



## **Experts say Ted Cruz’s plan to “patrol and secure Muslim neighborhoods” is counterproductive and unconstitutional**

Jeff Stein

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Sen. Ted Cruz appeared to call for law enforcement to specifically target Muslim communities in America in the wake of today's [deadly attacks in Brussels](#).

"We need to empower law enforcement to patrol and secure Muslim neighborhoods," he said in a statement posted to his Facebook page.

Cruz, a leading Republican presidential contender, has campaigned as a constitutional conservative and has repeatedly criticized President Barack Obama for not respecting the religious liberty of Christians.

In a second statement, issued after his first one was widely criticized, Cruz said he would not allow "political correctness to drive decisions about our security."

"We know what is happening with these isolated Muslim neighborhoods in Europe," his statement read. "If we want to prevent it from happening here, it's going to require an empowered, visible law enforcement presence that will both identify problem spots and partner with non-radical Americans who want to protect their homes."

Cruz's suggestion that American law enforcement specifically "patrol and secure" Muslim communities is both immoral and counterproductive. That's according to A. Trevor Thrall, a Cato Institute scholar who is also a professor of policy, government, and international affairs at George Mason University.

Stepped-up surveillance of some Muslim communities after 9/11 provoked a backlash. Cruz's proposal would likely lead to a similar reaction, according to Thrall.

"Having the FBI coming to their neighborhoods and mosques created an awful amount of resentment toward the US government," Thrall said. "If you're looking for a way to radicalize someone, patrolling their neighborhoods and keeping a close watch on what they're doing is a good way to do it."

Then there's the idea that patrolling Muslim neighborhoods would serve as an effective deterrent — an idea that Thrall dismissed.

"It belies a misunderstanding that there's a way to know who the radicals are in a sleeper cell beforehand," he said. "This is not only going to help radicalize people, it's also useless."

Cruz's plan is "light-years" worse than NYPD's Muslim surveillance

After 9/11, the New York Police Department indiscriminately monitored thousands of Muslims who were under no suspicion of terror activity.

But Cruz's proposal appears to be of a different magnitude, said Ibrahim Hooper, the national communications director for the Council on American-Islamic Relations.

"This goes light-years beyond that. Cruz is talking about police 'securing' — what does that mean? Does that mean checkpoints on every corner? Does that mean papers on every street?" Hooper said. "To me, this sounds like an armed occupation of Muslim neighborhoods."

This fall, Marco Rubio made headlines when he suggested that mosques — or other places Muslims could be radicalized, including websites — should be targeted for surveillance. Cruz's plan, included in a written statement, appears to have been much more carefully considered, making it more akin to Ben Carson saying a Muslim couldn't be president and Donald Trump calling for a database to track Muslims, Hooper said.

"This is a considered policy proposal; they're not offhand remarks," Hooper said. "Trump and Cruz and Carson — they think about these things, and then they say them."

The cumulative impact can be desensitizing.

"It's shocking," Hooper says. "But we're almost numb to these."

Law professor: This is a clear violation of the First and 14th Amendments

Cruz's proposal is also "plainly unconstitutional" — a clear violation of both the First and 14th Amendments, according to Marci Hamilton, a constitutional law expert at the Cardozo School of Law.

The First Amendment's "establishment clause" forbids the government from taking actions that "unduly favor" one religion over another. The 14th Amendment ensures "due process of law" to all US citizens.

"The problem here is that the government may not single out a religious category for negative treatment. And treating all Muslims the same does exactly that," Hamilton said.

There's only one exception to this in American history, Hamilton said: the internment of Japanese Americans during World War II.

"Government must be neutral toward religion," Hamilton said. "And the problem with [Cruz's] proposal is that it's hostile to a category of religion."