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from Washington and beyond

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Trump Gives Supreme Court Middle Finger on Mistakenly Deported Man

Donald Trump cited a technicality to avoid bringing Kilmar Abrego Garcia back to the U.S.



ALEX WONG/GETTY IMAGES

Edith Olmsted /

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Donald Trump's administration has a new excuse for violating an order from the Supreme Court to return a man wrongly deported to a notorious prison in El Salvador.

In a seven-page filing Sunday, lawyers for the Department of Justice argued that the federal courts did not have the authority to order the executive branch to "conduct foreign relations" with another country, by facilitating the return of Kilmar Abrego Garcia, a father in Maryland who was deported to El Salvador despite having received a protective order prohibiting his removal there.

The lawyers argued that the department could not be compelled to actually "facilitate" the return of Abrego Garcia because "reading 'facilitate' as requiring something more than domestic measures would not only flout the Supreme Court's order but also violate the separation of powers. The federal courts have no authority to direct the Executive Branch to conduct foreign relations."

Instead, the Justice Department was choosing to understand "facilitate" as "taking all available steps to remove any domestic obstacles that would otherwise impede the alien's ability to return here."

The government argued that the court could not compel it to make demands of El Salvador's government, dispatch U.S. personnel, or send aircraft into foreign airspace.

On Friday, U.S. District Judge Paula Xinis had ordered the government to report "what it can" about its ongoing efforts to return Abrego Garcia, and ordered the government to provide daily updates about its progress. In a separate filing, the government confirmed that Abrego Garcia was "alive and secure," but in its filing Sunday, it argued it could not be compelled to report information on the case.

The government claimed Xinis's request was "particularly inappropriate given that such discovery could interfere with ongoing diplomatic discussions—particularly in

the context of President [Nayib] Bukele’s ongoing trip to the United States.”

Bukele, who struck a \$6 million deal with Trump to house alleged gang members the U.S. government wishes to deport, arrived in the U.S. Sunday, according to the filing.

Last week, the DOJ presented another flimsy argument for not returning Abrego Garcia, ominously claiming that the government of El Salvador might have its own reasons for keeping him.



Read more about the case



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The ruling comes despite the fact that Secretary of State Marco Rubio admitted that the pro-Palestine activist didn’t do anything illegal.

