

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office

February 1, 2000 LB 175

terrible in Ireland and he traced a lot of those problems to what landlords were doing. And to sum up what his writing dealt with, it was a recommendation that Irish children, once they reach one year of age, be sold for food to the better classes.

PRESIDENT MAURSTAD: Time. Senator Chambers, on the motion to reconsider the bracket motion to LB 175.

SENATOR CHAMBERS: Thank you, Mr. President. And Jonathan Swift pointed out that the landlord class was the one that could benefit the most, because since they had already in effect consumed the parents, they may as well consume the children, because they have better title to them than anybody else. So landlords have an unsavory reputation wherever they go and thrive. In states like Nebraska, where there is no concern about or interest in the welfare of tenants and fair treatment toward them, they managed to have things put into the law that will mask their nefarious conduct. And they can say justifiably, based on what was written in the statute, well that's the law, I'm not violating the law. There have been politicians, there have been judges, there have been people across the spectrum in this society who have declared that simply because a thing is legal does not mean that it is right. And anything is legal which has not been made illegal by a law. In Nebraska a crime does not exist unless the Legislature clearly and unambiguously says that the conduct involved constitutes a crime, and a penalty is attached or annexed to that offense. Now the Legislature can do almost anything it wants to in terms of criminalizing conduct. But because legislatures are so unreasonable, so cruel and so power-mad when they get a smattering of power that they were creating, in the early days of this country, torturous, vicious, barbaric punishments. One of the first criminal statutes called for punishment by 39 lashes, that was a federal law. It was felt by some of the less uncivilized members, who were putting the Constitution together, that a protection against these runaway, barbaric legislators needed to be put into the Constitution. So the Eighth Amendment was submitted, adopted and became a part of the Constitution. The Eighth Amendment, which protects against cruel and unusual punishments, was not a part of the original document. Those who were given so much credit for having so much foresight and forethought did not look far enough ahead or