

May 7, 1973

remotely related to the issue of abortion, to prevent abortions, was our medical law which would have said that anybody practicing medicine without a license would be fined \$25. This I did not feel was adequate. After introduction of the initial piece of legislation to impose what I felt were reasonable restrictions on the wholesale practice of abortion, I suffered what I consider one of the most difficult periods in my life. I was accused, I was threatened, I think mostly I was misunderstood and that hurt the most because everybody had the idea, at least a great number of people did, that this was an attempt to eliminate or repeal Nebraska's abortion laws. They would not or could not, understand there are and were no abortion laws and this, this was an attempt to, in fact, implement reasonable restrictions. The first bill that I came up with was drafted with the assistance of the Nebraska Medical Association and a group of others who were both for and totally opposed to abortion and we reached what we have known and called the "Doctors' Bill" and this is essentially what Senator Stahmer's amendments would implement. If enacted, his amendments would put into effect, intact, the Supreme Court decision and I think this is most important that you understand exactly what direction then that these amendments go. After discussion, with various groups after this initial bill had been drawn, what we call the "Doctors' Bill" it was determined by a great number of pro-life groups, including the Nebraska Catholic Conference, including the Protestant sects, including Agnostics, that they could not, in good conscience, support what had come to be known as the "Doctors' Bill" and the reason they could not support it, they felt, was that it tacitly recognized and approved the Supreme Court decision. They sought to go further than that and to in fact--in fact, set up the procedure to change the Supreme Court decision and to impose more restrictions and to not openly recognize the Supreme Court decision as proper and valid and that was when I and some other attorneys drafted what came to be known as the "Back Door Bill" because it approached the abortion issue from an opposite direction. Instead of recognizing abortion as a legal practice, this bill came in, so to speak, the back door and merely set up what constituted illegal practices with respect to abortion. Thus, anybody other than a doctor attempting to perform an abortion, was restricted. Conscience clauses were put in. Restrictions so that we would know who was performing an abortion, how old the infant fetus was, who was getting the abortion, what their marital status was and finally, the second bill, the "Back Door Bill", we deliberately designed into it, which is in it today, which is the bill you have before you, the necessary legal procedure that would put us into court and give it a chance to go up to the Supreme Court to see whether or not the Supreme Court in reviewing their entire decision on abortion, would not alter that decision in some way. As I say, that is the second approach which is the committee bill which you have before you. The Anderson amendments merely tighten this particular bill up while leaving the basic bill intact, and so I think it's important that you understand that the Stahmer amendments and the bill as it is now, do represent two distinctly different philosophies and approaches to the problem of abortion in this State. One recognizes and approves, in effect, the Supreme Court decision, well imposing the restriction allowable. The other goes in the opposite direction and sets up restrictions, lets--further sets up the legal and, and technical things necessary to get into court and to stand, I would have to say, an extremely strong chance of going up to the Supreme Court and having at least the United States Supreme Court review