

Testimony in Support of LB 1103  
By Greg Schleppenbach, Nebraska Catholic Conference

Senator Ashford and Members of the Judiciary Committee:

My name is Greg Schleppenbach and I am here on behalf of the Nebraska Catholic Conference to urge you to support LB 1103. The Conference represents the mutual interests of the Catholic Bishops of Nebraska.

In 2005, Edward Lazarus, former clerk to Justice Blackmun (who authored *Roe*), said that “as a matter of constitutional interpretation and judicial method, *Roe* borders on the indefensible...[It is] one of the most intellectually suspect constitutional decisions of the modern era.” Lawrence Tribe, a Harvard Law School professor said that “one of the most curious things about *Roe* is that, behind its own verbal smokescreen, the substantive judgment on which it rests is nowhere to be found.”

These candid admissions by proponents of legal abortion illustrate why *Roe* and its companion *Doe v Bolton* did not settle the abortion debate in our nation. Instead, seven unelected justices substituted their flawed reasoning for the judgments of elected legislatures around the country, including ours. In the declarations section of Nebraska’s abortion law (28-325), our Legislature refers to *Roe* and *Doe* as “the legislative intrusion of the United States Supreme Court...[that removed] the protection afforded the unborn.” They go on to say that “the members of the Legislature expressly deplore the destruction of the unborn human lives which has and will occur in Nebraska as a consequence” of the Court’s ruling.

Far from a reasonable compromise, *Roe and Doe* unleashed abortion on demand in our nation during all nine months of pregnancy and for virtually any reason. The result: more than 50 million abortions nationwide and more than 170,000 in Nebraska. Even *Roe*’s seemingly reasonable provision allowing states to ban third-trimester abortions (except when a mother’s life or health are in danger) was eviscerated by *Doe*’s exceedingly broad definition of health—an exception that swallows the rule. Nebraska’s current ban on post-viability abortions is similarly rendered meaningless by its inclusion of this broad health exception.

So here we are with another bill to try to restore some level of recognition and protection for unborn human life. And the pro-life movement will not cease coming before you until the justice of recognizing and protecting preborn human beings in law is achieved.

Certainly, we will also work tirelessly to reduce abortions by addressing the underlying injustices that drive women to the desperate and violent act of having their own offspring destroyed. Our goal is not merely to make abortion illegal but to make it unthinkable. Women deserve better than abortion and our society can do better. But make no mistake, reducing the incidence of abortion alone is not sufficient. True justice will only be achieved when every human being, no matter how small, vulnerable or marginalized, is recognized and protected in law.

Please vote to advance this bill to General File.