

Court Upholds President Trump's Travel Ban

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In 2017, President Trump issued a proclamation restricting entry of people from eight countries, with exemptions for lawful permanent residents and case-by-case waivers under certain circumstances. The stated basis of the travel ban was that the named countries failed to provide the U.S. with sufficient information about the entrants, creating a security threat, although challengers to the ban (except as to North Korea and Venezuela) argued that it was primarily instituted because of anti-Muslim animus, and violated [the Establishment Clause of the First Amendment](#). The district court entered a nationwide preliminary injunction on the travel ban as being beyond the President's authority under the [Immigration and Naturalization Act](#), and in violation of the Establishment Clause. The Ninth Circuit affirmed just under the Act. The Court, in a 5-4 opinion by Chief Justice Roberts, reversed. First, the Court held that the travel ban fit well within the President's authority to suspend entry to the country under the Act, and must be afforded deference from the judicial branch. Second, the Court held that President's Trump's prior statements appearing to support animus against Muslims did not defeat the rational bases for the travel ban, including the legitimate security interests pursued thereunder. Justice Kennedy lodged a concurrence arguing that even where, as here, the judicial branch must grant deference to the statements of Government officials, those officials do not have carte blanche to disregard the Constitution. Justice Thomas also filed a concurrence arguing that district courts lack the ability to issue nationwide injunctions as this one did. Justice Breyer, joined by Justice Kagan, dissented, arguing that the travel ban may be legal as written, but the evidence in the record appeared to show religious animus due to the uneven application of the ban. Justice Sotomayor, joined by Justice Ginsburg, also dissented, arguing that the ban was clearly motivated by unconstitutional religious animus. A link to the opinion in *Trump v. Hawaii* is [here](#).

TAGGED: [scotus](#), [Immigration and Naturalization Act](#), [Travel Ban](#), [Establishment Clause](#), [Trump v. Hawaii](#)