



ACLU of Tennessee Statement on Anti-Muslim Bill SB 1028/HB 1353

America is a nation that embraces freedom of religion, fairness and tolerance. The introduction of SB 1028/HB 1353, which grossly mischaracterizes an entire religious belief system – Islam– is misguided, counter-productive and discriminatory, striking at the very heart of our core American values.

There is absolutely no need for Tennessee to pass this law in the name of national security or public safety. This law is unnecessary because the federal government already has ample authority, through law enforcement, to identify and designate terrorist groups, to freeze their assets, and to prohibit individuals from providing virtually any kind of support to those groups. SB 1028/HB 1353 would not help to combat genuine threats to public safety, which the federal government already has the tools to do. Instead, unlike federal law, SB 1028/HB 1353 unconstitutionally singles out American Muslims and Muslim organizations, falsely associating them with terrorism.

In addition, SB 1028 threatens to interfere with the federal government’s ability to uniformly and effectively enforce laws applicable to terrorism and terrorist organizations. The federal government has special expertise and special competence when it comes to combating genuine terrorist threats – foreign and domestic. Establishing a parallel state scheme that targets Muslim organizations is not only unconstitutional, but would create a patchwork quilt of laws that could conflict with the federal government’s efforts.

The bill would also give the Tennessee Attorney General extraordinary discretion to designate U.S. organizations as “sharia organizations” without notice, probable cause, or a meaningful opportunity for them to defend themselves. This is unconstitutional.

In allowing the Tennessee Attorney General to designate so-called “sharia organizations” if they are involved in “acts of terrorism,” the bill uses a definition of terrorism that is so broad that even peaceful groups engaging in non-violent demonstrations could potentially be branded as terrorists.

Though the bill claims not to target “the peaceful practice of any religion, and in particular, the practice of Islam by its adherent,” it provides that the beliefs of every major school of Islam automatically constitute “Sharia” as defined in the bill. In doing so, the bill not only breeds intolerance and mistakenly points a finger at innocent people, it improperly entangles the government with religious doctrine. The First Amendment prohibits the government from taking positions on religious doctrine or dictating what one group’s religious beliefs are or mean.

Bills like SB 1028/HB 1353 are unnecessary, unconstitutional and make us less safe by blinding authorities to real threats. Extremist violence is not limited to one religion or belief. Singling out Muslims serves merely to scapegoat and stereotype them, exacerbating an already unfounded fear of and anger toward members of the Muslim community. This bill represents an egregious, un-American form of cultural profiling against an entire faith.