TESTIMONY OF ELLEN HORTON

ON S.B. No. 23

133rd GENERAL ASSEMBLY OF OHIO 2019-20

March 6, 2019

Chairman Burke, Vice Chairman Huffman, Ranking Member Antonio, and members of the Senate Health, Human Services and Medicaid Committee, my name is Ellen Horton, and I appreciate this opportunity to present my support for S.B. No. 23, the Heartbeat Bill. I am an instructor of the *Constitution of the United States* and a student of our founders’ writings, and I intend to approach the defense of the unborn from that perspective.

Our nation’s founding fathers, in the *Declaration of Independence*, stated their belief that life is an endowment (a gift) from the Creator who made all humans equal. In the same document, they asserted their belief that the purpose of government is to secure the God-given rights of the people. Since life, liberty, and the pursuit of happiness are not gifts from the government, but from Nature’s God, then legislated forfeiture of these rights disregards the intended protections that are expected of human governments. According to the architects of the supreme law of our land, the right to life is not negotiable; therefore, a woman’s right to choose must never carry more value than a child’s right to breathe. Perhaps the one, most important responsibility of Ohio lawmakers is to secure and protect the life of the innocent.

The Preamble to the Constitution declares explicitly that the reason for the establishment of our Constitutional Republic is to, “…secure the Blessings of Liberty to ourselves and our Posterity.” *Posterity* does not necessarily refer to *future* generations. My grandchildren, for example, range in age from four years to eighteen years. None of these children represent future generations; they are here *now*, and they are my posterity. Children in the womb, likewise, exist in the present tense and, like my grandchildren, are our hope for the future.

Our nation’s foundational respect for life is reaffirmed in the Fourteenth Amendment to the *Constitution of the United States*. “**No State shall make or enforce any law which shall** abridge the privileges or immunities of citizens of the United States; nor shall any State **deprive any person of life, liberty, or property, without due process of law**; **nor deny** to any person within its jurisdiction the **equal protection of the laws**.” If protection of the laws cannot be denied to *any person*, then unborn and newborn children qualify for equal protection under the law. No history of due process has legitimized the planned deaths of the unborn. Evidence of this is made very clear in the U.S. Constitution.

Article I, Section 1 of that document points out that **Congress** alone has authority to make laws. Supreme Court decisions such as *Roe vs.* Wade are not laws, but opinions. “The judicial Power shall extend to all Cases…**arising under the Constitution**…” Family matters, including such topics as mothers and babies, are nowhere to be found in the Constitution; they do not arise under the Constitution. Therefore, legitimizing the termination of pregnancy is not a topic that is eligible for government consideration. There is no law that allows for the intentional snuffing of infant life.

Supreme Court opinions should stem from a study of the nation’s valid laws and from the study of case law. The *Roe vs. Wade* decision had no such foundation. It was the *opinion* of five pro-abortion justices—not law nor precedent—that led the citizenry to believe, erroneously, that abortion had been legalized. Because these five Justices turned their backs on their oath to uphold the Constitution and abandoned their proper role as jurists, they should have been impeached; and their opinion should have been exposed for what it truly was, an abridgment of a living individual’s privileges and a denial of equal protection under the law. Article III, Section 1, states that “Judges…shall hold their Offices during good Behavior.” These judges behaved illegally.

I remind you that the masterminds of our nation’s laws believed in a Creator God; they believed that our rights are an endowment by that Creator God; and they established laws that empowered our government to secure our God-given endowment. As elected representatives of the people of Ohio, you are the agents whom we trust to protect and guarantee the very basic right to exist. I earnestly seek your support for the passage of S.B. #23.