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Supreme Court partially restores Trump travel ban that wouldn't have kept out anyone behind deadly terrorist attacks

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President Trump's [executive order](#) temporarily banning travelers from six Muslim-majority nations due to "heightened concerns about terrorism" was quickly frozen by the courts, much like an earlier version of the ban, until the Supreme Court acted on Monday.

The justices said they would [let the ban partially take effect](#) and, in the ruling, announced plans to consider the case later this year. The Supreme Court made a key exception, saying the ban could not be "enforced against foreign nationals who have a credible claim of a bona fide relationship with a person or entity in the United States." But otherwise, the Trump administration is now free to impose a 90-day ban on travelers from six countries that it had said posed certain "national security risks."

The second travel ban had something big in common with the first version: It would not have kept out of the United States anyone responsible for a deadly terrorist attack since 2001.

There have been 10 fatal attacks in the United States tied to Islamist extremist ideology or otherwise deemed international terrorism since 2001. None of the people behind any of those attacks are from the banned countries (Libya, Iran, Somalia, Sudan, Syria and Yemen; Iraq was included in the first ban but dropped for the second version).

There is a different pattern to be seen in deadly attacks since 2001. Since Sept. 11, 2001, every deadly Islamist militant attack inside the United States was carried out by a U.S. citizen or legal resident, according to data collected by [New America](#), a Washington-based nonprofit group.

The group issued [a report](#) determining that the danger had been posed by people here at home, rather than those looking to sneak into the country.

"Far from being foreign infiltrators, the large majority of Islamist militant terrorists in the United States have been American citizens or legal residents," the group said.

In arguing for the travel ban, Trump and his aides repeatedly said it was needed for national security reasons, pointing to the specter of past attacks as well as the threat of future ones to justify the order.

However, in doing so, the Trump administration has also [repeatedly invoked attacks](#) that the ban [would not have prevented](#) had it been in place.

After the first ban was signed, Kellyanne Conway, a senior adviser to Trump, and Sean Spicer, the White House press secretary, went on television and [defended it by pointing to incidents](#) like the Sept. 11 attack, the Boston Marathon bombing or the mass shootings in Orlando and San Bernardino, Calif.

This line of argument did not end when the first ban was halted in court and Trump officials began working up a new order. During Trump's [first address to Congress](#), the president alluded to the upcoming second ban and also pointed to San Bernardino, the Boston Marathon and Sept. 11 as reasons "improved vetting procedures" are needed.

These claims do not hold up. None of the Sept. 11 hijackers were from banned countries (most were from Saudi Arabia, while the rest were from Egypt, Lebanon and the United Arab Emirates).

The two more recent mass shootings cited both involved people born in the United States. Omar Mateen, the Orlando gunman, was [born in New York](#), the son of an immigrant from Afghanistan, a country not among those banned.

In San Bernardino, Syed Rizwan Farook, one of the attackers, was born in Illinois. His wife, Tashfeen Malik, who came to the United States [on a fiance visa](#), was born in Pakistan and later [moved to Saudi Arabia](#), two countries not covered by the ban. According to the FBI, Farook had been [radicalized and plotting attacks](#) years before he met her.

The Boston Marathon bombers — Tamerlan and Dzhokhar Tsarnaev — were [brothers born in Russia and Kyrgyzstan](#). Dzhokhar, the younger of the two, is a naturalized U.S. citizen. Several news outlets and politicians [incorrectly reported](#) that their parents were refugees; they instead came to the United States on travel visas and [applied for political asylum](#).

In addition to Saudi Arabia, the ban also left out other countries that did have connections to extremist attackers or plots. Pakistan — birthplace of Faisal Shahzad, [the attempted Times Square bomber](#), and Najibullah Zazi, a man who [plotted to bomb New York's subway system](#) — was not included. Neither was Kuwait, birthplace of Mohammad Youssef Abdulazeez, the gunman who [killed four Marines](#) in Chattanooga, Tenn.

Trump's second ban also included a suspension of refugee resettlement, arguing that ["more than 300" people](#) who came into the country as refugees are the subjects of FBI counterterrorism probes. The Supreme Court's actions Monday mean that the administration can also impose a 120-ban on refugees entering the United States, except those covered by the "bona fide relationship" exception."

Refugees from the countries included in Trump's ban weren't responsible for any attacks in the United States between 1975 and 2015, according to [a report](#) published by the Cato Institute, a libertarian think tank.

The report examined 154 people described as foreign-born terrorists who carried out attacks during that period; 20 were found to be refugees, and the only three who successfully carried out deadly attacks were Cubans admitted before the Refugee Act of 1980.

That report came before Abdul Razak Ali Artan, a refugee from Somalia, drove his car into a crowd on the Ohio State University campus late last year and injured 11 people before being fatally shot by a police officer. The FBI has said Artan [might have been inspired by radical cleric Anwar al-Awlaki and the Islamic State](#), which claimed responsibility for the attack. (The chair of the Senate Judiciary Committee later alleged Artan should have received more thorough vetting when his family was seeking refugee status in the United States years earlier.)

The text of Trump's new order went on to argue that the danger is posed not only from those who carried out successful attacks, but also those who were convicted of terrorism-related crimes and may have plotted attacks.

“Recent history shows that some of those who have entered the United States through our immigration system have proved to be threats to our national security,” the order states. “Since 2001, hundreds of persons born abroad have been convicted of terrorism-related crimes in the United States.”

It offers two examples for this, one of which involves refugees from a country — Iraq — that was on the overall ban list for the original order and [removed from the new version](#).

That case — the so-called “Bowling Green massacre” cited by Conway [during a widely criticized television appearance](#) — involved two Iraqi citizens living in Bowling Green, Ky., who were sentenced to prison in 2013 after admitting to using makeshift explosive devices in Iraq and trying to send money to fund terrorism.

The other example is accurate and points to Mohamed Osman Mohamud, a naturalized U.S. citizen from Somalia who was convicted of plotting to bomb the Portland Christmas tree lighting in 2010. According to federal officials, he began communicating with a Saudi national to discuss traveling to Yemen for training before undercover FBI operatives reached out and they began corresponding about plotting an attack. Mohamud was arrested after trying to detonate his bomb, which was inert.