

SENATOR CROSBY: Thank you, Mr. Speaker and members. I would like to have a copy, too, if you get one, Senator Landis, because I think at the tail end of the session here it's really difficult to have something like this that is so complicated and could bear on so many things that might happen. My questions, David asked a lot of my questions and one of mine also is who would decide whether these charges would be made and what court, you know, does the district court take it up so I'm going to give, Senator Landis, if you'd like the rest of my time I'll let you talk 'cause you're asking the questions and answering them and I don't have the legal expertise to follow up. Okay?

SENATOR LANDIS: Thank you.

SPEAKER BARRETT: Senator Landis.

SENATOR LANDIS: Thank you. I would like just a little bit more time 'cause I'm fighting to understand where I am here. I'll tell you why. Let me just tell you the story a little bit, and I was part way through it when I had to stop. In the Douglas Supreme Court opinion, the court said, yes, Douglas was under oath. Yes, he had promised to tell the truth. Yes, he didn't tell the truth. And, no, he did not commit perjury. Now that sounds odd, but that's what the court said. The court said, yes, he was under oath; yes, he promised to tell the truth; yes, he had not told the truth; but, no, he hadn't committed perjury. Why? Because our statute at that time did not indicate that somebody was required to take an oath before our committees. And the perjury definition was to break an oath that you are required by law to take. Since this person had taken the oath, but there was no law requiring that they took the oath, that was something different than what the perjury law described. Now we passed a law and I think it was Senator Wesely's, yep, Senator Wesely and Senator McFarland back in 1987. This is LB 451 and we went back into the statutes to try to change them. We tried to make it clear that if you come before one of our committees and you take an oath, even though that oath may not be required by law, that we don't require it of everybody who sits down in front of the committee, but if you do take the oath you're subject to perjury. Now the critical thing for me here is that this statute says it's a Class III felony. In other words, under perjury in LB 451 and under what we did to fill up the loophole of the Paul Douglas case, we plugged that hole with a Class III felony to lie knowingly to a legislative committee