

# The New York Times

## Analyzing Trump's Immigration Ban: A Lesson Plan

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On Jan. 27, President Trump signed an executive order that temporarily closed the nation's borders to refugees from around the world and to people from seven predominantly Muslim countries. Part of the president's order gives preferential treatment to Christian refugees from majority-Muslim countries who try to enter the United States.

By Jan. 28, a federal judge in Brooklyn had already blocked part of the president's actions, preventing the government from deporting some arrivals who found themselves ensnared by the presidential order. But the judge stopped short of letting those new arrivals into the country or issuing a broader ruling on the constitutionality of Mr. Trump's actions.

On Jan. 29, Reince Priebus, the White House chief of staff, appeared to reverse a key part of Mr. Trump's immigration order, saying that people from the affected countries who hold green cards would not be prevented from returning to the United States. But Mr. Priebus also said that border agents had "discretionary authority" to detain and question suspect travelers from certain countries. That statement seemed to add to the uncertainty over how the executive order would be interpreted and enforced in the days ahead.

**What will happen now? Will Mr. Trump's immigration ban be allowed to stand? Will it be ruled illegal by the courts? Will it make America safer? Or will it do the opposite? Does it uphold America's cherished values, or does it subvert them? These are some of the questions we encourage students to consider in this lesson plan.**

Please be aware that the lesson is based on breaking news, so you should consult The Times and other sources for the latest information to supplement the pieces we draw on here.

How are you addressing this news in your classroom? Let us know.

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### *Warm Up*

Ask students: What have you heard, if anything, about the executive order President Trump signed on Jan. 27 concerning U.S. immigration policy? After a few students share, watch the above video providing background on the executive order, reporting on protests against the new

policy and raising questions about its legality. Follow up by asking: What reactions do you have to the video? What questions does it raise for you?

At this point, you may want to provide additional context for students with this article, "[Trump's Executive Order on Immigration: What We Know and What We Don't](#)," before proceeding with the activity.

### *Activity*

Mr. Trump's executive order fits into a larger pattern of U.S. history. In 1882, Congress excluded Chinese immigrants from entering the U.S. Later it prohibited almost all Japanese immigrants. And still later it gave preference to immigrants from Northern and Western Europe, making it difficult for people from other parts of the world to immigrate to the U.S. But the Immigration and Nationality Act of 1965 changed all of that. It did away with the national origins quota and banned discrimination based on where a person was from.

However, with Mr. Trump's pronouncement on Jan. 27, the U.S. once again excludes immigrants based on national origin from countries like Iraq, Yemen and Sudan.

This activity invites students to analyze Mr. Trump's stated purpose for his executive order (as explained within Section 1 of the text), then consider three pieces in The Times that question its effectiveness, legality and interpretation of American values.

Working in three different groups, students should read and annotate the excerpts below (or the full texts) and answer the relevant question through writing and discussion. Then, the class can come back together to share what they learned.

We have reproduced [the readings for the three groups in this PDF](#).

As a follow-up activity, we point to an article in the conservative magazine National Review which largely supports Mr. Trump's executive order. Students can annotate and read this article, and then hold a debate about whether or not Mr. Trump's policy is good for the country.

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***Group One: Is the executive order good public policy: Will it help prevent future terrorist acts, its stated purpose?***

Mr. Trump states in the executive order:

Numerous foreign-born individuals have been convicted or implicated in terrorism-related crimes since September 11, 2001, including foreign nationals who entered the United States after receiving visitor, student, or employment visas, or who entered through the United States refugee resettlement program. Deteriorating conditions in certain countries due to war, strife, disaster, and civil unrest increase the likelihood that terrorists will use any means possible to enter the United States. The United States must

be vigilant during the visa-issuance process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism.

In “[Immigration Ban Is Unlikely to Reduce Terrorist Threat, Experts Say](#),” Scott Shane investigates whether the executive order is likely to accomplish its stated goal:

Rarely does an executive order announce a more straightforward and laudable purpose than the one President Trump signed on Friday: “Protecting the Nation From Foreign Terrorist Entry Into the United States.” But the president’s directive is unlikely to significantly reduce the terrorist threat in the United States, which has been a minuscule part of the overall toll of violence since 2001.

Many experts believe the order’s unintended consequences will make the threat worse.

While the order requires the Department of Homeland Security to issue a report within 180 days providing detailed statistics on foreign nationals who commit acts of violence, terrorism researchers have already produced rich and revealing data. For instance, since the terrorist attacks of Sept. 11, 2001, no one has been killed in the United States in a terrorist attack by anyone who emigrated from or whose parents emigrated from Syria, Iraq, Iran, Libya, Somalia, Sudan and Yemen, the seven countries targeted in the order’s 120-day visa ban, according to Charles Kurzman, a sociology professor at the University of North Carolina.

Of Muslim Americans involved in violent extremism of any kind — for instance, charged with plotting terrorism or supporting a terrorist group — only 23 percent had family backgrounds in those countries, said Mr. Kurzman, who just published the latest of his annual studies of Muslim Americans and terrorism.

The larger point of experts is that jihadist attacks garner news attention that far outstrips their prevalence in the United States, and the president’s order appears to address not a rational calculation of risks but the visceral fears that terrorists set out to inflame.

There was a random quality to the list of countries: It excluded Saudi Arabia and Egypt, where the founders of Al Qaeda and many other jihadist groups have originated. Also excluded are Pakistan and Afghanistan, where persistent extremism and decades of war have produced militants who have occasionally reached the United States. Notably, perhaps, the list avoided Muslim countries where Mr. Trump has major business ventures.

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### ***Group Two: Is the executive order legal?***

In an Op-Ed, David J. Bier, an immigration policy analyst at the Cato Institute’s Center for Global Liberty and Prosperity, puts Mr. Trump’s policy into historical context and makes the case that it is illegal. He argues that the Immigration and Nationality Act of 1965 banned discrimination against immigrants on the basis of national origin. The Op-Ed begins:

President Trump signed an executive order on Friday that purports to bar for at least 90 days almost all permanent immigration from seven majority-Muslim countries, including Syria and Iraq, and asserts the power to extend the ban indefinitely.

But the order is illegal. More than 50 years ago, Congress outlawed such discrimination against immigrants based on national origin.

That decision came after a long and shameful history in this country of barring immigrants based on where they came from. Starting in the late 19th century, laws excluded all Chinese, almost all Japanese, then all Asians in the so-called Asiatic Barred Zone. Finally, in 1924, Congress created a comprehensive “national-origins system,” skewing immigration quotas to benefit Western Europeans and to exclude most Eastern Europeans, almost all Asians, and Africans.

Mr. Trump appears to want to reinstate a new type of Asiatic Barred Zone by executive order, but there is just one problem: The Immigration and Nationality Act of 1965 banned all discrimination against immigrants on the basis of national origin, replacing the old prejudicial system and giving each country an equal shot at the quotas. In signing the new law, President Lyndon B. Johnson said that “the harsh injustice” of the national-origins quota system had been “abolished.”

Nonetheless, Mr. Trump asserts that he still has the power to discriminate, pointing to a 1952 law that allows the president the ability to “suspend the entry” of “any class of aliens” that he finds are detrimental to the interest of the United States.

But the president ignores the fact that Congress then restricted this power in 1965, stating plainly that no person could be “discriminated against in the issuance of an immigrant visa because of the person’s race, sex, nationality, place of birth or place of residence.” The only exceptions are those provided for by Congress (such as the preference for Cuban asylum seekers).

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***Group Three: Does the president’s executive order uphold the values of the United States?***

Mr. Trump states in the executive order:

In order to protect Americans, the United States must ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles. The United States cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law.

The Times columnist Nicholas Kristof argues in an Op-Ed that rather than upholding America’s founding principles, Mr. Trump is actually subverting them. He writes:

This is a country built by refugees and immigrants, your ancestors and mine. When we bar them and vilify them, we shame our own roots.

His Op-Ed begins:

This newspaper has periodically, to its shame, succumbed to the kind of xenophobic fearmongering that President Trump is now trying to make American policy.

In 1875, The Times sternly warned that too many Irish and German immigrants (like the Trumps) could “deprive Americans by birth and descent of the small share they yet retain” in New York City.

In 1941, The Times cautioned in a front-page article that European Jews desperately seeking American visas might be Nazi spies. In 1942, as Japanese-Americans were being interned, The Times cheerfully suggested that the detainees were happily undertaking an “adventure.”

We make bad decisions when we fear immigrants we “otherize.” That’s why Americans burned Irish Catholics alive, banned Chinese for decades, denied visas to Anne Frank’s family and interned Japanese-Americans. And yes, The New York Times sometimes participated in such madness.

But we will not be part of that today.

Trump signed an executive order on Friday that suspends refugee programs and targets Muslims from certain countries. It’s hypocritical for Trump to be today’s avatar of hostility to immigrants, since his own family suffered from anti-German sentiment and pretended to be Swedish.

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### ***Follow-Up Activity***

The reaction to President Trump’s ban on refugees entering the United States was swift, certain — and sharply divided.

While the first activity asked student groups to read three articles that questioned the effectiveness, legality and spirit of Mr. Trump’s executive order, there were also voices of support from various corners of the U.S. and the world.

In “Trump’s Immigration Ban Draws Deep Anger and Muted Praise,” Richard Pérez-Peña writes:

The president’s executive order, issued on Friday, brought a positive, if muted, reaction from some Republicans, and could prove popular politically.

Michael Banerian, 22, who was a Trump elector in the Electoral College, and is the youth vice chairman of the Michigan Republican Party, said he saw the president’s more narrowly tailored order as common sense. “I feel that it’s a necessary step for us to take

for the security of our nation,” he said. “I don’t think it’s un-American. I think it’s very reasonable.”

Kathleen Ganci, 67, whose husband, Peter J. Ganci Jr., the highest-ranking uniformed officer of the New York Fire Department, was killed in the Sept. 11, 2001, attacks, said she supported the order, too.

“I don’t care how difficult it makes it for these people to come over,” she said. “I don’t want other Americans to go through what I did — because we have to care for our own first, before we care for others.”

And Mark Krikorian, executive director of the Center for Immigration Studies, a group that seeks to restrict immigration, said it makes sense to suspend the refugee program temporarily, examine it, “and at least begin to initiate some changes.”

“I don’t know what form those changes will take, and I’m not sure the administration knows yet,” he said.

In an article from the conservative magazine *National Review* headlined “Trump’s Executive Order on Refugees — Separating Fact from Hysteria,” David French argues that the administration’s new immigration policy is, for the most part, “reasonable and prudent.” He writes:

To the extent this ban applies to new immigrant and non-immigrant entry, this temporary halt (with exceptions) is wise. We know that terrorists are trying to infiltrate the ranks of refugees and other visitors. We know that immigrants from Somalia, for example, have launched jihadist attacks here at home and have sought to leave the U.S. to join ISIS.

Students can read the details of Mr. French’s argument, and then hold a class debate or discussion about whether Mr. Trump’s immigration ban is good policy.