

Historians Oppose Second Draft of Executive Travel Ban

Facing extensive criticism and litigation of his first executive order restricting entry into the United States, President Donald Trump has issued a revised executive order (#13780), this time citing historical evidence in support of the policy restricting immigration and refugee resettlement. The American Historical Association has applied the discipline's professional standards to the revised directive and found that it does not pass historical muster. Moreover, like its predecessor (EO #13769), the order "stands at odds with the values stated in our nation's founding documents."

The AHA's statement reads:

In his revised executive order (EO) on immigrants and refugees, President Donald J. Trump has removed some controversial elements of the directive it replaced. Given these changes, the American Historical Association has evaluated the new order and here responds to both the evidence presented in support of the policy and its implications for the work of historians, students, and other educators. History is a discipline that begins with questions and impartially marshals evidence before generating answers. A compelling argument requires facts presented in context. This executive order offers little context, inclines more towards assertion than evidence, and uses scattered examples to draw conclusions that stand contrary to facts.

Citing "recent history," the order notes that "hundreds of persons born abroad have been convicted of terrorism-related crimes in the United States." A historian looks for context. The United States is home to millions of people "born abroad." Of [all the lethal terrorist acts](#) that have been committed since September 11, 2001, and could be labeled "jihadist," none of the 13 individuals involved were from the executive order's six banned countries. Eight were born American citizens. Of the non-lethal jihadist attacks in the US during the same period, only three attackers entered the US from countries included in the ban. Most acts of terrorism committed or planned in the United States have involved primarily native-born, white men.

The scattered examples are equally unconvincing to scholars accustomed to the standards of our discipline. The new EO cites "two Iraqi born nationals admitted to the United States as refugees in 2009." Each was convicted of terrorist acts committed in Iraq. The [Justice Department](#) has been clear on this: "[n]either was charged with plotting attacks within the United States." The "native of Somalia" referenced in the EO, convicted of a plot in Oregon, came to the United States [as a child](#) and was radicalized here. He has been emphatically [identified](#) by the US attorney for that district as an instance of "home-grown" terrorism.

The EO's sole reference to substantial numbers states that "300 persons who entered the United States as refugees are currently the subjects of counterterrorism investigations by the Federal Bureau of Investigation." [No evidence](#) for this claim has been forthcoming; the FBI has been silent regarding the list of 300 persons. In 1950, Senator Joseph McCarthy made a comparable [accusation](#) to which hindsight has not been kind: "While I

cannot take the time to name all the men in the State Department who have been named as members of the Communist Party and members of a spy ring, I have here in my hand a list of 205.”

An edict lacking rigorous evidence invites inconsistent and arbitrary enforcement. The blanket ban on the issuance of visas to the nationals of six Muslim-majority countries, with provisions for waivers to be made on a case-by-case basis and under uncertain circumstances, leaves open the possibility—even the probability—that the order will be administered erratically. We have already seen this with the arbitrary and inappropriate detention of historian Henry Rousso at a Houston airport. Unpredictability encourages vigilantism; the attendant inflated risk to prospective immigrants and visitors will have a chilling effect on the presence of international students and scholars that benefit our classrooms, global diplomacy, and the international interchange of ideas.

If Executive Order 13780 seems less harsh than did EO 13769, due to a multitude of exceptions and opportunities for appeal, the context remains a presidential rhetoric that favors building walls (literal and figurative) and only reluctantly criticizes a rising tide of hostility toward people whose status as Americans is considered provisional. We note especially the recent painting of swastikas on college campuses, including buildings in which historians work.

President Trump’s new executive order stands at odds with the values stated in our nation’s founding documents, its proudest moments as a beacon and refuge. The new policy persists in demanding that the number of refugees accepted into the United States drop from 110,000 to 50,000, quashing the hopes of men, women, and children already in various stages of a thorough (even “extreme”) vetting process. This reduction in refugee admissions, based on a rhetoric that ties national security and well-being to ethnicity, evokes the refugee crisis of the 1930s, when the US government issued many fewer immigration visas than it could have under existing laws to Jews fleeing Nazism.

Our traditions include exclusion, to be sure. The United States, through legislation and executive decision, has denied admission to many who sought only safe harbor and just treatment under law. Historical research has taught us that rather than keep us safe, those moments kept from our shores—and in some cases, implicitly sentenced to suffering or even death—individuals who could have contributed to our communities. We could have done better then; we can do better now.