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Constitutional Amendment Needed to Counteract Kansas Supreme Court Ruling

By Mary Wilkinson, KFL President

On April 26th, the Kansas Supreme Court issued a cruel and inhumane ruling that will leave women in crisis and their pre-born babies at the mercy of an unregulated abortion industry. By declaring a so-called "Right to Abortion" in the 1859 Kansas Constitution, the court allows live dismemberment abortion to continue. This ruling is incredibly far-reaching and goes beyond the US Supreme Court's 1973 ruling in *Roe v. Wade*.

Kansans and most Americans do not support an unfettered right to abortion. They strongly support common sense regulations, many of which the US Supreme Court has upheld since *Roe* (see Marist's annual opinion poll on abortion). Requiring clinics to provide women seeking an abortion with information about their babies' development, parental notification requirements for underage teens seeking an abortion, and bans on barbaric partial-birth and taxpayer funded abortions are just some of the commonsense laws enacted in Kansas over the last 20 years. As a result, statistics from the Kansas Department of Health and Environment show that the number of Kansas abortions have been reduced by almost 50% since 1998.

In 2015, the Kansas Legislature approved a ban on the heinous practice of live dismemberment abortions. This heartbreaking abortion method enables an abortionist to rip a pre-born baby apart bit-by-bit while she is still alive. Even retired Supreme Court Justice Anthony Kennedy, hardly a staunch pro-lifer, wrote about the cruelty of dismemberment. In *Gonzalez v. Carhart*, which upheld the federal ban on partial-birth abortion, he states "it is precisely the way in which the fetus will be killed that is of legitimate concern to the State." With the US Supreme Court upholding the ban on the partial-birth abortion method, a ban on the dismemberment abortion method is the next logical step.

Furthermore, in an era of almost toxic hyperpartisanship, the Kansas ban on live dismemberment abortions received broad, bi-partisan support when being approved by the state legislature. In fact, some legislators who supported the ban had never voted for any previous abortion restriction. After

all, Kansas law bans the dismemberment of a dog and other animals. Shouldn't a pre-born baby girl be spared similar torture?

Shortly after the dismemberment ban took effect, the New York-based Center for Reproductive Rights sued the law in state court. They have made similar moves around the country with the eventual goal of enshrining a right to abortion in all 50 state constitutions. It is widely believed that the abortion industry and their allies are doing this in reaction to public opinion shifts against unrestricted abortion. They found a willing partner with the Kansas Supreme Court, which unilaterally decided to impose New York-style abortion laws on every community in Kansas.

As a sad result of this ruling, a baby could be ripped from its mother's womb just before the moment of birth. Over time, Kansas will likely see an increase in the number of abortions in our state. The Court's opinion also points toward a deregulation in health and safety standards within abortion clinics. That means abortionists, some of whom have been sanctioned by the Kansas Board of Healing Arts, would be able to prey on women in the most heart-wrenching of situations or even a pregnant teen without having to notify her parents.

The best remedy to stop this madness is to amend the Kansas Constitution. We must clarify that we live in a state that uplifts life and that unrestricted abortion is not in line with our values. Women in crisis and their pre-born babies deserve compassion and care, not the pain and emptiness that the abortion industry offers. To join our effort in support of a constitutional amendment, please visit www.KFL.org.