

AN EDUCATIONAL UPDATE FROM THE SOUTHEAST LAW INSTITUTE™, INC.

To: Interested Persons
Date: December 2025
From: A. Eric Johnston
RE: Senator Tuberville and Sharia Law

On October 15, 2025, Alabama Senator Tommy Tuberville introduced legislation to ban Sharia Law in the United States. He said on the Senator floor:

“Sharia Law is fundamentally anti-America and has no place in our country. If you want to peacefully practice your religion, you have every right to do so under the Constitution. But, if you want to come to the United States and advocate for the practice of Sharia Law over U.S. Law, you should not be here. We do not want people who chant “death to America” residing in our communities and endangering our families. We must protect American values, not apologize for them. I hope my colleagues can come along side me in this effort to preserve our Constitutional and God-given rights.”

There was an immediate outcry in the media over religious discrimination. Articles were published, including one in Alpolitics.com from the Birmingham Islamic Society. As an apologist for Sharia Law, the article emphasized that American law reigns supreme, that Sharia means “the path” as a personal moral compass and that Muslims do not engage in discriminatory practices against women or others and additional defenses of Sharia Law. His point was that Muslims are like any other citizens, they are subject to our laws, and that Sharia Law is not something with which to be concerned. Of course, there are persons who are Muslims or of Muslim heritage who do not subscribe to the tenets of all Muslim teaching, just as there are those persons who claim to be Christians and do not follow all biblical teaching.

Freedom of religion gives us all the right to worship as we see fit. It does not give us the right, however, to use the U.S. Constitution to engage in subversion of the U.S. Constitution itself.

In 2015, Ben Carson was a candidate for U.S. President. He was asked in a interview on NBC’s “Meet the Press” if Islamic faith is inconsistent with the Constitution. Dr. Carson responded “I would not advocate that we put a Muslim in charge of this nation, I absolutely do not agree with that.” There was much discussion at that time, but the essence of it was that a Muslim who is adherent to Sharia Law cannot subject himself to our Constitution, which is a manmade document of ignorance, *jahiliyah*, that must submit to Sharia Law. Sharia Law is strict religious belief which does not permit it’s adherence to be subject to manmade laws. That was the point Dr. Carson was trying to make.

What Senator Tuberville proposes is not new. The influx of Muslims into Western countries has resulted in a conflict between Sharia Law and the laws of those cultures. Senator Tuberville’s bill prohibits courts from applying foreign laws that violate our constitution, invalidate contract provisions, and bars application of marriage, divorce, custody and adoption laws are not consistent with U.S. law. These statements are correct and true even without the Sharia Law issue. Yet there have been examples in courts in the United States applying Sharia Law in place of domestic laws.

Of course, this is not new to Alabama. In 2013, the Alabama Legislature passed the American and Alabama Laws for Alabama Courts Act, which was approved by Alabama citizens in the 2014 general election by a overwhelming 72% vote. AALAC did not mention Sharia Law. Then, as Senator Tuberville’s bill now, this raises First Amendment Free Exercise questions. The real point of all this is that our system of laws cannot be secondary to what you might call religious laws of general application, that is, denying women’s rights, denying equal protection for different classes of people, or creating unrest in the name of religious freedom.

The First Amendment free exercise of religion permits persons to worship as they see fit. However, it does not permit them to subject others to religious tenets in place of laws meant to protect everyone equally. An example of this is a number of American domestic courts have felt compelled to decide child custody issues in favor of Muslim fathers based on religious dogma, in violation of the mother’s equal protection rights. Sharia Law zones in other western countries are also examples.

Senator Tuberville’s bill will create significant debate. It will be interesting to see where that debate goes and what will result. No one wants to remove the religious freedom of Muslims to believe as their religion dictates. However, that religion cannot be used to restrict the Constitutional rights of any citizen of the United States. We all must be subject to the U.S. Constitution and the statutes, regulations, and court opinions that have been generated over the centuries to protect a very important heritage.

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