

Faith2Action

"Faith by itself, if it is not accompanied by action, is dead." James 2:17

Heartbeat Bill Proponent Testimony from Janet Porter, President, Faith2Action

H.B. 2324 will ensure that if a heartbeat is detected, the baby is protected.

Chairman Siegfried and members of the committee, thank you for the opportunity to speak to you in favor of H.B. 2324, the Kansas Heartbeat Bill.

My name is Janet Porter*, President of Faith2Action, the nation's largest network of pro-life and pro-family organizations, including the Kansas Coalition for Life. Faith2Action is the initiator of the first Heartbeat Bill introduced in Ohio in February, 2011.

We've all seen the bumper sticker, "Abortion stops a Beating Heart," but by passing the Heartbeat Bill, you have the opportunity to ensure that a beating heart will stop abortion.

Why Heartbeat? In frantic efforts to save a life we often hear: "Can you find a pulse?" That's because science has already shown us a way to determine if someone is alive. The Heartbeat Bill stops discriminating on the young and applies that same measurement to ALL human life.

Like other incremental bills, the Heartbeat Bill doesn't protect every child. But support for it in no way indicates a lack of support for babies whose heartbeats cannot yet be detected, just as support for the Kansas post-viability ban didn't reflect support for aborting "pre-viable" babies. *Viability* is merely a determination of our technology, which changes with the year and hospital in which a child is born, while heartbeat is a clear indicator of life readily detected with common instruments already present in the offices of physicians everywhere.

Drafted by the Best Pro-Life Attorneys in the Nation. The bill before you began with a team of the best pro-life attorneys in the nation in December 2010. Both Dean Mat Staver of Liberty University School of Law and Wendy Wright, past President of Concerned Women for America said that Walter Weber of the ACLJ is the "best in the country." Constitutional Law Professor David Forte was described by a Right to Life President and the Speaker of the Ohio House as, "the best there is." That is why these two attorneys were selected to lead the team of those considered to be the best and brightest in the nation for both the ongoing Ohio efforts and for the Kansas efforts to pass a true Heartbeat law. This team has had three years to fine tune this bill with the Supreme Court in mind. It is designed to satisfy the stated wants and desires of the soon to retire, Justice Kennedy.

Is it Constitutional? Legislators don't swear an oath to uphold *Roe vs. Wade*, you swear to uphold and defend *the Constitution* which contains the Fourteenth Amendment stating: "...nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any

* Janet (Folger) Porter successfully lobbied for the nation's first Partial Birth Abortion ban, followed by 30 states, Congress, and a Supreme Court victory. She served as Legislative Director of Ohio Right to Life for a decade where she also secured the passage of the Woman's Right to Know Law (Informed Consent & 24 hour waiting period), Parental Consent, Fetal Homicide, Clinic Regulations, among others. She is the author of five books including *True to Life*, and hosts a daily radio commentary in 200 radio markets.

person within its jurisdiction the equal protection of the laws." It is *Roe vs. Wade* that is in violation of our U.S. Constitution. To uphold the Constitution, it *must* be challenged!

A unique opportunity: In *Issues in Law & Medicine* (Spring 2010), Gregory J. Roden, J.D. noted a "shift" from *Gonzales v Carhart*, indicating that "a Heartbeat approach will work."

Four decades of cases viewed the child in the womb as a "potential life," but in *Gonzales v Carhart*, for the first time, the Supreme Court admitted as a finding of fact, that not a "potentially living," but a "LIVING fetus" is recognized from the time of a..."**DETECTABLE HEARTBEAT.**" Not only is that a finding of fact, it is an *undisputed* finding of fact! Even those in favor of legal abortion on demand agreed with this fact, now recognized for the first time since 1973, by the U.S. Supreme Court!

Didn't Arkansas already pass it? As happy as we are about the Arkansas Heartbeat Law, amendments to that bill (protecting babies at 12 weeks) strike at the heart of what the Supreme Court most needs to see--the determination of a detectable heartbeat (rather than at gestational age) which is the bill before you. The best time to come before the court is now, and the best bill to do it is yours.

What about rape? While we oppose an amendment to kill children who, through no fault of their own, were conceived through rape or incest, an exception for "rape and incest" is completely unnecessary even for those who want one. Because the Heartbeat Bill is an incremental bill, which protects from the point of a detectable heartbeat, abortions before that time, including those for rape and incest, are not prohibited.

It is also in the best interests for a victim of rape to be treated immediately following the assault-- to prevent a human life from being conceived and protect against sexually transmitted diseases. A report which is made within 72 hours after an assault allows for the collection of critical forensic evidence which not only makes the capture and conviction of a rapist more likely, but will also protect other women from a similar assault.

Is the pro-life movement divided? A glance at the supporter list reveals that there may not be a bill in America with *MORE* support than the Heartbeat Bill: Leaders including: Dr. Jack Willke, the Founder of National Right to Life, Sen. Rick Santorum, Gov. Mike Huckabee, Gov. Rick Perry, Congresswoman Michele Bachmann, Speaker Newt Gingrich, Joe Scheidler, and Dr. James Dobson. National groups include the American Family Association, Family Research Council, Concerned Women for America, the American Center for Law and Justice, and the Traditional Values Coalition. Polls reveal nearly two out of three in Kansans want the Heartbeat Bill; just as they showed in Ohio.

Should the legislature really be doing this? Thomas Jefferson said: "The care of human life and not their destruction is the *first and only* legitimate object of good government." To care for human life is the only reason for government; it is why we are all here today.

Is this the right time? Justice Scalia is 77; Justice Kennedy is 76. This bill must reach them before an administration hostile to life has an opportunity to replace them. After 40 years and 55 million dead babies, if *this* is not the time, there is *never* a time.

I urge you to choose life today and pass your Heartbeat Bill--the best vehicle and most important opportunity in 40 years to stop the killing and sweep *Roe v. Wade* into the ash heap of history where it belongs.