



Frontier Peace Advisors

"Peace is the New Frontier"
www.frontierpeace.com

Frontier Peace is a private membership association dedicated to advancing libertarian principles in the Kansas legislative process. All funding for Frontier Peace comes from paid memberships, open to anyone, in which each person pays the same, flat, very modest, annual fee.

January 15, 2021
Bob L. Corkins
Chief FPA Lobbyist

Re: Support for HCR 5003

On the topic of abortion addressed by today's legislative proposal, many people have historically assumed that libertarians find no justified role for government in the matter. Essentially, the mistaken casual belief is that libertarians contend that everyone should do whatever he or she wants, including prematurely ending a pregnancy. That's not libertarianism; that is anarchy.

Even at a superficial level of thinking, public polling and organizational positions refute the customary impression about libertarians. 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 fair 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. Frontier Peace has no connection to the Libertarian Party – other than the same outreach communications we carry on with any party – so we can't speak to the actual motives for its silence. However, a deeper review of libertarian philosophy identifies its fundamental pro-life basis.

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.

This is the same principle that girds the libertarian and FPA opposition to offensive military war and to the death penalty. It respects and protects each person's inherent right to self-defense, but the **initiation of force** is the triggering act that crosses the boundary of justification.

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 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 Frontier Peace believes the Kansas Supreme Court has misinterpreted fundamental rights with its *Hodes* decision, with its reasoning that the "natural right to personal autonomy" in our state constitution includes an inalienable right "to decide whether to continue a pregnancy".

(cont.)

Rather, we maintain that while respecting all persons' self-autonomy, family decisions and procreation decisions, the Non-Aggression Principle does not allow for any presumption that bringing an end to a human life is a defensible use of force. The *Hodes* decision, unfortunately, has created exactly this presumption in cases of abortion.

That is why the bill before you today is necessary, reversing this life-negating presumption of the *Hodes* decision. The elegance and wisdom of this proposal at hand is with its simplicity. Today we are not tasked with detailing the timing and methods of legal abortions. Very plainly, upon success of this ballot initiative, we only reverse the court's 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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