



Written by [Warren Mass](#) on December 26, 2017

Trump Administration Battles ACLU Over Abortions for Illegal Alien Teens

In a continuing legal battle between the Trump administration and two illegal alien teenage girls represented by the ACLU, U.S. District Judge Tanya Chutkan ruled on December 18 that the administration couldn't block the teens, who are in federal custody, from getting taxpayer-funded abortions. The teenagers are being held by authorities because they entered the country illegally.



Vice News reported that Chutkan initially also refused to allow the teenagers, called "Jane Poe" and "Jane Roe" in court documents, to immediately get an abortion. However, her ruling would not have taken effect for 24 hours, in order to give the Trump administration time to appeal the decision and continue the court battle, which could continue for days or even weeks.

Chutkan subsequently lifted the 24-hour stay, just hours after the American Civil Liberties Union (ACLU), which represents both Poe and Roe, requested an end to it on December 19.

In court filings, reported Vice News, Poe's lawyers said they approached the Trump administration about their request to remove the stay but hadn't heard back as of the morning of December 19. "It's literally a matter of every day counts," the judge had acknowledged, according to the ACLU's request.

Roe and Poe are currently being held by the Office of Refugee Resettlement, a program of the Administration for Children and Families, an office within the Department of Health and Human Services. A sponsor has volunteered to take care of Roe, but no one has offered to sponsor Poe.

After Chutkan's initial ruling on December 18, the Trump administration quickly filed a notice of appeal as well as a request to lengthen the stay in Roe's case for at least two weeks. While Roe is approximately 10 weeks pregnant, the Trump administration says Poe is 22 weeks pregnant.

Lawyers for the Trump administration wrote, "The government has strong and constitutionally legitimate interests in promoting its interest in life, in refusing to facilitate abortion, and in not providing incentives for pregnant minors to illegally cross the border to obtain elective abortions while in federal custody. Those interests would be irreparably undercut if Ms. Roe was granted the relief she seeks."

Brigitte Amiri, a senior staff attorney with the ACLU Reproductive Freedom Project, said in a statement: "We are pleased that these two young women are able to finally get the care they need. But the government's policy is still in place. These two cases show how the government continues to abuse its power by denying abortion access."

Scott Lloyd, who assumed the position of director of the Office of Refugee Resettlement (ORR) in March, had operated under a new policy put into place by the Trump administration that requires him to sign off on all major medical care. Before taking the position at ORR, Lloyd, who is an attorney, worked for the Knights of Columbus, a Catholic fraternal and charitable organization that plays a



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leading role in the pro-life movement.

However, the ACLU is not happy with that policy and asserted in a court document that it “grants ORR a veto power over a minor’s abortion decision, erects numerous hurdles to a minor’s ability to obtain unbiased counseling about pregnancy options and prompt pregnancy dating, regardless of whether they will ultimately decide to terminate or carry to term their pregnancy, and imposes significant hurdles.”

In another twist in these cases, reported Vice News, it was revealed during a December 19 court motion that Roe is not 17 years old, as was previously thought, but 19. Since she is legally an adult, lawyers for the administration pointed out, Roe should be in the custody of the Department of Homeland Security — not the Office of Refugee Resettlement.

A December 18 *Politico* report observed that since the beginning of this legal battle, government lawyers have also argued that the teens are free to return to their home countries or to seek to be released to the custody of a sponsor, but federal officials should not have to take any action to facilitate an abortion. Of course, since Roe was subsequently found to be an adult, only Poe would require a sponsor.

Politico also quoted a spokesperson for the Department of Health and Human Services, who said:

A pregnant minor who has entered the country illegally has the option to voluntarily depart to her home country or identify a suitable sponsor. HHS-funded facilities that provide temporary shelter and care for unaccompanied alien minors should not become way stations for these children to get taxpayer-facilitated abortions.

That statement makes clear that the government is not, as the ACLU asserts, continuing “to abuse its power by denying abortion access.” The Trump administration is willing to allow minors to return home or seek sponsorship, where in either circumstance they would be able to make abortion decisions free of government interference. The administration objects only to requiring the taxpayers, many of whom object in conscience to abortion, to pay for these procedures.

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