

COMMENT

United States: Victory 2.0 against Trump's Muslim ban?

Wednesday 22 March 2017, by [COLSON Nicole](#), [SULLIVAN Brian](#) (Date first published: 20 February 2017).

The Trump administration has been stopped once again from imposing its racist travel ban, but the danger is far from over, report Brian Sullivan and Nicole Colson.

“THE ILLOGIC of the government's contentions is palpable. The notion that one can demonstrate animus toward any group of people only by targeting all of them at once is fundamentally flawed.”

With these words, federal judge Derrick Kahala Watson in Hawaii blocked implementation of the Trump administration's revised Muslim travel ban on March 15, less than six hours before it was set to go into effect.

Watson's ruling was the outcome of one of three hearings in federal court on March 15, as opponents of the bigoted ban challenged its legality. The rulings of the other two judges weren't known as this article was being written, and the Trump administration hadn't yet tried to get Watson's temporary restraining order lifted or otherwise appeal his decision, though it certainly will.

Update: *After this article was published, a second federal judge in Maryland echoed the Hawaiian court's ruling, issuing a preliminary injunction against the suspension of the refugee program for the six Muslim-majority countries. Judge Theodore D. Chuang found that the likely purpose of the executive order was the discriminatory “effectuation of the proposed Muslim ban” that Trump had promised to implement as a presidential candidate.*

Predictably, Trump was full of bluster in response. “This ruling makes us look weak,” he snarled to a rally of supporters in Nashville. “We're going to take our case as far as it needs to go.”

Opponents of Trump's racism and xenophobia were preparing to protest the ban on Thursday, when it was to be implemented—and they know this struggle is far from over. The Trump administration will press on, and there are plenty of federal judges—including some of the nine who sit on the U.S. Supreme Court—who can be relied on to be a legal rubber stamp.

The same determination we saw in the uprising of the airports two months ago will be needed as the Trump White House continues its war on refugees and immigrants.

IN HIS ruling blocking the travel ban, Watson raked the Trump administration over the coals for its racism, though using polite judicial-speak to do so.

After noting that a ban targeting six countries whose populations are all over 90 percent Muslim, Watson specifically singled out a press release from then-candidate Trump's campaign in December 2015 called for “a total and complete shutdown of Muslims entering the United States.”

Watson wrote in his decision that “a reasonable, objective observer...would conclude that the Executive Order was issued with a purpose to disfavor a particular religion.”

This isn't a radical conclusion. The only people who would claim the travel ban isn't a ban on Muslims are shills for the Trump administration.

Under the new version, if it ever goes into effect, travel would be restricted for people coming from six Muslim-majority countries—Somalia, Iran, Syria, Sudan, Libya and Yemen. (Unlike the first ban, Iraq was left off of the list.)

The new version would, like the first, sharply cut the number of refugees who could be granted asylum in the U.S this year, from 110,000 to 50,000, and it would likewise suspend the U.S. government's refugee program bringing people into the country for 120 days.

The most significant change to the revised ban is that it exempts lawful permanent residents and people who currently have visas from being denied entry to the U.S.—a response by the Trump administration to the multiple court orders in the previous round confirming that visa holders and lawful permanent residents have legal rights which the administration can't summarily disregard.

Trump's administration claims the removal of Iraq from the list of banned countries was the result of some unspecified steps taken by the Iraqi government to “provide additional information about its citizens for purposes of our immigration decisions.”

But the more likely reason is intense pressure from the Pentagon, Iraqi government and forces within the administration. Like the Saudi monarchy, the Iraqi government is an important partner in maintaining regional control, and the administration needs to be careful about alienating its leaders.

The exclusion of Iraq from the list of banned countries may also be the result of lessons learned from the first legal battle. Iraqi nationals who had assisted the U.S. military were prohibited from entering the country and were key plaintiffs in the cases challenging the first ban.

OTHER CHANGES to the travel ban were highly formalistic, altering the wording of the original executive order, but not its content. For example, the new ban would authorize certain government officials to grant waivers for people seeking entry to the U.S., potentially allowing people from one of the six banned countries to travel here.

These waivers would be a grotesque charade if the new ban ever goes into effect. The U.S. “war on terror” has caused profound destruction in each of the six banned countries, and people escaping that destruction should not have to seek a waiver—a lengthy and nearly impossible process for those fleeing war and often profound poverty as well—from American officials who caused the damage.

There is no reason to think this waiver power would be exercised sympathetically. The power is given to the Secretaries of State and Homeland Security, positions currently held by Rex Tillerson and John Kelly. Tillerson is a billionaire oil executive, and Kelly recently championed separating children from their parents at the border in deportation proceedings.

Border agents could also exercise this waiver power, but are unlikely to do so humanely. In January, Canadian women traveling to participate in the Women's March on Washington were turned away from entering the U.S. when border agents learned where they would be going. A month later, a Muslim woman from Montreal was denied entry after being fingerprinted, and asked about her religion and her views on Trump.

Incredibly, at the March 15 hearing in a Maryland federal court, the Justice Department argued that

the plaintiffs should wait to challenge the order until they see whether individual immigrants are able to receive waivers that allow them to get visas, despite the six-country ban.

Justin Cox, a lawyer for the National Immigration Law Center, pointed out the absurdity of this: “If there were a special process for Black folks to live in a certain neighborhood, you wouldn’t say their claims are not ripe until they’re denied.”

The revised ban even attempts to add some new Islamophobic tools to the Trump administration’s repertoire.

In the name of “transparency,” for example, Trump’s latest executive order directs the U.S. government to create a database on the number of foreign nationals who have been charged with “terrorism-related” offenses, who have been “radicalized” after entry into the U.S., or who have committed “gender-based violence against women, including so-called ‘honor killings’ in the United States.”

But the fact—inconvenient though it may be for xenophobes like Trump—remains that most terrorist attacks in the U.S. are committed by people who are citizens. Moreover, violence carried out by white, right-wing reactionaries is far more common.

With this portion of the executive order, Trump hopes to direct government resources toward obscuring that fact.

EVEN IF the latest block on the revised ban remains in place, the uncertainty and suffering for immigrants and refugees caused by U.S. policies can’t be undone.

The Council on American-Islamic Relations, for example, says that many of its members are scared to travel outside the U.S. for fear that they will not be allowed to return home.

This fear is well founded. Khaled Almilaji, a Syrian doctor who was working in Rhode Island, has been stranded in Turkey since the first travel ban was announced. As the latest ban was being rolled out, it appeared unlikely that he would be able to return to the U.S.—despite the fact that his pregnant wife was about to give birth to their daughter.

In Boston, Mohammed Al-Bardan, who is originally from Syria, also reported significant disruption to his family’s life. Still waiting for his green card to be approved, Al-Bardan is not able to visit his family because he might not be let back in to the U.S.

There are many more stories like this—and others are sure to follow if Trump gets his way.

Trump’s claim that his administration isn’t seeking to target Muslims needs to be recognized for the transparent lie that it is. With the revised ban, Trump sought to deepen the spurious connection between Islam and terrorism—and he will undoubtedly continue to do so in other ways.

Every Islamophobic and racist policy on the part of the Trump administration must be challenged with the determination that people showed with the first travel ban—drawing thousands out for protests to defend the rights of immigrants, refugees and Muslims.

Activists and emergency response networks had planned rallies in several cities for March 16, when the revised ban was due to go into effect. Trump’s order is now on hold—but the racism and Islamophobia of the Trump administration is rolling ahead at full steam.

Now, anti-racists can look ahead to May Day as an opportunity to link the struggles in defense of

immigrants and refugees with those in support of working people and against the policies of the Trump administration.

We need to be ready to take on Trump and his bigotry every chance we get.

Brian Sullivan and Nicole Colson, March 16, 2017

P.S.

* <https://socialistworker.org/2017/03/16/new-victory-against-trumps-muslim-ban>

* For integrated links, see the original article.