

February 12, 1991 LB 125

bill on Select. And at that time we will start relatively fresh with the offering by Senator Beutler and Senator Wickersham whereby they are trying to rescue the cities. I hope that you will vote in favor of this amendment that I'm offering because if you don't you are going on record as a Legislature that the city council can be encouraged to keep unconstitutional provisions in their ordinance books. I don't think my concern has been properly understood. I'm concerned about the citizens who are going to be brought to book under an unconstitutional provision. Maybe they don't even know it has been ruled unconstitutional and consequently will say it's a kangaroo court, I can't afford a lawyer, I'll plead no contest or plead guilty, and they have been unconstitutionally convicted. What these others are talking about would apply to people who are informed as to what the law is, informed, first of all, that the ordinance is unconstitutional, and informed, secondly, that the state law allows you to recover your costs for a defense. I don't think we should play Russian roulette, let me drop that, I don't want to say Russian roulette. We should not play American roulette, because there are more guns in America than anywhere else, we should not play American roulette with the rights of the citizens. I don't understand how we, as lawmakers, can stand on this floor and hesitate about removing language of this kind. Our first obligation is to the citizens and no citizen should have to even run the risk of being arrested by an officer illegally under an unconstitutional ordinance, prosecuted illegally by a prosecutor under an illegal ordinance. They are so concerned about these people who decide to run for these offices that they care nothing for the citizens. We are not in league with these municipalities. When we begin to think that because we're elected officials our lot is tied in with other elected officials to the detriment of the citizens, we don't belong here and we don't understand the nature of our representation or the oath that we ourselves took. We're going to uphold the Constitution, as we took an oath to do, by shielding cities which are going to keep on the books an unconstitutional ordinance. We ought to strike this.

PRESIDENT MOUL: One minute.

SENATOR CHAMBERS: Hold the bill, then let us get together and see what can be done to protect the friends on the city council of some of these senators who are more concerned about them than they are the ordinary citizen who is going to be arrested, hounded and harassed by some of these cops. Those are the real