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SUPREME COURT ALLOWS PARTIAL IMPLEMENTATION OF TRUMP TRAVEL BAN

Justices grant the administration a stay of lower-court rulings against the president

By Brent Kendall
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WASHINGTON – The U.S. Supreme Court allowed President Donald Trump’s administration to implement part of his temporary ban on travelers from six Muslim-majority countries and said Monday it would give full consideration to whether the president’s actions were lawful.

The Supreme Court’s action, in a case of unusually high stakes for a new president, is a significant reversal of fortune for Mr. Trump, [who had been on the losing end](#) of several lower-court decisions that blocked his [March 6 executive order](#).

That order, a revised version of [one issued in late January](#), sought to impose a 90-day ban on U.S. entry for people from Iran, Libya, Somalia, Sudan, Syria and Yemen, and to suspend temporarily the U.S. program for admitting refugees. Mr. Trump said the order would help prevent terrorism.

The justices, [in an unsigned 13-page opinion](#), narrowed the scope of the ban for now, ruling that the president couldn’t enforce it against travelers “who have a credible claim of a bona fide relationship” with a person or organization in the U.S. The court narrowed the ban on refugees in the same way.

The court’s decision means a limited version of Mr. Trump’s travel restrictions can take effect in as soon as three days. But it raised immediate questions about which travelers would qualify for the court’s “bona fide” exception to the ban, paving the way for potentially messy legal battles in the coming months.

Chief Justice John Roberts announced the court’s decision after the justices dispensed with their other pending business, capping a dramatic final day of the court’s term. The high court doesn’t usually announce decisions from the bench in cases it hasn’t yet fully considered, but nothing about the travel ban litigation has been typical.

Mr. Trump, a Republican, took office vowing to shake things up, pledging among other things to crack down on terrorism and immigration. His executive orders on travel began producing significant lower-court rulings within weeks after his inauguration.

Some judges openly questioned Mr. Trump’s motivations, citing his support as a candidate for a complete ban on Muslims entering the U.S. The president fired back with blunt criticisms of the courts that have ruled against him, tweeting [his own commentary](#) about the cases as they have progressed.

The Supreme Court said on Monday it would give closer consideration to the case in October, when it will hear oral arguments. By then, the 90-day pause on travel will already be over, a fact that could moot the justices’ further consideration, or at least complicate it.

Mr. Trump's administration, however, could seek to restrict travel for some foreign nationals beyond the 90 days in the current order. U.S. officials are studying vetting procedures world-wide, and that review could result in additional countries being added to the list for restricted travel.

Both sides claimed a win after the ruling.

Mr. Trump called the high court's action "a clear victory for our national security. It allows the travel suspension for the six terror-prone countries and the refugee suspension to become largely effective."

"My number one responsibility as commander in chief is to keep the American people safe. Today's ruling allows me to use an important tool for protecting our Nation's homeland," Mr. Trump said in a statement.

The president's critics argued that the court's ruling was a narrow win at best for Mr. Trump. Many would-be travelers or refugees have a connection to the U.S., they said, and could be exempt from the executive order.

"This order, properly construed, should really allow for only the narrowest implementation of any part of the ban," said Omar Jadwat, an American Civil Liberties Union lawyer who argued one of the travel ban cases in the lower courts.

Even with the travel restrictions on hold, admissions from the six nations fell dramatically in March and April, government data show. Compared with a year earlier, the number of people admitted from Iran, Libya, Somalia, Sudan, Syria and Yemen was down by about half year over year. It was unclear whether that was primarily due to fewer people seeking to travel to the U.S. or to the administration rejecting more applications.

Mr. Trump's [first executive order](#) on immigration, which he signed shortly after taking office, was briefly implemented with no advance notice and [caused widespread confusion at U.S. airports](#). It also created anxiety in immigrant communities because its terms appeared to apply to people who already had been given permission to live in, or travel to, the U.S.

Lower courts blocked that order, and the president then replaced it with the current, scaled-back version, which he signed in March. The revised order was also quickly blocked by lower courts. And the White House had lost its appeals – until now.

The administration [filed an emergency appeal earlier this month](#) at the Supreme Court asking for permission to move forward with the executive order as the litigation on the order's underlying legality continued. The White House also asked the high court to review the core issues in the case and resolve whether the president's ban is permissible.

States, individuals, immigrant-rights organizations and civil-rights groups have brought cases challenging Mr. Trump's planned restrictions, arguing they improperly target Muslims for disfavored treatment.

The high court's action Monday partially stayed recent rulings against Mr. Trump, and it signaled that the president has favorable prospects of winning a final ruling in the case during the court's next term. It takes five votes on the nine-member Supreme Court to grant a stay, and one of the factors the court considers is whether the party seeking the stay has a fair prospect of winning the case.

Chief Justice Roberts assembled an ideologically diverse coalition for the middle-ground approach, attracting the support of maverick conservative Justice Anthony Kennedy and the court's four liberal justices.

Three of the court's most conservative justices – Clarence Thomas, Samuel Alito and Neil Gorsuch – offered a partial dissent, objecting to the narrowing of the president's ban. They wrote that they feared the compromise standard, which turns on the closeness of a person's connections to the U.S., would be unworkable and "invite a flood of litigation until this case is finally resolved on the merits."

Federal judges in Hawaii and Maryland blocked the president's plans within days of his signing the revised executive order, which has never taken effect. In recent weeks, two federal appeals courts also ruled against Mr. Trump on the central issues in the litigation, relying on different legal grounds.

On May 25, the Fourth U.S. Circuit Court of Appeals in Richmond, Va., issued the broadest ruling, saying Mr. Trump had singled out Muslims for disfavored treatment in a way that likely violated the Constitution. The court's decision relied heavily upon comments Mr. Trump made on the campaign trail in support of a Muslim ban, as well as other comments he has made since taking office.

The Ninth Circuit in San Francisco took a different approach when it ruled against the president on June 12, avoiding Mr. Trump's comments and the constitutional questions altogether. Instead, that appeals court said the president violated federal immigration law because he failed to provide sufficient justification for his ban.

*– Laura Meckler
contributed to this article.*