

CAIR Welcomes Federal Court Decision Advancing Broad Challenge to Terror Watchlist

July 20th, 2020

The Council on American-Islamic Relations (CAIR) today welcomed a Maryland federal court's decision to advance the Muslim civil rights organization's broadest challenge to the terror watchlist to date.

That decision paves the way for CAIR's legal team to depose agency officials and obtain documents throughout the federal government and highlights the role played by the shadowy, supra-agency body called the **Watchlist Advisory Council**, which oversees the federal government's watchlisting system.

READ: Judge's Decision

<https://www.cair.com/wp-content/uploads/2020/07/ELALI.pdf>

The court refused government efforts to dismiss most of the legal violations CAIR asserted, including violations of the Fourth Amendment, the Fifth Amendment, the Equal Protection Clause of the Fourteenth Amendment, the Religious Freedom and Restoration Act, and the Administrative Procedures Act.

In her decision, Judge Paula Xinis criticized the government's watchlisting processes, finding that "existing procedural protections are inscrutable, opaque." She noted that many people on the No Fly List who appeal to the government to be removed end up in an administrative "black hole."

Judge Xinis also explained that "[p]robing interrogations about travel to Muslim-majority countries, religious pilgrimages, learning Arabic, attending mosques, affiliations with Muslim organizations, religious donations, and associations with other Muslims" raise an inference that decisions to target Muslims are tied "directly, and perhaps solely, to Plaintiffs' race, alienage, religious, and national origin."

"Each time a court has closely examined the watchlisting system, it has found this program illegal in some significant way," said **CAIR National Litigation Director Lena Masri**. "We believe that this time will be no different."

"Judge Xinis' opinion is the latest sign that the era of the federal government's extrajudicial targeting of innocent Muslims will not go on forever," said **CAIR Senior Litigation Attorney Gadeir Abbas**.

"The decision confirms the watchlist raises a host of constitutional questions," said **CAIR Trial Attorney Justin Sadowsky**. "Discovery will prove that the watchlist illegally targets Muslims for punishment and second-class status."

CAIR is currently defending on appeal a Virginia federal court's decision declaring the database at the heart of the watchlisting system illegal.

Just last month, a large coalition of advocacy organizations from across the political spectrum filed amicus briefs in support of CAIR's efforts to defend the Virginia federal court's decision on appeal.

Those groups include: the ACLU, the Center for Constitutional Rights, the CATO Institute, the Electronic Frontier Foundation, and the Korematsu Center, among others.

CAIR is America's largest Muslim civil liberties and advocacy organization. Its mission is to enhance understanding of Islam, protect civil rights, promote justice, and empower American Muslims.

La mision de CAIR es proteger las libertades civiles, mejorar la comprensian del Islam, promover la justicia, y empoderar a los musulmanes en los Estados Unidos.

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