

shadowy crimes, those quasi offenses, the punishing of a person for saying baking soda is heroin and punishing as though it were heroin. You remember, I opposed all those kinds of things, so I say again here. Senator Koch, let me address something to you. It would have been easy if there were good faith and good intentions to take Senate Judge Urbom's decision because he specified each section of the law which was questionable, look at his objections, then draft a section of statute to comport with what he said would have to be done to make it constitutional. The committee was not of a mind to do that, certain members of the committee, and we know it. Some of them on the committee said that what the pro-lifers really want would be unconstitutional and they knew it. There are members in this body sitting out here now, and I am not just talking about the Judiciary Committee, who know that provisions are unconstitutional but they can not stand up to the pressure, so they are not going to make that attempt. The reason I think the bill ought to be killed is because of the fact that it is not going to be put in a form which will be constitutional. Judge Urbom has pending before him, the current law on the subject. His decision may come down in April, maybe May. I don't know when it will come, but then we would have a final determination by him as to what really is constitutional and what is merely suspect. At this time there are provisions suspect. He has said that these various provisions of the law cannot be put into operation because they are suspect but since the action is for an injunction, his decision is not final. He could say that some of the provisions which are suspect may pass constitutional muster. Others will undoubtedly be ruled unconstitutional and he has made that fairly clear. So if the intent was to put together a piece of legislation which is constitutional, that could have been done. The intent is not to do that. In the attempt that I made to divide the question, I thought we might, if we discussed it enough, persuade enough members of the legislature to clean up some of the provisions which are atrocious. I am telling you again there is a difference between intent, being punished and an attempt. When you make an intent itself a crime, that is like a mind reading and a hunch bill. I think so and so is thinking this certain thought and therefore it is a crime. The issue of proving that intent will be almost insurmountable. You do not have in this bill a statement which indicates that an abortion is the premature or early expulsion or extinguishment of the fetus. You do not have that in the bill. All you are talking about throughout is the intent to accomplish this but it makes you no difference. Senator Koch, one reason Senator DeCamp may not like being called Henry Clay is because Henry Clay