

Supreme Court said on that specific thing, on that specific thing which the media of Nebraska specifically said is the reason they want this law as broad as it is. The U.S. Supreme Court said, neither are we now convinced that a virtually impenetrable constitutional shield be on legislative or judicial control should be forged to protect a private system of informers operated by the press to report on criminal conduct. A system that would be unaccountable to the public would pose a threat to the citizens, justifiable expectations of privacy and would equally protect well-intentioned informants and those who, for pay or otherwise, betray their trust to their employers or associates.

PRESIDENT: (Gavel.) May we have order, please.

SENATOR DECAMP: The U.S. Supreme Court has dealt with the issue. Why is the press of Nebraska allowed to have a law they know is unconstitutional, is too broad, that they acknowledge will have to have the court take the bite of the apple, as they call it, out of it at the appropriate time with the appropriate case? Why are they allowed to have that when they are the ones who more than anybody else say, we have the responsibility for writing constitutional laws, for writing sensible laws, why do they want a grant broader than the First Amendment to the U.S. Constitution? All I'm asking with this bill, and I'm willing to accept an amendment that does just exactly this limited thing, all I want to do is say, however, when the First Amendment runs up against the Sixth Amendment, in other words, the right to a fair trial, that then the press in the order of a judge for like a grand jury would have to reveal their sources. How about the case where the press individual sues somebody and then says, well I can't reveal my source, but they are suing the other person? That's what Nebraska's law purports to give. That's unconstitutional. I don't want to gut the shield law. I don't want to destroy the shield law. I don't want to repeal the shield law. I want a legitimate constitutional shield law. As I say, I know the votes aren't even remotely here, but there will be a day when this will be declared unconstitutional and I send a signal to the press. If I'm still around, you're going to work a lot harder. You're going to work a lot harder getting your bill passed with the limitations you want after it has been declared unconstitutional than you would have if you just agreed now to reasonably accept what other states have had