

March 5, 1980

LB 605

SENATOR CHAMBERS: Do you think there could be people who are very sensitive to those kind of words and their peace would be, or quiet would be disturbed if they heard them?

SENATOR HOAGLAND: Probably.

SENATOR CHAMBERS: And that statute would make the utterance of such words a crime, wouldn't it?

SENATOR HOAGLAND: The way it is written now.

SENATOR CHAMBERS: And if there were other people merely standing around not even participating, they could be ordered to disperse, couldn't they?

SENATOR HOAGLAND: All the objections you are raising, Senator Chambers, have to do with the way Nebraska law is currently written.

SENATOR CHAMBERS: But I am....we are dealing with the incorporation of something into a law which is before us now.

SENATOR HOAGLAND: And it essentially won't change Nebraska law at all.

SENATOR CHAMBERS: But do you think that it could create a constitutional....never mind, I won't ask you any more questions. Thank you, Senator Hoagland. Mr. Chairman, how much time do I have left? A minute forty-five....I will try to say it all in that amount of time. Members of the Legislature, when you want to try to pass laws to create a net to stop certain conduct that individuals can decide that they don't like, but the net is not woven sufficiently fine to distinguish between conduct which is legal and that which is illegal, you have a vagueness which the Supreme Court will not uphold. The present statute that Nebraska has relative to whatever disturbing the peace can be interpreted under if incorporated into this law and interpreted as it exists now to apply to prohibit speech, to prohibit assemblies which are protected by the first amendment to the Constitution. LB 605 is simply a bad bill and I don't think there is any way we can bring a clean thing out of this unclean thing. So to let you know what my intention is, I have a motion up there to indefinitely postpone the bill and I think that will handle the issue. Right now remember, any time a crowd is behaving in a fashion which threatens danger or injury to other people, the power in the