

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 26

Introduced by Lautenbaugh, 18; Carlson, 38; Christensen, 44; Dubas, 34; Fulton, 29; McCoy, 39; Price, 3; Schilz, 47.;
Lautenbaugh, 18; Carlson, 38; Christensen, 44; Dubas, 34; Fulton, 29; McCoy, 39; Price, 3; Schilz, 47.

Read first time February 18, 2009

Committee:

WHEREAS, Barack Obama, President of the United States, has promised that one of the top priorities of his new administration is to sign into law the "Freedom of Choice Act", not yet introduced to the 111th Congress, but previously introduced to the 110th Congress as H.R.1964 and S.1173, which purports to classify abortion as a "fundamental right", equal in stature to the right to free speech and the right to vote - rights that, unlike abortion, are specifically enumerated in the United States Constitution; and

WHEREAS, the federal "Freedom of Choice Act" would invalidate any "statute, ordinance, regulation, administrative order, decision, policy, practice, or other action" of any federal, state, or local government or governmental official (or any person acting under government authority) that would "deny or interfere with a woman's right to choose" abortion, or that would "discriminate against the exercise of the right . . . in the regulation or provision of benefits, facilities, services, or

information"; and

WHEREAS, the federal "Freedom of Choice Act" would nullify any federal or state law "enacted, adopted, or implemented before, on, or after the date of its enactment" and would effectively prevent the State of Nebraska from enacting similar protective measures in the future; and

WHEREAS, the federal "Freedom of Choice Act" would invalidate more than five hundred fifty federal and state abortion-related laws, laws supported by the majority of the American public; and

WHEREAS, the federal "Freedom of Choice Act" would specifically invalidate the following common-sense, protective laws properly enacted by the State of Nebraska: Sections 28-325 to 28-345, Reissue Revised Statutes of Nebraska; and

WHEREAS, the federal "Freedom of Choice Act" will not make abortion safe or rare, but will instead actively promote and subsidize abortion with state and federal tax dollars and do nothing to ensure its safety; and

WHEREAS, the federal "Freedom of Choice Act" will protect and promote the abortion industry, sacrifice women and their health to a radical political ideology of unregulated abortion-on-demand, and silence the voices of everyday Americans who want to engage in a meaningful public discussion and debate over the availability, safety, and even desirability of abortion.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature strongly opposes the federal "Freedom of Choice Act" and urges Congress to summarily reject it.

2. That the Legislature strongly opposes the federal "Freedom of Choice Act" because it seeks to circumvent the states' general legislative authority as guaranteed under the Tenth Amendment to the United States Constitution.

3. That the Legislature strongly opposes the federal "Freedom of Choice Act" because it seeks to undermine the right and responsibility of the states and the people to debate, vote on, and determine abortion policy.

4. That the Legislature strongly opposes the federal "Freedom of Choice Act" because the protection of women's health through state regulations on abortion is a compelling state interest that should not be nullified by Congress.

5. That the Legislature strongly opposes the federal "Freedom of Choice Act" because its enactment would nullify sections 28-325 to 28-345, Reissue Revised Statutes of Nebraska, laws that the Legislature and the people of Nebraska strongly support.

6. That the Secretary of State of Nebraska transmit a copy of this resolution to the Governor of Nebraska, President of the United States, President of the United States Senate, and Speaker of the United States House of Representatives.