

May 7, 1973

SENATOR ANDERSON: If this in order, I think this would greatly simplify things if we make my motion as a substitute motion. Then, the vote would first be on my amendments and then if that carries, that would be the amendment to the Committee amendment.

PRESIDENT: If there are not objections and if the Chairman of the Rules Committee thinks this is the way to go, then the chair concurs. Fine. Make it as a substitute motion then for Senator Stahmer's amendment. Senator Stahmer, do you have some objection to that? Senator Stahmer.

SENATOR STAHMER: Mr. President, I have only spoken briefly so, in order to allow for asking questions. If we are going to have a substitute motion here, I'd like to further explain this before we give some consideration because I don't think I adequately dealt in the differences. If we are now going to start talking about the differences between the two, I, too, would like to have some input about what these differences are.

PRESIDENT: Fine. The chair would reserve that right for you. I see no reason there. This is a little bit different, of course, but under the conditions the chair apologizes but I don't know how else we can handle it because there aren't any Rules to handle this as long as we adopted the Committee amendments as we did this morning. So, if you will bear with me, I think we can, perhaps, thread the eye of the needle here and we will give it a try. Now, I'll reserve the right for you, Senator Stahmer, to explain more in detail but I think that you have a right, anyway, after Senator Anderson explains his amendment to point out the differences that he, perhaps, might not cover. Does that reach you all right.

SENATOR STAHMER: Fine. Mr. President, members of the body, if I could since we are apparently going to be getting into the Anderson..so called Anderson amendments, I think the chief issue that I did not point out, in complying with the wishes of the doctors and, again, I would point out this is their unanimous wish and the doctors who are offering this amendment do not know who is giving med...they do not know who is giving medical input into the Anderson amendments because they are not aware of any doctors. Perhaps there are some but, at least, they are not aware of them. But the chief issue and the chief difference is this. The Federal Supreme Court speaks of the first trimester of the pregnancy and in that decision they said that this is not a matter of state concern. It is a matter solely between a woman and her doctor. The Anderson amendment makes no distinction and has no reference to that first trimester and to this provision of the state Supreme Court decision. In essence, it's flying into the face of the Supreme Court decision. Now if you want to buy a lawsuit and not adopt what the Supreme Court said, of course, that is your decision but the Supreme Court did make this distinction of the first trimester that this is not a matter of state concern, that it is a matter solely between the woman and her doctor and there is no mention of this first trimester whatsoever in the Standing Committee amendments as they would be amended by the Anderson amendment. So, in essence, what you are doing is saying, we don't care what the Supreme Court said. We want to have a lawsuit and we are going to have a lawsuit and basically that is what the issue boils down to. There are other issues that are brought in, such as, viability because the Anderson amendment gives a different definition of viability than what the Supreme Court decision handed down. So, in essence, you are either going to vote according to what the doctors feel they can live with, both legally and medically, and