



## Have a DNA Sample on the House

“Millions of Americans arrested for but not convicted of crimes will likely have their DNA forcibly extracted and added to a national database, according to a bill approved by the U.S. House of Representatives on Tuesday,” reports CNET.

“By a 357 to 32 [vote](#), the House approved [legislation](#) that will pay state governments to require DNA samples, which could mean drawing blood with a needle, from adults ‘arrested for’ certain serious crimes,” writes Declan McCullagh. “Not one Democrat voted against the database measure, which would hand out about \$75 million to states that agree to make such testing mandatory.”



The federal government began requiring DNA collection “from anyone convicted of or on probation for serious crimes” in 2000, says McCullagh. That was then extended in 2006, under a law signed by President Bush, to allow federal law enforcement to collect DNA samples from those they have arrested. Furthermore, these DNA samples can be extracted forcibly, under the threat of being charged with yet another federal crime for refusing to comply.

Now the House wants to extend these requirements to state governments. The bill, sponsored by Rep. Harry Teague (D-N.M.), “would extend DNA sampling and testing to anyone arrested on suspicion of burglary or attempted burglary; aggravated assault; murder or attempted murder; manslaughter; sex acts that can be punished by imprisonment for more than one year; and [sex offenses](#) against minors. The attorney general would be required to report to Congress which states have and have not signed up for the DNA database,” reports McCullagh, undoubtedly opening them up to further carrots and/or sticks from Congress to bring about compliance.

Collecting DNA samples from suspects is one thing; keeping them after the suspect has been found not guilty is quite another. The former, like collecting fingerprints or other personal evidence, can be used to establish whether or not the suspect is guilty. The latter opens up possibilities for a wide range of abuses.

The DNA samples states collect under this legislation would be stored in the FBI’s Convicted Offender DNA Index System database. That could amount to a huge influx of data given that federal and state authorities, as McCullagh notes, arrested around 14.1 million people in 2004, a number that has probably increased since then. (Is it any wonder the United States has the [world’s largest prison population](#)?) Not all of those arrested would be required to submit to DNA extraction under this bill, but it takes little imagination to foresee the feds’ relentless expansion of the crimes covered by it in the years to come.

According to a 2007 [report](#) by the *Washington Post*, the FBI already maintains a vast database of individuals’ fingerprints and other biometric data. The Defense Department and the Department of



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Homeland Security have gotten in on the act, too. None of these agencies is retaining the data of convicted criminals alone. The FBI even retains the fingerprints of employees subjected to criminal background checks if their employers request the retention.

With all this biometric data available to the government, how can individuals possibly maintain any privacy at all? Part of the purpose of the FBI's database is to enable governments to identify people based on "iris patterns, face-shape data, scars and perhaps even the unique ways people walk and talk," according to the *Post*, which reported that the German government had recently conducted a study on face recognition in a crowd at a train station. In 2007 the DHS was "using iris scans at some airports to verify the identity of travelers who have passed background checks and who want to move through lines quickly," said the *Post*. Many city governments already have cameras watching their citizens' every move. What is the likelihood that they will start combining the captured images with the FBI's database to identify people instantly and, on that basis, to control their behavior? Big Brother will soon have nothing on Uncle Sam.

Even if one dismisses these concerns on the basis that the government is just trying to protect us from criminals and terrorists, there still exists the significant possibility for misuse of the data. There were, as of 2007, already "900,000 federal, state and local law enforcement officers who [could] query the fingerprint database," reported the *Post*, noting, "The FBI intends to make both criminal and civilian data available to authorized users, officials said." It only takes one person with a vendetta, whether personal or political (think of President Nixon's use of the FBI to harass his political enemies), to obtain his intended victim's data from the database and use it to destroy that person's life.

One might think that DNA, in particular, is safe from abuse because it is unique to an individual, but that simply is not the case. As the Israeli newspaper *Haaretz* [reported](#) last year, Tel Aviv scientist Dr. Dan Frumkin was "able to produce blood samples with faked DNA that passed genetic testing without notice" using "simple equipment obtainable on the open market." Frumkin, according to *Haaretz*, "does not discount the possibility that [criminal] fabrications have already taken place. 'What is certain is that low-cost equipment needed to reproduce DNA already exists. The most basic knowledge of an undergraduate biology major is enough to operate it.'" Furthermore, says *Haaretz*,

According to Frumkin, it is possible to forge a person's DNA without even obtaining his or her body fluids, rather by simply knowing their genetic profile, the kind stored in police databases. "A genetic profile is a string of 26 numbers," Frumkin says. "If you get your hands on the numbers in the string, you can fabricate DNA."

With upwards of 900,000 people having the opportunity to obtain an individual's genetic profile in the FBI database, which will now include millions of innocent people if the House bill becomes law, the odds favor someone's using that data to forge another's DNA in order to frame him for a crime he didn't commit.

The House of Representatives, under the guise of protecting Americans from criminals, has just taken another step toward the total surveillance state and away from the land of the free. In addition, it may be endangering countless innocent people whose DNA and other biometric data may soon be used against them.

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