

Germany? He is going to say, after the court has ruled a proposition unconstitutional, that the Constitution of the United States means nothing, that the ruling of a court made pursuant to that Constitution means nothing. Some little pipsqueak city council person in Omaha is going to defy the courts, expose the city to great liability, make a mockery of the law because he, who probably has no education, is smarter than the courts and they are going to let the courts know that, by God, the city fathers on the council in Omaha are going to do things just the way they choose. And then Senator Elmer has the nerve to offer an amendment that we are supposed to seriously consider which says the following, and this is what I want to strike. "An award shall not be made under this section unless the Supreme Court finds that at the time the statute or ordinance was enacted, it violated the clearly established constitutional rights of which the state or political subdivision was or should have been aware at the time the statute or ordinance was enacted." Let's say that at the time this piece of claptrap was enacted there had been no court decisions declaring it unconstitutional, so at the time it was enacted they did not know but now, Senator Owen Elmer, they know and you want to exempt them anyway by saying though the court said it is unconstitutional now, though they retain it on their ordinance books now, though a police officer can unlawfully seek to enforce it now because it is on the statute books, no award can be given because at the time it was enacted it may not have been clearly known to be unconstitutional. These cities are crafty and cagey and I venture to say that Omaha had something to do with drafting this amendment. I want to strike this amendment. Anytime that the city council becomes aware, Senator Elmer, that a provision is unconstitutional whether they knew it at the time it was enacted or not, if they continue to leave that thing on the books, they should be held liable because it is a threat to the citizens. Our job, brothers and sisters, is to look after the interest of the citizens and not political subdivisions. Political subdivisions exist as abstractions. Everything they do is done by individuals. Some are sincere, some are educated and informed. In the case like Omaha, we are not blessed with that. We have people who disregard the law and send a message that others should do the same. This Legislature should not knowingly, knowingly support what the City of Omaha is doing. I think our action would be more reprehensible than that of Tomasek because there are some people in this Legislature who obviously are more intelligent because you've got sense enough to drive from wherever you live to the