

Judge denies Obama administration attempt to dismiss challenge to “no-fly” list

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A federal district court judge in California last week denied a motion by Obama administration lawyers to dismiss a legal challenge to the “no-fly” list brought by a young Malaysian woman, Rahinah Ibrahim.

Ibrahim, at the time a Stanford University Ph.D. candidate, was detained at San Francisco International Airport on January 2, 2005 when she and her daughter attempted to board a flight to her home country. She was intending to fly home to present her doctoral research at a conference sponsored by Stanford. Ibrahim was subjected to harsh treatment by airport security officials. Although she was in a wheelchair due to complications from a recent hysterectomy operation, officials handcuffed her and held her in a jail cell for two hours.

Officials eventually allowed Ibrahim to depart from the United States, but refused to allow her to re-enter the country. The government revoked her visa and denied her application for another visa in 2009, citing possible terrorist activity. No evidence has ever been presented by the government to support allegations of links to terrorist organizations.

Ibrahim originally filed the suit in 2006. It will now proceed to discovery, during which court proceedings may force the Obama administration to relinquish state records pertaining to Ibrahim’s case. Ibrahim is seeking to return to the United States and be removed from the “no-fly” list.

The 9th Circuit Court of Appeals in San Francisco has heard the Ibrahim case on two previous occasions. Both times, as in the present case in US District Court, the Obama administration refused to release any evidence regarding Ibrahim’s alleged terrorist connections, claiming that such information involved sensitive security matters that neither the public, nor even the courts, were privileged to view.

The administration maintains that it has the right to block individuals from flying on commercial flights or entering the country without presenting any evidence either to the targeted person or a court of law.

US District Court Judge William Alsup issued the order denying the Justice Department’s motion to dismiss. In it, he lambasted the administration for the anti-democratic maneuvers it has used in its repeated attempts to quash the case.

“Here the government seeks to affirmatively use allegedly privileged information to dispose of the case entirely without ever revealing to the other side what its secret evidence might be,” wrote Alsup. “Here, the government has not justified its sweeping proposal. It has gone so far as even to redact from its table of authorities some of the reported case law on which it relies! This is too hard to swallow.

“The government’s latest motion based on lack of standing, being a complete mystery, is denied.”

The Obama administration’s attempt to keep Ibrahim in a legal limbo is part of its wider policy of continuing and expanding the domestic surveillance network and police state infrastructure established by the Bush administration.

The “no-fly” list, created in 2001 ostensibly in reaction to the September 11 attacks, today reportedly includes over 20,000 names. This is more than double the number in 2011. The Obama administration has placed more names on the “no-fly” list in the last 12 months than George W. Bush did during his eight years in office.

The “no-fly” list is merely one of many such lists compiled by the US government’s Terrorist Screening Center. The enormity of the government’s surveillance network is exemplified by the larger “terrorist watch list,” which includes the names of about 400,000

people.

There is no public oversight of the process by which the government determines whom to place on the “no-fly” or “terrorist watch” lists. Individual students, professors and workers have likely been placed on the list on account of their opposition to US foreign policy as expressed in phone, email, or social media communications. An unknown number of innocent individuals have been placed on the list merely because of their race, nationality or religion. Since the government is not required to make public the reasons for an individual’s placement on the list, or even inform an individual that he or she has been put on the list, there is no way to hold the government accountable.

Ibrahim, who was allowed to complete her Ph.D. in absentia, is still unable to return to the United States.



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