

May 10, 1973

SENATOR FOWLER: Mr. Chairman, members of the Legislature, I didn't really expect the amendment to pass. At the same time I didn't expect it to be passed over so quickly. Senator Goodrich is interested in keeping this bill in a pure form but he hasn't really answered the question that I raised and I don't know if anyone really is concerned about women who have been raped, have a child and need an abortion. Maybe Senator Goodrich agrees that the woman should just go ahead and have that child whether she wanted it or not. But it seems to me that this body has to deal with this sort of question and it has to give some sort of answer to a woman in that situation who's been forcibly lead into sexual intercourse, possibly beaten, possibly forced at gunpoint or knife point. She finds herself pregnant and then suddenly she finds herself in a situation where she has to ask the rapist, has to go to the rapist and say, hey fella, would you give me consent to have an abortion since you're the father of this child? Now if she can't get the consent of the rapist, I doubt that many rapists are going to sign that statement, not meaning to cast desparagement perhaps on rapists, but I don't have a very high opinion of them, but anyway if she can't get that consent she is then forced to lie if she wants an abortion. She is forced to say to a doctor or to whoever, I didn't know who did it, I don't know who the father of that child is. Now this is the sort of thing this bill seems to have written in it in several sections, it disregards the condition of pregnant women in situations where they find themselves in when they really honestly need an abortion. So I'd move adoption of this amendment.

PRESIDENT: Question is, shall the amendment be adopted, the Fowler amendment as explained? All those in favor of the Fowler amendment will vote aye, all those opposed vote no. You are voting for the Fowler amendment to 286 on Select File.

(End of Belt #20)

(Begin Belt #21)

Have you all voted? Senator Fowler.

SENATOR FOWLER: How many are excused today?

PRESIDENT: Just a second, stand by. 4 are excused. We have 10 not voting. If you picked them all up you'd only have 23, excuse me, 24. Have you all voted? Clerk will record.

CLERK: 14 ayes, 22 nays, remainder not voting.

PRESIDENT: All right, Fowler amendment is lost. Are there other amendments now to 286 on Select File?

CLERK: We have one more from Senator Marsh to strike the Anderson amendment in Section 5 of LB 286. Signed, Senator Marsh.

PRESIDENT: Chair recognizes Senator Marsh.

SENATOR MARSH: Mr. President, I have a letter from the Nebraska Medical Association which is their statement on LB 286 dated May 10. The Nebraska Medical Association has reviewed the abortion bill, LB 286, now on Select File. While the bill appears to be unconstitutional and is poorly written from a medical standpoint, we wish to specifically call your attention to the amendment in section 5 which says the following: "No abortion procedure employed pursuant to this provision shall have the direct or indirect affect of terminating the viability of the unborn child prior to, during or following the procedure." We are completely confused by section 5 and