

Lawsuit accuses FBI of using no-fly list to recruit American Muslim informants

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25 April 2014

A federal lawsuit has been filed in US District Court in New York accusing the Obama administration of using the notorious “No Fly List” to attempt to bully American Muslims who are citizens or legal residents into becoming informants for the FBI.

The suit, filed by the Center for Constitutional Rights on behalf of four Muslim men—Naveed Shinwari, Jameel Algibhah, Muhammad Tanvir and Awais Sajjad—names Attorney General Eric Holder, FBI director James Comey, Homeland Security Director Jeh Johnson, and about two dozen FBI agents as defendants.

As reported by the *Guardian* and in numerous press accounts, the four plaintiffs charge that their First Amendment and Fifth Amendment rights, involving free speech, freedom of religion and freedom from self-incrimination, among others, have been crudely violated by the authorities. “The impermissible abuse of the No Fly List has forced Plaintiffs to choose between their constitutionally-protected right to travel, on the one hand, and their First Amendment rights on the other,” the lawsuit states. The action demands the removal of the plaintiffs from the list, as well as unspecified compensatory and punitive damages.

The no-fly list, established about the September 11, 2001 terrorist attacks, has over the ensuing 12 years been used in an arbitrary manner to prevent people who have never been charged with any crime from traveling for business, family or personal reasons. The list, established under the Bush administration, has grown substantially under Obama, with some sources indicating that it more than doubled in size between 2011 and 2012, from about 10,000 to more than 20,000 names.

This especially brazen example of the targeting of Muslims in the name of “national security” has had

devastating consequences for the four defendants as well as many others. The 30-year-old Shinwari, for instance, has been unable to see his wife for 26 months. He flew to Afghanistan to get married in 2012, but was interrogated on his way home to Omaha, Nebraska. He was told he had been placed on the no-fly list, and was then questioned about Muslims in the Omaha area. “I’m just very frustrated, [and I said] what can I do to clear my name?” Shinwari explained, as reported in the *Guardian*. “And that’s where it was mentioned to me, you help us, we help you. We know you don’t have a job; we’ll give you money.”

Another of the plaintiffs, Jameel Algibhah of the Bronx, said he received an implied *quid pro quo* along with the suggestion that he spy on a mosque in Queens, and was told that only the FBI could have him removed from the list. The plaintiffs reported that the atmosphere of intimidation made them reluctant to attend their own mosques or to mix socially within their community.

“Special Agent Defendants knowingly, intentionally, and unlawfully retaliated against Plaintiffs, and continue to retaliate against Plaintiffs for their exercise of their constitutional rights to freedom of speech, association, and religion, in violation of Plaintiffs’ First Amendment rights under the United State Constitution,” the lawsuit reads.

“Defendants’ unlawful actions are imposing an immediate and ongoing harm on Plaintiffs and have caused Plaintiffs deprivation of their constitutional rights, emotional distress, damage to their reputation, and material and economic loss.”

Inquiries about the no-fly list receive answers that neither confirm nor deny presence on the list. Individuals know nothing until they are stopped from boarding a plane, or are detained and questioned as they

deplane. They are forced to go through complex procedures in attempts to have their names removed. In fact, an Indonesian woman, Rahinah Ibrahim, recently became the first to win a legal effort to restore her right to fly to the US, a right that had been denied to her on the basis of no evidence whatsoever for the past ten years. Ibrahim first filed suit against the ban almost eight years ago.

There is also no way of knowing how many US citizens and legal residents have been successfully coerced into becoming informants, thus violating their own rights as well as those of the larger population.

The Kafkaesque character of the no-fly list has received some attention in recent years, but the Obama administration and the FBI have not shown the slightest hesitation in continuing and expanding its use. This has received enthusiastic bipartisan support in Congress, with California Senator Dianne Feinstein declaring several years ago that the list is “one of our best lines of defense.”

Arguments about the alleged inefficiency or inaccuracy of the list miss the point. This attack on basic democratic rights is part of a much larger tendency, and an attack on the working class as a whole. It is bound up with the militarization of American society, as manifested in the response to the Boston Marathon bombing last year and the massive military and police mobilization for this year’s Marathon just a few days ago. This in turn is connected to the drive towards war, as reflected most sharply in Ukraine today, as well as the anticipation by the ruling class of an inevitable social explosion at home.



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