

BRAIN, CHILD

the magazine for thinking mothers

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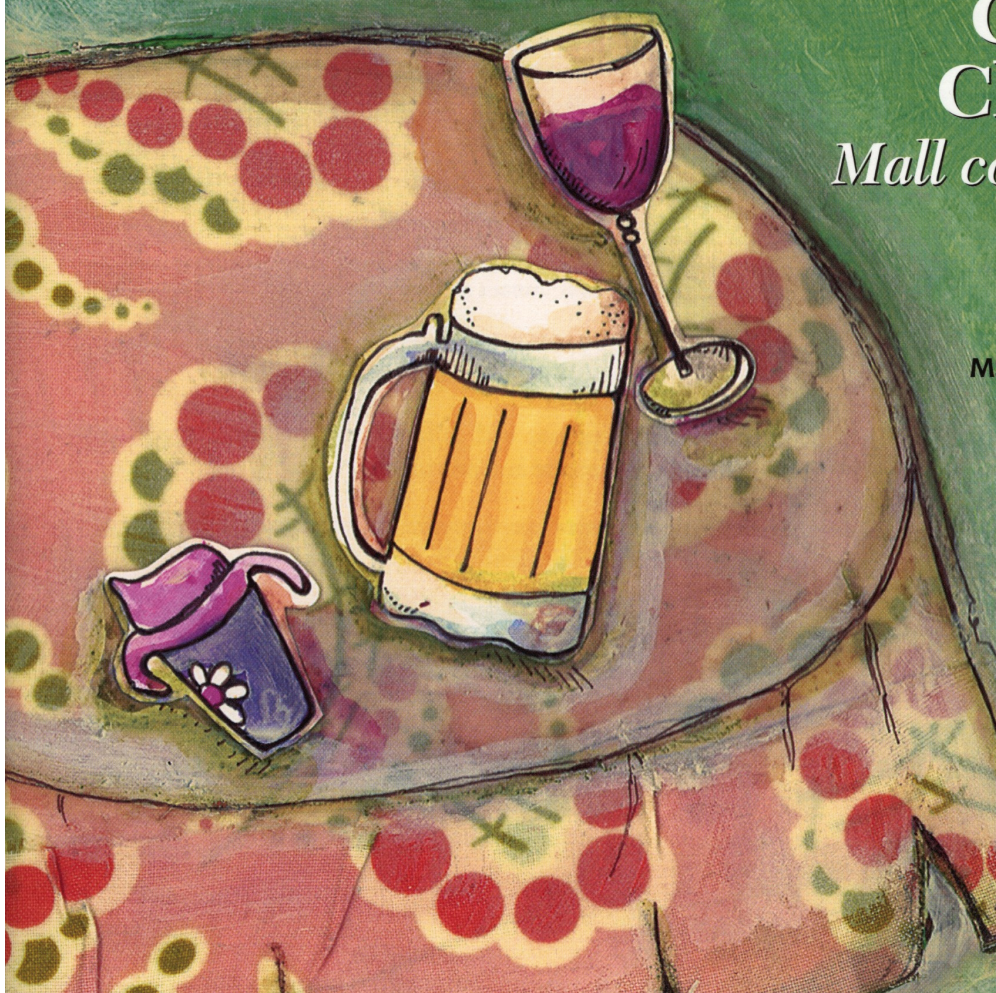
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A baby on the No-Fly List?

Now, that's a hoot.

Except ... it isn't.

Baby Grounded

BY SARAH ZAPOLSKY

ROBERT STANDS on his tippy toes to place his size 3T hooded jacket and red toddler backpack onto the rollers and pushes them to the X-ray machine. All by himself. After watching his things enter the scanner he turns and runs through the lighted stanchions of the metal detector. He looks like a Muppet with only his fluffy hair, forehead, and eyes visible over the conveyor belt as he trots around to catch his things on the other side. The security guards smile, and my son waves back as we walk off toward his class. His daycare center is within a Federal building, and security screenings are as much a part of his daily routine as a morning snack. I smile at his mastery of another daily skill but then feel a twinge of remorse—or is it anger?—remembering that for most of U.S. history children weren't subject to daily security screenings.

But perhaps our family feels this a little more acutely than most, what with our one and only son on the terrorism selectee list and all.

We didn't suspect anything the first time he flew. We'd bought our fourteen-week-old son his own plane ticket for our trip to a friend's fiftieth birthday part, forgoing the "lap baby" route because we could afford it and because Robert's doting father read that infants on planes were safer in their own car seats.

We arrived at the airport for that first post-partum trip with a whole new class of paraphernalia in tow—stroller, diaper bag, and, oh yes, the baby. We juggled them all as the TSA agent at security flipped through our tickets, paused, and then asked, "Which one of you is Robert?" I looked down at the young master. Per request I held him out at arm's length while she swept a metal wand over him with a kindly smile on her face. Then she put the wand down and patted him on the back and on his bum with both hands. Thoroughly. "She's frisking my baby!" I thought.

"Spread 'em, honey bee," I joked as I held him aloft, keeping eye contact with him rather than the guard. He gurgled back a smile, and when she was through we went on our way, him tucked safely back in the crook of my arm.

I realized something was up the second time we flew with our son. Several months later we headed for the airport again, this time bound for Dulles and a flight to Italy to meet family for a shared vacation in 2005. We handed over our tickets and ID at the check-in desk; me spilling a few pacifiers and crinkle toys from my



purse as I fished for my license while my husband handled the tickets. The gate agent frowned, perplexed, then asked, "Which one of you is Robert?" We pointed down to our drooling, smiling eleven-month-old nestled in the blue folding stroller.

The gate agent paused. She said things like, "Oh dear," and "This is embarrassing—but I'm going to need

his passport again." A phone call and some Xeroxing ensued, then twenty minutes and several keystrokes later we were free to go on our way, but now with the knowledge that our baby was on a TSA watch list.

My reaction to this news at the time? Nearly none. If it registered at all, it was lost in the scrolling mental mommy checklist for the long flight ahead,

wedged somewhere between "Will we have enough diapers?" and "How do you say *No dairy, please* in Italian?"

The next night, surrounded by grandparents, an uncle, an aunt, and a cousin safe in our rent-a-villa in Tuscany we all joked about Robert's new status. But we weren't laughing when, a week later, we heard of the carnage of the London "7/7" bombings. They reminded us that

even four years after 9-11, terrorists are still out there. "Perhaps we can't be too careful after all," I thought, even if a baby—even if *our* baby—gets delayed now and then.

But after we returned to the States I still wanted Robert off the list. He was innocent. Like Kafka's Joseph K. there had been a mistake and someone somewhere had labeled my child a threat to security. I posed a question to the ever-helpful D.C. Urban Moms e-mail list: "How can we get his name off the no-fly list?" The list moms responded, giving me some pointers on travel with infants and other helpful advice about how to find the TSA website. There were also inquiries from a few reporters. *How is this newsworthy?* I thought. *How can this help anyone?* I brushed them off.

Two things changed my mind.

The TSA responded to our e-mailed question about how we would clear our baby's name. The short answer is: You can't—at least, not easily. For the first part of the process, we'd need three forms of government-approved identification. Suggested forms included driver's license, military ID, or green card. Robert didn't have those, nor are they obtainable by the under one-year-old set. Then there was the cover form, asking for his physical description, lists of unique birthmarks, eye color, aliases, Social Security number, mother's maiden name and the like. I declined to fill it out. It looked too much like a rap sheet on my baby; it felt too "guilty until proven innocent." And even if I had complied, and even if the TSA approved his removal from the watch list, he would still be in TSA's system. He'd probably just be moved to the "Cleared" portion of the list. This might sometimes get him through airport security more quickly, I was told, but not always. His details would remain on file with the government forever, or for

at least as long as they wanted to keep them.

Shortly after my correspondence with the TSA, the José Padilla case resurfaced in the press. That young man, born and raised in the United States, had been arrested in an airport three years previously, in 2002, after committing no crime and violating no specific law, though he was suspected of thinking about maybe starting a dirty bomb plot. A little alarm bell in my mind rang as the courts declared that President Bush had the right to detain a citizen without charges. Indefinitely. I didn't know all the details of the case, but I did know that the suspect was an American-born citizen, a civilian, who was arrested in an airport but not charged with any specific crime and that he'd been held without bond away from his family and legal counsel for over three years.

I knew that my own son would one day grow up and travel on his own. This "no-fly baby" thing might be funny now, but it would be a very different matter if he was stopped at age sixteen in an airport, traveling alone, perhaps dressed in sullen teenager garb or with an unfriendly expression on his face. I worried that he might be taken away and questioned and I wouldn't know where he was, how to find him, or how to help.

I started wondering what my own mother would have thought of all this, and it finally dawned on me why I had such misgivings. My mother, who passed away over ten years ago, never kept silent when she saw injustice, especially at the federal level. Family stories recount trips to the National Mall for anti-Vietnam war rallies and civil rights demonstrations. We still laugh—the Mall all packed with marchers, listening to a speaker shout "We will NOT go home!" to the rallying crowd, and four-year-old me saying, "Well I AM going home," and dashing off into the throng

of thousands. Nowadays I can easily imagine my mother's instant shift from social indignation to personal terror, her sudden fear of not knowing where I was, not knowing how to find me, or not knowing how to help. (I was caught by a friend only a few yards off.)

I can also imagine what she'd think of my struggle with the TSA bureaucracy. Growing up, I'd heard her tell stories of working as a code clerk in the State Department after World War II. She had been posted abroad in 1950 when Joseph McCarthy claimed to be holding a list of Communist Party members working inside the U.S. government. This event gave her firsthand experience with unfounded allegations and the long-term damage they cause. She told my brother and me about careers felled and lives destroyed as people were declared guilty without even a chance to show their innocence. When it was her turn to face questioning by her regional office, she'd made the point that going to a cocktail party with Communists was not the same thing as participating in the Communist Party: "One involved cocktails, and the other, so far as I know, doesn't," she'd said. Despite her bravado, I know it grieved her that her loyalty had ever been in doubt. She felt strongly ever afterwards that loyal opposition was one of the strongest forms of patriotism. Speaking up may not be easy, but it seems like the only way to combat paranoia.

Yet even after thinking about my mother, I still didn't want to talk to the press. But it dawned on me that there was another facet to this situation I hadn't really thought of. Sure, I know I'm responsible for my own child's safety, as well as his life, liberty, and pursuit of happiness, but I'm also supposed to do my part to improve the world in which he lives and to preserve the freedoms my grandchildren will some day enjoy. I thought this burden

kind of sucked—I could barely organize childcare and playdates, and now I'm supposed to improve the world?—but it was undeniably important.

Which is why when Leslie Miller, a reporter from The Associated Press, caught up with me again I was ready to talk. My husband and I agreed to share our story as long as Robert remained an anonymous “eleven-month-old terror suspect.” Another parent surfaced who would let her child on camera, so the reporters had a face for their story. I spoke with Miller on the phone for an hour or so and answered follow-up questions via e-mail. A few weeks later the story ran on the AP newswire.

Naturally our best-laid plans went awry. Sure, I hadn't used Robert's name, but I had used mine. Duh! How many Zapolskys could there be on the East Coast? I was found easily.

Local TV swarmed our house after the wire story broke. At least Channel Five called first before coming over. As the interview wrapped up and I shook hands with the heavily pregnant anchor at the door I saw the Channel Nine car pull up. I was testier with them but granted the interview anyway. Both stations led their evening broadcast with the story. As we started to watch the news, my husband paused the TiVo and said, “Did you see that?!” He rewound and froze the frame on a picture of me, with my name and the caption: “Mother of Suspect Infant” below it. I had a new identity, courtesy of Fox News.

The reach of the story stunned us. The CBS affiliate passed their footage on to CNN, which put it in rotation. Calls from radio stations around the country wanting to book interviews started at six a.m. the next day. We declined. We also turned down frantic pleas for interviews from Wolf Blitzer's producers. (“But we'll send a car for

you,” whined the production assistant. “Does it have a car seat?” I asked.) We refused MSNBC and the *Today* show, too, because they wanted to use my son's name and face.

We received e-mails from a friend in Thailand who had seen the story, and from other friends who sent links to papers from as far away as Italy, Australia, and China. Friends instant-messaged me from a cruise ship saying they'd seen the interview on CNN. Others sent links to the stories running on Al Jazeera and the BBC. One friend wrote, “I knew you'd really made it when I watched Keith Olbermann look into the camera and say: “As we learned from the Zapolsky incident...”

Even though we refused those follow-up interviews, I felt good about our democracy again as story after story spun off from our case. *USA Today* ran several editorials over the subsequent months denouncing the folly of spending millions of tax dollars on list-based systems that didn't work, while measures for physical security screens were lacking. I faxed a copy of the story to my congressman along with the Transportation Security Administration Personal Identity Verification document and my explanation of why it was neither possible nor desirable to fill it out. Funding for “Secure Flight,” a subsequent but equally flawed database expansion of the initial TSA watch list, was later drastically reduced.

The whole point of going public had been to find a way to get Robert off the no-fly list, however, and in that we failed. He remains on the list to this day. Although gate agents have since been retrained not to detain passengers under the age of five, we still face additional scrutiny at airports almost every time. In a follow-up story investigated by Michael McAuliff, a reporter for the New York *Daily News*, Ann Davis, a spokeswoman for the Transportation

Security Administration, explained that Robert's “name is the same or similar to someone on the no-fly list,” and that even though a baby is not a threat, someone out there with the same name is, so the name stays.

Robert is now four. Every day, as I walk away from his daycare center drop-off, I glance at the “Headlines of the World” display posted in the hallway. Two years after Michael Chertoff, Secretary of the Department of Homeland Security, declared that all data given to the TSA were safe, newspapers broke the story that travelers' TSA data had been hacked and left exposed on the web—but only those travelers who had filled out forms to try to remove their names from aviation watch lists. One bullet dodged, at least for us.

And in January 2008, a six-year-old made headlines after being detained by airport security. My eyes roll, and I feel the familiar kick of aggravation rise in my chest as I'm reminded that I haven't yet made the world a safer place, or secured civil liberties for my son and his generation. (Pick up dry-cleaning: Check. Save the world: D'oh.)

The tradition of fighting senseless bureaucratic threats lives on in our family, however. I'm pretty sure my mother would be proud.

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Since I wrote this, President Obama has decommissioned the term “enemy combatant.” And yet, just last week, a well-meaning curbside check-in agent at Atlanta Airport grabbed my bag off the conveyor belt and hollered, “Who is Robert?!” and after seeing me point said, “HOW old is he!?” I pointedly replied, “He's four.” Robert piped in, “No Mommy, I'm four and three-quarters!” His ability to speak now may add a new wrinkle to our travels. Especially since, thanks to his “Road Construction” video, he can now detail each step needed to blow up old concrete.