

## Four Dumb Responses to the Paris Attacks

### **Panic-driven reactions to terrorism that make no sense upon reflection**

Jacob Sullum

November 25, 2015

Collect everyone's phone records. Three days after ISIS gunmen and suicide bombers killed 130 people in Paris, CIA Director John Brennan blamed surveillance restrictions that were imposed in response to information leaked by former National Security Agency (NSA) contractor Edward Snowden. "In the past several years," he said, "because of a number of unauthorized disclosures and a lot of hand wringing over the government's role in the effort to try to uncover these terrorists, there have been some policy and legal and other actions...that make our ability collectively, internationally, to find these terrorists much more challenging."

The main legal change to which Brennan alluded is the USA Freedom Act's requirement that the NSA stop indiscriminately collecting Americans' phone records and instead obtain court orders seeking information about specific suspects. But that change has not taken effect yet and does not apply to people in other countries. Furthermore, there is no evidence that the NSA program ever thwarted a terrorist attack.

Stop accepting refugees from Syria. Although governors do not have the legal authority to prevent legally admitted aliens from entering their states, more than 30 have said they would if they could because they worry that some refugees may be terrorists in disguise. Several presidential candidates, including Ted Cruz, Chris Christie, and Rand Paul, have said that danger justifies closing our doors to Syrians fleeing the chaos of their country's civil war.

As the Cato Institute's Alex Nowrasteh points out, the screening of refugees is rigorous and time-consuming, taking as long as two or three years. Since 2001, he says, the U.S. has admitted about 860,000 refugees, and "only three have been convicted of planning terrorist attacks"—all of them in other countries. Nowrasteh concludes that "terrorists who are intent on attacking U.S. soil have myriad other options for doing so that are all cheaper, easier, and more likely to succeed than sneaking in through the heavily guarded refugee gate."

Prevent "suspected terrorists" from buying guns. Since the Paris attacks the New York Daily News has been pillorying the National Rifle Association for opposing a bill that would prohibit gun sales to people on the FBI's so-called Terrorist Watchlist. Under the headline "NRA's Sick Jihad," the paper last week complained that "over 2,000 suspects on terror watch list have legally bought firearms in the U.S. because gun nuts are blocking law that would end the madness."

The American Civil Liberties Union, which estimates that the watch list includes more than 1 million names, calls it a "virtually standardless" dragnet that "ensnares innocent people and encourages racial and religious profiling." Although the list is supposedly limited to people "reasonably suspected of being involved in terrorist activity," something like two-fifths have "no recognized terrorist group affiliation."

Since innocent people who end up on the list have little recourse, it is neither fair nor reasonable to strip them of their constitutional rights. While people convicted of felonies or facing felony indictments are barred from buying guns under current law, not even an arrest is necessary to put someone on the watch list.

Close the mosques. Last week GOP presidential candidate Donald Trump said he would "strongly consider" forcibly closing American mosques in response to the Paris attacks because "some of the absolute hatred is coming from these areas." Even if Trump, who is currently the Republican frontrunner, won the nomination and the presidency, the First Amendment would prevent him from delivering on that threat.

Trump, who also thinks you should lose your Second Amendment rights if you are merely suspected of being "an enemy of state," is pretty consistently authoritarian, which helps explain his appeal among Republican voters yearning for a strong hand to protect them from a scary world. Fear is his friend, and in that respect ISIS is his ally.