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TESTIMONY – AMERICAN LAW FOR AMERICAN COURTS

JANUARY 30, 2012

Why American Law for American Courts? For more than two centuries, hundreds of thousands of courageous men and women have given their lives to protect America's sovereignty and freedom. American constitutional rights must be preserved in order to preserve unique American values of liberty and freedom. State legislatures have a vital role to play in preserving those rights and values.

America has unique values of liberty which do not exist in foreign legal systems, particularly Shariah Law. Included among, but not limited to, those values and rights are: Freedom of Religion, Freedom of Speech, Freedom of the Press, Due Process, Right to Privacy, Right to Keep and Bear Arms.

Civil and Criminal Law serve as the bedrock for American Values. We are a nation of laws. Unfortunately, increasingly foreign laws and legal doctrines, including Shariah law principles, are finding their way into US court cases.

The cases involving Shariah law before the judicial system are a result of Muslim American families, mostly Muslim women and children, who were asking American courts to preserve their rights to equal protection and due process. Many of these families came to America for freedom from the discriminatory and cruel laws of Shariah. When our courts then apply Shariah law in the lives of these families, and deny them equal protection, they are betraying the principles on which America was founded.

Unknowingly, Shariah law has been instituted in court decisions, in conflict with the Constitution and state public policy. I believe one of the contributing factors to this problem is occurring through the teaching of Shariah law to young attorneys or students without them having a firm grasp of the misinformation they are receiving. I have placed with my testimony some of the examples of Shariah that conflict with our Western values.

I am proud of the oath I took when I became a State Representative, and it is important to me to reaffirm that oath upon every reelection. It is the same oath we took and it states that you will support the Constitution of the United States and the Constitution of the Great State of Kansas. If you have been in the US military, you took an oath to "support and defend the Constitution of the United States against all enemies, foreign and domestic." That is what this bill requires of our courts, that they will judge according **OUR** Constitution and not any other law. It is my prayer that you support and defend the Constitution of the United States and the Great State of Kansas by voting this bill out of committee and will encourage your fellows Senators to pass this bill.

I would prefer rather than stand for questions at this time to let the professionals in this arena speak and then I will be happy to stand for questions after their testimony.

Thank you again for your graciousness in giving this bill serious deliberation.

Peggy Mast

A handwritten signature in cursive script that reads "Peggy Mast". The signature is written in dark ink and is positioned below the typed name.

AN EXERCISE IN COMPETITIVE ANALYSIS

RECOMMENDATIONS

- U.S. policy-makers, financiers, businessmen, judges, journalists, community leaders and the public at large must be equipped with an accurate understanding of the nature of shariah and the necessity of keeping America shariah-free. At a minimum, this will entail resisting – rather than acquiescing to – the concerted efforts now being made to allow that alien and barbaric legal code to become established in this country as an alternate, parallel system to the Constitution and the laws enacted pursuant to it. Arguably, this is already in effect for those who have taken an oath to “support and defend” the Constitution, because the requirement is subsumed in that oath.
- U.S. government agencies and organizations should cease their outreach to Muslim communities through Muslim Brotherhood fronts whose mission is to destroy our country from within as such practices are both reckless and counterproductive. Indeed, these activities serve to legitimate, protect and expand the influence of our enemies. They conduce to no successful legal outcome that cannot be better advanced via aggressive prosecution of terrorists, terror-funders and other lawbreakers. It also discourages patriotic Muslims from providing actual assistance to the U.S. government lest they be marked for ostracism or worse by the Brothers and other shariah-adherent members of their communities.
- In keeping with Article VI of the Constitution, extend bans currently in effect that bar members of hate groups such as the Ku Klux Klan from holding positions of trust in federal, state, or local governments or the armed forces of the United States to those who espouse or support shariah. Instead, every effort should be made to identify and empower Muslims who are willing publicly to denounce shariah.
- Practices that promote shariah – notably, shariah-compliant finance and the establishment or promo-

tion in public spaces or with public funds of facilities and activities that give preferential treatment to shariah’s adherents – are incompatible with the Constitution and the freedoms it enshrines and must be proscribed.

- Seditious activity is prohibited by law in the United States. To the extent that imams and mosques are being used to advocate shariah in America, they are promoting seditious activity and should be warned that they will not be immune from prosecution.
- Textbooks used in both secular educational systems and Islamic schools must not promote shariah, its tenets, or the notion that America must submit to its dictates.
- Compounds and communities that seek to segregate themselves on the basis of shariah law, apply it alongside or in lieu of the law of the land or otherwise establish themselves as “no-go” zones for law enforcement and other authorities must be thwarted in such efforts. In this connection, assertion of claims to territory around mosques should be proscribed.
- Immigration of those who adhere to shariah must be precluded, as was previously done with adherents to the seditious ideology of communism.

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SHARIAH: THE THREAT TO AMERICA AT
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THE REPORT WILL BE AVAILABLE AS A PAPERBACK AT AMAZON.COM IN OCTOBER 2010.

For more information, contact us at

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AN EXERCISE IN COMPETITIVE ANALYSIS

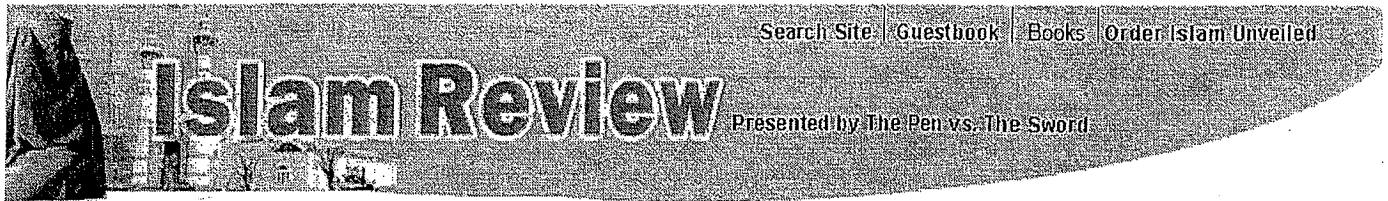
The Team B II Report, *Shariah: The Threat to America* offers a **compelling and comprehensive "second opinion"** on the dominant **threat of our time: the totalitarian legal-political-military doctrine known within Islam as Shariah**. This authoritative study sponsored by the Center for Security Policy, reflecting six months of intensive analysis and drafting, takes its inspiration from the original 1976 "Team B" report that challenged the then-prevailing U.S. government intelligence estimates about the intentions and offensive capabilities of the Soviet Union during a period of "détente." It provides a comprehensive "second opinion" on the current U.S. government approach of "engaging" and *submitting* to those who espouse shariah, even though it constitutes a direct threat to the U.S. Constitution, legal system and way of life.

Today's Team B II is an "exercise in competitive analysis," by an independent group of civilian and military national security professionals, that lays bare errors in official understanding and characterizations of: the true, supremacist nature of Shariah; the jihad that its adherents are obliged to engage in, using violence or more stealthy techniques, to accomplish the triumph of Shariah in the U.S. and worldwide. The Report names the names of those responsible, and makes plain the mortal peril posed by them to America's Constitution, form of government, national security and way of life.

Distinguished members of Team B II include: Center for Security Policy President **Frank Gaffney**; former Assistant U.S. Attorney **Andrew C. McCarthy**; Deputy Under Secretary of Defense for Intelligence **Lieutenant General William G. "Jerry" Boykin**; former Director of the Defense Intelligence Agency **Lieutenant General Harry "Ed" Soyster**; former Director of Central Intelligence **R. James Woolsey**; former Commander-in-Chief, U.S. Pacific Fleet **Admiral James "Ace" Lyons**; former Director, Strategic Defense Initiative **Ambassador Henry Cooper**; former Inspector General, Department of Defense **Joseph Schmitz**; and other notable experts in the fields of defense, intelligence and national security.

HIGHLIGHTS

- Shariah is a holistic and totalitarian legal-military-political system that Islamic doctrine commands Muslims to impose globally.
 - Shariah is firmly-rooted in Islam's doctrinal texts and is supported and aggressively promulgated by the leading Islamic authorities, traditions, commentators and institutions.
 - **Its adherents comprise a dynamic and mainstream movement in Islam today.**
- **Shariah is utterly antithetical to the U.S. Constitution in myriad respects.** For example, it: denies the inalienable nature of human rights and the validity of man-made law; enforces inequality between Muslims and non-Muslims, men and women, free men and slaves; commands Muslims to jihad (violent wherever practicable, stealthy where not); and, imposes barbaric punishments, including death, for adultery, apostasy, slander and theft.
- Shariah is to be spread worldwide via *Dawa* (pre-violent proselytizing) and violent jihad. Both have been lavishly funded worldwide by Saudi Arabia and other Gulf sources since oil prices spiked in the 1970s.
- Both the violent and *pre-violent* (i.e., stealthy) jihadists among shariah-adherent Muslims have exactly the same objectives: re-establishment of the Caliphate and global imposition of Shariah.
- Pre-violent international Islamic organizations, such as the Muslim Brotherhood and the Organization of the Islamic Conference (OIC), exploit the threat posed by terrorist organizations such as al Qaeda to leverage concessions. (For example, Ground Zero mosque imam's threats of violence if his project does not go forward.)
- Evidence of their adversaries' submission encourages pre-violent jihadists to default to violent techniques, in keeping with Mohammed's example and the precepts of shariah.
- Authentic Muslim moderates and reformers face an extremely difficult task due to the overwhelming pressure, financial resources and violence or threats thereof directed their way by dominant and aggressive shariah-adherent Muslims – and the insistence of U.S. and other Western governments in exclusively embracing the latter in the form of the Muslim Brotherhood's front groups and operatives.



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SHARIA IN AMERICA

By Ayesha Ahmed

Omar M. Ahmad founder of CAIR said: 'Islam isn't in America to be equal to any other faith, but to become dominant' he said. 'The Koran, the Muslim book of scripture, should be the highest authority in America , and Islam the only accepted religion on Earth,' he said.

Americans should give a serious thought to CAIR's agenda.. If Islam and sharia is adopted in America , It will be great.

Muslims are right. Non of the existing Islamic countries are truly Islamic, that is why they don't progress and most of them are poor, corrupt and miserable. We must implement 100% sharia and sunna to get full benefits of Islam. Inshallah we will try to do it in USA to make it the first real Muslim country after the days of rightly guided khalifas Consider the following advantages:

- America can go to jihad against non Muslim countries. It will bring immense wealth in booty and millions of captured women. Canada and Mexico can be easy targets and are conveniently located for easy assault and hauling of booty.
- Since slavery will be allowed government can open slave markets to sell it's 20% share of the captured women.
- Captured women/slave-girls can provide affordable domestic help for house wives and clean enjoyable sex for their husbands
- Enslaved men can be used as farm labor and factory workers at a much lower cost than unionized labor.
- Unemployed men from the prohibited non Islamic businesses like TV, Photography, computers, mortgage companies, music industry etc can be hired as religious police for the Ministry of Prevention of Vice and Promotion of Virtues. They can be used to beat up women violating burqa laws, arrest men with undersize beards and whip the non religious types found loitering at prayer times.
- Since men will be allowed four wives and unlimited number of slave girls, population boom will result in making the fastest growing

religion grow even faster.

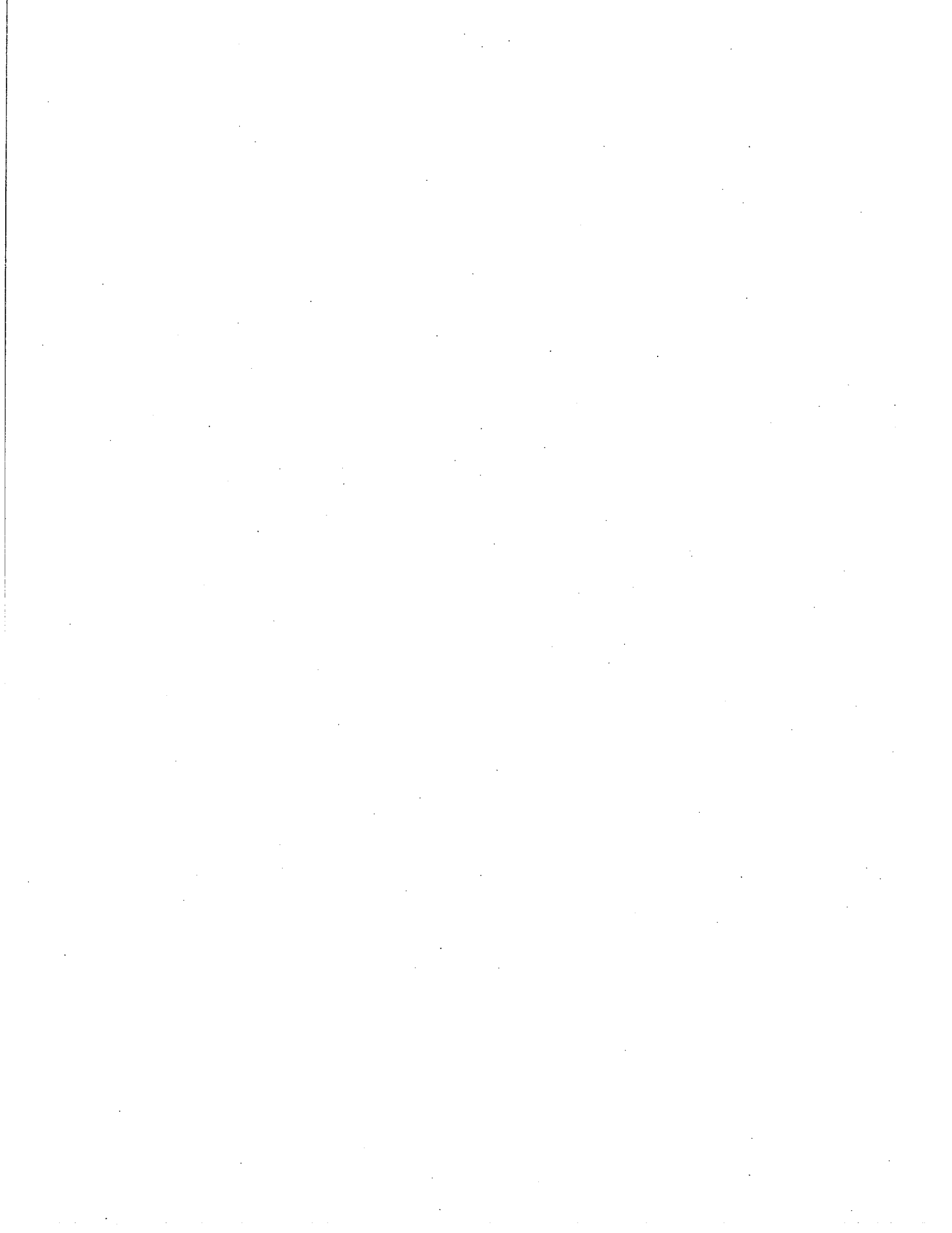
- All non muslims will live under dhimmi rules and pay heavy Jizya. Budget deficits will be a thing of the past.
- Stoning of adulterers, whipping of alcohol drinkers, cutting of hands and feet of thieves and beheadings of apostates can be carried out after Juma prayers on Fridays in the local stadium. Gate charge for this gory and exciting weekly spectacle can generate a lot of revenue.
- Unemployed male gynecologists can be hired to carry out circumcisions of new male converts.
- Female circumcision can be made mandatory to promote piety and holiness and discourage lewdness among women.
- Marriage age for girls can be lowered to 6 years. That will reduce the burden of support of large poorer families and also promote a sunna, the tradition set by the holy prophet (peace be up on him).
- Whole Ramadan will be declared as public holidays so that every one can pray and recite the Quran.. Why work in the only month in which all ibadah and Quran recitals are worth 70 times the normal sawab (reward)?
- Shia Muslims on temporary out of town business assignments will be able to do a temporary marriage (Muta) and enjoy home comfort outside of home.
- Since menstruation is a disease according to Quran all menstruating women will be given time off to rest in bed during their periods.
- All toilet seats in the public rest rooms will be reoriented so that one does not defecate facing Mecca.
- All public toilets will have buckets of stones instead of toilet tissues for claiming after defecation as a movement to implement sunna in the country.
- Separate bins along roadside will be placed to drop bones and dried animal feces for jins to snack on.
- Spiraling medical costs can be brought down by the following two prong approaches:
 - Imams can be placed in the clinics to recite Quranic ayas (verses) and blow on the patients and pray for them . Their fee will be a fraction of what doctor's charge.
 - All pharmacies will be required to dispense black cummin, honey, Indian incense and camel urine as cure for all diseases as recommended by the holy prophet (pbuh). The cost will be a fraction of today's medicines.
- Spiraling prison costs will come down due to the following:

- All men serving time for the crime of rape will be freed if four male witnesses had not testified in the trial. Even if four male witnesses had testified, the criminal will be freed under insanity provision , since only mentally insane will rape in front of four witnesses.
- All men serving sentences for beating wives will be freed as under new American sharia law wife beating will be allowed.
- All thieves will be freed after cutting their hands and feet.
- All pedophiles will be freed as sex with children will not be against law any more.
- All slayers of unbelievers will be freed if they converted to Islam.

All these result in savings and prosperity and happiness for all.
InshaAllah!

top

For information or comments, write to Feedback@IslamReview.com



National Security Leaders Release Letter Announcing Support for American Laws for American Courts Legislation

Washington, DC, Eight distinguished national security leaders, have released a joint letter, in partnership with the American Public Policy Alliance (APPA), endorsing the American Laws for American Courts (ALAC) model bill and affirming that ALAC is a necessary and vital initiative to preserve individual constitutional rights and US sovereignty.

The eight leaders are:

LTGEN William G. "Jerry" Boykin, US Army (Retired)

Former Deputy Undersecretary of Defense for Intelligence
Original Member US Army Delta Force
Former Commanding General US Army Special Forces Command (Airborne)
Former Commanding General US Army John F. Kennedy Special Warfare Center

Ambassador Henry F. Cooper

Chairman of the Board of Directors of High Frontier
Chairman Emeritus of Applied Research Associates
Former Deputy Assistant Secretary of the Air Force for Strategic and Space Systems
Former Assistant Director of Arms Control and Disarmament Agency
Former Ambassador and Chief US Negotiator at the Geneva Defense and Space Talks with the Soviet Union
Former Director of the Strategic Defense Initiative (SDI)
Former Scientific Advisor to Air Force Weapons Laboratory

Frank J. Gaffney, Jr.

President and CEO of Center for Security Policy
Former Acting Assistant Secretary of Defense for International Security Policy
Former Deputy Assistant Secretary of Defense for Nuclear Forces and Arms Control Policy

Mr. Fred Grandy

Member of Congress (R-IA), 1987-1995
Chief Executive Officer, Goodwill Industries, 1995-2000
Executive Vice President Center for Security Policy

Admiral James A. "Ace" Lyons, Jr. US Navy (Retired)

President/CEO of LION Associates
Former Commander in Chief, US Pacific Fleet
Former Deputy Chief of Naval Operations
Former Commander US Second Fleet
Founder of US Navy Red Cell anti-terrorism group

Joseph E. Schmitz

CEO of Joseph E. Schmitz, PLLC
Former Inspector General of the Department of Defense
Former Inspector General of the Naval Reserve Intelligence Command
Former Special Assistant to Attorney General Edmund Meese III
Former Adjunct Professor of Law, Georgetown University Law Center

LTGEN. Harry Edward Soyster, US Army (Retired)

Former Director, US Defense Intelligence Agency
Former Commanding General, United States Army Intelligence and Security Command

R. James Woolsey

Chairman, Woolsey Partners, LLC
Former Director of Central Intelligence (CIA)
Former Ambassador to the Negotiation on Conventional Armed Forces in Europe
Former Undersecretary of the Navy
Former General Counsel to the US Senate Committee on Armed Services

The letter from this bipartisan group of national security leaders, which follows below, outlines the necessity and strengths of ALAC.

- The Act's sole objective is to protect all U.S. citizens and residents from the application of foreign laws when the application of a foreign law will result in the violation, in the specific matter at issue, of a liberty guaranteed by the Constitution of the United States or the public policies of the state in question.
- Often the parties litigating in those state courts are left to their own devices to understand that granting comity to a foreign judgment may be at odds with our state and federal constitutional principles in the specific matters at issue.
- The American Laws for American Courts Act is constitutional and "facially neutral"...and in the two years since its introduction into state legislatures, it has never been challenged in court.
- The Act is carefully defined so as not to interfere with the right of any individual or entity to the free exercise of religion as guaranteed by the First Amendment to the U.S. Constitution and by the constitution of the states.

- Nothing in the Act prevents any person from freely exercising his or her right to freedom of religion and worship. American Laws for American Courts only applies to legal doctrines in our court systems. It does not discriminate in any way based on faith of any kind.
- The goal of the American Laws for American Courts Act is a clear and unequivocal application of what should be the goal of all state courts: No U.S. citizen or resident should be denied the liberties, rights, and privileges guaranteed in our constitutional republic.

Full Text of Letter to Legislators:

Dear Legislator:

We urge legislators and other elected leaders across America to stand with us and endorse a state-level legislative initiative known as "American Laws for American Courts." This legislation protects the individual constitutional rights of Americans from the incursion of foreign laws, in cases in which the application of a foreign law would violate someone's constitutional rights.

Numerous organizations have teamed up with the American Public Policy Alliance (APPA) to promote this effort from coast to coast. Complete details, including model legislation and Frequently Asked Questions can be found on the APPA web site at <http://publicpolicyalliance.org>.

Some 236 years ago, America's forefathers gathered in Philadelphia to debate and write a unique document. That single-page document announced the formation of a new country—one that would no longer find itself in the clutches of a foreign power. That document was the Declaration of Independence. Eleven years later, many of those same men gathered again to lay the foundation for how the United States of America was to be governed: The US Constitution, a form of government like no other, *by the people, of the people and for the people*.

For more than two centuries, hundreds of thousands of courageous men and women have given their lives to protect America's sovereignty and freedom. American constitutional rights must be preserved in order to preserve American freedom.

America has unique values of liberty which do not exist in foreign legal systems. Included among those values of liberty are: Freedom of Religion, Freedom of Speech, Freedom of the Press, Due Process, Right to Privacy, and the Right to Keep and Bear Arms.

Unfortunately, increasingly, foreign laws and foreign legal doctrines are finding their way into US court cases. Invoking foreign laws and foreign legal doctrines

is a means of imposing an agenda on the American people while circumventing our US and state constitutions.

American Laws for American Courts' sole objective is to protect all U.S. citizens and residents from the application of foreign laws when that application of a foreign law will result in the violation, in the specific matter at issue, of a liberty guaranteed by the Constitution.

Recently, the Center for Security Policy completed a research report called ***Shariah Law and American State Courts: An Assessment of State Appellate Court Cases***. The report revealed that one form of foreign legal doctrine—shariah—has indeed been invoked in US court cases—sometimes successfully—and that there are groups inside America working to promote shariah within our legal system. You can download and view the report for free at: <http://shariahinamericancourts.com/>.

The American Laws for American Courts Act is constitutional and “facially neutral.” It does not mention any specific religion, creed or legal doctrine, and in the two years since its introduction in state legislatures, it has never been challenged in court, despite being signed into law in three states already.

The Act is carefully defined so as not to interfere with the right of any individual or entity to the free exercise of religion as guaranteed by the First Amendment to the U.S. Constitution and by the constitutions of the states.

Nothing in the Act prevents any person from freely exercising his or her right to freedom of religion and worship. American Laws for American Courts only applies to legal doctrines in our court systems. It does not discriminate in any way based on faith of any kind.

American Laws for American Courts is needed especially to protect women and children, identified by international human rights organizations as the primary victims of discriminatory foreign laws.

It is imperative that we safeguard our Constitution, particularly the individual guarantees in the Bill of Rights, the sovereignty of our Nation, and the principles of the rule of law—*American laws, not foreign laws*.

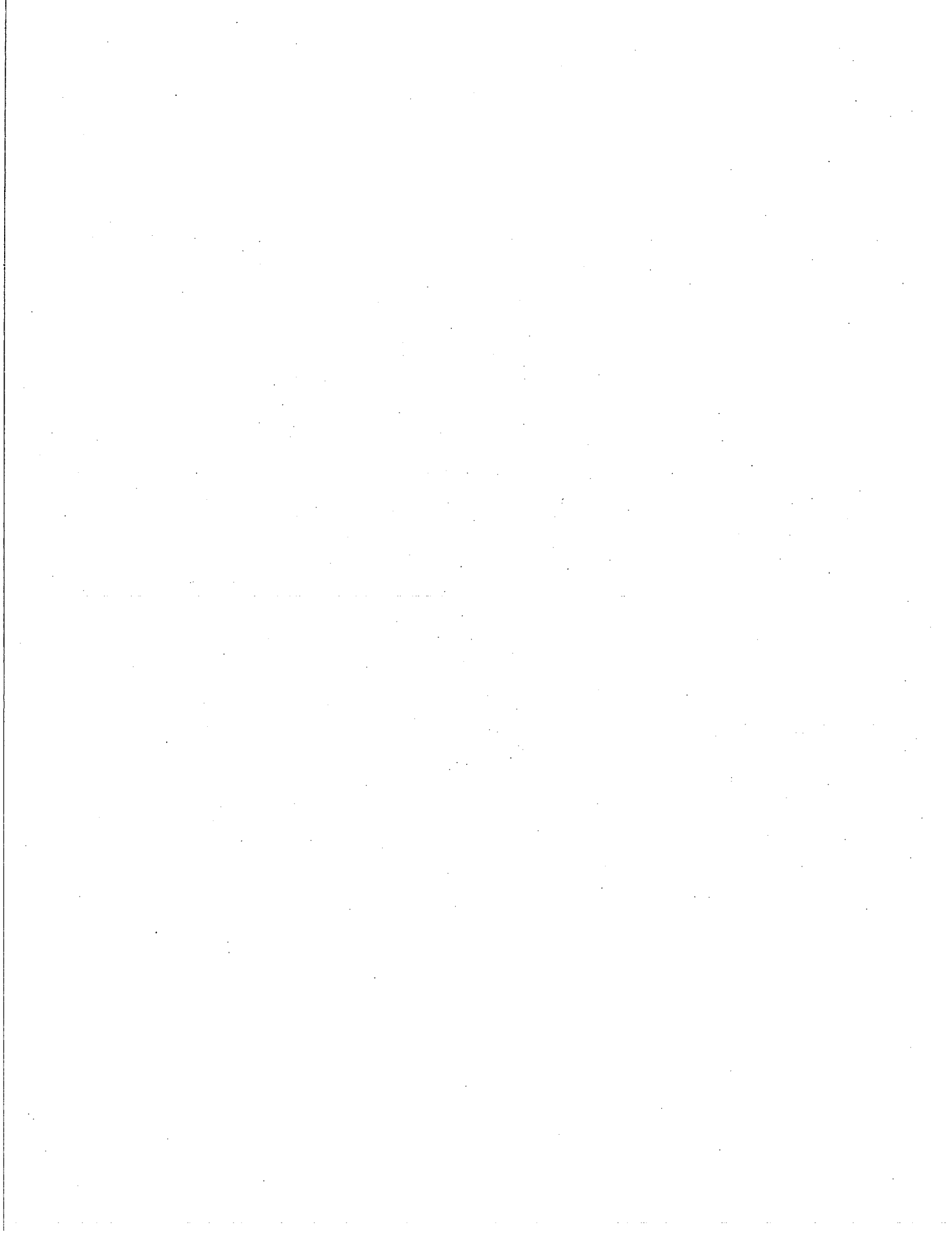
The United States has long been and continues to be a model of liberty and freedom to the rest of the world. That's why Americans from across the country are working towards the prompt passage of American Laws for American Courts.

Please join us in protecting the individual constitutional rights of the American people from the incursion of foreign laws by supporting the American Laws for American Courts legislation, the 21st century civil rights initiative to ensure constitutional protections for all Americans.

The American Public Policy Alliance (APPA), a non-partisan advocacy organization dedicated to government transparency, government accountability and the constitutionality of U.S. and state laws and policies, is working with legislators nationwide on policies and initiatives. Along with allied organizations, APPA is working to defend free speech, preserve and promote human rights, maintain the strength of our U.S. and state constitutions, and aid and promote public safety.

One of the greatest threats to American values and liberties today comes from foreign laws and foreign legal doctrines which have been influencing our legal system at the municipal, state and federal levels. This phenomenon is known as "transnationalism" and includes the increasingly frequent appearance of Islamic Shariah law. APPA focuses largely on combating this process across a broad variety of issues.

For more information visit <http://www.publicpolicyalliance.org>



RELIGIOUS AND NATIONAL SECURITY LEADERS ENDORSE AMERICAN LAWS FOR AMERICAN COURTS LEGISLATION

Members of the Islamic, Jewish and Christian faiths, as well as a bipartisan group of national security leaders have endorsed American Laws for American Courts (ALAC) legislation, which was introduced in Kansas as HB2087 by Rep. Peggy Mast.

Here are the *facts* about ALAC legislation:

- The Act's sole objective is to protect all U.S. citizens and residents from the application of foreign laws when the application of a foreign law will result in the violation of a liberty guaranteed by the Constitution of the United States or the public policies of the state in question.
- The Act seeks to ensure that parties litigating in state courts are not compelled to grant comity to a foreign judgment which may be at odds with our state and federal constitutional principles in the specific matters at issue.
- The American Laws for American Courts Act is constitutional and "facially neutral" ...and in the two years since its introduction into state legislatures, in Arizona, Louisiana and Tennessee, it has never been challenged in court.
- The Act is carefully defined so as not to interfere with the right of any individual or entity to the free exercise of religion as guaranteed by the First Amendment to the U.S. Constitution and by the constitution of the states.
- Nothing in the Act prevents any person from freely exercising his or her right to freedom of religion and worship. American Laws for American Courts only applies to legal doctrines in our court systems. It does not discriminate in any way based on faith of any kind.
- The goal of the American Laws for American Courts Act is a clear and unequivocal application of what should be the goal of all state courts: No U.S. citizen or resident should be denied the liberties, rights, and privileges guaranteed in our constitutional republic.

Moreover, the American Laws for American Courts bill contains specific language to ensure that it cannot be applied in such a way that would interfere with a church, religious corporation, association, or society, with respect to the individuals of a particular religion regarding matters that are purely ecclesiastical. These include, but not be limited to, matters of calling a pastor, excluding members from a church, electing church officers, matters concerning church bylaws, constitution, and doctrinal regulations and the conduct of other routine church business, where 1) the jurisdiction of the church would be final; and 2) the jurisdiction of the courts of this State would be contrary to the First Amendment of the United States and the Constitution of this State.

Support for ALAC legislation from leaders of three major faith groups dispels any notion that ALAC is discriminatory. Full text of these endorsements will be provided but suffice it to say that ALAC legislation is supported by:

• The American Islamic Leadership Coalition (AILC) a diverse coalition of liberty-minded, North American Muslim leaders and organizations. (See AILC release here: <http://publicpolicyalliance.org/?p=632>)

• **Rabbi Aryeh Spero**, leader of Caucus for America and **Rabbi Jonathan Hausman**, J.D., rabbi for Congregation Ahavath Torah in Stoughton, Massachusetts.

• **Bishop David C. Anderson**, President and CEO, American Anglican Council, the **Reverend Canon J. Philip Ashley, Esq.**, Chief Operating and Development Officer, American Anglican Council, the **Reverend Charles A. "Drew" Collins, Jr.**, Vicar of St. Thomas Church, Moncks Corner, South Carolina the **Reverend David Jones**, Rector, Saint Paul's Church, Haymarket, Virginia, the Very **Reverend Dr. Keith Roderick**, Secretary General of the Coalition for the Defense of Human Rights, Executive Director of the Sudan Campaign and Rector, St. Andrew's Episcopal (Anglican) Church, Carbondale, IL, and **Father Richard Kim**, Retired Episcopal priest and former Green Beret, Grosse Point, MI.

Further, a bipartisan group of eight national security leaders also endorsed ALAC, stating in a joint letter to state legislators that "the goal of the American Laws for American Courts Act is a clear and unequivocal application of what should be the goal of all state courts: No U.S. citizen or resident should be denied the liberties, rights, and privileges guaranteed in our constitutional republic." Those leaders are:

LTGEN William G. "Jerry" Boykin, US Army (RET), former Deputy Undersecretary of Defense for Intelligence; **Ambassador Henry F. Cooper**, former Ambassador and Chief US Negotiator at the Geneva Defense and Space Talks with the Soviet Union and former Director of the Strategic Defense Initiative (SDI); **Frank J. Gaffney, Jr.**, President and CEO of Center for Security Policy and former Acting Assistant Secretary of Defense for International Security Policy; **Mr. Fred Grandy**, Member of Congress, 1987-1995; **Admiral James A. "Ace" Lyons, Jr. (RET)** former Commander in Chief, US Pacific Fleet, former Deputy Chief of Naval Operations and founder of US Navy Red Cell anti-terrorism group; **Joseph E. Schmitz**, former Inspector General US Department of Defense and Special Assistant to Attorney General Edmund Meese III **LTGEN. Harry Edward Soyster, US Army (RET)**, former Director, US Defense Intelligence Agency and former Commanding General, United States Army Intelligence and Security Command; and **R. James Woolsey**, Former Director of Central Intelligence (CIA).

Perhaps the most vociferous attacks on ALAC have come from the Muslim Brotherhood and allied organizations. These opponents of ALAC try to portray the legislation as "anti-Sharia" and simultaneously dismiss the possibility that Sharia could impact Americans negatively. Since they are the ones who bring up this topic, we should take a moment to address their claims.

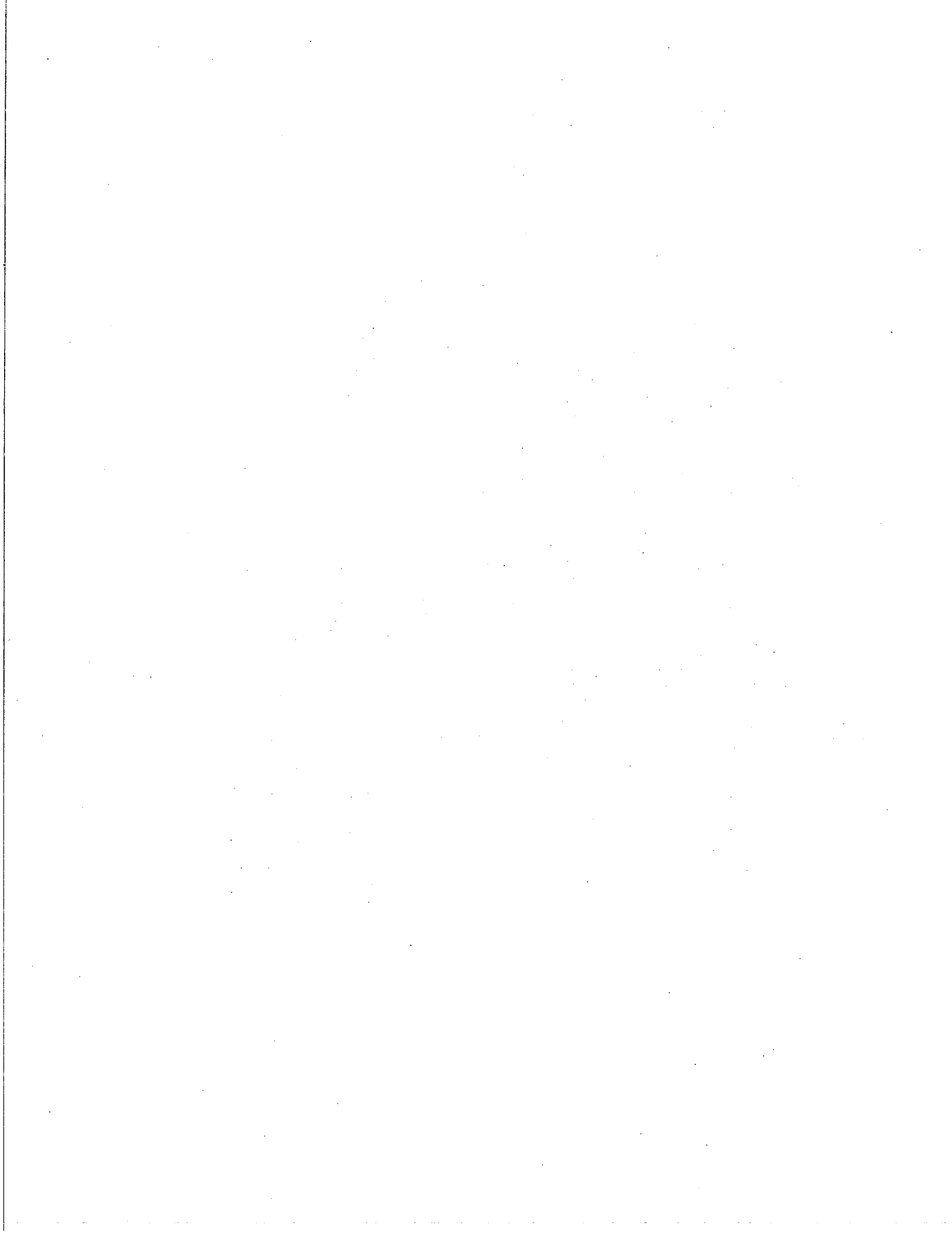
First, the nonprofit organization, Center for Security Policy recently completed a research report called *Shariah Law and American State Courts: An Assessment of*

State Appellate Court Cases. The report revealed that one form of foreign legal doctrine--shariah--has indeed been invoked in US court cases—sometimes successfully—and that there are groups inside America working to promote shariah within our legal system. That report can be downloaded and viewed for free at: <http://shariahinamericancourts.com/>

Attorney Stephen Gele of the American Public Policy Alliance, which supports ALAC legislation, further refutes the Muslim Brotherhood's claims regarding ALAC:

The Muslim Brotherhood claims that "the bill may infringe on the First Amendment rights of people of all faiths." However, the bill can not be interpreted to limit the right of a person to the free exercise of religion as guaranteed by the First Amendment to the United States Constitution and by the Constitution of Kansas. Further, ALAC does not affect religious practice at all. Rather, it prohibits the application of foreign law when the application of that law would violate a fundamental constitutional right.

Numerous court cases throughout the United States have addressed the application of foreign laws that would blatantly violate American constitutional norms, usually to the detriment of women and children, including the enforcement of foreign custody orders to wrest children from their mothers. For example, a Maryland appellate court enforced a Pakistani custody order, issued under a rule granting sole custody to the father when the child reaches age seven, handing a little girl brought to America by her mother over to the father. The Maryland court bowed to the Pakistani court order even though the mother did not appear for the Pakistani proceedings, because, although she might have been arrested for adultery if she returned to Pakistan for the hearing, and been subject to "public whipping or death by stoning," the court found such punishments were "extremely unlikely." The judges explicitly proclaimed that the best interest of the child should not be "determined based on Maryland law, i.e., American cultures and mores," but rather "by applying relevant Pakistani customs, culture and mores." ALAC is intended to prevent such legal abuses, not restrict anyone's religious practice.



Interfaith Leaders Release Letter Announcing Support for American Laws for American Courts Legislation

Washington, DC, Eight leaders of the Jewish and Anglican communities, have released letters in partnership with the American Public Policy Alliance (APPA) endorsing the American Laws for American Courts (ALAC) model bill and affirming that ALAC will not interfere with the religious freedom of any denomination.

The eight leaders are:

Rabbi Aryeh Spero
President Caucus for America

Rabbi Jonathan Hausman, J.D.
Congregation Ahavath Torah
Stoughton, Massachusetts

Bishop David C. Anderson
President and CEO, American Anglican Council

Reverend Canon J. Philip Ashey, Esq.
Chief Operating and Development Officer, American Anglican Council
Official legal and canonical adviser to churches
Member of the Governance Task Force which drafted the Constitution and
Canons of the new Anglican Church in North America

Reverend Charles A. "Drew" Collins, Jr., S.B.R.
Vicar of St. Thomas Church
Moncks Corner, South Carolina

Reverend David Jones
Rector, Saint Paul's Church
Haymarket, Virginia

The Very Reverend Dr. Keith Roderick, D.D.
Secretary General of the Coalition for the Defense of Human Rights
Representative, Christian Solidarity International
Executive Director of the Sudan Campaign
Rector, St. Andrew's Episcopal (Anglican) Church, Carbondale, IL

Father Richard Kim, Retired
Retired Episcopal priest

Former Green Beret
Grosse Point, MI

Rabbi Spero stated, *"The Constitution has been the greatest guarantor of our religious rights here in America since our founding. Any assertion that assigns "racism or bigotry" to those who wish the Constitution to be the sole arbiter of our laws is egregious and fundamentally skewed. We are here to reinforce the Constitution above any other system of law. If it ain't broke, don't fix it."*

Father Keith Roderick agreed: *"When it is possible to strengthen the protections of our constitution and first amendment protections, it seems expeditious to do so. The temptation to defer to foreign laws to resolve matters that have both civil and religious implications within the culture of the litigants risks the erosion of basic civil rights and religious rights."*

This endorsement by Jewish and Christian leaders follows a similar endorsement by the American Islamic Leadership Coalition:

<http://publicpolicyalliance.org/?p=632>

The letter from the interfaith leaders, which follows below, outlines the necessity and strengths of ALAC.

- The Act's sole objective is to protect all U.S. citizens and residents from the application of foreign laws when the application of a foreign law will result in the violation, in the specific matter at issue, of a liberty guaranteed by the Constitution of the United States or the public policies of the state in question.
- Often the parties litigating in those state courts are left to their own devices to understand that granting comity to a foreign judgment may be at odds with our state and federal constitutional principles in the specific matters at issue.
- The American Laws for American Courts Act is constitutional and "facially neutral"...and in the two years since its introduction into state legislatures, it has never been challenged in court.
- The Act is carefully defined so as not to interfere with the right of any individual or entity to the free exercise of religion as guaranteed by the First Amendment to the U.S. Constitution and by the constitution of the states.
- Nothing in the Act prevents any person from freely exercising his or her right to freedom of religion and worship. American Laws for American Courts only applies to legal doctrines in our court systems. It does not discriminate in any way based on faith of any kind.
- The goal of the American Laws for American Courts Act is a clear and unequivocal application of what should be the goal of all state courts: No U.S. citizen or resident should be denied the liberties, rights, and privileges guaranteed in our constitutional republic.

.....

Full Text of Letter to Legislators:

Dear Legislators:

For 235 years, Americans of all faiths, creeds, colors, and ethnic origins have enjoyed a system of liberties and laws protected by a Constitution that is unique to the world. The criminal and civil statutes that have emanated from this foundational document serve as the bedrock for American values. We are a nation of laws, presided over by an impartial judiciary and preserved by a Congress and state legislatures.

It is largely due to our constitutional principles that America has stood at the forefront of the nations of the world in terms of religious freedom and tolerance. Protecting our constitutional rights is our best defense of religious freedom and the right to worship as we please.

We therefore urge Americans of all faiths to join us in supporting passage of the American Laws for American Courts Act, which has been enacted in three states and is being introduced in many other legislatures.

The Act's sole objective is to protect all U.S. citizens and residents from the application of foreign laws when the application of a foreign law will result in the violation, in the specific matter at issue, of a liberty guaranteed by the Constitution of the United States or the public policies of the state in question. Such violations would include but not be limited to infringements on due process, freedom of religion, speech, or press, equal protection, and any right of privacy or marriage as specifically defined by the constitution of the state.

Unfortunately, because state legislatures have generally not been explicit about what their public policy is relative to foreign laws, often the parties litigating in those state courts are left to their own devices to understand that granting comity to a foreign judgment may be at odds with our state and federal constitutional principles in the specific matters at issue.

The American Laws for American Courts Act is constitutional and "facially neutral." It does not mention any specific religion, creed or legal doctrine, and in the two years since its introduction into state legislatures, it has never been challenged in court.

The Act is carefully defined so as not to interfere with the right of any individual or entity to the free exercise of religion as guaranteed by the First Amendment to the U.S. Constitution and by the constitution of the states. For example, it would not affect the decisions of Jewish, Christian, Muslim or other ecclesiastical

courts, or their enforcement, as long as those decisions did not result in the violation of a right guaranteed by the state constitution or the Constitution of the United States.

American Laws for American Courts would not interfere with Jewish law because Jewish law has an inherent provision that instructs people of the Jewish faith to follow the law of the land in which they live. Moreover, ALAC only applies when the use of a foreign legal doctrine in a court would violate someone's constitutional rights or state public policy. This is not the case with Jewish law. Nor would ALAC impact canon law.

Moreover, the model American Laws for American Courts language contains specific language in recognition of the fact that it cannot be applied in such a way that would interfere with a church, religious corporation, association, or society, with respect to the individuals of a particular religion regarding matters that are purely ecclesiastical, to include, but not be limited to, matters of calling a pastor, excluding members from a church, electing church officers, matters concerning church bylaws, constitution, and doctrinal regulations and the conduct of other routine church business, where 1) the jurisdiction of the church would be final; and 2) the jurisdiction of the courts of this State would be contrary to the First Amendment of the United States and the Constitution of this State.

Nothing in the Act prevents any person from freely exercising his or her right to freedom of religion and worship. American Laws for American Courts only applies to legal doctrines in our court systems. It does not discriminate in any way based on faith of any kind.

The goal of the American Laws for American Courts Act is a clear and unequivocal application of what should be the goal of all state courts: No U.S. citizen or resident should be denied the liberties, rights, and privileges guaranteed in our constitutional republic. American Laws for American Courts is needed especially to protect women and children, identified by international human rights organizations as the primary victims of discriminatory foreign laws.

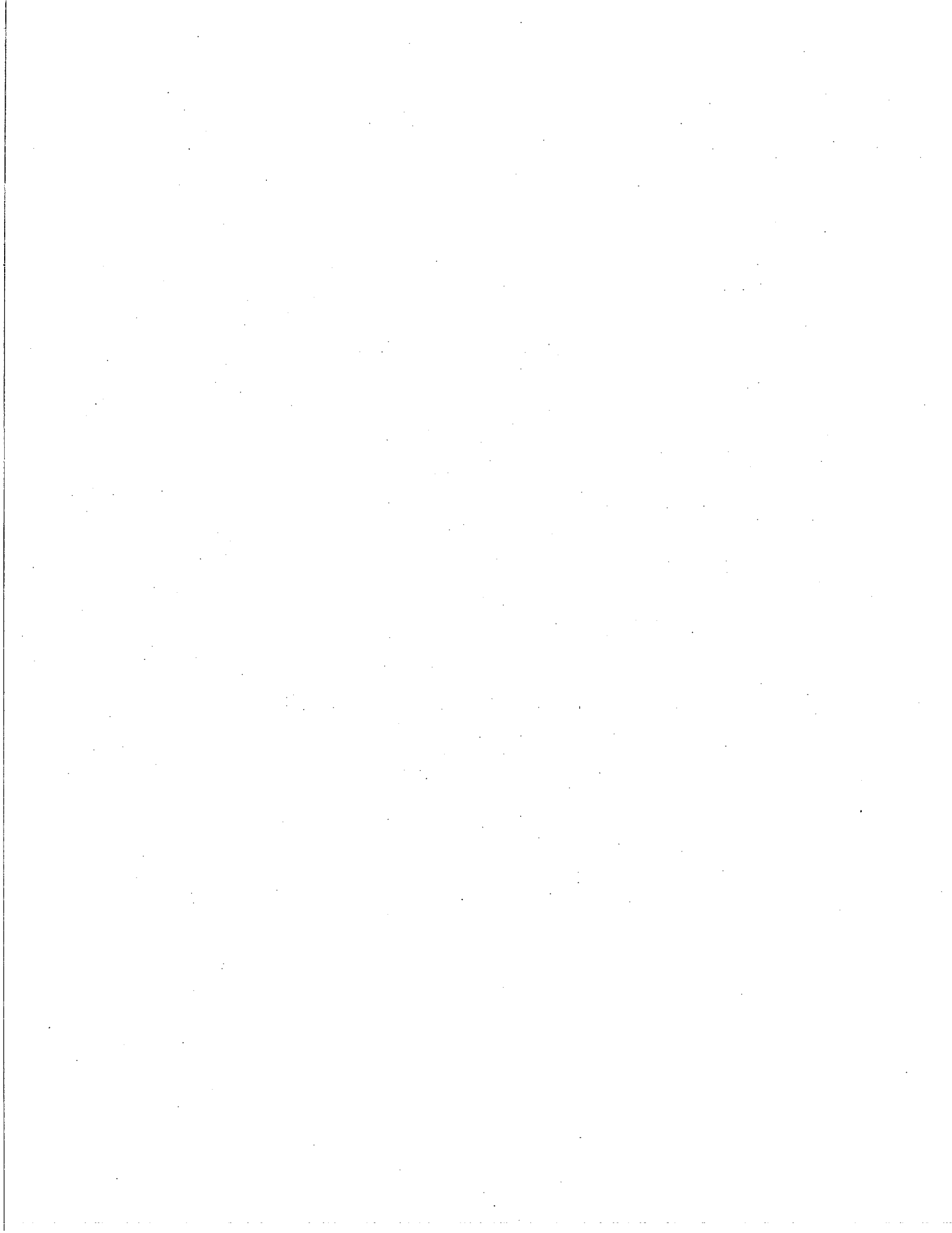
The United States has long been and continues to be a model of diversity and tolerance to the rest of the world. However, the demands of an increasingly multicultural society must never impede nor impair basic constitutional liberties such as freedom of speech, freedom of religion, freedom of the press, and the right to privacy and due process. Please join our fellow Americans from across the country who are working towards the prompt passage of American Laws for American Courts, the 21st century civil rights initiative to ensure constitutional protections for all Americans.

Sincerely,

The American Public Policy Alliance (APPA), a non-partisan advocacy organization dedicated to government transparency, government accountability and the constitutionality of U.S. and state laws and policies, is working with legislators nationwide on policies and initiatives. Along with allied organizations, APPA is working to defend free speech, preserve and promote human rights, maintain the strength of our U.S. and state constitutions, and aid and promote public safety.

One of the greatest threats to American values and liberties today comes from foreign laws and foreign legal doctrines which have been influencing our legal system at the municipal, state and federal levels. This phenomenon is known as "transnationalism" and includes the increasingly frequent appearance of Islamic Shariah law. APPA focuses largely on combating this process across a broad variety of issues.

For more information visit <http://www.publicpolicyalliance.org>



September 18, 2011

American Laws for American Courts

By [Christopher Holton](#)

On Monday, September 12, 2011, the 10th Circuit Court held a hearing on the constitutionality challenge to the Oklahoma state constitutional amendment, passed overwhelmingly in November of 2010, to prevent courts in Oklahoma from using international law or shariah law in their decisions. Dubbed the "Save Our State" amendment and referred to officially as State Question 755 (SQ 755), the initiative stated:

The Courts provided for in subsection A of this section, when exercising their judicial authority, shall uphold and adhere to the law as provided in the United States Constitution, the Oklahoma Constitution, the United States Code, federal regulations promulgated pursuant thereto, established common law, the Oklahoma statutes and rules promulgated pursuant thereto, and if necessary the law of another state of the United States provided the law of the other state does not include Sharia law, in making judicial decisions. The courts shall not look to the legal precepts of other nations or cultures. Specifically, the courts shall not consider international law or Sharia Law. The provisions of this subsection shall apply to all cases before the respective courts including, but not limited to, cases of first impression.

This well-meaning amendment seemed reasonable at first glance and was hailed in conservative circles as a step in the right direction to preserve American sovereignty and prevent the incorporation of shariah law into American courts and institutions. The bill's supporters wanted, rightly, to prevent the European mistake of allowing parallel shariah court systems, which have denied legal rights to Muslim citizens and prevented full integration into Western society. And 70% of the Oklahoma electorate supported the bill's principles of preventing "foreign laws in general, and Islamic Sharia law in particular, from overriding state or U.S. laws."

But first glances can be deceiving. In fact, the reality is very different.

Unfortunately, SQ 755 has had the opposite of its intended effect. It has proven to be a boon to its opponents, and a distraction from the more carefully drafted bills designed to prevent both the entry of unconstitutional foreign laws such as shariah in American jurisprudence and the use of transnationalism by activist judges.

SQ 755 contains several flaws, some legal and some practical. The legal flaws have already been exposed in the federal courts, which have effectively quarantined the amendment from being implemented. Here is a summary of the flaws in SQ 755, Oklahoma's Save Our State amendment:

- SQ 755 is not facially neutral, because it specifies shariah law.
- SQ 755 contains what appears to be a blanket ban on the use of international law or the laws of foreign nations. While this may seem like a good idea at first glance, from a practical standpoint it may interfere unnecessarily in the right to contract and could serve as an impediment to international commerce. In essence, if someone in Oklahoma, or a business or corporation in Oklahoma, wants to sign a contract with provisions of foreign or international law, they can do so. This is not an uncommon practice in business in these times, and throwing such agreements out of Oklahoma courts simply based on the fact that they contain elements of foreign law could in fact place Oklahoma corporations at a disadvantage in having to have all disputes adjudicated away from home.
- SQ 755 is too vague. It does not give the courts specific enough instructions with regard to such complex legal issues as comity and choice of forum. This could create loopholes for activist judges.
- Practically speaking, SQ 755 is defective if its aim is to prevent the enforcement of shariah laws in America. The bill bans the use of shariah in decisions without defining what shariah is. Judges in the U.S., Oklahoma being no exception, are not generally educated or informed about shariah. They cannot be expected to recognize shariah. If a question arises in a case as to whether some aspect of a conflict comprises shariah or not, a judge will be forced to consult an outside expert or source to make a determination. In almost every circumstance, that outside expert or source will end up being a shariah scholar or the work of a shariah scholar. So, ironically, the very law that is designed to prevent shariah from working its way into our legal system will have invited shariah experts in to make rulings.

Unfortunately, SQ 755 has now given ammunition to proponents of shariah and transnationalism, who point to 755 as "proof" that any law designed to prevent the incursion of foreign laws and foreign legal doctrines into state courts in the United States is unconstitutional, or will be subject to expensive legal challenges from Islamist groups, such as the Muslim Brotherhood's Council on American Islamic Relations (CAIR) or the judicial activist/transnationalist ACLU.

The reality is that there is an *effective* alternative to SQ 755 legislation and its various copycats around the country. That legislation is called American Laws for American Courts (ALAC) and it can be accessed here.

ALAC has already been passed into law in 3 states -- Tennessee (April 2010), Louisiana (June 2010), and Arizona (May 2011) -- and has not incurred any legal challenges, because there is simply no legal basis on which to challenge ALAC. This is significant because SQ 755 was challenged in federal court within days of passage.

ALAC remedies the flaws in SQ 755, and in many ways takes a diametrically opposite approach to SQ 755:

- ALAC is facially neutral. In an honest debate, it cannot be accused of discriminating against any religion or protected class.
- ALAC is based on a completely different legal premise from SQ 755's. Rather than seeking a ban on foreign or international law, ALAC seeks to preserve the constitutional rights and state public policy protections of American citizens and legal residents, in cases involving foreign laws in the particular dispute being adjudicated. If a case arises in which a foreign law or foreign legal doctrine is involved in a dispute in a state court, ALAC prevents the use of that foreign law or foreign legal doctrine if any of the parties' constitutional rights or state public policy would be violated in the process. This is very different from a blanket ban on foreign laws. ALAC also contains a specific provision for corporations and businesses so as not to interfere with commerce; it exempts Native American laws; it specifically says that the law cannot detract from the right to free exercise of religion, which would include religious courts like Jewish Bet Din or Catholic ecclesiastical courts; and it states that the law would not interfere with compliance with international treaties the U.S. has signed.
- ALAC is not vague. It provides specific instructions for judges on complex legal issues involving comity and choice of forum, thus closing potential loopholes for activist judges.
- Because of the careful planning and thought behind ALAC's wording, in contrast to SQ 755, from a practical standpoint, it is effective in preventing the enforcement of any foreign law -- including in many cases, shariah law -- that would violate U.S. and state constitutional liberties or state public policy.
- And the need for an effective law preserving constitutional rights against the enforcement of unconstitutional foreign law is both real and urgent: an independent study found fifty cases in 23 states where shariah law had been introduced into state court cases, including many appellate and trial court cases where the judges ruled for shariah law over U.S. law. Most victims of foreign

laws in these cases had come to America for freedom and individual liberty -- including American Muslims seeking to escape shariah laws.

It is important that activists, legislators, and the media recognize the flaws in Oklahoma's SQ 755, so that they do not use it as a model.

Fortunately, most legislators have already made the right choice. The American Laws for American Courts Act -- already passed in three states and never challenged in court -- is progressing through legislatures in several states with two-year or year-round sessions, and is either scheduled to be introduced or under consideration in over 25 additional states for the coming legislative session.

On August 31, 2011, the initiative received an important endorsement when the Michigan version of the American Laws for American Courts bill was endorsed by a prominent group of American Muslims opposed to the enforcement of shariah law in America: the American Islamic Leadership Coalition. The model American Laws for American Courts Act on which the Michigan bill is based has already been endorsed by a former CIA director; a former director of the Defense Intelligence Agency; a former inspector general for the Defense Department; and dozens of lawyers, law professors, rabbis, clergy, and community leaders across the country as "the 21st Century civil rights initiative to ensure constitutional liberties for all Americans."

Christopher Holton is Vice President for Administration, Marketing & Development at the Center for Security Policy. Mr. Holton came to the Center after serving as president and marketing director of Blanchard & Co. and editor-in-chief of the Blanchard Economic Research Unit from 1990 to 2003. As chief of the Blanchard Economic Research Unit in 2000, he conceived and commissioned the Center for Security Policy special report "Clinton's Legacy: The Dangerous Decade." Holton is a member of the Board of Advisers of WorldTribune.com.

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