



Council on American-Islamic Relations
453 New Jersey Ave S.E.
Washington, D.C. 20003
Tele 202 488 8787 Fax 202 488 0833
E-mail: info@cair.com, URL www.cair.com

A Brief overview of the Pervasiveness of anti-Islam legislation

January 2013

This document provides readers with a brief overview of the extent of anti-Islam legislation in the United States.

In 2011 and 2012, 78 bills or amendments aimed at interfering with Islamic religious practices or vilifying Islam were considered in 31 states and the U.S. Congress. Sixty-two of these bills contained language that was extracted from Islamophobe David Yerushalmi's American Laws for American Courts (ALAC) model legislation.¹ Yerushalmi is a central player in the Islamophobia industry.

Party of bill's Original Sponsor(s)

- 73 bills were introduced by Republicans
- 1 bill was introduced by a Democrat (Alabama)
- 3 were bi-partisan (Kansas, South Carolina, South Dakota)
- 1 was introduced by Republicans along with an Independent who caucuses with the Republicans (South Dakota)

Bill Language that of Islamophobe David Yerushalmi?

- 62 were based on David Yerushalmi's American Law for American Courts
- 16 were not

Fate of Bill

- Bills were signed into law in Arizona, Kansas, South Dakota and Tennessee. These joined previously passed bills in Oklahoma and Louisiana.

Learning from past roadblocks, supporters of American Law for American Courts made greater efforts to obscure the bill's anti-Muslim intent in 2012. Despite the bill's clear anti-Islam birth, Virginia Delegate Rick Morris (R), who introduced a bill that echoed ALAC language, said, "It's definitely not an anti-Muslim bill." A Virginia newspaper reported that Morris was telling colleague in the state legislature that the bill was intended to "apply American laws to family situations such as custody disputes, premarital agreements, divorce and the division of assets."

The threat of any religious law dominating American life is a false flag

No religious code can replace American law. Article VI, Clause 2 of the U.S. Constitution clearly states, "This Constitution...shall be the supreme law of the land; and the judges in every state shall be bound thereby..." Additionally, the First Amendment prohibits Congress from making any law 'respecting an establishment of religion..."

¹ A internet search of "David Yerushalmi" returns results demonstrating his call for a WAR AGAINST ISLAM and all the Muslim faithful," as well as anti-women, anti-black and similarly biased comments on the first page. It is reasonable to be alarmed that a man so central to that anti-Islam hate movement in the United States is able to have real impact on legislators. For more on Yerushalmi see CAIR's Islamophobe profile at <http://www.cair.com/Portals/0/pdf/David-Yerushalmi.pdf>

America has an already established tradition of allowing people of faith to make agreements and resolve disputes within the parameters of their religion, as long as any resulting contract complies with U.S. law. Catholic canon law and Jewish *halacha* are the most frequently cited examples in the context of the debate surrounding Islamic practices.

No national Muslim organization calls for the implementation of foreign law in the United States. Many support the idea that individuals can make faith-based agreements that are in accordance with U.S. law that can subsequently be enforced by U.S. courts. A primary example of this is the Islamic mortgage industry. Corporations offer loans that are compliant with Islamic rules against lending money with interest, individuals sign these contracts which can, if need be, be enforced in a U.S. court of law.

In 2011, the American Bar Association (ABA) passed a resolution opposing ALAC-type legislation noting that it is “duplicative of safeguards that are already enshrined in federal and state law,” and saying, “initiatives that target an entire religion or stigmatize an entire religious community, such as those explicitly aimed at ‘Sharia law,’ are inconsistent with some of the core principles and ideals of American jurisprudence.”

The ABA also stated the following:

- “...language in these Bills and Amendments dealing with ‘international law’ or ‘foreign and customary law’ is likely to have an unanticipated and widespread negative impact on business, adversely affecting commercial dealings and economic development in the states in which such a law is passed and in U.S. foreign commerce generally.” [Emphasis is CAIR’s.]
- “...many of the Bills and Amendments would infringe federal constitutional rights, including the free exercise of religion and the freedom of contract, or would conflict with the Supremacy Clause and other clauses of the Constitution.”

The Purpose of American Laws for American Courts

Writing in the *New York Times*, reporter Andrea Elliot concluded that actually passing American Laws for American Courts was a “secondary concern” for its author, David Yerushalmi. “If this thing passed in every state without any friction, it would have not served its purpose,” Yerushalmi told Elliot. “The purpose was heuristic — to get people asking this question, ‘What is Shariah?’”

While most of these bills failed, many right-wing politicians found that the anti-Sharia issue draws attention to them and taps into public fear.

Yerushalmi wrote the model legislation to “get people asking this question.” What he achieved was an anti-Muslim dialogue characterized by religious intolerance and an absence of an actual problem in an effort that was supported by a troubling number of mainstream, state-level Republican leaders.

Religious Intolerance

It is reasonable to argue that the anti-Sharia movement is really a cover for Islamophobic sentiment. Bill supporters often argue that their legislation is meant to preserve American law, but this argument does not withstand even minimal scrutiny.

As reported in the *Topeka Capital-Journal* on May 11, 2012, “But Sen. Chris Steineger, R-Kansas City, said a marketing campaign by supporters of the bill inundated him with materials that ‘explain’ why sharia law is coming and Muslims are trying to take over America.” Steineger told the *Capital-Journal*, “The

proponents of this measure, clearly by the literature they gave me and by the video link they directed me to, they presented this as protecting us against sharia law.”

In Tennessee, the bill’s definition of “Sharia” was, in practical terms, the entire religious tradition of Islam. “Sharia,” read the bill as introduced, includes the “set of rules, precepts, instructions, or edicts” based upon sources from “the god of Allah or the prophet Mohammed.” It stated that “Sharia” encompasses all content derived from “any of the authoritative schools of Islamic jurisprudence of Hanafi, Maliki, Shafi’i, Hanbali, Ja’afariya, or Salafi.”

Chairman of the Alaska State Legislature’s House Judiciary Committee Rep. Carl Gatto (R-Palmer) said his proposed version of ALAC was necessary because of the religious beliefs of recent immigrants. “As a kid, we had Italian neighborhoods, Irish neighborhoods. . .but they didn’t impose their own laws,” Gatto said. He added, “When these neighborhoods are occupied by people from the Middle East, they do establish their own laws.” Gatto later said, “I’m more concerned about cultures that are vastly different from European immigrants, who come here and prefer to maintain their specific laws from their previous countries, which are in violent conflict with American law. That’s the issue that I am worried about.”

In December 2012, an Alaska ethics panel recommended that Karen Sawyer, formerly chief of staff to Rep. Gatto, be fired after “it found she used state resources to help an anti-Islamic group.” The panel also recommended that Sawyer never be allowed to work for the legislature again. Sawyer resigned before she could be fired. According to the panel’s findings, Sawyer allowed David Heckert of Islamophobe Pamela Geller’s Stop Islamization of America “to use the Wasilla legislative information office and equipment for work related to his organization.” It also found that Sawyer used state equipment to help plan activities related to a 2011 group conference, and that she failed to file a timely disclosure showing she was a member of the group’s board in 2011 and 2012.” *The Associated Press* also noted that the panel found that SIOA’s “main mission appeared to be promoting their organization and its mission with HB88 [Alaska’s anti-Islam bill] as a validation point.”

South Dakota anti-Sharia bill sponsor Phil Jensen told an audience, “It is alarming how many of our sisters and daughters who attend American universities are now marrying Muslim men.”

In Pennsylvania, the bill itself included no mention of Islam. However, in a memo to all House members urging them to co-sponsor the bill, Rep. RoseMarie Swanger falsely claimed that Sharia is “inherently hostile to our constitutional liberties.” Later, Swanger claimed she “had no idea how [the memo] was going to be written” and that it was never circulated. This claim is rather incredible, given that the memo, with Swanger’s signature, was located on the Pennsylvania state legislature’s website.

State Rep. Don Wells (R-Cabool) referred to Islamic principles, or Sharia, as a “disease” like polio during a meeting of the Missouri House Judiciary Committee, which was discussing a bill Wells has proposed to ban consideration of Sharia in that state’s courts. When a Democratic lawmaker asked if Wells really believes Sharia law is like polio, he replied, “Absolutely.”

Michigan State Representative Dave Agema (R-Grandville) was clearly targeting Islam for unequal treatment from others faiths. In explaining why he felt the bill is important, he told the *Grand Rapids Press*, “They (Muslims) want specific laws applied to their specific groups ... They do not want to be under our law.”

In a newsletter, the Eagle Forum, one group supporting anti-Islam legislation, told its supporters, “Sharia law is becoming part of the American landscape as Christianity is being systematically removed. Christian students are being told they cannot pray at school activities or even pray in front of American institutions, while public school students adopt Muslim names, pray on prayer rugs and celebrate Ramadan under a state-mandated curriculum.”

Legislative Half-Measures to Solve a non-Existent Problem

While the bills’ anti-Islam genesis and intent is clear, its proponents have a difficult time demonstrating any actual problem they are trying to fix.

The *Star Assistant* in Alabama reported, “But no one—not even Sen. Gerald Allen, who sponsored the bill—can point to examples of Muslims trying to have Islamic law recognized in Alabama courts.” Allen could not even define Sharia when asked saying, “I don’t have my file in front of me.” When pressed about why the Alabama bill’s definition of sharia matched one found in Wikipedia, legislative staff “confirmed that the definition was in fact pulled from Wikipedia.”

Texas legislator Leo Berman said his bill was necessary because he had heard, but apparently had not actually tried to confirm, that one American town was allowing judges to use sharia. “I heard it on a radio station here on my way into the Capitol one day. I don’t know Dearborn, Michigan but I heard it (Sharia law is accepted there) on the radio. Isn’t that true?”

North Carolina legislator Rep. George Cleveland also was forced to admit “I do not have any specific examples off the top of my head,” when asked to show a need for his version of American Law for American Courts.

The pattern continued in South Carolina, “None of the senators nor Kevin A. Hall, a Columbia attorney who testified in support of the bill, were aware of any examples in South Carolina where courts upheld sharia law over the U.S. Constitution.” Asked about Sharia in South Carolina, former state Attorney General Henry McMaster told an interviewer, “I haven’t encountered anything except American law.”

In Wyoming, Rep. Gerald Gay called his bill a “pre-emptive strike” since, according to the *Billings Gazette*, “...no Wyoming court rulings have been based on Islamic law...” Gay feared Wyoming judges might use sharia to interpret “honor killings” and arranged marriages.

Sen. Mike Fair of South Carolina sponsored a version of Yerushalmi’s bill in that state’s Senate but admitted, “he is not aware of any cases of foreign law being used in a South Carolina court.”

Similarly, Georgia’s Rep. Mike Jacobs, vice chairman of Georgia’s House Judiciary Committee and original sponsor of the American Laws for Georgia’s Courts bill, “acknowledged that he was not aware of any instances in Georgia where a plaintiff or defendant asked the court to apply Sharia law but believes it has happened elsewhere.”

Iowa state legislator and Republican Kim Pearson conceded “she doesn’t know of any cases of [Sharia deciding cases in Iowa courts] happening or how, under the Iowa and U.S. constitutions, it could.” Pearson’s bill specifically targets Islam.

Republican state-level leaders embrace anti-Sharia bills

In at least eleven states, mainstream Republican leaders introduced or supported the anti-Muslim

legislation. At least nine of these were based on Yerushalmi's American Laws for American Courts.

Oklahoma Governor Mary Fallin ignored the Constitution's proscription against government censure of religion when she threw her weight behind House Bill 1552, a version of Yerushalmi's model ALAC, saying "I personally believe that a law should be made on American law, on our constitution. The people of Oklahoma spoke pretty clearly when there was a vote...on Sharia law..."

Rep. Carl Gatto was Chairman of the Alaska State Legislature's House Judiciary Committee. Missouri Speaker of the House Stephen Tilley supported a bill. In South Dakota, original sponsor Charles Hoffman was majority whip. Michigan's Dave Agema, who served a majority caucus chair, was elected to the Republican National Committee in May 2012.

What can local communities do?

In many states, the response of fair-minded people who value Constitutional liberty has made the difference between the passage of legislation intended to vilify Islam or its failure. The experience of such communities can be found, in part, in CAIR's Securing Religious Liberty toolkit: <http://www.cair.com/portals/0/pdf/CAIR-Securing-Religious-Liberty-Handbook.pdf>