



March 15, 2023

The Honorable Mark Gordon
Governor of Wyoming
State Capitol Building
200 West 24th Street
Room 124
Cheyenne, WY 82002
Ph: (307) 777-7434

RE: H.B. 152 (HEA No. 0088) AND S.F. 109 (SEA No. 0093), SENT VIA EMAIL AND FEDEX

Dear Governor Gordon:

We are writing to support House Bill 152, the “Life is a Human Right Act,” and Senate Bill 109. The American Center for Law and Justice (“ACLJ”) addresses these bills on behalf of itself and over 203,000 of its members, including 548 Wyoming residents, who value the sanctity of human life.¹

By way of introduction, the ACLJ is an organization dedicated to the defense of constitutional liberties secured by law, including the defense of the sanctity of human life. Counsel for the ACLJ have presented expert testimony before state and federal legislative bodies, and have presented oral argument, represented parties, and submitted amicus curiae briefs before the Supreme Court of the United States and numerous state and federal courts in cases involving a variety of issues, including those dealing with abortion and constitutional law. See, e.g., *Pleasant Grove City v. Summum*, 555 U.S. 460 (2009); *Dobbs v. Jackson Women’s Health Org.*, 142 S. Ct. 2228 (2022); *June Med. Servs. v. Russo*, 140 S. Ct. 2103 (2020); *Whole Woman’s Health v. Hellerstedt*, 579 U.S. 582 (2016); *Gonzales v. Carhart*, 550 U.S. 124 (2007); *Schenck v. Pro-Choice Network*, 519 U.S. 357 (1997); *Whitmer v. Linderman*, 973 N.W.2d 162 (Mich. 2022); *Oklahoma Call for Reprod. Justice v. O’Connor*, No. 120543 (Okla. 2022).

The ACLJ and its supporters commend and support Wyoming Legislators in their mission to ensure that preborn human beings are treated with dignity and receive the fullest protection possible under the law. We respectfully assert that these bills value, respect, and protect innocent human life and should be signed into law.

¹ *Defend Life, Defeat Abortion in All 50 States*, ACLJ, <https://aclj.org/pro-life/defend-life-defeat-abortion-in-all-50-states> (last visited Mar. 15, 2023).

Since the founding of the United States, Americans have valued and protected innocent human life. Clearly, the U.S. Constitution contains no language conferring a right to abortion, and neither does Wyoming's Constitution.

While silent on the issue of abortion, the U.S. Constitution, the Declaration of Independence, and the Wyoming Constitution most definitively value and protect life. As Supreme Court Justice Thomas recently noted in a concurring opinion, "The Constitution itself is silent on abortion."² It is, however, clear on the right to life, stating: "nor shall any person . . . be deprived of life . . ."³ Further, the Declaration of Independence states "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."⁴

Similarly, the Constitution of Wyoming recognizes that "[i]n their inherent *right to life*, liberty and the pursuit of happiness, *all members of the human race are equal*." Wy. Const art. 1, § 2 (emphasis added). Moreover, the Wyoming Constitution provides that "[n]o person shall be *deprived of life*, liberty or property without due process of law. Wy. Const. art. 1 § 6. In addition, the Wyoming Constitution provides:

All power is inherent in the people, and all free governments are founded on their authority, and *instituted for their peace, safety, and happiness*; for the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish the government in such manner as they may think proper.⁵

Wyoming values and protects innocent human life through these provisions. Indeed, Wyoming has a long history of valuing and protecting preborn life. Wyoming enacted its first statute prohibiting abortion before the adoption of its current constitution and before its admission to the Union. Thus, preborn children were recognized as human beings worthy of protection at the time that the Wyoming Constitution was adopted, lending all the more credence to the fact that they should be protected today.⁶ H.B. 152 and S.F. 109 conform with and enhance the driving purpose behind Wyoming's laws, as they not only serve to protect and preserve the lives of preborn children, but aid in improving the lives of their parents, family members – and society in general – who would otherwise be prevented from enjoying the love, joy, and unique contributions to society these precious children have to offer.

There is no doubt that preborn children are members of the human race. Undeniably, it is a biological fact that abortion kills "a whole, separate, unique, living human being." *Planned Parenthood Minn., N.D., S.D. v. Rounds*, 530 F.3d 724, 735-36 (8th Cir. 2008) (en banc). As such, abortion implicates many significant interests—including those of the preborn child who may be killed, the child's parents, the government, and the public—and it also "presents a profound moral

² *Box v. Planned Parenthood of Indiana and Kentucky, Inc.*, 139 S. Ct. 1780, 1793 (2019) (Thomas, J., concurring).

³ U.S. CONST. amend. V.

⁴ THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).

⁵ WYO. CONST. art. 1, § 1 (2015) (emphasis added).

⁶ Wyo. (Terr.) Laws 1st Sess., ch. 3, § 25 (1869, *codified at* WYO. (TERR.) COMP. LAWS, ch. 35, § 25 (1876) (making the performance of an abortion on "any woman then being with child," unlawful.).

issue on which Americans hold sharply conflicting views.” *Dobbs v. Jackson Women’s Health Org.*, 142 S. Ct. 2228, 2240 (2022). The basic premise of these pro-life bills is to recognize the fact that preborn babies are in fact members of the human race and deserving of the right to life as protected in Wyoming’s and United States’ Constitutions, and, further, that no one group of human beings (pregnant women) have a “right” to intentionally kill these separate, unique, living human beings (preborn children).

Both H.B. 152 and S.F. 109 serve to further the public’s and the government’s deeply rooted interests at stake whenever human life is being taken, regardless of whether the circumstance entails abortion, capital punishment, murder, the use of lethal force by individuals asserting defense of self or others, deaths caused in military operations, suicide, or euthanasia. In fact, as one Wyoming Supreme Court Justice lamented in his dissent in a case in which the death penalty was upheld:

Every person who ever walked or will ever walk on the face of this earth is unique. There will never be another like that person. Life is precious. It is a gift that is so unique and wonderful that no mortal man should cheapen it by taking it from another. It has been said that killing begets killing. The more we kill, the more conditioned we become to killing until we are so conditioned that no one cares anymore.

Hopkinson v. State, 798 P.2d 1186, 1192 (Wyo. 1990) (Cardine, J., dissenting). A year later, Justice Cardine was in the majority in a similar case in which death penalty sentence was overturned. In that case, another Supreme Court Justice dissented, quoting Justice Cardine’s previous dissent, and adding:

These are noble words. Would they had been uttered to memorialize a torture victim, a family literally blown apart, or an innocent victim of an armed robbery rather than in support of convicted, cold-blooded killers.

Engberg v. Meyer, 820 P.2d 70, 169 (Wyo. 1991) (Macy, J., dissenting in part and concurring in part).

We echo both Justice Cardine and Justice Macy’s words—every member of the human race is indeed unique, and their lives are precious. This is no less true of an adult human than a child or preborn baby. Indeed, abortion is one of the gravest offenses against human life and natural rights because it entails the deliberate killing of an innocent human being. It is a procedure that deliberately takes the life of a human being, ending the heartbeat of a living, preborn child. Life is very precious and “a gift that is so unique and wonderful that no mortal man should cheapen it by taking it from another” innocent human being. “It has been said that killing begets killing. The more we kill, the more conditioned we become to killing until we are so conditioned that no one cares anymore.” *Hopkinson*, 798 P. 2d at 1192. There is no statement that more accurately depicts what has occurred in the United States since the Supreme Court’s decision in *Roe v. Wade* in 1973. In fact, in 1990, the year that Justice Cardine penned his lament over the death penalty, nearly one and a half million preborn babies were murdered by abortion – and those are just the abortions

were reported to the CDC.⁷ Such killing is the embodiment of disdain for human life, and is incompatible with our Declaration of Independence and Wyoming’s Constitution.

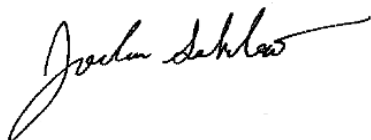
No longer do abortion advocates claim to stand on the premise that abortion should be “safe, legal, and rare.” Rather, abortion is being pushed on demand, without limits, and without any regulation. Some states are even passing laws that undermine legal protections for babies born alive.⁸ As Justice Macy stated, “[t]hese are noble words.” *Engberg*, 820 P.2d at 169. And we utter them now to memorialize the torture and deaths of over 63 million⁹ innocent preborn human beings who were ripped from their mother’s wombs.

The fight to protect innocent human life is the most just of causes. And the fight for life is gaining ground. Wyoming now has the opportunity to be at the forefront in valuing and protecting innocent human beings. Governor Gordon – Wyoming is the equality state for a reason. These bills work to ensure equality before the law for *all* members of the human race, and as such, support and enhance values that are at the core of Wyoming.

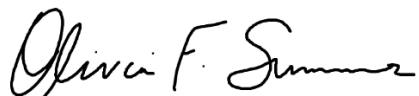
CONCLUSION

For the reasons stated above, we fully support H.B. 152 and S.F. 109, and respectfully request your careful consideration when determining whether to sign these bills.

Sincerely,



Jordan Sekulow
Executive Director



Olivia F. Summers*
Senior Litigation Counsel

* Proud Wyoming Native

⁷ *Abortion Surveillance -- United States, 1990*, CDC, <https://www.cdc.gov/mmwr/preview/mmwrhtml/00031585.htm> (last reviewed May 2, 2001).

⁸ Olivia Summers, *California Governor Signs “Infanticide” Bill as California Works To Become the Most Radical Abortion State*, ACLJ (Sept. 30, 2022), <https://aclj.org/pro-life/california-governor-signs-infanticide-bill-as-california-works-to-become-the-most-radical-abortion-state>.

⁹ *Abortion Statistics: United States Data and Trends*, NRLC, <https://nrlc.org/uploads/factsheets/FS01AbortionintheUS.pdf> (last visited Mar. 15, 2023)