



Written by [Bob Adelman](#) on November 25, 2015

Anti-gun Democrats Push to Remove Constitutional Rights From “Suspected” Terrorists

Seeking once again to take advantage of an opportunity, anti-gun Democrats are using the horrific massacre in Paris [to revive a moribund bill](#) by Senator Dianne Feinstein (D-Calif.) to remove precious rights from anyone on the government’s “no-fly” or “terrorist watch list.”



Senate Bill 551, offered back in February, was dead on arrival, but the Paris massacre is being seen as an opportunity to breathe life back into it. In re-introducing the bill, she says if they can’t fly, they shouldn’t be able to buy a gun: “If you’re too dangerous to board a plane, you’re too dangerous to own a gun.”

Senate Minority Leader Harry Reid (D-Nev.) called it a “terrorist loophole”:

By leaving this terrorist loophole open, Republicans are leaving every community in America vulnerable to attacks by terrorists armed with assault rifles and explosives purchased legally, in broad daylight.

What, exactly, is that loophole? It is the whole host of protections provided by the Constitution, and more specifically the Second, Fourth, and Fifth Amendments to it, that guarantee that rights may not be infringed without probable cause and without due process. That’s the “loophole” that Reid and Feinstein want to close. Merely being on the list does not automatically disqualify an individual from buying a gun. It takes much more than that — a fact that Reid, Feinstein, and others seem willing to ignore.

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Those others would include Senator Charles Schumer (D-N.Y.), who said:

Under current law, suspected or known terrorists who are on a no-fly list can legally purchase firearms in this country. They can walk into a gun show, no questions asked, and buy a gun or buy explosives.

His excessive hyperbole notwithstanding, Schumer then blames the National Rifle Association (NRA) for standing athwart the effort:

Because of the NRA it hasn’t happened, but because of Paris we’re hoping there will be new impetus to do this and do it now.

Slamming this appalling loophole ought to be a no-brainer.

Looking carefully at the language of the bill, one can see exactly how precious rights would be abrogated, potentially leading to the disarmament of anyone “suspected” of terrorist activities. First,



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the bill would empower the attorney general “to deny the transfer of firearms ... to known or *suspected* dangerous terrorists.” (Emphasis added.) The bill expands the definition of *suspected*:

The Attorney General may deny the transfer of a firearm ... if [he] ... determines that the transferee is known (or appropriately suspected) to be or have been engaged in conduct constituting, in preparation for, in aid of, or related to terrorism, or providing material support of resources for terrorism; and has a reasonable belief that the prospective transferee may use a firearm in connection with terrorism.

This is such a far cry from constitutional protections that it’s no wonder that the NRA has cried foul ever since Feinstein’s bill was first introduced years ago by then-Senator Frank Lautenberg, the infamous anti-gun Democrat from New Jersey.

Such a far cry that Charles Cooke, a staff writer at *National Review*, took umbrage at the outrage of Feinstein’s bill:

This idea flies directly in the face of every cherished American conception of justice, and it should be rejected with extreme prejudice.

You will note, I hope, that Reid [and] Schumer ... are not proposing to place restrictions on those who are “accused,” “charged,” or “convicted,” but upon those who are “suspected”

Loudly and proudly, they are arguing in favor of removing fundamental rights from anyone whose name has been written down on a list.

Already rights are being violated. At present nearly one million names are on the no-fly watch list, but 280,000 of those names “have no recognized terrorist affiliation,” as noted by TechDirt. One of those on the list was *Weekly Standard* writer and Fox News contributor Stephen Hayes, who learned that fact to his dismay while leaving for a cruise. Someone had added his name to the list and, under Feinstein’s bill, he would be forever prohibited from owning a firearm. No charges filed, no hearing, no trial, nothing.

Sean Davis, the co-founder of *The Federalist*, made it personal:

You don’t have to be convicted of any crime whatsoever to end up on the terrorist watch list. You don’t even have to be charged with a crime to lose your constitutional rights under the proposed law.

If this proposed legislation were to become law, some DHS [Department of Homeland Security] bureaucrat ... only needs to snap his fingers and add your name to the blacklist in order to immediately deprive you of your Second Amendment rights and your constitutional right to due process.

You don’t even get to review the entirety of the evidence against you.

The bill, if it passed into law, would not target just Muslim jihadists harboring hatred against the Great Satan but the average citizen upset with government intrusions such as this one into his life. According to Charles Kurzman, writing an opinion piece for the *New York Times* last June, “The main terrorist threat in the United States is not from violent Muslim extremists, but from right-wing extremists.” He quoted an officer from a large metropolitan area who said that “militias, neo-Nazis and sovereign citizens” are the biggest threat faced by citizens.

It is unlikely that Feinstein’s bill, like Lautenberg’s before it, will get much traction, especially during



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an election year. But it is more evidence, if more be needed, that 1) the long war on guns continues apace, and 2) eternal vigilance is the price of liberty. Nothing less than the survival of the country as a free Republic is at stake.

A graduate of an Ivy League school and a former investment advisor, Bob is a regular contributor to The New American magazine and blogs frequently at www.LightFromTheRight.com, primarily on economics and politics. He can be reached at badelman@thenewamerican.com.



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