

categories. If there is an advocacy of an insurgent act, such as overthrowing the government with force and violence, some courts have ruled when that question came before them that such speech is not protected. This teaching in 772 has nothing to do with an insurgent act or overthrow of any government. Another type of speech which is not protected would be that which would lead to an immediate endangerment of the listeners or the hearers, such as the classical example, "fire" being shouted in a crowded theater. This speech which is being made a Class IV felony under this bill does not offer any immediate endangerment to the hearers. A third type of speech is that there cannot be incitement to a noisy disruption. This speech does not incite a person to anything. It the mere transmitting of information. A fourth type of speech cannot be that which would provoke a violent reaction in the hearer and this kind of speech is known as fighting words. Obviously, there is nothing in the language that this bill makes into a Class IV felony which can be called fighting words, otherwise there would be no need for the bill. A fifth kind would be that which is offensive to unwilling listeners. But it is clear that anybody attending the gathering that is to be prohibited under 772, nobody there is there unwillingly. So that type is not touched by 772 and it is clear that obscenity is not what is being proscribed by 772. So since none of the types of speech that the courts have indicated are not protected by the first amendment to the Constitution, since none of those types of speech are involved in the kind of teaching that 772 aims at, 772 has to cut out an entire new area of speech and make it illegal. This teaching that occurs is not incitement to any type of civil disorder. The training that is contemplated is not aimed at creating any civil disorder. If the pushers of this legislation were interested in tying the activity of the one who speaks or the one who trains into some kind of disorder that threatens the public welfare, why didn't they put that in the bill and say that if the teaching is for the purpose of inciting to or encouraging or causing a civil disorder? If the training is aimed at causing or contributing to a civil disorder, why didn't they put that in? Because they want to go much beyond that. They want to restrict speech and they want to prohibit assemblies, knowing very well that such speech and such assemblies are not likely to produce any civil disorder. So my amendment would strike Section 3 which is an escape hatch and renders the rest of the bill, to use a word, nugatory. It would have no effect whatsoever. So I