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CAIR: Muslim's Lawsuit Says Okla. Amendment Violates Constitution

OKLAHOMA CITY, Nov. 4, 2010 /PRNewswire-USNewswire/ -- The Oklahoma chapter of the Council on American-Islamic Relations (CAIR-OK) today announced the filing of a lawsuit that claims an anti-Islam state ballot measure (SQ 755) passed in Tuesday's election violates the U.S. Constitution.

When the voting results are certified November 9, the measure would amend the Oklahoma state constitution to forbid judges from considering Islamic principles (Shariah) or international law when making a ruling.

SEE: Muslim Group to Sue Okla. Over Shariah Law Amendment (AOL News)

<http://tinyurl.com/2baq5vx>

CAIR-OK Video: Group Calls Amendment Anti-Islam, Unconstitutional

<http://www.youtube.com/watch?v=LyFC7WZsAHQ>

CAIR says SQ 755 will infringe on the constitutional rights of ordinary Oklahomans in their daily lives -- including the right to wear religious head scarves, choose Islamic marriage contracts or to be buried according to one's religious beliefs.

In a fact sheet on the issue, CAIR states: "[The amendment] will prevent Oklahoma courts from implementing international agreements, honoring international arbitrations, honoring major international human rights treaties, honoring marriages and divorces from other countries, and will cost jobs by sending the message that contracts between Oklahoma companies and international partners will not be enforceable."

CAIR Q&A on Oklahoma Anti-Islam Ballot Measure

<http://tinyurl.com/2asddqp>

At a news conference today in the State Capitol Building, CAIR-OK Executive Director Muneer Awad said he has filed a lawsuit in the United States District Court -- Western District Of Oklahoma as an individual seeking a temporary restraining order and a preliminary injunction to prevent final certification of the amendment by the Oklahoma State Board of Elections.

Awad's lawsuit, which is based on his own Shariah-compliant will, says SQ 755 violates the First Amendment's Establishment Clause that bars government bodies from making laws "respecting the establishment of religion."

SEE: Full Text of Awad's Lawsuit

<http://www.cair.com/Portals/0/pdf/argument.pdf>

The lawsuit states: "In the present matter. . .this Court need not conduct a probing inquiry to reveal the purpose of the Shariah Ban. This is because the measure's architects have not asserted a secular purpose. Instead, the authors of the Shariah Ban identified repeatedly in print and on video a sectarian purpose. Representative Rex Duncan, the House author of the Shariah Ban, announced on television that 'America was founded on Judeo-Christian principles' and the Shariah Ban's purpose was to ensure that Oklahoma's courts are not used to 'undermine those founding principles.'"

CAIR Video: SQ 755 Sponsor Explains Purpose of Amendment on MSNBC

http://www.youtube.com/watch?v=Ybvivrs_MH0

It states that the amendment "denigrates Plaintiff's standing in the political community by transforming Oklahoma's constitution into an enduring condemnation of Plaintiff's faith." According to the lawsuit, "The Shariah Ban singles out Plaintiff's faith, but no other faith, for special restrictions."

Awad's suit also claims that SQ 755 violates the First Amendment's Free Exercise Clause since it "targets Plaintiff's religious conduct because a currently disliked religious tradition inspired it. . .Indeed, the only interest consistent with both the language and operation of the Shariah Ban is an interest in harming an unpopular minority. . .The goal was to stigmatize Islam by establishing in the public's mind that Islam is something foreign and to be feared."

Speakers at the news conference included:

- * Muneer Awad -- Executive Director, CAIR-OK
- * Chuck Thornton -- Deputy Director, ACLU-Oklahoma
- * Imad Enchassi -- Imam, Islamic Society of Greater Oklahoma City (ISGOC)
- * Nathaniel Batchelder -- Director, Central Oklahoma Human Rights Association (COHRA)

CAIR is America's largest Muslim civil liberties and advocacy organization. Its mission is to enhance the understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims, and build coalitions that promote justice and mutual understanding.

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