

The No Fly List: More Dangerous than the Capitol Rioters

As I write this, the Capitol Hill riot of January 6 is enjoying its extended 15 minutes of fame, complete with straight-faced comparisons to December 7, 1941 and September 11, 2001.

In hindsight, it will hopefully (and hopefully quickly) shrink to its real-life proportions: A few thousand hysterical Donald Trump supporters, and likely at most a few dozen truly dangerous thugs, protested against what they claimed was a stolen election. Then they stormed and vandalized a building, scared some politicians, and killed a cop (who turned out to be a Trump supporter himself).

No, it wasn't pretty. Neither was the March 1, 1954 attack on the Capitol in which Puerto Rican nationalists shot and wounded five members of Congress, or Frank Eugene Corder's September 12, 1994 suicide by plane on the White House's south lawn. Last time I checked, those dates were no more occasions of somber remembrance than January 6 is likely to become. In the grand scheme of things, they were all teapot tempests.

The real and lasting damage of the Capitol riot will come not from the riot itself but from its exploitation by authoritarians of all stripes. The Rahm Emanuel strategy — “never allow a good crisis to go to waste when it's an opportunity to do things that you had never considered, or that you didn't think were possible” — is in full play, in the form of “let's stack new evil ideas on top of existing evil ideas.”

One such new evil idea, advocated by politicians on both sides of the partisan aisle, is adding those accused of participating in the Capitol riot to the Terrorist Screening Center's “No Fly List.”

The No Fly List was sold as a way of protecting US air traffic from terrorist attack by barring suspected terrorists from flying. In reality, it's just a secret government enemies list that's grown from 16 names to tens of thousands since the 9/11 attacks.

You have no way of knowing if you're on the list until and unless you're prevented from boarding a plane. You have no way of finding out WHY you're on the list even then. You can politely ask the US Department of Homeland Security to remove you from the list, and they can politely tell you no. If you have the means, you can go to court, maybe win, maybe lose. The US District Court for the Eastern District of Virginia ruled the list unconstitutional in 2019, but the list is still there.

One previous item from the Bag of Stupid No Fly List Tricks was barring those on the No Fly List from purchasing firearms. Fortunately that scheme has repeatedly failed (despite

support from, among others, Hillary Clinton, Donald Trump, and pseudo-Libertarian 2016 vice-presidential candidate William Weld). It was a bad idea. So is this one.

The power to prevent a person from traveling without even charging, let alone convicting, that person of a crime (or even notifying the victim!) isn't a power we should have even considered letting government have at all. Rather than allow its expansion, it's time to demand its abolition.