

# Supreme Court upholds Trump travel ban

## Justices reject claims about discrimination

By MARK SHERMAN  
Associated Press

WASHINGTON — A sharply divided U.S. Supreme Court today upheld President Donald Trump's ban on travel from several mostly Muslim countries, rejecting a challenge that it discriminated against Muslims or exceeded his authority. A dissenting justice said the outcome was a historic mistake.

The 5-4 decision is a big victory for Trump on an issue that is central to his presidency, and the court's first substantive ruling on a Trump administration policy. The president quickly tweeted his reaction: "Wow!"

Chief Justice John Roberts wrote the majority opinion for the five conservative justices, including Trump nominee Neil Gorsuch.

Roberts wrote that presidents have substantial power to regulate immigration. He also rejected the challengers' claim of anti-Muslim bias.

But he was careful not to endorse either Trump's provocative statements about immigration in general or Muslims in particular, including Trump's campaign pledge to keep Muslims from entering the country.

"We express no view on the soundness of the policy," Roberts wrote.

The travel ban has been fully in place since December, when the justices put the brakes on lower court rulings that had ruled the policy out of bounds and blocked part of it from being enforced.

In a dissent she summarized in court, Justice Sonia Sotomayor said, "History will not look kindly on the court's misguided decision today, nor should it." Justices Stephen Breyer, Ruth Bader Ginsburg and Elena Kagan also dissented.

Sotomayor wrote that based on the evidence in the case "a reasonable observer would conclude that the proclamation was motivated by anti-Muslim animus." She said her colleagues in the majority arrived at the opposite result by "ignoring the facts, misconstruing our legal precedent and turning a blind eye to the pain and suffering the proclamation inflicts upon countless families and individuals, many of whom are United States citizens."

She likened the case to the discredited *Korematsu v. U.S.* decision that upheld the detention of Japanese-Americans during World War II. Roberts responded in his opinion that "Korematsu has nothing to do with this case" and "was gravely wrong the day it was decided."

The travel ban was among the court's biggest cases this term and the latest in a string of 5-4 decisions in which the conservative side of the court, bolstered by the addition of Gorsuch last year, prevailed. Gorsuch was nominated by Trump after Republicans in the U.S. Senate refused to grant a hearing to federal appeals Judge Merrick Garland, who was appointed by Barack Obama with more than 10 months remaining in Obama's term.

The Trump policy applies to travelers from five countries with overwhelmingly Muslim populations — Iran, Libya, Somalia, Syria and Yemen. It also affects two non-Muslim countries, blocking travelers from North Korea and some Venezuelan government officials and their families. A sixth majority Muslim country, Chad, was removed from the list in April after improving "its identity-management and information-sharing practices," Trump said in a proclamation.

The administration had pointed to the Chad decision to show that the restrictions are premised only on national security concerns.

The challengers, though, argued that the court could not just ignore all that has happened, beginning with Trump's campaign tweets to

prevent the entry of Muslims into the United States.

The travel ban has long been central to Trump's presidency.

He proposed a broad, all-encompassing Muslim ban during the presidential campaign in 2015, drawing swift rebukes from Republicans as well as Democrats. And within a week of taking office, the first travel ban was announced with little notice, sparking chaos at airports and protests across the nation.

While the ban has changed shape since then, it has remained a key part of Trump's "America First" vision, with the president believing that

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Justice Sonia Sotomayor  
an excerpt from the justice's dissent

the restriction, taken in tandem with his promised wall at the southern border, would make the United States safer from potentially hostile foreigners.

In a statement he released this morning, Trump hailed the decision as "a moment of profound vindication" following "months of hysterical commentary from the media and Democratic politicians

who refuse to do what it takes to secure our border and our country."

Strongly disagreeing, Democratic U.S. Rep. Keith Ellison of Minnesota said, "This decision will someday serve as a marker of shame." Ellison, the first Muslim elected to Congress, and U.S. Sen. Mazie Hirono of Hawaii, who was born in Japan, both compared

the ban and the ruling to the internment of Japanese-Americans during World War II.

Critics of Trump's ban had urged the justices to affirm the decisions in lower courts that generally concluded that the changes made to the travel policy did not erase the ban's legal problems.

The current version dates from last September and it followed what the administration has called a thorough review by several federal agencies, although no such review has been shared with courts or the public.

Federal trial judges in Hawaii and Maryland had blocked the travel ban from

taking effect, finding that the new version looked too much like its predecessors. Those rulings that were largely upheld by federal appeals courts in Richmond, Virginia, and San Francisco.

But the Supreme Court came to a different conclusion. The policy has "a legitimate grounding in national security concerns," and it has several moderating features, including a waiver program that would allow some people from the affected countries to enter the U.S., Roberts said. The administration has said that 809 people have received waivers since the ban took full effect in December.

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