



Written by [Bob Adelman](#) on March 25, 2022

States Preparing for a “Post-Roe,” “Pro-life” America

Numerous states are preparing for an America where the contentious issue of abortion is properly and constitutionally returned to the states to resolve. Even the pro-abortion Guttmacher Institute (named after the former president of Planned Parenthood with which it was once affiliated) [is lamenting the expected outcome](#) of the case before the Supreme Court: *Dobbs v. Jackson Women’s Health Organization*.

A favorable ruling in *Dobbs* would not only uphold Mississippi’s 15-week abortion law, but would also likely overturn the court’s finding in *Roe v. Wade* that a mother somehow has a constitutional right to murder her child while in her womb.

Guttmacher laments:

In 2021, state legislatures set an alarming record of 108 abortion restrictions enacted in 19 states. With the fate of *Roe v. Wade* hanging in the balance at the U.S. Supreme Court, 2022 is shaping up to be even more devastating for abortion rights....

Already, a number of state bills have grabbed headlines for proposing outrageous and shocking abortion restrictions ... [and] other restrictions and bans ... are moving quickly through some state legislatures.

At least 12 states have already enacted so-called trigger bans that would instantly prohibit abortion if the high court does in fact overturn *Roe* and/or returns the issue to the states to resolve.

Lawmakers in Arizona, Florida, and West Virginia have adopted, or are about to adopt, laws similar to Mississippi’s. Idaho has adopted one similar to Texas’s “heartbeat” law. Four states — Tennessee, Alabama, and West Virginia — have gone further by amending the state constitutions, declaring that there is “no right to abortion.”

Two other states — Kentucky and Kansas — have constitutional amendments pending voter approval later this year. Iowa will vote on a “no right to an abortion” ballot measure in 2024.

Kansas is a rare situation. The state’s supreme court has ruled — as has the U.S. Supreme Court in *Roe v. Wade* — that somehow, buried in the Kansas state constitution, there is a right of a mother to murder her unborn child. That has made the Sunflower State a “destination state” for the abortion industry frustrated over abortion restrictions imposed in other states.

So, even if the Supreme Court overturns *Roe* and returns the issue to the states, the Kansas state supreme court would still allow the murder of the unborn to continue.



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[The reasoning of the Kansas state supreme court](#) follows that of the high court:

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.”

Here’s how the Kansas high court came to that conclusion:

Included [in Section 1] 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. Although not absolute, this right is fundamental.

Accordingly, the State is prohibited from restricting this right....

This is how a court creates law from the bench — by ignoring the right of the fetus to enjoy the same rights as a post-partum baby. The court ignores the fact that the fetus is a human. Instead, it’s a blob that somehow only gains those rights by being born. Pre-born, it may be discarded.

What’s encouraging in the Kansas case is the grassroots effort to pass an amendment overturning the state high court’s dictum. Said Kansans for Life director Danielle Underwood, “Kansas is in a unique position regardless of what happens at the federal level.” So she, along with the Kansas Catholic Conference and Kansas Family Voice, are mounting an effort to inform Kansans on the issue. And that includes more than 1,000 churches:

We’re mobilizing the largest grassroots effort in Kansas history. We are working through over 1,000 churches in the state and making sure we get the word out to Kansans about what is at stake....

Now it is up to the people of Kansas to make sure we do our part to ensure Kansas does not remain a destination state for abortions.

This is “all hands on deck.”

Of all institutions that should be supporting the right to life, churches should be leading the way. After all, the Sixth Commandment declares, “You shall not murder.” (Exodus 20:13).



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