

# Student Reactions to the 2016 Election and Trump Executive Orders on Immigration

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**STUDENT REACTIONS TO THE 2016 ELECTION AND TRUMP  
EXECUTIVE ORDERS ON IMMIGRATION**

EDITORS NOTE:

After Donald Trump's inauguration in January 2017 and the executive orders on immigration (the so-called "Muslim ban"), we invited students and student groups to respond to the following question:

***"As a result of the 2016 election and the recent executive orders on immigration, what legal obstacles or potential changes in the law are you concerned about based on your experiences and perspectives?"***

STUDENT RESPONSES:

Just recently, a restaurant in Charleston, South Carolina denied my cousin service simply because she is a black woman. When I first heard the story, I thought to myself: "Can this restaurant do this? Is this type of discrimination still occurring in 2017?" I wondered as a future attorney what I could have done to protect my cousin's individual rights. Are my rights not going to be protected because of the color of my skin? This election has taken a toll on my confidence in the law. I fear that the law will not protect me or my family because of the color of our skin. I do not want to feel this way about a legal system, one I have grown to understand and respect, but the public display of racism and ignorance throughout the election has me questioning if the law will protect my civil liberties. Or are my civil liberties diminished because of my racial identity?

*- Taylor Faulkner, on behalf of the Black Law Student Association,  
University of Maryland Francis King Carey School of Law*

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I am the proud son of Iranian immigrants, who are now U.S. citizens. Most my family still lives in Iran, but some members of my extended family have lawful permanent resident (LPR) status<sup>1</sup> in the United States. I am also a proud U.S. Citizen and I am proud to state that I was raised in Shippensburg, Pennsylvania. As both a law student

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<sup>1</sup> Also known as "green card" holders, lawful permanent residents are "non-citizen[s] who ha[ve] been granted authorization to live and work in the United States on a permanent basis." *Green Card*, U.S. CITIZENSHIP & IMMIGR. SERV., <https://www.uscis.gov/greencard> (last updated May 13, 2011).

and conscientious citizen of this country, I find the recent Executive Orders issued on January 25, 2017<sup>2</sup> and March 6, 2017<sup>3</sup> to be deeply concerning.

I am concerned because my recently widowed 70+ year-old Grandmother, an LPR who does not speak English and has limited mobility, may not be able to travel to see either of her daughters. I am concerned because my pre-teen cousins, who are American citizens, have asked whether they would get sent back to Iran. I am concerned because a member of *my* government argued in front of the Ninth Circuit Court of Appeals that an executive orders pertaining to national security was *unreviewable*<sup>4</sup>—an assertion contrary to previous decisions by the Supreme Court.<sup>5</sup> I am concerned because the “detain and deport” methods perpetrated by Immigration and Customs Enforcement (ICE) agents deny targeted individuals the fundamental right to a full and fair hearing.<sup>6</sup> I am concerned that the good people in my home state of Pennsylvania have been used and abused by a slick talking snake oil salesman who preyed on their inner fears and vulnerabilities. I am concerned because I live on this planet and I believe that *every* human being should be shown a *modicum* of human decency, especially in the United States. This country is a nation of *immigrants*<sup>7</sup>; it is a nation built and forged on the principle of

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<sup>2</sup> *Protecting the Nation from Foreign Terrorist Entry into the United States, Exec. Order 13769*, FED. REGISTER, 82 F.R. 8977 (Jan. 27, 2017), <https://www.federalregister.gov/documents/2017/02/01/2017-02281/protecting-the-nation-from-foreign-terrorist-entry-into-the-united-states>.

<sup>3</sup> *Protecting the Nation from Foreign Terrorist Entry into the United States, Exec. Order No. 13780*, FED. REGISTER, 82 F.R. 13209 (Mar. 6, 2017), <https://www.federalregister.gov/documents/2017/03/09/2017-04837/protecting-the-nation-from-foreign-terrorist-entry-into-the-united-states>.

<sup>4</sup> *Washington v. Trump*, 847 F.3d 1151, 1161 (9th Cir. 2017).

<sup>5</sup> *Id.* at 1162 (“Although our jurisprudence has long counseled deference to the political branches on matters of immigration and national security, neither the Supreme Court nor our court has ever held that courts lack the authority to review executive action in those arenas for compliance with the Constitution.”). There is no precedent to support the Government’s attempt to insulate President Trump’s immigration policies from judicial oversight. *Id.*

<sup>6</sup> See *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (stating “the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.”) (citations omitted).

<sup>7</sup> See John F. Kennedy, *Remarks at the 50th Annual Meeting of the Anti-Defamation League of B’nai B’rith*, THE AMERICAN PRESIDENCY PROJECT (Jan. 31, 1963), <http://www.presidency.ucsb.edu/ws/?pid=9520> (“This is a great inheritance. It is a proud privilege to be a citizen of the Great Republic. To hear its

freedom—freedom of thought, freedom from oppression, and freedom from tyranny! This country is a land where *immigrants* came to escape irrational governmental interference in the personal lives of good, hard-working, upstanding, and law-abiding people.

I am concerned because the very people who claim to love America and wish to “make it great again,” are the same people engaging in conduct that flies in the face of American values. At the same time, these people are also accusing others of being “un-American”.<sup>8</sup> What does it even mean to be an American? Who gets to decide what it means to be an American—who has the *right* to decide what it means to be an American? These are the questions that we must now face. If Executive Orders 13769 and 13780 are any indication, the Executive Branch is signifying their intent to disregard the time-honored traditions, institutions, and principles of this country’s founding. It is for this reason and all those above that I am concerned.

-Bardia Bastin  
*Juris Doctor Candidate, 2017*

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song sung, to realize that we are the descendants of 40 million people who left other countries, other familiar scenes, to come here to the United States to build a new life, to make a new opportunity for themselves and their children. I think it is not a burden but a privilege.... That is what this country has stood for 200 years, and that is what this country will continue to stand for.”).

<sup>8</sup> See Tessa Berenson, *President Trump Attacks “Professional Anarchist” Protesters on Twitter*, TIME (Feb. 3, 2017), <http://time.com/4659323/president-trump-tweets-protests-arnold-schwarzenegger>. In a series of tweets, Trump dismissed protests held at the University of California at Berkeley and New York University as perpetrated by “[p]rofessional anarchists, thugs, and paid protestors.” *Id.* In contrast, other American presidents have recognized the patriotism of dissidence. See THEODORE ROOSEVELT, ROOSEVELT IN THE KANSAS CITY STAR 149 (1921) (“*To announce that there must be no criticism of the President, or that we are to stand by the President, right or wrong, is not only unpatriotic and servile, but is morally treasonable to the American public. Nothing but the truth should be spoken about him or any one else. But it is even more important to tell the truth, pleasant or unpleasant, about him than about any one else.*”) (emphasis added).

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As LGBTQ+ individuals, we are concerned that the new administration will usher in a rise in open hostility against us. When our government gives institutional power to those with a known history of oppressing others, our safety and our humanity is compromised. We hope the administrative agencies will not backslide past all recent progress and we hope that discrimination will not be legally protected under the guise of religious freedom. Above all, we urge the LGBTQ community to stand in solidarity with all marginalized communities, for our greatest hope lies in unity.

- *LGBT Law Student Alliance, University of Maryland Francis King Carey School of Law*

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October 7, 2016. A 2005 clip showing Trump bragging to Billy Bush about sexual assault surfaced.<sup>9</sup> This triggered the one in five American women who have experienced sexual assault.<sup>10</sup> We thought, surely, this man would never become President.

Trump responded, “[T]hese words don’t reflect who I am.”<sup>11</sup> But, they do. We could fill pages with instances of Trump lewdly describing women’s physical attributes.<sup>12</sup> Or we could look at Trump’s words and actions just over a month into his presidency:

Only four out of his twenty-seven senior White House staff and cabinet appointees are women.<sup>13</sup>

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<sup>9</sup> David A. Fahrenthold, *Trump Recorded Having Extremely Lewd Conversation About Women in 2005*, WASH. POST (Oct. 8, 2016), [https://www.washingtonpost.com/politics/trump-recorded-having-extremely-lewd-conversation-about-women-in-2005/2016/10/07/3b9ce776-8cb4-11e6-bf8a-3d26847eed4\\_story.html?utm\\_term=.39382a55aee5](https://www.washingtonpost.com/politics/trump-recorded-having-extremely-lewd-conversation-about-women-in-2005/2016/10/07/3b9ce776-8cb4-11e6-bf8a-3d26847eed4_story.html?utm_term=.39382a55aee5).

<sup>10</sup> STATISTICS ABOUT SEXUAL VIOLENCE I, NAT’L SEXUAL VIOLENCE RES. CTR. (2015), [http://www.nsvrc.org/sites/default/files/publications\\_nsvrc\\_factsheet\\_media\\_packet\\_statistics-about-sexual-violence\\_0.pdf](http://www.nsvrc.org/sites/default/files/publications_nsvrc_factsheet_media_packet_statistics-about-sexual-violence_0.pdf).

<sup>11</sup> Fahrenthold, *supra* note 9.

<sup>12</sup> *Donald Trump’s History of Misogyny, Sexism and Harassment: A Comprehensive Review*, VOX (Oct. 12, 2016, 8:26 PM), <http://www.vox.com/2016/10/8/13110734/donald-trump-leaked-audio-recording-billy-bush-sexism>.

<sup>13</sup> Torey Van Oot, *Where Are All the Women in Trump’s Cabinet?*, REFINERY29 (Jan. 25, 2017, 5:20 PM), <http://www.refinery29.com/2017/01/132977/trump-cabinet-picks-gender-balance-comparison>.

He reinstated the Global Gag Rule, revoking federal funding from NGOs that so much as mention abortion to the women serve.<sup>14</sup>

He supported House's passage of the Hyde Amendment, which bans the use of federal funds for abortions.<sup>15</sup>

And he signed an executive order to repeal portions of the Affordable Care Act.<sup>16</sup> Low-income women, among whom women of color are disproportionately represented, will bear the burden of these acts.<sup>17</sup>

Trump's words and actions show that he not only views women as objects, but also will utilize his presidency to undermine their place in society.

- Lindsey Rennie, *on behalf of Students Supporting the Women's Law Center, University of Maryland Francis King Carey School of Law*

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Following the election of 2016, we, the activists, lawyers, and students of the National Lawyers Guild, have begun to fear for what we have fought for decades to achieve. The acts of the Administration thus far have exacerbated our fears. We fear the reversal of laws protecting basic civil rights and liberties. We fear attacks on laws protecting immigrants and refugees. We fear a regression in the treatment of workers. We fear imminent threat to the most basic and personal rights of women. We fear discrimination based on religion. And we fear a society in which racism is accepted. Most importantly, we fear a nation where the law is not an effective means of protection for the clients we serve. As future lawyers, it will be our duty to

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<sup>14</sup> Aram Schvey, *Trump's Global Gag Rule Hurts the World's Most Vulnerable Women*, THEHILL (Jan. 30, 2017), <http://thehill.com/blogs/pundits-blog/the-administration/316930-trumps-global-gag-rule-on-abortion-hurts-the-worlds>.

<sup>15</sup> Hannah Levintova, *The House Just Handed a Big Win to the Anti-Abortion Movement*, MOTHER JONES (Jan. 23, 2017, 3:04 PM), <http://www.motherjones.com/politics/2017/01/house-representatives-trump-hyde-amendment>.

<sup>16</sup> Margot Sanger-Katz, *What Does Trump's Executive Order Against Obamacare Actually Do?*, N.Y. TIMES (Jan. 21, 2017), <https://www.nytimes.com/2017/01/21/upshot/what-does-the-order-against-the-health-law-actually-do.html>.

<sup>17</sup> See Casey Harden, *How 3 of Donald Trump's Executive Orders Target Communities of Color*, TIME (Feb. 27, 2017), <http://time.com/4679727/donald-trump-executive-orders-police>.

protect and strengthen these rights and to follow in the footsteps of our predecessors who worked tirelessly to secure them.

*- Taylor Clark, on behalf of the University of Maryland Chapter of the National Lawyers Guild*

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For five decades, I believed that the constitutionally mandated separation of powers provided an unassailable strength to our government. With that belief, I have done my part to contribute to the civil rights era, the women's liberation movement, the war on poverty, the rejection of an ill-conceived military action, the advances in educational opportunities for the disabled, the emergence of gay rights, the movement for increased awareness of environmental health, and the advancements in reproductive health rights. Progress in these areas has at times been uneven, and sometimes dishearteningly slow. But, until now, I faithfully believed that our government's separate, balanced powers, would allow our nation of opposing views to correct, adjust, and ultimately abide. For the first time in my life, we now contemplate an unbalanced government. It is difficult to imagine anything more vital than working to restore a government, checked and balanced, be it in courtrooms, boardrooms, or legislative offices.

*- Maxine Phillips  
Juris Doctor Candidate*

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I am deeply concerned about the current administration's lack of respect for the rule of law and institutions that are supposed to protect the rights of all citizens. I fear an executive branch that declines legal counsel before issuing orders, disregards district court orders, and selectively enforces federal law. I fear cabinet members and agency leadership that appear more motivated by the destruction of the institution they lead than by furthering the mission that Congress has empowered them to pursue. I fear a Justice Department that seems poised, at best, to abstain from both litigating civil rights violations and protecting insular minorities from institutionalized discrimination. But despite these fears, I have hope. I have hope that the rule of law will overcome all threats to our democracy. I have hope

in the members of the legal profession: the catalysts of jurisprudence, the arbiters of justice, the protectors of the Constitution. I have hope in the lawyers.

- *Andrés Vera*  
*Juris Doctor Candidate, 2018*

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It is both a terrifying and inspiring time to graduate from law school. Terrifying from a personal level because with President Trump's election many doors closed for me. Specifically, the Trump Administration and the Republican-led Congress appear poised to target cuts at the arts and humanities, through threats of eliminating the National Endowment for the Arts and the National Endowment for the Humanities.<sup>18</sup> As an artist, historian, and museum professional, who focused her legal education on finding ways to use the law to support the arts and humanities, this saddens me. As a third-year law student graduating in May, who had job opportunities disappear with President Trump's election and the Federal Government hiring freeze, I am anxious for my future. But, greater than the fear that comes with uncertainty is the inspiration of the many who have not been idle. I am inspired by the new engagement of citizens to understand the governmental process and engage in discourse about the good, the bad, and the ugly aspects of American democracy. I am inspired to use my legal education to ensure the rights of all Americans are secured, speech is not chilled, and the rule of law is respected.

- *Jennifer Elisa Smith*  
*Juris Doctor Candidate, 2017*

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<sup>18</sup> Sopan Deb, *Trump Proposes Eliminating the Arts and Humanities Endowments*, N.Y. TIMES (Mar. 15, 2017), <https://www.nytimes.com/2017/03/15/arts/nea-neh-endowments-trump.html>.