

No Fly Lists

Since shortly after the 9/11 attacks, the United States Federal Bureau of Investigation has maintained a “no-fly list,” which prevents certain people from flying into or within the United States. The main use of the list is to prevent those suspected of terrorism or sympathy with terrorists from boarding aircraft and potentially perpetrating a terrorist attack. As of 2016, there were approximately 81,000 people on the no-fly list, although fewer than 1,000 of those are “U.S. persons.”¹ Since its existence became public, the no-fly list has been a source of significant controversy.

Those who oppose the list, such as the American Civil Liberties Union, usually do so on grounds that it is an unjustified violation of civil liberties.² Because a person need not be convicted of any crime to be put on the list, that person might be deprived of a civil liberty (the ability to fly) without any criminal conviction—and, in fact, without ever being formally charged with a crime. Some argue that since it is wrong to deprive a person of civil liberties without a criminal conviction, the no-fly list is morally objectionable. The list has also been criticized on the grounds that there is no adequate means for people to challenge their inclusion on the list, or even to know when they are on the list in the first place. Furthermore, the no-fly list has been shown to register false positives, which leads to people, including young children, who share names with people on the list being prevented from flying.³

However, the FBI’s Terrorist Screening Center, which is in charge of the no-fly list, argues that it is an important counterterrorism measure.⁴ Those in favor of the no-fly list argue that if the FBI thinks maintaining such a list is necessary to prevent terrorist attacks on the scale of the 9/11 attacks, then the stakes are too high to be concerned with the fact that a few people are unable to fly because of it. Moreover, they argue, a person’s name wouldn’t be on the list unless they were a reasonably significant threat, and we should be focused on defending the civil liberties of good people, not suspected terrorists. The no-fly list is there to protect the rest of us from these suspected terrorists, not just by preventing them from flying, but by restricting them in other ways, such as from purchasing firearms.⁵ If we were to allow suspected terrorists to enjoy the full range of civil liberties, including not just flying but also purchasing firearms, this would, proponents of the list claim, compromise the safety and security of the country.

STUDY QUESTIONS

1. When the values of liberty and security conflict, how should we weigh them against each other?
2. What, if anything, is morally objectionable about curtailing civil liberties for people who haven’t been convicted of a crime?
3. How morally important is it that some people are mistakenly prevented from flying by the no-fly list?

¹ <https://www.washingtontimes.com/news/2016/jun/20/fbi-no-fly-list-revealed-81k-names-fewer-1k-us/>

² <https://www.aclu.org/issues/national-security/privacy-and-surveillance/watchlists>

³ http://archive.boston.com/news/nation/articles/2005/08/16/no_fly_list_grounds_some_unusual_young_suspects/

⁴ <https://www.npr.org/sections/tellmemore/2010/08/13/129177545/the-terrorist-screening-center-defends-no-fly-list>

⁵ <http://www.latimes.com/opinion/op-ed/la-oe-edgar-watch-list-no-fly-guns-20160617-snap-story.html>

