National Strategy for Homeland Security and published with the next budget.<sup>1</sup>

The FY2003 budget includes funding for cyberspace security, "an essential new mission for the 21<sup>st</sup> century given [America's] growing dependence on critical information infrastructure, most importantly the Internet."<sup>2</sup> It proposes an information technology investment of \$50 billion for the entire federal government, including a \$722 million increase to improve sharing of information horizontally (intra-federal) and vertically (federal and state/local). An Information Integration Office with the Department of Commerce will oversee creation of an "interagency information architecture" to bolster domestic and global tracking of and response to terrorist threats.<sup>3</sup>

Two initiatives were announced that should prove highly significant for telecommunications: (1) \$30 million for a Cyberspace Warning Intelligence Network (CWIN) to link public and private sectors in crisis management; (2) \$60 million for a wireless priority access system giving authorized users priority wireless network access in event of an emer-

gency, an idea inspired by the September 11 communications gridlock in New York and Washington.<sup>4</sup>

## Read Our Databases: No More Hijackings

An example of network defense buttressing homeland security is already under consideration: a vast airport data mining/profiling network to assign threat level probability to all air travelers.<sup>5</sup> One way information can be correlated is to match a passenger who used a debit card to pay for his fare and that of others on the same flight, all of whom share the same address; passengers on different flights could be matched as well.<sup>6</sup> This would go far beyond the airlines' current screening system, which spots signs such as passengers who buy last-minute tickets with cash.<sup>7</sup>

Delta Airlines is already working on a prototype data-mining system, and Northwest is considering one as well. Two data-mining companies are already working on airline passenger profiling software. One decision tree that may be used: green for "OK," yellow for "screen further" and red for "apprehend immediately." Biometric identification is also a candidate for inclusion in the passenger database. Any industry-wide government network would be standardized by the newly-created Transportation Security Administration (TSA).<sup>8</sup> Funding of such networks will be provided at least in part by a ticket surcharge.<sup>9</sup> (The FY2003 budget contains \$4.8 billion for the TSA to fulfill the mandates of the Aviation and Transportation Security Act, signed late last year by the President.<sup>10</sup>)

To appreciate the magnitude of such a task, consider some industry numbers: 600 million annual fliers; 7,000 commercial planes making 22,000 flights daily—8 million

scheduled flights per year; an industry consortium search engine that processes a half-billion combinations in a few seconds to sort out flight times and traveler choices.<sup>11</sup> Barring a massive shift away from flying in favor of surface transit, the burden will surely increase.<sup>12</sup> Much of the traffic, however, is highly concentrated: The nation has 429 commercial airports,<sup>13</sup> but 70 percent of flights pass through just 30 hubs.<sup>14</sup>

## Read Our Display Monitors: No More Semi-Literates

But the flip side of intelligent networks is the need for intelligent people as well. Pursuant to the Aviation and Transportation Security Act, the Department of Transportation has established standards for employment which go into effect this month.<sup>15</sup> They are rudimentary, including a background check, substance testing, command of oral and written English, ability to interpret items displayed on screen, ability to see colors (will there be a lawsuit filed under the Americans with Disabilities Act on this one?), and passing a standardized test to be developed.<sup>16</sup> TSA plans to hire 40,000 employees, and give them 40 hours of classroom and 60 hours of on-the-job training; how many of today's low-wage screeners will be retained is unclear—one estimate is that 80 percent of screeners at Washington Dulles International Airport do not now qualify.<sup>17</sup>

Alas, airport security personnel seem determined to demonstrate that a vitally important task can be performed without even a modicum of common sense. Consider what happened to World War II hero Joe Foss—one of those portrayed in Tom Brokaw's best-seller, *The Greatest Generation*. Checking in at Phoenix's airport recently, Foss found himself delayed 45 minutes while security

personnel examined an object they thought suspicious. The item? Foss's Congressional Medal of Honor.<sup>18</sup> Congressman John Dingell, no less, was asked to pull down his pants so security screeners could check his artificial hip.

I have had a nail file snapped off a nail clipper, at Denver International airport, and recently was subjected to a head-to-foot, and quite firm pat-down at Delta's LaGuardia shuttle terminal—twice within two minutes—conducted by a screener who barely spoke English. Asked why she was repeating the process, she whined, "Let me do my job," while a nearby guard growled a similar warning. My shoes were removed, and then after walking some 200 feet down a closed passageway to the gate, a second search was conducted, with shoes once again removed and minutely examined. Add to this nuisance the countless mini-spectacles all travelers since September 11 have witnessed, of soccer moms being frisked as if they were al-Qaeda detainees at Guantanamo's X-Ray camp.

Now everyone accepts that some increased scrutiny of passengers is needed after September 11. But the scrutiny, to be useful, must be intelligent: No one is made safer when war heroes and members of Congress are subjected to silly or intrusive searches. An intelligent search is one that, by definition, is non-random. Simply put, this means that certain criteria deemed empirically relevant are applied to sort out suspects from others. This is, of course, the very antithesis of the current system of which Transportation Secretary Mineta is so proud, i.e., a system that equally hits 70-year-old white women and Muslims (male or female).<sup>19</sup> Secretary Mineta's view is drawn from his experience as a child internee in the Japanese-American detention camps during World War II.

American air security is thus being supervised by a man who believes that his personal and family wartime trauma justifies preventing Muslims today from the imposition of extra searches—i.e., justifies deliberately ignoring highly relevant data in deciding whom to search. Profiling is the sine qua non of serious security networks. It need not primarily be ethnic; terrorists would be only too happy to get Taliban retirees who look like WASP blue-bloods. Behavioral and circumstance profiling alone would easily trump today's random absurdities.<sup>20</sup> A "trusted traveler" program could be implemented as well, enabling Muslim citizens to bypass security screening on the same basis as non-Muslims, thus mitigating the impact of ethnic profiling should it be implemented.

Were resources infinite and searches a matter of seconds, screening everyone (a "brute force" strategy) might be reasonable, especially if the annoyance factor could be confined to those who fail the first screening. But such is far from the case today. And the very fact that resources are limited argues that such assets be used intelligently, to get the most "bang for the buck." This means taking the highest-quality security personnel, rather than hiring people whose command of English is minimal, and whose common sense quotient is even lower. Cram course training is no panacea, either. What is needed is more—much more.

The nation has an untapped resource of immense value in security matters: retired cops. They have years of experience in street work, can spot suspicious behavior of individuals trying to melt into a crowd, and can conduct meaningful interrogations with the ability to intelligently interpret the answers—a depth of experience that cannot plausibly be replicated in 100 hours of training. Further, having airline employees ask the ritual ques-

tions ("Did you pack your bag yourself...") is only of use in reminding passengers not to accept items from strangers—a screen that nets only those whose innocence makes them vulnerable. For those not innocent the quiz is worse than useless: Every September 11 suicide hijacker passed these queries with ease. A terrorist who could not do so is in the wrong profession, and should consider gardening.

## Smart Security— Or Dumb Disaster

Smart networks require smart people to use them and/or work with them. The current air travel mess is an accident looking for a place to happen, especially as the advanced data-mining software is still a year or two away (perhaps even more, depending upon how fast things get done by industry and government). Planes are not safer today because of the airport security personnel, whose major contributions since September 11 have been infliction of needless indignities on Medal of Honor winners and congressmen, conducting countless arbitrary and capricious searches and confiscations, and providing an illusion of better security. In the event, air travelers are rapidly wising up to how poor the security remains even today.

Planes are indeed safer today, but it is because of the "Let's roll" legacy of Todd Beamer and his fellow heroes, as would be shoe-bomber Richard Reid found out the hard way. Passengers will no longer stand by and let a plane be taken over. It is time that they got more help from ground security. Intelligent searches need intelligent searchers.

America's homeland security needs every possible source of networked brainpower—human and machine. It must not be sacrificed upon the altar of political correctness, nor



held in thrall to a Cabinet member's personal sensitivities. The Bush Administration has responded impressively to wide-ranging security challenges since September 11. Its many

worthwhile initiatives, and its evident commitment to dramatically enhancing homeland security, should not be marred by a failure to inject intelligence into the screening process.

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<sup>1</sup> Securing the Homeland, Strengthening the Nation, Homeland Security Budget, Feb. 4, 2002.

< [http://www.whitehouse.gov/homeland/homeland\\_security\\_book.html#10](http://www.whitehouse.gov/homeland/homeland_security_book.html#10) >

<sup>2</sup> Id., p. 16.

<sup>3</sup> Id., p. 17.

<sup>4</sup> Id., p. 19.

<sup>5</sup> Intricate Screening of Fliers in Works: Database Raises Privacy Concerns, Washington Post, p. A1, Feb. 1, 2002.

<sup>6</sup> Id.

<sup>7</sup> The current airline system, introduced in 1994 by Northwest, is called CAPPS—Computer Assisted Passenger Pre-screening System. Lowry, Richard, Profiles in Cowardice: How to Deal With the Terrorist Threat, and How Not To, National Review, p. 32 (Jan. 28, 2002).

<sup>8</sup> The TSA is part of the Department of Transportation. < <http://www.dot.gov/affairs/dot12601.htm> >

<sup>9</sup> Id. A \$2.50 per ticket federal airport security fee will be collected, limited to \$5 total for one-way trips and \$10 for round-trips. Uncle Sam Mans the Scanners, Wall Street Journal, p. B1 (Feb. 8, 2002). Airlines are liable for expense in excess of fees collected, up to the amount they spent on screening in 2000. The new system is to be fully in place by November 2002, giving TSA 9 months to spruce it up.

<sup>10</sup> Id., p. 20.

<sup>11</sup> Will, George F., 600 Million Complainers, Washington Post, Aug. 2, 2001.

<sup>12</sup> One government study estimates that more than half of all plane trips are 500 miles or less; 40 percent are 300 miles or less. Id.

<sup>13</sup> No Whistleblowing Protections for Airport Baggage Screeners, Washington Post, p. A29 (Feb. 8, 2002).

<sup>14</sup> Id.

<sup>15</sup> < <http://www.dot.gov/affairs/standards.htm> >

<sup>16</sup> Id.

<sup>17</sup> Uncle Sam Mans the Scanners, p. B1, note 9 supra. Today's screeners make \$8.25 per hour, about half the typical individual wage. Over 30,000 employees will be screeners.

<sup>18</sup> Foss, incidentally, was—Super Bowl fans, thank Mr. Foss for a great game—the first commissioner of the American Football League.

<sup>19</sup> The specific query, posed to Secretary Mineta on 60 Minutes, was whether a 70-year-old white woman from Vero Beach should receive the same level of scrutiny as a Muslim from Jersey City. To which Mineta responded: “Basically, I would hope so.” He considers preventing racial profiling “a very basic foundation to all of our work.” Lowry, Profiles, p. 34, fn. 7 supra.

<sup>20</sup> It will no doubt be argued that behavioral profiling will inevitably be applied differently to suspect ethnic groups. To accept this as barring behavioral screening is to hold the procedure hostage to perfection in human execution. No procedure can pass such a test, and thus this objection should be dismissed.

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