

further, let me read it so you will know what I am talking about. On page 3, if you want to follow, there would be some language stricken. On page 3, in lines 3 through 6, strike all of that language relative to viability and show it as stricken. Then this wording would be inserted and I hope you will listen because there are crucial words in it: (read amendment found on page 563 of the Legislative Journal.) On this issue of viability Roe against Wade was one of the decisions which attempted to deal with the situation and some wording was given which indicated that when the fetus is potentially able to survive outside the womb with or without artificial support, that would constitute an adequate declaration of what is viability but then states began to enact legislation attempting to push backward toward the point of conception the point of viability or reducing the period of time during which a woman and her physician have sole say so as to whether an abortion would be performed. In this latest case, the Pennsylvania case, the Supreme Court expanded the whole issue of viability in such fashion, that the matter is to be determined by the attending physician based on all of the variables and specifics in the particular case he or she is attending to. Therefore, it offered language very similar to what I have given you here, the difference is that I added "or her", the court said, "the particular case before him". Now an additional point, the judgement of the attending physician must be conclusive during this period. The attending physician must have unfettered right, a right unfettered by the state, to make a medical judgement which is conclusive on the issue of viability. In the Colautti case it was stated that experts may disagree on when viability will or can occur. So the amendment I am offering is lifted from that case where it discussed Roe against Wade and Danforth and the Danforth case involved the Planned Parenthood situation in Missouri. If any of you had read that Pennsylvania case you would see that there was a dissenting opinion by the Chief Justice and part of his dissent dealt with the issue of viability and said that what the court had done in the Pennsylvania case was to restrict what the states could do in terms of limiting the abortion decision and the procedure itself, that ground which seemed to have been left available for the states to stand on for purposes of regulation had been restricted by the court in the Pennsylvania case. Now I have to make one thing perfectly clear here. I am not a crook, but the thing I want to make clear in addition to that is whether you accept any