

March 5, 1980

LB 605

SENATOR CHAMBERS: Mr. Chairman, this is a part of the debate and he can answer like I had to wait until he got through, so his skin is not that thin.

SPEAKER MARVEL: Okay, proceed. Proceed.

SENATOR CHAMBERS: They were talking about crowds of three and four hundred people and if people at that committee meeting had listened when I asked questions to law enforcement people, they pointed out that when crowds are too large they don't even want one individual to approach a crowd. That is foolish police conduct because if the crowd is too large the officer only runs the risk of further inflaming a crowd and endangering himself, or herself. Now some of the groups that might notify the news media if they are going to have a demonstration might be the American Agricultural Movement, Pro-life people, anti-abortion people, anti-draft groups. So there are many who would invite the news media and many of these groups are unpopular in the community. So it behooves certain individuals to try to get law enforcement officers to break these groups up and we cannot leave it in the unguided discretion of a police officer, Senator Nichol and Senator Haberman, to do these kind of things. As far, Senator Haberman, as trusting the rights of the people to police officers, the constitution contains amendments designed to insure certain rights that are too important to be left not only to the police but even to state legislatures. We cannot enact a law in spite of how upset Senator Nichol gets at hearing certain words. We cannot enact a law that is enforceable that would prohibit a person's right to free speech. There are a lot of things that certain individuals because of their religion, their educational background, or their general upbringing, find to be unacceptable, but because a society is based on diversity there are certain rights which people have which are going to be protected by the constitution against encroachment by me, by Senator Nichol, by law enforcement officers, and by legislatures as a whole. As a matter of fact, those of us who read American History even though it is not directly our history, will learn that when certain amendments were being added to the Constitution, the point was often made that you cannot trust these rights to various state legislatures because even at the time the U.S. Constitution was being drafted state legislatures were enacting laws that violated the very rights to be protected by the U.S. constitutional amendments. It is regrettable that when we stand on the floor of the Legislature as law makers we ask questions even rhetorically, well, why

7790