

The new Dred Scott: Supreme Court upholds Trump travel ban

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The US Supreme Court's decision in *Trump v. Hawaii* upholding President Trump's anti-Muslim travel ban is a shameful landmark in the destruction of democratic rights. It has been met with contempt and outrage by tens of millions of Americans and countless more millions around the world.

In its legal, political and moral bankruptcy, the decision ranks alongside such infamies as *Korematsu v. United States*, which upheld the internment of Japanese-Americans, *Plessy v. Ferguson*, which sanctioned racial segregation, and *Dred Scott v. Sandford*, which held that the descendants of black Africans brought here as slaves, even when freed, could not be citizens and "had no rights which the white man was bound to respect."

By upholding Trump's power to seal the country's borders, the court has granted the president limitless authority to enact his fascist policies against immigrants and political opponents. There can now be little question that the country's highest court will rubber-stamp whatever authoritarian measures Trump plans on enacting, including the abolition of due process for immigrants and the erection of concentration camps.

As a result of the decision, roughly 250 million inhabitants of Iran, Libya, Syria, Yemen, Somalia, North Korea and Venezuela will remain effectively barred from entering the US. The decision is a major political victory for Trump, who boasted yesterday that he had been vindicated by the ruling.

The court ruled that Trump has "broad discretion" and "ample power to impose entry restrictions," provided he believes that foreigners entering the US "would be detrimental to the interests of the United States."

The court overlooked Trump's overtly racist motive for implementing the ban. While citing Trump's 2015 call for "a total and complete shutdown of Muslims entering the United States," the court ruled that the president's "authority" to issue "a national security directive

regulating the entry of aliens abroad" invalidated the plaintiff's claim that the ban violated the First Amendment's proscription against religious discrimination.

The majority in the five-to-four decision made clear that its ruling affords the president and the military the power to take drastic measures in a "national emergency" or "during a time of crisis," including "if the United States were on the brink of war."

This parallels the legal rationale of Nazi jurist Carl Schmitt, who justified the suspension of democratic rights by citing the exigencies of confronting a national security emergency.

Under the guise of "national security" and "combating terrorism," the American ruling class has terrorized the world for nearly 20 years. The US government has invoked "national security" to justify killing millions in Iraq, Afghanistan, Libya and Syria. This mantra has served as the all-purpose rationale for launching drone strikes, carrying out torture, conducting mass surveillance and establishing a "total army" linking the forces for wars of aggression abroad with the forces of state repression at home.

Now the "war on terror" has metastasized into the war on immigrants.

The premise that immigrants or citizens of the seven countries subject to the travel ban represent a threat to the American population is an outright lie.

Those blocked from entering the US hail from countries that have been devastated by American military intervention—Somalia, Syria, Libya and Yemen—or by a ruthless sanctions regime—North Korea, Venezuela, and Iran. Thousands of refugees will now be denied asylum after escaping the war, violence and poverty for which the United States is chiefly responsible.

Also on Tuesday, in another reactionary ruling, the Supreme Court overturned a California law requiring anti-

abortion crisis pregnancy centers to provide information about abortion. The anti-abortion ruling cast doubt on similar laws in Hawaii and Illinois.

The four-justice dissent in the travel ban case, penned by Obama appointee Sonya Sotomayor, acknowledged the racist overtones of Trump's order and compared the decision to *Korematsu*. But it accepted the "national security" framework, arguing as a policy matter that the ban would increase terrorism and thereby expand the threat to "national security." Sotomayor cited a brief written in opposition to the travel ban by former Secretary of State Madeleine Albright, former CIA Director John Brennan and former Director of National Intelligence James Clapper.

The experience of the Muslim ban exposes the Democratic Party's role in ensuring its ultimate implementation. Trump announced his first travel ban on Friday, January 27, 2017, one week after taking office. Tens of thousands of protesters descended on airports and border crossings across the country and protests grew over the weekend.

Shocked by the size and extent of the protests, the Democratic Party intervened, dispatching representatives to tell demonstrators to place their faith in Democratic politicians, who would introduce legislation and file legal challenges to the ban. Now, the Democrats are responding to Tuesday's order by calling on those opposed to the ban to vote for them in the 2018 midterm elections.

For the entirety of Trump's presidency, the Democratic Party has worked to suppress opposition to his right-wing policies and channel popular hostility behind its reactionary anti-Russian campaign and the neo-McCarthyite #MeToo witch hunt.

But the outrage engendered by the escalating attack on immigrants in recent weeks has upended the Democratic initiatives and raised the prospect of renewed mass demonstrations. It is more difficult for Democrats to blame social divisions in the US on Vladimir Putin when the US government is taking children from their parents and locking them up in cages.

The escalation of the attack on immigrants is the ruling class' response to the growth of strikes and social struggles, such as the wave of teachers' strikes, industrial actions by auto workers and the massive strike authorization vote by UPS workers.

Trump seeks to scapegoat immigrants and divert anger over social inequality and declining living standards away from the banks and corporations that both the Republicans and Democrats represent. In this he is acting in concert

with capitalist governments around the world, which are carrying out similarly barbaric attacks on refugees.

The US military is using Trump's anti-immigrant vendetta to begin constructing a network of concentration camps to house 120,000 people, including prisons located near urban areas in California. These will be used to hold not only immigrants, but also striking workers and political dissidents. This is how the ruling class is preparing for the next stage of the class struggle.

There can be no viable fight against the attack on immigrants and the drive toward dictatorship outside of a complete break with the Democratic and Republican parties. The urgent threat to democratic rights requires the mass mobilization of the working class, the central target of the police state measures being enacted.

In the face of these dangers, a socialist program is required. The Socialist Equality Party demands:

- * Open borders. The right of workers to live and work anywhere they choose without fear of harassment or deportation

- * Full, immediate citizenship for all undocumented people

- * Immediate release of all detained immigrants in the US and internationally

- * Abolition of the American Gestapo—Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP)

- * The provision of trillions of dollars for public services and jobs programs for all workers regardless of immigration status through a 90 percent tax on all income over \$1 million

- * Prosecution of Donald Trump, Jeff Sessions, Stephen Miller and Kirstjen Nielsen for crimes against humanity.

The SEP calls for workers to establish workplace and neighborhood committees, independent of the trade unions and the Democratic Party, to popularize these demands and mobilize their communities, schools and workplaces in defense of the rights of immigrants and all working people.

This struggle must be guided by the understanding that the defense of basic rights is inseparable from a political struggle against the capitalist system—the source of war, inequality and repression—and the fight for socialism.



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