

**EDWARD HASBROUCK**

**Government Surveillance  
and Control of Travelers**

The Cato Institute  
(Washington, DC)

2 April 2013

# Government Surveillance and Control of Travelers

1. ID requirements ("Papers, Please!")
2. ID-linked "Personal Travel History"
3. "Permission To Travel" control system  
(based on identity and ID-linked history)
4. Default is "NO"

# Surveillance of Travel vs. Surveillance of Communications:

## SIMILARITIES:

1. Movements of people vs. movements of messages
2. CALEA vs. enforced modifications to travel IT systems  
(\$2B+ since 9/11 in costs to travel industry)
3. Suspicionless dragnet capture & retention of data

# Surveillance of Travel vs. Surveillance of Communications:

## DIFFERENCES:

1. Legal framework for communications surveillance vs. legal framework for travel surveillance
2. How the government uses this data: “passive” surveillance vs. active real-time control

# Travel Dataveillance:

3 partially overlapping sets of data required by DHS for each air traveler (depending on whether flight is domestic or intl.)

1. “Passenger Name Record” (PNR) data
2. “Advance Passenger Information System” (APIS) data
3. “Secure Flight Passenger Data” (SFPD)

# Domestic vs. International:

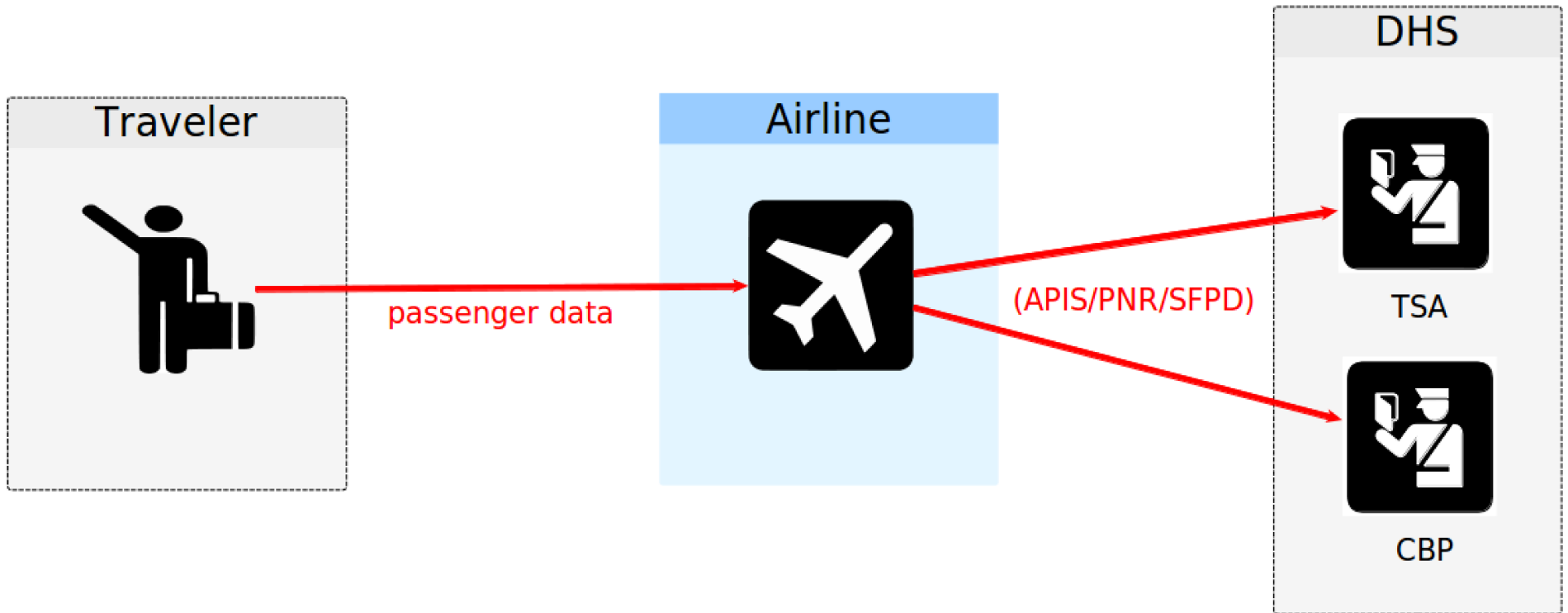
different names for systems and datasets,  
same essential content and functions

## International Travel:

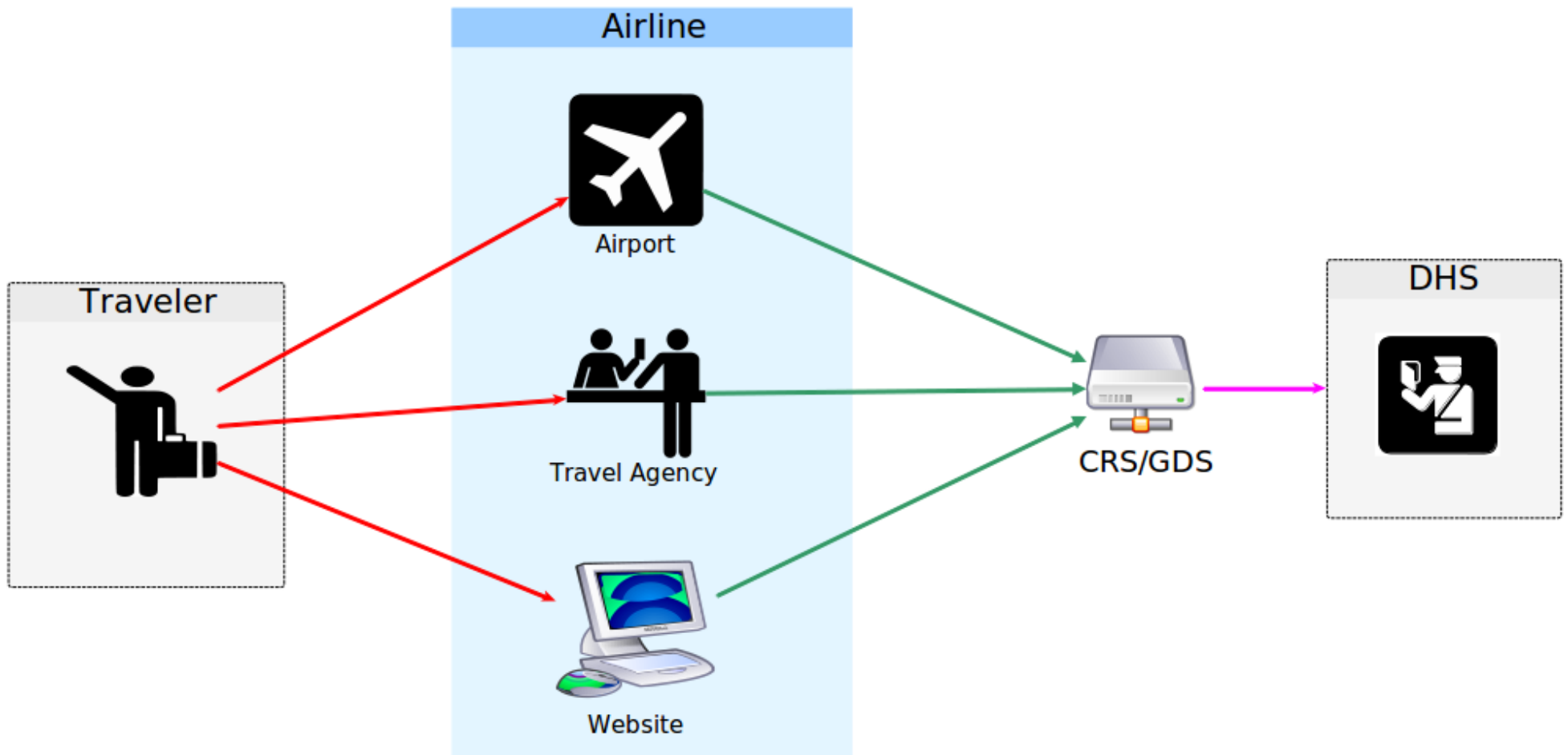
- Advanced Passenger Information System (APIS) data
- Passenger Name Record (PNR) data accessed & “ingested”
- CBP Automated Targeting System (ATS)

## Domestic US Travel:

- Secure Flight Passenger Data (SFPD)
- PNR data accessible to TSA but not usually “ingested”
- TSA Secure Flight system

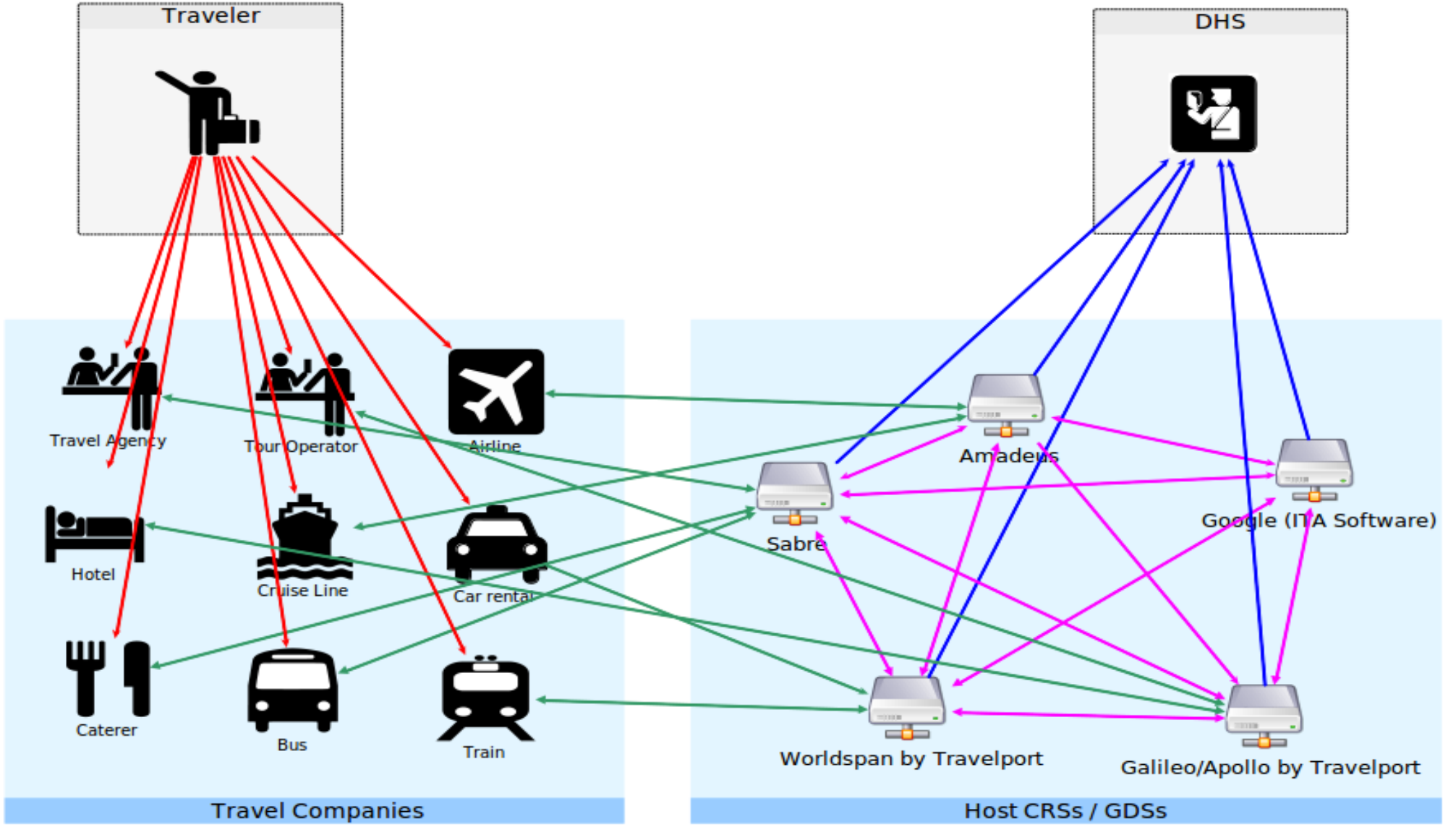


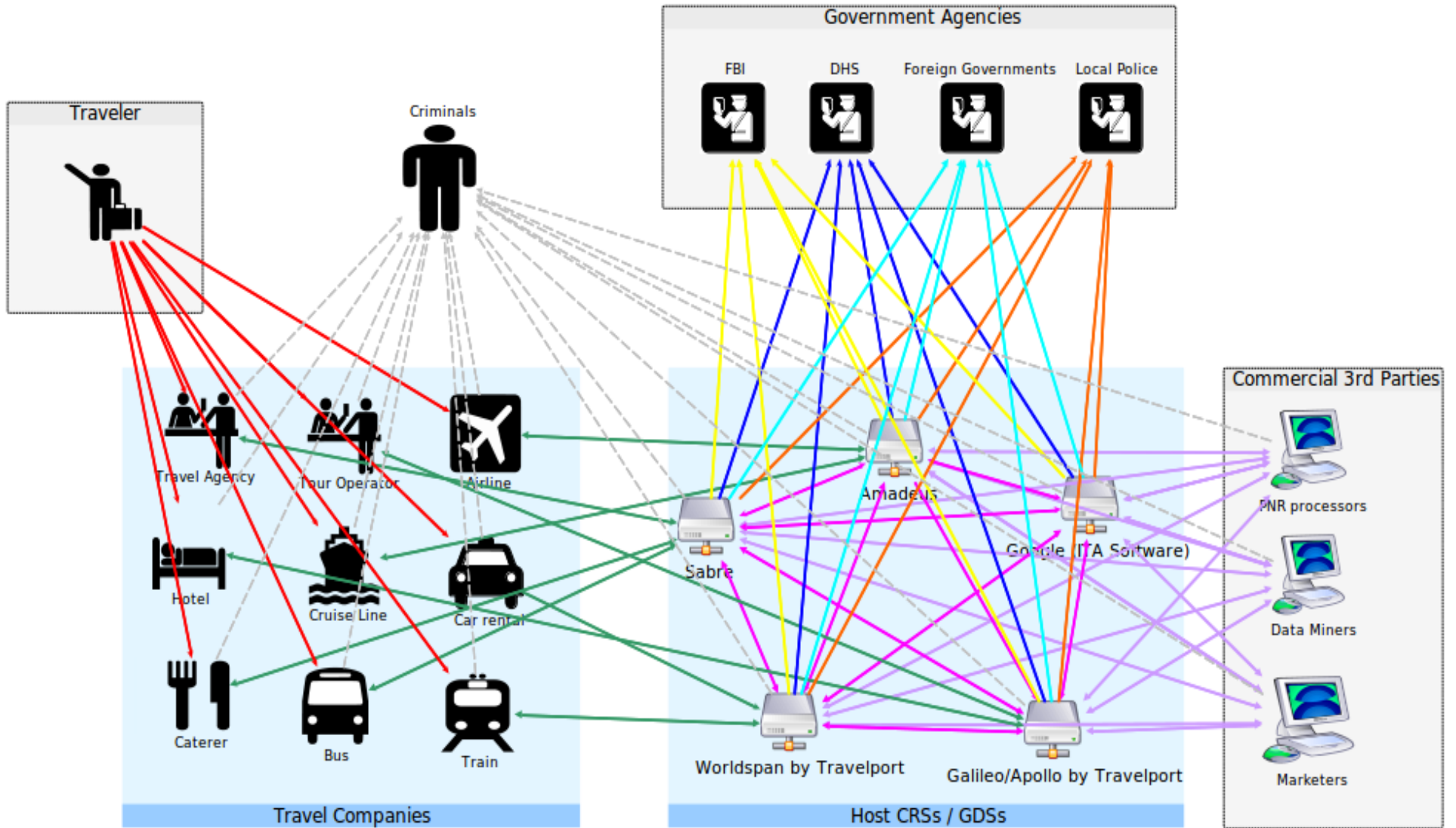
This is how the DHS thought it would work, but the reservations data ecosystem isn't structured like this.

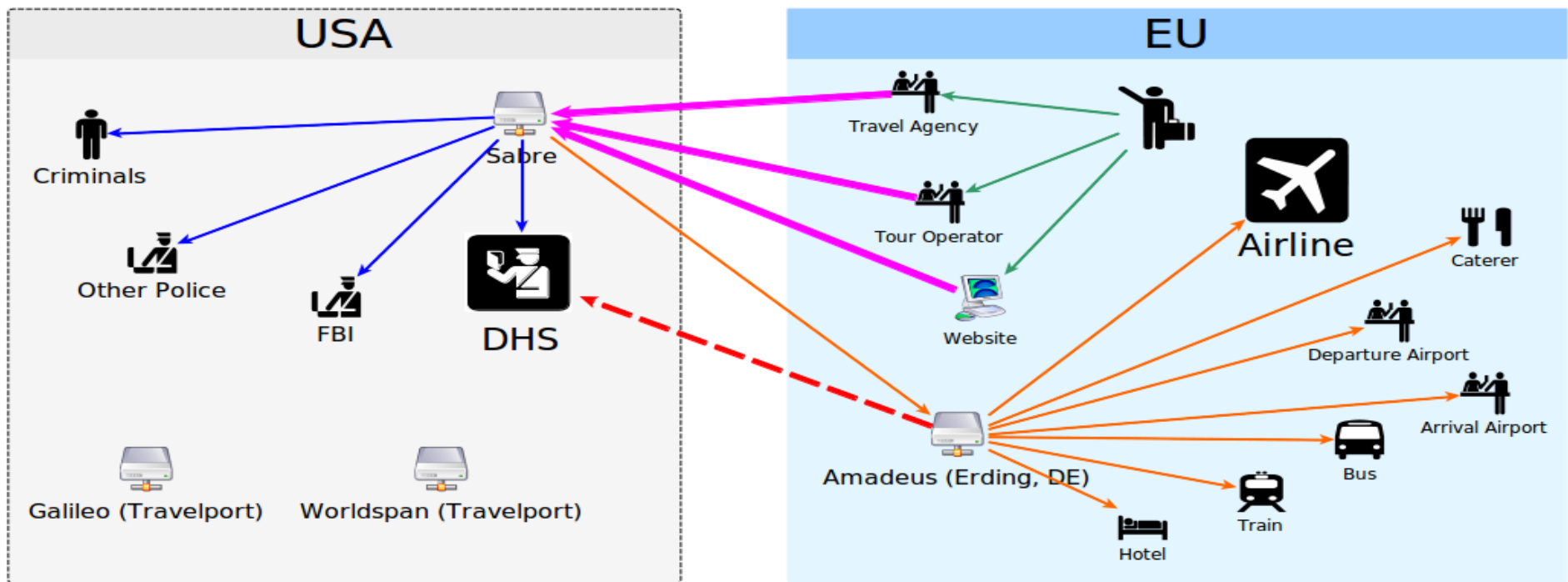


Most airlines don't host their own PNRs. They outsource this to a third-party "Computerized Reservation System" (CRS) or "Global Distribution System" (GDS).

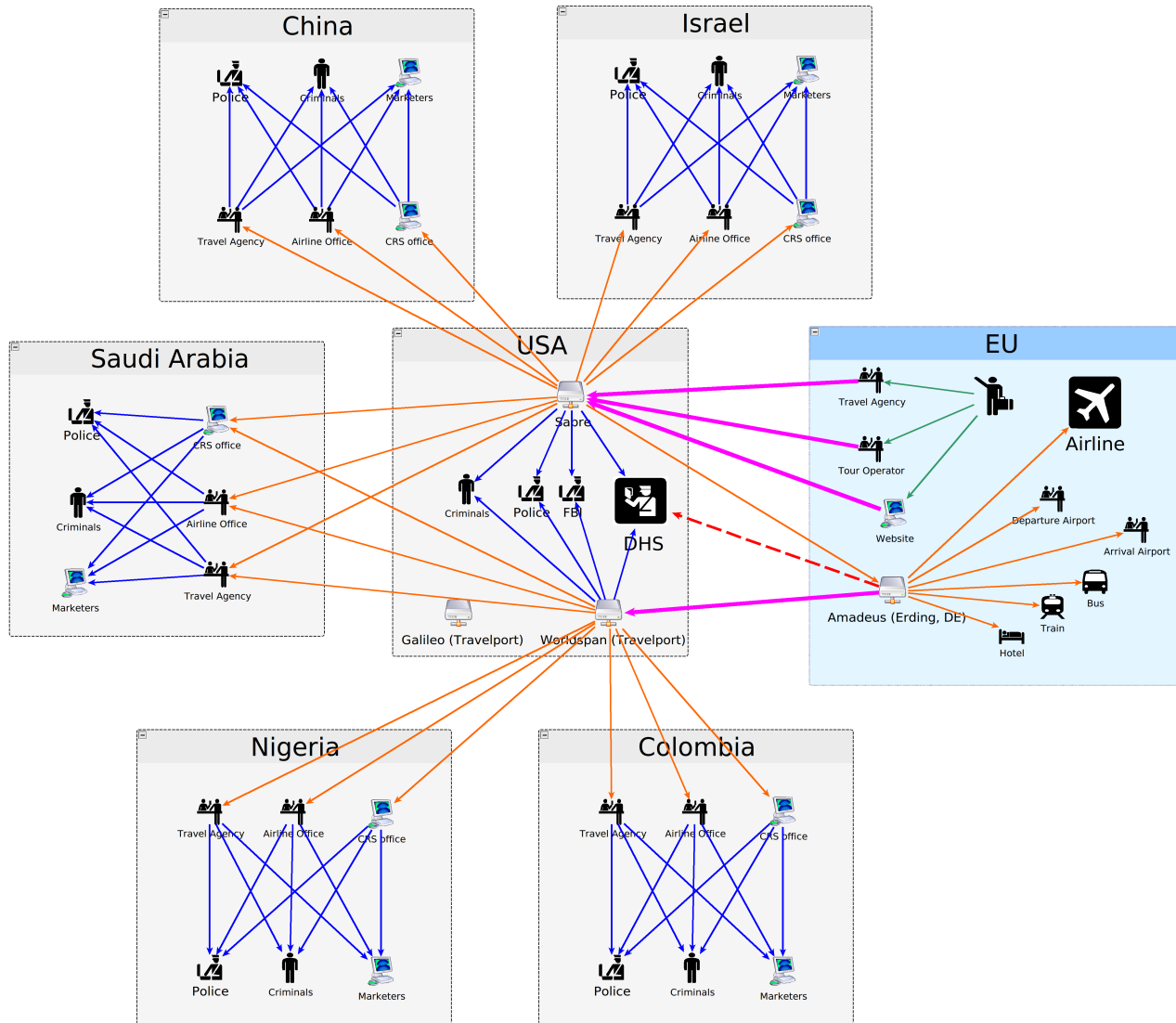






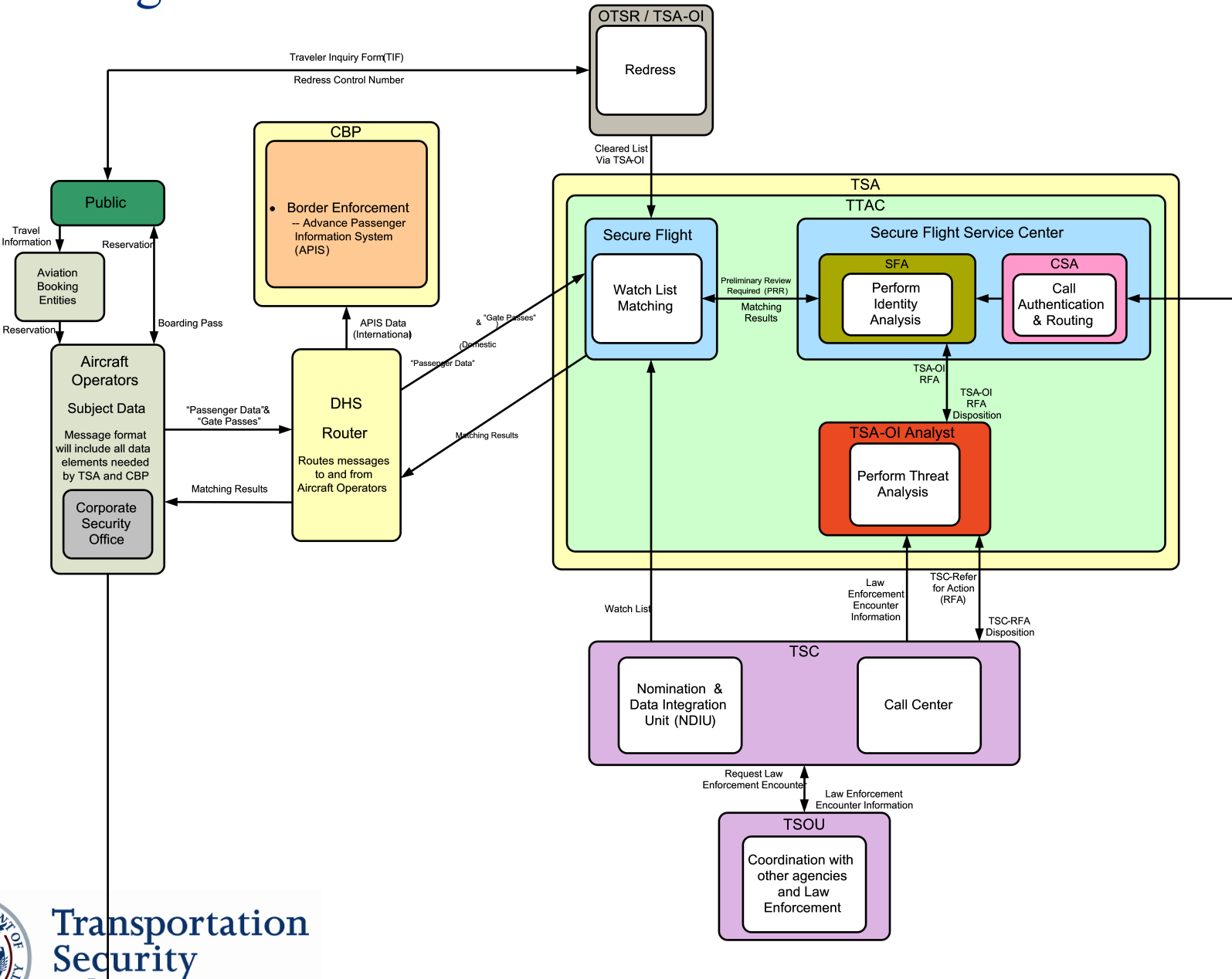


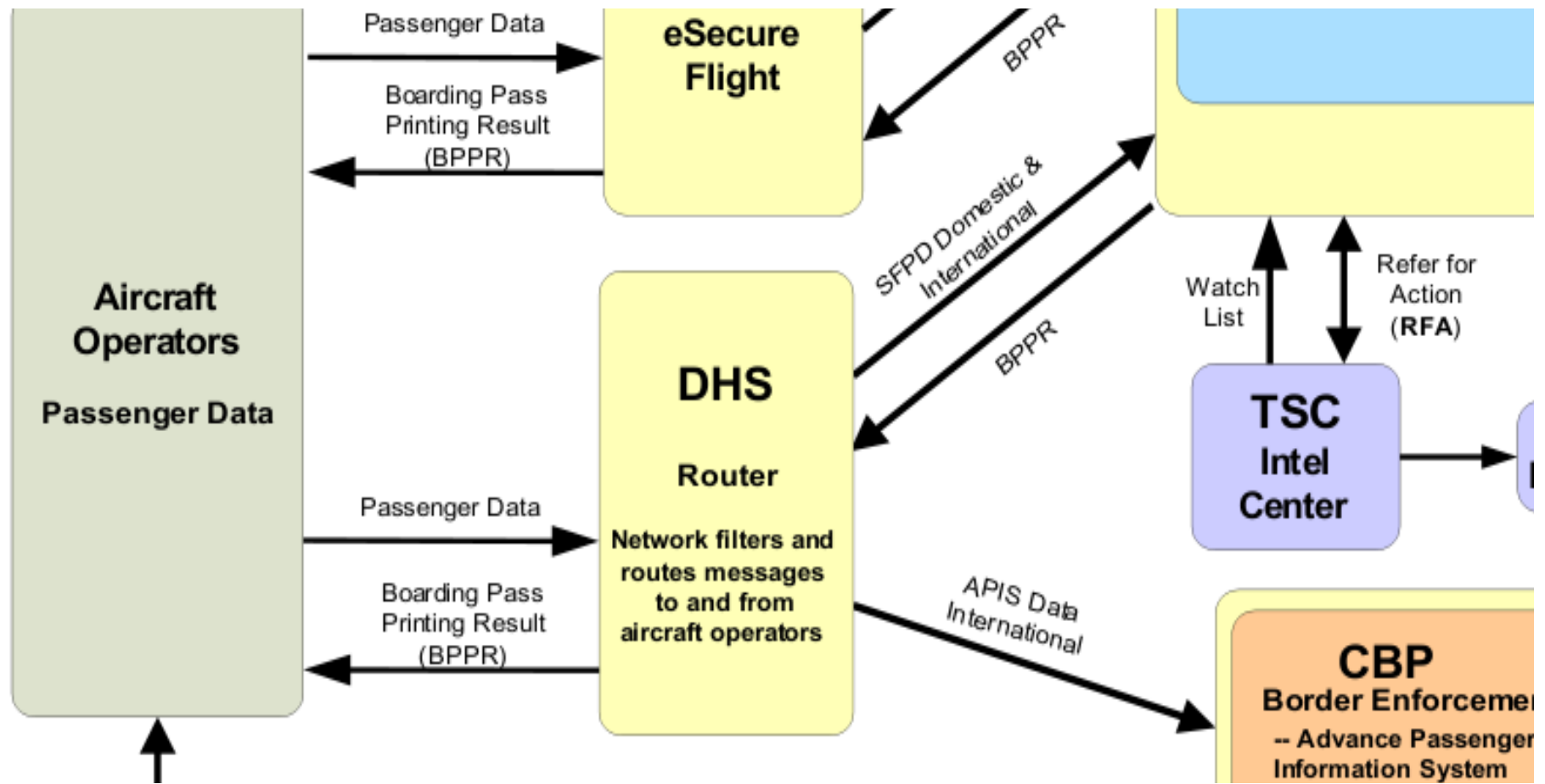
Because most of the CRSs are based in the USA, data is routinely stored in the USA and accessible to the DHS even for journeys within other parts of the world. And vice versa: Reservations made in the USA, for flights within the USA, are accessible to governments and other entities in other countries. The CRSs are the original globally-accessible data “cloud”.



Where has your travel data gone? (There are no access logs.)

# Secure Flight Business Model





The airline is forbidden to issue a boarding pass unless and until it receives an individualized, per-passenger, per-flight permission message (“boarding pass printing result”) from DHS.

## 49 USC § 40103:

“A citizen of the United States has a public right of transit through the navigable airspace.”

## 49 USC § 40101:

“[T]he Administrator ... shall consider ... the public right of freedom of transit through the navigable airspace.”

## Secretary of Homeland Security Chertoff on judicial review of no-fly orders:

“We don't conduct court hearings on this....  
We're not about to let them do that... because we  
would be inundated with proceedings.”  
(Q & A after speech at the Federalist Society,  
November 17, 2006)

“If you are asking if we would do a court process  
where we litigate it, I mean, that effectively would  
shut it down.”  
(interview with Wired, August 6, 2008)



# Contents of ATS records

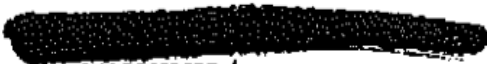
Categories of ATS data partially disclosed at DHS “discretion” (always incomplete and redacted):

1. Complete copies of PNRs for all international air travel to, from, via, or overflying US territory
2. TECS index (international entry/exit log of crossings of U.S. borders since at least 1992)
3. Optional TECS detail page(s) including secondary inspection notes for each entry or exit

# Contents of ATS records

Categories of ATS data never disclosed:

4. "Risk assessments" (per passenger, per flight)
  5. Rules used to generate risk assessments
  6. Pointers to external databases (govt. & commercial)
- (n.b. Access logs or Privacy Act “accounting of disclosures” can't be disclosed, since they aren't kept.)



b2

SDXHXW/  
 \*\* ELECTRONIC LISTING \*\*  
 1.Z/1HASBROUCK/EDWARD  
 1 UA 847C 17JUL IADEZE SB2 945P 920A^ TU/WE E  
 IAD/0654CT/ARVS 849P OT ^DPTS 945P OT  
 EZE/0654CT/ARVS 920A OT  
 FONE-IADR000005106239675  
 ]  
 ---HISTORY---  
 RCVD-VRU/0000000  
 DEN AG IF 1719Z/17MAY  
 XS UA 847 F17JUL IADEZE SB/SB2 945P 920A \*  
 AS UA 847 C17JUL IADEZE SB/SB2 945P 920A  
 RCVD-/U112345 -CR- IAD/1S9B/UA SU JK 17JUL0102Z  
 HS UA 847 F17JUL IADEZE SB/SB2 945P 920A \*  
 RCVD-/0000000 -CR- DEN/1S9B/UA AG IF 17MAY1719Z  
 ]

Guilt by association? The only contact information in this 2007 PNR from my ATS file is the home telephone number of a friend.

62  
[REDACTED]  
\*\*\* ELECTRONIC TICKET \*\*\*

F 1.1HASBROUCK/EDWARDMR

WW1ACWW 29AUG PMIME5

1 AC 761 A SA 9SEP YULSFO HK1 0830 1130 CABY

FONE-

~~1.WW1-H 1 415 824-8562~~

2.WW1-P 1 415 824-0214

3.WW1-A 1130 TREAT AVE./\*\*/SAN FRANCISCO CA/94110 US

4.WW1-A AIRCANADA//HASBROUCK.ORG/MEMBER EMAIL

TKT-

1.1 K29AUGWW1WW 0142138066453

AP FAX-

1.1 SSRFQTVYYPN1 /UA00168716753

RMKS-

1.1 C/H IS EDWARD HASBROUCK/CA USER ENTERED CREDIT CARD/USD 248  
.78/ALL PSGRWEB BOOKING/EMAIL TO C/H

2. MOP: CHARGE MY CREDIT CARD

3. PASSENGER REQUESTED I/R DELIVERY BY EMAIL TO AIRCANADA//HASBR  
OUCK.ORG

4. TIDGERGJK1J4

5. BKIP 172.24.96.31 29AUG06 17:22

This PNR from my ATS file includes my timestamped IP address, so even a dynamic IP address could be identified. (It also includes my credit card, cellphone number, etc.)

```

1 .HASBROUCK/EDWARD MR(ADT)
2   AF  83      N 13JAN 2 SFOCDG B 1      I  1535 1125 1
3   AF  7183    L 14JAN 3 CDGZXR B 1      TN  1235 1412
4   AF  7186    L 20JAN 2 ZYRCDG HK1      1609 1746
5   AF  84      N 21JAN 3 CDGSFO HK1      2E  1015 1255
6   SEA  RQST AF HK1 CDGSFO /41AN  /P2/S4
7   SSR  CCCC AF HK1      /P2/S4
8   AP  1-4158240214
9   AP  AF@HASBROUCK.ORG

```

This PNR from my ATS file with CBP includes the details of my travel by train between Paris and Brussels (ZXR). Of course the PNR also shows my seat assignment (41A from CDG to SFO), so relationships between passengers can be analyzed, even if they made reservations and bought tickets separately.

RP/DCA1S219L/DCA1S219L SJ/GS 26MAR10/0724Z  
1.HASBROUCK/EDWARD J MR(ADT PT/23  
2 LH 455 L 05APR 1 SFOFRA HK1 I 1415 1005 1  
3 LH 4576 L 06APR 2 FRABRU HK1 1 1300 1355  
4 LH 6911 S 23APR 5 XERFRA HK1 0815 1100  
5 LH 418 S 23APR 5 FRAIAD HK1 1 1310 1545  
6 LH 9368 S 23APR 5 IADSFO HK1 1735 2021

This PNR from my ATS file with CBP includes the details of my travel by bus between Strasbourg (XER) and Frankfurt.

```

1 UA 900Q 25DEC SFOFRA HK1 213P 1015A^* MO/TU E 4
2 UA8974Q 26DEC FRATXL HK1 1125A 1230P * TU E 4
OPERATED BY DEUTSCHE LUFTHANSA AG
3 OK 519M 01JAN TXLPRG HK1 710P 810P * MO E
4 OK 648M 01JAN PRGLHR HK1 910P 1000P * MO E
5 UA 955Q 07JAN LHRSEFO HK1 1005A 118P * SU E

```

The “OK” (Czech Air) flights were on a separate ticket, and did not connect to flights to or from the US. UA would not be able to see these flights in the CRS – only a CRS user with “root” access would be able to see them. OK does not fly to the US.

# Other data in PNRs

- Hotel reservations (How many beds did you and your traveling companion ask for in your hotel room?)
- Special meals (Kosher? Halal?) and special service requests (medical conditions? physical disabilities?)
- Reservations and special service requests for tours, cruises, ground transport, and other travel services
- Billing codes (Which client did a lawyer bill this trip to?)
- Discount codes (What organization are you associated with? What convention are you attending?)



RUN DATE = 12/15/09 RUN TIME = 16:06  
NOTE: TIME SHOWN IS SYSTEM HOST TIME.

TECS II  
PASSENGER ACTIVITY REPORT

PAGE NO. 3

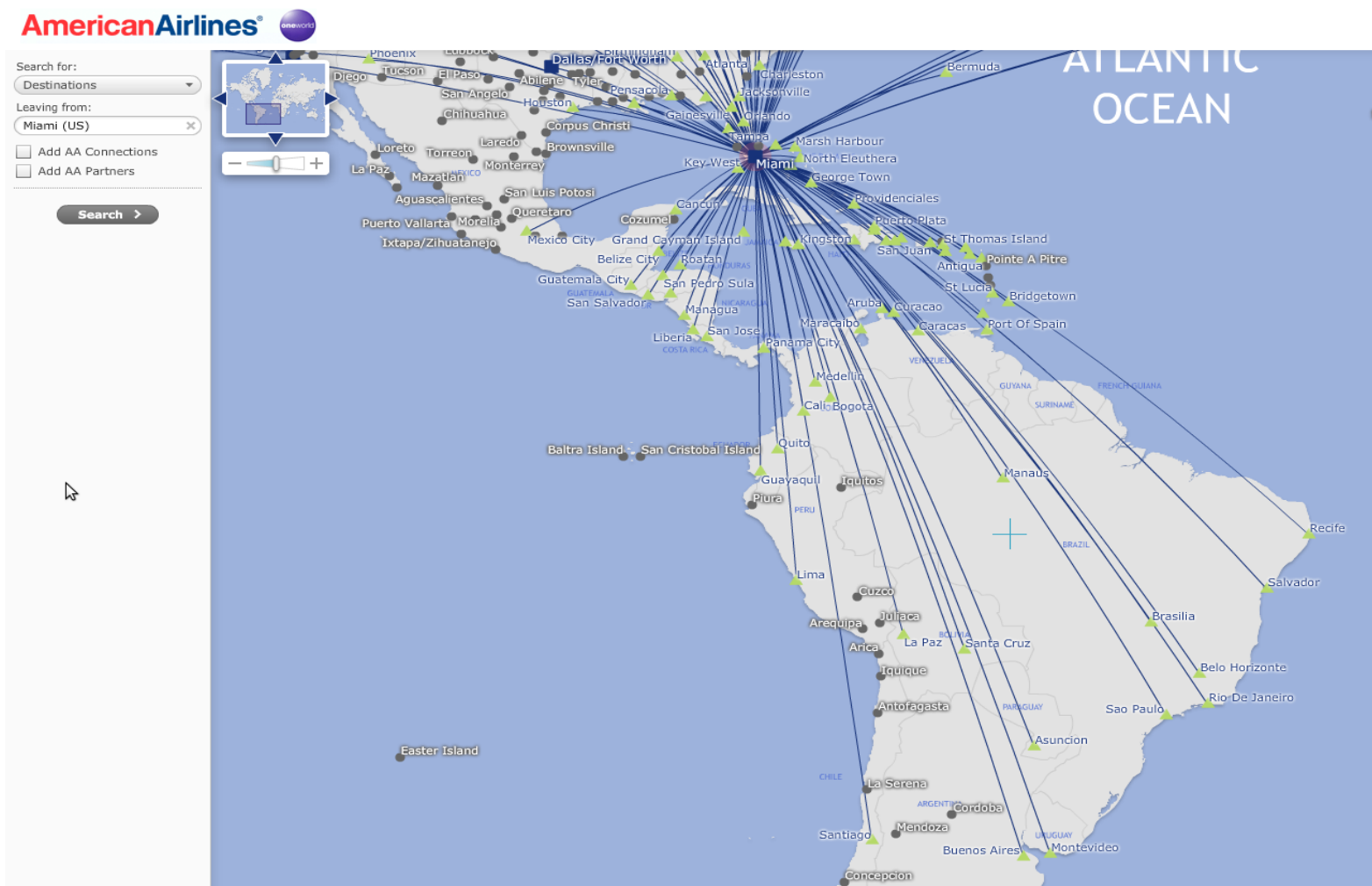
REQUESTED BY: (b)(6),(b)(7)(C) ID: (b)(6),(b)(7)(C)  
FROM 01/01/82 AT 00:00 TO 12/15/09 AT 00:00  
PRINTER LOCATION: (b)(2)

PASSENGER SURNAME	CROSS DATE/TIME	LOCA	TERMID	L TYP	FIRST NAME	DOCUMENT NUMBER	CTRY	TYP	BIRTHDTE	INSPECTOR
QYAGN	QYRSLT	TECS-RECORD-ID	API	ARCDE	FLNBR	ARRLC	DEPLC			
SITE - DESCRIPTION			DIRECTION	AGN REF	IND					
HASBROUCK	02/02/00 00:00		01	API	EDWARD	158700338	US	P	01/11/60	APIS QRY
CUS (b)(2)				R	BA	287	SFO	LHR		
2801 -				I	N					
HASBROUCK	02/11/99 15:22		PL24	API	EDWARD	158700338	US	P	01/11/60	(b)(6),(b)(7)(C)
INS (b)(2)				C	BA	217	IAD	LHR		
5401 -				I	N					
HASBROUCK	10/28/97 09:36	7922	ZR10	AIR	EDWARD	052187408	US	P	01/11/60	(b)(6),(b)(7)(C)
INS (b)(2)				N						
A338 - VANCOUVER, INTL AIRPORT-C				I	N					
HASBROUCK	11/15/95 18:39	2720	XX18	AIR	EDWARD	052187408	US	P	01/11/60	(b)(6),(b)(7)(C)
INS (b)(2)				N						
A272 - LOS ANGELES, LAX TERM 2				I	N					
HASBROUCK	10/22/95 00:00		01	API	EDWARD				01/11/60	APIS QRY
CUS (b)(2)				R	CI	4	SFO	TPE		
2801 -				I	N					
HASBROUCK	10/22/95 16:30	2801	YW02	AIR	EDWARD	052187408	US	P	01/11/60	(b)(6),(b)(7)(C)
INS (b)(2)				N						
A281 - SAN FRANCISCO, INTL AP TE				I	N					
HASBROUCK	04/10/94 21:10	2720	YQ51	AIR	EDWARD	052187408	US	P	01/11/60	(b)(6),(b)(7)(C)
INS (b)(2)				N						
A273 - LOS ANGELES, BRADLEY AP L				I	N					
HASBROUCK	08/18/92 18:29	2801	YW13	AIR	EDWARD	052187408	US	P	01/11/60	(b)(6),(b)(7)(C)
INS (b)(2)				N						
A281 - SAN FRANCISCO, INTL AP TE				I	N					

~~OFFICIAL USE ONLY TECS II INFORMATION OFFICIAL USE ONLY~~

My ATS file  
includes records  
of my  
international  
travel  
since 1992.

The first SORN  
(Federal Register  
notice) of the  
existence of ATS  
was in 2006.



ATS records include passengers on all flights that overfly US territory, even if they don't land in the US. What would happen if Cuba wanted the reservations of everyone who overflies Cuba?

HASBROUCK  
09/05/06 00:00  
[REDACTED] (b)(2)  
S. JERONIMO

01 API EDWARD 01/11/60  
R 212838038 US P APIS QRY  
0 2V 69 MTR NYP  
N

This ATS record contains APIS data for a train trip from New York to Montreal, obtained by CBP from Amtrak's reservation system.

HASBROUCK					EDWARDJOHN			01/11/60
07/20/08	22:14	3302	VY01	VEH	212838038	US	P	(b)(6),(b)(7)(C)
CUS	(b)(2)			N				
L332	-	EASTPORT,	BORDER CROSSING	I	N			

This ATS record describes a crossing of the USA-Canada border by private car. Current ATS records include the license number of the vehicle, obtained from automated license plate readers.

11:43:40:86

LAND BORDER SECONDARY INSPECTION

03/28/2012

\*A

\*B

\*C

\*\* REFERRAL TIME: 22:33 EST / LANE #: S3 \*\*

PAGE 1

----- I N S P E C T I O N   R E M A R K S -----

(b) (7) (E)

NEGATIVE COMPUTER QUERIES FOR CRIMINALITY WANTS AND WARRANTS.  
NEGATIVE VEHICLE EXAM.  
SUBJECT IS A USC.

There can be a TECS detail page with free-text notes for each border crossing – even if nothing illegal or suspicious was found. (This example is from a traveler who crossed the border on foot.)

16:07:17

(b)(6),(b)(7)(C)

IO25 INSPECTION REMARKS

12/15/2009

(b)(2)

(b)(2)

PAGE 1

+-----INSPECTION REMARKS-----+

PAX VERBALLY DECLARED FOOD. 1 APPLE WAS SEIZED. BREAD WAS INSPECTED AND RELEASED. NO CIVIL PENALTY ISSUED.

“No penalty issued.”

But my apple and bread are in  
my permanent ATS file with CBP.

16:07:39

(b)(6),(b)(7)(C)

IO25 INSPECTION REMARKS

12/15/2009

(b)(2)

(b)(2)

PAGE 1

+-----INSPECTION REMARKS-----+  
PAX ARRIVED FROM ARGENTINA, AA 900, IN A LIVESTOCK SHOW. HIS SHOES WERE  
CLEANED AND DISINFECTED FOR POSSIBLE CONTAMINATION.

CBP washed my shoes – and made a note  
about it in my permanent ATS dossier.

07:47:18

I025 INSPECTION REMARKS

08/10/2007

PAGE 1

+----- I N S P E C T I O N R E M A R K S -----+  
PAX HAS MANY SMALL FLASHLIGHTS WITH POT LEAVES ON THEM. HE HAD A BOOK ENTITLED  
DRUGS AND YOUR RIGHTS"

What book are you reading?  
You read about drugs? About your rights?  
That goes in your permanent file.



07:47:27  
[REDACTED]

IO25 INSPECTION REMARKS

08/10/2007 [REDACTED]

PAGE 1

+----- I N S P E C T I O N   R E M A R K S -----+  
PAX WAS TRAVELING FOR ABOUT ONE MONTH. PAX ATTENDED COMPUTER CONFERENCE IN BERL  
N AND THEN TRAVELED AROUND EUROPE AND ASIA TO VISIT FRIENDS. 100% BAGGAGE EXAM  
EGATIVE. RESIDES [REDACTED] PAX IS SELF EMPLOYED  
"ENTREPRENEUR" IN COMPUTER SOFTWARE BUSINESS.

You attended a computer conference?  
You claim to be a computer software  
“entrepreneur”? That goes in your permanent file.



# EDWARD HASBROUCK "The Practical Nomad"

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**The Identity Project:**  
<http://www.PapersPlease.org>