

# THE CONSTITUTION PROJECT



*Safeguarding Liberty, Justice & the Rule of Law*

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## Oregon Court Rules "No Fly List" Violates Due Process

*Sloan: FBI should change unfair listing process to provide adequate redress*

WASHINGTON, D.C. -- Virginia Sloan, president of The Constitution Project, a bipartisan legal watchdog group, offered the following comments in response to a federal court ruling in Oregon that the procedures for seeking removal from a government watch list fail to provide individuals with adequate constitutional protection:

"We are delighted with the district court's careful, balanced ruling that the Terrorist Screening Database and its error-prone 'No Fly List' violate the Fifth Amendment. It is long past time to fix a problem that TCP and others identified years ago. The government had the opportunity to explain its procedures and the court found them lacking. This important ruling should spur the FBI to immediately change its unfair listing process and provide redress for travelers grounded by it."

The lawsuit before the U.S. District Court for the District of Oregon, *Latif v. Holder*, was brought on behalf of 13 plaintiffs, all Muslims, who say the government's decision to place them on a "No Fly List" unfairly denied them the liberty to travel freely, or to know the reasons the government considers them security risks. In her [summary judgment](#), Judge Anna Brown held that the current procedure to seek removal from the list, the DHS Traveler Redress Inquiry Program, is inadequate to provide due process.

TCP filed an [amicus brief](#) in support of the plaintiffs' motion for summary judgment, arguing that the government should provide information to travelers who have already been informally advised of their watch list status about the reasons for placement on the list and give them a meaningful opportunity to challenge their inclusion. The brief is based on TCP's Liberty and Security Committee's report [Promoting Accuracy and Fairness in the Use of Government Watch Lists](#).

The court directed the parties to inform the court of the next steps in the litigation by July 14. It is expected the Department of Justice will appeal the decision to the 9th Circuit Court of Appeals.

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### [About The Constitution Project](#)

*Created out of the belief that we must cast aside the labels that divide us in order to keep our democracy strong, The Constitution Project (TCP) brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our*

*time. TCP seeks to reform the nation's broken criminal justice system and to strengthen the rule of law through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.*