



## Is Donald Trump's executive order a 'Muslim ban'?

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While campaigning for president days after a terrorist attack in San Bernardino, Calif., Donald Trump called 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."

That statement and others helped lead to sharp partisan attacks when Trump, a week after his inauguration, issued an executive order that triggered protests at airports nationwide. The Jan. 27, 2017 order temporarily prohibits from entering the United States virtually all people traveling on passports from Iraq, Syria, Iran, Sudan, Libya, Somalia and Yemen.

Each of the seven countries covered by the order are majority-Muslim.

But they are also the only seven countries that were targeted by an anti-terrorism law, cited in the executive order, that was signed by President Barack Obama.

Which leaves the question, raised in statements by U.S. Rep. Ron Kind, D-La Crosse, and others: Is Trump's order a "Muslim ban"?

It is (for Muslims in those seven countries) and it isn't (for the vast majority of Muslims who live elsewhere).

So, we decided not to rate this on the Truth-O-Meter. But here's a look at how the order affects Muslims and how it relates to fighting terrorism.

### **The order**

The order suspended for 120 days entry of all refugees -- those who want to resettle in the United States -- and barred refugees from Syria indefinitely. That's in addition to the 90-day prohibition imposed on citizens of the seven countries with any type of visa, including tourists or those coming on business.

The order invokes the 9/11 terrorist attacks and says that to protect Americans, the United States should not admit "those who do not support the Constitution, or those who would place violent ideologies over American law."

Trump has responded to criticism by saying his policy "is not a Muslim ban, as the media is falsely reporting. This is not about religion -- this is about terror and keeping our country safe."

Let's look first at how the executive order relates to Muslims, then to terrorism.

## **Muslims**

We'll begin by noting that the order does not affect most Muslims. According to the nonpartisan Pew Research Center, there are 49 majority-Muslim nations and the seven covered by the order have only about 12 percent of the world's 1.6 billion Muslims.

Nevertheless, there is some basis for viewing the order as targeting Muslims.

**Trump called for Muslim ban:** Trump continued to make statements about a Muslim ban well after the San Bernardino attack.

- In a March 2016 CNN interview, there was this exchange between Trump and host Anderson Cooper -- Cooper: "I guess the question is, is there a war between the west and radical Islam or between the west and Islam itself?" Trump: "Well, it's radical, but it's very hard to define. It's very hard to separate because you don't know who is who."
- In June 2016, after a terrorist attack in Orlando, Fla., Trump reiterated his call for a temporary Muslim ban, saying in a speech: "I called for a ban after San Bernardino, and was met with great scorn and anger, but now many are saying I was right to do so." But he also said he would suspend immigration from areas "where there is a proven history of terrorism against the United States, Europe or our allies."

(U.S. House Speaker Paul Ryan said at the time: "I do not think a Muslim ban is in our country's interest," adding: "I think the smarter way to go in all respects is to have a security test, not a religious test.")

**Ban shifted to 'territories':** The next month, in July 2016, Trump shifted his rhetoric in two interviews. His statements -- and one later by a Trump ally -- left the impression Trump was seeking a Muslim ban by a different means.

- Reminded that his running mate, Mike Pence, once called a Muslim ban unconstitutional, Trump responded: "So you call it territories. OK? We're gonna do territories."
- Asked whether that approach was a "rollback" of his position, Trump said no, adding: "You could say it's an expansion. I'm looking now at territories. People were so upset when I used the word Muslim. Oh, you can't use the word 'Muslim.'"
- After the order took effect, Trump supporter and former New York City Mayor Rudy Giuliani was asked how Trump decided on the seven countries. Giuliani said: "So when he first announced it, he said, 'Muslim ban.' He called me up. He said, 'Put a commission together. Show me the right way to do it legally.' ... We focused on, instead of religion,

danger — the areas of the world that create danger for us. Which is a factual basis, not a religious basis."

Trump's statements evidently were pivotal for Sally Yates, whom Trump fired as acting attorney general after she instructed the Justice Department not to defend the executive order. A letter she wrote showed she was bothered by the focus on majority-Muslim countries. And the New York Times, citing senior officials, reported that Yates "became convinced, based on the president's own statements, that he had intended to unlawfully single out Muslims."

So, Trump's order does not explicitly ban travel to the United States by Muslims. But it came after he himself had pushed a Muslim ban and it applies only to seven nations that are majority-Muslim.

## **Terrorism**

Now let's look at how Trump's order relates to terrorism.

**Obama's list of seven:** The order singles out the same seven countries that were singled out in an anti-terrorism law signed by Obama, although the travel restrictions in the two measures are different.

The law signed in December 2015 by Obama applies to countries designated by the United States as having "repeatedly provided support for acts of international terrorism." Iraq, Syria, Iran, Sudan, Libya, Somalia and Yemen (the same seven countries in Trump's order) have that designation.

The law says anyone who has traveled to those countries since March 2011 can't use what is known as the Visa Waiver Program, which allows travel to the United States for up to 90 days without a visa. But, unlike Trump's order, under that law people not eligible for the waiver program could still enter the United States with a visa.

**Threats from other nations:** The order does not apply, however, to nations that have produced people who have committed more acts of terrorism in America.

- 9/11 attacks: The order cites as part of its rationale the Sept. 11, 2001 attacks. But most of the 19 hijackers on the planes were from Saudi Arabia; the rest were from the United Arab Emirates, Egypt and Lebanon.
- PolitiFact National found that according to New America, a think tank compiling information on terrorist activities in the United States since 9/11, 94 people have been killed by jihadists, but the large majority of the attackers have been American citizens or legal residents. And experts on terrorism say that since 9/11, no one in the United States has been killed in a terrorist attack by someone from the seven countries, though there have been at least three non-deadly cases in which the perpetrator was connected to Iran or Somalia.
- Going back further, the libertarian Cato Institute found that from 1975 through 2015, 17 people born in the seven nations were convicted of carrying out or attempting to carry out

a terrorist attack on U.S. soil and they killed no people. Meanwhile, Saudi Arabia, the United Arab Emirates, and Egypt -- which are not on the list of seven -- are the countries where the deadliest terrorists came to the United States from, accounting for 94.1 percent of all American deaths in terrorist attacks on U.S. soil committed by the foreign-born.

### **In summary**

The order does not specifically bar Muslims. It applies only to citizens of Iraq, Syria, Iran, Sudan, Libya, Somalia and Yemen. Those seven countries have only 12 percent of the world's Muslims and Muslims from other countries can still enter the United States.

But each of the seven is majority-Muslim. And the order follows not only repeated statements Trump made during his presidential campaign specifically calling for a Muslim ban, but subsequent statements he made about finding a legal means for the executive order.

And although Trump says the order is aimed at protecting America from terrorism, and the seven targeted countries have been singled out for supporting terrorism, no one in the United States has been killed in a terrorist attack by someone from the seven countries.