

# Principles of *The* Rule of Law in American Govt.

## In travel ban decision *Trump v. Hawaii*, Supreme Court shows judicial deference to presidency

### WHY WE WROTE THIS

Since the first travel ban was issued in January 2017, legal observers have asked whether the courts should extend the same kind of deference to President Trump shown to more traditional chief executives. Today, five Supreme Court justices answered yes.

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### SAN ANTONIO AND NEW YORK

Ending litigation that has spanned almost the entire Trump presidency, the US Supreme Court today upheld the third version of President Trump's travel ban executive order. In a 5-to-4 vote, the high court reversed a lower court injunction blocking the order's implementation, finding that it both fell within the broad powers delegated to the presidency in immigration and national security matters and did not violate the Constitution's prohibition on the establishment of a single religion. The ban has been widely criticized since it was first implemented, a week after Mr. Trump took office, as an effort to legally implement his campaign promise of "a total and complete shutdown of Muslims entering the United States." Ultimately, amid the maelstrom of litigation, the Supreme Court elected to defer to the significant authority given to presidents on immigration and national security issues. "The presidency is an institution that is due certain respect and deference, which the court afforded it," says Josh Blackman, an associate professor at the South Texas College of Law in Houston. "The court acknowledged that President Trump and candidate Trump said some pretty awful things about Muslims," he adds. "But [it] said on balance, the president's prerogatives in national security are so significant that the court can't disregard his justifications for the travel ban."

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