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[Muslims Placed on No-Fly List by FBI Agents to
Coerce Them to Spy on Their Communities
Ask Supreme Court to Allow Lawsuit to Go Forward](#)

Case to Be Heard by High Court This Spring

February 5, 2020, Washington, D.C. – Today, Muslim men who were placed or kept on the No-Fly List in retaliation for refusing to spy on their communities for the FBI urged the Supreme Court to affirm a ruling that they may sue FBI agents for attempting to coerce the men into becoming informants. The Court will consider whether the Religious Freedom Restoration Act (RFRA) allows the men to sue agents for damages for the harm the men suffered as a result of being on the list. RFRA already allows for injunctive relief.

“No one should be harassed and forced to spy on their religious community. The FBI agents knew I was vulnerable and that I needed to fly to see my family,” said Muhammad Tanvir, the lead plaintiff. “This kind of harassment shouldn’t go unaccounted for – I am continuing in this fight because I want to make sure that others don’t go through what I went through.”

Initially, the men filed the lawsuit seeking removal from the list and damages for the harm they suffered for having been placed on it. Just days before the first major court hearing in the case, each of the men received letters from the U.S. government informing them they were no longer

on the list. The district court dismissed the case, ruling that the men could not continue to seek damages for the harm they suffered. The Second Circuit Court of Appeals reinstated the case, ruling that the men may sue for damages under RFRA. The Trump administration has asked the Supreme Court to rule that the agents are immune from suit. Attorneys say the only way to deter future civil rights violations is to impose penalties for past violations.

“The FBI agents basically told our clients that they could spy against fellow Muslims who were not suspected of any crime, in violation of their own Islamic beliefs, or they could forget about flying to see their families or for work,” said Professor [Ramzi Kassem](#), founding director of the CLEAR project, Creating Law Enforcement Accountability and Responsibility, at CUNY School of Law, who will argue the case. “The fact that they were taken off the list after they sued does not end the story. Our clients were unable to see wives, children, sick parents, and elderly grandparents overseas for years. They also lost work, were stigmatized within their communities, and suffered severe financial and emotional distress. They deserve redress for these harms.”

The men in the case were approached by FBI agents and asked to spy generally on their communities, including to visit online Islamic forums and “act extremist.” They were told that spying on their communities could keep them from being placed on the No-Fly List or get them removed. Each of the men refused because, among other things, spying on their communities, going into mosques under false pretenses went against their religious beliefs.

“Broad protection for religious freedom is part of the founding mythology of this country, and Congress clearly intended to provide that with RFRA. If the Court decides to cut off that last judicial mechanism for accountability, it will send a clear message to the FBI and other agencies that they can trample on the rights of the Muslim community with impunity,” said Center for Constitutional Rights Senior Managing Attorney [Shayana Kadidal](#). “Under the current administration, it is more crucial than ever that courts provide a check on religiously-motivated abuses like these.”

Advocates say abuse of the No-Fly List is part of a broader phenomenon of government targeting of Muslims, which includes predatory prosecutions, extensive and suspicionless surveillance of their religious and community spaces, holds on immigration status and other benefits, and Trump’s Muslim Ban.

The Supreme Court will hear the case on March 24, 2020.

Read the brief filed today [here](#). For more information, [visit the Center for Constitutional Rights’ case page](#).

[Tanzin v. Tanvir](#) was brought in 2014 on behalf of Muhammad Tanvir, Jameel Algibhah, Naveed Shinwari and one other plaintiff not currently appealing, by the [CLEAR](#) project at [CUNY School of Law](#), the [Center for Constitutional Rights](#), and the law firm of [Debevoise & Plimpton LLP](#).

The CLEAR project (Creating Law Enforcement Accountability & Responsibility) is based out of Main Street Legal Services, Inc., the clinical arm of CUNY School of Law. CLEAR serves Arab, Muslim, South Asian, and all other communities that are targeted by local, state, or federal government agencies under the guise of national security and counterterrorism. In the course of its work, CLEAR has come to represent many individuals who have been placed on various U.S. government watch lists or approached for interrogation or recruitment by law enforcement agencies. Learn more at www.cunyclear.org and follow CLEAR on social media: [@CUNY_CLEAR on Twitter](#), [CUNY CLEAR on Facebook](#), and [CUNY_CLEAR on Instagram](#).

The Center for Constitutional Rights works with communities under threat to fight for justice and liberation through litigation, advocacy, and strategic communications. Since 1966, the Center for Constitutional Rights has taken on oppressive systems of power, including structural racism, gender oppression, economic inequity, and governmental overreach. Learn more at ccrjustice.org. Follow the Center for Constitutional Rights on social media: [Center for Constitutional Rights](#) on Facebook, [@theCCR](#) on Twitter, and ccrjustice.org on Instagram.

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