

Companies' Values vs. Trump's Immigration Ban: Where Is the Line?

By Marcela Verástegui, LL.M. Candidate 2017 | March 2, 2017

In early February, about 130 tech companies including Apple, Facebook, Google and Microsoft, filed an amicus brief in opposition to President Trump's immigration ban. The ban represents "a significant departure from the principles of fairness and predictability that have governed the immigration system of the United States for more than fifty years" states the amicus brief, written by Andrew Pincus of Mayer Brown LLP. In practice, President Trump's executive order makes it difficult for U.S. companies to recruit, hire and retain some of their most talented employees, as well as threatens their ability to attract investments. Though most large tech companies signed the brief, two big players IBM and Oracle, among others, refused to do so.

IBM's chief executive Virginia Rometty not only refused to sign the brief but also sent an [open letter](#) to President Trump expressing support in her capacity as the company's CEO. Rometty offered specific ideas she believes "will help achieve the aspiration [Trump] articulated and that can advance a national agenda in a time of profound change." IBM's current and former employees, accompanied by the "IBMer" community, repudiated Rometty's support for Trump and refusal to sign the amicus brief. In response, they signed a [petition](#) asserting that IBM's core values of diversity, inclusiveness and ethical business conduct are against Trump's ban. In addition, IBM employees are publicly refusing to participate in any U.S. government contracts which violate constitutionally protected civil liberties.

Oracle is facing a similar situation. In December, co-chief executive Safra Catz declared that the company is "with [Trump] and will help in any way [it] can." Like IBM, Oracle refused to sign the amicus brief. In response, three young women employees started a petition asking the company to change its mind. As of today, Oracle has declined to comment on this employee-led push.

In general, however, the tech industry stands with the values echoed by the [Never Again pledge](#). In signing the pledge, almost 3,000 tech workers have agreed not to participate in the creation of any government order to build or share any database that will be used to target people based on race, religion or national origin. The pledge recognizes tech companies' prior complicity in human rights violations. For example, the pledge cites IBM's collaboration in 1939 with Nazis to digitize and streamline the Holocaust, resulting in the deaths of millions.

Nowadays, when you enter any company's webpage and read its core values you will see words such as diversity, respect and inclusivity. Whether these companies really believe in those values or are merely adopting them to adhere to trends is up for debate. Now that President Trump and his ban have condoned racism, executives such as Rometty and Catz are willing to lend their powerful technology to help the government find targeted people. The huge concern here is whether IBM and Oracle will help repeat history and contribute to millions of deportations, families' separation, and in the worst-case scenario, death. This is the time for executives to recall the values that they presumably stand for and begin abiding by them. Companies must protect their

employees and their clients against any kind of racism, and respect the constitutionally protected civil liberties that have defined the U.S. for years.