

**Proponent Testimony for The *Value Them Both* Constitutional Amendment for Life
Joint Meeting of the Senate Judiciary and House Federal and State Affairs Committees**

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Dear Chairman Barker, Chairman Wilborn and Members of the Committees

Unlimited abortion hurts women and children. It is not a Kansas Value. I urge you to support the Value Them Both Amendment to the Kansas Constitution. Kansans deserve a right to vote on this issue.

I was privileged to participate in the democratic process which passed several Kansas pro-life laws, offering professional testimony. These measures were passed by popular support and legislative representation. They included the Women's Right to Know, partial birth abortion ban, fetal viability law, ambulatory surgery center, and healthcare providers' rights of conscience laws. Many people deliberated and worked long hours to bring these laws into effect, an effort going back over 20 years. Now the Court has nullified this long-term deliberative democratic effort with a ruling that defies all common sense.

What is common sense? G. K. Chesterton defined it as the following: "That instinct for the probable," the contrary of which "we are not likely to have any personal evidence of." Though I am not an attorney, as a citizen of this great state I can say that it is not "probable" our founders made constitutional a right to abortion in 1859. And I must say that I have no "personal evidence" that a law so prominent as a state Constitution can have undiscovered provisions for 160 years; particularly after many people deliberated and worked long hours to legally regulate the same practice over more than 20 years.

Today you likely will hear people claiming that just such an improbable thing has happened. You will also likely hear the same people claiming that physicians want no legal restrictions on abortion; they will make the claim that abortion is really about the physician-patient relationship. Though most of you are not physicians, as representatives of this great state I hope you will use your common sense to realize that claim is improbable, and you have no personal evidence that pro-life laws have damaged the physician-patient relationship. Today you will hear and read of many physicians who know that upholding human life at its beginning is part of the noble calling of medicine. These physicians follow in the footsteps of Dr. Horatio Storer, one of the founders of American gynecology, who enlisted the young American Medical Association (AMA) to help pass the original laws restricting abortion, for (in the words of the 1859 AMA resolution) abortion is an "unwarrantable destruction of human life."¹

¹ Frederick N. Dyer, *Veteran's Health System Journal*, pp. 55-57, December 1999.

Surely the 1859 founders of Kansas law were not unaware of the nationwide movement of the 1850s which originally banned abortion, and if they had so wanted, they could have actually written a right to abortion into Kansas law. After all, that is just common sense.

Please approve the *Value Them Both* Constitutional Amendment. Give us and others in Kansas the right to make decisions on this contentious issue.

Thank you for this opportunity and for all your work for the people of Kansas.

Respectfully,

Patrick R. Herrick, MD, PhD