

SENATOR MARSH: ...Senator, I have a point of clarification. As this body knows, I have just returned from Indiana and their Legislature is not in session, so unless there is a special session called I don't see how that they could be adopting it.

PRESIDENT: All right, thank you for that information. We will now proceed with Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, were I the radical that some people say that I am I would say also, hang the Constitution. I don't care about the Constitution. Forget the Constitution. Full speed ahead. Give the message to the youth of this state and what is the message? Hang the Constitution. Of what value is the Constitution? Why do we need a Constitution? We don't need a Constitution. We are the Legislature, and while I am at it, the court that rendered the decision at Ohio is not a part of...is not the circuit of which Nebraska is a part. This is the 8th U.S. Circuit of Appeals, U.S. Appeals Circuit, and the best they could come up with was a footnote in an 8th Circuit case which was striking down an ordinance dealing with head shops and referred them to the Drug Paraphernalia Act that the Justice Department was considering but anything which is a footnote does not have the dignity to be lifted into the text and be a part of the case so a footnote is not law. Now, with Section 6, I want to put some things into the record here. This relates to the World Herald amendment that they attempted and I was very much opposed to it. I think Section 6 is totally unconstitutional despite what an Ohio court may have said if they directed themselves to this particular section. First of all, the language is, "It shall be unlawful for any person to place in any newspaper, magazine, handbill and so forth, advertisements which would advertise this drug paraphernalia." Now suppose a magazine like Playboy came from another state. Who are you going to arrest? The individual in the state where the ad originated? Are you going to send the sheriff from Nebraska to arrest the publisher of Playboy? And who should you arrest anyway based on the language of this section? What does the word "place" mean? Does that mean the individual, Senator Nichol, who wants to buy the ad? Or does it mean the one who physically manipulates the machinery and equipment that prints the ad? Nobody knows. If the newspaper is owned by a corporation who do you arrest? Violation of this section is a misdemeanor. Now if a misdemeanor is committed in the presence of an officer the officer is to make an arrest. If he picks up a publication and sees the material there the crime has been committed. It exists in this newspaper. So is he to trot over to the newspaper and arrest whoever