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MINUTES OF MEETING - ASSEMBLY COMMITTEE ON JUDICIARY, 55th Session
February 10, 1969

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Meeting was called to order by Chairman Torvinen at 3:15 P.M.

PRESENT: Torvinen, Schouweiler, Lowman, Kean, Swackhamer, Fry, Reid, Bryan, Prince

MR. KEAN: We might as well finish this thing right now.

Another thing: Are the internes always welcome?

MR. TORVINEN: Yes, they are.

MR. SWACKHAMER: I think we should look at the proposed amendments for SCR 8 first. The only thing we have is that the authorities should act promptly and firmly. There is an amendment further on that says they should promptly and firmly and with restraint. We can't have both.

MR. TORVINEN: I agree with you that the additional resolve asking for restraint would create a problem.

MR. BRYAN: I, too, believe in law and order. I certainly do not condone riots in the schools, but I think that the thrust of the resolution is incendiary. Assuming that we have these outside agitators: I think we are failing to examine whether the reasons are legitimate or whether they are not legitimate.

This article in the Las Vegas Sun is excellent. These grievances which form part of the thrust were aired by teachers and students, and if we pass this unamended, it would seem to mean that we feel they do not have grievances. I think everyone of us wants to see our problems solved rather than have them become more violent. I urge we amend the resolution.

MR. TORVINEN: May I give my personal opinion? The Senate has passed it unanimously and we have had hearings on it. We have got ourselves between a rock and a hard place. Killing this resolution would be an implicit approval of violence.

MR. SWACKHAMER: On the other hand, if we accept Dick's thoughts that we should amend it (and he feels rather strongly about it) then we should consider the position we would be putting the cop in when we ask him to do two opposing things. We are not doing a darn thing but confusing an already bad situation.

MR. BRYAN: I hate to leave it an open suggestion, as the Mayor of Chicago did with his comments before the Convention, which were interpreted as meaning "shoot to kill".

MR. REID: How do you feel about knocking out the second amended "resolve"?

MR. SCHOUWEILER: I would be in favor.

MR. REID: It seems to me that this would give everyone what they want and still tell the police they are to act promptly and firmly. The first resolve on the second page may be somewhat contradictory of the main force of the resolution.

MR. PRINCE: The thing that amazes me is that there is a group of people who feel they can express themselves with violence but they do not want violence used against them. We are going to have to use firm measures to keep down this violence.

MR. BRYAN: There is a sense of frustration among them. This study was made two years ago and their recommendations were not followed. They are not just voicing their own grievances. I want to make it perfectly clear that I do not condone violence, but I want us as a committee to recognize that there are grievances and problems.

MR. PRINCE: We are going around the issue here.

MR. LOWMAN: Hear! Hear! The only issue at point is violence. Mr. Bryan has a point but it does not bear on this resolution.

MR. SWACKHAMER: I disagree. I do not want to live in a police state where anybody could get knocked on their cans, without anybody even bothering to find out if there is a grievance.

MR. REID: I move that SCR 8 be amended by striking from the League's proposed legislative amendment the first paragraph on page 2. and the words "legislative counsel" from page 2.

MR. BRYAN: I second the motion.

MR. SCHOUWEILER: Why strike the words "legislative counsel"?

MR. REID: Maybe we should just place a comma after "legislative counsel". Also, we should delete from page 1 "and be it further".

MR. BRYAN: That is all right. It has to be there to go on to the second page.

MR. KEAN: Yes, it does have to be there.

MR. REID: Sorry. All that is deleted is page 2 and then we add a comma.

MR. LOWMAN: That changes the meaning entirely.

MR. REID: No it doesn't. The Resolution is very strong in indicating that we want riots handled with a firm hand. We want to let the school people know that problems should be worked on as fast as possible.

MR. TORVINEN: On the first amendment "whereas" it deals with integration. Apparently, no one is really concerned with integration. Some of the people who came to be heard talked of black schoolteachers and books.

MR. BRYAN: Let me disagree with you for a moment. That is part of the over-all concept.

MR. TORVINEN: Our court decisions have to do with non-segregation. I don't know what the legal meaning of the word "integration" would be. What we are trying to say is that the Legislature recognizes that some dissident groups of our area have social problems which would include these multiple ethnic references and text books and so forth which are not in my understanding of the word "integration". 99

MR. REID: We are obligated to report something out of this committee. There may be someone here closer to law enforcement than I am, but I doubt it. I have been City Attorney and other things and I understand police officers. I really feel that we have to look at how this is going to look, this unamended resolution, to police officers. It should say "if there is any problem, you get out there and do something about it quick".

I thought the resolution did not say anything about black and white, but after this hearing I know that it does give a wrong feeling to a lot of people. We are indicating that this is a racial problem and this is what it is. It is a racial problem. Why beat around the bush?

This thing is filtering down to the Junior High Schools now. We have to report out something that will do the most good.

MR. TORVINEN: I still think this first proposed "whereas" is irrelevant. I can't see what it matters that in 1966 the Federal Court made an acceptable plan. This has nothing to do with our resolution.

MR. BRYAN: It is basically a problem of integration. The School Board went on record to adopt such a policy and we have these court orders to submit to the Federal Court Judge, Judge Thompson, a plan by April, 1969. The whole problem ties in and relates to this area. To this point, we have been ineffective in effecting this integration and this is why many of the school children feel they have problems. We would not have had this problem if we had been able to effect integration.

MR. LOWMAN: I disagree with Mr. Bryan 180%. The thrust of this resolution, as originally stated, was not a racial problem. It has to do with who is going to obey the law.

I don't agree with the Federal Income Tax, but I am not going to D.C. and say I am not going to pay my taxes. This resolution was amended by a group of people who are a minority of a minority. They went into the schools to try to get their way by violence. I agree with Senator Gibson. This is a part of a blue-print to be followed throughout the United States.

MR. TORVINEN: I have a copy of an original plan to do this. Surprisingly there is a similar plan for Las Vegas. The copies are courtesy of Senator Gibson.

MR. LOWMAN: I will have to vote against any amendment to this resolution, because I think they cloud the issue. If the amendment is defeated, I am prepared to bring it up as it originally came from the Senate.

MR. TORVINEN: We have a motion on the floor to amend the resolution

as proposed by Mr. Reid.

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MR. LOWMAN: Didn't Mr. Reid take out the first whereas too?

MR. REID: No. I left it in and added a comma.

MR. KEAN: Some of these amendments are no doubt in good taste and add to the quality of the original resolution but I have one foreign thought to add to this. The more we stir the pot, the more it boils. We will get embroiled on the amendments and then on the bill itself. We will have a series of at least six more moves if we change the wording. I would rather not stir a pot that is ready to boil. I would like to pass this resolution just as it is. The Senate passed it unanimously.

MR. SCHOUWEILER: If we amend, then we may be able to find a shortcut on the procedure.

MR. KEAN: You will get an argument out of that, and then you will get an argument on the resolution itself. If we pass it now, that is the end of it.

MR. TORVINEN: Maybe we should go along with Mr. Kean and write a statement to go along with the resolution, stating that we are not unaware of the difficulties but think we should go ahead.

MR. FRY: If Mr. Bryan and Mr. Reid feel this strongly about the wording, I suggest they go to another resolution. I am going to go along with Mr. Kean.

MR. BRYAN: I feel just the opposite about letting this go through. It is dynamite. That is why I would like these two amendments.

MR. KEAN: If you amend, the Senate will not concur and it will bounce back and forth.

MR. SWACKHAMER: Let's quit kidding ourselves. While this does not refer to a black - white situation, that is what it means. I would be less afraid to try to correct it than I would be to fail to propose something. If we amend, we will get to the problem of these black people that we are not trying to get to - the root of the problem. I would be less concerned with the Senate getting picqued with us for amending one of their resolutions than I would be about people like Eddie Scott. I would like to be able to tell him and others like him that we are concerned about them. This first "whereas" is strictly out of Cloud Nine. I would have to disagree with Mr. Kean and say we should put this second "whereas" in.

MR. BRYAN: I move to divide the question and consider each "whereas" separately.

MR. TORVINEN: Mr. Reid has a motion on the floor to amend by including the first "whereas".

MR. REID: I withdraw my motion.

MR. BRYAN: I make a motion to divide and consider.

MR. BRYAN: I withdraw my motion.

MR. SCHOUWEILER: I move that we decide what we are going to do about the first "wheras".

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MR. SWACKHAMER: Why can't we take this proposal and by knocking out things we don't approve of, arrive at something?

MR. TORVINEN: I would like to answer Mr. Schouweiler. Let's not consider things that are not before us. The proper way to do that would be to move to delete that and then take up this.

MR. SWACKHAMER: I hereby move that we adopt as an amendment to SCR 8 the second resolve on the first page, "That the school administration, etc." the last five lines on page 1 of the proposal given us.

MR. BRYAN: I second that motion.

MR. KEAN: One more thing ought to be said. After this was taken off the floor and moved to the Chief Clerk's desk by Mr. Wilson, I talked to Mr. McKissick. He said the timing was wrong. He was going to vote for it but he felt the timing was bad. They had just got over this thing in Clark County and he felt it would make things worse. He was going to vote for it the way it was originally. We should get rid of this in the most expeditious manner possible.

On the vote on Mr. Swackhamer's motion the motion failed with Reid, Swackhamer, Bryan and Schouweiler voting Aye.

Lowman, Torvinen, Prince, Kean, and Fry voting No.

MR. LOWMAN: I move this Resolution be given a Do Pass by this Committee.
MR. KEAN: I second the motion.

On the vote the motion passed, with Lowman, Kean, Fry, Torvinen and Prince voting Aye. Also Schouweiler.

Reid, Swackhamer and Bryan voted No.

MR. REID: I still feel that this resolution, as it is, is really going to cause some problems.

MR. KEAN: I move we make an accompanying formal statement to explain our position at the time the bill is reported out. It should reflect the fact that the Assembly Judiciary Committee recognizes that minority groups have grievances and ask that they be resolved with dispatch.

MR. FRY: I second the motion.

MR. LOWMAN: I suggest that Mr. Torvinen, Mr. Bryan and Mr. Reid prepare the statement.

MR. SWACKHAMER: A statement is a pretty sad thing, if you are not going to face up to passing it.

The vote on Mr. Kean's motion failed when it received only 3 Ayes.

MR. REID: A statement defeats the whole purpose.

At this point, Mr. Prince asked to be excused so he could attend a hearing.

At this point there was a recess from 3:55 to 4:15 P.M.

MR. FRY: I move that a question which I asked Mr. Raggio and which he answered be added as an addendum to the minutes, on page 12, for February 5. The secretary failed to include these in her minutes.

MR. REID: I second the motion.

The motion carried, unanimously.

Mr. Torvinen passed around a copy of amendments he had had made for AB 53, for approval by the members of the committee.

MR. KEAN: I spoke to Mr. Wilson during our recess and he is in favor of passing out SCR 8 and not stirring up things any more.

AB 70: Obscenity Bill.

MR. TORVINEN: I have received correspondence from someone in Clark County Association of Libraries and also from the Library Association in Reno asking to be heard on this bill.

I told the man in Reno that if he could keep his presentation to within 15 minutes we would hear him tomorrow.

AB 147: Increases amount of fees authorized to be charged and collected by private employment agencies.

MR. TORVINEN: We are to have a hearing on this bill tomorrow and it should not take too long.

MR. LOWMAN: There will be two witnesses but they will be saying the same thing.

MR. TORVINEN: I prepared an amendment for AB 70 by adding an additional section. "Any person who sells for resale any picture, magazine, etc. which may be sold to a minor shall mark on the front in plain sight of any prospective purchaser "for adults only". Perhaps this will make it easier on those persons, like Mr. Swackhamer, who would like to have this, in case.

MR. BRYAN: I appreciate the reason for this, but it would seem to put an unconscionable burden on the retailers.

MR. TORVINEN: The only problem with the amendment is with direct interstate sales.

MR. SWACKHAMER: We get ours from Fresno. I don't want that garbage on our racks, but I don't want to be charged with censorship on my level, either. The first time the guy came around I told him we did not want any of this girlie stuff and he said ok, but once in a while there is something. If the girl who works for me in that department doesn't notice them, I'm stuck.

AB 98: Permits consumers to avoid purchases from door-to-door salesmen.

MR. TORVINEN: We have talked about this before. It has a 3-day period

within which a customer may avoid a contract of sale resulting from unsolicited door-to-door salesmen.

I have received several requests by people who want an opportunity to talk on this bill. One was from National Sales Representatives of Winona, Minnesota, who wanted to come out and talk on this. On the national level, this is pretty big business.

MR. KEAN: What about these "boiler factory" arrangements?

MR. TORVINEN: Is there enough support for this bill in this committee for us to even bother about having a hearing? I don't think support for this bill is overwhelming. We have so many bills in here and if we are going to kill a bill, let's kill it without a hearing. Do any of you feel it would be beneficial to hold a hearing?

Consensus was No.

MR. LOWMAN: I move No Pass for AB 98.

MR. KEAN: I second the motion.

Motion carried, with 6 Ayes.

Mr. Bryan voted No, and Mr. Reid asked to be recorded as not voting.

AB 99: Guest Statutes.

MR. TORVINEN: I have an amendment for this bill that would add the word "spouse".

AB 85: Architect's bill.

MR. TORVINEN: There was some talk about amending this.

MR. KEAN: We have not got time.

MR. SWACKHAMER: Let's pass the bill but amend by deleting the changes on page 2. Let's leave in the amendment on page 1 and then not pass any of the rest of it.

MR. REID: I second Mr. Swackhamer's motion.

MR. TORVINEN: The cost of giving an examination has got to be more than \$35.

MR. KEAN: They would have a closed shop if we passed this.

MR. SWACKHAMER: I would be opposed to letting them set the fees.

MR. TORVINEN: I can appreciate why they want this, but the problems scare me.

On the vote, Mr. Swackhamer's motion passed unanimously.

MR. REID: I move the chairman explains this when it comes up on the floor.

MR. TORVINEN: It seems to me that someone was to get amendments for page 2 on AB 59, the judicial prejudice bill.

MR. BRYAN: I was supposed to do something about that. I will have it tomorrow.

SB 12: Clarifies simplified acknowledgements for instruments of conveyance.

MR. TORVINEN: Mr. McDonald says a couple of title companies have griped at him about this but that if we want to kill the bill he doesn't think the world will stop turning. He thought it was a good plan for correction.

MR. BRYAN: If the purpose was to clarify, the bill really failed.

MR. REID: I move we kill SB 12.

MR. LOWMAN: I second the motion
Motion carried unanimously.

AB 117: Specifies times when one spouse may testify against the other.

MR. TORVINEN: I believe someone is working on an amendment on this.

MR. BRYAN: Paragraph 5, line 20: a & b are really the guts of the whole thing. Looking at this literally, an adult child who is victimized by his father or step-father could have his mother come in and testify against him. I thought this was just going to apply to child beating, or killing, etc. This is too broadening.

MR. TORVINEN: Has anyone given any thought to the civil aspects?

MR. KEAN: I think we are going too far with this. It opens up too many opportunities.

MR. BRYAN: Look at subsection b. Maybe some of you have had experience in this area but I don't quite know what this does.

MR. REID: I move we take out a and b.

MR. SWACKHAMER: We had better leave that in.

MR. REID: I think we should state specifically.

MR. BRYAN: Make it a crime against the person of the other spouse, or against "the child of either". Let's delete the property bit.

I don't like "b" at all. I believe the amendment which I proposed would get at the problem that the district attorneys want, which is child beating or child killing.

MR. FRY: California has gone through quite an experience in this area. Why don't we take a look at theirs?

MR. REID: I move we appoint Mr. Fry to get this for us.

MR. BRYAN: I second that motion.

MR. TORVINEN: So appointed.

AJR 10: Proposes constitutional amendment to limit right to bail.

MR. SCHOUWEILER: I have Frank Daykin's report on this.

MR. KEAN: We keep referring to narcotic drugs and I find fault with that because we do not include dangerous drugs. If I can rely on the testimony of the drug people from San Francisco, "dangerous drugs" are more important than "narcotics".

MR. TORVINEN: Some drugs are not dangerous.

MR. SWACKHAMER: Could we come up with a definition of "dangerous drugs"?

MR. FRY: If you deny bail to anyone that uses, transfers, or possesses drugs, you will have to increase the accommodations at our county jails about ten times.

MR. REID: It would not be automatic, would it?

MR. FRY: It says "shall".

MR. SCHOUWEILER: Wasn't George Franklin going to send up something on this?

MR. FRY: He would like to have legislation allowing the district attorneys to increase bail.

MR. SCHOUWEILER: It might be best to kill this and wait for his legislation.

MR. BRYAN: D.A. should at least have the opportunity to come in and address the court on it. I have seen this denied on the basis of no statutory basis for it. This, however, may not be a firm practice throughout the state.

MR. TORVINEN: If the judges are doing that, then the statute is well taken. When you lock a specific into a constitutional statute you are in trouble.

MR. KEAN: If we make a mistake it takes years to correct it.

MR. SWACKHAMER: And another thing: Conditions change. What is right for now may not be right for years from now.

MR. KEAN: I move we Indefinitely Postpone AJR 10.

MR. FRY: I second Mr. Kean's motion.

Motion carried unanimously.

SB 31: Deletes obsolete reference to chattel mortgage in provision relating to public livestock sales.

Mr. BRYAN: I move Do Pass SB 31.

MR. LOWMAN: I second.

Motion passed unanimously.

SJR 4: Proposes constitutional amendment to clarify qualifications of petitioners required to recall public officers.

MR. TORVINEN: Maybe we should have Daykin or someone come in on this.

MR. SWACKHAMER: No, it isn't that important.

MR. TORVINEN: This raises the level of endeavor of those trying to recall an official.

MR. KEAN: I move Do Pass SJR 4 of the 54th session.

MR. REID: I second Mr. Kean's motion.

Motion carried unanimously.

MR. TORVINEN: Now we can adjourn. I will try to get a list to you in the morning of the bills we will take up because the hearing should not take too long.

Meeting was adjourned at 5:00 P.M.