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A joint statement from SCOPE and Senator Robert Ortting regarding the "Terrorist Watch List"

New York State Senator Jeffrey Klein and Assemblyman Thomas Abinanti have introduced legislation that, "Prohibits persons named on the consolidated terrorist watch list from obtaining or renewing a license to carry, possess, repair and dispose of firearms. "

S 6279 Klein / A 8693 Abinanti

The Terrorist Watch List and its derivatives do not meet any reasonable standard for the deprivation of an individual's rights. Individuals are placed on the list from within an unidentified bureaucracy based on vaguely defined and highly flexible standards of "reasonable suspicion." It is a clear violation of the 5th Amendment's guarantee of due process before depriving one of "life, liberty or property."

We strongly oppose these legislative proposals. We believe that moving to deprive individuals of their most basic rights without any semblance of prior due process is so fundamentally wrong as to make a travesty of the legislative process. And to establish this deprivation on a system based on bureaucratic whim often devoid of articulable facts or creditable evidence compounds the problem.

When the government infringes upon the rights of its citizens it must be for an offense or action clearly provided for in law. With respect to firearms acquisition and possession, this is the National Instant Check System (NICS). NICS decisions are based on rules established by federal law, information in public records and judicial review. Individuals denied their right to a firearm know why and a clear process of appeal is provided.

"When a citizen's fundamental constitutionally guaranteed right to keep and bear arms can be infringed on mere suspicion, and inclusion on a secret government list, then none of our civil liberties are safe", said Stephen J. Altstadt, SCOPE president.

From Senator Robert Ortting, NY 62nd Senate District

"As a combat veteran, there's no one more committed to preventing terrorists from acquiring firearms or committed to protecting Americans. Any legislation or proposal attempting to tie the federal no-fly list to state firearm licenses will be impractical, ineffective, and most importantly, unconstitutional. The no-fly list, composed of notable "suspected terrorists" like Ted Kennedy, Cat Stevens, or the former President of Bolivia, is widely known to be secretive and inaccurate. Citizens have no notice and limited recourse if they are improperly placed on the list. It's annoying to be told you're unable to enter an aircraft because your name is on a federal no-fly list managed by Washington bureaucrats; and it appears unconstitutional for state police to show up at your house to confiscate your weapons because your name appears on such a list. The right to due process and the right to bear arms were the cornerstone of our founding. They still mean a great deal to me and a great deal to the law-abiding citizens of this country."