

Tyler Morning Telegraph

Clinton, Trump agree to set aside the Constitution

September 27, 2016

The Second and Fourth Amendments took a hit from both sides Monday night, when Donald Trump echoed Hillary Clinton's call for banning those on no-fly lists from purchasing weapons, and when Trump called for stop-and-frisk policing tactics.

"We finally need to pass a prohibition on anyone who's on the terrorist watch list from being able to buy a gun in our country," Clinton said in Monday's debate at Hofstra University. "If you're too dangerous to fly, you are too dangerous to buy a gun."

Trump chimed in: "First of all, I agree, and a lot of people even within my own party want to give certain rights to people on watch lists and no-fly lists. I agree with you. When a person is on a watch list or a no-fly list, and I have the endorsement of the NRA, which I'm very proud of."

That was a garbled, nearly nonsensical sentence, mostly because he's not talking about giving certain rights to people on watch lists, but taking them away.

But here's what's wrong with that policy. Being on a no-fly or watch list doesn't mean an American citizen is a terrorist. It doesn't mean anything, in fact.

"People, predominantly members of our Arab, South Asian, and Muslim communities, are added to the terror watchlists without so much as a notice," explains Adam Bates of the Cato Institute. "They aren't entitled to a hearing, they aren't allowed to see the evidence against them, they aren't allowed to challenge witnesses or question the government agent responsible for nominating them to the list. Even if a watchlisted individual manages to clear his or her name, it can still take years to be removed from the list. The process is so rife with errors that people such as the late Senator Ted Kennedy and sitting Congressman John Lewis (D-GA) have ended up on the list."

The Second Amendment represents a fundamental right of every U.S. citizen, and government must have a compelling reason to take that right away - such as a felony conviction. When mere clerical errors can result in people being wrongly included on no-fly lists, those lists aren't an acceptable reason to prevent them from purchasing a gun.

In the same way, Trump's proposal to reinstitute stop-and-frisk searches - and broaden them to every city in America - is also an infringement of fundamental rights.

The practice has already been deemed unconstitutional, and it has been used in a way that is discriminatory, particularly in New York City.

“Mr. Trump insisted last night that only ‘bad people’ would risk having their guns taken or being harassed under a nationwide enactment of the program, but the numbers tell a different tale,” Bates explained. “Before the program was reformed in 2013, between 85 percent and 90 percent of those hundreds of thousands of stops uncovered no wrongdoing at all. In other words, the vast majority of people who were detained and searched by the government were not ‘bad people,’ they were innocent New Yorkers going about their day.”

The Constitution deserves better.