

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

April 8, 2004            LB 958

existence of unborn children. Even in Roe v. Wade, that existence is acknowledged. And in subsequent decisions of the U.S. Supreme Court, the separate and distinct existence of the unborn child is acknowledged. And in a number of our statutes, enacted long before I got here, the unborn child was acknowledged as a separate and unique person. For example, for purposes of court-appointed guardian ad litem, the unborn child was recognized as a distinct person from the mother. So I think, in light of what the U.S. Supreme Court said, the U.S. Congress, our own laws have said over and over again on that question, that the path that I would prefer to pursue is the one contained in LB 958 which recognizes the unborn child as a separate and additional victim to the act of violence that was committed against the mother. So I hope that's responsive to your question, Senator Beutler. Thank you.

SENATOR CUDABACK: Thank you, Senator Foley. Senator Beutler, on the Chambers amendment.

SENATOR BEUTLER: Senator Foley, let me ask you this. The approach that I just described is a logical and possible approach, and in the end has somewhat the same effect of protecting the unborn child, even though, in its language and in its structure, it takes a very different focus. Your bill accomplishes the same thing. Some people would say that it doesn't make a lot of difference which approach you take if the objective is to do that which we all want to get done and that is to give some recognition to the additional harm that's done. And those same people would say that really what this is all about is the bigger picture, that is the attack on Roe v. Wade and antiabortion, and that the reason one approach versus another is chosen is not because it has a dramatically different effect on the objective itself, but rather because it promotes or is a battle in the war of...against Roe v. Wade. And so they would argue that in and of itself it is not important because it can be done either way and it would be done either way, but that what this is really all about is it being one chapter or one piece of the puzzle in the broader offensive against Roe v. Wade. Would you acknowledge that, or would you argue, or maybe both, that the way you're doing it is a superior way of doing the thing itself? I'd yield my time to Senator Foley.