

Beauer County Times, Islam claims blocked in Tenn trial over Mosque (4.25.12)

Plaintiffs in a civil trial trying to block a proposed mosque in Tennessee on procedural grounds were largely blocked Wednesday in trying to raise claims that Islam is not a real religion and that its followers are violent.

The proposed mosque is one of a few Muslim projects in the U.S. that hit a swell of conservative opposition around the same time as the controversy over a plan to build a Muslim community center near New York's ground zero.

The plaintiffs want to void a May 2010 meeting of the Rutherford County Planning Commission in which it approved the Islamic Center of Murfreesboro's site plan. They claim the public was not adequately notified ahead of time.

Chancellor Robert Corlew, who is overseeing the trial, has limited the scope of the trial strictly to the public notice, but it hasn't stopped the plaintiffs in the long-running case from raising a series of larger disputes over Islam.

In past hearings before the trial, plaintiffs have claimed that Islam is not a religion and doesn't deserve First Amendment protections. That claim prompted the intervention of local U.S. Attorney Jerry Martin. His office filed a brief confirming that Islam is a recognized religion. Martin said at the time that to suggest otherwise was "quite simply, ridiculous."

On Wednesday, two neighbors who are plaintiffs testified that they did not hear about the planning meeting for the mosque, but they also said they received no advance notice about plans for a Baptist church recently built in the neighborhood. They didn't complain or file suit about the church.

Plaintiffs' attorney Joe Brandon Jr. tried to use that admission as an opening to discuss the differences between the church and the mosque.

"Are you aware of any information linking Grace Baptist Church to organizations that call for the killing of Americans?" he asked. The defense objected and it was sustained by the judge.

Tennessee law requires that adequate notice be provided of all public meetings but it does not define what is considered adequate, and subsequent court cases have done little to clarify the matter.

County attorney Josh McCreary argued that posting the notice in the Sunday edition of local free newspaper and on that paper's website was clearly adequate under the law.

"Whether there's a better alternative, if that's the plaintiffs' contention, they are in the wrong place," he said. "They should go to Washington, or the state legislature to try to change the law."

Voiding Rutherford County's meeting would force mosque members to seek new approval in a climate made hostile by nearly two years of plaintiffs' unsubstantiated claims that members have ties to terrorists.

Because the Islamic Center itself is not named as a defendant, mosque members have not been able to defend themselves against the accusations in court.

On Wednesday, Saleh Sbenaty, a mosque spokesman and a professor of engineering at Middle Tennessee State University, said there has been a mosque in Murfreesboro for over 30 years, but no one considered it a threat until this controversy erupted. Local Muslims want to build a new mosque because they have outgrown their current space in an office complex.

Sbenaty, who is originally from Syria, said the constant attacks have been draining.

"I left my country over 30 years ago to get my freedom over here, and now that's being threatened," he said. "My First Amendment rights are under fire."