

complicated issue if it's not going to be a serious attempt. Senator DeCamp said he was reserving his opening time for closing, so I think what that means is if I don't speak now I might not ever have a chance to speak. So let me make a couple of statements in opposition to Senator DeCamp's motion to pull LB 231 out of committee. The bill was killed by the Judiciary Committee on a 5-1 or a 6-1 vote and I think those of us in the committee who voted to kill the bill feel strongly that it is not the kind of issue that we should spend time debating this session. What Senator DeCamp seeks to do is to gut the shield law that was passed by this body in about 1973 and the principal argument that Senator DeCamp is making to gut the bill is the fact that it may under some hypothetical factual situation be in conflict with the Sixth Amendment to the U.S. Constitution and presumably a comparable provision in the Nebraska Constitution. Now I think that it is really a matter of basic legislative draftsmanship that we're not required in every law that we pass in this Legislature to recite the terms of any applicable constitutional provisions or on a civil side particularly, take them into absolutely clear and precise account because the Constitution remains there and I know Senator DeCamp is going to argue that the shield law is too broad and that the shield law goes farther than the Sixth Amendment to the U.S. Constitution would allow. Specifically, Senator DeCamp will argue that if someone is charged with a criminal offense and somewhere in a reporter's notes of an interview that he has with a confidential source there is information that might be useful at trial. It might be information that tends to exonerate the defendant, why then the defendant ought to have access to that information even though the shield law as currently written, the statute as currently written, may or may not take into account that precise hypothetical situation. But I think the important point is that the Sixth Amendment to the U.S. Constitution and the comparable provision in the Nebraska Constitution will always be there and the shield law will always be interpreted by a criminal judge that has jurisdiction over a particular case according to the provisions of the Sixth Amendment. And if in any given case, any totally hypothetical given case, because there has never been any such case in the history of Nebraska since the shield law was passed over ten years ago, why if the U.S. Constitution requires that such a subpoena be issued, why the trial judge will issue it. Now Senator DeCamp will argue, I would expect, if he wants to get legal