

Oklahoma's top lawyer at center of fight over Shariah

by [Omar Sacirbey](#)

December 9, 2010

(RNS) Backers of a referendum that would bar Oklahoma courts from considering Islamic law admit they suffered a setback when a federal judge issued a temporary injunction against the measure last month.

But they are pinning their hopes on Attorney General-elect Scott Pruitt, a minor league baseball team owner and former state senator who has already made a big mark on religious laws in Oklahoma.

"This is just round one," said Jordan Sekulow, an attorney at the American Center for Law & Justice, a conservative legal firm advising Oklahoma state Sen. Anthony Sykes, who co-authored the anti-Shariah amendment.

More than 70 percent of Oklahoma voted for the referendum, which forbids courts from considering or using Islamic law, known as Shariah, in legal decisions.

Supporters of the referendum and Oklahoma legal observers say Pruitt, a deacon at the First Baptist Church of Broken Arrow, will be more involved in the case than his predecessor, W.A. Drew Edmondson.

Sykes has criticized Edmondson, a Democrat, for his handling of the measure, but told a state newspaper that he looks forward to Pruitt

taking office. "We are going to have a new attorney general in January and I look forward to fighting this," Sykes told The Duncan Banner. Sykes did not respond to requests for further comment.

"I know Scott Pruitt, and I know he'll be far more aggressive," said James Thomas a professor at the University of Tulsa's law college and a member of the legal team challenging an English-only referendum that Oklahoma voters also passed last month.

Crystal Drwenski, Pruitt's chief-of-staff, said her boss would not comment on any cases until taking office on January 10, but that he had read the court ruling and intended to defend the referendum.

"One of the responsibilities of the attorney general is to enforce the law. So this is the law. When we take office, we will faithfully and dutifully enforce the law, and defend it," said Drwenski.

As co-owner of the Oklahoma City Redhawks minor league baseball team, Pruitt is already a well-known figure in Oklahoma. Conservative Christians gave strong support to Pruitt, a Republican who touted his religious background during the campaign for attorney general, especially as a fighter for freedom of religious expression.

His first case as a young lawyer was helping a state employee criticized for holding Bible study in her home get her job back, according to Pruitt's website.

As a state senator in 2000, he co-authored the Oklahoma Religious Freedom Act, which, according to his website, "makes it more difficult for a government to burden an individual's practicing of his or her faith, even in the public square."

But a legal twist may force Pruitt to battle his own legislation, or at least how it is interpreted. U.S. District Judge Vicki Miles-LaGrange cited the Religious Freedom Act in her ruling against the referendum.

The act states that "no governmental entity shall substantially burden a person's free exercise of religion," unless there is an overriding government interest.

"Those two measures are at war with each other," said Joseph Thai, a constitutional expert at the University of Oklahoma's law school. "The Religious Freedom Act is a model of religious accommodation, while the state ballot measure is a model of intolerance."

Sekulow disagreed, and said Muslims would still be able to bring discrimination claims as long as they did not conflict with the Constitution. Sekulow also said the referendum would not annul marriages sanctioned in Islamic countries under Shariah law, nor would it prohibit Muslims from seeking religious arbitration in civil cases.

In any case, legal observers said Pruitt has his work cut out for him.

"It's a constitutional wreck. It would be hard to write a law that's more constitutionally problematic and that presents a bigger target for litigation," said Thai. He said the referendum had a sectarian purpose and clearly singled out Muslims for discrimination, a violation of the First Amendment.

But even if this referendum fails in the courts, Sekulow said anti-Shariah activists would not be deterred from introducing similar measures in other states. "We've already started drafting amendments

similar to this that would be even more constitutionally airtight,"
Sekulow said.