

Statement of Denise Robinson
Before the
Subcommittee on Transportation Security and Infrastructure Protection
Committee on Homeland Security
U.S. House of Representatives

September 9, 2008

Dear Committee Members:

Thank you for the invitation to testify before your committee on behalf of my son, James Robinson. The purpose of this testimony is to highlight key weaknesses, from my perspective, in the implementation of the Transportation Safety Administration's (TSA) "Terrorist Watch List".

Before I get to the specifics of our situation, I would like to state that I am a strong proponent of effective actions by our government to ensure safe travel in the United States. I also believe that citizens of this country will have to accept some inconveniences and be flexible with some of the liberties that we have come to expect in order to gain that additional security. However, I do believe it's incumbent on our government to, very simply, be effective.

My son, James, has been on the watch list since 2005 when he was 5 years old. How do we know this? We know this only through experience every time we travel by air. Our first introduction to this situation was in 2005 when we were traveling on American Airlines from San Francisco to New York JFK Airport to visit his grandmother. Upon arriving at curbside check-in, our normal travel procedure, we were told by the skycaps that we had to go to the ticket counter to check in and receive boarding passes. Once at the ticket counter, the American ticket agent spent a significant amount of time on the phone and on the computer terminal, so much time that we were concerned about missing our flight. When asked what was going on, we were told, "I can't tell you anything". Obviously, we were concerned. Finally, the ticket agent asked which one of us was James and we identified our 5-year old son. More time went by on the phone and computer, and he finally asks, "How old is he?" I replied, "He's 5". Growing more concerned, we questioned further what the issue was. Again we were told that he could not tell us anything but that he would print some information and we should follow the directions on that print out for every member of our family even though James was the only one he called out specifically.

The print out included instructions to contact the TSA and provided contact information by mail. I contacted the TSA and received a letter requesting us to

complete the Passenger Identity Verification (PIV) form. I completed the forms for all members of our family and mailed them to the TSA in April 2005. In February 2006, I received communication back from the TSA but it was only one letter addressed to James Robinson. There was no communication about the status of the rest of the family. The letter to James states that a review of records was conducted and “where it has been determined that a correction to records is warranted, these records have been modified...”. To date based on our experience at airports, there has been no correction to James’ records. Additionally, the letter states that “this letter constitutes TSA’s final agency decision, which is reviewable by a US Court of Appeals....”.

Based on that background, my main point is, very simply, that the watch list is completely mismanaged. The list is too big and too flawed with extraneous names, and the current process for getting off is totally ineffective.

The list only grows. Secretary Chertoff has said that there is a “simple solution” for getting off. In a press conference, Chertoff said that “if the innocent John Smiths provide information such as a date of birth to the TSA.....then when they show identification of that date of birth at the airport they are immediately taken out of the system”. I provided just that information to the TSA in 2005 and provided just that information at the airport; James is still on the list. So, if a 5-year old can’t get off the watch list, who can? With new people being added to the list and without an effective process for getting off, the list is an unwieldy and ineffective tool.

Divisions of our government don’t cross reference, creating opportunities for the terrorists and frustrations for the rest of us. In late 2007, I applied for a US Passport for James. The passport was issued in January 2008 without any further inquiry, and James remains on the watch list. The irony is clear and perplexing.

The list is not hard to circumvent. In a CNN investigation about the watch list, which aired on August 19th and included interviews of three different James Robinsons including my 8-year old son, there are numerous examples of using variations of the name to avoid the watch list at the airport. For example, one James Robinson who is a commercial pilot and licensed to carry a weapon in the cockpit uses Jim Robinson to circumvent the hassle. We have used J. Pierce Robinson for the same reason. In both cases, just that small change works. Drew Griffin, the CNN reporter who is also on the list, has sidestepped the list by combining his first and middle name into one. The list is not well managed.

So, why am I here? Why did I take my son out of school and bear the expense of traveling to DC to testify before you? First and foremost for me personally, I am here to get my son, James Robinson, off the watch list. But equally important, I’m here to do my part to make it an effective tool in the fight against terrorism. I feel very strongly that our country can beat the terrorists. I believe that we have the will, resources, intelligence and fortitude in this country to prevent them from their main goal, to ruin our way of life. I believe the watch list can be an effective tool if managed; it is currently not. I’m hopeful that the new Secure Flight Program that the TSA is

scheduled to implement in January 2009 will be more effective, but I'm not optimistic based on my personal experience.

Thank you for your invitation to speak before you and your consideration of this issue.