

May 7, 1973

(Start Belt #10)

SENATOR ANDERSON:

one, we do not approve of the Supreme Court decision, we feel that it has flown in the face of the feelings, the belief which most of us here in Nebraska have and we think most of the people in the country, that human life does begin at the point of conception. We're saying we don't approve. We're deploring the destruction of human life which results as a part of that in subparagraph 2. We're saying, number 3, that we need to take adequate precautions to protect this life. We're saying number 4, that the legal remedies that are presently available to protect this unborn human life are not adequate and therefore we are acting insofar as is possible to protect this unborn human life. One of the objections that the Nebraska Medical Association had to the original preamble was that it said medical remedies were not adequate. We have stricken this. We agree with that, we do not believe that this should in any way imply a condemnation of the practices presently employed by the medical people. In the definition of abortion, we have in contrast to the Stahmer amendment which defines this simply as expulsion of the fetus before viability, said that this is basically too simplistic and that it really is not applicable throughout the act and namely in Section 6 so we're saying that the committee amendment is correct. We are adding one proviso here where the Nebraska Medical Association has said that the committee amendment's definition of abortion would not or conceivably could not allow a pre-term delivery, of a wanted child and we have put a proviso in there to allow for this and that it is not defined as abortion. In Section 2, subparagraph 7, we have dealt with the definition of viability where again the Nebraska Medical Association is substituting this phrase "meaningful life under normal conditions", I think that you should be fully aware that as I pointed out earlier, the full term baby also is not capable of this so called meaningful life under what some people would define as normal conditions, a full term baby even requires life support systems. In terms of zeroing in on whether our definition of viability is correct, whether the definition contained in the committee amendments in which my amendments support, in the Supreme Court ruling in Roe v. Wade, they define viability as the point at which the fetus is potentially able to live outside of the mother's womb, all be it with artificial aid and so I think that that concurs and supports the committee version of the definition of viability. In Section 5, this is the section which deals with the type of abortion that may be used for the so-called therapeutic abortion which I mentioned and here we simply say that this type of abortion cannot be used, it would kill the child. In Section 6, the original Section 6 which is contained in the committee amendments has been moved up to the new Section 5 and we have put a new Section 6 in the bill through my amendment and this one simply specifies that the normal, commonly accepted means of care shall be provided and this again allows the medical profession to use those means of care for this particular birth that have in their, in the practice of their profession, been the commonly accepted means of care. The Nebraska Medical Association and the Stahmer amendment have dealt with Section 9 where they say that the question of whether the husband or the father should be considered. This particular bill that we're dealing with, the committee amendment to LB 286, specifies that the consent of the father shall be given. The Nebraska Medical Association is saying, what about the husband. I think there's some important things to be considered here. I think that the situation we have now is correct. Number 1, the Supreme Court has already ruled in another issue that in giving up a child for abortion, that the father, not the husband, but the father, if known and can be found, must also give his consent to the releasing of this