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McCain: I would consider anyone in their qualifications I do not believe that someone who has supported Roe v Wade that would be part of those qualifications But I certainly would not impose any litmus test

Schieffer: All right

Obama: Well, I think it's true that we shouldn't apply a strict litmus test and the most important thing in any judge is their capacity to provide fairness and justice to the American people And it is true that this is going to be, I think, one of the most consequential decisions of the next president It is very likely that one of us will be making at least one and probably more than one appointments and Roe versus Wade probably hangs in the balance Now I would not provide a litmus test But I am somebody who believes that Roe versus Wade was rightly decided I think that abortion is a very difficult issue and it is a moral issue and one that I think good people on both sides can disagree on But what ultimately I believe is that women in consultation with their families, their doctors, their religious advisers, are in the best position to make this decision And I think that the Constitution has a right to privacy in it that shouldn't be subject to state referendum, any more than our First Amendment rights are subject to state referendum, any more than many of the other rights that we have should b So this is going to be an important issue I will look for those judges who have an outstanding judicial record, who have the intellect, and who hopefully have a sense of what real-world folks are going through I'll just give you one quick example Senator McCain and I disagreed recently when the Supreme Court made it more difficult for a woman named Lilly Ledbetter to press her claim for pay discrimination For years, she had been getting paid less than a man had been paid for doing the exact same job And when she brought a suit, saying equal pay for equal work, the judges said, well, you know, it's taken you too long to bring this lawsuit, even though she didn't know about it until fairly recently We tried to overturn it in the Senate I supported that effort to provide better guidance to the courts; John McCain opposed it I think that it's important for judges to understand that if a woman is out there trying to raise a family, trying to support her family, and is being treated unfairly, then the court has to stand up, if nobody else will And that's the kind of judge that I want

Schieffer: Time's up

McCain: Obviously, that law waved the statute of limitations, which you could have gone back 20 or 30 years It was a trial lawyer's dream Let me talk to you about an important aspect of this issue We have to change the culture of America Those of us who are proudly pro-life understand that And it's got to be courage and compassion that we show to a young woman who's facing this terribly difficult decision Senator Obama, as a member of the Illinois State Senate, voted in the Judiciary Committee against a law that would provide immediate medical attention to a child born of a failed abortion He voted against that And then, on the floor of the State Senate, as he did 130 times as a state senator, he voted present Then there was another bill before the Senate Judiciary Committee in the state of Illinois not that long ago, where he voted against a ban on partial-birth abortion, one of the late-term abortion, a really – one of the bad procedures, a terrib And then, on the floor of the Illinois State Senate, he voted present on some of that I don't know how you align yourself with the extreme aspect of the pro- abortion movement in America And that's his record, and

that's a matter of his record And he'll say it has something to do with Roe v Wade, about the Illinois State Senate It was clear-cut votes that Senator Obama voted, I think, in direct contradiction to the feelings and views of mainstream America

Schieffer: Response?

Obama: Yes, let me respond to this If it sounds incredible that I would vote to withhold lifesaving treatment from an infant, that's because it's not true The – here are the facts There was a bill that was put forward before the Illinois Senate that said you have to provide lifesaving treatment and that would have helped to undermine Roe v Wade The fact is that there was already a law on the books in Illinois that required providing lifesaving treatment, which is why not only myself but pro-choice Republicans and Democrats voted against it And the Illinois Medical Society, the organization of doctors in Illinois, voted against it Their Hippocratic Oath would have required them to provide care, and there was already a law in the books With respect to partial-birth abortion, I am completely supportive of a ban on late-term abortions, partial-birth or otherwise, as long as there's an exception for the mother's health and life, and this did not contain that exception And I attempted, as many have in the past, of including that so that it is constitutional And that was rejected, and that's why I voted present, because I'm willing to support a ban on late-term abortions as long as we have that exception The last point I want to make on the issue of abortion This is an issue that – look, it divides us And in some ways, it may be difficult to – to reconcile the two views and providing options for adoption, and helping single mothers if they want to choose to keep the baby communicating that sexuality is sacred and that they should not be engaged in cavalier activity, But there surely is some common ground when both those who believe in choice and those who are opposed to abortion can come together and say, We should try to prevent unintended pregnancies by providing appropriate education to our youth, Those are all things that we put in the Democratic platform for the first time this year, and I think that's where we can find some common ground, because nobody's pro-abortion I think it's always a tragic situation We should try to reduce these circumstances

Schieffer: Let's give Senator McCain a short response

McCain: Just again

Schieffer: and then

McCain: Just again, the example of the eloquence of Senator Obama He's health for the mother You know, that's been stretched by the pro-abortion movement in America to mean almost anything But, look, Cindy and I are adoptive parents. We know what a treasure and joy it is to have an adopted child in our lives. We'll do everything we can to improve adoption in this country. But that does not mean that we will cease to protect the rights of the unborn Of course, we have to come together Of course, we have to work together, and, of course, it's vital that we do so and help these young women who are facing such a difficult decision, with a compassion, that we'll help them with the adoptive services, with the courage to bring that child into this world and we'll hel