

# Islam Versus The U.S. Constitution - The Muslim Oath Project

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By STEPHEN M. KIRBY, PhD

*...the Constitution which at any time exists, 'till changed by an explicit and authentic act of the whole People, is sacredly obligatory upon all.*

George Washington's Farewell Address - September 19, 1796



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PipeLineNews.org - People in public office at the local, state, and federal levels are required to take an oath of office that requires them to swear, or affirm, to support the U.S. Constitution. This is based on Article 6, Clause 3 of that Constitution (the "Oaths Clause").

As David Shestokas noted:

*This constitutional requirement is binding upon every government official in the United States from state governors and judges to members of city councils, police officers, firefighters or board members of mosquito abatement districts and library boards. [1]*

However, as I showed in my latest book *Islamic Doctrine versus the U.S. Constitution: The Dilemma for Muslim Public Officials*, [2] there are many core tenets of Islam that are in direct conflict with much of the U.S. Constitution.

The 2019 elections saw an increase in the number of Muslims re-elected or newly elected to public office across the United States, and as part of their oaths of office they each had to swear to support the U.S. Constitution. The upcoming 2020 elections have seen an increase in the number of Muslim candidates running for public office. If elected, these candidates will have to also take an oath of office in which they swear to support the U.S. Constitution. It is only natural then that a Muslim public official, or a Muslim candidate for public office be asked about how he or she resolves the conflict between the U.S. Constitution and their religion.

In theory one would think that after a Muslim public official had taken an oath to support the U.S. Constitution, having to publicly choose between either following that Constitution or following Islamic

Doctrine when there is a conflict would be simple: a Muslim public official would abide by the oath of office and choose the Constitution. And a Muslim candidate running for public office should know beforehand that if elected he or she will have to take an oath to support the U.S. Constitution. In theory then that Muslim candidate should be willing to express support for that Constitution.

### The Muslim Oath Project

I decided to put this idea to the test. Over the last five months I have sent e-mails, Facebook messages, and/or Twitter messages to 218 Muslim public officials and Muslim candidates running for public office at local, state and federal levels across the United States. I presented each with four questions requiring a choice to be made between the U.S. Constitution/our man-made laws or Islamic Doctrine.

Here are the Four Questions:[\[3\]](#)

*No. 1: Will you go on record now and state that our 1<sup>st</sup> Amendment right to freedom of speech gives the right to anyone in the United States to criticize or disagree with your prophet Muhammad, and will you also go on record now and state that you support and defend anyone's right to criticize or disagree with your prophet Muhammad, and that you condemn anyone who threatens death or physical harm to another person who is exercising that right?*

*No. 2: Our 1<sup>st</sup> Amendment guarantees freedom of religion in the United States. As part of that freedom, anyone in the United States has the right to join or leave any religion, or have no religion at all. Will you go on record now and state that you support and defend the idea that in the United States a Muslim has not only the freedom to leave Islam, but to do so without fear of physical harm, and will you also go on record now and state that you condemn anyone who threatens physical harm to a Muslim who is exercising that freedom?*

*No. 3: According to the words of Allah found in Koran 5:38 and the teachings of your prophet Muhammad, amputation of a hand is an acceptable punishment for theft. But our U.S. Constitution, which consists of man-made laws, has the 8<sup>th</sup> Amendment that prohibits cruel and unusual punishment such as this. Do you agree with Allah and your prophet Muhammad that amputation of a hand is an acceptable punishment for theft in the United States, or do you believe that our man-made laws prohibiting such punishments are true laws and are to be followed instead of this 7<sup>th</sup> Century command of Allah and teaching of Muhammad?*

*No. 4: According to the words of Allah found in Koran 4:3, Muslim men are allowed, but not required, to be married to up to four wives. Being married to more than one wife in the United States is illegal according to our man-made bigamy laws. Do you agree with Allah that it is legal for a Muslim man in the United States to be married to more than one woman, or do you believe that our man-made laws prohibiting bigamy are true laws and are to be followed instead of this 7<sup>th</sup> Century command of Allah?*

Of the 218 Muslim public officials and candidates to whom I sent these questions, only twelve responded that they would support the Constitution/our man-made laws over Islamic Doctrine. But of these twelve, four did not give me permission to publicly use their names.

I received additional responses from 24 Muslim public officials and candidates. These responses consisted of a combination of actual replies, but with an unwillingness to express support for the Constitution (10), and auto-responses (14), to which I replied again with the questions but received no actual replies. The names of the 10 and their actual replies can be found at [Islam and the U.S. Constitution - Responses from Muslim Public Officials and Candidates .\[4\]](#)

The complete list of the 218 Muslim public officials and candidates that I contacted can be found at [The Muslim Oath Project](#) website (thanks Liberato!).<sup>[5]</sup> The list starts off with the twelve who expressed support for the Constitution. This is followed by the names of the 206 Muslim public officials and candidates, listed by State, who would not express support for the Constitution.

There are 28 States listed, along with Washington DC. New Jersey has 39 names listed; Michigan has 24; Minnesota has 20; California and Illinois each have 16; and Virginia has 13. Other states listed include Florida, Georgia, Iowa, Massachusetts, North Carolina, Pennsylvania, and Texas.

### Is it Fair to Ask These Questions?

One might wonder if it is fair to ask Muslim public officials and Muslim candidates to make such a choice? It certainly is because of the irreconcilable conflict between major tenets of Islamic Doctrine and those of Western Laws, especially the U.S. Constitution. It is only natural then to ask those Muslims how they can reconcile that conflict.

Here is an additional consideration. In its 2020 *'Muslim Vote Campaign'* the Council on American Islamic Relations (CAIR) has included a questionnaire asking non-Muslim candidates and government officials whether or not they support specific "Muslim needs." CAIR explained:

*CAIR's 2020 questionnaire is an update to its 2016 questionnaire and provides sample questions for Muslims to ask local city council, mayoral, state legislative, gubernatorial, and congressional candidates running for office and government officials.*

*Candidate responses to CAIR's election questionnaire will assist American Muslims in evaluating each candidate's leadership criteria and their ability to unite and engage the community on policies and programs that meet Muslim needs.*

*The questions and the issues included in the questionnaire emphasize the American Muslim community's concerns, as well as those of its civil rights, immigrant rights and worker rights allies.* <sup>[6]</sup>

Here is a sampling of the issues about which the American Muslim community is concerned; these questions are from a publication that CAIR issued in January of this year titled *Sample Questions for Candidates and Public Officials*:

1. *Do you plan to address the rise in Islamophobia and hateful rhetoric towards Muslims in the United States?*
2. *Do you support the right of Muslim inmates to make religious accommodation requests for religious headwear, like hijabs, kufis, and other head coverings?*
3. *Do you support the right of Muslim inmates to make religious accommodation requests for copies of the Quran and other religious texts, prayer mats, prayer beads, and other religious items?*
4. *Do you support the right of Muslim inmates to make religious accommodation requests for modified meal schedules while fasting during Ramadan?*
5. *Do you support the right of Muslim inmates to make religious accommodation requests for daily congregational prayers and Friday religious services?*

6. *Do you support public school systems with significant Muslim populations in your congressional district and/or state closing for the Muslim holidays of Eid al-Fitr and Eid al-Adha, when many students or faculty would otherwise be absent?*

The focus of CAIR's questions is on the need for non-Muslims to respect the 1<sup>st</sup> Amendment right to freedom of religion and consequently accommodate certain Islamic religious teachings. Since CAIR has turned the focus on certain Islamic religious teachings, it is only appropriate that the focus should now be turned on all Islamic religious teachings, especially those that are irreconcilably in conflict with the U.S. Constitution and our man-made laws. Muslims running for and holding public office should be asked about these conflicts and expected to publicly, categorically choose between the U.S. Constitution/our man-made laws or Islamic Doctrine.

It is interesting to note that CAIR's *Sample Questions for Candidates and Public Officials 2020* publication is, for some reason, no longer accessible from a number of different CAIR sites where it is still listed. However, in January of this year I did download a copy of that publication and it is available [here](#). [7]

Another interesting side note about CAIR: As a result of CAIR recently interjecting itself into an Iowa Republican primary election while emphasizing the importance of the U.S. Constitution, I sent the Four Questions to twelve members of CAIR's leadership at their respective CAIR e-mail addresses. In spite of CAIR's stress on the importance of the U.S. Constitution for Iowa elections, none of the twelve responded (see my article: [CAIR Interferes in Iowa Election - Refuses To Express Support For U.S. Constitution](#)). [8]

#### Maybe They Didn't Get the Four Questions?

One might speculate that the reason the vast majority of Muslim public officials/candidates would not respond was because they never received my attempts to contact them.

However, the e-mail addresses and Facebook Messenger contacts I used were those listed on active political campaign sites, current public office sites (e.g. city council, state legislature, school board, etc.) and current business/organization sites. When the information was available, I would also include the e-mail addresses of affiliated staff members or campaign advisers. Because of the locations where these e-mail addresses and Facebook accounts were listed, I believe that each individual considered that particular e-mail address or Facebook account as a valid way for a political supporter, constituent, or someone interested in their business/organization to get in touch with them. With regard to Twitter, I sent messages to active campaign Twitter accounts.

In addition to the "official" nature of the e-mail addresses, etc. that I noted above, I did receive responses from 36 Muslim public officials and candidates located in a wide variety of states and holding or running for public offices at various levels. Can there really be only 36 out of 218 Muslim public officials and candidates who actually check their e-mails, Facebooks and campaign Twitter accounts?

It was suggested that I should contact Muslim public officials and candidates by telephone. I took the written approach because I wanted the individual Muslim to have sufficient time to consider each of the four questions before responding. Presenting the questions in writing ensured that each received the same exact questions that others had received and prevented any possible claims that I had worded the questions differently based on the individual. The written responses, or lack thereof, also ensured that I accurately reported how the individual Muslim replied.

## Conclusion

There is an importance attached to taking an oath of office to support the U.S. Constitution.

The Framers of the U.S. Constitution considered the “Oaths Clause” a way of integrating the original thirteen states into a federal union. It was also a way of binding those taking that oath “to abstain from all acts inconsistent with it,” and “to observe the limits” it placed on their authority.<sup>[9]</sup> So taking an oath to support the Constitution is a way of providing common cause among different people with each acknowledging that the same Constitution will uniformly guide and limit their actions. Taking such an oath also sends that same unifying message to those watching.

If we are to expect our public officials “to abstain from all acts inconsistent” with the U.S. Constitution, then it is only natural to raise specific questions when a public official or candidate for public office claims to follow a religion that is rife with teachings and commands in conflict with that Constitution. And it is incumbent on Muslim public officials and candidates to be willing to specifically answer how each resolves that conflict.

If Muslim public officials or candidates see their name on The Muslim Oath Project list and believe they did not receive the Four Questions, I hope they would contact me at [The Muslim Oath Project](http://www.muslimoathproject.com) website so I could send them those questions and they could then go on record as to how they chose between the U.S. Constitution/our man-made laws or Islamic Doctrine.

Readers of this article could also contact Muslim public officials and candidates on this list who did not express support for the Constitution to verify whether or not that particular Muslim had received the Four Questions. If the Muslim did not receive those questions, the reader, or the Muslim public official/candidate, can contact me at [The Muslim Oath Project](http://www.muslimoathproject.com) website. I would be happy to send that Muslim public official or candidate the Four Questions so he or she could go on record in choosing between the U.S. Constitution/our man-made laws or Islamic Doctrine.

*In questions of power then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.*

*Thomas Jefferson, The Kentucky Resolutions of 1798, Jefferson's Fair Copy* <sup>[10]</sup>

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Dr. Stephen M. Kirby is the author of six books about Islam. His latest book is *Islamic Doctrine versus the U.S. Constitution: The Dilemma for Muslim Public Officials*.

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<sup>[1]</sup> David Shestokas, *The US Constitution and Local Government*, January 7, 2014, <http://www.shestokas.com/constitution-educational-series/the-us-constitution-and-local-government/>.

<sup>[2]</sup> Stephen M. Kirby, *Islamic Doctrine versus the U.S. Constitution: The Dilemma for Muslim Public Officials* (Washington D.C.: Center for Security Policy Press,



2019); <https://www.centerforsecuritypolicy.org/2019/12/03/csp-press-releases-primer-on-islamic-doctrine-versus-the-u-s-constitution/>.

[3] The Four Questions are available in a brochure format at <https://islamseries.files.wordpress.com/2020/04/islamic-doctrine-versus-the-u.s.-constitution-four-questions-for-muslim-public-officials-and-candidates.pdf>.

[4] <https://islamseries.org/responses-from-muslim-public-officials-and-candidates/>

[5] <http://www.liberato.us/muslim-oath-project.html>

[6] “CAIR Launches 2020 ‘Muslims Vote’ Campaign with Release of Candidate Questionnaire, Calendar of Election Dates,” *CAIR*, January 21, 2020, [https://www.cair.com/press\\_releases/cair-launches-2020-muslims-vote-campaign-with-release-of-candidate-questionnaire-calendar-of-election-dates/](https://www.cair.com/press_releases/cair-launches-2020-muslims-vote-campaign-with-release-of-candidate-questionnaire-calendar-of-election-dates/).

[7] “Sample Questions for Candidates and Public Officials,” *CAIR*, 2020, [https://islamseries.files.wordpress.com/2020/04/2020\\_sample\\_questions.pdf](https://islamseries.files.wordpress.com/2020/04/2020_sample_questions.pdf).

[8] Stephen M. Kirby, “CAIR Interferes in Iowa Election - Refuses To Express Support For U.S. Constitution,” *PipeLineNews.org*, April 18, 2020, <https://www.pipelinenews.org/2020/apr/19/cair-interferes-in-iowa-election-refuses-to-express-support.html>.

[9] Edwin Meese III, Matthew Spalding, and David Forte, *The Heritage Guide to the Constitution* (Washington DC: Regnery Publishing, 2005), p. 295.

[10] “The Papers of Thomas Jefferson,” *Princeton University*, <https://jeffersonpapers.princeton.edu/selected-documents/jefferson%E2%80%99s-fair-copy>.