

How is Donald Trump's Muslim Ban Un- American?

By Jake Anderson



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The 2016 presidential election was one of the most dynamic times in United States electoral history. At the end of a long candidacy race, the Democratic party selected Hillary Clinton, making her the first female candidate for a major political party and continuing a partisan theme of change and development. On the other hand, the Republican party selected Donald Trump, a businessman with no political experience, racist ideologies, and a controversial past, as their nominee. In a shocking symbol of drastic protest against the status quo in the United States government, Donald Trump was elected president. In his first days in office, he has already demonstrated the controversial future of his administration by undoing much of the

¹ Camerino, Kelly. "Muslims In America." Digital Image. The Daily Beast. July 3, 2016. Accessed February 9, 2017. <http://www.thedailybeast.com/articles/2016/07/04/the-good-muslim-and-the-unraveling-of-her-america.html>

progress of Obama's presidency. While his cabinet appointees and executive orders indicate a complete lack of regard for much of the American populace's views, his executive order to ban immigrants from seven Muslim countries on January 27, 2017 presents a much larger issue to the future of America. Through Donald Trump's "Muslim ban," not only immigrants but also American citizens who happened to be abroad in these majority Muslim countries face government discrimination and disregard for their rights. While the judicial system has demonstrated its efforts to fight the President's actions, this issue continues to represent the future of immigration in the United States and challenges the rights of every American. As the issue of immigration rights remains a controversial topic and surely will continue to be a major government focal point, one must ask the main question that will shape the future of American immigration policy: Why is the Muslim ban un-American?

In order to truly grasp the questionable nature of this executive action, the American populace must inform themselves on each aspect of this Muslim ban. Only by understanding the issue of immigration through constitutional precedence and American core morals will the American public be able to form an informed, educated, and conscious opinion. The following ten points represent the core legal and ethical backgrounds of the issue.

1. This executive order goes against rights set in the Constitution. The constitution provides inherent individual freedoms for American citizens, and through preventing freedom of passage to those who are not only citizens of the United States but also residents of our country, the constitutional rights of these individuals are stripped away. Additionally, this goes against the inherent right to freedom of religion, as the Muslim ban targets individuals of Islamic descent.

The first Amendment of the Constitution of the United States specifically identifies this religious freedom, stating that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”² This inherently suggests that the specific targeting of people of Islamic descent violates the legal precedence set forward by the First Amendment.

2. This ban creates a government preference on religious identity. The ban of people of Islamic backgrounds demonstrates a government targeting of Muslims over any other religion. While the travel ban effectively bans immigrants from these countries, the actions of the Trump administration in working to assist Christian immigrants over their Muslim neighbors demonstrates a preference and bias that strips individuals of their rights. This directly violates the First Amendment as well, as highlighted by Cornell Law, which extrapolates that the first Amendment, “forbids Congress from both promoting one religion over others and also restricting an individual’s religious practices.”³ This established understanding of the legal rights to religion demonstrates the un-American nature of this executive action in regards to religious preference.

3. This ban effectively eliminates the separation of Church and State. One of the most inherent bases of United States government policy is the separation of Church and State. This ban indicates that the government acknowledges religion and selectively constructs policies around it, demonstrating the end of the separation of church and state as well as ignoring legal precedence in past court cases, such as *Lemon v. Kurtzman*, 91 S. Ct. 2105 (1971), which,

“established the three part test for determining if an action of government violates First

² "First Amendment." LII / Legal Information Institute. Accessed February 07, 2017. https://www.law.cornell.edu/constitution/first_amendment.

³ "First Amendment." LII / Legal Information Institute.

Amendment's separation of church and state.⁴” By going against the judicial decisions that make up the legal system of the United States, the executive action is inherently un-American.

4. This order demonstrates an ignorance of American civil rights. The immigration policies enacted by the Trump administration shows a direct theft of individual rights that should be common to all American citizens. By selectively choosing these individuals and designing legislation around their ethnic descent and religious preference, the government is discriminating against the rights of these individuals.

5. This order provides no due process for Americans with backgrounds in the banned states. One of the main constitutional rights and inherent judicial processes in the United States is the right to due process of law. American citizens and residents who are trapped abroad and cannot re-enter the United States have had their right to due process of law stripped in one single presidential action. The right to due process of law is explicitly outlined by the 14th Amendment, which constitutes that, “no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”⁵ This action to strip American citizens is inherently un-American through its complete disregard for due process of law and protection of individual rights.

6. This executive action does not reflect the democratic ideals of the United States. While Trump’s election shows that a significant portion of the populace initially supported his

⁴ "U.S. Supreme Court Decisions (arranged by date)." U.S. Supreme Court Decisions on Separation of Church and State. Accessed February 07, 2017. <https://infidels.org/library/modern/church-state/decisions.html>.

⁵ "14th Amendment." LII / Legal Information Institute. Accessed February 07, 2017. <https://www.law.cornell.edu/constitution/amendmentxiv>.

presidency, he currently faces the highest disapproval rating of any president, managing this feat only twelve days after his inauguration.⁶ The American populace has shown their lack of approval for this by protesting, boycotting, and engaging in civil protest, and politicians have demonstrated their intense sentiment against these immigration legislations by fighting in the courts and using their legislative power to protect the people of this country.

7. This order was not voted on by the populace. While the President was elected into office with the support of the electoral college rather than the populace, he still fairly won the presidential seat. This democratic process is not reflected in this executive order, as not only did the people lose their democratic power in this decision, but neither Congress, the Senate, nor the Supreme Court had the option to vote on this presidential decision before its legislation, essentially stripping the populace of the American institution of constitutional democracy.

8. This action reflects Trump's preference of nations that he is financially linked to. The specific targeting of these seven countries correlates with Trump's business connections in the Middle East. The Trump corporation has ties in Egypt, Saudi Arabia, Turkey, and the United Arab Emirates, and their lack of inclusion on a list that incorporates every other majority Muslim country in the area demonstrates presidential intentions in maintaining business ties while in office.⁷ This maintenance of business relations while in a government position violates ethical codes and links private companies with the government, which is a great threat to the American

⁶ "Donald Trump has lowest approval ratings of any President in US history." The Independent. Accessed February 07, 2017. <http://www.independent.co.uk/news/world/americas/donald-trump-lowest-approval-ratings-any-president-in-us-history-poll-cnn-a7563091.html>.

⁷ Melby, Caleb, Blacki Migliozi, and Michael Keller. "Trump's Immigration Ban Excludes Countries With Business Ties." Bloomberg.com. January 26, 2017. Accessed February 07, 2017. <https://www.bloomberg.com/graphics/2017-trump-immigration-ban-conflict-of-interest/>.

system of capitalism that separates the western world from other nation states that function through communist and socialist industries.

9. This action expressly omits countries with known records of terrorist support. The dismissal of Egypt, Saudi Arabia, and the United Arab Emirates further reinforces the idea of corporate connections in the oval office, but also demonstrates a system of institutionalized ignorance in the Trump administration. The fact that there have been zero American casualties on U.S. soil “by citizens from any of those countries between 1975 and 2015⁸” demonstrates a government stereotype of people of Islamic descent and complete disregard for any American or foreigner associated with these majority Muslim nations. Additionally, the continued ties with Saudi Arabia, Egypt, and the United Arab Emirates demonstrates an inherent bias in the global community and divides the realm of international relations further.

10. This executive action represents Islamophobia through legislation. Fear of Islam surged after the September 11th attacks in 2001, and people of Islamic backgrounds faced increased racially motivated targeting and subjugation at the hands of the American populace and government as radical Islam became a public enemy. This theme has strongly resurged as Trump has gained control over the government, as his messages of fear and promises to fight ISIS resonate with the American people. While his words and hatemongering increase anti-Islamic sentiment in the United States and create a culture of fear, his actions in limiting the rights of American citizens shows a direct legislation of Islamophobia.

⁸ Sommerfeldt, Chris. "Trump's Muslim ban excludes countries linked to his businesses." NY Daily News. January 28, 2017. Accessed February 07, 2017. <http://www.nydailynews.com/news/politics/trump-muslim-ban-excludes-countries-linked-businesses-article-1.2957956>.

By applying American legal precedence and national morality to the Muslim ban, the American populace has an opportunity to construct their own views on the issue and use their own American ideals and identities to combat immigration reform under the Trump Administration. In understanding the past and the American identity we have created through the trials and tribulations of our nation, the development of Trump's immigration policies and his Muslim ban are inherently un- American. Only through continued American unified ideologies, common mentalities, and informed protests can we come together and represent our nation as an institution founded on democratic rights, moral principles, and civil codes. As an informed populace, we must fight for our inherent American rights that make every citizen equal, regardless of the views of the current presidential administration.

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