LDF Files Amicus Brief Opposing President’s Travel Ban

Today, the NAACP Legal Defense and Educational Fund, Inc. (LDF) filed an amicus brief in the consolidated Muslim travel ban cases, *International Refugee Assistance Project v. Trump* and *Hawaii v. Trump*. The brief opposes the Trump Administration’s discriminatory executive order banning the entry of 180 million nationals and all refugees from six predominantly Muslim countries, many of whom are Black.

"LDF’s amicus brief reminds the Court that we have been here before," Sherrilyn Ifill, LDF’s President and Director-Counsel, said. “Our history is replete with instances in which stereotypes and bias, shrouded under the cloak of public safety, have driven government decision making.

“The Supreme Court has played a vital role in drawing a constitutional line against such actions. The historical cases in which the Court has failed to strike down policies founded on stereotypes and beliefs about the inherent dangerousness of particular groups, are among the most discredited cases in the history of the Court."

LDF’s amicus brief underscores that the ban is driven by the false and heinous stereotype that all Muslims are dangerous. The government has historically used stereotypes about an ethnic minority’s propensity to commit violence to sanction the unconstitutional discrimination of people of color for the sake of national security. Such stereotypes have led to the enactment of racially discriminatory laws, including the Slave Codes, the Chinese Exclusion Act, and Executive Order 9066, which allowed for the internment of Japanese Americans during World War Two.

On January 27, President Trump issued an executive order, barring immigrant and nonimmigrant entry from seven-majority Muslim countries—Iraq, Iran, Libya, Sudan, Somalia, Syria, and Yemen—for 90 days. The order “also barred entry to all refugees from anywhere in the world for 120 days and placed an indefinite ban on refugees from war-torn Syria.”

On March 6, after several federal court decisions blocked the first travel ban order, President Trump issued his latest order. The current order removes Iraq from the travel ban list as well as the indefinite ban on Syrian refugees. Like the first version of the travel ban order, however, President Trump’s most recent executive order relies largely on unsubstantiated allegations about threats to national security and Muslim stereotypes.

“Anytime a minority’s constitutional rights are curtailed in the name of national security or public safety, it is cause for deep concern,” said Ajmel Quereshi, Senior Counsel at LDF. “In banning persons from six countries from entering the U.S., the Trump Administration is relying on the same kind of fear-mongering that was used as cover for centuries of state-sanctioned discrimination against African Americans and
other minority groups. All Americans should stand united in rejecting this blatant attack on our civil rights and liberties.”

On March 8, Hawaii became the first state to challenge the revised ban. Federal district and federal appellate courts have since rejected the Trump Administration’s latest effort to advance the ban. The Supreme Court will hear oral arguments on October 10.

Read our full amicus brief here.

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*Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.*