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April 15, 1999 LB 835

appreciate that.

PRESIDENT MAURSTAD: Congratulations, Senator Schrock.  
(Applause) For discussion on the Brashear amendment to LB 835,  
Senator Hartnett.

SENATOR HARTNETT: Mr. President, members of the body, I'd give  
my time to Senator Brashear, please.

PRESIDENT MAURSTAD: Senator Brashear.

SENATOR BRASHEAR: Mr. President, members of the body, thank  
you, Senator Hartnett. I cannot believe it. Here we've been  
this morning; the most punctilious grammarian in the world with  
whom I have to deal on the most constant basis is now telling us  
that the words don't mean what the words say, and if they meant  
what they said then the result that would be...would come forth  
would be absurd and no court will apply an absurd result and so,  
therefore, these words don't make any difference. Now that's  
the first proposition that amuses me. The second one is that no  
packer is so stupid that he is going to challenge it. Of course  
not. I agree. No packer's so stupid they're going to challenge  
this, because it's not a prohibition that they're going to try  
and enforce on themselves. It's a statement of public policy by  
this body as to what it is we want to prohibit. And the  
prohibition, we can gloss this over with rhetoric if we want to,  
but I direct your attention to one word. It's call a  
conjunctive and it says...it doesn't say we will not allow  
packers to own, keep and feed. That isn't what it says. It  
says we will not allow a packer to own, or keep, or feed, and I  
believe the words make a difference. If we were talking about  
an exclusively criminal statute in which Senator Chambers had a  
defense lawyer's interest, we'd be hearing how important that  
word "or" and "and" is, but in this case it's not important.  
But I believe it is. We say that a packer cannot own, stop,  
period. It's not own and keep and feed like we all understand  
that phrase to be. That isn't what it says. It says you can't  
own them, period. And you can't keep them, period. And you  
can't feed them, period. Because each one of those is separate  
and distinctive because the conjunctive is "or" not "and," and I  
think it's an absurd result. I'm not wedded to my amendment. I  
am prepared to work with Senator Bromm or the senior member, but