



Savannah Morning News.

www.savannahnow.com

Trump disses judges, spreads distrust over travel bans

March 17, 2017

Whatever the U.S. Supreme Court eventually decides about President Donald Trump's travel ban, this much is already crystal clear. The president shows no understanding of government checks and balances as set out in the U.S. Constitution and in more than 200 years of court rulings.

It would be perfectly fine if he said he believes judges got it wrong in blocking his ban. But when he calls it "unprecedented judicial overreach," when he says a judge ruled "for political reasons," and when he reads the immigration statute to supporters as if Congress always has the last word, he is the one overreaching. He is also misinforming.

The only question is whether Mr. Trump speaks out of ignorance or from his habit of dissing whoever says he's wrong about anything.

Either way, he is spreading ignorance about the function of the judiciary and resentment toward it, while he undermines the validity of a key governmental branch. And that damages the dignity of the presidency as well as the judiciary.

Before a cheering crowd in Nashville this week, Mr. Trump read aloud the law that gives the president the authority to block people at the border whenever he sees fit. The law clearly says he can do what he did. Case closed, right?

Only if you ignore a crucial point: The U.S. Constitution outranks any law Congress may pass and any action any president may take. When someone challenges either in a lawsuit, the judiciary gets to decide whether a presidential action or a federal law violates the constitution. A president shouldn't need a Harvard law degree to know that.

For a man whose sister is a federal judge, Mr. Trump has been vicious toward those on the bench who don't see things his way. He said the one judging a case against Trump University was biased because he's Mexican (he isn't, not that it matters). When a federal judge in Seattle halted the first travel ban, the president called him a "so-called judge." His performance this week in Nashville followed the same narrative, only this time the problem was that the judge ruled for political reasons.

According to the president, any judge ruling against him can't possibly do so in the sincere, legally-informed belief that Mr. Trump is wrong, so he finds some reason to attack the judge and the ruling. Likewise, when a news outfit reports anything negative about him, he calls it "fake

news” coming from “the dishonest media.” The way citizens are supposed to tell what’s true or not, what’s legal or not, is whether it favors or disfavors Mr. Trump.

As for the two, similar travel bans, four federal courts acted to stop the bans from taking effect until they have time to hash out the issues more thoroughly. In the meantime, because the bans were likely to be found unconstitutional, they shouldn’t go into effect, they ruled.

The ultimate issue is whether the bans were designed to protect national security, which would be fine, or whether they’re aimed at keeping followers of a certain religion, Islam, out of the U.S., which would be unconstitutional. Federal judges tend to defer to the president when the country’s security is at stake, but not always. President George W. Bush was repeatedly rebuffed by the Supreme Court for constitutional violations in the handling of suspected terrorists detained at Guantanamo Base, Cuba, for example.

In the ban cases, the three district courts and a majority of the 9th U.S. Circuit Court of Appeals remained unconvinced that national security was at stake. In fact, after the attacks of 9/11, there have been 94 people killed by acts of terrorism on U.S. soil, none by nationals from any of the countries named in the ban. All the jihadist killers were either Americans or legal residents.

That said, it is also true that in three, non-fatal attacks in the U.S. by jihadists, those responsible came from Iran or Somalia, two of the six countries named in the latest ban. Plus, more plots were in the works when law enforcers stopped them. In all, 17 people from four of the six countries have been convicted of either attempting or committing terrorist attacks on U.S. soil since 1975, according to research from the libertarian Cato Institute.

It would appear that law enforcement and the vetting process already in place have done well at protecting the nation. We’re far more vulnerable to home-grown terrorism. And then there are those cases that are hard to categorize.

Abdul Rusak Ali Artan, a Muslim Somali native, spent seven years in Pakistan, much of it in a refugee camp with his family, before legally arriving in this country as a teenager with his mother and six siblings in 2014 on a refugee visa. A legal resident said by longtime American friends to be grateful to be in the U.S., Artan nonetheless drove his car into a crowd and went on a stabbing rampage at Ohio State University last November after pledging loyalty to ISIS on Facebook. None of his victims died, but he was shot and killed during the attack.

Neither of Mr. Trump’s bans would have applied “extreme vetting” to him or his family, coming as they did from Pakistan. And whatever happened to radicalize him, it appears to have happened after he came to the U.S., possibly over the Internet. Authorities found no links between him and radical Islamist groups.

So, what’s the point of the bans? The courts took into account what Mr. Trump and his advisers have said about wanting to keep Muslims out of the country and took them at their word.

Now there are lawsuits around the country challenging the ban, many filed by states who say they’re hurt when foreign nationals are prevented from coming to the U.S. to work, to study, to tour, to join their families. Individuals are also suing, such as Ismail Elshikh, a U.S. citizen and an imam who sued alongside the state of Hawaii. He says the ban hurt him and his family

because it barred his Syrian mother-in-law from coming over. He says it's her religion, not any threat she poses, that would make her subject to the ban.

The problem with these bans isn't just theoretical. There are real life consequences to actual Americans, to corporations, to universities and to entire states.

There are also consequences to the nation's vitality when the president spreads ignorance and animus toward an entire branch of government.