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Six imams kicked off flight win a round in court

Article by: [Dan Browning](#), Star Tribune Updated: November 21, 2007 - 7:27 AM

A judge rejected a move to dismiss the imams' suit in a case that spurred a national debate about security and religious freedom.

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Six Muslim imams arrested on a U.S. Airways jet in Minneapolis last November after a passenger raised suspicions about their pre-flight prayers and boarding activities won an early victory Tuesday in their federal lawsuit against the airline and the Metropolitan Airports Commission.

U.S. District Judge Ann Montgomery's opinion and order rejected almost all of the defendants' arguments for dismissal. She said the question of whether airport officers had probable cause to arrest the men must be determined by the objective facts they had available at the time.

Over the past year, the case has triggered a firestorm of debate about security concerns vs. religious rights. The imams have argued that they were removed because of religious and ethnic bias. The airline says they were ejected solely because of security concerns raised by passengers and crew members.

Frederick Goetz, one of the imams' attorneys, praised the judge's decision, saying "This has always been a straightforward civil rights case. You had six individuals ... doing absolutely nothing wrong. They prayed in the airport and got arrested. That's unconstitutional, and they deserve redress."

Patrick Hogan, a spokesman for the airports commission, said Montgomery's ruling at this point in the proceedings takes the allegations at face value. "We look forward to the opportunity to present the Metropolitan Airports Commission's perspective and will defend the duty of airport police to take action when the safety of air travelers is in question."

U.S. Airways said Tuesday evening that it was studying the order. "We continue to stand by the actions of our crew members and employees, but at this point we can't say anything definitive about next steps," said spokeswoman Andrea Rader.

According to a police report, the men were arrested because three had one-way tickets and no checked baggage; most had requested seat belt extensions; a passenger reported that they had prayed "very loudly" before the flight and criticized U.S. involvement with Iraqi dictator Saddam Hussein, and they were seated widely throughout the aircraft.

Montgomery said it is "dubious" that a reasonable person would conclude from those facts that the imams were about to interfere with the crew or aircraft. She said the plaintiffs had stated a plausible claim that MAC officers violated their constitutional rights.

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Ahmed Shqeirat, Mohamed Ibrahim, Didmar Faja, Omar Shahin, Mahmoud Sulaiman and Marwan Sadeddin were arrested as they returned home from the North American Conference of Imams. Ibrahim lives in California, the others in Arizona.

Faja, Sadeddin and Shqeirat said they saw an older couple watching the other imams as they prayed. They said the man placed a phone call.

Sulaiman helped Sadeddin, who is blind, board the plane and escorted him to his seat in row 4 before going to his own seat in row 9. Another passenger switched seats with Sadeddin so Sulaiman could assist his friend. Shahin was seated in first class. The others were seated in rows 25 and 21.

Police boarded and asked the imams to exit the plane, which they did. They were later ordered to get their carry-on baggage and were taken to the airport police precinct. After several hours, federal agents interviewed them, cleared them of wrongdoing and said they could leave. U.S. Airways refused to book new flights and they departed on Northwest.

Some of the controversy around the lawsuit was defused in early August when "John Doe passengers" were removed as one of the suit's targets.

Montgomery, considering the evidence in the light most favorable to the plaintiffs, said the facts they alleged "support the existence of an unconstitutional custom of arresting individuals without probable cause based on their race."

She rejected the defendants' attacks on a variety of the imams' legal claims, including false arrest, invasion of privacy and intentional infliction of emotional distress.

Montgomery did strike a couple of claims made by the imams, slightly narrowing their case. But Goetz said his clients were happy with the ruling.

"They'll have their day in court on certainly the most significant issues," he said. "You don't arrest people because of their faith. You don't arrest people because of their national origin. That's just fundamentally wrong."

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