

March 13, 1984

LB 695

why Senator Labeledz says she wants it to be constitutional, yet would not allow the amendment which would make it constitutional.

PRESIDENT: Time is expired.

SENATOR MARSH: Maybe she is in a spot and can't, but I think the rest of us should be looking to our responsibility as state senators who took a pledge to uphold our Constitution.

PRESIDENT: The Chair recognizes Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, in the past when abortion bills came up I did all that I possibly could to try to bring those bills into conformity with the requirements laid down by the U.S. Supreme Court. Like it or not, articulation of the law by the U.S. Supreme Court signifies what the law of the land is until such time as the Supreme Court overrules itself and gives a contrary opinion. There have been numerous bills passed by this Legislature purporting to undermine various aspects of Supreme Court decisions. I know that it would be pointless and futile for me to stand on this floor during the discussion of this bill as it was in the past on other bills and try to get the Legislature to vote in accord with what is required by the law. So this time I decided to just let the Legislature do whatever it chose without any impediment from me. But now that it is clear that every opportunity has been offered for making this legislation constitutional and such offers have been spurned, it is clear that there is no intent to conform the law of Nebraska to the requirements laid down by the U.S. Supreme Court. So what the Legislature ought to do is attach an A bill to pay the court costs and lawyer fees for the striking down of this piece of legislation as others have been stricken down. In the past I prepared detailed memoranda and gave them to members of the Legislature specifying wherein various provisions of these laws that were passed by this body would be found to be unconstitutional. Invariably the judge, in striking down Nebraska's law, could have lifted verbatim from my memoranda the arguments that I gave. I gave those