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presence here creates a clear, present and substantial danger of injury to yourselves or me and I order you to disperse." Does his saying that make it so?

SENATOR HABERMAN: Senator Chambers, you are dealing in theory and if the officer, in his judgment, states that, yes. I am dealing in... You see, Senator Chambers, I have more faith than you do.

SENATOR CHAMBERS: Senator Haberman, I would like you to just answer because you will get the close. I won't have that other time. Now, do you see in this bill as you have drafted it, any guideline which tells an officer what kind of conduct constitutes a clear, present and substantial danger?

SENATOR HABERMAN: Just his background, his training and his ...his background and his training, Senator Chambers.

SENATOR CHAMBERS: But that is not in the bill. Is it?

SENATOR HABERMAN: It is in other bills, I am sure.

SENATOR CHAMBERS: Is it in this bill, Senator Haberman?

SENATOR HABERMAN: No, sir.

SENATOR CHAMBERS: Now, Senator Haberman, you said that somebody told you that this language is used by the courts to determine whether certain rights guaranteed by the first amendment are being infringed. Is that what you said?

SENATOR HABERMAN: I told you...

SENATOR CHAMBERS: I just want to be sure. I think that is what you said.

SENATOR HABERMAN: I told you that the new language incorporates the clear and present danger test to determine whether the activity is protected under the first amendment. This is the test used by the courts to determine whether speech or other activity is protected by the first amendment to the U.S. Constitution.

SENATOR CHAMBERS: Now when courts make this...thank you, Senator Haberman. I won't interrogate you on this issue but I will mention this to the members of the Legislature. When the court makes a determination based on the kind of language that Senator Haberman has added to this bill it weighs a number of facts. Now what Senator Haberman is