



January 21, 2020  
Re: Support for SCR 1613 and HCR 5019

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Chief LA Lobbyist

The Liberty Alliance is a private membership association dedicated to advancing libertarian principles in the Kansas legislative process. All funding for Liberty Alliance comes from a publicly open membership in which each person pays the same, flat, very modest, annual fee.

On the topic of abortion addressed by these legislative proposals before us today, many people have historically assumed – incorrectly – that libertarians are pro-choice on everything. Essentially, the mistaken casual belief is that a libertarian believes that everyone should be able to do whatever he or she wants, including prematurely ending a pregnancy. That is not libertarianism; that is anarchy.

Even at a superficial level of thinking, public polling and organizational positions are nevertheless revealing. A 2018 poll by Beinglibertarian.com concluded that 58% of all libertarians consider themselves to be pro-life. In the absence of a more granular survey, it's reasonable to assume that this percentage in Kansas is even higher. Additionally, we suggest that this fact is corroborated by the lack of any position on the abortion topic by the Libertarian Party. Liberty Alliance has no connection whatsoever with the Libertarian Party, so we can't speak to the actual motives for its silence, but a deeper review of libertarian philosophy identifies its fundamental pro-life rationale.

At the core of libertarian thought is the Non-Aggression Principle. While the roots of this principle have been explicitly expressed for many centuries in multiple religious faiths, by ethicists, theologians and political scientists, one contemporary libertarian author has summed it up this way:

*Libertarianism is a political philosophy. It [is] concerned solely with the proper use of force. Its core premise is that it should be illegal to threaten or initiate violence against a person or his property without his permission; force is justified only in defense or retaliation.*

A very important caveat to this legitimate use of force is that it must be proportional to the threat posed. For example, there is no justification for using lethal force against an unarmed pedestrian who mistakenly wanders onto your yard.

And when this qualified principle is applied to the issue of abortion, it acknowledges some latitude in setting the enforceable bounds of law, but it clearly establishes the legitimacy of state protection for all human life. This is precisely why Liberty Alliance believes the Kansas Supreme Court has misinterpreted fundamental rights with its *Hodes* decision, with its declaration that the "natural right to personal autonomy" in our state constitution includes an inalienable right "to decide whether to continue a pregnancy".

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Rather, we maintain that while respecting all persons' self-autonomy, family decisions and procreation decisions, the Non-Agression Principle – which comprises true libertarianism – does not allow for any presumption that bringing an end to a human life is justified. The *Hodes* decision, unfortunately, has created exactly this presumption in circumstances of abortion.

That is why the bills before you today are necessary, reversing this life-negating presumption of the *Hodes* decision. The elegance and wisdom of these proposals at hand is with their simplicity. Today we are not tasked with detailing the timing and methods of legal abortions, we must merely – upon approval of this ballot initiative and with the subsequent consent of Kansas voters – strike down this deathly presumption and authorize you lawmakers to legislate upon the matter. Please approve this resolution for its presentation on the statewide ballot.

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