

February 20, 1979

LB 316

SENATOR MARSH: We are ready to vote on the Johnson amendment to the Chambers' amendment. All those in favor vote aye, opposed vote no. Senator Marsh voting aye.

CLERK: Senator Marsh voting aye.

SENATOR MARSH: Have you all voted? The Clerk will record.

CLERK: 17 ayes, 20 nays, Mr. President.

SENATOR MARSH: Motion lost. We are now ready and will address the Chambers motion. Senator Simon, did you wish to speak? Senator Chambers, do you have a close?

SENATOR CHAMBERS: I enjoyed reading the transcript of last year's floor debate because my intelligence and reading of Supreme Court decisions vindicated by the comments made by Judge Urbom's decision which is spread before you in the Journal this morning, so all I am going to say is that this bill will go before a court again and I at least want my intelligence to be vindicated. The Legislature can run headlong in the fashion that it is doing and I will tell you like I told you then. If there are people in this body who want an unconstitutional piece of legislation and I am quoting myself from last year now, I am going to help you get that unconstitutional legislation. Then you have no law. There is a record that was recently popular on the radio called, The Gambler, and it said, "every gambler knows that the secret to survival is knowing what to throw away and knowing what to keep." Then the refrain goes over and over, "you have to know when to hold them, you have to know when to fold them, you have to know when to walk away and know when to run, you don't count your money while you are sitting at the table, there will be plenty of time for counting when the dealing is done." We are dealing here this morning. We won't count the money but when it goes before a court again, eventually, eventually some of you all are going to begin to ask yourself these questions, how long are you going to be led by the nose down this primrose path by people for whatever reason feel that they can make water run uphill by willing it, that they can suspend the earth from a rope of sand or that they can abolish a Supreme Court decision by putting something in a state law. The U.S. Constitution gives primacy to the federal law, any provision in a state constitution or law notwithstanding. So what it is telling you is that no matter what you do at the state level it is not going to make that much difference when it clashes with a federal law and a federal law is what the U.S. Supreme Court says it is and a U.S.