

of privacy and that is why I have gone that route. I will fight for that bill in committee. I will fight for it on the floor but I have to confess to you that because I have done that the banks, the credit people and the media have sought special exemptions, special privileges and special defenses that may or may not arise in the courts. You see their political power is a determinant of what we finally get as to our right of privacy by going the codified route. I will support the existence of the right of privacy by supporting the amendments to LB 316. I will not be voting for LB 316 on entirely different reasons and I will be talking about those later as we discuss the abortion issue, but with respect to the issue of recognition of the common law right of privacy, the recognition is the better route because it allows judges to do what they should do and that is determine the law on the basis of merits, not on the basis of the political clout of the people who come to it to determine decisions. Thank you.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. President, members of the Legislature, there have been some remarks made that I consider somewhat misleading and I would like to make one distinction very clear. Senator Nichol made this distinction but I think it needs to be made again and I would like to read the sentence as it would read if Senator Nichol's amendment were adopted. The sentence would then read, "The Legislature hereby establishes a right to privacy in the State of Nebraska for a cause of action against persons making an unauthorized disclosure in violation of this act." The distinction that needs to be made is this. There will be if the amendment is passed a right to privacy in Nebraska with regard to the abortion subject, with regard to the provisions of this particular act. By voting in favor of the Nichol amendments, all you are doing is saying that is the limited right to privacy that we are establishing in this abortion bill. The right to privacy pertaining to all other subjects we will deal with forthrightly in the bill that is in committee now on the very subject of the right to privacy generally. So in my opinion, there is no validity to saying that this bill will in any manner be unconstitutional if the Nichol amendment is adopted. The constitutionality of this bill with regard to the confidentiality provisions is unaffected by whether or not you adopt this amendment. We have heard a lot of arguments today about the right to privacy generally and the validity of having a right to privacy, all of which I agree with, but again I do not see why we should lose faith in our processes