

March 28, 1979

LB 484

I think that ought to be discussed and it is clearly part of our political tradition that people have a right to participate in the political process and they have a right to canvass and they have a right to put bumper stickers on their cars and they have a right to participate in campaigns. Now in the 1930's because of a series of abuses that were occurring around the country, why Congress came in and said that is true generally for the citizenry as a whole but if you are going to accept a federal job why we think that you should be prohibited from participating in political campaigns to a certain extent in order to protect the integrity of the political process. Now I think all of us who are from Douglas County know that we oftentimes have serious problems up there. Past public defenders, when the public defenders races come up, the entire office of the assistant public defenders have been expected to contribute. They have been expected to canvass. They have been expected to work hard for their boss to preserve their jobs. In instances of prior county attorneys, when the county attorneys offices come up, the deputy county attorneys have been expected to contribute. They have been expected to canvass. They have been expected to work hard to protect their boss' job and to protect their job. Now this statute does not apply widely to county races or to school board races or to city races in the state. It applies to deputy sheriffs races and I think it is important to preserve that. Now we take another example of the kind of abuse that can take place, Senator Landis and I have had bills pending this session in order to transfer certain correctional facilities out of the hands of the sheriff's office into the hands of civilian correctional authorities, and I know in this particular case there were deputy sheriffs that were down here at the behest of their employer lobbying against that bill. Now I think there ought to be protections written in the statutes so those kinds of things won't happen and I think the deputy sheriffs ought to be insulated and protected by statute by something that is stronger than the law Senator Landis raised, the law that indeed prohibits them from participating in the race of their supervisor particularly when their jobs are not protected by civil service jobs and they are subject to dismissal if they don't cooperate with their bosses seeing that he get reelected. Now I think we ought to hold the line firm here and I think we ought to strike the balance in this particular case to protect the integrity of the political process and I recognize that the civil rights of some of those persons are necessarily being restrained by this kind of provision, but in response to Senator Venditte, I would indicate that the Hatch Act has been repeatedly litigated in the federal courts and the federal judges have repeatedly said that, yes, this is something of