

Vote yes on Value Them Both

**BY ELIZABETH KIRK
SPECIAL TO THE STAR**

Opponents of Kansas' "Value Them Both" amendment on the Aug. 2 ballot have claimed that if it passes, it would ban any abortion, with no exceptions, even in life-threatening emergencies. They have claimed it is a strict government mandate, using fear-provoking images of COVID-19 masks and church closures. These are outrageously false claims. They are so misleading that those who promote them must think Kansans are completely ignorant of law, civics and facts. Value Them Both bans nothing. It mandates nothing. Value Them Both itself does not change existing Kansas abortion laws, which currently safeguard authentic lifesaving medical care for a woman whose life is in danger.

The Value Them Both amendment is neutral on abortion. Its only effect is to return abortion policy to the people of Kansas through their elected representatives. Value Them Both is necessary because in a 2019 case, *Hodes & Nauser v. Derek Schmidt*, the Kansas Supreme Court held that the 1859 Kansas Constitution contains a "natural right" to abortion. Under *Hodes*, all laws relating to abortion are now "presumed unconstitutional." According to Elizabeth Nash of the pro-choice Guttmacher Institute, this means that "nearly all of the abortion restrictions in the state, they could be challenged and struck down."

In response, Value Them Both would merely remove the newfound "natural right" to abortion from the Kansas Constitution and return to the people of Kansas, through their elected representatives, the ability to regulate abortion. Value Them Both does not require any particular abortion law, but it does give examples of laws Kansans might wish to enact: laws providing exceptions for circumstances of rape and incest, and to protect the life of the mother. Opponents have twisted this language to suggest that Value Them Both would require abortions in these very cases. Orwell would be shocked. To repeat: Value Them Both does not prohibit or regulate abortion. At all. Rather, it gives authority to elected Kansas lawmakers to enact abortion legislation as they see fit. It does not dictate abortion policy in any way.

If Value Them Both passes, is it possible that some Kansans would support unlimited abortion access or that others would support additional abortion limits? Of course. People are entitled to advocate for the abortion policy they think best. But is either outcome likely? No. In the last few decades, the sorts of laws that Kansans — through their legislators — have passed are the moderate abortion regulations that the vast majority of Americans support, such as parental consent requirements, waiting periods, clinic health and safety laws, restrictions on government money paying for elective abortions and bans on some late-term abortion procedures. All of these laws had bipartisan support. Rather than be misled by remote hypotheticals, it is very important to understand what the reality is right now in Kansas — without Value Them Both.

The *Hodes* decision now governs every abortion law in Kansas. Without Value Them Both, Kansans should expect existing Kansas abortion laws to be struck down, a complete chilling effect on any new reasonable abortion regulations, taxpayer funding of elective abortions and a continued increase in the number of abortions (up 4.1% from last year and 13% over the last three years) as Kansas becomes, as Genevieve Scott of the Center for

Reproductive Rights proclaimed, an abortion “haven state.” Preserving this nearly unlimited right to abortion is just what opponents of Value Them Both want, because they believe that a woman should be able to access abortion for any reason at any time during pregnancy. As Planned Parenthood CEO Alexis McGill Johnson tweeted, “Every reason to have an abortion is a valid one. Every reason is the right one.” Most Kansans disagree with unlimited abortion, but the Hodes decision excludes their voices from public discussion and prevents them working together to achieve consensus on abortion policy.

A yes vote on the Value Them Both amendment is a vote of confidence in the people of Kansas to engage one another and work together on abortion policy.

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