

‘Unprecedented Judicial Overreach’: Hawaii Judge Blocks Trump’s New Travel Ban

Wednesday evening, a federal judge in Hawaii issued a nationwide restraining order against the Trump administration’s plan to enforce President Donald Trump’s new temporary travel ban from a handful of Muslim-majority nations.

Department of Justice attorneys had argued the president can restrict the entry of foreign nationals into the U.S. when their entry “would be detrimental to the interests of the United States,” as is the case with radical Islamic terrorists. The administration’s decision to narrow the scope of the order and to add a waiver process addressed the constitutional concerns of the original travel ban order.

The countries from which visa applications would be restricted were already identified by the Obama administration to be removed from the visa waiver program. The six countries “represent only a small fraction of the world’s 50 Muslim-majority nations, and are home to less than 9 percent of the global Muslim population,” they stated in written arguments to the court.

As if he were reading straight from the Democratic Party’s “Muslim ban” narrative, however, U.S. District Court Judge Derrick Watson, an appointee of President Barack Obama, said the order intentionally targets Muslims and therefore violates the Constitution’s guarantee against establishment of religion. To support his decision, the judge cited comments the president has made, both on the campaign trail and since taking office, as evidence of “significant and un rebutted evidence of religious animus.”

"These plainly worded statements, made in the months leading up to and contemporaneous with the signing of the executive order, and, in many cases, made by the executive himself, betray the executive order's stated secular purpose," he wrote in his 43-page decision. "The illogic of the Government's contentions is palpable. The notion that one can demonstrate animus toward any group of people only by targeting all of them at once is fundamentally flawed."

He then characterized the travel ban executive order as religious discrimination against Muslims. Legal experts, however, were almost unanimous in their own verdict: Watson's decision will be overturned on appeal.

Harvard Law School professor Alan Dershowitz called the order "plainly constitutional." He then suggested the Supreme Court would not uphold a politically loaded decision like Watson's.

"The same words are constitutional if Barack Obama does it, unconstitutional if Donald Trump does it?" he questioned.

The president's new travel ban would have gone into effect at 12:01 a.m. EDT Thursday. Under the provisions of the order, citizens of six Muslim-majority countries—Iran, Libya, Somalia, Sudan, Syria and Yemen—would be banned from obtaining visas to come to the United States for 90 days, and all refugee resettlement would be halted for 120 days.

Throughout the duration of the order, the Trump administration will develop an "extreme vetting" program for all foreign visitors to the U.S. During a rally later in the day in Nashville, Tennessee, Trump said federal immigration law gives him and every other president the power to determine who is admitted to the country and judges can't constrain such national security powers.

"This ruling makes us look weak," he said. "We are going to take our case as far as it needs to go, including all the way up to the Supreme Court. We're going to win. ...

"This goes beyond me because there will be other presidents,
and we need this." {eoa}