

Center For Constitutional Rights

Criminal Justice Issues and Prisoners' Rights

<https://ccrjustice.org/node/9352>

Campaign and Advocacy

...We proceeded with our damages claims against the individual F.B.I. agents seeking to remedy the harms they experienced as a result of these abuses, says Diala Shamas, a staff attorney with the Center for Constitutional Rights, a group that represented the plaintiffs. Their central claim, that the agents violated the mens religious liberty and could therefore be sued, in an individual capacity, for monetary damages, was struck down by the U.S. District Court for the Southern District of New York, but the U.S. Court of Appeals for the Second Circuit reversed that ruling. The government then took the case to the Supreme Court, which upheld the appeals courts decision in a unanimous ruling [written by Justice Clarence Thomas](#). Not only did the law allow a person whose religious liberty was burdened to obtain appropriate relief against a government, including government officials in their individual capacities, Thomas wrote, this exact remedy has coexisted with our constitutional system since the dawn of the Republic.

Though not a victory on the merits of the claim itself the justices merely confirmed that the plaintiffs had a right to sue the individual agents *Tanzin v. Tanvir* was nonetheless a watershed for government accountability. Conservatives on the court have traditionally been very averse to modes of accountability, damages in particular, especially against law enforcement, and especially in the context of national security, Shamas says. The mere fact that law enforcement is not completely immune to damages in this area sends a powerful message....

Read the rest of the piece [here](#).

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