



Written by [R. Cort Kirkwood](#) on July 30, 2012

Justice Dept. Official Refuses to Rule Out Criminalizing Criticism Of Religion

A top official in the federal Justice Department refused to rule out criminalizing speech that criticizes a religion, the religion in question obviously being Islam.

Rep. [Trent Franks](#) (R-Ariz., pictured to the left) put [Assistant Attorney General Tom Perez](#) (pictured to the right) on the hot seat during a hearing held by the House Judiciary Committee's Subcommittee on the Constitution.



The two-minute, 21-second exchange worries those who believe American jurisprudence is knuckling under to the demands of [Sharia or Islamic law](#), which forbids criticism of Islam and considers it blasphemy punishable by death.

The Exchange

[Franks began](#) his exchange with Perez with a simple question:

"Will you tell us here today simply that this Administration's Department of Justice will never entertain or advance a proposal that criminalizes speech against any religion?"

[Perez began](#) his answer by questioning the context of the question, whereupon Franks said, "There is no context" and asked the same question.

"Again sir ..." Perez replied, but Franks stopped him. "That's not a hard question," he said.

"Actually it is hard question ... when you make threats against someone ..." Perez said.

Franks: "I'm asking you here today, whereupon will you tell us here today — Will you tell us here today that this Department of Justice will never entertain or advance a proposal that criminalizes speech against any religion?"

Perez: "Again sir, if you have a proposal that you are considering, we will actively review that proposal ..."

Franks: OK, here's my proposal. I'm asking you to answer a question, that's my proposal. I'm proposing you answer this question ..."

Perez: "Again sir, if you give me the context of the question ..."

Franks stopped Perez, and when another member of the subcommittee tried to butt in, [Franks said](#) he had asked the same question four times.

Franks said he was trying to get an answer to a "fairly basic question here. If the department of justice can't even answer whether they will entertain or advance a proposal that criminalizes speech against any religion, then it's pretty late in the day."

Why the Question

Franks' question comes at a time when Muslims are persuading American courts to consider Sharia law



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in making decisions, and prominent Muslim activists have said they want to criminalize criticism of Islam, which would also comport with the injunction of Sharia law that punishes such “insults” as blasphemy, the penalty for which is death.

[According to](#) the Islam Q&A website, “The scholars are unanimously agreed that a Muslim who insults the Prophet (peace and blessings of Allaah be upon him) becomes a kaafir and an apostate who is to be executed.” The website says such a “ruling is indicated by the [Qur’aan](#) and [Sunnah](#),” of the practice and law of Islam.

In October 2011, the [Daily Caller reported](#) that Perez and other officials from the Justice Department attended a meeting at George Washington University where a an Egyptian-American lawyer suggested criminalizing speech against Islam.

[According to](#) the DC, “Top Justice Department officials convened a meeting Wednesday where invited Islamist advocates lobbied them for cutbacks in anti-terror funding, changes in agents’ training manuals, additional curbs on investigators and a legal declaration that U.S. citizens’ criticism of Islam constitutes racial discrimination.”

Reported the DC, “The department’s ‘civil rights lawyers are top of the line — I say this with utter honesty — I know they can come up with a way’ to redefine criticism as discrimination, said [Sahar Aziz](#), a female, Egyptian-American lawyer.”

“I’d be willing to give a shot at it,” said Aziz, who is a fellow at the Michigan-based Muslim advocacy group, the [Institute for Social Policy & Understanding](#).

The audience of Islamist advocates and department officials included Tom Perez, who heads the department’s division of civil rights.

“We must continue to have the open and honest and critical dialogue that you saw in the robust debate,” Perez responded in an enthusiastic closing speech a few minutes after Aziz made her demands at the event.

“I sat here the entire time, taking notes,” Perez said. “I have some very concrete thoughts ... in the aftermath of this.”

[Aziz is a professor](#) of law at Georgetown University — which identifies itself as a Jesuit Catholic institution. [She also claims](#) to serve on the [board of directors](#) of the [Maryland chapter](#) of the American Civil Liberties Union.

In June 2011, the [Center for Security Policy](#) published its report, “Shariah Law and American State Courts: An Assessment of State Appellate Court Cases,” which says that Islamic law is working its way into American state courts.

According to the report, the case involve Muslim American families, mostly Muslim women and children, who were asking American courts to preserve their rights to equal protection and due process.”

These families came to America for freedom from the discriminatory and cruel laws of Shariah. When our courts then apply Shariah law in the lives of these families, and deny them equal protection, they are betraying the principles on which America was founded.

The report concluded that “Shariah law has entered into state court decisions, in conflict with the Constitution and state public policy.”



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Some commentators have said there are no more than one or two cases of Shariah law in U.S. state court cases; yet we found 50 significant cases just from the small sample of appellate published cases.

Others have asserted with certainty that state court judges will always reject any foreign law, including Shariah law, when it conflicts with the Constitution or state public policy; yet we found 15 Trial Court cases, and 12 Appellate Court cases, where Shariah was found to be applicable in these particular cases. The facts are the facts: some judges are making decisions deferring to Shariah law even when those decisions conflict with Constitutional protections.

The report shows that most of the cases, 38 of them, include marriage (21) and child custody (17), with most of the rest involving Sharia contract and property law. Three of the cases involved Sharia doctrine.

Alarming, CSP judged that more than two dozen of cases, 15 in trial courts and 12 in appellate courts, were "Shariah compliant."

With six cases, New Jersey courts considered the most cases involving Sharia law. California was second with five.

What Criminalizing Criticism of Islam Means

[According to](#) Robert Spencer, who runs [JihadWatch.org](#), [the exchange](#) between Franks and Perez may well mean the Obama administration seeks an end run around the First Amendment to force American law to comply with demands such as those from Aziz.

"This exchange... indicates that the Obama Administration is indeed contemplating ways to circumvent the First Amendment and outlaw criticism of Islam: blasphemy laws would, if they succeed, be coming to the U.S." [he wrote](#).

If this, happens, it's all over. If the U.S. adopts blasphemy laws, that would be the end of any resistance to jihad, as we will be rendered mute and thus defenseless against its advance. (I hope one of you will bake a cake with a file in it and come visit me in prison.)

Surely the First Amendment will prevent this, you say? The First Amendment does not automatically enforce itself. And if those charged with guarding and protecting it are determined to do away with it, they can hedge it around with nuances and exceptions that will render it as toothless and essentially void as the Second Amendment already is in some areas of the U.S.



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