



Written by on November 30, 2010

Federal Judge Blocks Oklahoma Sharia Law Ban

Judge Vicki Miles-LaGrange of the Federal District Court in Oklahoma City granted a preliminary injunction on November 30 that blocked an Oklahoma constitutional amendment aimed at stopping the use of Islamic "Sharia" law in the state's courts, the New York Times reported.

In her decision, the judge barred the State Election Commission from certifying the results of the election until she makes a final ruling, but set no timetable for her decision.

The amendment was listed on the November 2nd election ballot as State Question 755 (SQ 755), and passed with 70 percent of the vote.



The *Times* quoted from Miles-LaGranges statement:

While defendants contend that the amendment is merely a choice-of-law provision that bans state courts from applying the law of other nations or cultures regardless of what faith they may be based on, if any the actual language of the amendment reasonably, and perhaps more reasonably, may be viewed as specifically singling out Shariah law, conveying a message of disapproval of [the] plaintiffs faith.

The plaintiff in the case is Muneer Awad, the executive director of the Oklahoma chapter of the Council on American-Islamic Relations.

[BBC News reported](#) that in her ruling, Judge Miles-Lagrange said Awad had shown he would have suffered an "injury, specifically, an invasion of his First Amendment rights" if the results of Question 755 were certified.

The judge concluded that Shariah law lacks a legal character and is not law but is religious traditions that differ among Muslims. Therefore, she noted, the amendment conveys a message of disapproval of plaintiffs faith and, consequently, has the effect of inhibiting plaintiffs religion.

A report in [NewsOK.com](#) stated that the amendment describes Shariah law as Islamic law based on the Quran and the teaching of Mohammed.

NewsOK reported that Miles-LaGrange initially blocked the state Election Board from certifying the SQ 755 results on November 8, and her latest ruling merely continues that freeze.

Quoting state Sen. Anthony Sykes (R-Moore), a key supporter of the measure, the report continued, I was disappointed but not surprised. We look forward to working with the [state Attorney Generals] office on it.

The reported further cited the judges decision, in which she quoted from a 1943 U.S. Supreme Court decision, writing:



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Ones right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.

NewsOK also quoted Republican state Rep. Rex Duncan, who called what has been informally named the Save Our State amendment a pre-emptive strike ... against a growing threat.

A leading supporter of the constitutional amendment effort to ban Sharia law in Oklahoma has been Pastor Paul Blair of the Fairview Baptist Church in Edmond, a suburb of Oklahoma City. During an interview posted on The Take Away website, [Pastor Blair said](#):

Over the last decade, we've seen what's called "creeping Sharia," creeping ever so slowly and taking control of European nations.... We believe that if you're going to live in America, you should be governed by federal law or by state law.

Of course, the first law in our nation was individual state law, created in the days when not so much of the states' sovereignty had been usurped by over-reaching federal judges such as Vicki Miles-LaGrange. With the singular exception of Louisiana (whose legal system is based partially on the French and Spanish codes in force during its colonial era) the laws of our states are based on English common law. All such state law, however, was based on that of Christian Europe.

Given the long history of federal U.S. courts insistence upon separation of church and state (though such language appears nowhere in our Constitution), it is difficult to determine exactly upon what grounds judge Miles-LaGrange decided that the proposed amendment would constitute an invasion of [Mr. Awads] First Amendment rights."

If we take a strict interpretation of the First Amendments prohibition against Congress (the states are never mentioned) making a law respecting an establishment of religion, then it would seem that banning Sharia law would accomplish exactly that end. It appears obvious that allowing legal precedent based upon the tenets of a particular religion would constitute establishing religion more so than (for example) allowing prayer in municipal schools or allowing a Christmas manger in the town square. So by banning such legal recognition of Sharia law, the state would merely be following the proscription set forth in the First Amendment.

And if we interpret the First Amendment more loosely (as more liberal judges are wont to do) and apply it not only to Congress but to state and municipal governments and also regard any public expression of religion by government (or even private expression on government property) as a violation of separation of church and state then allowing for Sharia law must certainly be the most egregious violation of the amendment on record! Are the sectarian religious laws of other faiths so recognized? Can an Orthodox Jew be taken to court for failing to keep kosher? Can a Catholic be sued in court for failing to fast during Lent? Can an evangelical Protestant be fined for failing to spend sufficient time reading the Bible each day?

Considering such examples, it is obvious that government recognition of Sharia law at any level amounts to giving preferential treatment to Islam, and that Oklahomas state constitutional amendment banning Sharia is merely a proactive defense against potential violations of the First Amendment, which would occur at the expense of the vast majority of the states citizens.

Rotator photo: Gadeir Abbas, Legal Advisor Council on American Islamic Relations (CAIR), answers a question during a news conference concerning a recently passed Oklahoma ballot measure prohibiting state courts from considering international law or Islamic law when deciding cases, in Oklahoma City, Nov. 4, 2010. At left (and above thumbnail photo) is Muneer Awad, Executive Director Council on American-Islamic



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