



DISTRICT COURT
31st Judicial District of Michigan

3401 Evaline Street
Hamtramck, Michigan 48212
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Paul J. Paruk
District Judge

Alice Kopecky
Administrator

November 9, 2006

Mr. Dawud Walid, Executive Director
Council on American-Islamic Relations
21700 Northwestern Highway, Suite 1199
Southfield, Michigan 48075

Dear Mr. Walid:

In your letter to me of October 31, you stated that “The 31st District Court in Hamtramck violated Ms. [Ginnah] Muhammad’s civil rights by refusing to hear her case unless she removed her religious face veil.” You further stated that “the incident has remained unresolved.” I must respectfully disagree with both of those statements. To my mind, the “incident” is indeed resolved by my ruling, and I absolutely did not violate Ms. Muhammad’s civil rights. If Ms. Muhammad disagrees with my decision, or believes that I violated her civil rights, she can certainly pursue her legal remedies; that is her right. But I cannot allow a third person, one who is not involved in the case that was before me, to attempt to get me to change my decision.

I explained to Ms. Muhammad that she could remain fully veiled in court except while giving testimony. The only time she had to remove her niqab was when she was on the witness stand. I accommodated Ms. Muhammad, given my responsibilities to both the justice system and to the other litigant, but she declined to accept that compromise. I dismissed the case without prejudice, so that if Ms. Muhammad wishes, she can pursue the case again – if she testifies without her face veil.

You stated that the Michigan chapter of CAIR is “deeply concerned” by my decision. I too am concerned about that case, but for a different reason: my responsibility to the justice system, which includes, identifying individuals, assessing the credibility of witnesses and being fair to all parties. It is an ancient idea, enshrined in American jurisprudence, that we have the right to confront witnesses against us. Basic fairness demands that a witness cannot speak from behind a mask, veil, or any other covering that conceals that person’s identity. As a practical matter, assessing witness credibility is

more than just hearing the spoken word. Facial expressions and demeanor are also important. In addition, I have to consider the rights of the other party in this case, the rental car company. Does the defendant not have the right to see the plaintiff's face, to confirm the identity of the person who filed suit?

Frankly, I cannot understand why you have framed this as a religious rights issue, when both Islamic law and American jurisprudence recognize that witnesses have to be seen, as well as heard, in court. Even those conservative Islamic scholars who hold that women are obliged to cover their faces make exceptions for business and legal dealings, and state that considerations of fairness require a woman to remove her veil when she is giving testimony in court or when others testify against her. In keeping with this principle, other women who have come to my court wearing the niqab have removed it to testify.

Ultimately, however, my concern has to be, not with what Islamic law requires, but with the laws of the United States and Michigan. I would not permit any other witness to testify with a covered face. I cannot have one law for the community and another for Ms. Muhammad.

You have asked me for a meeting; I must respectfully decline. As I stated earlier, it is simply not appropriate for me to allow a non-litigant to intervene and advocate that I change my ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul J. Paruk". The signature is fluid and cursive, with the first name "Paul" being the most prominent part.

Hon. Paul J. Paruk
Chief Judge

cc: Hon. Clifford W. Taylor
Hon. Maura D. Corrigan
Carl L. Gromek