

about it, that our shield law violates the provisions of a Supreme Court decision called, Branzburg vs. Hayes and without getting into the details of what shield laws are and what the U.S. Supreme Court has said on the subject, let me only read a passage from that Supreme Court decision that makes it clear that the Nebraska Legislature may, if it wishes, pass a shield law that either grants a qualified or an absolute privilege to the media. Now it's true that the Nebraska Shield Law in protecting sources that are used by the media in writing television stories or newspaper stories...

PRESIDENT: One minute.

SENATOR HOAGLAND: ...is one of the strongest in the nation. But the Branzburg case clearly allows shield laws of the strengths of the Nebraska Shield Law, even though the Branzburg case also stands for and articulates the Sixth Amendment arguments that I have mentioned earlier. I have a passage here from the Branzburg decision on page 706 and I won't have the time to read it, but I can later, that makes it clear that state legislatures are free and state courts are free to respond "in their own way, construing their own Constitutions so as recognize a newsman's privilege, either qualified or absolute, either qualified or absolute." The Nebraska Legislature chose to recognize that in a particular fashion in the early 1970s after the Branzburg decision was handed down in 1972, from then to the present there has never been a conflict, there has never been a problem and any of the kind of hypotheticals that Senator DeCamp might raise are strictly that. And I think it is unnecessary for us to legislate on the basis of hypotheticals. With that I would urge you to oppose this motion if Senator DeCamp does choose to put it to a vote. Thank you, Mr. President.

PRESIDENT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I believe in freedom of the press. I believe that we have to allow the press even to be irresponsible on occasion, but we shouldn't encourage them to be irresponsible and totally disregarding of the rights of citizens, almost maliciously disregarding of the truth or the facts of the stories that they do and I wouldn't want to see anything that would smack of licensing the media. However, I don't want the media to take too much license