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LR 29

SPEAKER MARVEL: Senator Cope, do you wish to be recognized?

SENATOR COPE: Mr. President, members, I would oppose it because of a dangerous precedent that we will be setting. I certainly don't know about the validity but I am thinking about this. It would open up an avalanche probably of similar complaints and it could hurt the whole aspect of our program, our mental retardation, all our programs and the millions and millions of dollars that are going in this program for the reason that there is going to be much much closer scrutiny and there has to be when the State of Nebraska is liable and I think we should consider this very very carefully from the fact that the precedent we are setting if we do vote for this resolution.

SPEAKER MARVEL: The Chair recognizes Senator DeCamp to close on the motion.

SENATOR DeCAMP: Mr. President, members of the Legislature, I really really beg you to listen and I don't often ask you that, I kind of hope, most cases. Somebody once told me or I read it in a book that if one citizen owes obedience to the laws of the state to satisfy 1.7 million citizens of the state, then by the same token, 1.7 million citizens of the state owe that one citizen the rights under the law. Now that makes a little bit of sense I think. At this time a man has come before me as a legislator, before Senator Maresh and members of the committee, and he has said, all of these laws are violated, these bad things were done to me and I am entitled to a pile of money and I really can't prove this much or that because I can't get records from the state to give to you to look at to say whether I am lying or whether this did or didn't happen. I, as a legislator, am now asked by my good friend, Senator Kahle, and my good friend, Senator Cope, to not look any further because it might open up a can of worms. We might have closer scrutiny of our procedures. We might have closer scrutiny of our commitment laws. We might have closer scrutiny and those were the words, not mine, theirs, closer scrutiny of our procedure of transferring or handling people in custody. They said, what if there are more in similar situations and they want to gripe about it and then they said, we are not equipped to deal with this problem. It is too big for us. Holy mackerel, friends, we are the State Legislature. You are the Senators. You are the top of the heap. What in blazes? Who does a guy go to? Who does anybody go to if laws are being violated. They can't go into the courts. The state is unique in that situation. What are you telling us? We