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Federal Judge Dismisses Constitutional Claims of Tulsa Police Captain Punished for Objecting to Order Mandating Attendance at Islamic Event

Tulsa, Oklahoma (December 14, 2012) — In a short, 16-page opinion, an Oklahoma federal judge ruled late yesterday that the City of Tulsa and two of its senior police officials, Chief of Police Chuck Jordan and Deputy Chief of Police Daryl Webster, did not violate the constitutional rights of Captain Paul Fields, a Tulsa Police officer who was summarily punished for refusing to attend a mandated Islamic proselytizing event held at a local mosque. Despite the fact that the federal judge was required to view the evidence and all reasonable inferences drawn from that evidence in favor of Captain Fields before dismissing his constitutional claims, the judge concluded that “no reasonable jury could find Fields was personally ordered to attend” the Islamic event “because the directive at issue permitted him to assign others to attend rather than attend himself.” By doing so, the judge avoided addressing a central issue in this case, stating, “The issue of whether a directive requiring his personal attendance at the event would have violated his First Amendment rights need not be decided here.”

Robert Muise, Co-Founder and Senior Counsel of the American Freedom Law Center and lead counsel for Captain Fields in the case, commented, “This ruling is troubling on many levels. However, this fight is far from over. Judge Frizzell may have been the first judge to review and decide the important constitutional issues at stake in this case, but he won’t be the last. We will be appealing this ruling to the U.S. Court of Appeals for the Tenth Circuit.”

In January 2011, the Islamic Society of Tulsa announced that it was holding a “law enforcement appreciation day” at its local mosque. Like every other “appreciation” event, attendance at that time was voluntary. However, the Islamic “appreciation” event was unique in that it included religious proselytizing. In fact, it was advertised as including mosque tours, meeting local Muslim leaders, observing an Islamic worship service, and receiving presentations on Islamic religious beliefs. And as the sworn testimony of Sheryl Siddiqui, the representative

testifying on behalf of the Islamic Society, confirmed, the Islamic event was intentionally scheduled to occur on Friday, March 4, 2011, since Friday is the “holy day” for Islam and the Muslim hosts wanted to ensure that religious worship services were available to the officers.

On February 17th, the Islamic event was no longer voluntary as Deputy Chief Webster issued a directive via email, mandating officer attendance. The email was forwarded to Captain Fields by his immediate supervisor, Major Julie Harris, and it stated, in relevant part, “We are directed by [Webster] to have representatives from each shift—2nd, 3rd, and 4th to attend [the Islamic event].” Upon receiving the directive, Captain Fields expressed his concerns to Major Harris, explaining that the order was unlawful and that it violated his constitutional rights. Captain Fields told Major Harris that he felt obligated to raise his objections with his chain of command, and she authorized him to do so.

With the approval of Major Harris, Captain Fields responded to the directive that same day by email, stating that he believed it was “an unlawful order, as it is in direct conflict with my personal religious convictions, as well as to be conscience shocking.” He concluded, “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.”

The following day, Deputy Chief Webster sent an interoffice correspondence to Captain Fields, requesting that he reconsider his position and warning him of the consequences for not doing so. Captain Fields told Webster that he could not comply with the mandatory order based on his religious beliefs and convictions. As a result, Webster ordered Captain Fields to appear in the conference room of Chief Jordan on Monday, February 21, 2011 for a meeting. Captain Fields complied, and the meeting was held.

During this meeting, Captain Fields again explained to Webster and Jordan that he believed the order was unlawful and that he could not, in good conscience, obey it or force officers under his charge who shared his religious beliefs to obey it. Captain Fields also explained that he had no officers from his shift who were willing to volunteer.

Moments after explaining his religious objections to the directive, Deputy Chief Webster handed Captain Fields a transfer order and a notice that he was now the subject of an internal affairs (IA) investigation. Captain Fields was thus immediately stripped of his command and transferred to another division. Consequently, any opportunity Captain Fields would have had to

comply with the order was lost.

The very next day, the Islamic event was made voluntary for Captain Fields' former shift, and three days later, Deputy Chief Webster made the event voluntary for the entire police department. Nonetheless, the police department proceeded with the IA investigation and punishment of Captain Fields for raising a religious objection to the order.

On March 10, 2011, Captain Fields received an official notification via email stating, "You are hereby notified that Chief Chuck Jordan has requested IA 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."

Following the IA investigation, in June 2011 Captain Fields was suspended for two weeks without pay, and his punitive transfer was made permanent. A portion of his punishment was recently overturned through an arbitration proceeding. However, the constitutional violations have not been remedied.

In Captain Fields' official "Sworn-Employee Performance Evaluation," which was signed and verified by both Chief Jordan and Deputy Chief Webster, it states, "Captain Fields was disciplined during this rating period for *refusing to attend* and refusing to direct that officers attend a law enforcement appreciation day at a local mosque." Furthermore, Chief Jordan's testimony reveals that Captain Fields was punished because his Christian beliefs conflict with Islamic beliefs. Chief Jordan testified, "I can't have a police department where everybody refuses to give – to interact with Muslims because they say it's their religious reasons."

Muise commented further, "Contrary to the judge's ruling in this case, the evidence is undisputed and overwhelming that Captain Fields was punished for merely raising a religious objection to the mandatory order, and this included punishing him for refusing to attend the Islamic proselytizing event based on his sincerely held religious convictions. In short, the judge simply got it wrong. We are eager to get this case before the Tenth Circuit."

As the sworn testimony in the case demonstrated, during the Islamic Event, the Muslim hosts discussed Islamic religious beliefs; they discussed Mohammed, Mecca, why Muslims pray, how they pray, and what they say when they are praying; they showed the officers a Quran; and they showed the officers Islamic religious books and pamphlets that were for sale and encouraged the officers to purchase them. Consequently, Captain Fields' objections were

completely justified and substantiated.

Muise concluded, “One of the tragedies of this case is that the City’s attorneys have decided to publicly vilify Captain Fields by denying the sincerity of his religious beliefs and falsely claiming that his religious objections were motivated by anti-Muslim sentiments. The bitter irony is that Captain Fields was one of the primary officers involved with helping to protect this mosque from a criminal suspect intent on doing harm, and it was this very incident that served as the justification for the ‘appreciation’ event in the first instance. Captain Fields, a dedicated and loyal public servant, deserves better treatment than this.”

Captain Fields has 30 days to file his notice of appeal.

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