

1 **PRICE LAW GROUP**
 David Chami, Esq. (AZ Bar # 027585)
 2 8245 N. 85th Way, Suite 4349
 Scottsdale, Arizona 85258
 3 Email: David@pricelawgroup.com
 Phone: (818) 600-5515
 4 Fax: (818) 600-5415

5 **RM WARNER, PLC**
 Raeesabbas Mohamed, Esq. (AZ Bar # 027418)
 6 8283 N. Hayden Road, Suite 229
 Scottsdale, Arizona 85258
 7 Email: Raees@RMWarnerlaw.com
 Phone: (480) 331-9397
 8 Fax: (866) 961-4984

9 *Attorneys for Plaintiffs*

10
 11 IN THE UNITED STATES DISTRICT COURT
 12 DISTRICT OF ARIZONA

13
 14 Mohamed Sabra; and Council on
 American-Islamic Relations of Arizona,

15 Plaintiffs,

16 vs.

17 Maricopa County Community College
 18 District; and Nicholas Damask, in his
 official and individual capacity

19 Defendants.

Case No.

COMPLAINT

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PARTIES

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2 1. Mohamed Sabra (hereinafter “Plaintiff” or “Sabra”) is a resident of Scottsdale,
3 Arizona. He is a political science major at Scottsdale Community College and was enrolled
4 in Defendant Nicholas Damask’s political science class, which is at issue in this litigation.

5 2. The Council on American-Islamic Relations of Arizona, Inc. (“CAIR-AZ”) is
6 an Arizona-based 501(c)(3) non-profit organization committed to advocacy and protecting
7 the civil rights of American Muslims while promoting justice.

8 3. Defendant Maricopa County Community College District (hereinafter
9 “Scottsdale Community College” or “SCC”) is a taxpayer funded organization.

10 4. Defendant Nicholas Damask (hereinafter “Damask”) is a professor of “World
11 Politics”, also known as “POS120” at SCC. Damask is also the Social and Behavioral
12 Sciences Evening / Summer Department Chair at SCC, and as such, serves SCC in his
13 official capacity. Defendant Damask is also named in his individual capacity.

JURISDICTION & VENUE

14 5. This Court has Jurisdiction to hear this matter pursuant to 28 U.S.C. § 1331
15 and 42 U.S.C. § 1983 because Plaintiffs allege a violation of the First Amendment to the
16 United States Constitution.

17 6. Venue is proper in this District under 28 U.S.C. § 1391(b)(1) because both
18 Defendants reside in Arizona. Venue is also proper here pursuant to 28 U.S.C. § 1391(b)(2)
19 because a substantial part of the events or omissions giving rise to the claim occurred in the
20 District.

FACTUAL BACKGROUND

21 7. In the Spring 2020 semester, Mr. Sabra enrolled in Defendant Damask’s World
22 Politics class. Defendant Damask’s course description states: “Introduction to the principles
23 and issues relating to the study of international relations. Evaluation of the political,
24 economic, national, and transnational rationale for international interactions.” It does not

1 state that it includes instruction based on one-sided, biased perspectives of Islam or that it
2 excludes other ideologies of Islam.

3 8. According to the syllabus, the course was divided into six modules, with the
4 last being captioned, “Islamic Terrorism.”

5 9. The Islamic Terrorism module had three components: (1) a PowerPoint
6 presentation; (2) an excerpt from *Future Jihad*; and (3) a quiz.

7 10. The PowerPoint presentation, created by Damask, was titled “Islamic
8 Terrorism” and had three sub-topics: (1) “Defining Terrorism”; (2) “Islamic Terrorism:
9 Definition”; and (3) “Islamic Terrorism: Analysis.”

10 11. Damask’s misguided personal biases against Islam and his advocacy for the
11 staunch disapproval of Islam is injected within 42 slides of class material. See **Exhibit A**,
12 attached hereto and incorporated by reference as if fully set forth herein.

13 12. The first sub-topic was a general overview of terrorism and the differences
14 between it and other forms of war.

15 13. In this section, Damask states: “effectively there is no non-Islamic
16 international terrorism in the contemporary world.”¹

17 14. The final slide of the first sub-topic is made up of numerous statistics, none of
18 which contain citations to authoritative references, that compare alleged killings by “Islamic
19 terrorists” to other groups such as the “Ku Klux Klan.” For example: “Islamic terrorists kill
20 on average more people every 90 days than the number of blacks killed by the Ku Klux Klan
21 in its entire 120+ year history.”²

22 15. Notably absent from any of Defendant Damask’s terrorism materials is any
23 discussion of the Ku Klux Klan, Nazi’s, militant fascism and neo-conservatism, and their
24 scripture-based terrorism against African Americans, Judaism, and other ethnic minorities

¹ Exhibit A, p. 20.

² *Id.* at 21.

1 throughout history in the United States.³ Defendant Damask failed to even mention domestic
2 terrorism in the United States spurred by White Supremacy and racially motivated hate
3 crimes, despite the fact that The Federal Bureau of Investigation has marked White
4 Supremacy in the United States as a significant domestic terrorism concern.⁴ It is an
5 unquestionable fact that the Ku Klux Klan espoused Protestant Christian ideologies to wage
6 terror in the United States in an attempt to create their own nation-state, and even believed
7 that Jesus was the first Klansman. However, none of this material is discussed in any of
8 Defendant Damask’s modules, despite its impact on national and international politics.

9 16. In the second sub-topic, Damask states: “Islamic terrorism should be
10 understood within the broader history of Islamic warfare against unbelief, termed in Islamic
11 theology jihad, the Arabic root of which means ‘a condition of efforts’ or ‘striving.’ The
12 ‘efforts’ to be undertaken are physical, not simply prayer or introspection.”⁵ Defendant
13 Damask failed to instruct students that prayer, introspection, and spiritual struggle are in fact
14 the actual mainstream belief of Muslims when discussing “jihad.”

15 17. Additionally, Defendant Damask says that “Politically-speaking, jihad is a
16 *religiously-justified, communal mobilization of the resources and capabilities of the Muslims*
17 *population for war against unbelievers.*”⁶ (emphasis in original). Defendant Damask failed
18 to provide any counter-arguments or opposing viewpoints and instructs students to insist that
19 his personal beliefs are facts, when they are not.

20 18. Defendant Damask goes on to intentionally distort the context of specific
21 Quranic verses that he quotes in his material. For example, without any context or
22 discussion, Damask cites to the following purported English translation of a Quranic verse

23 ³ Damask’s “Module 1” reading assignment includes five-and-a-half pages of an excerpt
24 entitled, “The Surrender at Munich,” from *The Rise and Fall of the Third Reich*, by William
L. Shirer. The excerpt does not discuss Nazi ideology or its influence on American or global
politics.

⁴ <https://www.fbi.gov/news/testimony/confronting-white-supremacy>.

⁵ Exhibit A, at p. 22

⁶ *Id.*

1 for the proposition that terrorism is encouraged in Islam: “It is important to note that the
2 Quran places great emphasis on praising those who fight, declaring them to be ‘one degree
3 over’ those who do not [4:95].”⁷

4 19. Then, Defendant Damask explains that there is a “theological mandate for
5 jihad” on Muslims.⁸

6 20. Defendant Damask continued to support his gross misinterpretations of the
7 alleged “theological mandate for jihad” by misconstruing the two primary sources of Islam,
8 the Quran (the Muslim holy scripture) and the Hadith, (Prophet Muhammed’s sayings,
9 teachings, and actions).⁹

10 21. Defendant Damask then purports to sparsely quote seven verses from the
11 Quran, none of which are complete or accurate quotes, and all of which are gross
12 misconstructions of the Quran, which reflect Damask’s own personal hostility towards
13 Islam.¹⁰

14 22. Defendant Damask asserts that the Quran instructs Muslims to follow the
15 Hadith, and thereafter states that the Quran speaks to the “establishment of Islam through
16 violent struggle against Non-Muslims, including the use of terror,” and “jihad.”¹¹

17 23. Defendant Damask used an English translation and then highlighted and
18 bolded the words “terrorize” and “terror” claiming that the use of these words in the
19 translation supported his position that Islam supports terrorism. However, Damask failed to
20 disclose that his purported translation is inaccurate, and that many translations of these
21 verses by actual scholars do not even use the words “terrorize” or “terror.”¹²

22 ⁷ *Id.*

23 ⁸ *Id.* at 23.

24 ⁹ *Id.* at 22-27.

¹⁰ *Id.* at 23.

¹¹ *Id.* at 24.

¹² *Id.*

1 24. Damask’s pointed disapproval of Islam as a legitimate and peaceful religion
2 continues with his advocacy of Prophet Muhammed being a terrorist. Damask urges that
3 Islamic terrorism’s “roots can be traced back to the Prophet Muhammad himself.”¹³

4 25. Damask states: “The central role of the Prophet Muhammad: *All* Islamic
5 terrorists sanctify their actions through pious references to the Quran and the traditions of
6 the Prophet Muhammad, and by extensive use of longstanding Islamic legal doctrines.”¹⁴
(emphasis in original).

7 26. He also depicted a picture of Prophet Muhammad and said that “Muhammad
8 himself committed acts that also unambiguously would be regarded as terrorism today.”¹⁵

9 27. Throughout the rest of the PowerPoint, Damask makes four blatantly false and
10 inflammatory statements about Islam, while purporting them to be facts:

11 28. “Contentions that Islam does not promote warfare or violence cannot be
12 supported on either theological or historical grounds – indeed, such contentions would flatly
13 contradict hundreds of Quranic passages and *hadiths* (‘traditions’) of Muhammad, as well
14 as longstanding Islamic jurisprudence.”¹⁶ (emphasis in original);

15 29. “Legitimacy of Islamic terrorism is supported by nearly every legal source
16 Islamic legal authority.”¹⁷;

17 30. “As with terrorism and jihad generally, contemporary Islamic legal authorities
18 are unanimous in their approval of suicide attacks.”¹⁸; and

19 31. “Muslim popular opinion has some sympathy for terrorism generally, and the
20 ultimate goals of terror group (sharia) particularly.”¹⁹

21 ¹³ *Id.* at 26, 27.

22 ¹⁴ *Id.* at 25.

23 ¹⁵ *Id.* at 26, 27.

24 ¹⁶ *Id.* at 25.

¹⁷ *Id.* at 28.

¹⁸ *Id.* at 33.

¹⁹ *Id.* at 40.

1 32. The final sub-topic explained how different groups deal with Islamic
2 Terrorism.

3 33. The next part of the module was the assigned reading of excerpts from *Future*
4 *Jihad* by Walid Phares, a known Islamophobe who openly promotes anti-Muslim ideologies.
5 See **Exhibit B**, attached hereto and incorporated by reference as if fully set forth herein.
6 Within this mandatory reading assignment, Phares explains that jihad is not a “spiritual
7 phenomenon that could be and was abused by extremist ideologies,” but rather “a call for
8 [physical] action.”²⁰

9 34. Damask failed to articulate that other more acceptable and in fact, mainstream
10 views of “jihad” have nothing to do with physical violence, but instead he improperly urged
11 students to accept his personal, biased interpretations as academic facts.

12 35. Notably, Damask failed to inform his students in any written materials that
13 Walid Phares is not a neutral author and only represents *one* perspective – an extreme
14 perspective – that “jihad” has only one meaning, “as a call for action” and that the West has
15 “sanitized it and camouflaged it.”²¹

16 36. Damask failed to disclose in any class materials that Walid Phares espouses
17 anti-Muslim ideologies and has publicly demonized Islam, that Phares is known to have
18 been an adviser to international criminal and Lebanese fascist, Samir Geagea, who was
19 incarcerated for ordering church bombings and political assassinations in Lebanon in order
20 to spark a war against Muslims in Lebanon. These are critical facts that should have been
21 disclosed by the Defendants to students who seek academic truths and were enrolled in
22 Damask’s World Politics class.²²

23 37. The most egregious denunciation of Islam and injection of personal hostilities
24 against Islam are found in Damask’s semester-ending quiz, compromised of 25 multiple

²⁰ Exhibit B, p. 18, 19.

²¹ *Id.* at 19.

²² <https://www.motherjones.com/politics/2011/10/walid-phares-mitt-romney-lebanese-forces/>

1 choice questions. *See* **Exhibit C**, attached hereto and incorporated by reference as if fully
2 set forth herein. Below are a few examples of the questions and answer choices that
3 demonstrate a clear hostility and disapproval of Islam while also factually incorrect:

4 38. Question 9: “Where is terrorism encouraged in Islamic doctrine and law?”²³

- 5 (1) The Medina verses
- 6 (2) The Muhammad verses
- 7 (3) The Mecca verses or
- 8 (4) Terrorism is not encouraged in Islamic doctrine and law.

9 39. The correct answer was number 1, “the “Medina verses.”

10 40. Question 12: “Who do Islamic terrorist strive to emulate?”²⁴

- 11 (1) The Prophet Muhammad
- 12 (2) Saddam Hussein
- 13 (3) Osama bin Laden or
- 14 (4) Ibn Tamiyyah.

15 41. The correct answer was number 1, “the Prophet Muhammad.”

16 42. Question 15: “Contemporary Terrorism is?”²⁵

- 17 (1) Communist / Left-wing
- 18 (2) Islamic
- 19 (3) Mormon or
- 20 (4) Fascist / Right-wing.

21 43. The correct answer was number 2. “Islamic.”

22 44. Question 19: “Walid Phares notes that although ‘gullible’ Westerns are taught
23 that jihad can have two meanings, people in the Arabic world understand that its
24 overwhelmingly obvious meaning is?”²⁶

- (1) Struggle against sin
- (2) Spiritual contemplation
- (3) Combat / war or
- (4) Peace.

²³ Exhibit C, p. 6.

²⁴ *Id.* at 7.

²⁵ *Id.* at 9.

²⁶ *Id.* at 11.

1 45. The correct answer was 3, “Combat / war.”

2 46. Question 20: “Terrorism is _____ in Islam?”²⁷

3 (1) Justified within the context of jihad

4 (2) Always forbidden

5 (3) Justified under international law or

6 (4) Always justified.

7 47. The correct answer was 1, “Justified within the context of jihad.”

8 48. Defendant’s admonishment against Islam and instruction that Islam is
9 terrorism is no different than stating that Christianity and the Bible mandate Christians to
10 follow the KKK and engage in terrorism against African American, Jews, and ethnic
11 minorities. There is no place in higher-education for the furtherance of false personal biases
12 designed to create hostility against particular religions, regardless of the religions.

13 49. On April 29, 2020, Mr. Sabra, a practicing Muslim, took this quiz and was
14 shocked and offended to see the answer choices given for the questions above (all of which
15 he got wrong).

16 50. Mr. Sabra was forced to make a decision; either disavow his religion or be
17 punished by getting the answers wrong on the quiz.

18 51. Sabra answered the questions correctly based on how Muslims practice their
19 religion. However, those answers were marked as incorrect by Damask.

20 52. As Damask teaches the course Muslim students must either disavow their
21 religion or have their answers marked as incorrect.

22 53. Mr. Sabra emailed Damask explaining that the questions and answers were
23 “absolutely in distaste of Islam,” and that he felt “disgust[ed].”

24 54. On April 30, 2020, a known comedian made and circulated an Instagram video
on why the questions were inappropriate and challenged SCC on how they could allow such
biased disapproval of a religion. The video went viral.

²⁷ *Id.*

1 55. That same day, SCC contacted the Mr. Sabra to discuss the issue. Defendant
2 SCC stated they would investigate the complaint, but less than 24 hours after the
3 investigation, the Interim President of SCC posted a statement on the official school
4 Instagram page:

5 ...SCC senior leadership has reviewed the quiz questions and agrees with the
6 student that the content was inaccurate, inappropriate, and not reflective to
7 inclusive nature of college. SCC deeply apologizes to the student and to anyone
8 in the broader community who was offended by the material. SCC
9 Administration has addressed with the instructor the offensive nature of the quiz
10 questions and their contradiction to the college's values. The instructor will be
11 apologizing to the student shortly, and the student will receive credit for the
12 three questions. The questions will be permanently removed from any future
13 tests.

14 56. SCC stated that they would give Sabra credit for the three questions referenced
15 above but failed to address what would be done about the other questions requiring
16 disavowal of Sabra's religion; as of the date of this filing the points have not been credited.

17 57. However, SCC knew or had constructive knowledge that this module was
18 going to be taught in this class, because under Maricopa Community College District
19 Regulation 3.6, "a copy of the course syllabus must be submitted to the division/department
20 office at the college no later than the end of the first week of class." Furthermore, Defendant
21 Damask, as department chair, has apparent authority to implement this module for and on
22 behalf of SCC.

23 58. SCC not only condoned the material but approved of its use in the classroom.

24 59. Damask has been teaching this class for 24 years and upon information and
belief will continue to teach and remain the Department Chair.

60. Damask is scheduled to teach this course again in the Summer semester
starting on 6/8/2020, and the Fall semester starting on 8/24/2020.

61. The Maricopa County Community College District has publicly defended
Damask, and stated that despite their intent to "investigate", the investigation will not
involve Damask and that he is not at risk of losing his job.

1 70. Scottsdale Community College was at all relevant times on notice that Damask
2 was teaching the disapproval of Islam because Maricopa Community College District
3 Regulation 3.6 requires its approval.

4 71. Damask, as the division/department chair, engaged in these actions and thus
5 as the final policymaker, Damask's actions are attributable to SCC.

6 **SECOND CAUSE OF ACTION**

7 **Violation of the Free Exercise Clause of the First Amendments To The U.S
8 Constitution**

9 72. Plaintiffs incorporate all of the above paragraphs as though fully set forth
10 herein.

11 73. Under the Free Exercise Clause, the Government cannot force a person to
12 condemn a particular religion, or penalize a student for not agreeing that only one
13 interpretation of a religion is an accurate and acceptable interpretation.

14 74. Damask's module quiz forced Sabra to agree to his radical interpretation of
15 Islam. When Sabra did not, he was penalized by getting the questions wrong and impacted
16 his grade.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Plaintiffs respectfully request that the Court enter judgment in their
19 favor and against Defendants, and award the following relief:

- 20 A. Declare that Defendants' actions in teaching the materials violated the
21 Establishment Clause of the First Amendment of the United States Constitution;
22 B. Temporarily and permanently enjoin Defendants, their officers, and employees
23 from teaching the violative materials unless and until the materials are modified such
24 that they do not have the primary effect of disapproving of Islam;
C. Award Plaintiffs nominal damages;
D. Award Plaintiffs their reasonable costs and attorney's fees; and
E. Grant such other and further relief as the Court may deem to be just and proper.

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Dated June 2, 2020

Respectfully Submitted,

By /s/ David Chami
David Chami, Esq. (AZ Bar # 027585)
PRICE LAW GROUP, APC
8245 N. 85th Way, Suite 4349
Scottsdale, Arizona 85258
Phone: (818) 600-5515
Fax: (818) 600-5415

Raees Mohamed, Esq. (AZ Bar # 027418)
RM WARNER
8283 N. Hayden Road, Suite 229
Scottsdale, Arizona 85258
Phone: (480) 331-9397
Fax: (866) 961-4984

Attorneys for Plaintiffs