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House of Representatives  
Utah State Capitol  
Salt Lake City, Utah 84114

**Re: House Bill 235 S1, "Abortion Law Revisions"**

February 7, 2007

Dear Representative,

On behalf of the American Civil Liberties Union of Utah, we write to express our strong opposition to House Bill 235 S1, "Abortion Law Revisions." We urge you to uphold a woman's constitutional right to reproductive freedom by voting against this potentially costly and dangerous legislation.

HB 235 S1 will return Utah's abortion laws to those in effect prior to *Roe v. Wade*, the 1973 case in which the U.S. Supreme Court found that the constitutional right to privacy encompasses a woman's decision to continue or terminate her pregnancy. History has shown that when women are denied access to abortion care, they resort to desperate measures. Banning abortion in Utah will not protect women and their families, but will threaten the health and lives of women across the state. The women of Utah should benefit from the lessons learned from the past; they should not be doomed to repeat them.

Similarly, the state of Utah should benefit from its own history and avoid repeating it. On January 25, 1991, Utah amended and re-enacted its pre-Roe abortion ban. The ACLU of Utah and others challenged that law, which was ultimately held unconstitutional by the Tenth Circuit after the state spent more than 1.2 million dollars and six years unsuccessfully defending it. The U.S. Supreme Court ultimately denied review. *See Jane L. v. Bangerter*, 102 F.3d 1112 (10th Cir. 1996), cert. denied, 520 U.S. 1274 (1997). If this bill passes, the state of Utah will once again have to defend a clearly unconstitutional law. This time, however, the cost of the litigation will likely be much higher.

Rather than supporting an abortion ban, we ask that you focus your efforts on reducing the need for abortions by supporting common sense solutions aimed at reducing unintended pregnancies in Utah. In a recent Guttmacher Institute report, Utah ranked 47th in the nation in its efforts to help women avoid unintended pregnancy. (See [www.guttmacher.org/statecenter/ccfs.html](http://www.guttmacher.org/statecenter/ccfs.html).) Criminalizing abortion immediately, as this bill seeks to do, will not reduce the number of unintended pregnancies in the state. It will, however, violate the constitution, put women at risk, and waste tax dollars much-needed elsewhere.

The ACLU of Utah is committed to protecting every person's right to make informed decisions free from government interference about whether and when to become a parent. Not only will HB 235 S1 violate this right, but it will also threaten the health and safety of Utah women and their families. Please vote against the bill when it comes before you for your consideration.

Sincerely yours,

Margaret Plane  
Legal Director

Karen McCreary  
Executive Director