

Trump's Muslim Ban 2.0, "Dripping with Intolerance," Ruled Unconstitutional

'Over and over we are seeing the courts and the public soundly reject this blatant attempt to write bigotry into law'

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Global Research, May 26, 2017

[Common Dreams](#) 25 May 2017

Region: [Middle East & North Africa, USA](#)

Theme: [Law and Justice](#), [Poverty & Social Inequality](#), [Religion](#)

A federal appeals court ruled Thursday that President Donald Trump's [revised Muslim Ban](#), issued in March and [lambasted](#) by rights groups, is unconstitutional.

The full Fourth Circuit Court of Appeals [heard the case](#) earlier this month. In a 10-3 [decision](#) (pdf) on Thursday, the panel upheld a lower court's nationwide [preliminary injunction](#) on Trump's executive order, which blocked for 90 days people from Sudan, Syria, Iran, Libya, Somalia, and Yemen. The revised order, like the one it replaced, also suspended the nation's refugee program for 120 days and reduced the annual number of refugees to 50,000 from 120,000.

Citing statements made by Trump and surrogates, the Fourth Circuit ruling said the majority was "unconvinced" that the order "has more to do with national security than it does with effectuating the president's proposed Muslim ban." On the 2016 campaign trail, Trump called for a "total and complete shutdown of Muslims entering the United States."

The ruling refers to an executive order

"that in text speaks with vague words of national security, but in context drips with religious intolerance, animus, and discrimination."

It continues:

Congress granted the President broad power to deny entry to aliens, but that power is not absolute. It cannot go unchecked when, as here, the President wields it through an executive edict that stands to cause irreparable harm to individuals across this nation

Rights groups celebrated the decision.

"President Trump's Muslim ban violates the Constitution, as this decision strongly reaffirms," [said](#) Omar Jadwat, director of the American Civil Liberties Union's (ACLU) Immigrants' Rights Project, who argued the case. "The Constitution's prohibition on actions disfavoring or condemning any religion is a fundamental protection for all of us, and we can all be glad that the court today rejected the government's request to set that principle aside."

Margaret Huang, executive director of Amnesty International USA, [added](#):

“Over and over we are seeing the courts and the public soundly reject this blatant attempt to write bigotry into law. Rather than wait for yet another court to rule against it, Congress can and must take action that will end this discriminatory and dangerous policy once and for all.”

Lawmakers also weighed in:

Once again, courts hold that [#MuslimBan](#) exactly what it was intended to be – discriminatory & unlawful. Might have also said immoral & wrong pic.twitter.com/0oR75GAX2c

— Adam Schiff (@RepAdamSchiff) [May 25, 2017](#)

Breaking news: [@realDonaldTrump](#)'s illegal & unconstitutional Muslim ban is still illegal & unconstitutional.

— Elizabeth Warren (@SenWarren) [May 25, 2017](#)

4th Circuit sees [#MuslimBan](#) for what it is: thinly veiled attempt to discriminate against Muslims. Big victory for freedom & justice for all <https://t.co/1U5zlolUhy>

— Senator Jeff Merkley (@SenJeffMerkley) [May 25, 2017](#)

Break up the liberal Ninth Circuit! Oh wait, this is the Fourth Circuit. Judges again confirm the [#Muslimban](#) / [#travelban](#) is bigoted. <https://t.co/sCRPQVyUGc>

— Ted Lieu (@tedlieu) [May 25, 2017](#)

CNN, whose legal analyst Steve Vladeck called the decision a “huge loss” for Trump, [described](#) Thursday’s ruling as “the latest step on a likely trip to the Supreme Court.” The White House has not yet issued a statement.

Meanwhile, Karen Tumlin, legal director of the National Immigration Law Center, [offered](#) a sobering reminder:

“While the spotlight today is on the Muslim ban, the truth is that this executive order is just one part of President Trump’s xenophobic agenda. We will continue to fight to ensure that all people—regardless of where they were born, what they earn, or how they pray—can live freely and be treated fairly in this country.”

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