

Okla. anti-Shariah amendment heads to appeals court

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(RNS) An amendment to Oklahoma's constitution that bans state judges from considering Islamic law will face its next legal hurdle on Monday (Sept. 12) when a federal appeals court considers its constitutionality.

Just weeks after it was approved by 70 percent of Oklahoma voters last November, U.S. District Judge Vicki Miles-LaGrange ruled it unconstitutional, saying "the will of the `majority' has on occasion conflicted with the constitutional rights of individuals."

The case now heads to the Denver-based 10th U.S. Circuit Court of Appeals, and the outcome could affect efforts to pursue similar legislation in more than 20 other states.

Muneer Awad, the director of the Oklahoma chapter of the Council of American-Islamic Relations who filed the original suit to block the amendment, said a second legal victory would put pressure on conservative lawmakers who are pushing bills to block Shariah, or Islamic law.

"Despite knowing that these arguments are flawed, they're pursuing them for their own political reasons," Awad said.

While judges routinely consider religious law when deciding family or contract disputes that could not be settled by religious authorities, constitutional law supersedes religious law if they are found to be in conflict.

Opponents say the Oklahoma measure would invalidate civil documents like marital contracts and wills, which some people draft according to religious guidelines.

And by singling out Shariah among other religious laws, lawyers argued the Oklahoma amendment violates the First Amendment's prohibition on government preference for one religion over another.

Calls to the Oklahoma Attorney General's office were not returned. Supporters of the anti-Shariah measure say the amendment would not affect religiously guided civil documents as long as they don't run afoul of the Constitution.

"Just as Mr. Awad's First Amendment rights are fundamental, so too are the voting rights of the 695,000 Oklahomans who voted in favor of State Question 755," lawyers defending the referendum wrote in a March 28 brief that will be the basis of their arguments Monday.

"The results of their 'fundamental political right' to vote has been enjoined by this district court."

While many Muslims viewed the Oklahoma referendum as discriminatory and fueled by Islamophobia, they say it has also given them a chance to educate non-Muslims about Shariah and Islam.

"We've stepped up our outreach efforts, and I think we've been able to change a lot of minds," said Saad Mohammed, a spokesman for the Islamic Society of Greater Oklahoma City. "If the referendum were held again tomorrow, I think a lot fewer people would support it."