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LB 605

Johnson and I were just discussing somebody if they wanted could maybe try to stop picketing, legitimate picketing. I think our picketing laws are fairly clear in themselves and that could be avoided but overall I think that the language is a clarification, puts into statutes exactly what we think is reasonable and court tested and with that in mind, I would urge you to support the amendment.

PRESIDENT: The Chair recognizes Senator Fitzgerald.

SENATOR FITZGERALD: Mr. President and members, would Senator Johnson yield to a question?

PRESIDENT: Senator Johnson, would you respond?

SENATOR JOHNSON: Yes.

SENATOR FITZGERALD: Senator Johnson as an attorney out of Omaha, you know we do have strikes up there every now and then, these pickets go down and walk in front of the factory wherever they go on strike. Now would this affect them? Would this say the pickets could not assemble and walk in front of the place of business?

SENATOR JOHNSON: Well it is always a question, Senator Fitzgerald, as to how the local police officer is going to use his authority and power when he is faced with picketers. If, in fact, a picketer gets into a fight with say somebody else, either a strike breaker or an agent provocateur, should that occur, then the other picketers I suppose could very well be in close proximity to the two participants who are disturbing the peace. If at that time the police officer engages in a very subjective judgment call that their presence presents to him a clear, present substantial danger of personal injury, he could tell them to disperse effectively breaking up the right of... their right to picket. Now if they don't disperse they are going to get arrested and charged. Yes, it does have an impact on picketing.

SENATOR FITZGERALD: Thank you.

PRESIDENT: The Chair recognizes Senator Venditte.

SENATOR VENDITTE: Mr. Speaker and members of the Legislature, Senator Johnson, you did not answer the question as Senator Fitzgerald posed it to you and I will repose the question again. Does this particular amendment preclude a picket from commencing? Yes or no?

SENATOR JOHNSON: If that was a question, the answer is no.

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