

February 25, 1981

LB 345

SPEAKER MARVEL: Senator DeCamp.

SENATOR DeCAMP: Question.

SPEAKER MARVEL: The question has been called for. Do I see five hands? All those in favor of ceasing debate vote aye, opposed vote no. Record.

CLERK: 26 ayes, 0 nays to cease debate, Mr. President.

SPEAKER MARVEL: Debate has ceased. The Chair recognizes Senator Johnson to close on his amendment.

SENATOR V. JOHNSON: Mr. Speaker and members of the body, without any question I have touched a very sensitive nerve. I think the sensitive nerve is in the form of Senator Schmit, and Senator Higgins, and everyone else in this body who has low toleration for men who don't pay their child support, and I, too, have low toleration for men who do not pay their child support. It has always seemed to me to be a disgrace when a man can father a child and somewhere along the line fall in arrears in his support and not make the payments. But notwithstanding my personal animosity, notwithstanding my personal feelings on the subject, recognizing the principle the law controls, ours is a society of law and not just of men and women. A society of law, I recognize simply that when we back up civil sanctions with a criminal penalty, when we say that we can take an errant father and put him in jail because he has not paid his child support, then we in our society must at least make certain that that individual has counsel, and if he doesn't have counsel that he has knowingly and intelligently waived his right to counsel. We may all gulp when we think that because you may say we should just put that man in jail and teach him a lesson and it will be a sobering experience that when he gets out surely he will do better. But it may well be that, number one, he won't go to jail. Why? Because maybe he will be able to show the court in the way that he couldn't show the court given his inarticulateness, given his artlessness, that he really was not capable of paying his support. Why? Let me tell you about some men that I have known. I have known Vietnam veterans who have come back shattered hulks of themselves, who kind of float through society, have a little affair here, a little relationship there, have a child or two. You know, they can't get their act together anymore. They can't make it. Now I don't know why they can't make it, but at least they ought not to go to jail with having that point presented to the court that they don't have the present