

the statutes with the federal statutes, this agrees with the federal statute. This is the federal statute at the present time and the Nebraska state statutes now will be equal with the federal statutes. I resolved not to take this off of Final Reading. Thank you.

SPEAKER MARVEL: The motion is to return the bill for a specific amendment. The Chair recognizes Senator Chambers to close.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, this bill also has a provision that deals with material that may not be just in a criminal matter. It allows the compelling of testimony or other information from such individual which may be necessary to the public good or the public interest. When I asked Mr. Thalken because I was concerned that a person might decide, a prosecutor might decide to harass some public officials and bring these people before some body that was investigating and compel them to testify about various activities and since it says, whatever information might be in the public interest, it does not necessarily mean there is a criminal prosecution. So I was asking Mr. Thalken how broadly this kind of statute could be used, not only where criminal actions were concerned, but perhaps where a public official was to be exposed for one thing or another and could be compelled to give testimony about something not necessarily criminal in nature. So I asked Mr. Thalken from the U.S. Attorney's office what all could be encompassed in "the public interest", because that language is in the bill. Mr. Thalken: "I guess what it comes down to is that justice is done. Its a field that is open to interpretation by the person seeking immunity and by the person who is granting immunity. That is the court to determine whether it is in the public interest." So you see that provision is to be left to interpretation. Mr. Thalken didn't know what it meant and I frankly don't know what it means and I don't think Senator Sieck knows but it is a very broad grant of authority for compelling testimony. Now, I had gone on with Mr. Thalken and said, "In compelling this testimony it doesn't have to be a part of a prosecution but just whatever the public interest could be defined as being." He said, "I'll leave that to your interpretation." Then I asked, "So then you couldn't use this statute for any civil matter and only criminal, that is all that we are dealing with in Section 1." Mr. Thalken: "That would be a matter of interpretation of that particular section." Chambers: "Now when you say a criminal proceeding before a Grand Jury, can Grand Juries consider civil matters too?" Thalken: "No, not in federal court." Chambers: "In state court do you know?" Thalken: "In state court I don't think so, but that is a matter I'll leave to the state."