



## Minority groups ‘brace for battle’ in case Trump makes good on his promises

Lauren Markoe

November 21, 2016

The American Civil Liberties Union collected more than \$9 million and 150,000 new members. The Southern Poverty Law Center’s Twitter account gained 9,000 followers. And the Anti-Defamation League, which fights anti-Semitism and other bigotries, saw donations increase fiftyfold.

In the days since Donald Trump won the presidency, these spikes in support for groups that defend religious and other minorities speak to a fear that the president-elect will trample on their rights — or at least empower those who would.

But what will the Trump administration actually mean for Muslims, Jews and other minority faiths?

The answer depends on what policies he actually intends to pursue; what the federal judges, agency officials and others charged to uphold the Constitution will allow; and the tone his administration sets on questions of religious tolerance and pluralism.

Since winning the election, Trump has:

— Picked retired Lt. Gen. Michael T. Flynn, who has described Islam as “a cancer,” as his national security adviser.

— Appointed Stephen Bannon, who ran a presidential campaign criticized for playing to angry voters’ Islamophobia and trafficking in anti-Semitic imagery and tropes, as his most senior adviser.

— Chose a top transition team official who says he is ready to create a registry of immigrants from nations where terrorist groups flourish, a list — critics say — that will target Muslims.

Such words and deeds have done little to soothe the nerves of those who worry about his presidency.

“We’re looking for any good signs but the signs he is sending are not good,” said Ibrahim Hooper, spokesman for the Council on American-Islamic Relations.

BrandView

Mike Murphy on the crazy, entertaining, and a little bit scary Presidential Race.

During a post-election “60 Minutes” interview, Trump called minorities’ fear of his presidency “totally unfounded” and said the media have exaggerated reports of his supporters committing hate crimes.

When pressed on the issue by the television magazine’s Lesley Stahl, Trump looked into the camera and uttered an emphatic “stop it” to his fans who harass minorities. Some called it the most hopeful statement Trump had offered on the topic.

But even as they said they intend to try to work with a Trump administration, advocates for religious minorities say they are not relying on hope.

Preparing for the worst

Hooper said American Muslims are “tense” and “ready to use every legal means necessary to protect themselves and the Constitution.”

“At this point we are going to take him at his word,” said the ACLU’s Daniel Mach on the likelihood that Trump would make good on his call for a ban on Muslims entering the country, increased surveillance of mosques and the “extreme vetting” of Muslim immigrants and visitors to the U.S.

“If he does, we will be there to fight him every step of the way,” said Mach, director of the ACLU’s Program on Freedom of Religion and Belief.

Mach said even if Trump issues executive orders and pushes legislation in Congress, he could be countered in the courts, because “targeting a group solely on the basis of religion is un-American and unconstitutional.”

But he hopes it won’t take a court case to protect Muslim religious rights.

“Even if these policies ultimately get overturned, they can still do damage in the short term,” Mach said.

What sort of damage?

Faiza Patel, co-director of the Brennan Center’s Liberty and National Security Program at New York University School of Law, said the FBI, over which a president exercises relatively broad authority, could be tasked to increase surveillance and open more investigations of Muslims and mosques.

Trump's call for a ban on Muslims coming into the country has morphed lately into a proposal to resurrect a registry created in the aftermath of 9/11 that would likely mean a higher level of scrutiny for Muslims than others.

"There would be robust legal challenges to these kinds of measures," Patel said.

Patel noted that both George W. Bush and Barack Obama took pains to distinguish between Islam and violent groups that claim to act in the name of Islam. She fears that "careful work" could unravel under the president-elect.

"There's a real risk of a message coming from the highest levels of government that equates terrorism with Islam," Patel added. "That's not a very good thing for Muslims who are already facing very high levels of hate crimes. There's a whole atmospheric change which is troubling and can have a lot of consequences."

While Muslims more than other religious minorities feel singled out by Trump's calls for increased vetting of immigrants and surveillance of mosques, many Jews are nervous too.

Jewish groups and politicians, including the ADL, have charged that Trump campaign ads and social media stoke anti-Semitic flames, employing age-old language and symbols used by conspiracy theorists to paint Jews as agents of economic ruin.

They worry about Trump's refusal during the campaign to call out David Duke and other white supremacists who spread anti-Jewish hatred. And they read with alarm about skyrocketing online attacks against Jewish journalists who cover Trump. More alarming still, they say, is Trump's refusal to acknowledge his campaign's anti-Semitism problem.

Jewish-Americans chose Trump rival Hillary Clinton over him by a nearly 3-1 ratio, with some Jews taking solace in Trump's frequent fond references to Jewish people, his daughter who converted to Judaism and his praise for Israel. But more Jewish Americans seemed to side with Jane Eisner, editor of the nation's top Jewish newspaper, who wrote in the Forward the week after the election:

"Unleashed by Donald Trump's presidential campaign and cemented by the appointment of Stephen Bannon to a powerful position in the White House, the anti-Semitic sentiments of the far right are closer to the center of political power than they have been in recent memory."

#### Checks and balances

At the conservative Cato Institute, senior fellow Jim Harper, a legal scholar who studies counterterrorism among other issues, worries that a Trump administration poses a real threat to minority religious rights.

But he also points to several countervailing forces that may mean the worst of those threats will not be realized.

First, Trump's campaign promises may not represent his actual intentions. There's a certain "randomness" in Trump's pronouncements, Harper said, "and what he's said is not a strong predictor of what will occur during his administration."

Like Mach and Patel, he also looks to the courts: “The First Amendment is pretty clear about the establishment of religion and the free exercise of religion.”

But before the courts may be called upon to overturn Trump edicts, Harper continued, he would face other impediments.

“The agencies that would implement these policies are not fans of Trump. They regard him as outside the mainstream. And someone who might obey a Republican or Democrat in the traditional vein may decline to implement truly ugly policies — or do such a bad job you can’t tell the difference.”

Patel said one more obstacle stands in the way of a Trump administration running roughshod over Muslims’ and others rights: a robust network of civic organizations that has grown in the past 15 years to uphold doctrines of equality.

“I put a lot of my faith in that,” she said. “And I put a lot of my faith in the decency of Americans who understand why this is not an acceptable way to go.”