



# The Phyllis Schlafly Report

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## Trump versus the Judges

Donald Trump won the presidency fair and square, but there's a well-funded movement to resist his victory and defy the new president's authority over the executive branch of our government. Now one federal judge, who sits nearly 3,000 miles away in the "other" Washington, has raised the stakes by ordering federal bureaucrats to disobey a lawful order by President Trump.

Judge James L. Robart's reckless ruling shocked legal scholars because in so many previous decisions, courts have recognized the president's power to keep aliens out of the United States. If taken literally, the judge's ruling gives everyone in the world the right to sue in our courts for the right to enter and remain in our country.

"Just cannot believe a judge would put our country in such peril," Trump tweeted from Mar-a-Lago. "If something happens blame him and court system. People pouring in. Bad!" A few minutes later, he tweeted again: "I have instructed Homeland Security to check people coming into our country VERY CAREFULLY. The courts are making the job very difficult!"

It should be obvious that we need to pause the admission of refugees and others from known terror havens, and Donald Trump was elected on a promise to institute a temporary ban followed by "extreme vetting" of future visitors. The American people are entitled to get what we voted for.

Orlando, San Bernardino, and Chattanooga are just a few of our cities scarred by atrocities committed by refugees or aliens from known hotbeds of terrorism, or by their spouses or children who grew up among us. The bombers of the Boston Marathon were sons of refugees, and the recent attack at Ohio State University was committed by an 18-year-old refugee from Somalia.

"What is our country coming to when a judge can halt a Homeland Security travel ban and anyone, even with bad intentions, can come into U.S.?" read another Trump tweet. "When a country is no longer able to say who can, and who cannot, come in & out, especially for

reasons of safety & security - big trouble!"

The president's commonsense views, so recently endorsed by the American people, received no respect from the federal judge in Seattle. Although nominally appointed by President George W. Bush in 2004, Judge Robart was actually selected for his job by Washington's two Democratic U.S. Senators, Patty Murray and Maria Cantwell.

In the most offensive part of his ruling, the judge accepted the crazy argument that Washington State has the right to protect its own "residents" (not just citizens) against the legitimate enforcement of federal law. The Supreme Court rejected that idea in the 1960s, when South Carolina tried to escape the federal Voting Rights Act, and it should do so again in this case.

The Supreme Court has also ruled that aliens outside the United States have no right to sue to enter our country. The President can even revoke their visas if he believes it is in the national interest to do so. And if the aliens themselves have no right to sue, no one else has the right to sue on their behalf.

The famous Quinnipiac poll recently sampled 899 registered voters, finding that by a margin of 48 percent to 42 percent, voters support "suspending immigration from terror prone regions, even if it means turning away refugees." By a margin of 53 percent to 41 percent, voters also said they would support requiring immigrants from Muslim-majority nations to register with American officials.

Rasmussen reported similar results from its poll of 1,000 likely voters, with 57 percent supporting a temporary halt on refugees from Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen while only 33 percent were opposed. The president's proposal was supported by 82 percent of Republicans, 59 percent of independents and 34 percent of Democrats.

*Newsweek* magazine sent a reporter to Luzerne County, Pennsylvania, which flipped from supporting

Obama by 5 points in 2012 to a 20-point victory for Trump in 2016. Voters there overwhelmingly support the President's policy, with one former Bernie Sanders supporter saying of Trump: "I don't think he's picked out a religion, he's picked out countries that need more vetting."

While the President's executive order works its way through the courts, the Syrian-born mayor of Prospect Park, New Jersey, signed his own executive order that prohibits the use of "any Borough funds or resources to assist in the enforcement of federal immigration law." The defiant refugee from Aleppo proves the truth of Ann Coulter's recent comment: "We let in one ethnic group out of compassion, then they form an ethnic power bloc to demand that all their fellow countrymen be let in, too."

## **Trump Ejects Obama Holdover**

Friday, January 27, was Donald Trump's seventh full day as President, but there was no time to rest. At 4:42 p.m., just as many federal bureaucrats were starting the weekend, Trump signed executive orders that carry out his pledge to temporarily restrict travel from Muslim terrorist nations, including Syria and Somalia, until we come up with a better way to identify those who would do us harm.

Under the new policy, the privilege of visiting the United States would be suspended for 90 days for citizens of 7 of the most dangerous Muslim nations. Refugee admissions would be suspended for 120 days, and Syrian refugees would be suspended indefinitely. "We've taken in tens of thousands of people," Trump said. "We know nothing about them. How can you vet somebody when you don't know anything about them and they have no papers?"

"We have enough problems," Trump continued. "I am going to be the president of a safe country."

Over the weekend, thousands of apparently organized protesters disrupted airports and delayed travelers around the country, while ACLU lawyers rushed papers before Obama-appointed judges. More Americans were inconvenienced by the protesters than the handful of foreign visitors who were briefly detained by U.S. customs and immigration officials.

On Sunday Chuck Schumer, the new Senate minority leader, cried crocodile tears as he denounced "this evil order." As President Trump commented to laughter from the media, "There's a 5 percent chance they're real. I think they were fake tears."

Federal employees returned to work on Monday, and some were fired up to resist the new president's policy. At the State Department, bureaucrats were circulating a "dissent memo" which included the sanctimonious phrase "We are better than this."

At the Justice Department, an Obama holdover named Sally Q. Yates had been the Acting Attorney General while Senator Jeff Sessions was awaiting Senate confirmation as our nation's 84th Attorney General. As a merely acting official, serving temporarily in a job to which she was not confirmed, she was supposed to be a temporary caretaker, not a policy maker.

On Monday afternoon, Yates announced that "for as long as I am the Acting Attorney General, the Department of Justice will not present arguments in defense of the Executive Order." By early evening, Sally Yates was no longer the Acting Attorney General.

When President Obama issued his executive orders known as DACA and DAPA, which directly violated our immigration laws by granting work permits to illegal aliens, his Justice Department defended them all the way to the Supreme Court. When President Trump issues executive orders upholding our immigration laws passed by Congress, government lawyers refuse to defend them, undermining the rule of law.

Defending the temporary suspension of entry by non-U.S. citizens, White House senior policy adviser Stephen Miller pointed out that "No citizen of a foreign country has a constitutional right to enter the United States." Otherwise, anyone who is denied a visa to visit our country could sue for the massive benefits that the taxpayers provide to citizens and legal residents.

Stephen Miller also warned of the "permanent intergenerational problem of Islamic radicalism" that has transformed much of Europe into no-go zones for native Europeans. We should be concerned about similar pockets of unassimilated immigrants in our country, such as Minnesota's large concentration of refugees from Somalia.

President Trump quickly replaced the defiant acting Attorney General Yates with a U.S. Attorney who would defend his appropriate executive order limiting foreign citizens from seven Muslim nations from entering into our country. Trump appointed Dana J. Boente, the United States attorney for the Eastern District of Virginia, who said he will enforce Trump's order.

An Attorney General who served under President George W. Bush, Alberto Gonzales, pointed out that Yates should have resigned from her position if she disagreed with Trump's executive order about immigration from certain nations associated with terrorism. Yates could have attempted to persuade Trump to change the order if she disagreed with it, and she should have then resigned if she did not want to enforce it.

Instead, the Obama-appointed Yates sent out a blanket order to all attorneys in the Department of Justice not to defend an order by the President, for whom Yates and all Department of Justice attorneys work.

Defiance by Democrats continued in the Senate in their unprecedented walking out of committee votes on two of Trump's nominations to his Cabinet, Rep. Tom Price for the Department of Health & Human Services and Steven Mnuchin for the Treasury Department. Both nominees have majority support on the Senate Finance Committee and in the entire Senate, but the Democrats resorted to stall tactics to delay their confirmation.

Senator Orrin Hatch (R-UT), one of the longest-serving and most mild-mannered members of the U.S. Senate, criticized the stunt as "the most pathetic thing I've seen in my whole time in the United States Senate. I think they [the Democrats] ought to stop posturing and acting like idiots."

### **Donald Trump Channels Pat McCarran**

Donald Trump shook up the presidential campaign with his quick response to the terrorist attack in San Bernardino, California, on Dec. 2, 2015. Speaking five days later aboard the USS Yorktown on the 74th anniversary of the Japanese attack on Pearl Harbor, Trump called on our government to stop letting Muslims enter the United States "until our country's representatives can figure out what the hell is going on."

Trump's profanity was justified by the revelation that the Muslim wife who helped her Muslim husband massacre 14 people in San Bernardino received a visa from our government, which gave her official permission to enter the United States in 2014. With that visa and her Pakistani passport, she legally traveled from Saudi Arabia to San Bernardino and married her U.S.-born Pakistani fiancé, with whom she jointly plotted jihad against Americans.

Before Tafsheen Malik received that valuable visa from our government, she was supposed to be screened for terrorist sympathies. A week after the massacre, FBI Director James Comey told Congress he still didn't know if she was given the required personal interview or what questions she was asked.

After it was too late to keep her out, we learned that Tafsheen left a long trail of jihadist rants on social media, which were overlooked by the U.S. consular officials who granted her visa. We learned from the *New York Times* that "anti-American sentiment in Pakistan was particularly high" following the 2011 raid that killed Osama bin Laden, and that "it is often difficult to distinguish Islamist sentiments and those driven by political hostility toward the United States" – in other words, anti-American attitudes were not enough to keep a Pakistani Muslim out of the United States.

Other presidential candidates rushed to disavow Trump's proposal, which they claimed was illegal, unconstitutional,

or "not who we are," echoing a sanctimonious phrase that President Obama has used 46 times.

Unconstitutional? On the contrary, the Supreme Court has never dared to limit Congress' "plenary power" over immigration, even when it was based on race, religion or national origin. In a 1977 case, for example, the Supreme Court observed that "the power to expel or exclude aliens [is] a fundamental sovereign attribute exercised by the government's political departments largely immune from judicial control."

That plenary power is best expressed in this federal law: "Whenever the president finds that the entry of any aliens, or of any class of aliens, into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants."

That law was the work of one of our greatest U.S. Senators, Pat McCarran (D-NV), after whom the airport at Las Vegas is named. Along with Representative Francis Walter (D-PA), the two Democrats wrote the McCarran-Walter Immigration Act which Congress passed over Harry Truman's veto in 1952.

All during the Cold War, McCarran-Walter was successfully used to keep out aliens who were members or "fellow travelers" of the Communist party or members of "Communist front" organizations. In 1980, the same law was used by President Jimmy Carter during the Iran hostage crisis to suspend visas to anyone who wanted to come here from Iran.

In addition to barring the entry of "any class of aliens" who may be "detrimental to the interests of the United States" (a category that could include Muslims or persons of any faith who are citizens of, or have traveled to, a Muslim country), the law says the president may "impose on the entry of aliens any restrictions he may deem to be appropriate." They could be required to wear ankle bracelets to monitor their movements, or to provide passwords to their electronic devices and social media accounts, as a condition of the privilege of entering our country.

Sixty years ago, the Democratic party could boast a patriotic, pro-American anti-Communist like Pat McCarran, but that is no longer the case. Hard-left Senator Pat Leahy (D-VT) proposed an amendment, which unfortunately was adopted by the Senate Judiciary Committee with the help of seven Republicans, stating that "It is the sense of the Senate that the United States must not bar individuals from entering into the United States based on their religion, as such action would be contrary to the fundamental principles on which this Nation was founded."



No, the fundamental principle on which this Nation was founded is that “we the people,” through our elected representatives, have the unalienable right to pick and choose whom we shall allow to enter our great country. The Constitution which our founding fathers bequeathed “to ourselves and our posterity” does not extend its rights and benefits to the whole world.

### **Lesson of ‘The Snake’**

Campaigning in Erie, Pennsylvania, on August 12, Donald Trump entertained his vast crowd of supporters by reciting the lyrics to a song called “The Snake.” The song was written about 50 years ago, but it tells a timeless truth derived from Aesop’s Fables, which are more than 2,500 years old.

The song tells the story of a “tender-hearted woman” who rescues a “poor, half-frozen snake” from near death in the winter cold. “Take me in, oh tender woman,” the snake cries out. “Take me in, for heaven’s sake.”

So the tender-hearted woman takes the snake into her own home, warms it by the fire and feeds it milk and honey: “If I hadn’t brought you in, by now you might have died.” But instead of saying thanks, the snake gave her a vicious bite.

“I saved you,” cried the woman. “And you’ve bitten me, but why? You know your bite is poisonous, and now I’m going to die.” “Oh shut up, silly woman,” said the reptile with a grin. “You knew damn well I was a snake before you took me in.”

The moral of the song was clear to many in the crowd, but Donald Trump made sure that everyone got the message. “This is what is going on in our country, with our border,” he told the 9,000 people who filled the Erie Insurance Arena. “When you’re listening to this, think of our border. Think of the people we are letting in by the thousands. And Hillary Clinton wants to allow 550% more coming in to our country. How stupid are we!”

That’s right: Hillary said she wanted to bring in 65,000 Syrian refugees, which is indeed a 550% increase over the 10,000 admitted in 2016, which in turn is a 500 percent increase over the previous year’s intake of about 1,600. Obama rushed to complete his pledge to bring in 10,000 Syrian refugees by September 30, despite FBI Director Comey’s testimony in October 2015 that those people can’t be vetted because there are no reliable records on them.

As Trump said at the rally in Erie, “We want to help people, but we can’t take a chance. We know bad things are going to happen. We know, as we allow more and more people to come in from terror areas, bad things are going to happen.”

To illustrate the “bad things” that are bound to happen when “we allow more and more people to come in from terror areas,” Senator Jeff Sessions (R-AL) released the names of 20 people convicted of terrorism in the last three years after being admitted to our country as refugees from such countries as Iraq, Somalia, Uzbekistan and Bosnia. One of the 20 had received a special visa for Iraqi translators and subsequently became a U.S. citizen, yet he pledged an oath to the leader of ISIS.

Trump’s compassionate solution for the refugee crisis is to “build a beautiful safe zone in Syria” and get the so-called Gulf States to pay for it. The Gulf States are the oil-rich kingdoms of the Persian Gulf whose existence is protected by the U.S. Navy, but have contributed nothing for the welfare of their fellow Arab Muslims in need.

“The story of ‘The Snake’ is what’s happening to our country,” Trump continued. “We’re letting people in. Many of these people hate us. Many of these people don’t have good thoughts. And you see what one sick wacko can do in Orlando. And then you see his father sitting behind Hillary Clinton with a big smile on his face.”

That’s right, the father of Omar Mateen, who murdered 49 people at the Pulse nightclub on June 12, was allowed to sit directly behind Hillary where he was visible on camera during her entire 25-minute speech. Seddiq Mateen, who apparently came to the United States as a refugee in the 1980s, told reporters that Hillary Clinton “would be good for the United States, versus Donald Trump.”

Before we allow any more refugees from Syria, let’s take a closer look at what happened to a previous wave of refugees brought here from the East African failed state of Somalia. Starting in the 1990s, an estimated 100,000 Muslims from Somalia have been resettled in Minnesota and Maine at U.S. taxpayers’ expense.

Instead of expressing their gratitude for the opportunity to live in a peaceful, prosperous nation, many Somalis have been trained by leftist community organizers to adopt an entitlement mentality, quick to complain about alleged discrimination. If that’s not bad enough, a disproportionate number of their young men have supported terrorism or have even traveled overseas to join ISIS.

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