

it does not use the word unlawfully. There is a debate right now whether Marvin Copple might get off because they charged him under a theft statute which does not have the word unlawfully in it, to take from somebody unlawfully. There are lots of instances where you take from somebody and the taking, in and of itself, is not unlawful. So why didn't their geniuses, while they were drafting this, just put in the word that you are unlawfully depriving the library of this or that. The mere deprivation of the library of possession of a book is not a crime, and you can't make it a crime. The conduct has to be unlawful. And if the conduct, looking at it on its face, could be lawful or unlawful then the provision is unconstitutionally vague. This is a bad bill, very bad. But I'm not going to take a long time. I just wanted the opportunity to say again and again the things that I've said. So there is only one provision that I want to deal with again. I'd like to ask Senator Vard Johnson to help me with this, if he will. Senator Johnson, on 1217, at the bottom, is this language, "Any person who buys, sells or receives library material believing it to be stolen, shall be guilty of an infraction." In your opinion, if the material is not stolen, can you make belief a crime or violation of the criminal laws?

SPEAKER NICHOL: Vard Johnson.

SENATOR V. JOHNSON: Senator Chambers, I know that when you took criminal law at the Creighton Law School you probably dealt with the celebrated case of the Queen Anne's Lace, and...

SENATOR CHAMBERS: Never heard of it.

SENATOR V. JOHNSON: You never heard of that case?

SENATOR CHAMBERS: No.

SENATOR V. JOHNSON: Well, the question there was, was an English woman guilty of a criminal offense when she smuggled into England an item that she believed to be contrary to the customs laws of England, when in fact it was not contrary to the customs laws of England?

SENATOR CHAMBERS: Interesting.