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Do databases cross a line in border checks?

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By [Kevin Johnson](#), USA TODAY

[Ann Wright](#)'s record of civil disobedience is long and well-documented.

The former [U.S. State Department](#) official, who resigned to protest the [2003 invasion of Iraq](#), doesn't know precisely how many times she's been arrested in public demonstrations against the wars in [Iraq](#), [Afghanistan](#) and other causes.

But [Canada](#) does.

In the past three years, Wright, who lives in [Hawaii](#), has traveled to Canada five times and been denied entry twice. Each of the five times, Canadian authorities questioned the 63-year-old based on their own review of U.S. criminal justice databases containing Wright's misdemeanor arrest record. In 2007, Wright says, she was turned back to the U.S. after being questioned about the prior arrests, despite holding an invitation to [Ottawa](#) from three Canadian Parliament members, who were waiting at the airport to pick her up.

Thousands of times each day, Canadian authorities tap into sensitive U.S. government databases to check the criminal histories of U.S. citizens who are crossing the border or have been entangled in the Canadian criminal justice system, [FBI](#) records show. The databases are an integral part of security operations for Canadian officials, who are preparing for June meetings of the Group of Eight summit of the world's leading economic powers and the G-20 leaders of developed and developing countries. The summit meetings have drawn thousands of protesters in the past, including at last year's G-20 meeting in Pittsburgh.

The databases "provide invaluable investigative assistance" daily for law enforcement and support agencies, the [Royal Canadian Mounted Police \(RCMP\)](#) said in a statement.

During the Winter Olympics, Canadian authorities ran nearly 10,000 criminal history checks per day, more inquiries than some U.S. states perform each day, FBI records show.

Even more Canadian citizens receive similar scrutiny by U.S. officials with access to Canadian records, according to RCMP records. Since January, Canada has conducted 400,000 queries and the U.S., 1.4 million.

"The whole notion of the sharing of this kind of information in the databases makes people feel very nervous," says MP Libby Davies, one of the members who invited Wright and whose

district includes parts of Vancouver. "A case like this does make you question how these databases are being used."

Keeping close watch

The U.S. shares its criminal databases more freely with Canada than any other country as part of a treaty signed during the [Reagan](#) administration.

FBI officials say the [9/11 terrorist attacks](#) underscored the need for the information exchange, which they believe is key to protecting the homeland.

One of the U.S. government's most important terrorist arrests occurred on the U.S.-Canadian border in 1999, when al-Qaeda operative [Ahmed Ressay](#) tried to smuggle explosives into the U.S. to bomb the Los Angeles International Airport. His 22-year prison sentence was overturned in February by a federal appeals court that called it too lenient.

"Since 9/11, there is a feeling that we have to share this data," which tracks arrest warrants and rosters of missing persons, fugitives and terrorists, said Roy Weise, senior adviser to the FBI's Criminal Justice Information Services Division.

The U.S. has no independent authority to audit Canada's use, Weise says, and Canada has no authority to police U.S. queries of its system. Weise and RCMP Sgt. Greg Cox say the two countries conduct regular internal audits of their own use.

Yet some U.S. and Canadian analysts say the countries' frequent use of the systems raises serious privacy and information security concerns potentially involving millions of people on both sides of the border.

"This is a dangerous practice that needs a tremendous amount of accountability," said Michael German, the ACLU's national security policy counsel and a former FBI agent.

He says Canada's access to such detailed — and possibly outdated — personal histories of U.S. citizens, including decades-old misdemeanors, can result in wrongful detention, interrogation and foreign travel bans.

About half of the arrest records in the system have not been updated to reflect convictions, dismissals or acquittals, Weise said, adding that local law enforcement agencies are responsible for giving the FBI updated information.

Susan Ginsburg, a former senior staffer on the 9/11 Commission, says privacy and information security laws are "seriously lacking" to keep pace with nations' demands for information to enhance domestic security.

'Stunned'

Among the hundreds of people questioned, detained or denied entry during the Winter Olympics were protesters and three California travelers.

One of the California men, Tim Fallman, a 29-year-old Mission Viejo salesman, said he was "stunned" — and a bit embarrassed — when Canadian border authorities grilled him about a trespass violation from 1999. Fallman, wearing only a beanie and goggles, was caught streaking at an Orange County, Calif., high school football game. He and his two companions, who also were questioned about past run-ins with the law, eventually were allowed to enter Canada.