

Initiative 403, I know all the members of this body are aware of the problems that have occurred and the confusion that has occurred as a result of the wording of LB...or of Initiative 403. Specifically, two cases in the District Court of Lincoln County have found laws involving the defacement of a firearm and the possession of a firearm by a felon to be unconstitutional. And just yesterday, again, the District Court of Lincoln County, as I read in the paper today, found another gun law to be unconstitutional pursuant to the wording of LB...or of Initiative 403. The confusion that has been created by this amendment is tragic, in my opinion. In talking to judges in Douglas County, many of them have told me that even though we, in some cases, have found gun laws to be constitutional we have grave doubts. In almost every case filed involving a firearm in Douglas County, the defense attorneys are filing motions to dismiss. Those motions to dismiss will, in many cases if there is a conviction, lead to appeals. Even if the Supreme Court were to find that in the cases in Lincoln County that those particular ordinances or statutes were found to be constitutional, it still...the amendment, in my opinion, and I think most judges and theorists would agree with me that the confusion created by the amendment will cause numerous appeals on every sort of case involving firearms in the State of Nebraska. And, furthermore, it is clear to me, in my discussions with the National Rifle Association, that the clear intent of the constitutional initiative was to prohibit the State of Nebraska and the subdivisions of the State of Nebraska to pass...to prevent those bodies from passing reasonable gun regulations, such as waiting periods and the banning of semi-automatic assault weapons. The people of the State of Nebraska have spoken at least in the polls in the last three months on this issue. The...in a poll in the Omaha World-Herald taken on February 9, 1989, 79 percent of Nebraskans favored a seven-day waiting period. In the third district, 75 percent of the voters endorsed the waiting period. In Douglas County, 85 percent of the...of those polled favored a seven-day waiting period. Of the 40 farmers surveyed, the margin was 63 percent who favor...favoring a seven-day waiting period. And another poll in the World-Herald on April 6, 1989, indicated that 77 percent of Nebraskans favored President Bush's ban on the importation of assault rifles. Seventy-two percent of Nebraskans favored a permanent ban on the selling of such weapons. The polls nationwide indicate the same pattern. In the March 27th Time magazine articles it was found that 73 percent of Americans favored a nationwide ban on