

## CREATING A TERRORIST IDENTIFICATION DATABASE

A proposal contained in the Justice Department's draft PATRIOT II bill with far-reaching implications for privacy rights is the creation of a "Terrorist Identification Database." This proposal would authorize the administration to collect the DNA of anyone considered a suspect and of any non-citizens deemed to have any form of association with a "terrorist organization."<sup>1</sup> Even those merely suspected of terrorist involvement would be required to submit DNA samples for inclusion in the database. One could be labeled a suspected terrorist for association of any kind with a group designated as a terrorist organization. Non-compliance with requirements to surrender samples to the DNA database would be a crime punishable by up to one year in prison and a \$100,000 fine.<sup>2</sup>

Requiring individuals who have not been convicted of any crime to turn over their DNA, without a court order and without strict safeguards on data security is a particularly egregious invasion of privacy. Providing genetic information is far more invasive than a fingerprint, and provides personal information that is particularly subject to abuse by either government agencies or the private sector. DNA may, for example, disclose a predisposition to certain physical or mental illnesses.<sup>3</sup> Requiring genetic information is troubling because it invades the privacy of not just individuals but entire families and their descendants.<sup>4</sup> The DNA database provision of PATRIOT II would put information that comprises the very essence of personal identity into unregulated government control.

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<sup>1</sup> Anita Ramasastry, "Patriot II: The Sequel Why It's Even Scariest than the First Patriot Act," *Findlaw* February 17, 2003, <http://writ.news.findlaw.com/ramasastry/20030217.html> (accessed February 25, 2003).

<sup>2</sup> *Ibid.*

<sup>3</sup> Timothy Edgar, "Interested Persons Memo: Section-by-Section Analysis of Justice Department draft 'Domestic Security Enhancement Act of 2003,' also known as 'PATRIOT Act II'", *ACLU*, February 14, 2003, <http://www.aclu.org/SafeandFree/SafeandFree.cfm?ID=11835&c=206> (accessed February 25, 2003).

<sup>4</sup> *Ibid.*