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January 29, 2017

The Honorable John F. Kelly
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Kelly,

The Executive Order entitled *Protecting the Nation from Foreign Terrorist Entry into the United States* that President Trump signed on January 27, 2017 has reverberated across the United States and around the globe. It is an affront to everything we stand for as Americans. While the Executive Order will not reduce the threat of terrorism as the President claims, it has already reduced the moral standing of the United States in the eyes of its people and the world. It is a recruiting gift to terrorist groups and will increase the risk of harm to Americans everywhere. I write to urge you to seek its immediate rescission.

The Executive Order suspended entry of all refugees into the United States for 120 days, blocked the entry of citizens from seven Muslim-majority countries into the United States for 90 days — including legal U.S. residents who hold green cards — and barred Syrian refugees indefinitely. These actions are not only shameful and immoral, they are illegal and unconstitutional. Just last night and in the early hours of this morning, federal judges in New York, Boston, and elsewhere issued orders enjoining the Executive Order, finding a strong likelihood that it violates the plaintiffs' rights to Due Process and Equal Protection under the U.S. Constitution.

The Executive Order is already harming many in our home state of Massachusetts, as students, professors, and others affiliated with schools, hospitals, and research organizations — and their family members — are separated or stranded.

I am at a loss to understand how you could have supported this Executive Order. I am especially perplexed because it is at stark odds with views you expressed and assurances you gave to me regarding immigration priorities when we met prior to your confirmation as Secretary of Homeland Security. You stated your opposition to targeting Muslims. And you explained that your focus as Secretary would be on the deportation of those in the United States illegally who have committed serious crimes, not a shutdown of immigration into the United States based on national origin and religion. If media reports are accurate that the Department of Homeland Security had no meaningful input into the order before President Trump signed it, that is equally

disturbing, and should prompt you to question your efforts to influence the Trump Administration's policies and to serve the nation.

I cannot help but note that President Trump signed the Executive Order on International Holocaust Remembrance Day. Painfully, the President's action calls to mind a shameful chapter in U.S. history when, in 1939, this country turned away a refugee ship carrying some 900 German Jews fleeing Nazi Germany. More than 250 of them would later die in the Holocaust. Americans need to know that you will not support this Executive Order or other actions by President Trump that will take the United States back to those dark days, and that you will fight to have this un-American action undone.

I look forward to hearing from you promptly.

Sincerely,



Edward J. Markey
United States Senator