

deem important. The act of singling out means that the Legislature sees it as being more important than anything else which was not singled out. There is kind of a catch-all phrase when you read the Nebraska Constitution and in the U.S. Constitution about the itemization, all right, in Section 1, in Section 26 of Article I of the Nebraska Constitution you have this language. "This enumeration of rights shall not be construed to impair or deny others retained by the people and all powers not herein delegated remain with the people." By specifying various rights in the way that the Nebraska Constitution does and in the way that the U.S. Constitution has done, a statement is made that these rights are deemed more important than those that were not mentioned. I'd like to ask Senator Brashear a question with reference to what I had read from the Nebraska Constitution. Senator Brashear, would you agree that there are other rights protected by the Nebraska Constitution which may not have been specifically enumerated?

SPEAKER WITHEM: Senator Brashear.

SENATOR BRASHEAR: Yes, I would agree, Senator Chambers.

SENATOR CHAMBERS: And would you agree that the rights which the Constitution framers enumerated are deemed to be so important that they should be specifically set out in the Constitution?

SENATOR BRASHEAR: So important or so necessary of unique treatment that they should be set out.

SENATOR CHAMBERS: Very well, I'll accept your characterization. If that is the characterization we give to those rights which are specifically set out, that characterization, obviously, does not apply to those which were not set out in the Constitution. Wouldn't you agree?

SENATOR BRASHEAR: I would as to the framers at that point in time.

SENATOR CHAMBERS: Now is there anything in the Constitution other than what is in the Constitution?

SENATOR BRASHEAR: Yes, there are those things in the...other than, I assume you mean expressly stated in the Constitution and I would say to you, yes, there are those things which the courts