

**Statement by Jayashri Srikantiah, Staff Attorney with the ACLU of
Northern California
Tuesday, April 22, 2003**

Good morning. I would like to begin by introducing the speakers today -- Jan Adams and Rebecca Gordon, who were told they were on the "no fly" list, and Tom Burke, a partner at Davis Wright Tremaine and cooperating attorney with the ACLU on the case we filed today.

Today, we filed a lawsuit against the FBI and the Transportation Security Administration, or TSA, to get more information about the "no fly" list -- a list that is being used at SFO and at airports across the country to stop innocent air travelers. We found out about the list when we heard from people like Jan Adams and Rebecca Gordon, who were told that they were on the list when they went to SFO for a flight to Boston. As with Jan and Rebecca, the people who are stopped because they are on the list are usually questioned by the police, and they ultimately are allowed to fly -- typically after their names are checked against a "master" list.

Through earlier records we obtained from SFO, we know that at least approximately 339 air travelers have been stopped and questioned by the police at SFO alone since September 2001. If this is happening just at SFO, then thousands of passengers are likely being subjected to the same sort of treatment at airports across the country. And, the public knows very little about the list. Although the TSA has sometimes denied the very existence of the "no fly" list, it has recently revealed that at least two lists exist -- the "no fly" list and the "selectee" list. Beyond this fact, we know almost nothing.

We wanted to find out more about these lists, and we wanted to find out if our clients -- Jan Adams and Rebecca Gordon -- were on the "no fly" list or some other secret government watch list. Last December, we sent requests under the Freedom of Information Act and the Privacy Act to the TSA and the FBI. The FBI responded by denying that they have any responsive documents, even though Ms. Gordon and Ms. Adams' police incident report specifically refers to the "no fly" list as an FBI list, and even though the hundreds of incident reports at SFO typically mention the FBI in connection with the list. The TSA didn't even respond to our request.

We filed the lawsuit today to force the FBI and the TSA to give the public, Ms. Gordon, and Ms. Adams some basic information about the "no fly" list. We need public accountability and answers to some basic questions, including how a name is put on the list, and how a name that is not supposed to be on the list -- like Ms. Gordon or Ms Adams' names -- can be taken off the list. The public also has a right to know how accurate the list is, and whether the government provides airlines with some guidance on how to use the list.

Secret government lists do not allow the public to provide any oversight or comment into our government's activities -- nor does secrecy make us any safer. We hope that our lawsuit will force the FBI and TSA to give the public the information it deserves to know.