



Written by [Bob Adelman](#) on August 1, 2022

On Tuesday, Kansas Voters Can Undo State's Court Ruling Granting a "Right" to Murder an Unborn Child

On Tuesday, Kansans have a [unique opportunity](#) to override their state's high court's ruling from 2019 that a mother has an inherent right to kill her unborn child.

Pro-life advocates are calling the ballot issue the "Value Them Both Amendment," and are giving Kansas voters a clear choice: toss the high court's ruling granting an "inherent" right to pregnant mothers to kill their unborn child, or not.

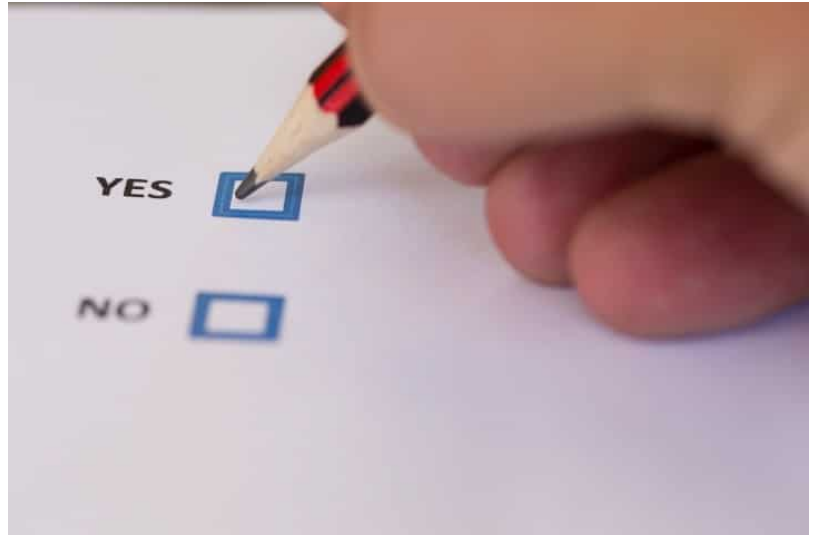
The ballot reads:

Because Kansans value both women and children, the constitution of the state of Kansas does not require government funding of abortion and does not create or secure a right to abortion.

To the extent permitted by the constitution of the United States, the people, through their elected state representatives and state senators, may pass laws regarding abortion, including, but not limited to, laws that account for circumstances of pregnancy resulting from rape or incest, or circumstances of necessity to save the life of the mother.

Yes

No



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At the moment polls show "Yes" leading "No" at 47-43. But millions of dollars are being spent to sway voters on both sides.

A "Yes" vote affirms that there is, despite the 2019 high court ruling, no constitutional right to abortion in the Sunflower State, and consequently any legislation relating to abortion rests with the people's elected representatives.

A "No" vote would leave things as they are, giving abortion promoters a major victory.

The ballot issue tomorrow will be the first time a state's voters have had a chance to let their voices be



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heard on the issue.

In 2019, in appealing a previous ruling, the Supreme Court of the State of Kansas [ruled](#) that, according to their interpretation of the state's constitution, a pregnant mother had an inherent if not clearly enunciated right to kill her unborn child. From that decision:

Section 1 of the Kansas Constitution Bill of Rights provides: "All men are possessed of equal and inalienable natural rights, among which are life, liberty, and the pursuit of happiness." We are now asked: Is this declaration of rights more than an idealized aspiration? And, if so, do the substantive rights include a woman's right to make decisions about her body, including the decision whether to continue her pregnancy? We answer these questions, "Yes."

We conclude that, through the language in section 1, the state's founders acknowledged that the people had rights that preexisted the formation of the Kansas government. There they listed several of these natural, inalienable rights—deliberately choosing language of the Declaration of Independence by a vote of 42 to 6.

Included in that limited category is the right of personal autonomy, which includes the ability to control one's own body, to assert bodily integrity, and to exercise self-determination. This right allows a woman to make her own decisions regarding her body, health, family formation, and family life — decisions that can include whether to continue a pregnancy.

The decision had but a single dissenter, and the court ruled for abortion 6-1.

The decision tomorrow in Kansas is being cast as a "bellwether" moment, as the vote is the first of at least four other opportunities — in California, Kentucky, Montana, and Vermont — for voters to "clarify" their intentions on the contentious issue.

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