

be handled. So what I think this language suggests, and I hope some of you will see it this way, is that the existing language in the law is not enough to make the officers comply with their mandatory duty. So if we put this provision in the law, what it's saying is that that mandatory duty is not really mandatory; that it's a suggestion, it's a recommendation, it's a statement of a hope. Once we give the mandatory duty, if we start making exceptions to it and saying, this really is your mandatory duty, then the rest of it is not mandatory. Even though the word "shall" is used, the succeeding language that we use will indicate that "shall" does not mean a mandatory duty. It means "may"; that you enforce these other provisions of the Rules of the Road, but you shall enforce the maximum speed limits. I don't personally think that is necessarily the most important rule in the Rules of the Road that officers are to deal with. There could be reckless driving. There could be careless driving which can occur without exceeding the speed limit. There can be a person driving all over the highway or driving the wrong way on the highway at 5 miles an hour when the speed limit is 75 miles an hour, but that person is probably more dangerous than somebody going the correct, the proper direction at 90 miles an hour. So I don't want us to dilute this mandatory requirement on officers to enforce all provisions of the Rules of the Road. Now I'm going to tell you how this language came into play in an actual case, which, by the way, my lawyer won. And I worked with the lawyer and I helped do some of the research and construct the arguments. The Omaha Mayor and Omaha Chief of Police, and I just relish this little discussion, thought that they didn't have to enforce the administrative license revocation law and that guy, "General" Stenberg, whom you all believe over me, told the Department of Motor Vehicles that, no, you don't have to enforce that and you can't even get a mandamus now because the law doesn't allow it. Well, I can read, so I brought an action for a mandamus and was successful. The judge ordered the chief and the mayor of Omaha to see that the law was enforced. This language was utilized in my argument to show that there's a mandatory duty on every officer to enforce the Rules of the Road. The administrative license revocation is a part of the Rules of Road. There is a mandatory duty. Therefore, mandamus applies to compel an officer to carry out that duty which is ministerial which involves no discretion. If you begin to change this language, as you will do by inclusion of this that I'm trying to strike, you make that duty to enforce the rest of the Rules of the Road