

Is TSA's terrorism Watch List being abused to target whistleblowers?



Posted by [Bill Conroy](#) - September 3, 2006 at 4:33 pm

John “Sparky” McLaughlin and his family were packed and ready to depart for a relaxing vacation on July 1 of this year. But when they arrived at Philadelphia International Airport that day, the federal government had other plans for McLaughlin.

The saga began at the curbside check-in counter, when an airline worker told McLaughlin and his family that they would have to go inside the airport terminal to check-in because McLaughlin was on a federal Watch List. When he and his family arrived at the first-class ticket counter, another airline official again informed McLaughlin that he was on the terrorism Watch List.

McLaughlin was shocked. He produced credentials to prove that there could be no way he was on a government Watch List. But that still wasn’t good enough. The credentials were taken to an official with the Transportation Security Administration (TSA), which “guards” America’s airports on behalf of the Department of Homeland Security (DHS).

McLaughlin, with his wife, daughter and her friend, were held up for a half hour trying to prove to the first-class counter clerk that he could not possibly be on the Watch List. But the counterperson insisted he was on the list, and it was only after TSA had examined his credentials that McLaughlin and his family were allowed to board the airplane, publicly humiliated and bound for Orlando. To this day, McLaughlin has not been able to clear up the matter, despite requesting clarification through TSA.

So why is this so strange? After all, anyone who flies nowadays almost expects to confront TSA scrutiny by way of searches and delays.

Well, among the credentials produced by McLaughlin that day at the airport were his driver’s license, passport and his law enforcement credentials.

That's right. McLaughlin is a law enforcement officer. And he is not just any cop. He is employed as a narcotics agent assigned to the "Intelligence Unit" of the Pennsylvania Attorney General's Office. One of his duties in that role is to report and pursue any threat to the nation's homeland security. In addition, it also is possible that the next time McLaughlin shows up at the airport, and is delayed or prevented from boarding due to his name being placed on the terrorism Watch List, it could well be in the course of pursuing a real terrorist.

And, according to McLaughlin's attorneys, his name appears to still be on the TSA Watch List. In other words, this was not a case of mistaken identity.

How could this happen?

Is this just a case of a completely bungled Homeland Security bureaucracy that is so messed up that it can't tell the difference between a "terrorist" and a law enforcement officer charged with pursuing terrorists?

Passing the buck

TSA spokeswoman Andrea McCauley told Narco News that the problem is with the airlines. She claims mix-ups like this occur because the airlines, due to existing privacy protections, don't share enough information about passengers, so that in cross-checking names against DHS data-mining software, similar names are sometimes confused. So the solution, of course, in the eyes of DHS bureaucrats, is for U.S. citizens to be willing to allow the government to pry even deeper into their personal lives for the benefit of national security.

"Even TSA employees sometimes have problems (due to name confusion)," McCauley says. "We need more information from the airlines, but we (TSA) are limited in what we can get because of privacy concerns."

But even if we buy that argument, it doesn't explain McLaughlin's situation. In his case, he was actually on the Watch List — and was not confused with another individual with a similar-sounding name.

McCauley did concede that she could not explain what happened in McLaughlin's case. She adds that TSA only maintains the Watch List, but that individuals on that list are "nominated" by other federal agencies.

"Only the nominating federal agency can remove the person from the list," she adds.

To make matters worse, there is no way for a normal citizen who has been placed erroneously on the list to trace the series of events that led to that act, since the Watch List falls under the purview of national security and is not subject to public disclosure mechanisms such as the Freedom of Information Act (FOIA).

McLaughlin's attorneys confirmed he did, in fact, file a FOIA request, and included his law enforcement credentials with the filing, in an effort to get to the bottom of why his name appears on the Watch List.

TSA's response to McLaughlin's FOIA:

The Transportation Security Administration (TSA) can neither confirm or deny whether an individual is on a Federal Watch List, because this information is derived from classified and sensitive law enforcement and intelligence information. This protects the operational counterterrorism and intelligence collection objectives of the Federal government, as well as the personal safety of those involved in counterterrorism investigations. Federal Watch Lists remain effective tools in the government's counterterrorism and transportation security efforts because their contents are not disclosed.

So, in essence, TSA is protecting McLaughlin from himself, since McLaughlin has access to classified intelligence briefings and is responsible for collecting and acting on terrorist-threat intelligence in his role as a narcotic agent with the Intelligence Unit of the Pennsylvania Office of Attorney General. It all makes perfect sense, in an Orwellian sort of way.

But in terms of a functioning democracy, the explanation rings hollow.

One former high-level DHS supervisor told Narco News that the bottom line on TSA's Watch List program is that it is a system fraught with potential for error and abuse. This particular former DHS supervisor himself was flagged as being on the terrorism Watch List at one point. In his case, he says, it was a matter of name confusion, but he also concedes that innocent people are placed on the list at times.

"If someone wants to mess with you, they can put your name on that list," the former DHS supervisor says. "The system is very fallible, and they have done little to improve it. There are no real checks and balances. And when a mistake is made, it is very difficult to be removed from the list."

TSA's McCauley concedes that much in pointing out that if an individual in a position of power with another federal agency, such as the FBI or CIA, nominates an individual to the Watch List, it is only that nominating agency that can authorize the removal of the individual from the list.

So if someone within the federal government has an ax to grind with an individual, and there is no way for that individual to follow-up on the paper trail due to national security restrictions, then there is no way to check the abuse. The Watch List, in that case, becomes the perfect tool for creating a public enemies list as well as an ideal vehicle for tracking the movements of those political targets.

That line of reasoning is not a matter of a conspiracy theory. It is a simple matter of abuse of power, which even the founders of this country took into account in drafting a Constitution with checks and balances to avoid that natural tendency of human nature.

In the case of McLaughlin, the fact that he cannot even get TSA to concede he is on the Watch List by mistake, let alone get TSA to remove his name from that list, creates a bit of a quandary for the logic of the U.S. government's so-called war on terror.

Attorney Mark Conrad, a former high-level supervisor with U.S. Customs, which is now part of DHS, describes that dilemma this way:

"If this individual (McLaughlin) is on the Watch List, then he is either a real threat and he should not be carrying a badge and a gun, or someone is manipulating the system."

Afflicting the comfortable

Well, McLaughlin is on the Watch List, and he is still carrying a badge and a gun. So why is he a target?

"John (McLaughlin) is an upstanding U.S. citizen and patriot and an outstanding law enforcement officer," says Don Bailey, one of McLaughlin's attorneys. "There is nothing John McLaughlin has ever done that would warrant him being placed on a Watch List. This is all very suspicious."

McLaughlin's other attorney, Sam Stretton, puts it this way:

“He certainly was not put on the list as an agent or a cop without someone making a call or writing a letter.”

Both attorneys represent McLaughlin in still pending litigation that dates back to the mid-1990s. That litigation stems from a case McLaughlin and his partner, Charles Micewski, worked against a ring of Dominican narco-traffickers.

From a Feb. 13, 2003, [Associate Press story](#):

(AP) (PHILADELPHIA) A jury has sided with two narcotics agents who claimed their boss — the Pennsylvania attorney general — retaliated against them because they uncovered a drug-trafficking ring that diverted profits to a CIA-backed Dominican presidential candidate.

Agents John McLaughlin and Charles Micewski filed a lawsuit claiming their forcible transfer from the Philadelphia office of the state Bureau of Narcotics Investigation violated their civil rights. A federal jury in northeastern Pennsylvania agreed, awarding \$1.5 million to McLaughlin and Micewski on Friday after a one-week trial. The verdict capped more than five years of litigation. "They won their lives and their reputations back," Don Bailey, attorney for the plaintiffs, said Tuesday. "These people were just destroyed, devastated."

... The agents' allegations involved leftist politician Jose Francisco Pena Gomez, the longtime leader of the Dominican Revolutionary Party and a three-time presidential hopeful. Pena Gomez died in 1998.

McLaughlin and Micewski said they had uncovered a Dominican drug-trafficking ring operating in Philadelphia, New York and other Eastern cities that funneled drug profits to the Dominican Revolutionary Party, which they claimed was supported by the Central Intelligence Agency and State Department. The agents said the federal government had allowed Pena Gomez to return to the Dominican Republic after a (1996) fund-raising swing through New York with \$500,000 in alleged drug profits.

The agents said that shortly after they made their allegations, the Philadelphia district attorney and U.S. Attorney's office began questioning their credibility and stopped prosecuting their drug cases. More than 125 drug cases were ultimately dismissed or dropped after prosecutors accused agents of fabricating evidence and lying on the witness stand.

McLaughlin, Micewski and other agents from the drug agency's Philadelphia office were subsequently transferred to other bureaus -- and removed from street duty ...

The agents filed a civil rights lawsuit in 1997, saying they had "become the targets of vicious unfounded attacks on their credibility and careers by the federal government," with the "marionetted support" of the Philadelphia DA's office and [the Pennsylvania Attorney General's Office].

The lawsuit also claimed that Pena Gomez's Dominican Revolutionary Party "was, and is, protected and sanctioned, unlawfully, by agencies of the United States government, to include the CIA and the State Department, enabling the Dominicans to distribute illegal drugs at will to the black and Hispanic populations of the Eastern Seaboard."

All the king's men

Subsequent investigations by both the FBI and the Pennsylvania Attorney General's office cleared McLaughlin and Micewski of any wrongdoing with respect to the allegations made by the U.S. Attorney's Office and the Philadelphia District Attorney.

Although the original 1997 lawsuit was eventually dismissed, McLaughlin and Micewski filed a second lawsuit charging that officials with the Pennsylvania Attorney General's Office retaliated against them for filing the first lawsuit. That second lawsuit resulted in the \$1.5 million verdict in 2003 for McLaughlin and Micewski. The jury's verdict in that case was appealed by the defendants, who include high-level members of the Pennsylvania Attorney General's office.

The case is now pending before the U.S. Court of Appeals for the Third Circuit in Pennsylvania.

Ironically, one of the defendants in the litigation, former Pennsylvania Attorney General Mike Fisher, is now a sitting judge on the Third Circuit Court of Appeals. His case, however, due to a technicality, is not pending on appeal before the Third Circuit.

Fisher contested the amount of the judgment made against him in the jury trial, claiming it was excessive. That led the U.S. District Court judge in the case to vacate the jury's verdict and to order a brand new trial for Fisher, according to McLaughlin's attorneys.

So that means a sitting U.S. Circuit Court of Appeals judge now faces the prospect of being a defendant in a trial alleging he violated the civil rights of law enforcement officers McLaughlin and Micewski — and this is after one jury already found Fisher liable, to the tune of \$225,000, on that front.

So, with that background in mind, it is clear that McLaughlin, because he is a good, hard-charging cop, has created some powerful enemies, including potentially officials with the State Department, the Department of Justice, the CIA, the Pennsylvania Attorney General's Office, the Philadelphia District Attorney's office and a sitting federal appeals court judge.

Is it really that big a stretch to believe, after a jury already found that government officials retaliated against McLaughlin in the past, that they might once again retaliate against him by placing his name on the federal terrorism Watch List?

Unfortunately, the nature of the national security protections afforded the TSA Watch List seems to preclude McLaughlin or his attorneys from ever gathering the evidence necessary to prove that assumption.

Sanitizing the evidence

But there is evidence that U.S. government terrorism information has been manipulated in the past. That evidence comes in the form of an internal memo issued by the head of the investigative arm of U.S. Immigration and Customs Enforcement, a DHS agency that also has responsibility for tracking terrorist-related activity that could become fodder for TSA's Watch List.

From a prior [Narco News story](#):

A memo leaked to Narco News by some brave soul within the U.S. Department of Homeland Security (DHS) offers a revealing insight into the so-called war on terrorism. In short, the memo seems to show that for at least one federal law-enforcement agency, investigating terrorism is not unlike the childhood game of "Duck, Duck, Goose."

The memo, issued on March 28 [2005] by a high-ranking official with DHS' Immigration and Customs Enforcement agency (ICE), essentially orders supervisors in the field to sanitize terrorism-related case files maintained in a major law-enforcement computer system called TECS. All told, TECS contains about 12,000 terrorism-related "records," of which about 4,000 have been generated by ICE, according to the memo.

ICE supervisors, per the memo's instructions, are to "modify or remove all ICE-generated TECS records designated as 'terrorist.'"

In other words, the memo instructs ICE supervisors to ensure that if they come across a goose in the game of find-the-terrorist, then they should call it a duck.

As a result, based on the memo's instructions, existing records originated by ICE and deemed to be terror-related are to be purged from the TECS computer system by reclassifying them to make them appear to be unrelated to terrorism. The deadline for completing this 4,000-record sanitizing task is April 11, two weeks from the issue date of the memo.

... [The danger of this practice], according to both law enforcement sources and civil liberty experts, includes the threat that government-record cleansing poses to freedom of information in a democracy and to the integrity of ongoing criminal investigations or court cases. In addition, the precedent set by such document sanitizing could be used to justify similar action by other government agencies, the sources point out. Finally, they contend, the record modifications could inadvertently lead to a real terrorist threat falling between the cracks.

With that ICE memo now in the open, we would all have to be fools to believe that it is out of the question that McLaughlin might be the victim of record-manipulation and politically motivated "terrorism" targeting. And if someone like McLaughlin, a decorated law enforcement officers with decades of experience risking his life to investigate criminals, can be so easily black listed, how can we have any faith that other ordinary citizens of conscience who express political views that threaten the powerful (and corrupt power) might be similarly placed on some government "watch list?"

As author George Orwell pointed out to us years ago: "During times of universal deceit, telling the truth becomes a revolutionary act."

The [National Security Whistleblowers Coalition](#), a group of government whistleblowers, most of whom are former federal law enforcement and intelligence officials, recently issued a press release that takes Orwell's point out of the realm of fiction and puts it squarely in the so-called "land of the free."

National Security Whistleblowers Coalition (NSWBC) has obtained documents revealing that to date the Executive Branch has refused all congressional requests to be briefed on illegal black operations conducted by the NSA [the National Security Agency], and has denied these representatives access to relevant witnesses and documents.

In this [link](#) you see various letters from members of Congress and the executive branch, with bureaucrats refusing information to the two intelligence oversight committees because the committee members do not have appropriate clearances. Of course, clearances, like classified information, are exclusively controlled by the President. So if he does not want oversight of anything he has made secret he simply refuses Congress clearance to see the material.

This is the modern version of Royal Prerogative that was argued by Parliament against Charles I in 17th century England and was finally, so we thought, put to rest in the United States by the Constitution. "National security" has converted the presidency into a limited monarchy with the power to deny the people, through their elected representatives, accountability for executive actions.

These letters show that oversight of Special Access Programs (SAPs) at the Department of Defense is nonexistent because no one in congress has a high enough security clearance. It highlights the nightmare that Russ Tice, former National Security Agency (NSA) intelligence analyst and a member of NSWBC, went through to find someone in congress to whom he could address illegal and unconstitutional activity involving the super secret realm of "black world" programs and operations.

Mr. Tice attempted to bring these concerns to the House and Senate Intelligence Committees. Those attempts were rebuffed by the NSA and the chairmen of the intelligence committees themselves. To date, Russell Tice has not been allowed to address a full committee in closed session, or even a single member of congress, about the abuses in these SAP programs.

Tell me, kind readers; are you starting to get a glimpse of the dark picture you're not supposed to see?