

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

PAUL CAMPBELL FIELDS,

Plaintiff,

v.

CITY OF TULSA; CHARLES W. JORDAN,  
individually and in his official capacity as Chief  
of Police, Tulsa Police Department; and ALVIN  
DARYL WEBSTER, individually and in his  
official capacity as Deputy Chief of Police, Tulsa  
Police Department,

Defendants.

Case No. 11CV-115-GKF-TLW

**FIRST AMENDED COMPLAINT**  
[Civil Rights Action under 42 U.S.C. §  
1983]

Demand for Jury Trial

Plaintiff Paul Campbell Fields, by and through his undersigned counsel, brings this Amended Complaint against the above-named Defendants, their employees, agents, and successors in office, and in support thereof alleges the following upon information and belief:

**INTRODUCTION**

1. This case seeks to protect and vindicate fundamental constitutional rights. It is a civil rights action brought under the First and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983, challenging Defendants' acts, policies, practices, customs, and/or procedures that violated Plaintiff's rights protected by the United States Constitution.

2. On or about February 17, 2011, Defendants, acting under color of state law, ordered Plaintiff to engage in conduct that violated his rights protected by the United States Constitution. When Plaintiff refused, Defendants subjected him to punishment and adverse employment consequences, causing Plaintiff irreparable harm.

3. Plaintiff seeks a declaration that Defendants violated his clearly established constitutional rights as set forth in this Amended Complaint; an injunction enjoining the enforcement of Defendants' unconstitutional acts, policies, practices, procedures, and/or customs

that were the moving force behind the violation of Plaintiff's constitutional rights; an injunction expunging all paperwork or references from Plaintiff's personnel file related to the incident giving rise to Defendants' violation of his constitutional rights as set forth in this Amended Complaint and prohibiting the use of any such paperwork or references in any future employment matter; and an award of compensatory and nominal damages. Plaintiff also seeks an award of his reasonable costs of litigation, including attorney's fees and expenses, pursuant to 42 U.S.C. § 1988 and other applicable law.

### **JURISDICTION AND VENUE**

4. This action arises under the Constitution and laws of the United States. Jurisdiction is conferred on this court pursuant to 28 U.S.C. §§ 1331 and 1343.

5. Plaintiff's claims for declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201 and 2202, by Rules 57 and 65 of the Federal Rules of Civil Procedure, and by the general legal and equitable powers of this court. Plaintiff's claims for compensatory and nominal damages are authorized under 42 U.S.C. § 1983 and by the general legal and equitable powers of this court.

6. Venue is proper under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in this district.

### **PLAINTIFF**

7. Plaintiff Fields is a Captain on the Tulsa Police Department and is a resident of Tulsa County, Oklahoma. He has served honorably as a police officer for 16 years. Throughout his entire career, Plaintiff Fields has been a model for other police officers and an exemplary employee of the police department.

8. Plaintiff Fields is not a Muslim, nor does he adhere to the Islamic faith. He

objects to the City of Tulsa, its police department, and its officials, including Defendants Jordan and Webster, promoting, endorsing, or otherwise providing favored treatment to Islam and compelling officers of the police department to attend Islamic events, including the “Law Enforcement Appreciation Day,” which was sponsored by the Islamic Society of Tulsa (hereinafter “Islamic Society”).

9. As a uniformed officer of the Tulsa Police Department, Plaintiff Fields has sworn a solemn oath to defend, enforce, and obey the Constitution and laws of the United States. He has sworn to obey the “lawful orders” of his superiors. And he has pledged to stand up for what he knows is right and to stand against wrongs in any form. Plaintiff Fields is compelled to follow these oaths as a matter of conscience.

10. Prior to Defendants’ actions giving rise to the constitutional violations set forth in this Amended Complaint, Plaintiff Fields had a stellar reputation as a police officer and as a leader.

11. Prior to being unlawfully transferred by Defendants on or about February 21, 2011, Plaintiff Fields was the evening shift commander at the Riverside Division.

#### **DEFENDANTS**

12. Defendant City of Tulsa (hereinafter “City”) is a municipal entity organized and existing under the laws of the State of Oklahoma. It is a municipal corporation with the right to sue and be sued.

13. The City, through its officials, including Defendants Jordan and Webster, are responsible for creating, adopting, approving, ratifying, and enforcing the rules, regulations, policies, practices, procedures, and/or customs of the City and its police department, including

the policies, practices, procedures, and/or customs that violated Plaintiff's constitutional rights as set forth in this Amended Complaint.

14. The City approved of and ratified the acts, policies, practices, customs, and/or procedures of its police department and its police officers, including the actions of Defendants Jordan and Webster, that deprived Plaintiff of his fundamental constitutional rights as set forth in this Amended Complaint.

15. Defendant Charles W. "Chuck" Jordan is the Chief of Police for the City Police Department. At all relevant times, he was an agent, servant, and/or employee of the City, acting under color of state law. As the Chief of Police, he is responsible for creating, adopting, approving, ratifying, and enforcing the rules, regulations, policies, practices, procedures, and/or customs of the City Police Department, including the policies, practices, procedures, and/or customs that violated Plaintiff's constitutional rights as set forth in this Amended Complaint. Defendant Jordan is sued individually and in his official capacity as the Chief of Police.

16. Defendant Alvin Daryl Webster is a Deputy Chief of Police for the City Police Department. At all relevant times, he was an agent, servant, and/or employee of the City, acting under color of state law. As a Deputy Chief of Police, Defendant Webster is responsible for creating, adopting, approving, ratifying, and enforcing the rules, regulations, policies, practices, procedures, and/or customs of the City Police Department, including the policies, practices, procedures, and/or customs that violated Plaintiff's constitutional rights as set forth in this Amended Complaint. Defendant Webster is sued individually and in his official capacity as a Deputy Chief of Police.

## STATEMENT OF FACTS

17. On or about January 25, 2011, Defendant Webster announced in a staff meeting that the Islamic Society was hosting a “Law Enforcement Appreciation Day” that was scheduled for Friday, March 4, 2011. Friday is the “holy day” or “Sabbath” for Islam.

18. On Wednesday, February 16, 2011, an email approved by Defendants was sent to “All TPD users,” stating, “Please see attached flier and rsvp if attending to ensure there is plenty of great food and tour guides.” Attached to the email was a flyer from the Islamic Society. A true and accurate copy of the Islamic flyer is attached to this Amended Complaint as Exhibit 1.

19. Plaintiff was an intended recipient of the email and the Islamic flyer, and so too were the police officers under his command.

20. The event at the Islamic Society was not a collaborative event between the City Police Department and the Islamic Society, but simply an open invitation to “All Tulsa Law Enforcement” that was planned solely by the Islamic Society.

21. There was no agenda on the invitation flyer—nor was one created by Defendants—for the invited officers to discuss crime or crime related issues of any kind. Consequently, the Islamic event was not a function of Community Policing.

22. The event held by the Islamic Society did not involve a call for service.

23. There were no officers under Plaintiff’s command who returned an RSVP. Consequently, there were no officers under Plaintiff’s command willing to volunteer to attend the Islamic event.

24. The event held by the Islamic Society involved “Mosque tours,” meeting “Local Muslims & Leadership,” watching the “weekly congregational prayer service,” and receiving presentations on Islamic “beliefs, human rights, women . . . . All questions welcome!”

25. The event held by the Islamic Society involved Islamic proselytizing.

26. The Islamic Society event was advertised as including Islamic proselytizing, and it in fact resulted in the proselytizing of City police officers who attended the event.

27. On or about February 17, 2011, Plaintiff received an email from his immediate supervisor at the Riverside Division, Major Julie Harris. This email had the subject line, “Tour of Mosque – March 4,” and stated, in relevant part, “We are *directed* by DCOP [Deputy Chief of Police] to have representatives from each shift—2nd, 3rd, and 4th to attend [the Islamic event].” (emphasis added). This email also contained the directive from Defendant Webster, which was pasted into the text of the email. As a result, Defendant Webster, with the approval of Defendant Jordan, was ordering officers to attend the Islamic event. It was no longer voluntary.

28. After receiving the email from Major Harris, Plaintiff met with her to discuss the order from Defendant Webster. Plaintiff advised Major Harris of his belief that the order was unlawful. Plaintiff believes that Defendants do not have a right to order police officers to attend an Islamic event against the officers’ personal religious beliefs and convictions.

29. Plaintiff also responded to the order by email. In his email response, Plaintiff stated that he believed that Defendants’ order directing officers to attend the Islamic event was “an unlawful order, as it is in direct conflict with my personal religious convictions, as well as to be conscience shocking.” Plaintiff concluded his email by stating, “Please consider this email my official notification to the Tulsa Police Department and the City of Tulsa that I intend not to follow this directive, nor require any of my subordinates to do so if they share similar religious convictions.” Plaintiff sent his response to Major Harris and copied his entire chain of command, including Defendants Jordan and Webster.

30. On or about February 18, 2011, Defendant Webster sent a three-page interoffice correspondence to Plaintiff by email that affirmed the order and requested Plaintiff to reconsider his position. Plaintiff again refused based on his religious beliefs, convictions, and conscience.

31. As a result of Plaintiff's refusal to compromise his religious beliefs and convictions and violate his conscience, Defendant Webster ordered Plaintiff to appear in Defendant Jordan's conference room on Monday, February 21, 2011.

32. During this meeting with Defendants Jordan and Webster, Plaintiff again explained that he believed the order was unlawful and that he could not, in good conscience, obey the order nor force the officers under his charge to obey it.

33. At the conclusion of this meeting, Plaintiff was served with a pre-prepared order transferring him to the Mingo Valley Division, as well as a notification that Defendants were initiating an internal investigation of him for allegedly violating Rule 6 of the Tulsa Police Department Rules and Regulations ("Duty to be Truthful and Obedient").

34. The transfer order stated, "This action is taken in reference to an Internal Affairs administrative investigation regarding the refusal to follow a direct order."

35. Prior to being transferred for his refusal to violate his personal religious beliefs, convictions, and conscience, and those of the officers under his charge, Plaintiff was the shift commander for 26 officers and 5 supervisors. As a result of this transfer, Plaintiff was stripped of his command and his stellar reputation as a police officer was irreparably tarnished.

36. The transfer order is a permanent part of Plaintiff's personnel file and employment record. Consequently, Plaintiff's refusal to violate his personal religious beliefs, convictions, and conscience, and those of the officers under his charge, has and will continue to have adverse employment consequences for Plaintiff.

37. On or about March 10, 2011, Plaintiff received an official notification via email stating, “You are hereby notified that Chief Chuck Jordan has requested IA [Internal Affairs] to conduct an administrative investigation in regards to your refusal to attend and refusal to assign officers from your shift, who shared your religious beliefs, to attend the ‘Law Enforcement Appreciation Day’ on March 4, 2011, at the Tulsa Peace Academy [a.k.a. Islamic Society].”

38. The Islamic Society is shariah-adherent.

39. Shariah, while often referred to as Islamic law, is considered by Islamic religious authorities to be the divine law of Allah which is articulated directly to man through the *Quran* and indirectly through the canonical stories of Mohammed’s life as told through the *Sunnah*.

40. The *Quran* is considered by Islam to be the perfect expression of Allah’s will for man. Every word is considered perfect and unalterable except and unless altered by some subsequent word of Allah. The *Sunnah*—stories of Mohammed’s life and behavior—are also considered binding authority of how a Muslim must live.

41. Islam holds that Allah is the sole true sovereign. Islam also holds that Allah revealed to Mohammed all matters of life, politics, and religious law. Consequently, the religion of Islam is not merely one segment of life; it regulates life completely, from the social and the political to the diplomatic, economic, and military. This combination of religion and politics as a unified, infeasible whole is the foundation of Islam, an inseparable political/religious doctrine of Islamic governments, and the basis of Muslim loyalties. In this respect, the theo-political doctrine of Islam is contrary to the dictates of the First Amendment’s religion clauses.

42. Since Islamic law reflects the will of a purported supreme being rather than the will of a human lawmaker, it covers all areas of life and not simply those which are of interest to a secular state or society. Islamic law is considered the superior and exclusive law for the

shariah-adherent. And it is not limited to questions of belief and religious practice, but also deals with criminal and constitutional matters, as well as many other fields which in other societies and countries, including America, would be regarded as the concern of the secular authorities. In an Islamic context there is no such thing as a separate secular authority and secular law, since religion and state are one. Essentially, the Islamic state as conceived by orthodox Muslims is a religious entity established under divine law.

43. In shariah-based Islam's view, the world and mankind are divided into two irreconcilable groups: *Dar Al-Islam*, the house of Islam, which is made up of adherents to Islam and where Islamic law rules (or should rule); and *Dar Al-Harb*, the house of war, which is made up of nonadherents and where "infidels" (known as *kuffars*, or nonbelievers) live. Included among the "infidels" are Christians, Jews, and all other non-Muslims, including Plaintiff. This latter realm is called the "house of war" because it is presumed in shariah that *Dar Al-Islam* is in a constant state of hostility with *Dar Al-Harb* until *Dar Al-Harb* becomes subject to shariah and therefore converted to *Dar Al-Islam*. In other words, shariah is hegemonic and universal.

44. According to extant Islamic teaching, all people will one day accept Islam or submit to its rule. The *Quran* commands, "Fight them until all opposition ends and all submit to Allah." (Quran 8:39). Consequently, there is no right of conscience under Islam as compared with Judaism or Christianity or as enshrined in the United States Constitution under the Free Exercise Clause of the First Amendment.

45. *Jihad* is another central component of the theo-political doctrine of shariah. It is considered a communal religious duty for all Muslims throughout the world, including those who attend the Islamic Society. The *Quran* informs its followers that there is always a holy war being waged, and instructs them to participate. For example, the *Quran* sura 9:29 commands adherents

of Islam to “fight against those who do not believe in God or the judgment day, who permit what God and his messenger have forbidden, and who refuse allegiance to the true faith.” This *Quranic* verse is codified as normative law among all extant schools of Islamic jurisprudence.

46. The objective of *jihad* is not only to convert people to Islam, but also to gain political control and exercise Islamic authority over a population so that society ultimately lives and abides by the principles of Islam. Thus, the objective is to permit Muslims “to practice Islam as a complete way of life,” which is a stated “aim & purpose” of the “Constitution of the Islamic Society of Tulsa.” The Islamic Society’s constitution is available publicly on its website.

47. Whether pursued through the violent form of *jihad* (holy war) or stealthier practices that shariah Islamists often refer to as “dawa” (the “call to Islam”), shariah rejects fundamental premises of American society and values, including those enshrined in the United States Constitution, such as the proposition that the governed have a right to make laws for themselves, a constitutionally guaranteed republican form of government, the freedom of expression, the free exercise of religion, and the equal protection of the law, among others.

48. The constitution of the Islamic Society calls for the creation of a “Dawa Council” so as to “upgrade the [Islamic Society’s] Dawa activities.” The Dawa Council of the Islamic Society is “primarily responsible for disseminating Islamic Knowledge among Muslims and non-Muslims and for promoting an understanding.”

49. The Islamic Society used the “Law Enforcement Appreciation Day” to proselytize and promote what shariah-adherents such as the Muslim Brotherhood have described as “civilization *jihad*.”

50. The Islamic Society uses photographs of the Islamic event to promote its objectives on its website. For example, right below a photograph of police officers having a

discussion with Muslims at the event, the Islamic Society has the following advertisement, “Discover Islam Courses for Non-Muslims.” The photograph appears to be part of the advertisement. A true and accurate copy of the “home page” of the Islamic Society’s website is attached to this Amended Complaint as Exhibit 2.

51. The Islamic Society supports and promotes on its website the Council on American Islamic Relations (“CAIR”) and the Islamic Society of North America (“ISNA”). CAIR and ISNA were un-indicted, co-conspirators and/or joint venturers in the 2008 Holy Land Foundation terrorism financing trial. This was the largest terrorism financing trial ever initiated by the United States government, and it concluded with guilty verdicts.

52. According to its constitution, the Islamic Society “*shall establish and maintain continuous affiliation with the Islamic Society of North America*, hereinafter referred to as ISNA.” (emphasis added).

53. According to the Islamic Society’s constitution, “The aims and purposes of [the Islamic Society] shall be *to serve the best interest of Islam* in the greater Tulsa area including the Tulsa city and its satellite towns in northeastern Oklahoma, so as *to enable Muslims to practice Islam as a complete way of life*.” (emphasis added).

54. To carry out its mission, the Islamic Society “shall” work “*in cooperation with ISNA*” to, among other things, “carry out Islamic programs and projects *within the guidelines of the Quran and Sunnah*,” “assist Muslims in organizing themselves for the entire spectrum of Islamic activities,” “[m]obilize and coordinate human and material resources in Muslim communities,” and “promote cooperation with other Muslim organizations on state, regional, national and *international*” (sic) levels. (emphasis added).

55. ISNA is the largest Muslim Brotherhood front in North America.

56. The Muslim Brotherhood's strategic plan for North America is found in a document entitled, *An Explanatory Memorandum: On the General Strategic Goal for the Group* (hereinafter "*Strategic Goal Memo*"), which was written in 1991 by Mohammed Akram, a member of the Board of Directors for the Muslim Brotherhood in North America and a senior Hamas leader. This document was subsequently approved by the Muslim Brotherhood's Shura Council and Organizational Conference, and it sets forth the mission of the Muslim Brotherhood in North America as follows:

The process of settlement is a "Civilization Jihadist Process" with all the word means. The Ikhwan [a.k.a., Muslim Brotherhood] must understand their work in America is a kind of grand jihad in eliminating and destroying the Western civilization from within and "sabotaging" its miserable house by their hands and the hands of the believers so that it is eliminated and God's religion is made victorious over all other religions.

57. The *Strategic Goal Memo* was introduced into evidence by the United States during the Holy Land Foundation terrorism financing trial.

58. ISNA is listed as the first affiliated organization of the Muslim Brotherhood in the *Strategic Goal Memo*.

59. On or about February 27, 2011, the Islamic Society held a "free banquet dinner and lecture." The keynote speaker for the event, which was publicly advertised on the Islamic Society's website, was Imam Siraj Wahhaj, a shariah-adherent Muslim who promotes the destruction of Western civilization and the creation of an Islamic caliphate. In 1992, for example, Imam Wahhaj told a group of Muslims in New Jersey that they could take over the United States and institute a caliphate if they united. Imam Wahhaj was also called as a character witness for Omar Abdel-Rahman, the so-called "blind sheik," who was convicted of conspiring to bomb the World Trade Center in 1993.

60. It was the policy, practice, custom, and/or procedure of the City Police Department that a police officer's attendance at any event involving religion or a place of religious worship that was not a call for service nor organized by the City Police Department as a function of Community Policing for the purpose of discussing crime or crime related issues was strictly voluntary. That is, Defendants would not, because they could not, force any police officer, including Plaintiff, under penalty of adverse employment consequences to violate his or her religious beliefs, convictions, or conscience.

61. For at least the past 16 years, police officer attendance at events involving religion or a religious place of worship that were similar to the event sponsored by the Islamic Society was strictly voluntary.

62. Consequently, under the policies, practices, customs, and/or procedures existing at the time of the event held by the Islamic Society, attendance at the event should have been strictly voluntary.

63. Pursuant to the policies, practices, customs, and/or procedures of the City Police Department, Defendants have never forced under penalty of adverse employment consequences any officer in the police department to attend any event involving Christianity or a Christian church that was not a call for service nor organized by the City Police Department as a function of Community Policing.

64. Defendants' actions as set forth in this Amended Complaint favored the religious beliefs and convictions of Muslims over those of non-Muslims, such as Plaintiff.

65. Defendants' direct order to Plaintiff compelling officers to attend the Islamic event conveyed the impermissible government-sponsored message of endorsement of Islam.

66. Defendants' adverse and disfavored treatment of Plaintiff for refusing to violate his religious beliefs, convictions, and conscience conveyed the impermissible government-sponsored message of disfavor of Plaintiff's religious beliefs and convictions.

### **FIRST CLAIM FOR RELIEF**

#### **(Free Exercise of Religion—First Amendment)**

67. Plaintiff hereby incorporates by reference all stated paragraphs.

68. By reason of the aforementioned acts, policies, practices, procedures, and/or customs, created, adopted, and enforced under color of state law, Defendants have deprived Plaintiff of his right to religious exercise in violation of the Free Exercise Clause of the First Amendment as applied to the states and their political subdivisions under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

69. By targeting Plaintiff for disfavored treatment because he objects to being compelled under penalty of adverse employment consequences to violate his religious beliefs, convictions, and conscience, Defendants' actions violated the Free Exercise Clause of the First Amendment.

70. Plaintiff was subjected to adverse and discriminatory treatment because he refused to engage in conduct that was contrary to his religious beliefs and convictions in violation of his rights protected by the Free Exercise Clause of the First Amendment.

71. Defendants' adverse actions against Plaintiff were designed to punish Plaintiff for exercising his religious beliefs, convictions, and right of conscience in violation of the Free Exercise Clause of the First Amendment.

72. For at least the past 16 years, police officer attendance at events involving religion or a religious place of worship that were similar to the event sponsored by the Islamic Society was strictly voluntary.

73. Defendants' actions favored the religious beliefs and convictions of Muslims over those of non-Muslims, such as Plaintiff.

74. Defendants' unlawful order to Plaintiff was not an order of general applicability in that Defendants have never ordered police officers to attend under penalty of adverse employment consequences any religious event or place of worship under similar circumstances. Defendants made an exception in this case because the religious event was sponsored by an Islamic organization.

75. Defendants' unlawful order, which burdened Plaintiff's religious beliefs and convictions, was not justified by a compelling government interest nor was it narrowly tailored to advance any compelling government interest in violation of the Free Exercise Clause of the First Amendment.

76. As a direct and proximate result of Defendants' violation of the Free Exercise Clause of the First Amendment, Plaintiff has suffered irreparable harm, including the loss of his fundamental constitutional rights and adverse employment consequences, entitling him to declaratory and injunctive relief and damages.

## **SECOND CLAIM FOR RELIEF**

### **(Expressive Association—First Amendment)**

77. Plaintiff hereby incorporates by reference all stated paragraphs.

78. By reason of the aforementioned acts, policies, practices, procedures, and/or customs, created, adopted, and enforced under color of state law, Defendants have deprived

Plaintiff of his right to expressive association guaranteed by the First Amendment as applied to the states and their political subdivisions under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

79. Defendants forced Plaintiff under penalty of adverse employment consequences to associate with others contrary to his religious beliefs and convictions in violation of his right to expressive association.

80. Defendants targeted Plaintiff for adverse and discriminatory treatment because he refused to engage in an association that was contrary to his religious beliefs and convictions in violation of his right to expressive association.

81. As a direct and proximate result of Defendants' violation of Plaintiff's right to expressive association protected by the First Amendment, Plaintiff has suffered irreparable harm, including the loss of his fundamental constitutional rights and adverse employment consequences, entitling him to declaratory and injunctive relief and damages.

### **THIRD CLAIM FOR RELIEF**

#### **(Establishment Clause—First Amendment)**

82. Plaintiff hereby incorporates by reference all stated paragraphs.

83. By reason of the aforementioned acts, policies, practices, procedures, and/or customs, created, adopted, and enforced under color of state law, Defendants violated the Establishment Clause of the First Amendment as applied to the states and their political subdivisions under the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

84. For at least the past 16 years, police officer attendance at events involving religion or a religious place of worship that were similar to the event sponsored by the Islamic Society was strictly voluntary.

85. Defendants have never ordered police officers to attend under penalty of adverse employment consequences any religious event or place of worship under similar circumstances. Defendants made an exception in this case because the religious event was sponsored by an Islamic organization.

86. Defendants' actions favored the religious beliefs and convictions of Muslims over those of non-Muslims, such as Plaintiff.

87. By officially favoring and endorsing an Islamic religious organization, its beliefs, and practices and disfavoring Plaintiff and his religious beliefs and convictions, Defendants violated the Establishment Clause.

88. Defendants' official endorsement of the Islamic Society and its beliefs, and practices and official condemnation of Plaintiff and his religious beliefs and convictions lack a secular purpose, have the primary effect of advancing Islam and inhibiting Plaintiff's religion and religious beliefs and convictions, and create excessive entanglement with religion in violation of the Establishment Clause.

89. Defendants' official endorsement of an Islamic religious organization, beliefs, and practices and official condemnation of Plaintiff and his religious beliefs and convictions convey an impermissible, government-sponsored message of approval of Islam and disapproval of and hostility toward Plaintiff and his religious beliefs and convictions. As a result, Defendants' actions send a clear message to Plaintiff and others who share his religious beliefs and convictions that they are outsiders, not full members of the political community and an

accompanying message that those who oppose Plaintiff and his religious beliefs and convictions are insiders, favored members of the political community, in violation of the Establishment Clause.

90. As a direct and proximate result of Defendants' violation of the Establishment Clause, Plaintiff has suffered irreparable harm, including the loss of his fundamental constitutional rights and adverse employment consequences, entitling him to declaratory and injunctive relief and damages.

#### **FOURTH CLAIM FOR RELIEF**

##### **(Equal Protection—Fourteenth Amendment)**

91. Plaintiff hereby incorporates by reference all stated paragraphs.

92. By reason of the aforementioned acts, policies, practices, procedures, and/or customs, created, adopted, and enforced under color of state law, Defendants deprived Plaintiff of the equal protection of the law guaranteed under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

93. Defendants' unlawful order, which selectively targeted Plaintiff's religious beliefs, convictions, and conscience, violated the Equal Protection Clause of the Fourteenth Amendment.

94. Defendants' unlawful order had a discriminatory effect on Plaintiff and others who share Plaintiff's religious beliefs and convictions in violation of the Equal Protection Clause of the Fourteenth Amendment.

95. Defendants chose to selectively enforce their policies, practices, procedures, and/or customs against Plaintiff out of an arbitrary desire to discriminate against Plaintiff on

account of his religious beliefs, convictions, and conscience in violation of the Equal Protection Clause of the Fourteenth Amendment.

96. Defendants' actions favored the religious beliefs and convictions of Muslims over those of non-Muslims, such as Plaintiff, in violation of the Equal Protection Clause of the Fourteenth Amendment.

97. As a direct and proximate result of Defendants' violation of the Equal Protection Clause, Plaintiff has suffered irreparable harm, including the loss of his fundamental constitutional rights and adverse employment consequences, entitling him to declaratory and injunctive relief and damages.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff asks this court:

A) to declare that Defendants violated Plaintiff's constitutional rights as set forth in this Amended Complaint;

B) to enjoin the enforcement of Defendants' unconstitutional acts, policies, practices, procedures, and/or customs that were the moving force behind the violation of Plaintiff's constitutional rights as set forth in this Amended Complaint;

C) to expunge all paperwork or references from Plaintiff's personnel file related to the incident giving rise to Defendants' violation of his constitutional rights as set forth in this Amended Complaint and prohibiting the use of any such paperwork or references in any future employment matter;

D) to award Plaintiff nominal and compensatory damages;

E) to award Plaintiff his reasonable attorney's fees, costs, and expenses pursuant to 42 U.S.C. § 1988 and other applicable law;

F) to grant such other and further relief as this court should find just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby demands a trial by jury of all issues triable of right by a jury.

Respectfully submitted,

WOOD, PUHL & WOOD, PLLC

/s/ Scott Wood

Scott B. Wood, OBA No. 12536  
2409 E. Skelly Drive, Suite 200  
Tulsa, Oklahoma 74105  
Tel (918) 742-0808 / Fax (918) 742-0812

THOMAS MORE LAW CENTER

/s/ Robert J. Muise\*

Robert J. Muise, Esq. (P62849)  
24 Frank Lloyd Wright Drive  
P.O. Box 393  
Ann Arbor, Michigan 48106  
Tel (734) 827-2001 / Fax (734) 930-7160  
\*Admitted *pro hac vice*

*Attorneys for Plaintiff Fields*

**CERTIFICATE OF SERVICE**

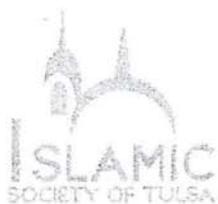
I hereby certify that on March 23, 2011, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic filing to the following ECF registrants:

Gerald Bender

There are no parties to this action who are not registrants in the ECF System.

/s/ Scott Wood

# EXHIBIT 1



The Islamic Society of Tulsa

Invites All Tulsa Law Enforcement to

## **LAW ENFORCEMENT APPRECIATION DAY**

---

4630 South Irvington Avenue, Tulsa 74137

**FRIDAY, MARCH 4th, 2011**

**11:00am-5:30pm**

Casual Come & Go Atmosphere

Come enjoy a Buffet of American & Ethnic Foods:

Brownies & baklava

Baked chicken & Chicken Tikka Masala

Lots more!

Mosque Tours: 15 minutes or an hour- it's up to you!

Meet Local Muslims & Leadership

Watch the 2-2:45pm weekly congregational prayer service

Presentations upon request: beliefs, human rights, women

All questions welcome!

For More Information: Sheryl Siddiqui 706-3595

# EXHIBIT 2

- Islamic Society of Tulsa
- Welcome Message
- Mosque Information
- Community Relations
- Classes and Programs
- Charitable Services
- Islamic Education
- General Info
- Medical Clinic
- Azaan and Prayer Times

[Tulsa, USA](#)  
[9 Rabi Al-Akhar 1432](#)  
[March 14, 2011](#)  
[Help](#)  
[Download Mobile](#)  
[Azan](#)  

Day	Monday
Fajr	6:26
Sunrise	7:36
Dhuhr	1:34
Asr	4:57
Maghrib	7:31
Isha	8:42

[Free Azan Software](#)

Find us on Facebook



**Islamic Society of Tulsa**

[Like](#)

72 people like Islamic Society of Tulsa.








**Welcome**

**As-Salaamu Alaikum - Peace be upon you!**

**Status of Women in Abrahamic Traditions - Interfaith Dialog**

The Institute of Interfaith Dialog is hosting a discussion by local leaders of Christianity, Islam and Judaism. The program will feature representatives from Christianity, Judaism and Islam to discuss the "Status of Women". Please send your questions that you would like to get an answer from the leaders of each faith group.

When: Tuesday, March 8th, 2011 7:00 PM  
 Where: Student Auditorium, Tulsa Community College - South East Campus  
 10300 E 81st St, Tulsa OK  
 Contact: Interfaith Dialog Ph: 918-392-4141 OR Kamil Celik Ph: 918-813-6639  
 Cost: Free, Open to public.

**ICNA Relief USA - Free Banquet Dinner and Lecture at IST**

Keynote Speaker Imam Siraj Wahhaj is going to present special video presentation on the ICNA relief USA programs.

When: Sunday, February 27, 2011 6:00 pm to 9:00 PM  
 Where: Islamic Society of Tulsa, Masjid Al Salam. 4630 S Irvington Ave, Tulsa OK.  
 Contact: Sheikh Muhammad Hassan. Ph: 214-336-7910  
 Cost: Free.

**Islamic Society of Tulsa - Law Enforcement Appreciation Day**

During the past five months The Islamic Society of Tulsa worked closely with Tulsa Police and other local law enforcement in response to a serious threat to our community and congregation. In response to the countless hours, meetings, phone calls, emails and support from local law enforcement, the Islamic Society of Tulsa (IST) chose to host a Law Enforcement Appreciation Day. IST has hosted law enforcement appreciation days in the past with excellent feedback and formed relationships with law enforcement to help make our community a safer environment for all Tulsans.

**Imam Mohamed Al Ghobashy - Videos on Wudu and Prayer**

Imam Mohamed Al Ghobashy has made a video demonstration on the very important topics of our daily life.

**Video 1:** [How to make perfect wudu \(Ablution\)](#)  
**Video 2:** [How to perform the cycles \(Rakat\) of Prayer](#)  
**Video 3:** [Most common mistakes in Prayer that you don't realize.](#)

**Oklahoma Mosques Thank CAIR-OK Muslims' First Amendment Rights Are Protected**

(Oklahoma City, OK 11-29-10) The Islamic Council of Oklahoma (ICO) celebrates the preliminary injunction announced today by the US District Court blocking State Question 755 from becoming certified into law. If certified this law would have

**NEWS AND ANNOUNCEMENTS**



**Discover Islam Classes for Non-Muslims.**

Open to the Public

Every Tuesday night from 7:00 – 8:30 p.m. at the Islamic Society of Tulsa, in the Youth Room.

Have your questions answered and learn about the basics of Islamic belief. Tours and additional materials available.

For more information call (918) 638-2670