

March 18, 1975

PRESIDENT: Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. President, I had stated briefly what my opposition to the bill is, so rather than go through it all again at this time, I'll hear what statements are made against the motion. One thing I do want to call to your attention. Senator DeCamp did bring forth what I think is a valid issue, that of trying to raise the salary for judges. Now they cannot say, 'let the judges salary be increased directly by the amount of convictions he brings about', because that's what convicted the justice of the peace court. There was a financial interest for the justice of the peace to find a person guilty so that he or she could be paid from the fines. This is an indirect method of trying to raise the judges salary by the number of guilty verdicts that they bring in, or convictions. In municipal court there generally is not a jury trial. The judge sits up there and dozes and nods, or plays tiddley winks, or cabitzes with the audience or reporters, and then will find somebody guilty. That person then pays these costs which increases the take for the judges for various other funds. Nobody is looking at the effect that it has on the citizen, the way it turns him or her off with the so called criminal justice system, because there is not a fair trial in these courts in the first place. These people do not have adequate and capable counsel. It's a foregone conclusion that most of the people who come into these courts are going to be found guilty. The court system should never be made a source of revenue. In the same way that the tax on food has been utilized to raise revenue for the city, one of the arguing points for this bill is that it's going to raise some revenue for Omaha and Lincoln. When you talk about the criminal justice system, you should be concerned about the issue of justice itself. Giving to a person his or her due, as the law states, the outcome should not be dependent on how much money is going to flow into state coffers. Senator Luedtke said that this money will go into the general fund. I guess money that's needed for the courts will be taken out of the general fund. Well you don't have to tax this on the people least able to bear it. The general fund money is there and the appropriations will be made. I think this increase in the cost is totally unjustified. Therefore, I hope you will support the move to kill this bill. If you kill it the court systems will continue to operate. No judge will have a decrease in salary. No prosecutor will be fired. Nothing will change. Everything will remain the same. If you pass this bill it places an additional tax on the poor people who have to go to court, and will likely be found guilty because they lack adequate counsel. When I say they're likely to be found guilty, I think even Senator Luedtke can bear this out.

PRESIDENT: Are you ready for the question? The question is Senator Chambers motion to indefinitely postpone LB 287. Record your vote. Record Mr. Clerk.

CLERK: 15 ayes, 17 nays.