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Good Morning,

AMERICAN CIVIL
LIBERTIES UNION
WASHINGTON
LEGISLATIVE OFFICE
915 15th STREET, NW, 6TH FL
WASHINGTON, DC 20005
T/202.544.1681
F/202.546.0738
WWW.ACLU.ORG

LAURA W. MURPHY
DIRECTOR

NATIONAL OFFICE
125 BROAD STREET, 18TH FL.
NEW YORK, NY 10004-2400
T/212.549.2500

OFFICERS AND DIRECTORS
SUSAN N. HERMAN
PRESIDENT

ANTHONY D. ROMERO
EXECUTIVE DIRECTOR

ROBERT REMAR
TREASURER

On behalf of the American Civil Liberties Union, please find attached our vote recommendation for today's possible vote on an anticipated amendment from Rep. Carter (R-TX) and Rep. Aderholt (R-AL) to the FY 2014 Department of Homeland Security Appropriations Act, banning abortion coverage for women in immigration detention.

Please contact Sarah Lipton-Lubet with any questions at (202) 675-2334 or slipton-lubet@dcacclu.org.

Regards,

Laura W. Murphy
Director, Washington Legislative Office

Sarah Lipton-Lubet
Policy Counsel

cc: Members of the House Committee on Appropriations

ACLU Vote Recommendation for Anticipated Carter-Aderholt Amendment to the FY 2014 Department of Homeland Security Appropriations Act

Representatives Carter and Aderholt are expected to introduce an amendment to the FY 2014 Department of Homeland Security Appropriations Act to prohibit abortion funding for women in immigration detention. The American Civil Liberties Union recommends a NO vote on the Carter-Aderholt amendment.

The Carter-Aderholt amendment would enact within the Department of Homeland Security Appropriations Act a ban on abortion funding for women locked up by Immigration and Customs Enforcement (“ICE”), except in exceedingly narrow circumstances (rape, incest, and danger of death)¹ and precludes the interest of preserving the woman’s health. Short of banning abortion outright, harsh restrictions on abortion coverage are attempts to make meaningful abortion access as difficult as possible.

For many women, ICE lock-up is the place where they are assaulted, abused, and denied medical treatment. Although women in ICE custody live in deplorable conditions, and their health may well be more compromised because of the fact that they are locked up, the DHS abortion ban has no exception for an abortion necessary to protect a woman’s health. Many things can go wrong during a pregnancy. A woman’s health could be at risk in ways that we cannot predict. A pregnant woman could develop cancer, diabetes, or heart conditions – in each of these cases, abortion care may be what she needs to protect her health, but the Carter-Aderholt abortion ban does not account for these situations.

The Carter-Aderholt amendment would mean that women locked up in immigration detention would not have meaningful access to a health care service readily available to women of means and women with private insurance. The government should not discriminate in this way. It should not use its dollars to influence a poor woman’s decision whether to carry to term or to terminate her pregnancy. Justice Brennan’s powerful words about the Hyde Amendment apply equally here – indeed, all the more so to a population as uniquely vulnerable to the power of the federal government as women in ICE custody:

“The Hyde Amendment is a transparent attempt by the Legislative Branch to impose the political majority’s judgment of the morally acceptable and socially desirable preference on a sensitive and intimate decision that the Constitution entrusts to the individual. Worse yet, the Hyde Amendment does not foist that majoritarian viewpoint with equal measure upon everyone in our Nation, rich and poor alike; rather, it imposes that viewpoint only upon that segment of our society which, because of its position of political powerlessness, is least able to defend its privacy rights from the encroachments of state-mandated morality.”²

For the above reasons, we urge you to **vote NO** on the expected Carter-Aderholt amendment.

1 Current ICE policy limits abortion coverage to these circumstances; the Carter-Aderholt amendment would enshrine these restrictions as law.

2 Harris v. McRae, 448 U.S. 297, 331 (1980) (Brennan, J. dissenting).