

DAILY NEWS

The Court made a historic mistake: The travel ban ruling will be remembered as a dark day in America

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In 1857, the U.S. Supreme Court ruled that African Americans “had no rights which the white man was bound to respect.” In 1944, the Supreme Court upheld the imprisonment of more than 120,000 Americans for their Japanese ancestry. Tuesday, that same court upheld President Trump’s ban of visitors and immigrants from predominantly Muslim countries.

Like its predecessors Dred Scott and Korematsu, this decision was unjust. And like its predecessors, this ruling will be condemned by future generations as a betrayal of the promise of equality and justice for all.

Despite attempts to call this a travel ban — or even not a travel ban at all — the President’s executive order is a discriminatory Muslim ban. This isn’t partisan opinion, it’s non-partisan fact. Last year, the conservative CATO Institute identified at least a dozen times that Trump admitted his ban was, in fact, the fulfillment of his campaign pledge of a “total and complete shutdown of Muslims entering the United States.”

If that weren’t enough, Trump’s lawyer, Rudy Giuliani, admitted on national TV that Trump asked him how to execute effectively this policy in a manner that would hide his anti-Muslim motives. The President wanted Giuliani to show him how to make the Muslim ban look legit in court. Well, I guess it worked.

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Despite the clear proof that this is a ban targeting Muslims, there is no evidence it makes anyone safer. How many lives would the ban have saved in the past 30 years? Thousands? No. Hundreds? No.

None. No one from the five banned Muslim-majority countries has killed anyone in an attack here in the U.S. As judges ruled last year, there’s no evidence that these cumbersome new procedures are needed.

This all would have been too much for the court to ignore if it had faced the facts, but they focused on technicalities instead. The ornate opinion wording is lovely, but underneath the rhetoric is a crude truth: The Supreme Court didn’t do its job. Rather than speaking truth to power and upholding our Constitution, it found excuses for why the question was too hard for the justices to answer — why the time wasn’t right for them to intervene. Well, if not now, then when?

Sadly, the only people today's ruling will protect are anti-Muslim extremists who have been fearful for months that their biggest accomplishment would be torn down. Instead, this decision will only amplify their message of hate, one which is impacting Muslim families all across New York.

From 2015 to 2017, we saw a near 10-fold increase in reports of anti-Muslim harassment, discrimination and hate crimes. In 2017, the number of anti-Muslim assaults against Muslims reached a new peak, surpassing even the aftermath of 9/11.

Today is certainly a setback, but history teaches us that the fight is far from over. Muslim activists and allies will continue to push back against this ban in Congress and using whatever other avenues are available. We will continue to challenge discriminatory immigration policies, lobby against unconstitutional surveillance and pursue those who commit acts of violence against their Muslim neighbors. Above all, we will continue the generational effort to show our children and grandchildren that this decision represents our lowest moment, not our defining moment.

Trump vs. Hawaii, like Dred Scott and Korematsu before it, is now part of our history, but it is far from the last chapter.