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There's no other way to say this: The Supreme Court got Trump's Muslim ban wrong

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The United States is poised to plunge into the abyss of chronic human rights violations.

We've seen this coming since President Donald Trump proudly vowed to violate a slew of human rights and promised “a total and complete shutdown of Muslims entering the United States.”

Trump never really shut down all Muslims from entering the country, but he did issue an executive order to suspend immigration from seven Muslim countries, excluding those in which his companies have major foreign investments. His stated rationale was that immigrants and refugees from these countries present an exceptional danger of terrorism.

In fact, they do not, and his statements during and after his presidential campaign plainly revealed his true motivation: fear and hostility toward Muslims.

Trump's ban had nothing to do with risk

Time and again he tried to convince his followers that all Muslims are dangerous and hate the United States. In March 2016, he opined, “I think Islam hates us” and “we’re having problems with the Muslims.”

Predictably, Trump’s policies reflect the same ignorance and bigotry he showed on the campaign trail. He issued his first executive order banning Muslims from several countries from entering the United States without consulting U.S. intelligence or national security experts.

In his most recent proclamation, he changed little but had his lawyers write an after-the-fact rationalization for the policy.

It was only a smokescreen.

The reasons given had nothing to do with actual risk of terrorism, as shown by reports from the conservative Cato Institute. There was and still is no significant terrorist activity by immigrants or refugees from the Muslim countries Trump targeted.

Invoking 'national security' makes it OK?

Unfortunately, the Supreme Court held by a 5-4 majority that Trump has a free hand to discriminate based on religion and national origin in immigration policy, as long as he invokes the talisman of national security.

It does not even have to be a credible claim. The key, according to the court's majority, is that the proclamation itself did not explicitly call for a "Muslim ban."

In other words, the court held that it would not enforce the constitutional prohibition against discrimination, as long as the president takes minimal steps to hide the true reasons for the policy. Every statement proving he was motivated by religious chauvinism, the majority held, could be safely ignored.

Caution in substituting the court's own judgment for the president's on a question of national security might normally reflect wise self-restraint. But there is a difference between self-restraint and willful blindness to discrimination.

History will condemn this ruling, too

The case, Donald J. Trump v. Hawaii, is strongly reminiscent of other cases in which the Supreme Court abdicated its role as guarantor of civil rights to justify immoral policies.

For instance:

- Plessy v. Ferguson (1896), in which the court upheld state racial segregation laws as nondiscriminatory, as long as the laws formally treated black and white facilities. As in Trump v. Hawaii, the majority cheerfully ignored the discriminatory purpose of the state laws and pervasive real world discrimination suffered by the victims.
- Korematsu v. United States (1944), in which the court approved the racist policy of imprisoning all families of Japanese descent in the United States on the assumption that they would favor the Japanese monarch over their U.S. loyalties. There, too, the government invoked national security with no evidence of the measure's necessity. Justice Sotomayor, in dissent in Trump v. Hawaii, rightly pointed out the unsettling parallels between Korematsu and the case before the court.

Plessy and Korematsu are today universally condemned by jurists for their bias and unsound reasoning. With Trump v. Hawaii, the court now adds a third case to the list.

The court majority has once again ignored concrete facts and endorsed a bigoted policy by invoking vague principles.

How Trump violates human rights law

Aside from the domestic legal problems, the Trump v. Hawaii majority decision endorses a serious violation of international human rights law.

Discrimination of this kind violates treaties to which the United States has long been a party. Although people generally have no human right to enter the United States, other than refugees, our country has human rights obligations.

Human rights law is not just about individual entitlements. It's also about preventing governments from pursuing policies repugnant to human dignity.

And every immigration policy that makes arbitrary distinctions based on race, ethnicity, national origin or religion insults human dignity. In *Trump v. Hawaii*, the Supreme Court did not even mention human rights laws, despite the fact that they are binding under the court's own precedents.

If the Muslim ban were an isolated incident, we might dismiss it as a regrettable aberration.

Unfortunately, over the last two years, the United States has been trudging down the dark path of the human rights pariah.

Trump's violations of the rights of asylum seekers and the separation of migrant children from their families, among other policies, have been condemned worldwide. Critics include the United Nations and the Inter-American Commission on Human Rights.

The international stature of the United States as a leader in human rights is, quite simply, vanishing.