

expect those ears to become unstoppered and this body to realize that we cannot continue to advance unconstitutional legislation, and the purpose of my amendment is to take that which is highly suspect and to render it into something which will pass muster in the courts. Now I do have some credentials in this area. Two years ago when this body was considering LB 316, its abortion bill, I worked very diligently and very hard to ensure that the bill would be a constitutional one, and time and time again my efforts were overridden by the body except in one particular. Senator Pat Venditte wanted to change the definition of viability, and I said, Senator Venditte, what you are doing is clearly unconstitutional, please use this definition. And reluctantly and under the persuasion of Senator Labedz and Senator DeCamp, we got my viability definition adopted. Court after court has passed on LB 316 and found it unconstitutional except the definition of viability, and that is the section that is being used right now to prosecute Dr. Labenz in Omaha, Nebraska. So, you know, there are a few times and maybe it's worth this body's while to have an attorney member who will take the time to read the case law and to try to take a bill and make it a constitutional bill. I have the Supreme Court's decision here of H.L. versus Matheson. This case involved a 15 year old girl and that was it. And the United States Supreme Court two weeks ago said, look, we are going to have to look at the Utah statute as applied to that 15 year old girl. It said, we need not reach the question that...I'm sorry, it said, she, the plaintiff, contends it is overbroad and that it can be construed to apply to all unmarried minor girls including those who are mature and emancipated. We need not reach that question since she did not allege or proffer any evidence that either she or any member of her class is mature or emancipated. The court says, we cannot assume that the statute when challenged in a proper case will not be construed also to exempt demonstrably mature minors, and finally, the only issue before us then is the facial constitutionality of a statute requiring a physician to give notice to parents, if possible, prior to performing an abortion on their minor daughter when the girl is living with and dependent upon her parents, when she is not emancipated by marriage or otherwise, and when she has made no claim or showing as to her maturity and as to her relations with her parents. I have selected the age of 16 as being the time when you that physician has to notify the parents of proposed abortion because that is the age that you and I have said marks the time when a girl is to be protected in statutory