

Judge Says Murfreesboro Mosque Construction Must Stop

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MURFREESBORO, Tenn. – A judge ruled Tuesday that construction of the Islamic Center of Murfreesboro must stop because the county government failed to give adequate public notice of the plans.

Chancellor Robert Corlew issued his opinion that plans for the mosque approved by the Rutherford County Planning Commission are "void and of no effect".

"After consideration of the law and the evidence presented, the Court finds that the action of the county was not sufficient to provide the type of notice to citizens of the county that such matters were to be presented at the meeting of the Rutherford County Regional Planning Commission which should be expected under law," the ruling stated.

On May 24, 2010, planning commissioners approved the Islamic Center of Murfreesboro's construction plans to build a 52,960 square foot building with a mosque on Veals Road.

During the four-day trial in April, attorneys representing plaintiffs who sued Rutherford County said that interested members of the public were not able to attend the meeting where the facility was approved because they didn't know about it.

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 attorneys had 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.

During the trial, evidence was presented that the county placed an ad in the legal section of the Murfreesboro Post to advertise the meeting in which the mosque was approved. The ruling states that the ad was "in relatively small type near the bottom of a page which contained a number of advertisements and legal notices, most of which were provided by the city of Murfreesboro."

It also said the Murfreesboro Post "had virtually no paid circulation at the time of the advertisement, but that some 13,000 newspapers are placed in the driveways within the city limits of Murfreesboro, without the cost to the residents..." and another 8,000 were distributed throughout the city.

The ruling declined to determine whether the Murfreesboro Post is a "newspaper of general circulation in Rutherford County", which the plaintiffs had asked.

It also stated that the county operates a cable television that could have been used to notify the public, but there was no evidence that they did so.

Corlew noted that his opinion does not prevent the Rutherford County Planning Commission from reconsidering the issue and approving the mosque site plan again. Construction of the mosque is well under way with the first phase scheduled to be finished in July.

Mosque opponents have fought construction for two years, arguing that Islam is not a real religion deserving of First Amendment protections and that the Islamic Center of Murfreesboro has terrorist ties.

The judge dismissed those allegations but held a trial on the narrower claim that the public meeting law was violated.

With this ruling, mosque members will have to seek new approval in a climate made hostile by nearly two years of plaintiffs' unsubstantiated claims that members have ties to terrorists.

In past hearings before the trial, plaintiffs 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."