

March 11, 1982

LB 547

SENATOR SCHMIT: Mr. President and members of the Legislature, I rise to oppose the Chambers motion for the reason that if you were to strike the language as suggested by Senator Chambers, it would be necessary for a newspaper, for example, to verify the accuracy, the authenticity and the integrity of every single ad that they would run. For example, I could print an ad that says I am the greatest Senator in the State of Nebraska and they would have to prove it before they could print it. I might know it to be false and I am the one who would have to be responsible for it and I should be held responsible. But it should not be the burden of the media, the vehicle to approve the accuracy of those ads. The burden still falls back upon the individual who is responsible for the drawing of the ad. It is not for the purpose of allowing someone to knowingly distribute false information, but I think you can see what I am trying to get at and that is that a newspaper has no way, there is no way that the media can verify the accuracy of a grocery ad, for example. Now if the firm that places the ad, knowingly with intent to deceive places the ad that is one thing, but for the newspaper to be called upon to verify the accuracy of all of those ads is a totally different matter. I think you can understand the problem that you have, and I would hope that you would understand there are two separate areas here, and I am sure Senator Chambers understands the difference, but I believe that you can see it as absolutely impossible, totally impossible for the media to perform under those functions if they had to verify the accuracy of each individual ad that were placed in their newspaper. Now if the automobile company, and the food company, the clothing company, place the ad knowingly, they have to have the intent in there also, but the newspaper should not have to be the one that verifies that and I would hope that you would not support the Chambers motion to return the bill.

SENATOR CLARK: Senator Chambers, do you wish to close?

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, I hope you will read the law with me. Senator Schmit, I believe, is sincere, but Senator Schmit has been misled. Senator Schmit, I would like to ask you a question or two about the specific provision we are dealing with, if you will answer, to show that you and I have the same concern and that the news people have misled you. Now, reading the provision that we are dealing with, it says, "It shall be unlawful for any person engaged in", and I am going to ask you these questions. Are newspapers engaged in the sale of food?

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