

power to destroy. Justice Holmes, writing for the Supreme Court, said, no, the power to tax is not the power to destroy so long as this court sits, meaning that there is something that interposes itself with that extreme result. And what that body is, what that force is that keeps us from extreme results is the Legislature. It is impossible to get to these extreme and generally, generally, derided results because this body has the power to pass law to stop those things from happening. There is no risk of these kinds of results, the mercy killing, the euthanasia being made into law without this body acting at some future date. And, as long as I am standing here and my guess is any reasonable successor, that day will never come. Senator McFarland raised a point. You have got a situation that's hard to define and you're putting an individual in that situation. They don't know the circumstances. They can't decide and any decision they make up to that point is not informed consent. It's not informed consent because they do not know the specific conditions under which they're operating. Now that's true, by the way, if you have an informed consent of a surgery. You can go into a piece of surgery, being told of the risks, being told of the percentages, and yet as you lay there unconscious if some tumor is found, if some condition is found, the doctor goes ahead with it. They don't wait, heal you up and then tell you about the new condition they found.

PRESIDENT: One minute.

SENATOR LANDIS: They go ahead and do the operation, having been given your general informed consent of the risks. Senator McFarland points out that there is always a chance of some miracle cure. There is always a chance of some unexplained scientifically un contemplated result, some result of somebody defying the odds and surviving and recovering, and that's true. No one here would say that we know all of the mysteries of life, that we know that science can accurately predict when death will occur and give some absolute assurance that recovery can't occur. We all know that, don't we? And so, too, do the people of the State of Nebraska. They understand that some divine intervention, some unexpected recovery may occur. It's a matter of odds and a matter of risk, just like every other piece of informed consent. However, just like you and I all know that that possibility exists, so, too, do the people who will fill out a living will. They understand that there are unexplained healings...