

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

April 8, 2004 LB 958

year. At that time it was referred to the Judiciary Committee for public hearing. Bill was advanced to General File. I do have committee amendments, Mr. President. (AM3226, Legislative Journal page 1138.)

SENATOR CUDABACK: Thank you, Mr. Clerk. (Visitors introduced.) Senator Foley, to open on LB 958.

SENATOR FOLEY: Thank you very much, Mr. President and members. Let me acknowledge the obvious as I start this morning. The obvious is that this bill, LB 958, has a controversial dimension to it, and that controversy was ignited some 31 years ago when the United States Supreme Court promulgated its decision Roe v. Wade, and people on this floor of good will have reached a conclusion on that Supreme Court decision different from the conclusion that I have reached on that decision. And over the past 31 years there has been a national debate swirling throughout our culture on what that decision means and what ought to be done about it. That debate will continue for years to come, I imagine. For all I know, that debate may continue for the rest of my life, I don't know, but the controversy is there. I didn't create it. The question that I'm asking you to address today is honestly a question outside of the context of the core issue addressed in that decision, because that decision relates to when and under what circumstances a woman may obtain an abortion. Again, a controversial question, but that question is different from the question that I'm asking you to address today. The question I'm asking you to address today is, to what extent can we acknowledge and give protection to an unborn child outside of the context of abortion? Let me speak first to why I use the term "unborn child." I don't use that term to try to advance a particular theological point of view. I use that term because I believe, in my heart of hearts, that it is the correct legal term. When Justice Harry Blackmun, the chief author of Roe v. Wade, issued his decision with a 7 to 2 vote for the court, he gave specific reference to those instances where legal recognition could be given to the unborn child, and he used the term "unborn children." That was his term, the author of Roe v. Wade. And over the years, as the court has spoken time and time again on this matter, the court has consistently used the term "unborn child" or "unborn children" to give recognition to those