

The Murfreesboro Mosque: To Build or Not to Build?

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Abstract

The proposed construction of a mosque in Murfreesboro, Tennessee, was the catalyst for a chain of events in which religion, culture, and public policy intersected, and, in this particular situation, conflicted. This paper examines the clash of religion and culture and the role of the U.S. Constitution in the resolution of the conflict.

More specifically, a group of Christian residents in the small, Southern city of Murfreesboro objected to the building of the first mosque by the local Muslim community. Supporters of the mosque followed processes for building permits required by county law. Opponents of the mosque claimed that the law was not being followed, and they made their objections known to local county commissions and to the county Chancery Court. The final decision was handed down from the U.S. District Court. A discussion of the conflict and the resolution will be presented and analyzed through the multiple lenses of religion, culture, and public policy.

Introduction

The quintessential question surrounding the building of the Murfreesboro mosque, part of the New Islamic Center of Murfreesboro, involves conflicts that occur when culture comes into conflict with religion and how conflict can be mediated through policy and Constitutional law. In Murfreesboro, Tennessee, there is a local culture of a small, Southern city with a historical majority of Christians. There is also a community of Muslim people who have lived in Murfreesboro since the 1960's and practiced their Islamic religion as a community since 1981. The Muslim community wanted to build a mosque - their first mosque - in Murfreesboro. Some residents of Murfreesboro challenged the members of the Muslim community. This group of residents of Murfreesboro did not want a mosque to be built in Murfreesboro. The challenges became lawsuits; the case advanced to the U.S. District Court; where ultimately the conflict was resolved.

In the case of the Murfreesboro mosque controversy, two religions were at the forefront: Christianity and Islam. Christian churches were established at the time of the founding of the town of Murfreesboro, and many different denominations exist there today. Muslims first came to live in Murfreesboro in the early 1960's and had their first organized worship in 1981. In 1997, they established an Islamic Center in a Murfreesboro office complex.

Several cultural domains impact this controversy: 1) the culture of religious history and socio-cultural context, 2) the culture of ethnic and national origin, and 3) the American culture of freedom and Constitutional rights. First, Murfreesboro has historically been a Christian community. Murfreesboro's cultural traditions publicly and proudly proclaim the importance of Christian prayer and principles. Murfreesboro is also rich in "Southern" culture, which stems not

only from the geographic divisions of the Civil War, but also from the rural traditions, colorful language, and unique foods that are characteristic of many states in the southeastern United States. Next, the ethnic culture of Murfreesboro has multiple aspects. Racially, the population of Murfreesboro has predominantly been African American and Caucasian American. Ethnicity, however, includes more than one's race; it also includes one's national origin. Recent decades have seen changes in ethnic demographics in Murfreesboro, with increased population and civic involvement of new Americans of Laotian descent and Middle Eastern descent and a growing population of Latin American immigrants. Three important factors that have influenced this demographic shift are 1) Murfreesboro's proximity to Nashville, Tennessee, one of the largest refugee resettlement centers in the United States, 2) the affordable cost of living in Murfreesboro and Rutherford County, and 3) the growth of Middle Tennessee State University which draws an ethnically diverse group of faculty and students to Murfreesboro. However, a fear expressed by the opponents of the mosque with regard to its establishment, involved the possibility that the local Muslims might be associated with an ethnic group of Islamic extremists, those terrorists who had attacked America on September 11. Finally, the American culture of freedom and Constitutional rights became a factor in this controversy when it entered the courts. Although it is clear that the U.S. Constitution is the ultimate and original policy document from which our laws are derived, it is not always easy to predict how the courts will interpret the Constitution. In the case of the Murfreesboro Mosque, those freedoms and protections which are promulgated in our Constitution were the basis of claims on *both* sides of the controversy. Ultimately, a federal court ruling was rendered based on Constitutional principles.

Three domains—religion, culture, and policy—overlapped and sparked controversy in Murfreesboro, Tennessee. Religious conflict occurred between Christians and Muslims. Cultural conflict occurred between the two ethnic groups which was rooted in history, traditions, and demographic change. Policy conflict arose with regard to interpretation of the U.S. Constitution with both sides claiming to be justified in their positions based on Constitutional principles. The intersection of these three domains will be discussed in this paper.

Religious History and Socio-Cultural Context of Murfreesboro, Tennessee

Murfreesboro is located in Rutherford County and was founded in 1803. It is in the exact geographical center of Tennessee and is situated thirty-five miles southeast of Nashville. Rutherford County is one of the fastest growing counties in the United States, and Murfreesboro is one of the fastest growing city in Tennessee having a population of more than 110,000. It is home to Middle Tennessee State University, the largest undergraduate university in the state. Murfreesboro has seen significant change over the years, but it has managed to retain much of its historic character. As a result, this typical American city has not been a stranger to conflicts between preservation and development as well as “growing pains” resulting from increased cultural and religious diversity.

Numerous Christian denominations co-exist amicably in Murfreesboro, many of which date back to churches built in the early 1800s, including Methodist, Cumberland Presbyterian,

Baptist, Episcopal, Lutheran, Church of Christ, and Non-denominational. For the most part, these Christian religious groups were welcomed into the community without controversy. However, the first (and only) Catholic Church, St Rose of Lima, was built in Murfreesboro in 1925 under protest by the Ku Klux Klan. Also, Murfreesboro is home to a Greek Orthodox community, a small Jewish community located in Murfreesboro for the past 150 years, and to two Buddhist Temples serving a community of East Asians, living in Murfreesboro since 1970.

The first Muslims came to live in Murfreesboro around 1960 and began gathering for communal worship in 1981 as a religious group. Then, on August 8, 1997, the Islamic Center of Murfreesboro was incorporated as a non-profit organization without incident. Now, the Muslim community in Murfreesboro has grown to include approximately 250-300 families, of about 1200 people. As a result of the growing population of Muslims living within the city of Murfreesboro as well as the increasing number of MTSU Muslim students, a need for a mosque emerged in order to provide adequate space for worship, social gatherings, education, and recreation.

Generally speaking, culture is considered to be the social heritage, the traditions, and a way of living shared by a group. Religion, like culture, consists of patterns of belief that are systematic because their manifestations are regular in occurrence and expression and are shared by a group. In addition, cultures and religions are not necessarily homogeneous in that members may exhibit differences of interpretation of principles and meanings which, in and of itself, may present even more potential for conflict.

Specifically, extremists within both cultural and religious groups may provide the impetus for greater conflict than that which would naturally occur. Granted, Muslims and Christians have basic cultural, as well as religious, differences. In spite of these differences, diverse religious groups, including this Islamic community, had lived together and worshipped in Murfreesboro for many years without controversy. However, what started in 2009 as a plan to build an Islamic center for worship and prayer became a major court case involving a series of legal challenges and court decisions have continued up the time of this publication. These basic differences, coupled with fears springing from the 9-11 terrorist attacks experienced in the United States, set the stage for the controversy surrounding the building and opening of the Murfreesboro Mosque. Information for this section was gathered from the *Rutherford County Chamber of Commerce* and *City of Murfreesboro* websites.

The Story of the Construction of the Murfreesboro Mosque

The Islamic Center of Murfreesboro site plan includes a 4,500 square foot Murfreesboro Mosque Prayer Hall as part of the future 50,000 square foot Islamic Center of Murfreesboro to be built over the course of two and a half years. The controversy surrounding the building of the Murfreesboro Mosque is detailed in the following section of this paper.

The dates and descriptions which follow were taken from news reports in the local Murfreesboro paper, *The Daily News Journal*, and from the Nashville newspaper *The Tennessean*. Other local news sources were used, including websites of *Nashville Public Radio*

and local television station *WSMV*. Additional information was taken from records and interviews provided by Dr. Saleh Sbenaty, a board member of the Islamic Center of Murfreesboro. Legal commentary was reviewed for accuracy by Gregory Ramos, a local Nashville attorney.

Planning

In March, 2009, the search began for a location to build a new mosque, part of the new Islamic Center of Murfreesboro. The land was located, funds were raised, and the 15.02 acre site on Veals Road was purchased (November, 2009). A sign was placed on the property to notify neighbors of the future construction. The sign said, “Future Site of the Islamic Center of Murfreesboro” (December, 2009). At the same time, a planning committee was formed to oversee the project. In January, 2010, the sign was vandalized with spray painted words saying “not welcome” (January 17, 2010).

When some people in the Murfreesboro community raised objections, ICM leaders realized that they must take steps to alleviate fears in the Murfreesboro community through education and relationship building. The cultural gap had to be bridged. First, a community-wide dinner was hosted by the ICM., with community leaders in attendance to answer questions about the future plans. More than 150 people from the Murfreesboro community attended (February, 2010). The following month, a free three-day educational seminar was held for non-Muslims entitled “Islam and Muslims” with advertising in the *Daily News Journal* (DNJ) (March 2010).

Policy and Legal Perspectives

The Islamic Center of Murfreesboro (ICM), as required by county law, submitted a site plan for construction of a new mosque. The Rutherford County Planning Commission followed their usual public notice procedures and advertised the application in the *Murfreesboro Post*, a small daily newspaper. The choice of the *Post* for advertising was later challenged by opponents because they said that circulation of the newspaper was not very large and did not reach areas outside the city limits, including neighborhoods near the mosque construction site which was also outside of the city limits of Murfreesboro. Therefore, according to opponents, the commission did not give adequate notice as required by law. This point would later be presented as part of the lawsuit against the mosque.

On May 24-25, 2010, the *DNJ* reported that the Rutherford County Regional Planning Commission had unanimously approved the site plan for the ICM. At this point in the process, the effects of local government policy, under the umbrella of the Tennessee and U.S. Constitution, came into effect. It was the first of several steps taken by the ICM to navigate the channels of Constitutional policy and law in planning and constructing the mosque.

At the next meeting of the Rutherford County Commission (June 17, 2010), a group of several individuals from Murfreesboro opposed to the mosque requested to speak. In spite of not being on the meeting agenda this group was allowed to voice their opposition. Local residents

spoke against the mosque construction at this meeting and at subsequent meetings of the Commission. Large numbers of people, sometimes with standing room only crowds, attended several commission meetings. Speakers expressed fears about Islam and concerns that the construction of a mosque would bring radical Islamists to Murfreesboro. Questions were asked about Islam and whether or not it was a religion. There was talk and fear of Sharia law. There was much fear and anger. And, from the legal perspective, claims were made that county government policy guidelines had been violated, and adequate public notice was not given prior to the Commission's approval of the site plan. On June 28, 2010, the County Commission decided not to seek a legal opinion on the question of public notice; they believed that they had provided adequate notice and followed a procedure that had been acceptable in the past.

Community Response to the Controversy

On June 24, 2010, a few days prior to the County Commission meeting, a religiously diverse group of faith leaders in Murfreesboro came together for a peace vigil at the courthouse on the Murfreesboro town square in support of the ICM. Christian ministers of various denominations, a Catholic priest, a Jewish rabbi, and other faith leaders spoke on the courthouse steps promoting peace and friendship in the community. Students from MTSU also spoke in support of the ICM. Some opponents were present at the vigil, but the crowd of several hundred was overwhelmingly supportive of the ICM.

On July 14, another rally was held by opponents of the mosque by marching down Main Street to the courthouse. Marchers protesting the mosque held signs saying "Remember the Twin Towers" and "Islam is not a religion" while circling the Rutherford County Courthouse. At the same time, supporters held a counter rally on the square. By this time, activities related to construction of the Murfreesboro Mosque had garnered national and international media coverage.

In, July, one of the ICM board members was accused of supporting terrorism. He was cleared after investigation by local and federal law enforcement agencies. Charges against the Imam of the Islamic center were also cleared. Those were not the only accusations made against the Muslim community regarding their Islamic faith. Questions were frequently asked about 1) the local Muslim community's connection to terrorism and if they were a "front" for terrorist activity in America, and 2) whether or not Islam is a religion or just a political movement seeking to instill Sharia law in America.

Construction Begins

A contract was secured for the site preparation at the future site of the mosque on August 12, 2010. Construction equipment was brought onsite and soon began clearance of the property for construction. However, about two weeks later, a fire was set which damaged the construction equipment (August 28, 2010). Rewards were offered by the Federal Bureau of Investigation (FBI) and Bureau of Alcohol, Tobacco, Firearms and Explosives (AFT) for information.

The Courts and the Controversy

On September 27, 2010, opponents of the proposed ICM filed a lawsuit to stop construction of the mosque and revoke the existing permit. Court proceedings began in November, and on November 12, plaintiffs rested their case after seven days of testimony in a trial that would stop construction of the proposed mosque. Opponents of the mosque put the religion of Islam “on trial,” but the judge ruled that Islam is a constitutionally protected religion; and, on November 17, Chancellor Robert E. Corlew denied a temporary injunction to prevent construction of the mosque.

Following that decision, opponents came back to court challenging Rutherford County on the question of public notice. In February, Chancellor Corlew set April 13, 2011, as the date to hear arguments. Opponents charged that Rutherford County did not provide adequate public notice about a planning commission meeting at which planners approved the site plan for the proposed mosque and about the constitutionality of Rutherford County's zoning regulations. April 13 was also the date that Corlew allowed 14 new plaintiffs to join the lawsuit seeking to stop the construction of the mosque.

On May 19, 2011, Chancellor Corlew dismissed all but one of the plaintiffs' claims in the lawsuit. Corlew's decision allowed construction to begin. The only issue that Chancellor Corlew allowed to move forward was the claim that the county violated Tennessee's Open Meeting law by not providing proper notice for the meeting during which the mosque site plan was approved by the Commission. The following day Rutherford County issued a building permit to the ICM to begin construction of the new mosque. Opponents challenged the ruling, but on August 30, 2011, Chancellor Corlew reaffirmed his ruling of May 19 that allowed for the construction of a new mosque in Murfreesboro. As a result, a groundbreaking ceremony was held on the construction site to officially begin construction (September 28, 2011). Four protesters gathered at Grace Baptist Church which is located adjacent to the construction site. As a result, ICM gained permission to begin construction.

On October 27, 2011, the attorney for opponents to the construction of a mosque filed a new motion in Chancery Court. This motion questioned whether or not the Rutherford County Planning Commission had provided adequate public notice of the May 24, 2010, meeting in which the site plan was approved. Construction was allowed to continue.

About a month later (November 2, 2011), plaintiffs returned to Chancery Court once again attempting to block construction of the mosque. The trial was held on April 25-26, 2012. A month later, on May 29, Chancellor Corlew ruled that Rutherford County Planning Department did not give adequate public notice of the commission meeting held May 24, 2010. Chancellor Corlew's ruling reversed any decision made in the May 24 meeting. Construction continued.

The Rutherford County Regional Planning Commission voted on June 11, 2012, to appeal Chancellor Corlew's ruling that adequate public notice was not given. Two days later Corlew blocked the county from issuing a certificate of occupancy until a final order was filed with the court. At this point, construction was nearing completion.

On July 18, 2012, the U.S. Attorney for the Middle District of Tennessee, Jerry Martin, sued Rutherford County asking U.S. District Court Judge Todd Campbell for an emergency order to allow worshippers into the building in time for the holy month of Ramadan, which began on July 19, 2012. This lawsuit marked the beginning of federal court involvement in the case of the Murfreesboro Mosque. At this time, opponents of the mosque filed a motion in U.S. District Court stating that they should have been, but were not, included in the federal lawsuit filed by Jerry Martin against Rutherford County. Opponents objected and claimed they were “victims” of the ICM, the county’s zoning resolution, and local government’s “violation of the Tennessee Open Meetings Act,” and their constitutional rights to due process and equal protection as citizens were violated (July 19, 2012). At this point in time construction was almost completed.

After final inspections, Rutherford County issued a certificate of occupancy, and on August 10, 2012, the Muslim community in Murfreesboro entered their new mosque for the first time for prayer. However, on August 29, 2012, Nashville federal judge Todd Sharp allowed opponents of the mosque to have a say in the federal case involving occupancy of the building, noting that near-by residents would be affected by opening of the mosque, therefore, have a basis for legitimate interest in the case.

The Role of the U.S. Constitution in the Construction of the Murfreesboro Mosque

Freedom of Religion is one of the rights provided in the United States Constitution, and it guarantees protection from discrimination against people based on their religion. Freedom of Religion is a Constitutional right that is so embedded in American policy as well as American life that it can reasonably be labeled as “Constitutional Culture.” Constitutional culture is an essential component of the broader American culture. Several constitutional questions arose in the policy discussions and court battles surrounding the building of the Murfreesboro Mosque. The Constitutional questions centered on the concepts of 1) open meetings’ law and adequate public notice, 2) freedom of religion and rights of people and institutions to worship, and 3) due process and equal protection. The courts ultimately ruled in favor of the construction of the mosque, noting that failure to provide adequate notice could not stop construction. Courts defined Islam as a religion, and thus gave the ICM all protections afforded to religious institutions. The federal court ruled that opponents’ right to due process and equal protection had not been violated. The Constitutional Culture mediated the controversy between culture and religion in the story of the Murfreesboro Mosque.

Role of the Media in Construction of the Mosque

The community concerns about issues related to our American Muslim communities are not unique to Murfreesboro. It is a national and international discussion. Murfreesboro, however, has assumed a visible role in this national discussion with extensive media coverage of the events surrounding the construction of the Murfreesboro Mosque. There was even mention of the Murfreesboro Mosque controversy in newspapers as far away as Armenia in Eastern Europe!

Media coverage of events has far-reaching effects on public perception and often influences the course of events. The Murfreesboro story was reported by major news outlets as it unfolded over a two-year period. Online journalism and social media also documented the controversy in Murfreesboro. An internet search for “Murfreesboro” revealed widespread interest in the mosque story with more than 150 videos ranging from journalistic pieces to individual opinion pieces, each of which captured part of the story of the Murfreesboro Mosque. Three notable documentaries about the Murfreesboro Mosque included, 1) the CNN Special, “Unwelcome: The Muslims Next Door,” produced by Soledad O’Brien, 2) “Not Welcome,” produced by Eric Allen Bell, and 3) “Islam in America,” produced by Steven Martin with the New Evangelical Partnership for the Common Good. Each documentary presents different perspectives of the Murfreesboro story. .

Conclusion

Concepts such as religion, culture, policy effects, and “Constitutional Culture,” lend themselves to interesting discussion, thoughtful analysis, and individual interpretation. However, what is most compelling in a discussion of these ideas is an understanding of how individuals are impacted by these social forces. The impacts are varied in the case of the Murfreesboro Mosque story. Opponents of the mosque did not achieve what they intended to do; they intended to stop construction of the mosque, but they were not successful. Their interpretation of religion and the Constitution did not always align with the Court’s interpretation of Constitutional principles. Community supporters of the mosque saw the court procedures ultimately yield decisions in their favor. Freedom of religion and protection from discrimination prevailed through the courts. Members of the Muslim community perhaps felt the greatest impact of the intersection of religion, culture, policy, and Constitutional law. They followed procedures, as prescribed in policy and law, and when challenged by others of different cultures because of their religion, they relied on the U.S. Constitution, and ultimately they prevailed. Publicly, leaders of the Islamic Center of Murfreesboro have expressed gratitude to supporters, appreciation to new friends, and a strengthened confidence in the American court system and in the United States Constitution that protects the rights of those who live and worship in America.

References

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