



February 10, 2014

Representative Gabrielle LeDoux
State Capitol, Room 416
Juneau, AK 99801-1182

Dear Representative LeDoux:

On behalf of Americans United for Life, the legal architects of the prolife movement, I write in support of Alaska House Bill 258, "Jackson's Law." Jackson's Law will establish that "a parent of an unborn child may maintain an action as plaintiff for the death of an unborn child that was caused by the wrongful act or omission of another."

Alaskan law currently bars a cause of action for the death of an unborn child unless the child is born alive and dies thereafter. This limitation starkly contrasts with Alaska's criminal law, which recognizes that an unborn child at any stage of development may be considered a victim of murder, manslaughter, and criminally negligent homicide.

The wrongful death cause of action is intended to correct a flaw in the common law: At common law, no cause of action survived a victim's death. Thus, a wrongdoer could escape liability merely because he inflicted injuries so severe that they resulted in the death of his victim.

Wrongful death statutes corrected this injustice for many by providing for damages to be paid by the wrongdoer to his victim's survivors. Further, 40 states recognize that a parent should be permitted to bring a wrongful death action when his or her unborn child dies in the womb as the result of a third party's criminal action, negligence, malpractice, or production or distribution of an unsafe product.

Tragically, Alaskan parents of unborn children who lose their lives because of the wrongful acts or omissions of others cannot receive this justice. Parents of unborn children unquestionably have interests in the life, health, and wellbeing of their children. Wrongful behavior which results in the death of an unborn child carries the same social and emotional cost as that which results in the death of a born human being including bereavement, a loss to society, and the lawlessness and disregard for life which characterizes negligent, harmful, and wrongful behavior.

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Jackson's Law will extend the protections provided by the state's wrongful death statute to all unborn children in Alaska. We thank you for your leadership in introducing this important legislation.

Sincerely,

/s/ Mary E. Harned
Staff Counsel
Americans United for Life

cc: Members of the Alaska State House of Representatives