

I am exempted out from mandatory reporting requirements and I then go ahead and make the report, I don't have any civil liability protection, I mean none. I can turn around and be sued by a parent later on because (a) I breached a confidential rule, (b) because I disclosed incorrect information, (c) because I am basically a bad guy. And you know what that does, that has an enormous inhibiting effect upon somebody of halfway respectable good will who wants to come forward and do what is right by a child. So I basically think the time has come. It has come for us to reject Senator Landis' amendment and it has come for one of us and it will be me, if that amendment is rejected, to file a motion to indefinitely postpone LB 335. This issue needs to be heard in some other year.

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Mr. President and members of the Legislature, hate to beat a dead horse but I think this is kind of important we do understand it. When we talk about the clergy privilege we're not talking about the clergy and everything they learn. They are under the general law. We're talking about a very, very narrow area, a very narrow area, just the privileged communication area and, Senator Landis and Senator Johnson, irrespective of what you do you aren't going to crack that. So I really wonder why fairly eminently bright attorneys believe they are going to. I would like to read you the Supreme Court in Nebraska case on just how narrow this is. "To render a communication to a minister of the gospel or priest, privileged, it must have been received in confidence." We're talking pretty much confessional type stuff. "By this we do not mean that it must be made under the express promise of secrecy but rather that the communication was in confidence and with the understanding, expressed or implied, that it should not be revealed to anyone. The mere fact that a communication is made to a person who is a lawyer, a doctor or a priest does not of itself make such communication privileged." So what's that all mean? It means when you say you are eliminating the privilege you are eliminating the very narrow privilege. The priest and clergy generally would fall under the general law unless they receive something very strictly in confidence and so this is what I am saying you shouldn't do and cannot do and that is why I'm also submitting to you, Senator Marsh, that your withholding of funds is false. They did not deal with that specific question. Now about the lawyers, the lawyers' aspect. This is from the latest Attorney General's opinion, I happen to have done some research and I agree. "It is our opinion that any statutory attempts to cut down upon the common law privilege of the attorney-client relationship, at least as