

Case #2: Freedom to Burn Qur'an¹

The phrase "Islam is of the Devil" appeared on a roadside sign outside a small church in Gainesville, Florida several years ago and local residents responded with vandalism and protest.² Later in the year, students at Gainesville High School and others were prohibited from wearing t-shirts that carried the same message.³ Finally, on July 1, 2010, Terry Jones, Pastor of the Dove World Outreach Center in Gainesville, Florida, released a YouTube video promoting the release of his book, *Islam is of the Devil*.⁴ Two weeks later, on July 12, 2010, Jones tweeted, "9/11/2010 Int Burn a Koran Day" and began a Facebook page entitled "Islam is of the Devil."⁵

According to subsequent statements, Jones intended to follow through with his announcement by holding a mass Qur'an burning on the ninth anniversary of the September 11th attacks, and invited Christians across the world to participate. Some 200 Qur'ans were obtained and, according to Jones, the Qur'an burning would serve as a warning that radical Islam would not be tolerated.⁶ Although Jones has not read the Qur'an, he maintains that "it's full of lies."⁷

Word of the proposed desecration spread slowly at first, but by July 19, 2010, the Council on American-Islamic Relations had issued a press release and action alert calling for mosques to "Share the Quran" by giving copies to friends, family, neighbors, local leaders, etc.⁸ Other responses included the Gainesville Fire Department's refusal to issue a permit for the burning, the revocation of website hosting by provider Rackspace, and a number of statements by prominent figures including the U.S. Secretary of State and the top commander of U.S. forces in Afghanistan urging Jones to reconsider.⁹ Jones reportedly prayed about the matter with a Muslim leader and eventually said on the day of the proposed burning, "We will definitely not burn the Qur'an...not today, not ever."¹⁰ However, on March 20, 2011 Jones held a similar

¹ NOTE: Alternate spellings of 'Qur'an' come from source materials.

² Lise Fischer and Karen Voyles, "Anti Islam church sign stirs up community outrage," The Gainesville Sun, <http://www.gainesville.com/article/20090708/ARTICLES/907081008>, July 8, 2009.

³ Christopher Curry, "'Devil' shirts send kids home," The Gainesville Sun, <http://www.gainesville.com/article/20090826/ARTICLES/908261007?p=all&tc=pgall>, August 26, 2009.

⁴ The Braveheart Show, "Get the book, get the book, get the book!!!" <http://www.youtube.com/user/BraveheartShow#p/u/2/DAGVeuYw1Y>, July 1, 2010.

⁵ Ann Gerhart and Ernesto Londoño, "Pastor Terry Jones's Koran-burning threat started with a tweet," The Washington Post, <http://www.washingtonpost.com/wpdyn/content/article/2010/09/10/AR2010091007428.html>, September 10, 2010.

⁶ Russell Goldman, "Terry Jones: Burning Korans 'Meant to be a warning,'" ABC News, <http://abcnews.go.com/Nightline/terry-jones-burning-korans-meant-warning/story?id=11578228>, September 7, 2010.

⁷ Damien Cave, "Far from ground zero, obscure pastor is ignored no longer," The New York Times, <http://www.nytimes.com/2010/08/26/us/26gainesville.html>, August 25, 2010.

⁸ Council on American-Islamic Relations (CAIR), "Respond to 'Burn a Koran Day' with Educational Iftar," Washington, D.C., <http://pa.cair.com/actionalert/burn-koran-response/>, July 19, 2010.

⁹ Nicholas DeLeon, "Rackspace pulls plug on burn a Koran church's website," Crunchgear, <http://www.crunchgear.com/2010/09/09/rackspace-pulls-the-plug-on-%E2%80%98burn-a-koran-day%E2%80%99-churchs-web-site/>, September 9, 2010; "US church defiant despite condemnation of Koran burning," BBC, <http://www.bbc.co.uk/news/world-us-canada-11223457>, September 8, 2010.

¹⁰ The Today Show, "Terry Jones: 'We will not burn the Quran,'" NBC, http://www.msnbc.msn.com/id/39113743/ns/us_news-security/, September 11, 2010.

event, “International Judge the Koran Day,”¹¹ at which he presided over the ceremonial burning of a Qur’an. The U.S. President condemned Jones’ actions saying, “The desecration of any holy text, including the Quran, is an act of extreme intolerance and bigotry.”¹²

Mohammed Vawda, a South African Muslim law student, planned to respond by holding a “Bible burning day” but was stopped short when Yasmin Omar, representing the Islamic group Scholars of the Truth, asked the South African high court to prevent the event. Judge Sita Kolbe prohibited the event, in effect ruling that the Bible cannot be desecrated in South Africa. After the ruling, Yasmin Omar’s husband Zehir said, “Judge Kolbe ruled that freedom of expression is not unlimited if one exercises freedom of expression that is harmful to others.... We now hope American judges will see this decision and act accordingly by banning the burning of the Qur’an in America.”¹³

Discussing Jones’ actions, Sen. Lindsey Graham said “I wish we had some way to hold people accountable. Free speech is great, but we’re in a time of war.”¹⁴ Although Graham has not suggested legislation to ban burning the Qur’an, he believes a flag burning ban would be appropriate. A Florida politician, Dwight Bullard issued a statement saying, “I took an oath to uphold the Constitution of the State of Florida and the United States of America. And while I believe strongly in citizens’ rights to protest, I believe we have an even greater moral obligation to protect the freedom of religion on which this country is founded.”¹⁵

Executive director of the Florida ACLU Howard Simon called Jones’ burning of the Qur’an “ugly but legal form of free speech.”¹⁶ The ACLU has long supported the right of Jones and his followers to act as they have, filing briefs in support of the children wearing offensive shirts to school and, more recently, his right to protest outside of the Dearborn Michigan-based Islamic Center of America. Jones was recently arrested for failing to provide the “peace bond” required by Dearborn officials. The ACLU’s amicus brief argues that a peace bond amounts to constitutionally prohibited prior restraint. The Dearborn prosecutor, on the other hand, claims that the bond is necessary to guarantee public safety given Jones’ controversial position.¹⁷

¹¹ answeringchristian (YouTube user), <http://www.youtube.com/watch?v=XDmaFehshys>, March 22, 2011.

¹² David Jackson, “Obama condemns Quran burning, violence in Afghanistan,” USA Today, <http://content.usatoday.com/communities/theoval/post/2011/04/obama-condemns-quran-burningviolence-in-afghanistan/1>, April 3, 2011.

¹³ Ian Evans, “In South Africa, judge outlaws burning Bibles, Qurans, other holy books,” Christian Science Monitor, <http://www.csmonitor.com/World/Global-News/2010/0910/In-South-Africa-judge-outlaws-burning-Bibles-Qurans-other-holy-books>, September 10, 2010.

¹⁴ Face the Nation, originally aired April 3, 2011, CBS, reposted by LiveFreeorDieReport (YouTube user) <http://www.youtube.com/watch?v=IC-JNUOjWXQ>.

¹⁵ Representative Dwight M. Bullard, District 118, Florida House of Representatives, <http://www.myfloridahouse.gov/FileStores/Web/HouseContent/Approved/Minority%20Leader/Press%20Releases/Rep.%20Bullard%20Statement%20Sept%208.pdf>, September 8, 2010.

¹⁶ “Qur’an burning an ugly but legal form of free speech,” American Civil Liberties Union (ACLU), <http://www.acluvt.org/blog/2010/09/09/quran-burning-an-ugly-but-legal-form-of-free-speech/>, September 9, 2010.

¹⁷ Christine Ferretti, “ACLU files brief supporting controversial Koran-burning pastor Terry Jones,” The Detroit News, <http://ibloga.blogspot.com/2011/04/aclu-files-brief-supporting-koran.html>, April 23, 2011.