March Reflections 2017 Vol 39 No 7

James J. Bacik

On January 27, 2017, President Donald Trump signed the first of his two executive travel ban orders, “Protecting the Nation from Foreign Terrorists Entry into the United States.” The order mandated that foreign nationals from Iran, Iraq, Syria, Sudan, Libya, Yemen, and Somalia (seven countries identified by the Obama administration as being of special concern) cannot enter the United Sates for 90 days. It suspended our Refugee Admissions Program, which allows carefully vetted refugees to enter our country each year, for 120 days and reduced the number of refugees to be admitted during fiscal year 2017 from 110,000 to 50,000. Syrian refugees were prohibited indefinitely from entering the country, because allowing them in is “detrimental to the interests of the United States.” For frequent travelers to the U.S., the order canceled the Visa Interview Waiver program that allowed repeat travelers to the U.S. to forgo a personal interview when renewing their Visa. Finally, the executive order gave Homeland Security the power “to prioritize refugee claims made by religious individuals on the basis of religious based persecution, provided that the religion of the individual is a minority in the individual’s country of nationality” - a provision which effectively gives priority to Christians living in Muslim countries.

The day after the president issued his executive order, confusion reigned at major airports in the United States as individuals with valid visas were temporarily detained and denied entrance to the country. At JFK in New York, for example, an Iraqi refugee, who had worked for the U.S. government for ten years, was detained along with others holding visas and green cards. In protest, taxi drivers went on a one hour strike, refusing to pick up passengers at the airport while hundreds gathered at the airport to protest the ban. On the following weekend protesters gathered at other major airports around the country, apparently attracted by communication through social media.

Reactions to this first travel ban split along partisan lines. Republican Speaker Paul Ryan defended the ban as a timely effort to evaluate and strengthen the visa vetting process, declaring: “President Trump is right to make sure we are doing everything possible to know exactly who is entering the country.” On the other hand, Democratic Minority Leader, Charles Schumer, condemned the ban as “mean-spirited and un-American,” claiming it not only caused confusion across the country but will “embolden and inspire those around the globe who will do us harm.” Although the White House insisted the executive order was not a Muslim ban, the ACLU called it “just a euphemism for discrimination against Muslims.” Responding to the Trump claim that the order was necessary for national security, the Council on American –Islamic relations declared: “There is no evidence that refugees – the most thoroughly vetted of all people entering our nation – are a threat to national security.”

Some of the most significant responses to the first executive order came from religious leaders, who almost unanimously condemned the travel ban. Catholic bishops responded swiftly and vigorously. Speaking as president of the National Conference of Catholic Bishops, Cardinal Daniel DiNardo spoke of the bond between Christians and Muslims based on “the unbreakable strength of charity and justice” and reminded us: “Welcoming the stranger and those in flight is not an option among many in the Christian life. It is the very form of Christianity itself.” Cardinal Blaise Cupich, appointed by Pope Francis to the influential post as leader of the Chicago church, called the executive order a “dark moment in American history,” which is “contradictory to both Catholic and American values.”

The Catholic Theological Society of American released a statement declaring “the order is morally unjust and religiously dangerous.” It conflicts with the Hebrew Scriptures, which repeatedly call us to “love the stranger,” and with the teaching of Jesus, who identified himself with the stranger. We have a moral obligation to help refugees and migrants, especially those in “great danger and need,” because they have an inherent dignity as creatures made in the image and likeness of God. The order is dangerous because it “threatens to make the United States feared and despised” and because it undermines “our efforts to enhance mutual understanding between Christians and Muslims.” The statement concludes by urging Congress, the courts and people of good will to reject the executive order.

Leaders of Evangelical Christian groups also united against the travel ban, an exception being Rev. Franklin Graham, Billy Graham’s son, who, convinced Islam is a religion of hatred and war, supported the ban against Muslims. In a typical evangelical response, Russell Moore, representing the Southern Baptist Convention, pointed out the need to balance two values, compassion for the sojourners and national security. Within that framework, the statement noted problems with the order: it prevented Iraqi interpreters who risked their lives for the U.S. from entering our country which is unacceptable; it put Christians serving in Muslim countries in grave danger; and it is not acceptable to turn our backs on Syrian refugees permanently.

Jim Wallis, evangelical founder and editor of *Sojourners* magazine, said our Christian faith should compel us to “advocate for welcoming refugees of all faiths into our country instead of turning them away.“ Furthermore, religious tests “threaten our nation’s democratic principles and the constitutional rights of every American.” A high ranking representative of the Presbyterian Church, J. Herbert Nelson, called the ban “a miscarriage of justice” that “goes against everything we stand for as a country shaped and formed by people who emigrated from other lands.” Recalling that Jesus himself was a refugee, the statement promised that Presbyterians, true to their history as a hospitable community, will continue, without fear, to welcome today’s refugees.

Compelled by the Jewish history of rejection, the Anti-Defamation League issued a statement blasting the travel ban: “History will look back on the order as a sad moment in American History – the time when the president turned his back on people fleeing for their lives.”

Although our religious leaders were virtually unanimous in opposing President Trump’s executive order, American citizens as a whole were deeply divided along party lines. A January 30th Reuter poll found that 49 percent agreed with the order while 41 percent disagreed. Democrats were more than three times as likely as Republicans to say the “U.S. should continue to take in immigrants and refugees,” and Republicans were more than three times as likely as Democrats to agree that “banning people from Muslim countries is necessary to prevent terrorism.” A February 2nd CNN poll found that 53 percent opposed the travel ban while 47 percent favored it, with 88 percent of Democrats opposing and 88 percent of Republicans supporting it. Evidently, many citizens are motivated more by party affiliation than by the teachings of their religious leaders.

The claim that the president’s executive order was “religiously dangerous” deserves further analysis. Polls show most Americans saw it as a ban on Muslims. During the election campaign, President Trump spoke about banning all Muslims and asked Rudy Giuliani how that could be accomplished without violating the constitution. Republican senators, John McCain and Lindsay Graham, said the order would be widely interpreted as a Muslim ban, a “self-inflicted wound” that “may do more to help terrorist recruitment than improve our security.” Patriarch Raphael Luis Sako, head of the Chaldean Catholic Church in Iraq, worried that the Muslim world will view the order as an attack on Islam and will use it to target Christian groups in the Middle East. Despite the administration’s claim that the executive order was not religiously discriminatory, there is a widespread impression that it was really a ban on Muslims.

Legally, federal judges usually defer to presidents on matters of national security. In this case, however, James Robart, a federal judge from the state of Washington and a Republican appointee, temporarily froze nationwide the enforcement of the president’s executive order, arguing that the ban did irreparable harm to citizens of the state of Washington and violated both the establishment clause of the First Amendment and the non-discrimination clause of the Fourteenth Amendment. The Trump administration challenged the stay but a three judge panel (2 Democratic appointees and one Republican) in the Ninth Circuit Court of Appeals upheld Judge Robart’s original stay, meaning the president’s order was no longer in effect.

In response to the court-ordered stay, President Trump rescinded his first executive order and issued a second one designed to prevail against legal challenges. This new order, signed on March 6, 2017, to take effect on March 16, does not affect persons already in the U.S. who hold green cards and valid visas. It drops the provision granting privilege to Christian minorities and the indefinite ban on Syrian refugees. It maintains the 120 day ban on all refugees, and the cap on total refugees at 50,000 a year as well as the 90 day ban on six of the original seven Muslim countries, with Iraq no longer among the banned.

Reactions to the second executive order have been predictable, if more muted. Speaker Ryan again upheld the ban saying “it advances our shared goal of protecting the homeland,” while Senator Schumer described it as “a watered-down ban” that was still “mean-spirited and un-American.” The executive director of Amnesty International USA said it once again puts “anti-Muslim hatred into policy.” Anticipating the new travel ban, over 4,000 religious leaders, including Sr. Simone Campbell and Jim Wallis, endorsed a national petition supporting refugee settlement in the United States. Noting that there are more than five million Syrian refugees today, the petition insists “the United States has an ethical obligation as a world leader to reduce this suffering and generously welcome Syrian refugees into our country.” The American Civil Liberties Union claimed the new ban still violates the Establishment Clause of the First Amendment by targeting six countries with a Muslim population of over 90 percent and promised to challenge the ban in court.

Shortly before the second travel ban was to go into effect, a Federal Judge in Hawaii, Derrick Watson, issued an emergency stay that effectively blocked its implementation on the grounds it is really a Muslim ban –an argument that draws on comments made by Trump as a candidate. The administration has vowed to challenge the stay in the courts, claiming it is an “unprecedented judicial overreach.” Opinions vary as to the eventual outcome of the case, which will prove to be especially important to individuals directly affected. Whatever the final legal decision, however, we still face fundamental moral and religious questions of how we deal with the Muslim world.

Christian-Muslim cooperation is crucial to defeating terrorism and creating a more peaceful world. Together, the two religions make up more than half the world’s population. The almost fifteen century history of Christian-Muslim relationships has had its moments of peaceful coexistence but also includes long periods of war and conflict, with the Crusades (1095–1291) serving as a prime example. These periodic religious conflicts produced in the Christian world the general sense that Islam is a violent religion and that Muslims are the enemy.

The Second Vatican Council (1962-1965) challenged this popular view in its Declaration on the Relation of the Church to Non-Christian Religions (Nostra Aetate). The declaration notes that the Church has “a high regard for Muslims” who worship the one God and “submit themselves without reserve” to the divine will, as did Abraham. Although Muslims do not acknowledge the divinity of Jesus, they do venerate him as a prophet and honor Mary as his virgin mother. They “highly esteem an upright life and worship God, especially by way of prayer, alms-deeds and fasting,” while awaiting the “reward of God following the resurrection of the dead.” Recognizing the many quarrels in the past, the Council urges “a sincere effort” to achieve “mutual understanding” which will promote “peace, liberty, social justice and moral values.”

This radical development in Church teaching has produced some positive results within the Catholic community in the United States. We now have less Islamophobia and more interfaith dialogue and collaboration. Catholic-Muslim dialogues have generated better understanding on both sides and built up mutual trust. Instead of the stereotypical image of Muslims as enemies, more Catholics now see them as fellow monotheists, as brothers and sisters in the family of Abraham, and as collaborators in the cause of justice and peace. With similar developments in other religions and secular groups, we now have a significant number of Americans who welcome Muslims and oppose any discrimination against them.

Those of us who favor a more open attitude toward Islam face several challenges. One is to develop effective arguments against any restrictive bans on Muslims: for example, such restrictions weaken our relationships with Muslim countries who are best placed to fight terrorism; they provide recruiting tools for violent jihadists; and they endanger minority religions in Muslim countries. We must also find ways to convince fellow believers that refugee policies have a moral dimension and should not be judged only on partisan grounds. We could use more parish based programs that sponsor face to face interactions between Christians and Muslims, the best way to promote friendships and reduce prejudice. We can anticipate an on-going debate over immigration policies which will affect Muslims. The welcoming approach of our religious leaders is clear and important. Our challenge is to expand their influence so that we have a growing number of believers who welcome the stranger and favor more open policies on refugees and immigrants.