

March 9, 1978

LB 701

citizens in his community, and if it would have happened in our communities, our citizens perhaps would have had the same feelings that his do at this time. Since the committee has worked long and hard and the committees ahead of this committee have worked long and hard to get a reasonable situation, I think that we should stick with it and not do this quickly and haphazardly and stay with the bill the way it is. Thank you.

SENATOR SAVAGE: The Chair recognizes Senator Chambers for the second time.

SENATOR CHAMBERS: Mr. Chairman, members of the Legislature. Senator Kahle is new down here, although he is older than I am he is younger than I am in the legislative arena. He is going to find out that there are a lot of things that are going to anger and upset him, but I can understand that because I have had so many of those slings and arrows bounce off me that I'm immune to them and my being here can be therapeutic in some instances, a specific target and I accept it and I don't mind at all. What I want to tell Senator Labeledz, Senator Barnett has said over and over that a penalty appropriate to the nature of the particular crime committed in a specific case is available right now. It is available in the law right now. So, this amendment being offered serves no purpose other than to give the impression that something is being done which in fact is not. If the amendment is adopted it would eliminate for all practical purposes the offense of sexual assault, first degree sexual assault. Now, I do believe that the amendment is improperly drawn. But, because there are people in this body who say they are so concerned about this issue, they certainly should have studied it and have gotten the assistance of a technical nature which is required to properly draft an amendment to do whatever it is that is being attempted. My responsibility is not to draft an amendment of which I totally disagree, Senator Labeledz, is it? That is not my responsibility. I couldn't stand up here and ask you to draft an amendment to abolish the death penalty because I know that you want the death penalty. So, since I am opposed to what Senator Duis is doing, why should I take the responsibility of drafting his issue? His amendment for him? But, because I think the amendment is so poorly drawn and I do see serious problems with it, I'm offering the savings clause so that when this provision is rendered unconstitutional LB 701 will stand. Because of something that I see in the amendment it can go ahead and be adopted. Then when this amendment is adopted, I think that LB 555 should be indefinitely postponed. That is what ought to be done so when you adopt this amendment, be sure that you realize what you are doing. I would advise you to read it very, very carefully. Here is what you have to realize. Perhaps I am being cagey, perhaps this is a situation where you are presented with two doors and I tell you behind one is the lady and behind the other is the tiger. In reality there could be a tiger behind each of them. There could be a lady behind each of them or there could be...as I said there could be a lady behind one and a tiger behind the other or perhaps there is nothing behind either one of them. So, if you have confidence in your ability to read amendments and understand them, read this amendment, trust your judgment and vote to adopt it. Then live with the consequences of it. You might be right, and

07415