Flying While Muslim: National Security vs Civil Liberties After 9/11

Module 4, Lesson 1
What do these three individuals have in common?
What is the No-Fly List?

The No Fly List is a small subset of the U.S. government Terrorist Screening Database (also known as the terrorist watchlist) that contains the identity information of known or suspected terrorists. This database is maintained by the FBI’s Terrorist Screening Center.

The Transportation Security Administration (TSA) is among the U.S. government agencies that screen individuals using information from the Terrorist Screening Database.

TSA implements the No Fly List through its Secure Flight program. Individuals on the No Fly List are prevented from boarding an aircraft when flying within, to, from and over the United States.

Source: TSA.gov
The Intelligence Reform And Terrorism Prevention Act (IRTPA)

IRTPA is a piece of legislation that was passed in 2004 in response to September 11.

It was the most significant counter terrorism act in almost 60 years.

It was passed with overwhelming bi-partisan support.

The no-fly list was an outcome of this legislation.
#FlyingWhileMuslim

**The Provost**

Truly appalling from @AirCanada - even the basics seem difficult when it comes to Muslims and flying.

#flyingwhileMuslim

**Miqdaad Versi**

Air Canada forced a 12-year-old Muslim girl to remove her hijab while boarding a flight in San Francisco, says a legal complaint.

Staff refused a private screening.

She was on her way to compete for the U.S. squash team. Family says it was her first time traveling alone.

#flyingwhileMuslim

**Karen Attiah**

Another shameful episode of #FlyingWhileMuslim. This is like the third incident I’ve read about this week.

**Ahmed Eldin**

Two Muslim women who work for US government escorted off plane as they made staff ‘uncomfortable’

independent.co.uk/news/world/ame..

**Khalid Latif**

Muslim woman's hijab pulled off her head by man who screamed at her 'this is America!'

independent.co.uk/news/world/ama..

#flyingwhileMuslim

**Dalia Mogahed**

I have TSA pre-check, Global Entry and now CLEAR and this morning was still ‘randomly selected’ for secondary screening.

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buzzfeed.com/tasneemnashrul...
Hey @SouthwestAir: not a good look for your flight attendant on SW5539 to DC last night to loudly tell a brown woman in a headscarf she'll be "escorted off the plane" for making people feel "uncomfortable" - because she wanted to sit with her husband & kids!

#FlyingWhileMuslim

MEND Community @mend... · Feb 21, 2017
"You've been selected for a random security check"
Teacher sent home from school trip

#FlyingWhileMuslim

Miqdaad Versi 🅰️ @miqdaad · May 12, 2017
Manchester flight delayed for 90 minutes after two passengers refused to fly with Muslim men
#flyingwhileMuslim

Mobashra @mobbiemobes · Oct 14, 2019
2 Muslim men were left humiliated after an AA flight was grounded because cabin crew felt uncomfortable flying w/ them on board. Why the unease? The men had waved at each other.

#FlyingWhileMuslim

Rami Ismail (أرامي) 🅰️ @tharami · Sep 22, 2019
Today's flying while Muslim story: Muslim men removed from @AmericanAir flight because one of them flushed a toilet twice.

#FlyingWhileMuslim

'Complained as Crew Noticed Him Flush Twice': American Airlines 'C... The men say American Airlines discriminated against them Saturday for appearing Muslim and Middle Eastern during a flight from ...

#FlyingWhileMuslim
"You people bring your children everywhere
Flight attendant harasses Muslim woman

Despite how progressive things may seem, "flying while Muslim" remains the same: often an unpleasant experience. In a recent incident, a Muslim woman who disposed of a dirty diaper in a garbage bin on a Mesa Airlines flight said an attendant not only...

Aurora Qamar

Namira Islam Anani
@namirani

2 scans for my bag AND an agent going through my bag... #flyingwhileMuslim in pre-check usually just means getting your extra scans sooner 😞

9:40 AM · Jul 13, 2017 · Twitter for Android

4 Retweets 1 Quote Tweet 14 Likes

Vengeance Is Mine! @PromoterBoxing · Dec 23, 2020
The latest incident is yet another example of what many #Muslim and #MiddleEastern passengers describe as "flying while Muslim," a disturbing pattern of discriminatory experiences.
— The text might be MashahAllah & Inshah'Allah 🙏

huffpost.com/entry/muslim-m... # via @HuffPost

A white man complained about Muslim woman on flight, launching 6-hour ordeal

In another incident of 'flying while Muslim,' a Muslim woman was removed from an American Airlines flight to North Carolina and arrested after a white passenger said he was 'uncomfortable' Saturday. The woman, identified as Muslim activist, former New...

#FlyingWhileMuslim
ACLU Challenge To Government No Fly List

- **2003**: The Terrorist Screening Database is established (as a consequence of IRTPA). The No Fly List is included as a subset of this master watchlist.

- **2010**: The ACLU files a legal challenge on behalf of ten U.S. citizens and permanent residents who could not fly to or from the U.S. or over American airspace because they are on the No Fly List.

- **2012**: The list double to include 21,000 individuals, including roughly 500 US citizens and lawful permanent residents.

- **2014**: Court rules the No Fly List process unconstitutional and says it must be reformed.

- **2015**: The U.S. government announces that it will tell U.S. citizens and lawful permanent residents whether they are on the list, but that it will only possibly offer reasons for their inclusion. The ACLU appeals this decision on the grounds that it was “impermissibly vague” and failed to provide due process.

- **2019**: The ACLU’s appeal is denied.

Anti-Muslim Domestic Policies and the Impact on Civil Liberties

Module 4, Lesson 2
How a Bill Becomes Law

**Legislation is Introduced**
- Any member can introduce a piece of legislation

**Committee Action**
- The bill is referred to the appropriate committee by the Speaker of the House or the presiding officer in the Senate.

**Floor Action**
- The proposed legislation is debated on. After debate, the bill is voted on. If passed, it is then sent to the other chamber unless that chamber already has a similar measure under consideration. If either chamber does not pass the bill, then it dies.

**Conference Committee**
- Members from each house form a conference committee and meet to work out the differences.

**President Review**
- The bill is sent to the President for review. A bill becomes law if signed by the President or if not signed within 10 days and Congress is in session.

**The Bill Becomes a Law**
- Once a bill is signed by the President or his veto is overridden by both houses it becomes a law and is assigned an official number.
The Intelligence Reform And Terrorism Prevention Act (IRTPA)

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The Intelligence Reform And Terrorism Prevention Act (IRTPA)

Senate approval 96:2
House approval 336:75

How the house voted:

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<th>All Votes</th>
<th>Republicans</th>
<th>Democrats</th>
<th>Independents</th>
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<tr>
<td>Aye</td>
<td>82%</td>
<td>152</td>
<td>183</td>
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<td>18%</td>
<td>67</td>
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<td>22</td>
<td>8</td>
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Source: GovTrak.US
IRTPA modified many aspects of the federal intelligence and terrorism-prevention organizations. For example, it:

- reorganized the Intelligence Community
- established the position of Director of National Intelligence (DNI) to serve as the President’s chief intelligence advisor and the head of the Intelligence Community, and to ensure closer coordination and integration of the 16 agencies that make up the Intelligence Community
- established the National Counterterrorism Center (NCTC) to serve as a multiagency center analyzing and integrating all intelligence pertaining to terrorism, including threats to U.S. interests at home and abroad
- established the Privacy and Civil Liberties Oversight Board (PCLOB) subsequently made an independent federal agency by the 9/11 Commission Act. The Board has been inactive since 2008 due to unfilled vacancies on the Board.
The Intelligence Reform And Terrorism Prevention Act (IRTPA)

Sections of the Act

1. Reform of the intelligence community, also known as the National Security Intelligence Reform Act of 2004
2. Federal Bureau of Investigation
3. Security Clearances
4. Transportation security
5. Border protection, immigration, and visa matters
6. Terrorism prevention
7. Implementation of 9/11 Commission recommendations, also known as the 9/11 Commission Implementation Act of 2004
8. Other matters, including a requirement that the Department of Homeland Security ensure that the civil rights and civil liberties of persons are not diminished by efforts, activities, and programs aimed at securing the homeland.
The Intelligence Reform And Terrorism Prevention Act (IRTPA)

Controversy

Section 6: Terrorism Prevention contains the controversial clause regarding “Material support”

“Material support” covers a wide range of activities and items, including property, money, lodging, training, communications equipment, transportation, and expert advice or assistance.

Because of its vague yet broad definition, it has been used to convict many people of terrorism even if they are not involved with the actual act, which some argue has been an unjust use of the law.

- For example, the mere act of posting an article about a controversial subject has become grounds for invoking material support
IRTPA created several new bureaucratic agencies (such as the National Director of Intelligence and National Counter Terrorism Center).

It established several new arrangements that further blurred the line between criminal activity and freedom of speech and right to privacy.

While it tried to put in place a new body to safeguard privacy and civil liberties, overall IRTPA reinforced the wide-ranging surveillance powers introduced in the Patriot Act.

Its impact on domestic and international travel is also considerable--IRTPA entrenched screening protocols and no-fly lists, creating consequences for millions of people worldwide.