

Oklahoma's Ban on Sharia Law Struck Down by Federal Appeals Court

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A federal appeals court today blocked a measure that would've made Oklahoma the first state in the nation to ban the Sharia law in its court system.

The court ruled in favor of Muneer Awad, executive director of the Council on American-Islamic Relations (CAIR) in Oklahoma, who filed a lawsuit against the Oklahoma election board on the grounds that the voter-approved constitutional amendment violated the Establishment Clause of the Constitution forbidding the government from favoring one religion over another.

The amendment specifically stated that "it forbids courts from considering or using Sharia Law."

Sharia law is broadly defined as a body of law based on Islam and its central religious text, the Quran.

"This is an important reminder that the Constitution is the last line of defense against a rising tide of anti-Muslim bigotry in our society, and we are pleased that the appeals court recognized that fact," Awad said in a statement. "We are also hopeful that this decision serves as a reminder to politicians wishing to score political points through fear-mongering and bigotry."

Today's ruling upheld a decision by the lower court striking down the Save Our State amendment, which would have also forbidden judges from using international laws as a basis for decisions.

The 10th Circuit Court of Appeals found that the federal district court did not abuse discretion by barring the amendment. "Because Mr. Awad has at least one justiciable claim and because the district court did not abuse its discretion in granting the preliminary injunction, we affirm," today's findings by the 10th Circuit Court of Appeals stated.

U.S District Court Judge Vicki Miles-LaGrange blocked the measure in November 2010, ruling that any harm that would result from a delay in certifying the election results is

“minimized” because the defendants were “not aware of any situation where Sharia Law has been applied in an Oklahoma court.”

Judge Miles-LaGrange said the challengers were likely to succeed on the merits of their case going forward.

Its proponents today vowed to fight the injunction.

“The federal appeals court in Denver attempted to silence the voice of 70 percent of Oklahoma voters,” State Sen. Anthony Sykes said in a statement. “At some point we have to decide whether this is a country of by and for the judges, or of by and for the people. How far will the people let them go? This ruling is right along with legalizing abortion and forced busing of school children.”

The Oklahoma amendment was aimed, in part, at “cases of first impression,” legal disputes in which there is no law or precedent to resolve the matter at hand. In such cases, judges can choose to look to laws or rulings in other jurisdictions for guidance. The proposed amendment would have blocked judges in state courts from drawing on Sharia, or the laws of other nations, in such decisions.

The ballot measure passed by a 70 percent margin in November, 2010, even though sponsors of the measure produced no evidence that Sharia law is actually being used in the courts. Its proponents said that even though it was not a problem in Oklahoma, they were attempting to prevent it from becoming one.

But opponents of the ban said it is an unconstitutional scare tactic aimed at discriminating against Muslims. They said it will have a broad impact in the areas of family law that come before the courts and could prove to have national implications. CAIR immediately challenged the measure.

Sharia law has become a hot-button issue in the United States, particularly among conservatives who want similar laws to be imposed across the country.

Republican presidential contender Newt Gingrich once advocated imposing such a law at the federal level, saying in a September 2010 speech, “We should have a federal law that says under no circumstance, in any jurisdiction in the United States, will Sharia be used in any court to apply to any judgment.”

Rep. Michele Bachmann of Minnesota, who dropped out of the race last week after a poor showing in the Iowa caucuses, signed a conservative pledge that vowed to fight the Sharia law, among other things such as porn.

ABC News’ Joel Siegel contributed to this report.