

at Senator Withem's amendment, think about the consequences and oppose it.

SPEAKER BARRETT: Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, at first glance Senator Withem's proposal is excellent, and at second glance it is "excellenter". I like what he has proposed, and it is fair. Senator Moore asked, what is the prudent thing to do? I think it is always prudent for the government to be fair, especially when the problem was created through the government's unfairness. If a tax is unconstitutional, it means that the Legislature undertook to do that which the Constitution said it cannot do. Since the Legislature has coercive power and can compel people to do things, to extract an unconstitutional tax is no different from the old days in England when you drive down the road and a highwayman, or in these days a highway person, highway creature would put a pistol on you and say, your money or your life. People must do what the government orders them to do under pain of a sanction. In view of the fact that the government can coerce, when a determination is made, in court, that such a coercive act was illegally placed by the Legislature, anybody who suffered should be made whole. The term justice, simply defined, means giving a person his or her due. Your due is to be restored to the position you held prior to being unfairly treated. And, in this instance, I have to think about what Senator Landis said on the death penalty and get an analogy that might be more appropriate in terms of what we're talking about. If a person is illegally imprisoned, most states, I haven't read of any that wouldn't do it, will compensate that person for the time that they spent in jail that they should not have spent there. The time cannot be restored. In this society money is the means by which you try to make a person whole when that person has been wronged. I was in a position, a few years ago, and it might have been before Senator Moore came down here, trying to get us expenses during session. The only one who really pushed that through court, and I had to bring pressure on the Attorney General, was myself. But when the case was won it was an instant of, well, it wouldn't be the Little Red Hen, the black panther receiving the benefits, all the white mice and rabbits got theirs, too. And some of those were even out of office. Some of them had left office, as legislators, and they still received back money for the expenses they were entitled to while they were in the Legislature. So when it came to our situation, I'm not aware of any senator