



February 24, 2009

Hon. Carl Wimmer
Utah House of Representatives
350 State Capitol
PO Box 145030
Salt Lake City, UT 84114

**Re: Offer of Legal Representation in Defense of H.B. 222,
Unborn Child Pain Prevention Act**

Dear Representative Wimmer:

The Alliance Defense Fund ("ADF") is aware that the House of Representatives is considering proposed amendments to the Utah Informed Consent Statute to require that abortion providers inform women that preborn infants experience pain in abortion and of the availability of anesthetics or analgesics to alleviate it. We are also aware that certain groups perceive such a requirement as a potential burden on women's health, and may bring suit to challenge the amendment in court if it is enacted. *See, e.g.,* S. McFarland, "Defending an Abortion Ban Would Cost Millions," *Salt Lake Tribune*, posted Feb. 04, 2009.

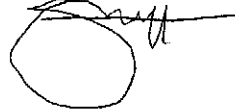
In our view, it is beyond peradventure that H.B. 222 as currently drafted would withstand constitutional attack if challenged in court. As the Supreme Court has clearly ruled, "States are free to enact laws to provide a reasonable framework for a woman to make a decision that has such profound and lasting meaning." *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833, at 873 (1992). To our knowledge, five States have enacted legislation addressing the issue of fetal pain in late-term abortions, and none have even been subjected to court challenge.

ADF is a non-profit legal organization that engages in litigation to protect the sanctity of all human life, protect religious freedom and defend the family. ADF has litigated numerous high-profile cases to defend reasonable government restrictions on abortion such as the one under consideration in the House. Our attorneys have represented the Missouri Department of Health and Senior Services in multiple federal and state lawsuits filed against that state by Planned Parenthood, the Center for Reproductive Rights and other pro-abortion organizations who are objecting to a state law requiring abortion providers to make clinical renovations and improvements designed to protect women's health and safety. ADF has also coordinated successful friend of the court briefs from many national organizations in several cases before the United States Supreme Court, including the most recent case in which the Court upheld federal restrictions on partial birth abortion, *Gonzales v. Carhart*. Because ADF is a non-profit legal organization, our attorneys represent governmental agencies and officers without charge. ADF

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would be privileged to represent the State of Utah or individual Members of the House and Senate who desire to defend the Unborn Child Pain Prevention Act from litigious pro-abortion advocacy groups.

Sincerely yours,

A handwritten signature in black ink, appearing to read "S. Aden", written over a circular stamp or mark.

Steven H. Aden
Senior Legal Counsel

cc: Attorney General Mark Shurtleff