

January 13, 1981

SENATOR CLARK: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I will be very brief. Senator Beutler is a lawyer and he knows that one of the primary purposes of the first amendment relative to freedom of speech is to prohibit prior restraint where you prevent somebody from expressing an idea before they even express it and this is the thrust of what some of the members have stated this morning including Senator Beutler. We have more than one means of determining what will come up on General File. For the new senators and those who have been here a while and may have forgotten, there is a committee system which is to strain this legislation and filter out that which is not good and let go through that which is of value. You cannot enact a law to prohibit people from saying certain things. They speak at their peril then the courts are there to determine whether or not that speech went beyond what is allowable without paying a consequence and even under the laws of libel and slander you can still say and print anything that you want to but there is a cost that has to be paid. I don't know a court in the land which in advance can send a cop to stand by somebody and say if it looks like this person is going to say a certain thing, you put a muzzle on that person, and by the way, Senator Haberman, what I stated is not that a muzzle should be put on you but that if you felt that you should control your situation, you should put the muzzle on yourself and not on others. So I just want that corrected for the record. I don't want to muzzle anybody. The other point, there is a provision in the rules right now, Rule 3, Section 12, which allows a committee to consolidate ideas whether they appear in a bill or a resolution when they are similar and put them under one number of one bill and you can get rid of a lot of the excess but don't prohibit people from an expression prior to the expression being made. So if the committees function as they should, we can allow people to introduce whatever bills they think are necessary and the committees can kill the bills that they don't think have merit. Senator Beutler has voted to put bills on General File. If trash bills wind up out here, it is because you same people who sit here as a body as a whole have sat as members of a committee and voted to put the bills out here. Let's not separate our function as though we have a split personality, we're one thing when all forty-nine of us are here and we are something else when there are eight, seven or whatever number of us happen to be on a committee. We are the Legislature whether functioning in a committee or on this floor and if we lack self-restraint then that is our individual problem but the correction of it is not to do as Senator Cullan would talk about doing