



Travel ban harms the DNA of American values

Marc H. Morial

February 17, 2017

As a Republican candidate running for the nation's highest office, Donald Trump promised an enthusiastic crowd of supporters that in the wake of the San Bernardino, Calif., attack — a mass shooting perpetrated by an American citizen of Pakistani descent and his wife, a Pakistani national and lawful permanent resident — he would, as president, call for “a total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what the hell is going on.”

It took only a week into his new administration for now-President Trump to make good on his campaign trail promise. With the easy stroke of a pen, and a messy rollout, Trump summarily stopped an entire class of people from entering the country, throwing airports into chaos and confusion, sparking spontaneous protests, delaying or halting family reunions and disrupting the lives of lawful immigrants both within and outside our nation's borders.

The “Protecting the Nation From Foreign Terrorist Entry to the United States” executive order, along with two previous orders, triggered a blanket, targeted 90-day ban on all travelers from seven predominately Muslim countries — Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen — all deemed terrorist hotbeds.

The entry of any and all refugees was suspended for 120 days, including an indefinite ban on refugees from war-torn Syria, as Trump's administration established “new vetting measures to keep radical Islamic terrorists out of the United States of America.”

The Ninth Circuit Court of Appeals in San Francisco has refused to reinstate the ban, key parts of which were suspended by a district court judge.

The administration has made clear its intention to appeal to the Supreme Court.

In the court of law, what is at stake here is defining what, if any, checks can be placed on the president's authority to oversee and determine federal immigration policy. In the court of popular opinion, however, what is at stake here is how we define ourselves as a nation and how we will continue to define ourselves in the future and in the face of legitimate national security concerns.

Fear, fiction, alternative facts, reality and discrimination have no place in this critical discussion where lives hang in the balance on both sides of the debate.

By singling out majority-Muslim countries, the Trump administration has effectively created an unconstitutional, discriminatory religious preference in our immigration policy that also slams the doors shut on Muslims, while opening the doors and prioritizing the admissions of non-Muslim refugees — namely, Christians — who are fleeing their countries in response to religious persecution.

The First Amendment's Establishment Clause forbids our government to establish an official religion or to officially prefer one religion over another. This order is, therefore, not based on core American values.

None of the perpetrators of major terrorist attacks on U.S. soil has come from any of the seven countries that are on the president's executive order. In fact, the majority of attackers come from within our borders, with many national security and counterterrorism experts noting that the perpetrators of attacks on U.S. soil have primarily been U.S. citizens or permanent legal residents who, incidentally, have not been from any of the seven countries on the ban list.

As far as refugees are concerned, there have been no fatal terrorist attacks by refugees in this country for nearly 40 years. According to a Cato Institute study on immigration and terrorism, "all of the murders committed by foreign-born refugees in terrorist attacks were committed by those admitted prior to the 1980 act." The Refugee Act of 1980 is described as one of the most "modern, rigorous refugee-screening procedures currently in place."

This order is, therefore, not based on reality.

The executive order foments fear. The executive order foments hate and falsely justifies and legalizes discrimination. The executive order ignores the reality of migration and terrorism and puts American lives at risk by failing to address our very real issues and potentially unleashing anti-American sentiment around the globe that could very well translate into devastating attacks.

We, as a nation, cannot and should not support discrimination of any kind — person or religion — because since our founding we have aspired to renounce discrimination. We have failed, but we have also struggled to remain true to the ideals woven into the DNA of America. Favoring one religion over the other and punishing entire countries by associating all her citizens with criminal intent flies in the face of our American ideals and the Constitution.

Further, it's a short slide from religious discrimination to racial discrimination. First they came for the Muslims, and you said—what? All people who abhor discrimination must speak up!