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HEARING ON THE “PRESERVING A SHARIA-FREE AMERICA ACT”

ADDITIONAL TESTIMONY BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES JUDICIARY SUBCOMMITTEE ON THE CONSTITUTION AND LIMITED GOVERNMENT

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INTRODUCTION

I am grateful for the opportunity to present this additional testimony on some of the important issues raised at the February 10, 2026 hearing on the proposed “Preserving a Sharia-Free America Act.” In my original written testimony,¹ I explained why the proposed legislation violates the Free Exercise and Free Speech Clauses of the First Amendment, and would damage American society and national security. In my additional testimony, I will respond to the question posed by Representative Mary Gay Scanlon, Ranking Member of the Subcommittee:

Professor Somin, if there’s anything you heard during the hearing that you did not get a sufficient opportunity to respond to, please do so here.

I would like to focus this additional testimony on the 2024 survey of American Muslims commissioned by the Heritage Foundation, raised in the hearing by Representative Brandon Gill (R-Texas). Rep. Gill mentioned several items from that survey in queries directed at me, but did not give me any meaningful opportunity to respond. I tried to point out that Heritage is a highly questionable source, and that survey questions must be carefully analyzed, because wording can often have an important impact on the validity of their results. But Rep.

¹ Ilya Somin, Testimony Before The United States House Of Representatives Judiciary Subcommittee On The Constitution And Limited Government, Hearing on “Sharia-Free America: Why Political Islam And Sharia Law Are Incompatible With The U.S. Constitution” Feb. 10, 2026, available at <https://reason.com/wp-content/uploads/2026/02/Sharia-Law-Testimony-February-2026-PDF-Version.pdf> [Hereinafter: Somin, Original Testimony].

Gill cut me off before I could make these points. He instead continued to claim that the survey items indicates most American Muslims have dangerous and troubling views on a variety of issues related to Sharia law, religious tolerance, and terrorism.

Since the February 10 hearing, I have had a chance to analyze the methodology of the survey and the wording of the questions. Robert Draper of the *New York Times* obtained the question wording and results from J.L. Partners – the firm that conducted the poll on behalf of the Heritage Foundation – and shared them with me in order to solicit my comments for a story he was writing. It turns out the survey is seriously flawed and should not be relied on as an indicator of the views of American Muslims.

I am not an expert on American Muslim public opinion. But I do have a background in public opinion research generally, including numerous academic publications on political knowledge and ignorance, such as my Stanford University Press book *Democracy and Political Ignorance*,² which has been widely cited by scholars and used in college courses at many institutions in the United States and abroad.

Before delving into the specifics of the survey, it is important to note that the Heritage Foundation – the think tank that commissioned the study - has a serious credibility problem. In recent years, Heritage has been rocked by scandals arising from its leadership’s association with anti-Semitism and other forms of bigotry, and skewing of research to fit a political agenda.³ These circumstances have led to the departure of many Heritage’s leading scholars and policy analysts, and led prominent conservative scholars and intellectuals to break ties with the Foundation, most notably Princeton political theorist Robert George, a leading conservative academic who resigned from Heritage’s board.⁴

I myself was a Heritage intern as a young college student in the summer of 1994, back when the organization was a very different place than it is today. But I have refused more recent opportunities to work with Heritage, due to its descent into bigotry and its rapidly declining intellectual standards.⁵

² See Ilya Somin, *Democracy and Political Ignorance: Why Smaller Government is Smarter*, (Stanford: Stanford University Press, rev. ed. 2016).

³ For my analysis of the Heritage scandals, see, Ilya Somin, “The Heritage Foundation Scandal and the Growth of Anti-Semitism on the Right,” Volokh Conspiracy, *Reason*, Nov. 17, 2025, available at <https://reason.com/volokh/2025/11/17/the-heritage-foundation-scandal-and-the-growth-of-anti-semitism-on-the-right/>; Somin, “Lessons of the Heritage Foundation’s Implosion,” Volokh Conspiracy, *Reason*, Dec. 23, 2025, available at <https://reason.com/volokh/2025/12/23/lessons-of-the-heritage-foundations-implosion/>; and Somin, “Nationalism Is Driving the Neo Right’s Virulent Antisemitic Turn,” UnPopulist, Dec. 9, 2025, available at <https://www.theunpopulist.net/p/nationalism-is-driving-the-neo-rights>.

⁴ See, e.g., Somin, “Implosion,”; Stephanie Slade, “Heritage Foundation Undergoes Mass Staff Exodus as Cracks Open on the New Right,” *Reason*, Dec. 22, 2025, available at <https://reason.com/2025/12/22/heritage-foundation-undergoes-mass-staff-exodus-as-cracks-open-on-the-new-right/>; Josh Dawsey, “Top Heritage Officials Flee to Mike Pence’s Nonprofit as Think Tank Fractures,” *Wall Street Journal*, Dec. 22, 2025, available at <https://www.wsj.com/politics/elections/top-heritage-officials-flee-to-mike-pences-nonprofit-as-think-tank-fractures-28765f2b>

⁵ For a more detailed recounting of my history with Heritage, see Somin, “Heritage Foundation Scandal.”

This sad state of affairs does not by itself prove that any given study commissioned by Heritage is flawed. But it does create cause for skepticism, and for critically examining any Heritage study before giving it credence. In this case, the skepticism is amply justified.

J.L. Partners reports that the survey, conducted in September 2024, included 1000 members of the general public and 500 American Muslims.⁶ They do not indicate what criteria were used to identify American Muslims or how “Muslim” is defined. This is important because Muslim identity (like other religious identities) can be fluid and many people raised as Muslims may have only a weak sense of identification with that category or none at all. A recent Pew Research Center survey finds that some 23% of Americans raised as Muslims no longer identify as such as adults.⁷ It is possible that the J.L. Partners sample does not accurately sample the Muslim population.

While the sample of the general public was collected entirely online, J.L. Partners reports that the Muslim respondents were found using a variety of different methodologies:

- Live landline call for 20 responses (4%)
- Live cell call for 80 responses (16%)
- SMS to web for 100 responses (20%)
- Online panel for 300 responses (60%)⁸

It is not clear why this mix of different sampling techniques was used, or why the authors of the survey used them in these particular proportions. But the seemingly arbitrary mixing of sampling methodologies raises questions about the validity of the sample, and makes it likely that it is not comparable to the sample of the general public, which was all collected using just one method. Combining respondents selected by different sampling methods into the same survey creates difficult methodological problems that can skew results, unless carefully controlled.⁹

A close look at the questions presented to respondents identified as Muslims reveals some serious methodological problems. Rep. Gill and some others at the hearing expressed grave concern about the supposed desire of Muslims to impose religious Sharia law on Americans. The question on this topic in the Heritage survey finds that 39% of Muslims either “strongly

⁶ J.L. Partners, “US Muslims Polling for the Heritage Foundation,” available at <https://jlparters.com/us-muslims-polling-for-the-heritage-foundation>

⁷ See Kirsten Lesage, Kelsey Jo Starr, and William Miner, “Religious Switching into and out of Islam,” Pew Research Center, Mar. 26, 2025, available at https://www.pewresearch.org/religion/2025/03/26/religious-switching-into-and-out-of-islam/?utm_source=chatgpt.com.

⁸ J.L. Partners, “US Muslims Polling.”

⁹ For overviews of these difficulties, see, e.g., Jorre T. A. Vannieuwenhuyze, and Geert Loosveldt, “Evaluating Relative Mode Effects In Mixed-Mode Surveys: Three Methods To Disentangle Selection and Measurement Effects,” *Sociological Methods and Research*, 42 (2013): 82–104; and Roger Tourangeau, “Mixing Modes: Tradeoffs Among Coverage, Nonresponse, and Measurement Error,” in Paul P. Biemer, et al., eds, *Total Survey Error in Practice*, (London: Wiley, 2017): 115-32. For an extensive very recent overview, see Georgia D. Tomova, et al., “Mode Effects On Survey Item Measurement: A Systematic Review of the Experimental Evidence,” Survey Futures, Working Paper No. 12 (unpublished paper), available at <https://surveyfutures.net/wp-content/uploads/2026/01/working-paper-12-mode-effects-on-survey-item-measurement.pdf>.

support” or “somewhat support” the “implementation [of Sharia law] in the US in the next 20 years.”¹⁰

But it would be a mistake to assume this proves 39% of Muslim respondents support imposition of a Muslim theocracy or enforcement of Sharia law through government coercion. “Implementation” is an ambiguous term that could simply imply voluntary adherence by private individuals. It does not even necessarily imply that such voluntary adherence should extend to all Americans, as opposed to just some (perhaps only those who are adherents of Islam).

If asked, many Christians might answer that they would support “implementation” of Biblical morality in the United States over the next twenty years. But that would not mean all such Christians seek to impose Christianity through government coercion, even though some such “integralists” do exist and have become more prominent in recent years.¹¹ As described in my original testimony, there is extensive disagreement among Muslims about what exactly is required by Sharia law, and what relationship it should have to the state.¹²

A better-worded 2019 survey question on this same issue, conducted by the Institute for Social Policy and Understanding (ISPU), found that only 12% of American Muslims believe that their religion should be “the main source of American law,” compared with 17% of Protestants, and 17% of white Evangelicals.¹³ A larger number (33%) believed their religion should be “a source of American law, but not the only source”; this latter figure is similar to that for other religious groups including Protestants (39%), Catholics (28%), and white Evangelicals (54%).¹⁴ Many religious people believe religion should have at least some impact on law, even if in many cases it is a relatively small impact that can be outweighed by other factors. The advantage of the ISPU question wording over that used in the Heritage survey is that the former specifically asked about the use of religion as a source of law enforced by the government, as opposed to merely about “implementation” of religious law, which could potentially be a matter of voluntary private action.

Wording problems also undermine the utility of a key survey question about Hamas.¹⁵ The question asks “Which of the following statements comes closest to your view in explaining why Hamas attacked Israel on October 7th [2023]?” 59% of Muslim respondents chose “Because Hamas wanted to forward the Palestinian cause,” while only 14% chose “Because Hamas wanted to kill Jews and is set on the destruction of Israel.” The problem here is that the question poses a false dichotomy. Hamas seeks to kill Jews and destroy Israel in large part precisely because they believe it would “forward the Palestinian cause.”

¹⁰ J.L. Partners Survey for the Heritage Foundation, Sept. 6-13, 2024, Question 12A (on file with the author).

¹¹ For an overview of such integralist thought, and its increasing prominence, see Kevin Vallier, *All the Kingdoms of the World: On Radical Religious Alternatives to Liberalism*, (New York: Oxford University Press, 2023).

¹² Somin, Original Testimony, 6.

¹³ Dalia Mogahed and Azka Mahmood, “Muslims Profess More Private Religious Devotion, Less Public Religious Assertiveness,” Institute for Social Policy and Understanding, Nov. 14, 2019, available at <https://ispu.org/reports-and-analysis/muslims-more-private-religious-devotion-less-public-religious-assertiveness/>

¹⁴ Ibid.

¹⁵ J.L. Partners Survey for the Heritage Foundation, Question 11.

I myself believe Hamas is an evil authoritarian terrorist group and that Israel would be justified in utterly destroying this organization. But if asked to answer this question on a survey, I might well choose “forward the Palestinian cause” over killing Jews and “the destruction of Israel,” because the latter – though undeniably horrendous – are (in Hamas’s view) means to the former, which is likely the primary objective. At any rate, the wording is obviously flawed.

Some other questions on the survey are better-worded and potentially reveal more troubling attitudes. For example, one question found that 32% of Muslim respondents have a “very” or “somewhat” positive view of Hamas, compared to 30% with a negative view (a statistical tie).¹⁶ Another question found that 39% of Muslims believe that Hamas did not commit “murder and rape” in Israel on October 7, compared to 31% who say that it did, with the rest choosing the “don’t know option.”¹⁷ This latter item is still somewhat flawed, though, because it asks a compound question. Some who believe that Hamas committed murder but not rape (or vice versa) might still have chosen the negative option. In fact, Hamas undoubtedly committed both. But denying one but not the other is less bad than denying both. At the same time, however, denying either is still bad. There are also some other potentially worrying findings in the survey.¹⁸

Even the value of the relatively well-worded questions on the survey may be undermined by doubts about the validity of the survey’s sample of American Muslims and the combination of methods used to solicit respondents.¹⁹ These problems make all the survey’s findings on American Muslim opinion at least somewhat suspect.

As noted in my original written testimony,²⁰ other, more reputable surveys of American Muslim opinion, such as those conducted by the Pew Research Center, show that most are tolerant and reject terrorism and political violence. Available data indicate that the incidence of terrorism by Muslim immigrants – like other immigrants – is extremely low; many Muslim immigrants came to the United States precisely because they oppose radical Islamist

¹⁶ Ibid., Question 10A.

¹⁷ Ibid., Question 8A.

¹⁸ For example, other survey questions indicate that 58% of Muslim respondents believe Jews have “too much power” over the media, and 57% believe they have “too much power” over US government policy. Ibid., Question 6.1 and Question 6.3. These could be referencing classic anti-Semitic tropes. But, for some respondents, they may simply be revealing that the person believes all groups should have influence in proportion to their percentage of the population, and Jews have more than that (which may well be true, given that Jews have comparatively high levels of education and political activism). A 2024 Anti-Defamation League survey found that some 23% of Americans believe “Jews have too much power in the United States today.” “Antisemitic Attitudes in America 2024,” Anti-Defamation League, Feb. 29, 2024, available at <https://www.adl.org/resources/report/antisemitic-attitudes-america-2024>. Some of those who believe this are highly likely to be dedicated anti-Semites. But others may simply be invoking the proportional-representation theory of what qualifies as a fair distribution of power.

¹⁹ See discussion above.

²⁰ Somin, Original Testimony, 6-7. See also Alex Nowrasteh, “Muslim Assimilation: Demographics, Education, Income, and Opinions of Violence,” Cato Institute, Aug. 24, 2016, available at <https://www.cato.org/blog/muslim-assimilation-demographic-education-income-opinions-violence> (surveying evidence on these points).

regimes like that of Iran, and wanted to escape them.²¹ And, as discussed above, only a small minority of American Muslims want their religion to be the main source of American law. The vast majority of American Muslims are, thus no threat to American liberal democratic values.

It is also true that some Muslims, like some adherents of other religions, have awful, reprehensible views on various issues. But the proper way to deal with that is not to indiscriminately bar and expel Muslim non-citizens from the United States, thereby violating the free speech and religious liberty provisions of the First Amendment, and undermining the very constitutional values that advocates of the “Preserving a Sharia-Free America Act” claim to defend. Such action would not only harm numerous innocent people, but be a propaganda boon to the rulers of Iran and other radical Islamist enemies of the United States, who have long contended that the United States is the enemy of all Muslims.²²

Muslims are a small minority in the United States (about 1% of the total population),²³ and those who seek to impose a radical Islamist theocracy here are a small minority within the broader Muslim community. This miniscule minority within a minority poses little or no threat to our constitutional order so long as we stay true to our constitutional values of individual liberty and limited government, especially the principles of free speech and freedom of religion. It is precisely those principles that the proposed Preserving a Sharia-Free America Act threatens. And if we undermine them when it comes to Muslims, they are likely to be eroded for adherents of other religions, as well.

²¹ On these points, See Somin, Original Testimony, 7.

²² I made this point in greater detail in Somin, Original Testimony, 8.

²³ Beshear Mohamed, “How U.S. Muslims Compare With Other Americans Religiously and Demographically,” Pew Research Center, June 18, 2025, available at <https://www.pewresearch.org/short-reads/2025/06/18/how-us-muslims-compare-with-other-americans-religiously-and-demographically/>.