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EDITORIAL

Injustice in the Name of Security

In the wake of the 9/11 terrorist attacks, Congress rightly required new background checks for the nation's 1.5 million port workers. Unfortunately, the checks, which became mandatory for all port workers this spring, rely on F.B.I. and state criminal records that are incomplete and out of date.

The bad data has been catastrophic for port workers across the country. According to a new [report](#) by the National Employment Law Project, an advocacy group for workers, the federal government has mistakenly denied credentials to tens of thousands of people. They have either lost their jobs while awaiting clearance or gone without paychecks for six or seven months until the denials were finally reversed on appeal.

Congress can fix this problem by speeding up the approval process and requiring the F.B.I. to verify the accuracy of criminal records before issuing background reports.

Federal lawmakers also erred by not focusing the 2002 port security law exclusively on offenses that relate to terrorism, like possession of explosives or espionage. Instead, the law sometimes denies credentials to people who committed, say, minor drug offenses and property crimes that are often the result of youthful indiscretions.

The law is supposed to deny credentials primarily to felons with convictions less than seven years old. But the report says the Transportation Security Administration routinely issues interim denials in all cases in which F.B.I. records show an arrest for a potentially disqualifying offense — even when the arrest has been dismissed.

The report cites the disturbing case of a veteran Seattle longshoreman who was denied credentials earlier this year for a five-year-old arrest for forgery, even though he was not charged. A Philadelphia steamship clerk with 12 years' experience is said to have lost his job, his car and was on the verge of eviction because federal records failed to show that charges against him had been dropped.

These stories are sadly consistent with a 2006 [report](#) from the United States attorney general, which found that fully 50 percent of the F.B.I. criminal record files were inaccurate or out of date.

The report says as many as 10,000 workers may have been shut out of the ports because the clearance process took too long and that an additional 13,000 never challenged unfavorable rulings from the Transportation Security Administration, perhaps because they did not understand the process.

The suffering has been especially severe among black and Hispanic workers, who have had to wait longer for clearance than white workers.

This is not what Congress intended when it passed the port security law. To fix these shameful and damaging problems, lawmakers need to set strict time schedules for the processing of worker applications, waivers and appeals.

Congress should also require the F.B.I. to verify criminal record information and track down missing data before issuing background checks — as the agency has long done when performing background checks for prospective gun purchasers under the Brady Law.

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