

February 25, 1981

LB 345

we are dealing with is so contemptible and hateful that if the person did it, he should be castrated, hanged and burned, and a lot of my kind of people have that happen to us in cases where the alleged crime never even occurred. So I am sensitive about when we are going to say that the privileges and protections of the law are not to be accorded to certain individuals because what they do is so reprehensible to us. People accused of child abuse, which is worse than not giving support payments, have a lawyer. They are allowed out on bond. Those who beat and torture or are accused of these heinous crimes are allowed bond and are given lawyers. What Senator Johnson's amendment says is like in other situations of this kind where jail is being faced it is not going to be the discretion of the judge as to whether a person has a lawyer. This is why Supreme Court decisions have come down requiring counsel once the accusatory process begins because judges were not concerned about whether a person had representation or not. There are a lot of things we make mandatory on judges because we don't trust them. So we are looking at now the integrity of a system and we must divorce that from the individuals who will be acted upon. If we cannot make that distinction, then the purpose of the law is lost, and I, despite being a member of a group who often faces the law where the law is my enemy, it nevertheless, if it were properly administered be the best friend that I could have. Those who have no voice need a law. Those who have no friends and no political clout need some kind of guarantees and protections against the wrath of the majority. And although we are dealing with those today who are accused of not having paid their child support, it would be very easy to go to something else tomorrow which is far more hateful than this. I am going to support the amendment and I will say this one thing. The judge is not to be counsel for the defendant. In addition, I know people who have been allowed to go on work release while they are in jail for not having paid child support and part of the money goes for room and board, and part of it goes to pay their child support, and when they come out they try harder as Senator Schmit and others have said. Jail is a very sobering experience. I do have mixed emotions about this, but I think my best judgment tells me that now is the time for my intelligence to assert itself, bring my emotions in check and make me cast a vote based upon what my mind tells me is the right thing to do in disregard of how I personally feel and that is the way I intend to vote. And, Senator Schmit, I have an ADC bill which I am offering this year so you get a chance to vote against it.

1177