

July 20, 2020

Dear Representative:

On behalf of our national network of more than 300,000 supporters, Americans United for Separation of Church and State urges you to vote **YES on the NO BAN Act**. This bill will ensure no one can be banned from our country because of religious or nationality-based discrimination.

Religious freedom is a fundamental American value. The U.S. Constitution ensures we all have the right to believe—or not believe—and to practice our faith without government interference or discrimination. Americans United advocates for this foundational principle every day and has fought to protect everyone’s religious freedom since 1947.

### **The Muslim and African Bans**

After promising a “total and complete shutdown of Muslims entering the United States,”<sup>1</sup> President Trump signed the Muslim Ban as one of his first acts in office. The ban resulted in widespread chaos and anguish immediately after it was signed, stranding people abroad and even sending refugees away on return flights. Just days after the third anniversary of the Muslim Ban, President Trump expanded the ban, targeting even more Muslims and immigrants of color—including people from the most populous country in Africa. Countless families remain separated because of the Muslim and African Bans—with heartbreaking consequences. The bans must be undone.

### **The Bans Impose a High Cost on Families and the Country**

Because of the bans, people have been denied access to lifesaving medical treatments. Parents have been unable to care for their children; and spouses have been forced to live in separate countries. Some have been denied the opportunity to attend funerals or visit dying family members. Accomplished professionals, researchers, and students have been denied access to career and educational opportunities that would contribute to our country’s advancement. And even in the midst of a pandemic when first responders are overwhelmed, doctors and medical professionals who could help care for patients have been barred from coming here.

At the same time, the Muslim Ban has emboldened extreme anti-Muslim bigotry. Hate crimes and acts of intimidation against Muslims have surpassed the previous record year following 9/11. Individual stories from people across the country sadly confirm how endangered Muslims and those perceived to be are feeling.<sup>2</sup>

- Sarah, an Afghan American described, “My family and I have never felt more unsafe at any point of our lives living in USA.”
- Monica, an American Hindu explained, “I’ve noticed heightened hostility towards my community” since the Muslim Ban was announced.
- Seid, an Ethiopian American Muslim says, “After the Muslim Ban, things turned intense. Some became more empowered to speak on their prejudices.”

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<sup>1</sup> See Jenna Johnson, *Trump Calls for ‘Total and Complete Shutdown of Muslims Entering the United States,’* Wash. Post (Dec. 7, 2015), available at <https://wapo.st/2Q5kecu>.

<sup>2</sup> Rokia Hassanein, *Many Americans Have Been Affected By President Trump’s Muslim Ban. Here Are Some of Their Stories.*, Americans United Blog (Apr. 6, 2018), <https://bit.ly/2m3klJL>; Rokia Hassanein, *People Are Being Harmed By President Trump’s Muslim Ban. Here Are Some Of Their Stories.*, Americans United Blog (Apr. 13, 2018), <https://bit.ly/2mX1fFk>; Rokia Hassanein, *People Are Being Harmed By The Muslim Ban. Here Are Some of Their Stories.*, Americans United Blog (Apr. 20, 2018), <https://bit.ly/2mWJWEx>.

## **The Muslim Ban Violates Religious Freedom**

The Muslim Ban is a breach of the foundational American promise of religious freedom for all. The Constitution protects the right of Muslims to exercise their beliefs, just like people who follow any other religion or no religion. Indeed, people of all faiths and backgrounds have long sought refuge in our country. Catholics, Protestants, Eastern Orthodox Christians, Jews, Muslims, Buddhists, Sikhs, Hindus, and atheists, among others, have all come to America because of our country's promise of religious freedom. President Trump's Muslim Ban, however, turns its back on this deeply rooted tradition of religious freedom.

Indeed, the "clearest command" of the First Amendment's Establishment Clause is to forbid the government from officially preferring one religious denomination over another.<sup>3</sup> The Ban, in contrast, singles out Muslim-majority countries and subjects those who were born in or come from those countries to exclusion based on their faith. The Ban sends the message that Muslims are "outsiders, not full members of the political community."<sup>4</sup>

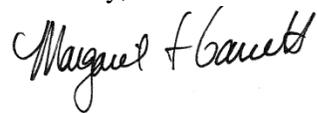
In 2015, then-candidate Trump promised to impose the Muslim Ban "until our country's representatives can figure out what is going on."<sup>5</sup> Although the ban purports to be based on a worldwide review of information-sharing policies and practices to determine which countries (and their nationals) are placed on the banned list, the criteria used are completely irrelevant and have been applied wholly inconsistently. And although there is a putative waiver policy, there is no procedure to apply for a waiver and scant guidance on when waivers are to be issued, which has only happened in a small fraction of cases. Former consular officials have stated that the waiver process is a "fraud" and has "no rational basis."<sup>6</sup>

Rather than figuring things out, the administration has imposed bans that harm our national interests. Former national security officials who served under Democratic and Republican administrations explained that the Muslim Ban "not only fails to advance the national security or foreign policy interests of the United States; it cause multiple, serious harms to those interests."<sup>7</sup>

## **The NO BAN Act**

The NO BAN Act is a clear and unequivocal response to the Muslim and African Bans and a critical rebuke of the Trump administration's anti-immigrant, white Christian nationalist agenda. It would ensure no one can be banned from our country because of religious or nationality-based discrimination. We urge you to take action to defend the Constitution's religious freedom protections and vote **YES on the NO BAN Act**.

Sincerely,



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<sup>3</sup> *Larson v. Valente*, 456 U.S. 228, 244 (1982).

<sup>4</sup> See *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 309 (2000).

<sup>5</sup> See "Trump Calls for 'Total and Complete Shutdown of Muslims Entering the United States.'"

<sup>6</sup> Jeremy Stahl, *The Waiver Process Is Fraud*, Slate (June 15, 2018), available at <https://bit.ly/2mWFFAX>.

<sup>7</sup> Br. of Former Nat'l Security Officials as Amici Curiae in Support of Respondents at 20, *Trump v. Hawai'i*, 138 S. Ct. 2392 (2018).