

February 26, 1979

LB 316

I am wrong, may the sun be darkened in twenty minutes.

SENATOR CULLAN: Thank you, Senator DeCamp. Your answer to my first question is sufficient. I don't think that I need to ask any more. Mr. President, members of the Legislature, I rise to defend Senator Nichol and Senator Beutler and it is unfortunate that they rose to oppose this group and came up under such attack. I wish it could have been a little more courteous type of an attack. I think it would be, talk about the image of the body, I think our attacks ought to be a little less personal and a little less biting sometimes but enough of that. I think Senator Beutler raises a good point. This is a major amendment. It goes far beyond the scope of abortion as Senator DeCamp has just admitted. This is an abortion bill and Senator Nichol, I think, is striving to see that this bill deals with one subject and only one subject. Senator Nichol's amendment is a good one and Senator Beutler defended it adequately. I think that we should support the Nichol amendment.

SPEAKER MARVEL PRESIDING

SPEAKER MARVEL: The Chair recognizes Senator Johnson.

SENATOR JOHNSON: Mr. President, members of this body, I rise to oppose Senator Nichol's amendment. I want to address myself to a couple of points. First, contrary to Senator Beutler, I do want to say this as courteously as I can, I think there have been adequate public hearings on the issue of right to privacy. As Senator DeCamp notes, the issue of right to privacy has been before the Legislature on several occasions including this year. There was a bill, Senator Landis has a bill before the Judiciary Committee that would articulate certain standards in the right to privacy area. The issue of right to privacy has been very carefully ventilated at public hearings. I don't think this bill is engaging in any kind of flimflam or comparable tactics. We are merely stating that to protect the abortion situation there shall be a right to privacy which not only covers the abortion situation but extends beyond that situation. Now, by and large, fellow members, Mr. President, the right to privacy has been a judicially developed doctrine. It started in 1904 with a law review article by Mr. Louis Brandeis, who was then a student at Harvard Law School, setting forth what is a right to privacy and that article was a seminal article in the area and it was followed in 1916 by the courts of New York State creating in effect a right to privacy. Since that time,