



Written by [Dave Bohon](#) on April 30, 2019

Kansas Supreme Court Finds Abortion “Right” in State Constitution

The Kansas Supreme Court ruled April 26 that under the state’s constitution women have a right to abort their babies. In its 6-1 decision the state high court declared: “We hold today that section 1 of the Kansas Constitution Bill of Rights protects all Kansans’ natural right of personal autonomy, which includes the right 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 ruling blocks the implementation of a law, passed by the Kansas legislature in 2015, that bans “dilation and evacuation” abortion, the most common procedure for killing a pre-born baby during a mother’s second trimester of pregnancy. Two abortionists had filed a lawsuit against the bill shortly after its passage, arguing, reported CNN, “that the bill limits access to the ‘safest’ procedure for a second-trimester abortion and violates the Kansas Constitution by infringing on ‘inalienable natural rights, specifically, the right to liberty.’”

A lower court ruled in favor of the abortion doctors, putting in place a “temporary” injunction that has kept the bill from being enforced since its passage.

In appealing that ruling to the state supreme court, the state attorney general conceded that the U.S. Supreme Court’s 1973 *Roe v. Wade* ruling “protects” a woman’s right to abort her baby, but argued that such a right does not follow in Kansas’ constitution.

Kansas’ pro-abortion, Democrat governor, Laura Kelly, applauded the high court for finding the same abortion right in the state constitution. “While federal law has long guaranteed every woman the right to make their own medical decisions in consultation with their healthcare providers,” said Kelly in a statement, “I’m pleased that the Kansas Supreme Court’s decision now conclusively respects and recognizes that right under Kansas law as well.”

Similarly, said Leana Wen, the current president of Planned Parenthood: “Let this be a strong message to politicians everywhere who insist on passing unconstitutional and dangerous health care policies: We will never stop fighting to safeguard our patients’ access to health care and our rights to bodily autonomy.”

But Republican State Senator Susan Wagle said the ruling by the state’s “liberal, activist Supreme Court” is at odds with the values of the majority of Kansans. “Nowhere in our state Constitution is there a right to the violent act of abortion,” Wagle said in a statement. “Instead, our protected inalienable



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rights include the right to life, liberty, and the pursuit of happiness.”

Wagle added that “the vast majority of Kansans and Americans believe that our laws should protect those in the womb while also ensuring that no taxpayer dollars go towards ending innocent life. As Kansans we understand that life is sacred, beginning at conception, and we must always stand and defend the most vulnerable among us, the unborn.”

Mary Kay Culp, executive director of Kansans for Life, was quoted by the New York Times as saying that the state supreme court’s ruling will cause pro-life leaders to seek to amend the state’s constitution to remove the supposed right of women to abort their babies. Such an amendment, reported the Times, has already been added to the constitutions of Alabama, Tennessee, and West Virginia.

Said Culp: “We plan to do everything in our power to amend the Kansas state constitution to make it crystal clear that one cannot infer from it the right to an abortion that would throw out 45 years of pro-life legislation in Kansas.”

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