

SENATE LEGISLATIVE FUNCTIONS COMMITTEE  
APRIL 12, 1977 - 2:00 P.M.

The eleventh meeting of the Senate Legislative Functions Committee was called to order at 2:10 p.m.

Chairman Gene Echols was in the Chair.

PRESENT: Chairman Echols  
Vice Chairwoman Gojack  
Senator Gibson  
Senator Schofield  
Senator Wilson  
Senator Raggio

ABSENT: Senator Close

TESTIMONY FROM: Judge James Guinan, District Judges' Association  
Senator Young, sponsor of SB 299 and BDR-1572  
Secretary of State William Swackhamer  
David Howard, Chief Deputy Secretary of State  
Pat Gothberg, Common Cause  
Bob Guinn, Nevada Motor Transport Association, Inc.  
Richard R. Garrod, Farmers Insurance Group  
Joe Midmore, Soft Drink Industry of Nevada  
Debbie Sheltra, Property Owners Association of Washoe County  
Assemblywoman Wagner, cosponsor of ACR 6  
Assemblyman Mann, cosponsor of ACR 1  
John Gamble, Superintendent of Public Instruction  
Bob Gagnier, Nevada Employees Association  
Senator Carl Dodge, sponsor of BDR-1848 and 1849  
Lou Paley, Nevada State AFL-CIO  
Wallie Warren, Nevada Bankers Association  
Mike Medema, Business Manager, Nevada State Prison  
Martha Gould, Nevada State Library Association  
Milos Terzich, Health Insurance Association of America

SB 299                      Directs legislative commission to study funding of judges' retirement.

Judge Guinan stated that they are satisfied with the present pension plan; that the pension plan is one of the inducements to encourage people to take judicial office; and asked that if the bill does pass, that it be amended so that the actuarial study will be conducted by an independent third person, rather than the state retirement board (whom they feel would not produce an objective study).

Senator Young felt that with the projected salary increases going up, the unfunded liability will increase, and could create some serious problems in the distant future; that he can see no reason for treating the judicial program any different than the public employees system; and that he estimated an actuarial study

would cost approximately \$3,500.

SB 445                      Makes various amendments to law regulating lobbyists.

Secretary of State Swackhamer stated that he was neither for nor against the bill, and quoted various statistics, all pointing to the fact that a better definition of the word lobbyist is needed. He discussed badges with photographs; registration fees; lack of help to process records; expenditure reports; and language of the bill with the Committee.

David Howard noted the ambiguity of the definition of the word lobbyist; that he doesn't believe in charging fees to lobby; and discussed with the committee activity and expense reports. He also suggested a time and money formula, and agreed to furnish the Committee with a copy of Chapter 6 on Lobbyists of the California Political Reform Act. (Please see EXHIBIT A)

Pat Gothberg said that a form was needed to waive the need to file, and gave a suggested amendment to be included in the record. (Please see EXHIBIT B)

Bob Guinn stated that he was speaking on behalf of professional lobbyists; that the definition of the word lobbyists was perfectly clear; that their group was opposed to a distinction between compensated lobbyists and those who aren't compensated; offered a few suggestions relative to amendments; and read a newspaper article that he asked be included in the record. (Please see EXHIBIT C)

Richard R. Garrod agreed with Mr. Guinn's testimony; stated that the existing definition of lobbyist was as good as any to be found; and said that the citizen advocate and private, unpaid individual will be protected by retaining the existing bill.

Joe Midmore said he couldn't see any argument over the present definition of lobbyist and thought having to list the number of members belonging to a group the lobbyist represents is good. He had no objection to the filing fee; thinks that anyone who is not representing himself, family or business should register; and expressed concern that the Secretary of State's Lobbyist List is totally inadequate, and suggested at least alphabetizing the list and suggested also that they state who they represent, rather than merely area of interest.

Debbie Sheltra felt that the filing fee and badge were prohibitive aspects that would prevent the average citizen from participating;

that the definition of lobbyist as one who limits his testimony to committee hearings is unrealistic; gave various suggestions for amendments which were included in the record. (Please see EXHIBIT D)

After discussion on SB 445, Chairman Echols appointed a sub-committee comprised of Senators Gojack (Chairwoman), Close and Gibson to work on the language of the bill, and asked that anyone wishing to contribute suggestions to please contact Senator Gojack.

SJR 20                      Proposes to amend Nevada constitution to remove lieutenant governor as president of senate.

Senator Gibson explained the thrust of the resolution. The Committee then discussed the fact that it would be at least five years before the resolution could be implemented; that the Lt. Governor problem was not unique to Nevada; that several states do not even have a Lt. Governor; that the seconded highest office in the state should be using his time more valuably than conducting the Senate; and that there is no quarrel with Lt. Governor Rose personally, as he too feels the office needs more responsibility and duties. Senators Gojack and Gibson mentioned two studies by the LCB relative to the position of Lt. Governor, and a national report which reviews this problem nationwide.

SCR 5                      Directs legislative commission to study feasibility of conducting performance audits.

Senator Gibson noted that SB 219 was being processed and is similar to SCR 5, so no action was taken.

SCR 14                      Directs legislative commission to study and make recommendations on subject of pupil achievement.

John Gamble read a statement which he asked be included in the record. (Please see EXHIBIT H)

SCR 18                      Orders study by legislative commission of feasibility of providing health insurance to retired public employees.

Bob Gagnier explained that they did not feel that during this legislative session there would be sufficient time to study the overall program, and noted that SB 173 will create a committee on retirement.

Chairman Echols excused Senators Gibson and Wilson for a Senate Finance meeting.

SCR 19                      Requests study of labor-management relations in private enterprise.

Lou Paley, for, noted that he was on the Governor's Legislative Advisory Committee on Employment Security and NIC for some 14 years; that labor doesn't like strikes, and will do anything to avoid them; and that if there is anything they can do to prohibit strikes in the future, he said he felt that is what is being asked of them.

Wallie Warren, for, asked that it be noted that the resolution refers to the advisory boards as being legislative, when in fact they are appointed by the Governor. He also noted that he had served on the NIC Committee for seven years and related that he felt their purpose today was to offer their services to resolve some of the problems that might develop.

Discussion was held regarding makeup of the committee, including who and how many would comprise said committee

SCR 25                      Directs legislative Commission to study feasibility of creating separate local government body for north shore area of Lake Tahoe.

Senator Young, cosponsor, felt a legislative commission subcommittee study of the entire problem was needed.

Senator Raggio, cosponsor, emphasized the seriousness of the problem; endorsed the study; and noted that it could largely be a staff study.

ACR 1                      Orders study of conditions at state prison by legislative commission.

Assemblyman Mann, cosponsor, reiterated his earlier testimony. (Please see minutes of April 5th, page 5)

Mike Medema noted that Warden Wolff supports this measure.

ACR 6                      Directs the legislative commission to study provisions relating to obscenity.

Assemblywoman Wagner, cosponsor, noted that there were problems with constitutionality, community standards and a multitude of other problems of drafting legislation of such a sensitive nature (which is why the Assembly Legislative Functions Committee, and the Assembly as a whole, felt an interim study was the best method on an issue this difficult). She asked that letters from First United Methodist Church, Superintendent of Public Instruction and

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the Washoe County District Attorney be included in the record.  
(Please see EXHIBITS E, F and G)

Martha Gould asked that her statement and information be entered into the record. (Please see EXHIBIT J)

BDR-1480            Feasibility of establishing old veterans' home.

Senator Schofield, sponsor, noted that all the resolution would ask is for a study of the feasibility of a veterans' home.

BDR-1534            Financial condition of local governments.

Chairman Echols noted that Senator Gibson had withdrawn his request, in deference to another measure.

BDR-1572            Bicycle lanes.

Senator Young, sponsor, noted that after hearing Secretary James Schlesinger speak recently in Washington, he is convinced that the administration is going to do something to curtail petroleum consumption and that a study needs to be made for the need of registration and additional rules for the use of bicycles and bicycle lanes.

BDR-1656            Water problems.

Senator Young noted that scenic values become increasingly important as time goes by, "as we now look back and say we should have done something years ago about the Truckee"; that he thinks the state could provide more protection relative to watersheds; and in answer to a question, noted his priorities were BDRS 1572 & 1656, SCR 25 and SB 299, in that order.

BDR-1842            Health insurance coverage for treatment of alcoholism and drug addiction.

Milos Terzich, for, said that if the study is made that HEW should be contacted to find out what they are doing or have done, and offered his assistance.

BDR-1848            Recodification of statutes dealing with education.

Senator Dodge, sponsor, after noting that Mr. Gamble had already spoken on the measure, merely noted that it could be a staff study; that it only tries to modernize the education code; and that it would be better to go ahead and get authorization for the study.

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John Gamble quoted from a letter he wrote to Senator Dodge, which he asked be included in the record. (Please see EXHIBIT I)

BDR-1849                    Local government insurance: liability and employees' group.

Senator Dodge, sponsor, thinks the study would take an interim committee, which would have to accept testimony from private industry, insofar as their ability to cover governmental entities, and noted that this would be an important evaluation to make, particularly for small governments.

BDR-1859                    Nevada Industrial Commission (duplicates a request on Assembly side).

It was noted that there was an assembly BDR also, and the Committee decided to process whichever one became a resolution first.

BDR-1860                    Public safety agencies.

No testimony.

BDR-1862                    State personnel system: whether job classification discriminates against women.

Senator Gojack explained that the finance committee felt it would be more appropriate to do a study rather than process her bill.

Bob Gagnier suggested a study based on the responsibilities of each job, and not just salaries.


Chairman Echols asked that the Committee study these proposals and be ready to make a decision on all of them Thursday.

There being no further business, Chairman Echols thanked the Committee and adjourned the meeting at 5:02 p.m.

Respectfully submitted,

Beth Quillici  
Beth Quillici, Secretary

APPROVED BY:

  
SENATOR GENE ECHOLS, CHAIRMAN

**85302. Committees Making Expenditure of over \$10,000.** Any committee which intends to make expenditures in excess of ten thousand dollars (\$10,000) with respect to any state measure shall, not later than twenty-eight days prior to the election, file a statement of intent with the Commission, which shall identify the measure and state whether the committee intends to support or oppose the measure and the amount the committee intends to spend. The Commission shall approve the statement of intent, subject to the limitations set forth in this article, if it finds that the committee is in good faith in supporting or opposing the measure and that it has the intention and ability to incur the expenditures. Not less than twenty-one days prior to the election the Commission shall notify each committee whose statement of intent has been approved of the limitation on expenditures that is applicable to the committee.

**85303. Aggregate Expenditures; Limitation.** Aggregate expenditures in support of or in opposition to a state measure shall not exceed the lower of the amounts set forth in subsection (a) or (b) of this section.

(a) Eight cents (\$0.08) multiplied by the voting age population, adjusted for cost of living changes.

(b) Five hundred thousand dollars (\$500,000) plus the aggregate amount set forth in the approved statements of intent filed by committees on the opposite side of the issue.

**85304. Apportionment.** If the aggregate amounts set forth in the approved statements of intent filed in support of or in opposition to a state measure exceed the limitations contained in Section 85303, the Commission shall apportion the permissible expenditures among the committees which have filed statements of intent on the basis of a strictly arithmetic formula which shall be prescribed by regulation.

**85305. Expenditures for Communication.** Expenditures incurred by a committee for communication directed to its own members or employees shall not be included within the limitations imposed by this article.

**Chapter 6. Lobbyists. § 86100 - 86300**

- Article 1. Registration and Reporting. § 86100 - 86111  
 2. Prohibitions. § 86200 - 86205  
 3. Exemptions. § 86300

**Article 1. Registration and Reporting. § 86100 - 86111**

- § 86100. Registration with Secretary of State.  
 § 86101. Requirements of Registration.  
 § 86102. Renewal of Registration.  
 § 86103. Registration Statement; Amendment; Termination.  
 § 86104. Registration Statement; Publication.  
 § 86105. Accounts; Designation by Name; Deposits.  
 § 86106. Accounts; Payment of Expenses; Petty Cash.  
 § 86107. Contents of Periodic Reports.  
 § 86108. Periodic Reports; Employers and Others.  
 § 86109. Periodic Reports; Employers and Others; Contents.

§ 86110. Periodic Reports; Filing; Time.

§ 86111. Periodic Reports; Publication.

**86100. Registration with Secretary of State.** Any person employed or retained as a lobbyist shall register with the Secretary of State before doing anything to influence legislative or administrative action.

**86101. Requirements of Registration.** Each lobbyist shall register by filing with the Secretary of State a recent 3-inch by 4-inch black-and-white photograph of himself, a written authorization to act as a lobbyist from each person by whom he is employed or with whom he contracts, and a statement containing:

(a) His full name, business address, and telephone number;

(b) The name and business address of each person by whom he is employed or with whom he contracts for lobbying purposes, and the term of his employment or contract if known;

(c) A listing of each state agency whose administrative actions he will attempt to influence as a substantial or regular portion of his activities as a lobbyist; and

(d) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

**86102. Renewal of Registration.** Each registered lobbyist shall renew his registration by filing a new photograph, authorization and registration statement within twenty days after the opening of each regular session of the Legislature.

**86103. Registration Statement; Amendment; Termination.** If any change occurs in any of the information contained in a registration statement, an appropriate amendment shall be filed within twenty days after the change. Each registered lobbyist shall file a notice of termination within thirty days after he ceases the activity which required his registration. He shall remain subject to Sections 86202 and 86203 for six months after filing his notice of termination.

**86104. Registration Statement; Publication.** All information listed on any registration statement and on any amendment, renewal or notice of termination shall be printed in the journals of the Senate and Assembly within thirty days after filing. Within one hundred twenty days after the commencement of each regular session of the Legislature, the Secretary of State shall publish a directory of registered lobbyists. He shall publish, from time to time, such supplements to the directory as may be necessary.

**86105. Accounts; Designation by Name; Deposits.** Every lobbyist who incurs expenses or expects to incur expenses in connection with his activities as a lobbyist shall establish one or more accounts, each of which shall be designated by a name. All payments received by a lobbyist for the purpose of paying expenses incurred by him in connection with his activities as a lobbyist shall be deposited without delay into his account. A lobbyist may deposit other funds, including his own personal funds, into his account.



**86106. Accounts; Payment of Expenses; Petty Cash.** (a) Except as provided in subsection (b) of this section, no person shall pay any expense incurred by a lobbyist in connection with his activities as a lobbyist unless such payment is made directly from the lobbyist's account. Any lobbyist who makes a gift to an elected state official, a legislative official or an agency official is deemed to be acting in connection with his activities as a lobbyist.

(b) The Commission shall promulgate regulations permitting the use of cash which has been withdrawn from a lobbyist's account to defray petty cash items.

**86107. Contents of Periodic Reports.** Every lobbyist shall file periodic reports containing:

(a) The monetary value of all payments, including but not limited to salary, fees, and reimbursement of expenses, received in consideration for or directly or indirectly in support of or in connection with influencing legislative or administrative action, and the full name and address of each person from whom amounts or things of value have been received and the total monetary value received from each person;

(b) With respect to each account controlled by the lobbyist at any time during the period covered by the report:

(1) The name of the account;

(2) The amount deposited in the account during the period;

(3) The full name and address of each person who is the source of any amounts deposited into the account, together with the amount attributable to each source;

(4) The date and amount of each disbursement from the account during the period, together with the full name and address of the payee, a specific description of the consideration, if any, for which the disbursement was made and the full name and address or official position of the beneficiary if the beneficiary is other than the payee or the lobbyist. In the case of disbursements for gifts of food and beverages the full name of the person and the official position, if any, who received the food and beverages, and the amount paid for each person shall be stated. In the case of any disbursement which covers more than one item, all information shall be shown that would be required if a separate disbursement had been made for each item. The Commission may by regulation provide for the reporting of overhead expenditures without detailed itemization; and

(5) The cash balance of the account at the beginning and end of the period covered by the report;

(c) With respect to any expenses in furtherance of his activities as a lobbyist which, pursuant to Section 86106 (b), are not made directly from an account, such information as regulations of the Commission shall require;

(d) The name and official position of each elective state official, legislative official and agency official, the name of each state candidate, and the name of each member of the immediate family of any such official or candidate with whom the lobbyist has engaged in an exchange of money, goods, services or anything of value and the nature and date of

each such exchange and the monetary values exchanged;

(e) The name and address of any business entity in which the lobbyist knows or has reason to know that an elective state official, legislative official, agency official or state candidate is a proprietor, partner director, officer or manager, or has more than a fifty percent ownership interest, with whom the lobbyist has engaged in an exchange of money, goods, services or anything of value and the nature and date of each exchange and the monetary value exchanged, if the total value of such exchanges is five hundred dollars (\$500) or more in a calendar year;

(f) A specific description of legislative or administrative action which the lobbyist has influenced or attempted to influence, and the agencies involved, if any;

(g) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

**86108. Periodic Reports; Employers and Others.** Subject to the exceptions in Section 86300, the following persons shall file the statements required by Section 86109:

(a) Any person who employs or contracts for the services of one or more lobbyists, whether independently or jointly with other persons; and

(b) Any person who directly or indirectly makes payments to influence legislative or administrative action of two hundred fifty dollars (\$250) or more in value in any month, unless all of the payments are of the type described in Section 82045(c).

**86109. Periodic Reports; Employers and Others; Contents.** Every person described in Section 86108 shall file periodic reports containing:

(a) The name, business address and telephone number of the person making the report;

(b) Information sufficient to identify the nature and interests of the filer, including:

(1) If the filer is an individual, the name and address of his employer, if any, or his principal place of business if he is self-employed, and a description of the business activity in which he or his employer is engaged;

(2) If the filer is a business entity, a description of the business activity in which it is engaged;

(3) If the filer is an industry, trade or professional association, a description of the industry, trade or profession which it represents including a specific description of any portion or faction of the industry, trade or profession which the association exclusively or primarily represents and, if the association has no more than fifty members, the names of the members; and

(4) If the filer is not an individual, business entity or industry, trade or professional association, a statement of the person's nature and purposes, including a description of any industry, trade, profession or other group with a common economic interest which the person principally represents or from which its membership or financial support is principally derived. The information required by this subsection (b) need be stated only in

the first report filed during a calendar year, except to reflect changes in the information previously reported.

(c) The total amount of payments to influence legislative and administrative action during the period, and the name and address of each person to whom such payments in an aggregate value of twenty-five dollars (\$25) or more have been made during the period by the filer, together with the date, amount, and a description of the consideration received for each such expenditure, and the name of the beneficiary of each expenditure if other than the filer or the payee.

(d) The name and official position of each elective state official, legislative official and agency official, the name of each state candidate, and the name of each member of the immediate family of any such official or candidate with whom the filer has engaged in an exchange of money, goods, services or anything of value and the nature and date of each such exchange and the monetary values exchanged, if the fair market value of either side of the exchange exceeded one thousand dollars (\$1,000);

(e) The name and address of any business entity in which the person making the report knows or has reason to know that an elective state official, legislative official, agency official or state candidate is a proprietor, partner, director, officer, manager, or has more than a fifty percent ownership interest, with whom the person making the report has engaged in an exchange or exchanges of money, goods, services or anything of value and the nature and date of each such exchange and the monetary value exchanged, if the total value of such exchanges is one thousand dollars (\$1,000) or more in a calendar year;

(f) The date and amount of each contribution made by the filer and the name of the recipient of each contribution;

(g) A specific description of legislative or administrative action which the person making the report has attempted to influence;

(h) The name of each lobbyist employed or retained by the person making the report, together with the total amount paid to each lobbyist and the portion of that amount which was paid for specific purposes, including salary, fees, general expenses and any special expenses;

(i) Any other information required by the Commission consistent with the purposes and provisions of this chapter.

**86110. Periodic Reports; Filing; Time.** Reports required by Sections 86107 and 86109 shall be filed during the month following each month during any part of which the Legislature was in session and during the month following each calendar quarter. The period covered shall be from the beginning of the calendar year through the last day of the month prior to the month during which the report is filed, except that the period covered shall not include any months covered in previous reports filed by the same person. When total amounts are required to be reported, totals shall be stated both for the period covered by the statement and for the entire calendar year to date.

86111. **Periodic Reports; Publication.** All information contained in reports filed pursuant to this article shall be printed in a supplement to the Senate and Assembly journals within ninety days after they are filed.

Article 2. Prohibitions. § 86200 - 86205

- § 86200. Contribution.
- § 86201. Gift.
- § 86202. Unlawful Contribution.
- § 86203. Unlawful Gifts.
- § 86204. Receipt of Unlawful Contribution or Gift.
- § 86204. Other Prohibitions.

86200. **Contribution.** "Contribution" as used in this article means a contribution made to a state candidate, a committee supporting a state candidate, or an elected state officer.

86201. **Gift.** "Gift" as used in this article means a gift made directly or indirectly to a state candidate, an elected state officer, a legislative official or an agency official.

86202. **Unlawful Contribution.** It shall be unlawful for a lobbyist to make a contribution, or to act as an agent or intermediary in the making of any contribution, or to arrange for the making of any contribution by himself or by any other person.

86203. **Unlawful Gifts.** It shall be unlawful for a lobbyist to make gifts to one person aggregating more than ten dollars (\$10) in a calendar month, or to act as an agent or intermediary in the making of any gift, or to arrange for the making of any gift by any other person.

86204. **Receipt of Unlawful Contribution or Gift.** It shall be unlawful for any person knowingly to receive any contribution or gift which is made unlawful by Section 86202 or 86203.

86205. **Other Prohibitions.** No lobbyist shall:

(a) Do anything with the purpose of placing any elected state officer, legislative official, agency official, or state candidate under personal obligation to him or to his employer;

(b) Deceive or attempt to deceive any elected state officer, legislative official, agency official, or state candidate with regard to any material fact pertinent to any pending or proposed legislative or administrative action;

(c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its passage or defeat;

(d) Attempt to create a fictitious appearance of public favor or disfavor of any proposed legislative or administrative action or to cause any communication to be sent to any elected state officer, legislative official, agency official, or state candidate in the name of any fictitious person or in the name of any real person, except with the consent of such real person;

(e) Represent falsely either directly or indirectly, that he can control the official action of any elected state officer, legislative official, or agency official;

(f) Accept or agree to accept any payment in any way contingent upon the defeat, enactment or outcome of any proposed legislative or administrative action.

Article 3. Exemptions. § 86300

§ 86300. Exemptions.

86300. Exemptions. The provisions of this chapter are not applicable to:

(a) Any elected public official acting in his official capacity, or any employee of the State of California acting within the scope of his employment; provided that, an employee of the State of California, other than a legislative official, who attempts to influence legislative action and who would be required to register as a lobbyist except for the provisions of this subdivision shall not make gifts of more than ten dollars (\$10) in a calendar month to an elected state officer or legislative official.

(b) Any newspaper or other periodical of general circulation, book publisher, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical, radio or television station) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisement, which directly or indirectly urge legislative or administrative action if such newspaper, periodical, book publisher, radio or television station or individual, engages in no further or other activities in connection with urging legislative or administrative action other than to appear before a committee of the Legislature or before a state agency in support of or in opposition to such action; or

(c) A person when representing a bona fide church or religious society solely for the purpose of protecting the public right to practice the doctrines of such church.

History: Stats. 1975, Ch. 1079, amended to prohibit state employees who would qualify as lobbyists from making gifts, in effect and operative January 1, 1976.

Chapter 7. Conflicts of Interest. § 87100 - 87312

- Article 1. General Prohibitions. § 87100 - 87103  
 2. Disclosure. § 87200 - 87207  
 3. Conflict of Interest Codes. § 87000 - 87312

Article 1. General Prohibition. § 87100 - 87103

- § 87100. Public Officials; State and Local.  
 § 87101. Legally Required Participation in Governmental Decision.  
 § 87102. Additional Requirements; Remedies to Articles 2, 3.  
 § 87103. Financial Interest.

87100. Public Officials; State and Local. No public official at any level of state or local government shall make, participate in making or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest.

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pg. 2, lines 3,4,5 -

(e) Elected officers of this state and its political subdivisions who confine their lobbying activities to issues directly affecting the department or entity over which they have power of authority.

MINOR MEMOS: Surprise! A government study has found "residents of central cities were more likely to report undestorable neighborhood conditions than were persons living in the suburbs." . . . The new Congress has 28 former Eagle Scouts, four more than the old one, according to a survey by Rep. Brown of Ohio. . . . Ohio Gov. Rhodes has registered as a lobbyist in his own state; a new Ohio law requires registration of those who spend at least part of their time influencing legislation.

Wall Street Journal  
Feb. 2, 1977

# S.B. 445 - Lobbyist Regulation

## Suggested amendments:

### Section 4 (Registration):

1. Drop the filing fee, or at least reduce it to \$1.

2. Require registration only for lobbyists who intend to work ~~more~~ more than 8 hours a week, or who do in fact work more than 30 hours in any given month.

per MO. cost \$100, (N.Y., Calif.)  
Amount of Money Spent

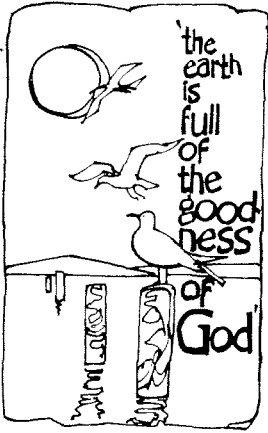
### Section 6 (Filing of Reports)

1. Substitute for new subsection 2; a subsection that would allow lobbyists who do not expect to spend any money to sign a declaration of that intent when they register, & then waive the requirement of monthly reports & require only the filing of a final report. If any lobbyist who signs this declaration then does spend money, he gives up his waiver & must file monthly reports.

Registration of lobbyist

1590 registered lobbyist money spend





# FIRST UNITED METHODIST CHURCH

Reno's First Church - Organized in 1868

First Street at West  
Phone: (702) 322-4564

P.O. Box 789  
Reno, Nevada 89504

John V. Moore      Douglas M. McCoy  
Ministers

February 25, 1977

Assemblywoman Sue Wagner  
Legislative Building  
Capitol Complex  
Carson City, Nevada 89710

Dear Assemblywoman,

I am writing to express my full support of  
A.C.R. #6 . .

Whereas we are confronted with new situations  
which many find offensive, still we live with the  
wisdom of Constitutional guarantees of freedom of  
speech, press, assembly and worship.

A study of contemporary problems in the light  
of the Constitution is appropriate.

Cordially yours,

John V. Moore

JVM/cm



## OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Capitol Complex  
Carson City, Nevada 89710

JOHN R. GAMBLE  
*Superintendent*

February 7, 1977

Assemblywoman Sue Wagner  
Member, Legislative Functions  
Committee  
Nevada State Legislature  
Carson City, Nevada 89710

Dear Assemblywoman Wagner:

It has become obvious that applying the present laws with respect to obscenity is relatively time-consuming and ineffective. Assembly Concurrent Resolution 6 appears to be an effort to resolve the present frustrations.

The Department of Education supports all efforts to bring the problem of defining obscenity into perspective. We would support A.C.R. 6.

Sincerely,

A handwritten signature in cursive script that reads "John R. Gamble".

John R. Gamble

JRG/mb



**LARRY R. HICKS**  
District Attorney

Washoe County District Attorney

Washoe County Courthouse  
South Virginia and Court Streets  
P.O. Box 11130 • Reno, Nevada 89510

February 2, 1977

The Honorable Sue Wagner  
Assemblywoman,  
State of Nevada  
Legislative Building  
Carson City, Nevada 89701

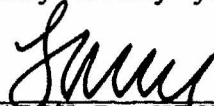
Dear Sue:

Thank you for the note on A.C.R. 6 supporting a commission to study provisions relating to obscenity. I am very much in support of this resolution as it is clear to me that our obscenity laws are in need of revision. Obscenity is a complex issue with difficult solutions and I concur with your belief that this type of a study, with input from those most directly affected, is the best approach to a meaningful solution.

I expect that I will be able to attend any committee hearings in regard to A.C.R. 6, however, in the event I should be unable to do so, please mention this letter and my support of the resolution.

Best regards.

Very truly yours,

  
\_\_\_\_\_  
LARRY R. HICKS  
District Attorney

LRH/rg

cc: The Honorable Allen Glover  
Chairman,  
Assembly Legislative Functions Committee  
Carson City, Nevada

William E. Andrews, Director  
Nevada Library Association  
Box 2151  
Reno, Nevada 89505

STATEMENT OF  
T H E D E P A R T M E N T O F E D U C A T I O N  
TO THE  
SENATE COMMITTEE ON LEGISLATIVE FUNCTIONS

Tuesday, April 12, 1977

Room 243, 2:00PM

S.C.R. 14--Directs legislative commission to study and make recommendations on the subject of pupil achievement.

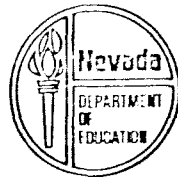
On March 9, 1977, before a joint meeting of the Senate Committee on Education, Health, Welfare and State Institutions and the Assembly Committee on Education, the Department of Education testified that S.C.R. 14 could provide the most promising method to attain the objectives of the Legislature and the State Board of Education.

S.C.R. 14 makes available the time needed to gather pertinent information about the achievement levels of Nevada public school students and about several factors which may have some influence on pupil achievement. Results of the study by the proposed legislative commission should serve to identify valid concerns and describe clearly any needed improvements in educational practices.

Items 8, 9 and 10 of S.C.R. 14 pertain to competency requirements for high school graduation. As this committee may know, the State Board of Education has been involved in a competency-based high school diploma project since January, 1976. As of this date many Nevada educators and interested citizens have participated in the project and we sincerely hope that the progress we have made will be considered by the legislative commission appointed to conduct this study.

It should be noted that the Nevada State School Boards Association, the Nevada Advisory Commission for the Competency-Based High School Diploma Program and the State Board of Education have requested that the Department of Education, Advisory Commission and State Board of Education be designated as groups to have representation on the proposed legislative commission.

The Department of Education supports the study proposed in S.C.R. 14 and will make every effort to cooperate with the legislative commission in the completion of the study. We respectfully request that serious consideration be given to the recommendations made by the State Board of Education, the Nevada State School Boards Association and the Advisory Commission regarding membership on the proposed legislative commission.



## OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Capitol Complex  
Carson City, Nevada 89710

JOHN R. GAMBLE  
*Superintendent*

March 23, 1977

## MEMORANDUM

TO: Senator Carl Dodge - Nevada State Legislature

FROM: John R. Gamble - Nevada Department of Education

For a number of years I have been concerned with the confusion and conflict that arises from the various interpretations of the statutes contained in Title 34 of the Nevada Revised Statutes. This seems to be largely the result of amendments and addition to this body of law that was originally conceived and written thirty to one hundred years ago. This may be true of many Titles of N.R.S. but seems more apparent in Title 34. I have hesitated to suggest recodification and rewriting previously because of the enormity of the task and the availability of legal staff for the job. The Department can provide much educational input, but much more is necessary, of course.

I now believe such a task should not be put off if we are to provide a substantial legal basis for the operation of education in Nevada. Would it be possible to submit a concurrent resolution calling for such a study and recodification of educational law prior to the 1979 Session for submission to the Legislature at that time? I am prepared to commit the Department to full cooperation on such work, as we are already planning time for policy development relative to existing statutes.

I would be interested in your reaction and comments on this plan.

JRG:ms

Introductory remarks to Senate Legislative Functions Committee  
April 12, 1977 - Mrs. Martha Gould, 1690 West 6th St., Reno NV and  
registered lobbyist for Nevada Library Association.

Mr. Chairman, members of the Committee - the materials I have provided are copies of the testimony given on ACR 6 before the Assembly Legislative Functions Committee. I would ask that you allow this testimony to be entered into the official record of this hearing. Because it is late in the ~~evening~~ <sup>afternoon</sup>, and your time is valuable, I will not read any of the testimony. It is sufficient to say that the PTA, the State Dept. of Education, The District Attorneys of Carson City, and Washoe County, the City Attorney of Reno, the Musicians' Unions of Reno and Las Vegas, and the ACLU are among supports of ACR 6. If we do not go toward the study approach, then once again, the ~~legislature~~ <sup>NEXT</sup> legislature will be faced with this problem. Other states have found constitutional ways to ~~handle~~ <sup>handle</sup> the growth of adult bookstores and theaters; the Nevada Library Association, in its legislative packets, provided much information and model legislation to this session of the legislature. This material would easily serve as the basic research for a study committee. We ask that you approve ACR 6, as the Assembly has done, so that Nevada can solve a difficult, sensitive problem in a rational, constitutional, manner.

# NEVADA LIBRARY ASSOCIATION

February 28, 1977

The Nevada Library Association urges your support of ACR 6. It is the belief of the Library Association that only by such a study as provided for in ACR 6, can evenly applied legislation be drafted.

After what happened in 1975 with AB722 and AB802, the Library Association moved to provide information and educational materials in the area of censorship and model legislation to the 59th Legislature. We are most pleased that the concept of a study in such a critical and sensitive area has been introduced, in the form of ACR 6. I would remind the Committee that the Assembly Judiciary introduced such a measure in the 1975 Legislature, ACR 87.

Pressures for the drafting of restrictive legislation in the area of obscenity and pornography come from the Office of the Las Vegas City Attorney. As a representative of the Library Association, I have met twice with Richard Koch, Deputy City Attorney, Las Vegas, and once with Carl Lovell, City Attorney, Las Vegas. In these meetings we have tried to make them understand that the problem is not one of just controlling or suppressing adult bookstores and theaters, but rather, one of protecting and preserving first amendment rights of individuals.

In our last meeting Mr. Lovell made the comment that Libraries have nothing to fear from such legislation. We beg to differ. The American Library Association has documented case after case of censorship and censorship attempts, from present day back through the years. Mr. Koch has admitted that he is not familiar with the findings of the Presidential Commission on Obscenity and Pornography. He further stated in a newspaper interview, "I have not given it the deep reflection that these people (librarians) have ... If I was told to, I could draft a statute including their ideas." This quote is from the Las Vegas Sun, Feb. 4, 1977.

The Library Association supports ACR 6 as the only way to proceed in this area. Aside from time for careful consideration, it would give opportunity for discussion of alternative means of approaching the problem, and it would provide time for the proponents of restrictive legislation to do their homework in constitutional law and the history of censorship.

It is the hope of the Nevada Library Association that you will support ACR 6. The District Attorneys of Washoe County and Carson City, the City Attorney of Reno, the State Department of Education, the American Civil Liberties Union, and the PTA have all indicated support for ACR 6.

  
Martha Gould  
Intellectual Freedom Chairwoman

February 28, 1977

Assemblyman Alan Glover, Chairman  
Government Affairs Committee  
Nevada State Legislature  
Carson City, NV 89701

Dear Mr. Glover:

First, I would like to go on record as endorsing and supporting ACR6, directing the Legislative Commission to study all provisions of law relating to obscenity.

There is one statement with which I believe many of us are in agreement - There are wide, wide differences of opinion on obscenity and obscenity legislation. This in itself is extremely important.

After working with and watching proposed legislation over the past 6 years I am well aware of the differences. For some obscenity becomes a deeply emotional issue out of all proportion to its character, good or bad. Legislation based upon undue emotional attitudes is almost universally poor and works only toward confusion rather than solution of the problem.

For many of us here it is also a matter of principle allowing the adult citizen freedom to select and choose for himself reading and viewing material without interference from either his neighbor or the state.

A basic fact of a democratic society is the acceptance of disagreement and the solution of many moral issues by discussion and accommodation. We have never had universal agreement or acceptance on the drinking of alcoholic beverages, the smoking of cigarettes and use of tobacco, gambling, wagering and betting in all forms, and even today, the use of marijuana.

Speaking as a member of the Intellectual Freedom Committee of the Nevada Library Association and for myself I would prefer not to be here today and not to have this issue exist. However, when confronted with the legislation proposed by Carl Lovell I cannot sit idly by and accept, without loud and strong protest, the 19th century regressive approach of the City Attorney of Las Vegas. Today, we may live in a permissive society with all of the attendant evils but the solution is not a return to the days of Anthony Comstock; The Society for the Suppression of Vice; The New England Watch and Ward Society, and the Sunday blue laws.

If we are to propose legislation it should only be after a thorough study of the situation as it exists today and full, free and complete input from all sections of the state.

Very truly yours,

  
William E. Andrews



# NEVADA LIBRARY ASSOCIATION

February 28, 1977

The Nevada Parent Teacher Association has no position on pornography as a legislative issue.

The PTA has long held the attitude of protection of the rights of minors, and can in no way position themselves as censors or monitors of adult activity.

We do feel, however, that a thoroughly researched and educated approach to the growing social question of pornography is the duty and function of a responsible legislative body.

Any action without careful legal and moral investigation might result in more devastating results than action taken more slowly and thoughtfully.

The Nevada Parent Teacher Association philosophically supports the study mandated in ACR 6.

Mrs. Ann Lynch  
2nd Vice-President and  
PTA Legislative Chairwoman

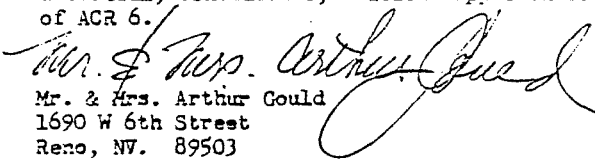
February 28, 1977

Assembly Legislative Functions Committee  
Alan Glover, Chairman

In October of 1976, while my husband and I were in Jersualm, we visited Y-d Vashim, the memorial to the Holocaust. In the museum at Yad Vashim is a pictorial exhibit on the rise of Nazi Germany. Prominently included are photographs of book burnings. My husband and I came away grateful that we lived in a county that provided protection of individual rights, and understanding that these rights have, in the near past, almost been lost. I refer to the McCarthy era, wherein the American Government burned the works of such authors as Hemingway, Lewis, and Mark Twain. I also refer to Watergate.

We realize that the move toward control of adult bookstores and theaters is reaction to what many feel are excesses. However, in an attempt to stop such excesses, you face the danger of destroying the fabric of our judicial system. Once you move to except a single segment of the citizenry from due process of law, and first amendment rights, you move in the direction Germany took in the 1930's. To say that such legislation in the area of public morality would not harm libraries or educational institutions is false. The American Library association has documented evidence of such attempts to censor and control going back over the years. Within the past year Kurt Vonnegut books were burned in South Dakota. The Citizens Against Pornography in Huston Tx. moved against the public library. Parents moved to close schools in West Virginia over textbooks. And attempts are being made in Clark County to remove books from libraries. You move in the direction of restrictive legislation, and you open the door to a pandora's box of horrors.

Perhaps because my husband and I lost family to the concentration camps of Europe, we tend to be very protective of our Constitutional rights. I would, respectfully remind you, as elected officials, you have the responsibility of protecting such rights. In an area as sensitive and emotional as legislation dealing with first amendment rights, we urge that a careful, considerate, cautious approach be taken. We ask your support of ACR 6.

  
Mr. & Mrs. Arthur Gould  
1690 W 6th Street  
Reno, NV. 89503



LARRY R. HICKS  
District Attorney

Washoe County Courthouse  
South Virginia and Court Streets  
P.O. Box 11100 • Reno, Nevada 89510

February 2, 1977

The Honorable Sua Wagner  
Assemblywoman,  
State of Nevada  
Legislative Building  
Carson City, Nevada 89701


Dear Sua:

Thank you for the note on A.C.R. 6 supporting a commission to study provisions relating to obscenity. I am very much in support of this resolution as it is clear to me that our obscenity laws are in need of revision. Obscenity is a complex issue with difficult solutions and I concur with your belief that this type of a study, with input from those most directly affected, is the best approach to a meaningful solution.

I expect that I will be able to attend any committee hearings in regard to A.C.R. 6, however, in the event I should be unable to do so, please mention this letter and my support of the resolution.

Best regards.

Very truly yours,

  
LARRY R. HICKS  
District Attorney

LRH/rg

cc: The Honorable Allen Glover  
Chairman,  
Assembly Legislative Functions Committee  
Carson City, Nevada

William E. Andrews, Director  
Nevada Library Association  
Box 2151  
Reno, Nevada 89505

BERT L. VAN WAGONER  
735-2056  
City Attorney

P.O. BOX 1777  
RENO, NEVADA 89505

JACK SCROEDER  
735-2033  
MICHAEL V. ROTH  
735-2051  
LOUIS S. TEST  
735-2034  
WILLIAM R. SHERMAN  
735-2052  
MICHAEL SMILEY ROWE  
735-2050  
Assistant City Attorneys

January 31, 1977

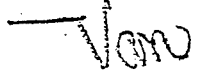
William E. Andrews, Director  
Washoe County Library  
P. O. Box 2151  
Reno, Nevada 89505

Dear Mr. Andrews:

Thank you very much for your letter of January 27, 1977 and enclosed Resolution A.C.R. 6. I can assure you that I would support the Resolution and certainly have no objection to a reasonable study approach in developing a model statute for Nevada.

I am somewhat concerned that for the last two or three years we have done nothing in this area at the statewide level; however, I do believe A.C.R. 6 is appropriate.

Sincerely yours,

  
ROBERT L. VAN WAGONER  
CITY ATTORNEY

RLV:km



THE UNIVERSITY OF NEVADA · RENO

The University Library

February 28, 1977

Committee on Legislative Functions  
Assembly of the State of Nevada

In the interests of the libraries of the State of Nevada, and of all the people of the State who are concerned with the problem of maintaining some control over the exposure of our citizens to obscene materials, and at the same time recognizing the importance of preserving our constitutional guarantees of free speech and press, I would like to urge your support of ACR-6.

As the librarian responsible for the largest collection of library materials in the State of Nevada, I feel that it is very important that any law relating to obscenity be carefully drawn after we have the results of a study of this complex question. This is the only way to insure that we have the best possible law, a constitutional law which will stand up in the court, and a law which will not inadvertently diminish important freedoms while attempting to protect our citizenry from obscenity and immorality.

Thank you very much.

Sincerely,

Harold G. Morehouse  
Director of Libraries

HGM/jr

NEVADA STATE ADVISORY COUNCIL  
ON LIBRARIES

401 NORTH CARSON STREET  
CARSON CITY, NEVADA 89701  
(702) 885-5130 TWX 910-395-0139

MIKE O'CALLAGHAN, Governor • Alice Lohse, Chairman • JOSEPH J. ANDERSON, Vice Chairman, Secretary

February 24, 1977

Assemblyman Alan Glover, Chairman  
Government Affairs Committee  
Nevada State Legislature  
Carson City, NV 89701

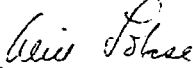
Dear Mr. Glover:

At a meeting in Carson City last week the Nevada State  
Advisory Council on Libraries voted to support ACR 6.

The Council, composed of working librarians, trustees and  
interested members of the community, favors the two year  
study of obscenity legislation proposed in ACR 6. The  
City Attorney of Reno, the District Attorneys of Washoe  
County and Carson City, the State Department of Education  
and the local chapter of the American Civil Liberties  
Union have indicated support of this measure.

We feel the approach offered by ACR 6 would give the state  
of Nevada the opportunity to draft model legislation in  
this area. We therefore urge your support.

Sincerely yours,



(Mrs.) Alice Lohse, Chairman

UNIVERSITY OF NEVADA  
RENO, NEVADA 89507

DEPARTMENT OF JOURNALISM

February 25, 1977

Mrs. Martha Gould  
Chairwoman  
Intellectual Freedom Committee  
Nevada Library Association

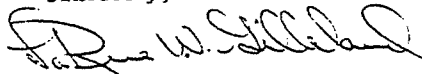
Dear Mrs. Gould:

This letter is to personally endorse Assembly Concurrent Resolution No. 6 calling for study of obscenity laws and for a report to be made to the 60th session of the Nevada State Legislature.

The Nevada Library Association and other supporters of ACR 6 are right, in my opinion, in advocating a careful approach to legislation. Poorly written legislation could produce more harm than good.

The obscenity issue is complex. It is important that thorough study has been advocated by the Washoe County district attorney, the Reno city attorney, the American Civil Liberties Union, and the State Department of Education, among others.

Sincerely,



LaRue W. Gilleland

Department of Art  
University of Nevada, Reno  
Reno, Nevada 89557  
February 26, 1977

The Honorable Allen Glover  
Chairman  
Assembly Legislative Functions Committee  
Legislative Building  
Carson City, Nevada

Dear Assemblyman Glover,

I am writing this letter to indicate my strong support of A.R.C. 6 as introduced by Assemblywoman Sue Wagner.

It is evident the issues involved in determining the dangers of obscenity to our fellow Nevadans are very complex. I am deeply concerned that the enforcement of so-call obscenity laws may call into play judgements which present more dangers to the citizens of this state than the forms of expression they are intended to control.

As Chairman of the Department of Art at the University of Nevada, Reno, I am well aware of the numerous incidents in the history of the visual arts when zealous public officials have invoked laws of censorship to further their own purposes. Further, such laws tend to discourage creative expression because they codify as obscene, without specific example, certain graphic and symbolic forms which in and of themselves are not obscene. Indeed, such artists as Rembrandt and Rubins might find themselves in severe trouble here in Nevada if restrictive legislation was selectively enforced.

It is my belief that Assemblywoman Wagner's proposed legislation would provide a fair forum for discussing these difficult questions of First Amendment rights.

If there is any assistance I can provide in this matter I would be pleased to serve.

I would like this letter read into the testimony for A.R.C. 6.

Sincerely,

*James C. McCormick*

James C. McCormick



I speak to you as a parent & as an individual  
urging your adoption of A.C.R. 6.

Obsenity like art may be said to be in the eye or  
the mind of the beholder. It is this view that prompts  
the Supreme Ct. to state that the individual community  
shall set the standard of what is deemed obscene.

I as an individual must then ask who in my  
community will decide what I & my children will read  
or see. By whose standards will a film - article - book or  
picture be labeled obscene & offensive. -

And Does any member of this community have the  
right to impose upon me their definition of obscenity,  
& decide for me what what will be the moral standard.

It has long been the obligation & right of the  
church to preach & the family to teach the fundamental  
standards of morality. Do we as individuals abdicate  
these rights to a governmental body - because the  
church can no longer effectively preach - or we as  
parents effectively teach the precepts of decency?

There is an obvious need to draft responsible  
legislation that will curb the spread of pornography.  
Legislation that will protect both the rights of the  
businessman & the general public. This type of legislation  
can only be brought about through extremely careful  
study & deliberation. For we must be ever watchful  
that in our zeal to remove offensive material we  
do not put our 1st amendment rights in danger.

Until responsible legislation can be enacted  
I hope we can agree, that it is better to have  
our moral senses offended - than our constitutional  
rights abridged.

Mylan Berin Roloff

ART BUCHWALD

## Everyone's an Expert on Obscenity

WASHINGTON—Mark Shields, a philosopher friend of mine, said the other night, "This country has come to a pretty pass when Harry Reems of 'Deep Throat' and Larry Flynt of Hustler magazine have become the Sacco-Vanzetti of 1977."

What Shields was talking about was the fact that Reems and Flynt have been tried in Memphis and Cincinnati respectively on obscenity charges, and we civil libertarians have to defend them to protect ourselves.

Since the Supreme Court, in a cloudy decision, has left the question of obscenity up to local communities, it is getting more and more difficult to define exactly what it is.

For example, I have an aunt who lives in Boston and she thinks Vogue magazine is obscene because it has printed photographs of topless models.

One of my best Catholic friends believes Ms. magazine is obscene because it publishes stories advocating abortion.

I have a cousin in Tucson who canceled her subscription to Time magazine because it did a long takeout on pornographic films with photographs, and my sister in New York thinks Cosmopolitan articles on how to steal somebody else's husband are the height of obscenity.

I must confess I'm rather loose about these things. I occasionally write for Playboy magazine, usually about tennis. But my wife won't read the publication and thinks I shouldn't be earning money from an obscene publication.

I did walk out after the first five minutes of "Deep Throat" because it made me queasy, but Russell Baker of the New York Times, with whom I went, stayed to the bitter end and got a column out of it. I told him later the column was obscene, but he just laughed at me.

My nephew, however, doesn't find anything in any magazine obscene. He thought the Vietnam War was obscene and had no redeeming feature.

A brother-in-law in Cincinnati is not disturbed by the sale of Hustler on magazine stands, but thinks the advertisements urging people to buy bigger and bigger cars when there is an energy shortage, are obscene.

A liberal friend of mine has told me he considers Bill Buckley's National Review obscene, and a columnist colleague who works across the hall from me keeps telling me my humor appeals to people's prurient interests.

In California, Frank Sinatra thinks most gossip columnists are obscene, and many gossip columnists say Frank Sinatra is obscene.

A school library board in New York State has decided Kurt Vonnegut is obscene and has voted to withdraw his books from its shelves.

Several parents' organizations have protested that a lot of black poetry is really filth and their children shouldn't be exposed to it.

Thanks to the Supreme Court ruling, many local prosecutors have decided obscenity is the fastest stepping stone

to higher political office and have become national TV personalities overnight.

So everyone in this country and many in the same towns and cities have their own definition of what obscenity is.

The problem is that people are being thrown in jail because of it.

The excuse is that the communities are trying to protect their children. This makes a lot of sense except for the fact that these same children are exposed to about 80 hours of violence each week on television, and many people consider violence the ultimate in obscenity compared to bare bottoms and the other junk that people have to pay a lot of money to see and read.

If they're going to throw Harry Reems and Larry Flynt into the slammer, I think they ought to go after Russell Baker, too. A guy who sits through the entire uncut version of "Deep Throat" is, in my opinion, a menace to the community.

William Safire Column

# Libertarian Views Pornography: Let The Individual Decide

By WILLIAM SAFIRE  
WASHINGTON — A speechwriter for a campaign in 1968 was asked to come up with an indignation-stirring statement to appeal to the voters of Lake City, and promptly drafted one at the time peddlers who were illegally using the mails to send unlicensed obscene material to the

city. The statement was a shuffling of papers aboard the main plane. Just before landing, the Nixon aide rushed the aisle asking "Who's got the obscenity statement?"

AT INNOCENT use of an obituary to describe a diatribe against obscenity comes to mind as local editors have broken out in a rash of indictments against pornographers.

Memphis, a 33-year-old editor is angling for the govern-

ment's job by getting a dozen hard-core convictions, including the male star of "Deep Throat." In Wichita, prosecutors are trying to drive New-



William Safire

York-based smutlinger, Al Goldstein, out of business by applying local Kansas standards. In Cincinnati, a crime-conspiracy statute is being stretched to snare Larry Flynt,

publisher of the raunchy Hustler magazine.

The first reaction of most conservatives is to share the indignant reaction against the wave of newsstand porn and exploitation films. Conservatives respect tradition, and want to uphold moral values and standards of good taste. The anything-goes act is not for the crowd.

BUT CERTAIN principles are at stake in the way smut is suppressed.

First, government does not belong in the personal-morality-among-adults business. We should preach morality, but we should not legislate morality.

Next, the conspiracy statutes that are being used so often to harass pornographers are an abomination. Whether the targets are rioters, White House aides, or even less popular souls, whenever the government cannot prove a person guilty of a

crime, it ought not then be able to jail that person for "conspiracy to commit" that crime.

Finally, government ought not to intrude on the right of adults to see or read whatever they choose, provided that performance or publication does not include the commission of, or incitement to, a crime.

SURELY, A CHORUS will reply, there are legal limits to free expression — yelling "fire" in a crowded theater, and all that. Doesn't society have the right to protect itself from moral degeneracy?

Yes, but! The Supreme Court has rightly been directing obscenity decisions down to the local level, to "community standards." But its purpose has been to allow local areas to curb local distribution, and not to stop national publication by jailing editors or actors. Neither New York nor Wichita should impose its standard on the other.

The problem — in any community — is to defend the rights of those who do not want to be exposed to pornography while defending the rights of those who do. Such a balance of rights is not impossible.

The solution is to allow localities to stop pornographers from grabbing all citizens, including minors, by the lapels: Curtail the hard-sell, not the hard-core. Actors should be allowed to prance about naked onstage, where admission is by ticket only, but not down the public streets; similarly, a publication should be able to exhibit its tastelessness on the inside, but not on the cover of where people who don't want to see it are forced to see it.

The absolute anything-goes demand is as wrong as the absolute put-em-in-the-slammer philosophy. The freedom that needs protection is not so much the pornographer's freedom or the bluenose's freedom as

the freedom of the average person to make his own choice.

IT'S A FREE country. Let actor Harry Reems do what some people want to pay to see, let editors Al Goldstein and Larry Flynt hustle what many others feel the urge to purchase, and let all the other people who find such products repellent and degrading have the right not to have smut thrust at them against their will.

That seems to this libertarian conservative more sensible than let legislators decide that anything in the prurient interest, or to let judges taste the power and pleasure of being editors, or to let pornographers take over the streets and airwaves.

After eight years, I have an answer to the aide who lost my obscenity statement somewhere over Salt Lake City: Let individual Americans make their own — decision about obscenity.

New York Times News Service

Letters From The People

To The Editor Of The Bee

Guest Cartoon

ROSAEYNN, IN PREPARATION FOR ASSUMING THE AWESOME BURDENS OF HIGH OFFICE I THINK I'LL TAKE ONE OF MY LONG RESTRICTION WALKS ALONE WITH NATURE.

Las Vegas Sun  
Las Vegas, Nev.

Date: FEB 4 1977

# Porno Bill Pushed

By KEN LANGBELL  
SUN Staff Writer

The Las Vegas city attorney's office is trying to sell its obscenity bill to Carson City, but it's not out for "blood," Deputy City Atty. Richard Koch said Thursday.

It will not wait to learn the fate of a proposal for a two-year study on pornography, and it will go ahead with or without the blessing of the Nevada Library Association (NLA).

"The present state law is unwieldy," Koch said. "I'd hate to see us sit around for two years and do nothing."

Koch was referring to a proposal by Reno Assemblywoman Sue Wagner to form a committee to study obscenity and the attitude of Nevadans on the subject.

Findings of the committee would be presented to the 1979 State Legislature for action.

Koch met with Wagner Wednesday when he was in Carson City, where he also met with Martha Gould and Bill Andrews of the NLA Intellectual Freedom Committee. City Atty. Carl Lovell had planned to be there too, but canceled out at the last minute.

The library association was afraid the new statute would endanger material presently in libraries, museums, schools and other public places.

Gould and Andrews as individuals, Koch said, felt an

adult should have the freedom to read or view anything he or she wants.

Koch reassured them libraries, museums and schools were exempt from his statute, which was aimed at persons who tried to commercialize pornography.

"I've never run across any challenge to their constitutional right to have what they like," Koch said, referring to public institutions, "and I certainly wouldn't try."

Referendums held in the state, Koch said, seem to suggest Nevadans would prefer to ban the sale of hard-core pornography. But, he added, the NLA has raised questions as to the conduct of these referendums.

Asked if he was swayed personally by their arguments, Koch said, "I've heard the arguments before.

"I haven't given it the deep reflection that these people have. I'm a lawyer, not a sociologist. If I was told to, I could draft a statute including their ideas."

Koch said they promised him an opinion on the obscenity statute in a week, and he would definitely prefer to have them on his side.

While in Carson City, he presented copies of the proposed bill to the city's chief lobbyist, Assistant City Manager Richard Bunker, who will pass them on to legislators.

The main difference between Koch's law and that presently on the books is the inclusion of a list of sexual acts designed to state what specifically obscenity includes.