

## Proponent Testimony for the *Value Them Both* Constitutional Amendment for Life

### Joint Senate Judiciary and House Federal and State Committee

Benjamin I. Rogers of Fowler, KS

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Dear Chairman Barker, Chairman Willborn and Members of the Joint Committee,

I stand in favor of amending the Kansas Constitution so that every human being in Kansas has their inherent right to life recognized and protected. Kansans deserve the chance to be heard directly by voting on this important matter.

As a philosopher, my time is spent looking at the roots and starting places of questions, seeking solutions which follow from established axioms. Often times, lawyers and doctors weigh in on certain elements of legislation, but the philosophers are less frequently called upon with the same level of respect and weight. The founding fathers recognized the importance of understanding the foundations of what is right and just, as they are key elements before being able to make those principles work towards creating right and just laws. It is my hope that this testimony may help to focus discussion in such a way as to encourage our State to move forward in a consistent way which recognizes the dignity and respect every human deserves.

Inherent in our style of governance is the importance that not only our laws, but the structure by which those laws are formed be just and moral. This important concept is often overshadowed by emotive arguments which simply embrace feeling, which are not always governed by well reasoned thought and logic. Kansas has a long history of being a progressive State in matters of recognizing the dignity of human beings. John Brown is memorialized in the halls in which our Legislature meets, our history of Bleeding Kansas testifies to our willingness to take the first steps in difficult situations to do not merely what is right, but also what may be unpopular. The Brown v Board decision places Kansas in unique history. Abortion is no less a moral issue of grave importance, it is for that reason I submit this written testimony.

In an effort to help in understanding the scope and specificity of this testimony, I would begin by defining three terms as they relate to my position. Human Life, Human Being, and Human Person. A Human Life begins at the time in which a human gamete forms, it ceases at death, whether that death is caused by passing out of the body, absorption of the body, or becoming a part of a fertilized zygote on to the death of the life which continues in that zygote through all the stages it will experience. This category is so broad that legislation using this stance is problematic. A Human Person begins at fertilization, but at least for my purpose deals also with an ensoulment of the body and the person lasts beyond even the death of that body. This language is also problematic, as it involves concepts of theology and personal faith beliefs, thus it is also not the language I choose to engage in the political spectrum. A Human Being then is the point of consideration which I bring forward, by what ever language it is preferred legally and for the Amendment. A Human Being begins at the point of fertilization possessing all of the unique dignity of having a completed human DNA sequence and lasts until such time as the body dies. Our laws should be based on the principles of the Human Being, although in the legal language we often see this expressed as a "person". The distinctions are drawn in my language only to aid in understanding the point where we can act and lay a foundation that regardless of theological beliefs can be applied evenly to all situations.

If we use any standard to subdivide the Human Being as being worthy, using particular stages of life, skill, attributes, or any other defining ability of the body: then we get into a very real trouble. If we use a developmental standard, then we must ask ourselves if an individual loses their inherent rights if they lose that ability or skill. If we base that standard upon age, then we are saying that a human's fundamental rights and dignity are changeable and thus discrimination based on age is an acceptable situation. I reject these, for if an individual possesses inalienable and inexhaustible fundamental rights, then there can not be a change in what those rights are in regards to life experience, ability, appearances, or any other standard. Defining a right to life, by a standard not using the intention of Human Being used here, creates a purely subjective standard which by its nature is totally changeable, and thus not inherent to the human condition. This creates a fundamental contradiction to recognizing a universal right, yet limiting the scope of the right to only certain individuals.

We can not consistently and logically create a classification of individual who gains inherent rights at some subjective moment, Therefore we must recognize that the protection of all life is important and the State has an inherent need to be able to regulate and legislate regarding abortion in all aspects.

I urge the Kansas Legislature to allow Kansans to finally be able to voice their opinion by voting on this truly fundamental and moral issue. It is my humble opinion, that this is so important an issue that to do less is completely irresponsible. Let us, as Kansans say with a clear voice where we stand.

Thank-you for this opportunity to submit this written testimony.

Respectfully,  
Benjamin I. Rogers  
Fowler, Kansas