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Floor Debate
February 22, 2017

[LB62 LB88 LB109 LB134 LB173 LB193 LB203 LB463 LB469 LB470 LB647 LR36 LR46 LR47]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirty-third day of the One Hundred Fifth Legislature, First Session. Our chaplain for today is Senator Watermeier. Please rise.

SENATOR WATERMEIER: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Senator Watermeier. I call to order the thirty-third day of the One Hundred Fifth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

CLERK: I have a quorum present, Mr. President.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections.

PRESIDENT FOLEY: Thank you, sir. Are there any messages, reports, or announcements?

CLERK: Judiciary Committee reports LB193 and LB647 to General File with amendments, those reports signed by Senator Ebke. That's all that I have, Mr. President. (Legislative Journal pages 511-514.) [LB193 LB647]

PRESIDENT FOLEY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR36. Mr. Clerk, we'll now proceed to the first item on the agenda, General File. Mr. Clerk, you're recognized. [LR36]

CLERK: Mr. President, LB62, a bill by Speaker Scheer. (Read title.) The bill was discussed yesterday, Mr. President. Senator Scheer presented his bill. I do have an amendment pending this morning. [LB62]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 22, 2017

PRESIDENT FOLEY: Thank you, Mr. Clerk. Speaker Scheer, you opened on this bill yesterday, but if you'd like to take a moment or two to refresh us on where we left off, you may have some time. [LB62]

SPEAKER SCHEER: Thank you, Mr. President. Very simply, this bill basically would remove a 100-year-old statute that makes it illegal to wear any type of religious garb. And let's not confuse religious garb being...could I have a gavel, Mr. President? Could I have a gavel, please? [LB62]

PRESIDENT FOLEY: Come to order, please. [LB62]

SPEAKER SCHEER: Thank you. Not to be confused with just simply perhaps a sister wearing a traditional garb of a nun, but this could be literally anything. It can be as small as a cross or a Star of David on a necklace or a bracelet. It could be anything. Garb is not defined nor is it in the amendment that will be introduced this morning. I would continue to urge the adoption of LB62 without amendments. I think it's the right thing to do, and we would quit discriminating against those of any type of religious order. There has been a lot of fixation on Catholics in this discussion. This has nothing to do with Catholics. This has to do with anyone that has any type of religious belief being able to wear anything that would signify that they have any type of religious belief. That's the bottom line. We need to get past this. There were 36 states that introduced this legislation originally. Pennsylvania and Nebraska are the only two left that have this on. The sky will not fall. We will continue to provide great education in the state of Nebraska. Teachers do a professional job. The fact that they wear something or have something on them or belong to a specific religious philosophy does not make them bad teachers. It does not. Our state does not allow them to preach anything regards to religion. That has not happened. It will not happen. I urge your support of LB62. Thank you. [LB62]

PRESIDENT FOLEY: Thank you, Mr. Speaker. Senator McCollister, you're recognized. [LB62]

SENATOR MCCOLLISTER: Good morning, Mr. President, colleagues. I intend to vote for LB62, but I'd simply like to make the observation that in the early 1900s there was a movement against Catholics. I think that is very analogous to what we see right now with Muslims in our country. A lot of people are concerned about Muslims, think that all Muslims are bad. So it's very analogous to that situation and we need to move past that, need to pass this bill and move forward. Thank you, Mr. President. [LB62]

PRESIDENT FOLEY: Thank you, Senator McCollister. Mr. Clerk. [LB62]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 22, 2017

CLERK: Mr. President, first amendment this morning, Senator Chambers would move to amend with AM332. (Legislative Journal page 514.) [LB62]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on AM332. [LB62]

SENATOR CHAMBERS: Mr. President, members of the Legislature, my office is a good distance farther from the Chamber than it was. I have two clocks in my office. One of them is slow. So before you all laugh at this nearly 80-year-old man for being out of breath, when we're through, I'm going to take you to my office and we are going to race from there to here, not only see who wins but who can speak at least as well as I'm doing after that event. I was unaware that we had started. But what this amendment will do is what I had discussed yesterday. There should be one on your desks and I explained how the only way the language of the bill could be changed or amended, since all the bill consists of is a repealer clause, is to craft an amendment of the kind that you have on your desk. All that is in the green copy is stricken. The amendment you have on your desk signed by me is what the bill would become if you accept this amendment. What it says, "Strike original section 1 and insert the following new sections:". There are two statutes that are involved in the green copy of the bill. The first one is Section 79-898. The second is 79-899; 79-899 would still be completely stricken. It's the one that would impose penalties on various administrators who may not have done what Section 79-898 states. I had told you all that when it comes to the penalty section, the calling the wearing of these garbs an offense, the possibility of a fine and jail time are all very unreasonable. I pointed out and emphasized that I believe that what the bill...what the statute calls for in terms of prohibiting certain kinds of things with reference to religious garb is a sound public policy. This is what would remain of Section 79-898. "No teacher in any public school in this state shall wear, in such school or while engaged in the performance of his or her duty, any dress or garb indicating the fact that such teacher is a member or an adherent of any religious order, sect, or denomination." That's all that the law would say. I have given reasons yesterday why I think it's a sound public policy. But I want to have that amendment before you because at least one of my colleagues said that his mind is open and I have to try when that little opportunity presents itself to make the most of it. Here is what you're going to get that's coming around to you now, and I want it a matter of record. It's called "PEACE HYMN OF THE REPUBLIC" and I had written this December 18 of 2014. It was what people called the Christmas season. "TWO things never should be joined:/ RELIGION and the STATE./ Each, the other, will infuse/ With bitterness and hate./ Forever should a WALL exist/ Between these warring Forces;/ Both hold powers of their own/ Derived from different sources./ Both can be at peace if neither,/ From its mission strays./ Wisdom counsels that they go/ Forever, separate ways./ THIS solution, elegant./ Is practical and simple:/ LET THE STATE KEEP TO ITS REALM./ RELIGION, TO ITS TEMPLE./ This last cogent observation--/ (Then my work is done):/ RELIGION started countless Wars.../ But never ended one." That is a historical fact. Schools are a branch or a part of the state machinery. Public schools are part of the state function. There are compulsory attendance laws in place in Nebraska. No state function, no

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 22, 2017

official state function, no state function which children are compelled by law to be forced to attend should be fronted by somebody who is a representative of a religion. There should be no person standing in front of a classroom wearing the garb, the paraphernalia, the dress of any sect, religion, or denomination. After all, this is America. There should be no favoring of any religion. There should be no homage paid to any sect, denomination, or religion. I'm talking about the core of Americanism, the bedrock issue of Americanism, not in the negative sense of the jingoism, the white supremacy, the segregation, the discrimination which generally typify what is called Americanism. I'm talking about, to the extent that it's possible, you should extract all of these negatives to try to come up with the essence or the abstract notion that Americanism is supposed to embody. That means no child will be in a classroom where just by virtue of being there will feel out of place, will feel that what he or she has been taught at home is not appropriate and maybe having been taught that people of that religion say that you're going to go to hell. And yet, here is one of those representatives in front of the classroom teaching these children. There is no way that I can ever be totally removed from what it is that I believe, the things that I truly hold as being precious to me. They are, in a manner of speaking, bone of my bone, blood of my blood, flesh of my flesh, and I am the product of my religion, which I had at one time. But I outgrew it. But I don't discount the fact that it had some influence and impact on me. My education, my upbringing, my experiences, and all of the other interactions I may have had with people or the existential universe. [LB62]

PRESIDENT FOLEY: One minute. [LB62]

SENATOR CHAMBERS: There is no way that I could say I'm going to strip away every one of those influences and not be affected by any of them because I am the sum total plus of all of those things. Everything is more than the sum of its parts, if it's nothing more than the organizational relationship they have to each other. You can know every element and component and the amount of it that you find in a blade of grass subjected to a chemical analysis, but there is no way you could put them all together in the same proportions and produce a blade of grass that can carry out the activity of photosynthesis. So it's more than the sum total of its parts. Thank you, Mr. President. [LB62]

PRESIDENT FOLEY: Thank you, Senator Chambers. (Doctor of the day introduced.) Speaker Scheer, you're recognized. [LB62]

SPEAKER SCHEER: Thank you, Mr. President. I stand in opposition to AM332. It does exactly what Senator Chambers says it does. I have no arguments with that. But it still leaves the penalty in place for anyone wearing religious garb. I would bring to everyone's attention that this has been on the books for almost 100 years. It has never been enforced. There has never been one case of anything remotely related to this statute ever being taken up. In the 20, almost probably

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 22, 2017

30 years that I've been associated with public education, I will tell you, not knowing that the statute even existed in schools, a lot there would be teachers that would...I can't think of a time probably that I was not in the building that someone was not wearing perhaps a cross necklace or something else. This has been going on for 100 years. Teachers are professionals. They do their job. They teach their subjects. They are not there to teach religion. That's all that we're doing is removing that barrier. That common practice has taken place over the last 100 years, has not impeded education, has not promoted any one religion. Regardless if we have a fixation on the Catholic religion or any other religion, that has not taken place. I would venture to say that hardly...I can't think of anyone that I knew that was involved in education that ever heard of this. So for the last 50 or 70 or 100 years that education has been going on in Nebraska, teachers have been allowed to wear, and I would not say encouraged, have been allowed to wear, because no one knew it was illegal, some type of semblance that they perhaps were Christian or Jewish or some other religion. That doesn't mean they are teaching that religion. It is not that they are impugning that language on their students. It just simply means it was part of their attire. That didn't make them a bad teacher. It didn't make them a good teacher. They did their job. I think we should get rid of this impediment as everyone else in the world has done and move forward. Thank you, Mr. President. [LB62]

PRESIDENT FOLEY: Thank you, Speaker Scheer. Senator Chambers, you're recognized. [LB62]

SENATOR CHAMBERS: Thank you, Mr. President. I would like to ask Senator Scheer a question or two if he will respond. [LB62]

PRESIDENT FOLEY: Speaker Scheer, will you yield, please? [LB62]

SPEAKER SCHEER: Certainly. [LB62]

SENATOR CHAMBERS: Senator Scheer, I know you didn't mean to say "as everyone else in the world has done" because not every state in the United States has done what you're asking to be done. [LB62]

SPEAKER SCHEER: Fair enough. [LB62]

SENATOR CHAMBERS: Isn't that true? [LB62]

SPEAKER SCHEER: No. That would be correct. [LB62]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 22, 2017

SENATOR CHAMBERS: Okay. [LB62]

SPEAKER SCHEER: There are two, Nebraska and Pennsylvania, that still have that law on the books. You are correct. [LB62]

SENATOR CHAMBERS: All right. Excuse me. Are you aware of whether or not there are school systems which prohibit the wearing of religious dress or garb? [LB62]

SPEAKER SCHEER: I don't know every school district's dress code that would be in place. [LB62]

SENATOR CHAMBERS: As far as you know, this same prohibition could be enforced by way of the requirements in individual school districts. Isn't that true? [LB62]

SPEAKER SCHEER: It could be. I'm not aware of any that have such. [LB62]

SENATOR CHAMBERS: But the unawareness of it doesn't mean it's not true. Correct? [LB62]

SPEAKER SCHEER: I can't speak that it is true or not true, but I would assume that would be the case. [LB62]

SENATOR CHAMBERS: Do you know whether the total number of stars is odd or even? [LB62]

SPEAKER SCHEER: Stars for what, sir? [LB62]

SENATOR CHAMBERS: The stars in the firmament. Is the total number, would it come out an odd number or an even number? [LB62]

SPEAKER SCHEER: Are we talking about the flag, Senator? [LB62]

SENATOR CHAMBERS: Say it again. [LB62]

SPEAKER SCHEER: Are you discussing the flag of the United States or what are you discussing? [LB62]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 22, 2017

SENATOR CHAMBERS: No, in the sky. All the stars in the universe, if you could total them up, would the total be odd or even? [LB62]

SPEAKER SCHEER: Oh, absolutely, it's even. [LB62]

SENATOR CHAMBERS: No, that's wrong. [LB62]

SPEAKER SCHEER: Well, we would have a difference of opinion, Senator. But I truly believe every time I've tried to count them, I've always ended up on an even number. [LB62]

SENATOR CHAMBERS: Thank you. He's very clever and quick. But here is the point. On matters like that where nobody can determine with certitude or exactitude what the outcome is, one person's opinion is as good as another because it's all in the realm of speculation. But the point that I would make from that, the fact that we don't know something doesn't mean it either is or is not. This I can demonstrate very quickly that a message can be conveyed without any word being said. If a person stands in front of a classroom in a police uniform, that uniform carries and conveys a message. If it's a soldier suit, as they used to call uniforms, it conveys a message. If somebody wears a habit of a nun, it conveys a message. I don't think Senator Scheer may be aware of the term nonverbal communication. But many things are communicated without the utilization of words. And when somebody in religious garb stands in front of a classroom, that person symbolizes the authority of the education system and certainly of that particular classroom. And the one wielding that authority is a representative of the Catholic Church or the Jewish faith or the Muslim religion. And that cannot be gainsaid nor denied. If we're going to stand on this floor, some of us, and pretend that reality is not reality, there cannot be an intelligent discussion. There are certain things, they're referred to as conventions or agreements, that people have reached so that there can be communication. Nobody can prove that the world is not flat. Somebody may say, well, what about the images sent back from space? Well, those were computer generated. [LB62]

PRESIDENT FOLEY: One minute. [LB62]

SENATOR CHAMBERS: So if you just are hidebound in your refusal to accept reality, the reality that you have is an alternative reality filled with alternative facts which do not accord with the reality that other people or the scientific or scholarly have come to realize is the real thing. Everybody on this floor knows that if a nun walked in here, a message would be given about that person. And if a person with a backward collar stood up there to pray over you all, you know what kind of prayer you're going to hear, and you know it's going to end with the name of Jesus Christ. You know it. And I hope you all don't try to play all of the people watching us and

Floor Debate
February 22, 2017

certainly not me for a fool by saying as Senator Scheer that...or suggesting you've got to talk... [LB62]

PRESIDENT FOLEY: Time, Senator. [LB62]

SENATOR CHAMBERS: ...you've got to say orally something... [LB62]

PRESIDENT FOLEY: Time, Senator. [LB62]

SENATOR CHAMBERS: ...to convey a message. Thank you, Mr. President. [LB62]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Baker, you're recognized. [LB62]

SENATOR BAKER: Thank you, Lieutenant Governor. Members of the body, I've thought about this a lot. When I first saw LB62, I thought, well, this is an archaic provision, you know, probably discriminatory. Okay. So I'm thinking maybe it's not discriminatory. And so what I've come down to, I think I will support the amendment, AM332; and if that doesn't pass, I'll probably support LB62 under the thought process that maybe this is another case where the state has overreached. You know, maybe this should be a local decision. If a local school district wants to utilize dress codes for teachers, then they should be free to do so without the state telling them what to do. So I guess that's where I come down supporting AM332. I like the idea of decriminalizing the action, comes down to it. If that doesn't pass, then I will vote for LB62 just to get it off the books totally. Thank you. [LB62]

PRESIDENT FOLEY: Thank you, Senator Baker. Senator Chambers, you're recognized. This is your third opportunity. [LB62]

SENATOR CHAMBERS: Thank you, Mr. President. I don't know if people don't see the significance of an issue such as this. But I'm wondering how some of those people who've come to me on bills of theirs would feel if I would refuse to say anything about it. Only one lawyer that I'm aware of has spoken on this bill. That's not me. I'm not a lawyer. I'm trained in the law, but I don't practice law. This is not a break or make bill for me. But it's a make or break determinant for how I will speak. Now, Senator Morfeld is concerned about the LGBTQ community, as am I. And I've offered many bills and I've supported that. But I'll tell you what: If he doesn't support this, I'm not going to support his bill. You know why? Because as somebody who sees the damage of religion, this thing that Senator Scheer is trying to do to help a Catholic nun should not be foisted on the people who are not religious, but they must send their children to a public school. LGBTQ people can get a lawyer. As people will tell me, let somebody get a

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 22, 2017

lawyer and challenge it. Some of you might want to talk about human trafficking. Get a lawyer. I'm going to draw a line in the sand. If this pernicious, malicious concept is foisted on all of the people who must send their children to a public school--and that includes most of the black people for sure, many poor white people also--I don't see anything that we're going to do that's more important than this. Those children need to be shielded and protected. Let me argue with these grownup Catholics and let these grownup Muslims argue with grownup Jews. And let us all get together and fight with each other, but don't bring it into the classroom where the children are. You all are using the children as pawns. This is a religious issue and it's a Catholic issue here. I don't care how you try to slice it, it's baloney to say anything else. A nun brought it to him. If I became aware of a person wearing religious garb in a public school in Omaha, I would conduct a one-person protest outside and explain why I'm doing it. Let these people go to church. Children are not sent to public school to be indoctrinated. And you all don't think the children are important? You care about fetuses, but you don't care about children. These Catholics run around here saying no federal money to any country where they have abortions or family planning. Then you see on television all these little starving African children, and you don't see all these so-called pro-life people up there saying, we've got to do something to see that these children are fed. We've got to see that medicine is made available. [LB62]

PRESIDENT FOLEY: One minute. [LB62]

SENATOR CHAMBERS: We have to fight these diseases. No. They're hypocrites. They are liars. They are racist and everything they say they are is what they're not. So my line in the sand is after today, don't come to me with any of your bills. I will support what I think inside I ought to support. But I don't want a person on this floor who votes to subject these children to the Catholic religion...that's the only one that complained. That's what Senator Scheer, Speaker Scheer told us. This nun wants to wear a habit in a public school classroom. Do what you will and show what you are, those of you who talk about being progressive, those who talk about being conservative. The word "conservative" means you conserve the principles on which this country was founded. [LB62]

PRESIDENT FOLEY: Time, Senator. [LB62]

SENATOR CHAMBERS: Thank you, Mr. President. [LB62]

PRESIDENT FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Senator Walz, you're recognized. [LB62]

SENATOR WALZ: All right. Thank you, Mr. President. I stand in opposition of AM332. I couldn't not think about this last night. I stayed up a lot and thought about this issue. And, you

Floor Debate
February 22, 2017

know, I thought a lot about Senator Chambers and the things that I've learned from him just in the last month and a half. And a lot of the things that I've learned have to do with my faith. You know, he talks about being a hypocrite and he talks about making sure that you are always doing good things for others, that you are being faithful to your faith. And to be honest with you, it humbles me. Every day I think about the things that I need to do to be a better person because of the things I hear from him. And then I thought, what if no senator in the Legislature could wear a gray short-sleeve sweatshirt? And I thought about the things that I would miss out on, the things that he's taught me and the humbleness that I feel every day to be a better person. I also think about the four walls that we talk about and protecting and shielding our kids from people who may wear things that are different or people who may have different ethnic backgrounds or different languages. And I thought about how a lot of our kids are taught in the four walls of their home that they shouldn't talk to somebody who may be a different color or may speak a different language or may have a certain religion and how they don't have the opportunity in that home to learn the differences and to learn how to accept people or be tolerant of people or to be patient of people. So for that reason I think it's very important that we are allowed to teach our kids in a classroom environment the differences of people and to teach them how to be tolerant and give them the options and the opportunities to learn a religion or to learn just things about different cultures other than their own. So I guess that's all I have to say. I thought about it a lot last night and I'm opposed to AM332. Thank you. [LB62]

PRESIDENT FOLEY: Thank you, Senator Walz. Senator Morfeld, you're recognized. [LB62]

SENATOR MORFELD: Thank you, Mr. President. Senator Chambers calling me out, I guess, has made me push my button and respond in kind. If Senator Chambers wishes to vote against my LGBT nondiscrimination bill, LB173, because I oppose his amendment, then I suppose that's his prerogative. We all make decisions. That being said, I would hope that personal problem that he has with me or my position on the bill wouldn't impact his position on a bill that impacts thousands of Nebraskans who have been fired for simply being gay. But again, that's his prerogative. I rise in opposition to AM332 because, number one, I think that people should be free to express themselves as long as it doesn't interfere with the rights of others. And to me, this amendment taking out the criminal portion of it but leaving in the prohibition would be facially unconstitutional. Now there is two types of challenges that you can make if you believe as though a statute or a law is unconstitutional. One is a facial challenge saying on the face of this law, based on the constitution, this is unconstitutional. Now there is a pretty high bar for that because usually the court is reticent to claim something or find something that is unconstitutional simply on the face of something, which leads me to the second type of constitutional challenge, which is an as applied constitution. As applied, is this law unconstitutional? Now maybe on the face of it it's not unconstitutional. But as applied, the impact has a constitutional implication or impact on an individual or entity. I personally believe that by even striking out the portion that has a criminal penalty that this law, on the face of it, would still be unconstitutional, which is

Floor Debate
February 22, 2017

why I oppose the amendment and why I support LB62. I wasn't there for the Exec Session that day in Education Committee, but Senator Groene was right. I support the bill and I told him that I supported the bill verbally even though I wasn't able to vote for it in Exec Session. Now Senator Chambers made the comparison to this bill as compared to my LGBT nondiscrimination bill and that if I didn't support his amendment, perhaps I wouldn't be consistent with my belief in my LB173 which would make it so that you cannot be fired for being LGBT in the state of Nebraska. I think that there is a critical difference. I believe people should be able to express their opinions and hold their firmly held religious beliefs however they deem fit. That being said, I draw the line when your personal beliefs impact somebody else's beliefs and impacts somebody else's life. You can believe that being gay is a sin. That's fine. I disagree with you. But when you believe that being gay is a sin and then you take away someone's livelihood, that's when you cross the line. That's when you impact the personal dignity of someone else. And that is where constitutional rights are critical in maintaining people's dignity and making us a civilized society. So I think that there is a critical difference here because in this case, if I wear a cross to my classroom and I'm teaching math, that's not really impacting that other person, those students. Now, if I start talking about how my religion is much better than yours and you're a sinner for being some other religion, then I think you start to cross a line where you start to impact other people's personal rights and personal dignity. So I see a clear distinction here. I think that my opposition to Senator Chambers' amendment is principle. I think it's consistent with my beliefs. [LB62 LB173]

PRESIDENT FOLEY: One minute. [LB62]

SENATOR MORFELD: I think it's consistent...thank you, Mr. President. I think it's consistent with LB173 that I introduced. And again, if Senator Chambers wishes to use this against me and vote against LB173, then that's his prerogative. But I stand here today in opposition to this amendment to explain how I believe my principles and my feeling on this bill is consistent with my actions in the past on LB586 in the session past and LB173 in this session moving forward. Thank you, Mr. President. [LB62 LB173]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Hilgers, you're recognized. [LB62]

SENATOR HILGERS: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. I think this is the type of question that ought to be debated. I mean, these are issues that are subject to tremendous debate, both within legislatures and in the court system. In fact, there is a whole variety of court cases that deal with what is permitted, what line do we draw between church and state? There are those, like Senator Chambers, I believe, who believe that we ought to have a firm wall between church and state, that we ought not to pray before legislative sessions or before football games or have the Ten Commandments displayed on public

Floor Debate
February 22, 2017

property. And there are those who don't feel that way, who feel that the establishment clause in the constitution is limited only to state establishment of religion, that other things, such as the Johnson Amendment which prohibits political activity by churches, should not be there. But that's exactly I think the debate that we ought to have. It's nuance, it's important, it's principle. So I've listened very carefully to the arguments on both sides. And I've done some of my own legal research and will continue to do my own legal research. On this, as of right now, I am both in opposition to AM332 and in favor of LB62 and I'll tell you why. The questions that we typically see of hot debate are what is permitted. I mentioned some examples: whether we can pray before a public assembly, whether we can put the Ten Commandments on public property. This does not deal, in my view, explicitly with permission. What it does is it eliminates a prohibition, eliminates a criminal penalty on expressing your views. Now by removing a prohibition, you sort of imply that there is permission, but I don't think that's the case. Because if you remove this criminal penalty, which I'm very concerned with its history and its animus toward a particular religious sect, and in full disclosure, I am Catholic, but I think this universally applies. By removing that prohibition, we don't then just say anyone anywhere can then wear whatever they want. That's not what we would do with LB62. We would then allow school boards and individual schools to make their own decisions on what's appropriate. And Senator Chambers, I think, makes good points about the impressionability of children and what their teachers express. And if a school board says that we don't want anyone to make any sort of expression--political, religious or the like--but it's generally applied and it doesn't single out religion, well, you know what? Frankly, that's something I probably would be in support of. I don't think that that ought to be the place for that kind of expression. But when you single out religion and you say you can't have it, I do have significant issues. So LB62, I think it's important to keep in mind what it does and what it doesn't do. The current statute penalizes certain religious expression. This would take away the penalty and the explicit prohibition. It would still give local authorities the ability to make general...apply general standards as to their expression. As long as it doesn't single out, I don't think there is any issue with schools doing that. So I think it's an important debate though. I think everyone is...I think there has been a lot of thoughtful comments. I think these are the types of things that ought to be debated on the floor of the Legislature thoughtfully. And so I appreciate the debate so far. Thank you, Mr. President. [LB62]

PRESIDENT FOLEY: Thank you, Senator Hilgers. Senator Briese, you're recognized. [LB62]

SENATOR BRIESE: Thank you, Mr. President, and good morning, colleagues. I rise today in opposition to Senator Chambers' amendment to LB62. As Senator Chambers stated yesterday, unless parents have the resources, the opportunity, and the inclination to send their kids elsewhere, we compel our -children to attend public school, schools where there is no school prayer, where religion is not taught, and where, under the statute in question, teachers are not allowed to wear anything of religious significance. Senator Schumacher, would you yield to a question? [LB62]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 22, 2017

PRESIDENT FOLEY: Senator Schumacher, would you yield, please? [LB62]

SENATOR SCHUMACHER: Yes, I will. [LB62]

SENATOR BRIESE: In your opinion, is any constitutional right absolute? [LB62]

SENATOR SCHUMACHER: No. Most of them, you can't yell "fire" in a crowded theater. [LB62]

SENATOR BRIESE: True. Thank you very much. The point is there is no constitutional right that is absolute, including the separation of church and state. And I believe that is a fallacy of Senator Chambers' position here. Constitutional analysis requires a balancing approach, weighing the interest of all parties involved. Here a balancing approach would suggest that we protect the First Amendment rights of our teachers by allowing them to wear the items in question in an appropriate way. This does not significantly undermine the separation of church and state. I urge you to oppose the amendment and let's get this bill passed. Thank you. [LB62]

PRESIDENT FOLEY: Thank you, Senator Briese. Senator Chambers, you're recognized to close on AM332. [LB62]

SENATOR CHAMBERS: I'm going to find a way to discuss this bill. Everybody who spoke waited until I had spoken all the times I could. That's the way things are done here. But I'm going to offer more motions. I'm going to offer amendments. And he can invoke cloture if he wants to. I didn't tell Senator Morfeld I'd vote against his bill. I said I wouldn't support it and I won't. What I am, I am. We are in a political setting and I don't believe what Senator Briese did was the clincher. Senator Briese, I'd like to ask you a question since you think no constitutional rights are absolute. [LB62]

PRESIDENT FOLEY: Senator Briese, would you yield? [LB62]

SENATOR BRIESE: Sure. [LB62]

SENATOR CHAMBERS: Do you think the right to not be deprived of your life without due process of law is an absolute? Does the state have the right to deprive you of your life without due process of law? [LB62]

Floor Debate
February 22, 2017

SENATOR BRIESE: I may stand corrected on that. That would have to be an absolute right. [LB62]

SENATOR CHAMBERS: Thank you. And I could correct you on other things, too, but my job is not to embarrass you. It's to show that you all stand up here and you ask questions, you say things, you don't even know what you're talking about because you don't care. I care about the children. Your Jesus, you don't care about. You know what your Jesus told you? He said if you offend against one of these, my little ones, not your mama, not your daddy, not the Holy Ghost, not Jesus' daddy, these, my little ones, it's better that a millstone be hanged about your neck and you be drowned in the depths of the sea. It did say when two people get married they become one flesh and for this purpose should a man leave his father and mother. That's not the same as saying a millstone hanged about your neck and you be drowned in the depth of the sea. Those are the things that are qualified. There are other provisions in the constitution that are absolute. And when we say absolute, that does not mean there are not people who will violate those things. But they're declarations which allow for no exception. But that's not the point as far as I'm concerned. You cannot, in my opinion, talk about a nun's freedom of speech being involved in her wearing a habit in front of the classroom. I'm the one who brought the lawsuit against having a chaplain and paying a chaplain. And a split decision by the Supreme Court under Burger reversed the decision made by the federal district court, the Eighth Circuit Court of Appeals. And the U.S. Supreme Court talked about the difference between things prohibited in a school setting and in a legislative assembly. In a legislative assembly, you're dealing with adults. Their presence there is voluntary. In schools, you're dealing with children. Their presence is not voluntary. See, if you all don't know what the law is and you don't care about the constitution, I'm wasting my breath trying to persuade you all of something. And I did say that those things that mean something to me I will support. But I don't want anybody to come to me... [LB62]

PRESIDENT FOLEY: One minute. [LB62]

SENATOR CHAMBERS: ...and ask me support this bill or that bill. You don't need my vote. If I can't get you to vote for the welfare of these children and you don't see it as an assault on children. But I do. I haven't forgot what it meant to be a child and to be in a hostile school environment and have the teacher read Little Black Sambo and the white people thought it was all right and the Lincoln Public Schools thought it was all right until I wrote a parody of it called "Little Cracker Peckerwood" and said I'm going to distribute it to all the families who are black in the Lincoln Public Schools. Then suddenly they decided that's not appropriate for any school child and they got Little Black Sambo out of the schools. That's what I have to do to white people. You all don't understand and you don't care unless I can make you feel the pain. And I can't make you feel the pain on this because you don't care about children. You care about a religion. Mr. President, how much time do I have? [LB62]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 22, 2017

PRESIDENT FOLEY: About three seconds. [LB62]

SENATOR CHAMBERS: I'll ask for a call of the house and a roll call vote. [LB62]

PRESIDENT FOLEY: Thank you, Senator Chambers. There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB62]

CLERK: 26 ayes, 5 nays to place the house under call. [LB62]

PRESIDENT FOLEY: The house is under call. Senators, please record your presence. Those unexcused senators outside of the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Watermeier and McCollister, please return to the floor and check in. The house is under call. Senator McCollister, please return to the Chamber. All senators are present. There has been a request for a roll call vote. The question before the body is the adoption of AM332. Mr. Clerk, please call the roll. [LB62]

CLERK: (Roll call vote taken, Legislative Journal page 515.) 4 ayes, 32 nays, Mr. President, on the amendment. [LB62]

PRESIDENT FOLEY: Thank you, Mr. Clerk. I raise the call. Mr. Clerk. [LB62]

CLERK: Mr. President, if I might, a few items before we proceed. [LB62]

PRESIDENT FOLEY: Yes, please proceed. [LB62]

CLERK: Senator Brasch an amendment to LB134. General Affairs Committee reports LB470 to General File. And a series of hearing notices from the Government, Military and Veterans Affairs Committee. (Legislative Journal pages 515-517.) [LB134 LB470]

Mr. President, Senator Chambers would move to reconsider the vote just taken on AM332. [LB62]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your reconsideration motion. [LB62]

Floor Debate
February 22, 2017

SENATOR CHAMBERS: Thank you, Mr. President. And Senator Scheer may as well get ready to invoke cloture because I'm going to talk on this, this morning. I cannot say that I'm surprised at what is happening, but I will say I'm genuinely disappointed. I thought there was better stuff in this Legislature. This that I'm asking you to do is not a vote against religion. It's a vote for all of them to be on the same footing, for all of them to be treated the same way. This provision of mine is not unconstitutional. There are statements of policy in the statutes and they don't all carry a punishment or a penalty. But I guess when some people feel in a bind they'll say anything. If this is so unconstitutional, let the Catholics get their lawyer or that Thomas More group to file a lawsuit against it, but they know it's not something that the state cannot prohibit. I'm going to keep handing out material to you all and you can throw it away if you want to, but some of you are going to read it. And you're going to see the work that I put into doing things to try to vindicate you-all's laws. I'll support what I want to on this floor, and I won't support what I don't want to on this floor. And I don't have to tell you why I will or won't. In the past, I have. You can just wait and see. I was prepared to sacrifice this whole session to get rid of Kintner. And I acted on it, not you all. You sat there and you watched me, you listened to me, and you hoped I could bring about a result that you were not willing to participate in bringing about. And I stuck by what I said I would do. You all don't have it in you. Who can bring a clean thing out of an unclean thing? The "Bible" says, no, not one. Am I saying you're unclean if you don't vote for this amendment? Not at all. I say that you're blind, you're morally tone deaf, and you don't care about children. The things that children are subjected to that we go along with their being subjected to is making us complicit in what they are subjected to. I'm going to tell you all a little bit more about what happened in the Lincoln Public Schools. Ms. Grandberry, who works with me, had a young son who was going to school, and that atrocious thing was read. So I contacted the superintendent, and the superintendent wanted to have a meeting and asked would I come. I said, sure, I'll come. So there was a long, oblong table and all these white people were sitting around and one or two black people. Ms. Grandberry was there, I was there. And I said, let me tell you all something. I've gone through this with the white people who run the Omaha Public Schools, and they always want to call it a delightful little children's story because it's a black child being humiliated and ridiculed. So I'm not going to go through that. It would be pointless. If the table that we're sitting around were set on my foot and I cried out, you would say, I don't know what you're hollering about. I don't feel anything. I said, that's the way you white people all...and I kept saying "you white people." It's not on your foot, you don't feel it. I said so what I'm going to do, and I touched on it, I said I've got a parody--"Little Cracker Peckerwood," "Old Pappy Honky," and I won't tell you what the name of the mama was. And I said, in this school there's going to be dignity for everybody or dignity for nobody, as far as the children. And when this is circulated, this parody, and the little white boy goes home and they say...and the parents say, what did you learn in school today, Johnny? He said, Mama, I learned that I'm a "little peckerwood." You learned what? That I'm a "little peckerwood." Who told you that? Well, there's a book that they're handing around and that's what it said that I am. And all of a sudden the black people were trying to stifle chuckles and the white people's faces turned red, then

Floor Debate
February 22, 2017

white. And by the time I finished, I said, I'm going to have enough of these printed up to give to every black family, and they can read it to their children at home so that when they go to school and they're Little Black Sambo, then they can respond, well, you're a "little peckerwood." And that's what you all like. That's the only thing that can make you understand it when your child is humiliated like mine. That's what makes you understand. You don't care about my child, because my child is not a human being. And I'm extremely sensitive to the things that happen to little children. And you know what those white people determined? And I have the letter to prove it. Thank you, Senator Chambers, for coming and we having this agreement. And we've thought about it and talked about it, and Little Black Sambo is not an appropriate piece of literature to be in the schools or in the libraries. Because I asked them, what are you trying to teach when you give that to the black child in front of all these little white kids? What are you trying to teach? My children were allowed by me to fight if some white child insulted them, and I said, you can teach that little white kid with your knuckles what their momma can't teach them or won't teach them, what their daddy won't teach them, what their religion won't teach them. But you teach them that if they say it to you, then that's what the penalty is going to be. They'll understand that. That's what it means to be a black child in a white school. You all think this is only about religion? To me it's about the circumstances under which a child must sit up in a classroom. You don't know what that child has gone through or his family has gone through or her family has gone through at the hands of people dressed in this kind of religious garb. In the community where I lived when I was growing up, they had a black Catholic church called St. Benedict, a little bitty cubbyhole building. And they had a great big cathedral like about a mile away, a Catholic church on 22nd or 23rd and Binney. And there was a white Catholic school across the street from it which black children could not attend, but there were black Catholics so they had a few little classes down in the church, St. Benedict, where little black children could go to school if their parents wanted them to have what was called a Catholic education, because they couldn't go to the white Catholic school in their community. And across from that school was a Catholic high school which only white kids could go to attend. And those little white kids, I don't know what they taught them in school, but they had some bad things that they said to black children. And they said it to one black kid, and he was the wrong one, because he chased that white boy, his name was Bill Heasting (phonetic), chased him in that big old Catholic church, caught him upstairs and beat the slop out of him in church. That's what you all want. That's what you adults create by the things you do, and it behooves me as a black man to do what I can to not let it happen, or if it happens, try to bring an end to it. And for my friend Senator Brewer, I don't know when his children went to school, but I had to stop them from singing where my child went to school, "One little, two little, three little Indians; four little, five little, six little Indians." It wasn't funny to us, because if my children are going to the school where they're going to ridicule Indians, then the next thing is for my child to be a little "n." And I didn't laugh when anybody's child was offended and made fun of. [LB62]

PRESIDENT FOLEY: One minute. [LB62]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 22, 2017

SENATOR CHAMBERS: But you all don't care. You sit here in your pompous hypocrisy and have some preacher up here, a lot of times a Catholic. They can keep you out of their schools as a teacher. They discriminate against LGBTQ people. And they want the law to always create an exception for them so they can discriminate on the basis of their religion. That's what their religion is about, discrimination, and the rest of you won't say it, but I shall. You can't make me shut up. I don't care how upset you get or how offended you get. When it comes to the children, you got a fight on your hands when it comes to me, and I'm not going to give it up. And in the same way I talked about Kintner every time a bill came up, I might do that every time a bill comes up here, and you can invoke cloture. I don't care. And these other people, these Democrats, they're worried they're going to say, oh, if he keeps doing that, they're going to say we'll do something about the cloture rule. Well, if they can't shut me up, why do you think they'll shut you all up? Because you don't have what it takes to stand up to them and say... [LB62]

PRESIDENT FOLEY: Time, Senator. [LB62]

SENATOR CHAMBERS: ...try as you will, I'll find a way. [LB62]

PRESIDENT FOLEY: Time, Senator. [LB62]

SENATOR CHAMBERS: Thank you, Mr. President. [LB62]

PRESIDENT FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Continuing debate, Senator Morfeld, you're recognized. [LB62]

SENATOR MORFELD: Thank you, Mr. President. This is likely the last time that I'll stand up and talk on this issue. And I certainly respect Senator Chambers' right and ability to discuss this at length. That being said, I don't pretend to be an expert in constitutional law. I did study constitutional law. That was my emphasis in law school. But that being said, you know, I do believe as though I'm a student of the law; and all of us are students of the law, particularly as legislators here in this Chamber, in this body. I have looked at the constitution. I do understand constitutional challenges. And while Senator Chambers and I may very well disagree on this, and I think reasonable people can disagree on the constitutionality of this amendment on its face, I still come to the conclusion that I have constitutional concerns with it. And for me, it's not about who...to be honest with you, I was in the Education Committee, and I don't remember Senator Scheer saying the Catholic folks brought this to him. He probably did. I can look back in the transcript. I take Senator Chambers' word for it, and I'll talk to Senator Scheer about it. But quite frankly, I don't care who brought it to Senator Scheer. I care about making sure that we have laws that are on the face of it constitutional, laws that respect individual rights and balance it with other individuals' rights as well. And this doesn't concern me whether or not a Catholic

Floor Debate
February 22, 2017

brought the bill to Senator Scheer, a Muslim brought the bill to Senator Scheer, or anybody of any other religious denomination or background. What concerns me is on the face of this law is it constitutional, does it respect the individual rights of others while maintaining the individual rights of others on the other end of the classroom? And I believe that LB62, by striking out this language in this law, does. The other thing that concerns me is, in my district, I have schools where about 20 or 30 percent of the children do wear hijabs. And this will essentially make it so--this law and our current law, quite frankly, makes it--excuse me, this law in the sense of Senator Chambers' amendment and our current law, not LB62, makes it essentially so a Muslim woman would not be able to be a teacher without going against her own religion and sincerely held religious beliefs. And what kind of message does that send to the little Muslim girls that attend the school and wear that based on their sincerely held beliefs? Now I respect that Senator Chambers is looking after children, and I believe that he is sincere when he says that. But he doesn't have a monopoly on caring about children. I care about children too. I care about the dignity of children. I care about them being able to be brought up in a school environment that is respectful of their religious beliefs or lack thereof. And I don't believe that by striking this language by virtue of LB62 that we are violating those religious beliefs or the dignity of those children. I believe that AM332, by removing the criminal component, is good in that sense; but I don't think it goes far enough. And I think LB62 goes far enough. I think LB62 strikes a law from the books that, number one, hasn't been used for a long time for legitimate constitutional reasons; and it allows people to express themselves how they see fit, without imposing their religion or other religious beliefs on our children. Now if a teacher starts trying to impose their religious beliefs on children in a public setting, then there's ways that that can be dealt with. But that law doesn't...that's not what this law is about. That's not what LB62 is about. And, quite frankly, given a lot of the distrust that we have in our society in our schools right now, I would like to see more diversity in our schools of religion and more displays of that. [LB62]

PRESIDENT FOLEY: One minute. [LB62]

SENATOR MORFELD: As long again...again, as long as it does not...is not imposed on the children or interfere with the instruction of secular teaching in the public schools. But I think that it shows that we embrace diversity. I think it exposes kids to experiences and religions and cultures that they otherwise wouldn't be exposed to, and it will make them ask questions on their own time or maybe in between classes with that teacher or that instructor. And that's the student's choice to ask those questions, to be curious, to understand that there is different cultures and religions out there. I respect where Senator Chambers is coming from. I respectfully disagree with his approach, and that's why I oppose the amendment. And it's principled and I believe it's consistent with my values and the values that I have fought for on this floor. Thank you, Mr. President. [LB62]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 22, 2017

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Pansing Brooks, you're recognized. [LB62]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. Yesterday when this discussion started, I remember that Senator Chambers said this was going to be a difficult discussion, and it is a difficult discussion. I don't feel that my position on this bill reflects cowardice on my part. It is a difficult discussion about speech versus religion, all constitutional rights, and what schools can do in setting rules. And, you know, how we dress, how I dress tells you something about me. I like sparkly things. So, you know, and Senator Chambers likes to wear his sweatshirt. And that tells you about nonconformity in him. And those are efforts to use dress as speech possibly. It could be seen as speech. I don't really get up and mean to dress and say something about who I am, but I think that everybody, when they see somebody in a suit, thinks one thing about that person. So there's no question that we use dress at times as a form of speech, especially when it has T-shirts that say certain things. Then there's the question of whether or not, you know, how far that speech goes: wearing a cross versus yesterday we heard somebody say all the way to "dump Trump." The schools can regulate what kind of speech is allowed in a school. And so I fall back on what I think is a broad perspective about protecting women and protecting women's rights to teach, to be able to work in a profession. And if we are eliminating one whole realm of people from the teaching profession, and that includes some people of the Catholic faith, most women in the Muslim faith, then we're...I think we're hindering our children from understanding something in a broader perspective about our community, about our country, and about our world. So I'm sorry if Senator Chambers, whom I do admire his mind, but again, yesterday he stood up and said this is a difficult issue. And people can fall on both sides of an issue. The Tinker case, the U.S. Supreme Court case, said that...basically it was a case about kids wearing armbands in school protesting the Vietnam War, and Tinker said that basically, unless there's a legitimate concern or it's disruptive to the learning environment, children can wear speech. Now the question is how far do you go on adults as well? I don't think any school would think that it was appropriate to take speech to the extent that some may have discussed yesterday. And I think that schools are able to create rules that protect the environment and that also...that also protect speech but also protect somebody's ability to have some subtle form of religious garb. And I especially think of our Muslim sisters who, due to culture or due to religion, are pretty much required to wear the hijab. And so I feel like they have every right to be a member of our public schools as well to be able to teach. [LB62]

PRESIDENT FOLEY: One minute. [LB62]

SENATOR PANSING BROOKS: And the same with a woman who might feel it necessary to wear the habit. So if that goes beyond that wearing of clothing, just like whether you're wearing the clothing or not, if a teacher talks incessantly or pitches a certain religion, that would not be acceptable in a public school. And I would draw the line definitely there when it comes to

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 22, 2017

speech. But I think the fact that we're basically by this rule saying that a Muslim woman cannot teach, that's a line that I cannot pass. I feel it's discriminatory, in my world. So I understand both sides of these issues. I appreciate the fact that we do have to guard against religious totalitarianism and having... [LB62]

PRESIDENT FOLEY: Time, Senator. [LB62]

SENATOR PANSING BROOKS: Thank you. [LB62]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Baker, you're recognized. [LB62]

SENATOR BAKER: Thank you, Mr. Lieutenant Governor, members of the body. You know, certainly among the reasons that I ran for a seat in this nonpartisan Unicameral is my passion for public education. I want to protect public schools from the Legislature adding unneeded, intrusive legislation. The 3rd Caucus chose to remove me from the Education Committee. That's okay. That's the system. I understand the system. It doesn't mean my passion for public schools has gone away. The way it looks to me, we're headed toward passage of LB62. And if that happens, that just means there's no state law banning the wear of religious garb. In light of what I just said earlier, that may be a good thing. But it also does not mean that teachers in public schools have an absolutely right to do so. I just wanted to put that on the record. I defend public school officials' right to make professional judgments as to whether or not wearing religious garb constitutes potential for disrupting the instructional process through symbolic speech. Some school districts do have dress codes for staff. There's things that are banned: slogan T-shirts that feature alcohol, tobacco, or drugs, or bears profanity; or revealing attire; or inflammatory political rhetoric; or proselytizing religious statements. It's probably situational whether or not a local school district would decide that wearing religious garb would be disruptive to the educational process. My little grandkids attend a public school in Minnesota that is close to the east bank of the University of Minnesota. It's very multicultural, be much more likely that that would be...disrupt the educational process in that setting versus some of the others. I do defend, though, the public schools officials' right to have dress codes and make decisions as to whether or not religious garb would be something that would be disruptive to the educational process in their particular situation. Thank you. [LB62]

PRESIDENT FOLEY: Thank you, Senator Baker. Senator Wishart, you're recognized. [LB62]

SENATOR WISHART: Thank you, Mr. President. Right now I am leaning in opposition to Senator Chambers' motion to reconsider his amendment and in support of LB62. But I have been listening really closely today, because this is a complicated issue. So far Senator Walz and

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 22, 2017

Senator Pansing Brooks, I find what they've said to be the most compelling. Personally, I think that kids should experience diversity. I think they grow from that. But I do want to follow up a little bit more on the discussion about the constitutionality of this issue. "Professor" Schumacher, would you yield to a question? [LB62]

PRESIDENT FOLEY: Senator Schumacher, would you yield, please? [LB62]

SENATOR SCHUMACHER: Yes, I will. [LB62]

SENATOR WISHART: So I haven't heard you weigh in yet, I don't think, about the constitutionality of the statute as it currently reads. Can you talk a little bit about that? [LB62]

SENATOR SCHUMACHER: First of all, I'm not Barack Obama, so I won't purport to be a constitutional expert, but I will guess along with the rest of you. As far as the constitutionality of this particular thing, you know, it's a balancing act. You have the right to express yourself and actually to practice your religion. You also, as a child, have the right, or as a parent of a child, not to have someone else's religion imposed upon you. And so that's the balancing act that we're dealing with here. If a surgeon wanted to show up to do surgery all dressed up as a bishop, would it be okay? The role of the teacher in a public school is to not indoctrinate with a particular religious spin, and the constitutional right of the student and perhaps the parent of the student is to not have the public schools, which they are mandated to attend unless they pay or get into a parochial school, to have...to not have that spin put on their child. And it isn't just spin in words; it can be spin in example. Why would it be so important to the example we have before us today for a nun to come all dressed up as a nun unless it were to bear witness and to teach and to maybe, just like somebody might come dressed up as a cowboy, to little boys want to go be cowboys, little girls might want to go be nuns. So, I mean, that's the balancing act I think we're trying to deal with here, and it's a constitutional balancing act. It may be that the rule that you just don't introduce that into a school setting is a really good rule. And if you want to practice your religion, you practice your religion outside of the school. Because in the school, that teacher is the surgeon. And there's a reason why we don't allow somebody in bishop's garb to do surgery. At the same time, there may be a reason why we don't allow someone in bishop's or in convent garb to teach kids in a public setting. And so we're, you know, the individual expression of the expresser versus the right to have a education without a spin on it. And we're just not talking, you know, the Christian spin, but there's all kinds of religions and philosophies... [LB62]

PRESIDENT FOLEY: One minute. [LB62]

SENATOR SCHUMACHER: ...that are covered under freedom of religion. [LB62]

Floor Debate
February 22, 2017

SENATOR WISHART: Okay. Thank you. [LB62]

PRESIDENT FOLEY: Thank you, Senators Wishart and Schumacher. Senator Krist, you're recognized. [LB62]

SENATOR KRIST: Thank you, Mr. President. Good morning, Nebraska. Good morning, colleagues. I wasn't going to speak on this issue this morning, but Senator Chambers has made it infinitely clear that he's going to take this the distance, and I respect his reasoning and his rationale. But I'm going to ask Senator Chambers to listen to my comments, because I think I now have to set the record straight on a few things. Starting in the fall of 2015, I became involved with the Kintner affair, and I couldn't say anything for a while because the investigation was going on. And I was told it would be in the best interests of the investigation that I not divulge any information that I knew. The only thing I did do was let the Governor's Office know that the State Patrol was doing what it was doing because it involved two people: one employee of the executive branch and one employee or one state senator. When it became time and the notice came out and I realized what J.L. Spray and what Senator Kintner were doing was keeping this information from being released by NADC until after we were out of session in 2016, I became enraged because they were allowing time to go by thinking that things were just going to blow by. I arranged for four Executive--when I was the Chair of the Executive Board--four Executive Committee hearings that all included, not total exclusively, but all included substantial amounts of time when we talked about the Kintner affair. I got no support from Senator Murante; no support from Senator Hughes; no support from Senator Larson, no support from almost everybody on the committee except for Senator Hadley, Senator Campbell, and Senator Chambers. So when you throw people under the bus, Senator Chambers, on that particular issue, I'd appreciate getting a seat in the back of the bus at least, because I was fighting this battle at least as long, if not longer, than you, sir. But I do appreciate your efforts in that area. I also am the one that stuck the LR up there which set a line in the sand between us continuing on talking about Senator Kintner and his bad behavior, which, by the way, was continuous bad behavior even when we came back here in the session, and we all know those details, but something needed to be done. Now I am also a practicing Roman Catholic and not very proud of the crusades and not very proud of a few things that have happened in history. And I do understand the history of my religion, and I do understand where I am in history today. I also understand that I have been in an OPS classroom where a person of Somalian descent and Pakistani descent are wearing garb that does not look anything like what you and I would dress like or our cousins, at least mine--let me not put that off on the rest of you. So for them to be discriminated against for wearing the garb of their...not just their country but also their religious beliefs and not being able to instruct or at least at this point participate in the instruction of our kids in OPS, would be wrong. I think the compromise at this point is to say that archaic statute that somehow in our bigotry and our hatred of our history that goes back into the early 1900s

Floor Debate
February 22, 2017

needs to be removed from our statutes. Whether there's anything that needs to go in substitute for that, I would argue maybe not. [LB62]

PRESIDENT FOLEY: One minute. [LB62]

SENATOR KRIST: And I would also argue--thank you, Mr. President, for the time--I would also say that what potentially might be a constitutional issue is a matter of negotiation. So I'm here to tell you that if we can get by this by simply adjusting our mentality in terms of affording what I think is the right of every person to stand up and help teach our kids, I'm all for that. But continuing to throw stones at one religion or one way of doing business or one ethnic origin or going forward is only going to rake up what we've already gone through and the things that I am not extremely proud of in terms of my history. But it's not me. It's not me today. Thank you, Mr. President. [LB62]

PRESIDENT FOLEY: Thank you, Senator Krist. (Visitors introduced.) Continuing debate on the motion to reconsider, Senator Chambers, you're recognized. [LB62]

SENATOR CHAMBERS: Thank you, Mr. President. Senator Krist is correct. And, Senator Krist, when I was in a less contentious set of circumstances and I talk about Kintner, I mentioned "with the exception of Senator Krist." I acknowledged that and I acknowledge it now, and I always will. But I was talking about the generality of our colleagues. They wouldn't say anything. They'd say things off the floor and behind my back about how they wish I would stop talking about it. So I was referring to what was going on after the session started and I continuously dealt with it, and I should have made that clear. But on this issue, I say no religious garb in the classroom. I don't care who wears it. I mentioned Muslims. I have friends who are Muslims. I go eat in a restaurant every Saturday, and there are Africans, Muslims, the women wearing the hijab, the men are dressed in regular clothes. And then they spoke...they spoke to me; they said they appreciate what I'm doing, in English because I'm monolingual, unless I want to just throw a few words out there in another language, then they went back to their discussion. Everybody knows who is aware of me and my views how I feel about religion. I've seen religion wrong people. And for Senator Morfeld's information, when I was on the floor, as I always am, and he was off the floor, as he sometimes is, Senator Scheer said a nun brought it to him. So you don't have to take my word for it. I heard Senator Scheer say it because I was at my post listening what everybody said. And even when they're around the floor in their private conversations, I even hear some of that. So I'm well aware of what goes on, on this floor, off this floor, and the attitude toward me. The way I dress has nothing to do with nonconformism. I am not a person who believes that badges and titles mean anything. Even after I got my law degree, I was barbering. I dressed this way in the barbershop. And if the way I dressed was good enough for the people who gave me my living, it's good enough for anybody. And if they don't like it, they

Floor Debate
February 22, 2017

don't have to look at me. I don't dress this way to upset anybody. I don't care what other people think. If I cared about what they thought, there are a lot of things I would do differently. But when I look at the kind of people who are doing the thinking and the judging, I would be a fool to modify my conduct in any way based on what happens here. See, I see you all on other issues. You think that I compartmentalize, and because you say this today and then something else tomorrow that I don't put the two together and see the contradiction. That's why I know what to expect from you all. I could probably take a piece of paper, and depending on the seriousness of the issue, tell how you're all going to vote. Somebody wrote a letter against Senator Geist in the paper saying they wished she'd vote the way they think she should. They write not only about you all in the letters to the editor, they write me letters about you all--how they've called offices and they don't get a response or they talk to an employee and they can't talk to the senator. Or sometimes they talk to the senator and they get insulted. And if they leave a phone number, I say, why do you call me? They say, well, I see what you do and I see what you say, and you're more for the people than any of the rest of them. And if you all want to see that, you can see it, but I won't let you see the signature; because some people are so vindictive and cowardly and vengeful they would try to hurt the person who wrote such a letter as that. I'm like a father confessor. I was like a father confessor even at Creighton. There were priests, at least two of them, who came to me because they knew I didn't care about any religion. And I had a conversation in the stacks with one of them. [LB62]

PRESIDENT FOLEY: One minute. [LB62]

SENATOR CHAMBERS: The other one the conversation wasn't as long. He said that there are lot of times he wishes he could get married and have children. I said why don't you? He said, well, I have been a priest so long I wouldn't even know how to talk to a woman and I've made my vows and I couldn't give it up. I say, that's where you're not the man that I am. You ought to do what your mind tells is what you ought to do. Why would he tell me? Because he knew that I'm not going to run and spread it all over the campus. They saw me as a man different from their own fellow priests. And people who know me know what I am. And if my being for my amendment and keeping this religious garb and attire or dress out of the classroom makes me something, I'm exactly what it makes me. No apology, no regret. And I'm going to keep talking until you all invoke cloture, and then we'll see what happens on other bills. [LB62]

PRESIDENT FOLEY: Time, Senator. [LB62]

SENATOR CHAMBERS: Thank you. [LB62]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Wayne, you're recognized.
[LB62]

Floor Debate
February 22, 2017

SENATOR WAYNE: Thank you, Lieutenant Governor. My name is Justin Wayne. Yes, I am an attorney. And so for the last hour, I was doing legal research on this issue to make sure that I understood what was going on. We have the establishment clause Senator Hilgers talked about. There's a Lemon test, coercion test, endorsement test. There's also the freedom of exercise clause in the First Amendment. But what really the case law says is that it's not unconstitutional if Chambers' amendment passes and if we leave things on the books the way they are it's not unconstitutional. It's mixed review everywhere and the United States Supreme Court has not taken up this issue. There has to be a compelling interest. And the compelling interest is we don't want children to be coerced in any type of religion from a teacher. That's totally different and totally factual different than students. And that's why it's always been distinguished in the case law between students' freedom of expression versus teachers' and administrators' freedom of expression. But what most states...state laws and federal law, at least the courts that I've been able to find, have said that really most states and federal courts have upheld policy that prohibits wearing of religious freedoms, and the reason is simple. The state cannot be in the business of endorsing one religion over the other. So you either have to have a complete ban or you have to let everything in. And "religious" can be defined by what somebody believes. So Nebraska has taken the approach, and I understand the history and it's not always best, but I can look at the constitution and say the history isn't always best, but we still hold all those things together. So my point is, we either have to treat all of them the same, which means everybody, including the Ku Klux Klan, who we sometimes view as a religion, they should be able to wear their hats, to a cross. And so what Nebraska has consistently held and what Pennsylvania has consistently held in the legislative body is we don't want to get in the business of allowing everything, we want kids to go to school and learn. And that's why they kept their complete ban which has been upheld in most courts. Not saying it's always going to be that way, because as Senator Krist has said, times have changed. Students are from different backgrounds coming in, seeing different things. But I don't know if we need to necessarily change the law. So I will continue to support the Chambers' amendment. I won't speak on this issue again regarding this topic, but there was a lot of talk about case law and about whether something is unconstitutional. I only did an hour worth of research over there underneath the balcony, but that's what I came up with looking at the 174 cases that I skimmed through. And the tests are all the same. The Supreme Court has (inaudible) down. But it's clear, either we have to treat everybody the same, to allow all religions whether we like them or not, or we have a complete ban on all of them, because we are treating them all the same. And I think from the state's perspective, since public education is in our state constitution, we make that decision and it's a difference of philosophy. And it's a philosophy that's going to show out on the board when we make our vote. But I just wanted to make for the record that's what I've been able to find as a practicing attorney who has studied the law quite a bit, particularly in some of these areas. Thank you. [LB62]

PRESIDENT FOLEY: Thank you, Senator Wayne. Senator Groene, you're recognized. [LB62]

Floor Debate
February 22, 2017

SENATOR GROENE: Thank you, Mr. President. What we are doing here is removing an antiquated law that has a "shall" in it: Any teacher in any public school in the state who wears, in such school while engaged in the performance of his or her duty, any dress or garb indicating the fact that such teacher is a member or an adherent of any religion, sect, or denomination shall be deemed guilty of a misdemeanor. We are removing an antiquated law. We're not talking about dress codes. I assume a local school district could put this in their dress code. Why not? They could say you cannot wear religious garb at OPS school district. They could do it. They're an elected body, just a lower version. I always get...I did have a good civics instructor as a kid, and I never learned anything about separation of church and state. What I did learn is Congress shall make no law respecting an establishment of religion. A lot of people like to stop there. The next phrase says "or prohibit the free exercise thereof." That's for every individual, every individual American can exercise their religion. I don't know why you couldn't do that wearing the garb you want. If they can't wear it in the schools, what about the courthouse if you're employed there? What about in this body right here? A page? Would we reject a young person, a page, who had a burqa? What's the difference? It's a government institution. What about a hamika, a hat? Would we not allow a young person to be a page because of that? It's a government body. There's no difference between a school and this body. Government is government. As far as Senator Wayne, that's fine on a national level, but we also have state constitutions, and I'm going to read what our state constitution says about religious freedom: All persons have a natural and indefensible (sic--indefeasible) right to worship Almighty God according to the dictates of their own consciences. No person shall be compelled to attend, erect, or support any place of worship against his consent, and no preference shall be given by law to any religious society, nor shall any interference with the rights of conscience be permitted. The rights of conscience. No religious test shall be required as a qualification for office, nor shall any person be incompetent to be a witness on account of a religious belief; but nothing herein shall be construed (sic--construed) to dispense with oaths or affirmations. Religion, morality, and knowledge, however, being essential to good government, it shall be the duty of the Legislature to pass suitable laws to protect every religion's (sic--religious) denomination in the peaceable enjoyment of its own mode of public worship and to encourage schools and the means of instruction. How do you encourage schools if you say somebody can't teach? Somebody skilled with the gift of teaching, you cannot teach? How do you encourage schools in the means of instruction because they want to wear religious garb? This law...we're not enacting a law here; we're striking a law. We're not putting new law into place. If some small town school district wants to put that into their dress code, they're welcome to do so, and then they can pay the legal bill when they get sued. Thank you, Mr. President. I support LB62. I encourage a red vote on AM332. Thank you. And motion 37, no. [LB62]

PRESIDENT FOLEY: Thank you, Senator Groene. Senator McCollister, you're recognized.
[LB62]

Floor Debate
February 22, 2017

SENATOR McCOLLISTER: Thank you, Mr. President; good morning, colleagues. I'm rather conflicted on this issue, LB62. In fact, my forebears left England in the early 1700s to get away from the king's religion. And so I take a pretty strict view of separating church and religion...or the state and religion. And I think it's pretty important to maintain that. But one thing that bothers me about this particular bill is how do we define religious garb? Is it wearing a simple cross around your neck? Is it a habib (sic--hijab)? What is it? And you can interpret it so many ways. In fact, I kind of support Senator Hilgers' idea of letting the local school district determine what's appropriate in each school district. We could then take away the prohibitions against religious garb in this bill, as LB62 does, and simply leave it to the local school districts to determine what's appropriate. Thank you, Mr. President. [LB62]

PRESIDENT FOLEY: Thank you, Senator McCollister. Senator Chambers, you're recognized; this is your third opportunity, Senator. [LB62]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I can understand what people are saying, but there are going to be other issues, especially when we get in the tax realm, where people are going to be talking about equity and fairness and all these kinds of things. It's not so difficult to see why when people wear religious garb, and we know what garb is, we know what dress is, that that's so difficult. When you have to split hairs like that, as the Jesuits would do between the north and the northwest side to make a point, you don't have a point that you can make. It's easier to say just leave it, let's get rid of all of it. But that's not the way I can do it. You all are doing what you believe by going along with whatever you're going along with, and I'm doing what I believe, but I'm more active and aggressive in going after what I believe in. That's the way I operate; I intend to continuing doing so. And I'm not making fun of Senator...had to find my cheaters, these eye glasses. I don't know if Benjamin Franklin invented them, but whoever did, I'm certainly glad they did. I'm not talking about Senator Groene's accent or whatever, as he thought I was one day when I objected to him raising his voice at Senator Pansing Brooks, but I pay attention to people and I know what's in the constitution. When he read Section 4 of Article I: All persons have a natural...it's not "indefensible," "indefeasible." That stuck out as soon as I heard it. So for the sake of the transcribers, they can either write "indefeasible" as it is or write what he said, which was...the word he used was "indefensible." Then we go down further and the language: but nothing herein shall be construed. He said "constructed." You know why I do this? He's the Chairman of the Education Committee. He has so much to say in criticism of other people. He sends out his e-mails, and people send them to me. Well, if I'm that much of a stickler for language, be that much of a stickler when I misstate things. I invite it. I welcome it. That improves my education. And I'm going to improve other people's education, whether they're the Chairperson of the Education Committee or not. And I don't believe people have thought much about this, and they are taking the easy way out. There shouldn't be any religious garb or dress in the classroom. And why do people keep saying a cross? We're not talking about a cross, maybe that would be

Floor Debate
February 22, 2017

included. We're talking about garb or dress, and suddenly you all don't know what that means. You don't know what it means. That's what I have to deal with on this floor. Rather than deal with what is in the law itself, you jump off into something else. Senator McCollister had mentioned, how are you going define it? And to deal with what Senator Morfeld said, which would not make the thing unconstitutional by not having a punishment or penalty, the state policy would be that no religious dress or garb shall be worn by a teacher in the classroom. I think that is sound policy. You all are all Christians; that's why you take umbrage when I say certain things here, but I put it across the board. And people in my community know I don't favor any religion at all. I say we would be better off without all of them, and let people learn how to treat people the way they want to be treated,... [LB62]

PRESIDENT FOLEY: One minute. [LB62]

SENATOR CHAMBERS: ...not because some god said you'll go to heaven or you'll go to hell if you don't, but because it's the right thing to do and you rely on your brain and not what some person dressed a certain way tells you it's what you ought to think and what you're allowed to do. Hide behind religion is what happens. But on this, it's very serious with me, and you all will learn something about me if you haven't learned it already. This is going to be infused into a lot of things that we deal with this session. And this is my third time, but anybody who speaks after this, I'm not going to say they deliberately waited until my third time came. I could have spaced the times that I spoke. I said that earlier, but that doesn't attain in all situations. Thank you, Mr. President. [LB62]

PRESIDENT FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Senator Hilgers, you're recognized. [LB62]

SENATOR HILGERS: Thank you, Mr. President; good morning, again, colleagues. I rise primarily in response or to discuss some of the comments Senator Wayne made, my fellow attorney. He and I have had some very productive, I think, enlightening conversations off the mike about some of the legal frameworks that we're under. I think it's...there are a lot of references to the constitution and what might apply, and I think it's important to, sort of, take a step back and think about exactly what the decision-making process is here. So what Senator Wayne, I think, was referring to is whether or not the current statute is, itself, constitutional. So the question there is whether a prohibition on the use of religious garb is actually an infringement on someone's free exercise rights in the constitution. The constitution, of course, provides individuals the right to free speech, as well as the free exercise of their religion. So you may think that this is a constitutional provision. I think some of the cases that Senator Wayne suggested...or cited to may say that. I haven't read them, but they may say that. He may think based on that ground that you do not want to vote to repeal the provision because you think, hey,

Floor Debate
February 22, 2017

it's constitutional, if someone wants to fight that out, they could fight it out in the courts. Now, that is not my personal view. I think if something is unconstitutional, or not, it's bad policy, it's the legislators'...it's us as a legislative body's prerogative to do something about it. And so I think that's one question. Now, if we repeal it, if we repeal it and pass LB62, then the next question, is that act itself unconstitutional? And I don't think I heard anything from Senator Wayne saying that it would be. And in my independent research, I don't think there's anything that suggests a repeal of that statute would itself be unconstitutional. So if we repeal it, what would happen next? Well, suppose that there are local school boards that say...that do not create some sort of uniform policy of expression and say that you can...whatever it might be, maybe it's religious, maybe it's political, whatever it might be, that we allow you to express yourself in the classroom through a T-shirt or through some sort of paraphernalia or the like. Now in that instance, that individual teacher would have the decision on what to wear. Maybe it's a cross, maybe it's something more overt. And in that case, then there might be a case whether that particular action is unconstitutional. And what I mean in that case is I'm not referring to the free exercise clause. What I'm saying in that case is whether or not that action would be unconstitutional under the...under what we often refer to as the establishment clause, which is usually the rubric, constitutional rubric under which we view these questions of church and state and when they're mixing. And so in that case, there might be a lawsuit, and there are plenty of organizations who might take up that lawsuit and say, hey, you know what, this wearing of religious garb infringes...it is too much of an inter-meshing of church and state. So at that instance, that's a separate constitutional question. And that, frankly, is not a bright line. That's where the courts are very...they're well equipped to decide those types of questions. Is it too far? They get to deduce facts, they get to hear evidence, they get to make those determinations. And so I think that's a very appropriate place for the court to decide, is that instance, if it ever occurs, constitutional or not under the establishment clause. That's a different clause from the free exercise clause, which is the one that actually we're talking about with LB62. So in my view, whether the current law is unconstitutional, I think there is a good argument. Whether a court would agree with me, whether the Pennsylvania courts agree with me, I don't know, and I would want to study that further. It is independent from my policy perspective on whether or not it's a good law. I don't think we ought to be having that kind of prohibition written into our state statutes, especially, but not entirely, because of the penalty that is associated with that provision. So that's...the way that I view it is not whether I'm making an independent view of constitutionality. Certainly others may disagree with me. Some may think it is unconstitutional, on that basis vote for it. Some may think it's constitutional and, on that basis, vote against LB62. But I think it's important to string out the decision making in which constitutional provisions generally apply at which point. And so at this I think at this point it's mostly,... [LB62]

SENATOR KRIST PRESIDING

SENATOR KRIST: One minute. [LB62]

Floor Debate
February 22, 2017

SENATOR HILGERS: ...in my view...thank you, Mr. President. I think in my view it's mostly at this stage we're talking about the free exercise clause. If we repeal this, nothing further happens necessarily. It just depends on the local school boards and the local school institutions. So thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Hilgers. Senator Schumacher, you are recognized. [LB62]

SENATOR SCHUMACHER: Thank you, Mr. President. I yield my time to Senator Chambers. [LB62]

SENATOR KRIST: Senator Chambers, 4:50. [LB62]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, "Professor" Schumacher. And, Senator Hilgers, I listened to what you said, and it's what happens when two good legal minds look at an issue and may come to differing conclusions. They marshal their arguments. They present it. And if it's presented to a court, the judge weighs what has been said and then makes a decision. One side is going to be satisfied, the other is not. But a decision must be made. I don't think that what I'm proposing would be unconstitutional where you ban all religious garb and dress from the classroom. And I would even cite as authority the case that went against me in the Supreme Court to try to get rid of the chaplain. They pointed out these are adults, it's voluntary, it's not a mandatory attendance, and you're not dealing with children. So in the classroom, both of those things obtain. I'm going to share with you all, even though you won't read it, a brief I filed in the Nebraska Supreme Court in my lawsuit against God, and I could have written one statement, cited one statute, and had the lower court decision vacated, which was that my lawsuit was dismissed with prejudice because the defendant could never be served. Well, that's not allowed. The statute says for failure to serve the...any defendant, if there are more than one, within 90 days after the petition is filed, or six months, whichever, then by operation of law, the action against that person is dismissed. That's all that can be done. When this judge dismissed mine and made the further comment that it was with prejudice, the judge went to the merits which violated the statute, which I know. I read the law. So it went to the Supreme Court. You file actions to the Supreme Court. Then they'll send it down to the appellate court, if it's not one they want to get out of handling for any reason. So I believe mine was handled by the appellate court. And what they indicated, you all have heard the anecdote about Solomon. The two women were in bed and each had their infant. One of the babies was smothered in the night, and each woman claimed the living baby. And Solomon said, I can't determine which one is the mother so I'm going to take my sword and split the child. And one woman said that's the only way you can do justice. And the other one said, no, no, let the child be hers, don't kill the child. Solomon said, that tells me who the true mother is, and gave the child to the one who was willing to sacrifice

Floor Debate
February 22, 2017

the child being in her custody in order to save the child's life. Well, what the appellate court did was split the baby. They dismissed my appeal. But they did what I asked them to do, which was to vacate the lower court decision. So by vacating that lower court decision, they did what I wanted. They didn't even have to say the appeal is dismissed other than to indicate they didn't want to go into all the legal arguments that I had made, showing where the courts had already recognized God, where they took judicial notice of God, that they importune God to be involved in the affairs of human beings and only a conscious being could be asked to do something and respond, and went on and on like that. So I'm going to bring that brief and show you all the efforts and the extent I will put myself out to vindicate a principle, and that principle was that the Legislature cannot prohibit certain types of lawsuits from being filed. [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR CHAMBERS: They kept saying we're going to pass a law against this, against that. I said that's foolish because even if the law itself is constitutional, you'd have to go to court to determine whether or not the action fell within the confines of that law. So you cannot stop somebody from going to court on any action they want and they can sue anybody, including God. So I demonstrated it. And I got the ultimate decision. But the court did say, they don't rule in hypothetical or fictitious cases. There has to be a real controversy between real persons. And that's how they evaded dealing with any of the arguments that I had given. And I'm going to hand that all...that around. You all probably won't read it, but you'll learn something about the law, the dignity of the law, and the right of everybody to have his or her day in court, not just Daddy Warbucks but also Little Orphan Annie. When I can do something about an issue, I will. If I had the time, then there are issues in the statute books where I'd file a lawsuit. I can't deal with every one of those by filing a lawsuit. Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Chambers. Seeing no one else in the queue, Senator Chambers, you are recognized to close on your reconsideration motion. [LB62]

SENATOR CHAMBERS: Thank you. Members of the Legislature, this that we're talking about is ripe for a lawsuit. And I had mentioned that this group called the Sir Thomas More organization, a Catholic group, could file a lawsuit. But they know they can't win. They know that the state is not prohibited from banning religious garb in the classroom. Senator Hilgers, since it's such a clear-cut case, could file the lawsuit. Some of mine I filed while we were in action. You know why I filed a lawsuit against the red light cameras in Omaha? Because they affected everybody, people who couldn't afford to challenge a ticket. I wouldn't have ever gotten one because I don't run red lights. I drive around sometimes 3:00 in the morning and the light is red, not a car in place...in sight but mine and I stop for red lights. I signal to turn if I'm the only one on a, like they say in "Hotel California," on a dark desert highway, nobody's car but mine.

Floor Debate
February 22, 2017

And if I'm going to change lanes, I put on my blinker. All these things are habits with me because I'm on the road so much. And whenever I do something where a signal or you're supposed to respond in a certain way, I do it so it's a second nature for me. I don't have to look out for cop cars or police or anything else. On this...it's not you go to the mattress. You go to the mat, meaning like a wrestling mat. I will go to the mat on this because it's important, in my opinion, not in yours. So you will not fight as long as and as hard on an issue as I will. Senator Scheer has the right to invoke cloture. But if we end this day on this bill, then whatever happens tomorrow will happen without me trying to take a lot of time. I could have left my reconsideration motion up there yesterday and that would have been the first thing we would take up this morning on this bill. The only reason I put that motion up was to hold the bill in place so I could have drafted this amendment which is before you. Did I think you would accept it? No, absolutely not. I speak panther, you all speak mouse. Mice and panthers don't speak the same language. I speak the language of the solitary dweller, like a mountain lion. You all speak the language of lemming; not lemons, which is how Popeye, my mentor, would pronounce lemon, a "lemming," puts the "i-n-g" on the end of the word and might drop the "g" if it's an "i-n-g" word. But people do that, and I listen to people. I'm going to talk some more on this bill. I'd like to ask Senator Scheer a question if he's here. [LB62]

SENATOR KRIST: Senator Scheer, would you yield to a question? [LB62]

SPEAKER SCHEER: Yes. [LB62]

SENATOR CHAMBERS: Senator Scheer, how much time is left before you can invoke cloture? [LB62]

SPEAKER SCHEER: I would guess another couple hours probably at least. [LB62]

SENATOR CHAMBERS: But you're not sure. [LB62]

SPEAKER SCHEER: No, I'm not. [LB62]

SENATOR CHAMBERS: I'll tell you what. I'm going to take the time that's with us this morning. But this is not one of those bills that I would derail the session for. But I want to get some things into the record and the fact that I'm going to do what I can this morning, I don't want you to feel that I would push you all the way to cloture because that's not my intent. But I wanted to make all the body clear... [LB62]

SENATOR KRIST: One minute. [LB62]

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Floor Debate
February 22, 2017

SENATOR CHAMBERS: ...on the fact that cloture is available if I did desire to go that. That's all I was going to ask you, Senator Scheer. Thank you. [LB62]

SPEAKER SCHEER: Okay. You're welcome. [LB62]

SENATOR CHAMBERS: I have a couple more motions I will offer, actually only one. You'll vote that down. I can get 25 minutes on that. Then I'll offer a reconsideration motion. Then I will withdraw the motion and you all can take your vote. But I'm going to get my time this morning. And I doubt that anybody...no, I can't say that. The people who are thoughtful, who understand the seriousness of the issue that this bill raises and the other issues that are inherent in it will recognize that this is not a filibuster. I call it extended debate. I don't use the word filibuster except when I'm discussing what you all call it. When you don't like something, then you give it a label so that it doesn't have to be discussed or debated. You put the label on it and people accept all the baggage carried by that label. And it's why I don't accept any label for myself except a black man, the father of my children. [LB62]

SENATOR KRIST: Time, Senator. [LB62]

SENATOR CHAMBERS: Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Chambers and Speaker Scheer. You've heard the closing on the reconsideration motion. To be clear, this is a reconsideration on the amendment, AM332. All those in favor vote aye; opposed, nay. There has been a request for a record vote. Have all those voted that wish to? Mr. Clerk. [LB62]

CLERK: (Record vote read, Legislative Journal page 517.) 3 ayes, 29 nays, Mr. President, on the motion to reconsider. [LB62]

SENATOR KRIST: The motion to reconsider fails. Mr. Clerk. [LB62]

CLERK: Mr. President, Senator Chambers would move to indefinitely postpone LB62. Senator Scheer, you have the option to take the motion up or lay it over, Senator. [LB62]

SPEAKER SCHEER: Thank you, Mr. Clerk. We will take it up. [LB62]

SENATOR KRIST: In that case, Senator Chambers, you're recognized to open on your motion to indefinitely postpone LB62. [LB62]

Floor Debate
February 22, 2017

SENATOR CHAMBERS: Thank you, Mr. President. Second verse, same as the first. The issue, as I see it, is whether those who hold religious dominance in a state will impose their will on others under the pretense and the false flag of saying they want to protect everybody's religion. Do you think anybody would bring a bill in here to protect the rights of Muslims because Muslims are being discriminated against? With all the talk years ago of democracy, this being the best country in the world, when then-President Reagan was going to visit Germany, he had made it clear that his itinerary would include a visit to the Bitburg Cemetery where members of the Waffen-SS were buried. I thought that what he was doing was wrong. So not being able to have any influence with the President, I offered a resolution where the Legislature would suggest to the President that he cancel that part of his itinerary. Then lo and behold, not because of that resolution, it began to pop up in other parts of the country and even some national leaders that it was not appropriate for the President to visit that cemetery where members of the SS were buried. These were some cruel, vicious people who carried out a cruel, vicious program and they wanted to get rid of all of the Jews in Europe if they could. And that was known as the final solution. Adolph Eichmann was going to be the engineer and architect. There was a fellow...I'm not going to tell you his name, but they met at Poznan and he was discussing what was happening to the Jews. And he made comments about--this is what we're going to do; this is what we must do; and this is what made us strong; this is what has made us tough. Every German comes to me and wants to tell us that this is his good Jew. That one wants to say it's his good Jew. But that can't be allowed. We have seen the bodies. We have seen the stacks of bodies--and this is recorded, his speech was recorded--and this is what has made us tough. And those kind of people were buried at Bitburg. And Ronald Reagan went anyway, because the man had no moral compass. "Repelicans" talk about him as being great. He was such a lightweight morally and intellectually that he could walk on the finest sand and not leave a footprint. He could be on the street at high noon and he would not cast a shadow. He was a hollow, empty caricature of a man. And there were people on the floor of the Legislature who spoke against the resolution, who voted against the resolution because they didn't think the Legislature ought to get involved in such things. But they were pro-life. They didn't want to provide adequate welfare assistance to poor mothers who were getting ADC. I watched them. I offered that resolution. People thought it was a waste of time. It wasn't for me. I will use this platform in the way that I can. And if all I can do is make a point and declare a statement of principle, I shall do it. When Lieutenant Calley led the massacre of those people at My Lai, I offered another resolution and that was to request or suggest that he be granted the Congressional Medal of Honor because he was acting apparently in the highest tradition of the U.S. Military by slaughtering defenseless old people, women, and children. A resolution that I offered and I spoke in defense of it. Make a point. Force some discussion on this floor, to force the creation of a record. And that's what I'm doing on this bill. Will it make any difference 5 years from now, 10 years from now, 30 years from now? Some of you all will be here then. I definitely...well, who knows? If all things go with me like they have gone for others, 30 years from now it's not likely that I will be on this earth. I may be a part of the earth. You know, it's said in the "Bibble" that all rivers run to the sea. I

Floor Debate
February 22, 2017

intend, after I've been certified and it's certain that I've croaked, I have made it clear I want to be cremated. And I want my ashes flushed down the stool. That's what I want because all that water flows to the river. All rivers flow to the seas. Seas may touch shores great distances from here, and it can be truly said, he traveled more after he was dead than he did when he was alive. That's something to look forward to, although I won't know anything about it. We all have our ways of thinking, our ways of behaving, and before I will refer to somebody as a hypocrite, I will look at what they profess to believe. If they say they believe in pedophilia, I will condemn them to the highest, and if I can show that they've engaged in it, I'll do all I could to have them prosecuted. But I couldn't say that person is a hypocrite. I'd have to say that person is more honest than the ones who are going to condemn him or her. But now if you say you don't believe in pedophilia and your church doesn't believe in it, and I don't know of any church that does, and you engage in that, and by the way, on this Catholic priests aren't the only ones. I saw where some Jehovah Witnesses, those people who come knocking on your door all the time, their ministers do it. These guys who are the Mormons did it. One of them is serving time now. They're the hypocrites because they're the ones who are supposed to say that that's not to be done and then practice what it is they say, and when they don't, they're hypocritical. All hypocrite meant originally was a mask, one that an actor wore. A hypocrite was an actor. So now it means somebody who is wearing a false face. They pretend to be something that they're not. Pirates did not want to be hypocrites. They didn't want to fly a false flag. They wanted people to know what they were. But they didn't want you to know until it was too late for you to get away. So they'd fly the flag of some country that wouldn't put you in fear. But then when you couldn't get away, that's when they struck that flag and they ran up the Jolly Roger and you knew that you were caught. Were they hypocrites? They were more like tricksters. But they flew a false flag. Thomas Paine condemned America for the hypocrisy found in slavery, talked so much about freedom. He did a pamphlet, "Common Sense," supporting the Americans and their cause. Lafayette from France came over here to help fight in the American Revolution with the Americans. [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR CHAMBERS: Then when he found out that America was a slave-holding country, said had he known that, he never would have drawn his sword in defense of this hypocritical country. Dr. Ben Johnson, a giant in the literary world of England, referred to the Americans are the ones always yapping about freedom, and they're slaveholders. Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Chambers. Senator Chambers, you're recognized. [LB62]

Floor Debate
February 22, 2017

SENATOR CHAMBERS: Thank you, Mr. President. So on this, would I apply the word hypocrite to people who see it differently from the way that I do? Not necessarily. In the same way Senator "Wise Heart," that...and I know what I'm saying. It was one of the Gershwins, one of the Gershwins was the lyricist, the other one wrote the music. Ira. Was it Ira Gershwin? One of them wrote "It Ain't Necessarily So." The things that you're liable to read in the Bible, they ain't necessarily so. So if I call you "wise heart," it ain't necessarily so. But it may be. If people are consistent in what they say, then even if I disagree with them, I would never call that person a hypocrite. And that's a person that I could deal with. Like on some things I can deal with Senator Groene better than I can deal with some people on various other issues. But there are so many things that I don't see eye to eye with Senator Groene on. Senator Lowe, you want me to tell you why that is? Because he's a lot taller than I am, so there is no way we can see eye to eye. But at any rate, we're going to have occasion, I think, before the session is over to talk about the constitution. And whether people have read it or not, they can talk about it. There is nothing that says you have to know what you're talking about when you discuss a subject, nothing. And most people in here don't know what they're talking about on bills because they don't read them. And then they find out to their chagrin and surprise and sometimes embarrassment, they did not read it and they're taking a position. Well, you're always going to know what my position is on an issue, but I may not tell you why it's my position, because as I've said, this bill is a line in the sand drawer for me. Nobody has to feel for the constitution what I feel. Nobody has to feel what I feel about the freedom from religion that everybody is entitled to enjoy. Nobody has to feel what I feel about the oppressiveness of a dominant religion that's going to force its will on others because they've got the votes. Having the votes doesn't make you right; it makes you win. I'll never have the majority of votes on this floor except on very rare occasions. Then not only have you won, but you know you're right also. I want that to sink in, but see, people are not listening. I would like to ask Senator...oh, Senator Hilgers is not here. I see Senator Harr coming, so I'm going to involve him in this discussion (laughter) if he would answer a question or two. [LB62]

SENATOR KRIST: Senator Harr, will you yield? [LB62]

SENATOR HARR: Yes. [LB62]

SENATOR CHAMBERS: Senator Harr, I have an amendment pending, but my motion right now is to kill this bill because they rejected this amendment. But we're talking about that bill, that statute which first says you cannot wear religious garb in the classroom. Then the following statute that provides a punishment for school, various officials if they don't do what the statute says. This is the way I would amend that statute: No teacher in any public school in this state shall wear, in such school or while engaged in the performance of his or her duty, any dress or garb indicating the fact that such teacher is a member or an adherent of any religious order, sect or denomination, period. Could you support that? [LB62]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 22, 2017

SENATOR HARR: I don't like the word, and this is a pet peeve of mine, that we use the word "shall" in our statutes, because shall has a moral implication. I'd be more willing to look at it if you used the word "will" instead of "shall." [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR CHAMBERS: So for the want of a nail you'd lose a shoe, and for want of a shoe you'd lose a horse, and for want of a horse you'd lose your kingdom? [LB62]

SENATOR HARR: That's a personal preference of mine. I really don't like the word "shall" because it has a moral implication and this is a bill that has moral implications. And if we're going to start down that road of my personal tirade of changing from "shall" to "will," I think this would be a great place to start it. [LB62]

SENATOR CHAMBERS: But if you say--any teacher who will, the act hasn't been done; it means that under given circumstances. This says the act must be completed; anyone who shall. That means the act is completed. You're not reading a person's mind in terms of what he or she may or may not do, will or won't do in the future. [LB62]

SENATOR KRIST: Senator Chambers, your time is up. But you are next. You can proceed. This is your third time. [LB62]

SENATOR CHAMBERS: Thank you. Senator, are you aware, and I think you are, that in statutory language "shall" is mandatory? [LB62]

SENATOR HARR: "Shall" is mandatory, but it... [LB62]

SENATOR CHAMBERS: And "must" is a word which also is mandatory. [LB62]

SENATOR HARR: And if we're going to get down...sometimes "shall" means "must" and sometimes "shall" means "may," depending on how it's written in a sentence. But as a general rule, yes, "shall" does mean...normally does mean "must." [LB62]

SENATOR CHAMBERS: And I think courts have said that "shall" is mandatory. This would make it a situation where certain things shall not be done, period. [LB62]

Floor Debate
February 22, 2017

SENATOR HARR: Right. So if we could use the word "will not be done," because "will" means "must" as well. "Shall" has a moral implication to it in my...and I don't have my... [LB62]

SENATOR CHAMBERS: Let me read it the way it would be for you. We wouldn't put no. Well, let's try it: Any teacher in any public school in this state who will wear in such school; you would have to have a helper, which would be "will." [LB62]

SENATOR HARR: Yeah. We could use "may" or "must not." [LB62]

SENATOR CHAMBERS: Then you're talking about future conduct. [LB62]

SENATOR HARR: Um-hum. [LB62]

SENATOR CHAMBERS: This means that the person, it's definite, an act. But let's not quibble about that word. The thought... [LB62]

SENATOR HARR: Okay. [LB62]

SENATOR CHAMBERS: ...behind prohibiting the wearing of religious garb or dress in the classroom, are you opposed to the state adopting that in a policy by way of a statute, and any enforcement would be based on how the particular school district enforces any other rule or regulation they have in their manual? So the question is, are you opposed to the idea of the state prohibiting the wearing of religious garb in the classroom, public school? [LB62]

SENATOR HARR: I probably would be, because I do think there is a time and a place, and I don't have a problem if we allow some of that to occur. [LB62]

SENATOR CHAMBERS: What would the time and place be that's appropriate in a classroom for this religious garb to be worn? [LB62]

SENATOR HARR: Well, I think if it's part of your religion. For instance, in some there's a belief that women should not expose anything. So I don't know, is a burqa a religious garb? I don't know. And I don't know the answer. [LB62]

SENATOR CHAMBERS: But you know how you feel, at least. You would be against that prohibition being put in state statute? [LB62]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 22, 2017

SENATOR HARR: Yes. [LB62]

SENATOR CHAMBERS: Okay. [LB62]

SENATOR HARR: I would like to see them to be allowed to wear burqas if that's part of their religious beliefs. [LB62]

SENATOR CHAMBERS: Have you heard the famous maxim that has become like an axiom, one may not yell "fire" in a crowded theater? [LB62]

SENATOR HARR: Yes, very (inaudible). [LB62]

SENATOR CHAMBERS: Do you think that's a legitimate restriction on speech? [LB62]

SENATOR HARR: I think it's a legitimate restriction on speech, yes. [LB62]

SENATOR CHAMBERS: Suppose we have a stage play and we have a soldier who committed treason and he is to die by firing squad. Ready, aim, fire! And the theater is crowded. So there are instances when you can cry "fire" in a crowded theater, can't you? [LB62]

SENATOR HARR: There are exceptions to every rule. [LB62]

SENATOR CHAMBERS: But that's taken usually as an absolute, that one cannot holler or yell "fire" in a crowded theater. Every time I hear something that is to be an absolute, I look for the exception, because except in very rare instances, absolutes don't exist. But I allow for the rare exceptions when they might. But the ones that are stated are usually not necessarily so. [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR CHAMBERS: That's all that I will ask you because I thought I would get a different answer from you. [LB62]

SENATOR HARR: Thank you, Senator. [LB62]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 22, 2017

SENATOR CHAMBERS: I mean, I asked anyway not knowing for sure. But on this particular issue, I'm going to try to analogize it to something else when I speak and maybe it will be clearer as to why I'm saying what I am. [LB62]

SENATOR KRIST: Senator Chambers, that was your third time on the mike. So we'll just take you out of the queue. Senator Walz, you're recognized. [LB62]

SENATOR WALZ: Thank you, Mr. President. Would Senator Chambers yield to a question? [LB62]

SENATOR KRIST: Senator Chambers, will you yield? [LB62]

SENATOR CHAMBERS: Yes, I will. [LB62]

SENATOR WALZ: Or maybe a couple. [LB62]

SENATOR CHAMBERS: Okay. [LB62]

SENATOR WALZ: Why is it that there is such...you're so caught up in the word "garb"? Can you just... [LB62]

SENATOR CHAMBERS: Garb or dress, because that relates to the clothing that you're wearing. And based on the language of the statute, that's what is involved. [LB62]

SENATOR WALZ: Okay. All right. And then the other question that I have for you is that, as a teacher, I feel like this really imposes a sterile type of classroom environment for our kids. And I understand that there is also some protections that you want to make sure the kids are not, you know... [LB62]

SENATOR CHAMBERS: If I might cut you off... [LB62]

SENATOR WALZ: Sure. [LB62]

SENATOR CHAMBERS: ...I think it produces a neutral environment in the classroom, not sterile. [LB62]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 22, 2017

SENATOR WALZ: Why do you think that? [LB62]

SENATOR CHAMBERS: Because it's not taking one side or the other on the most contentious issue in our society, which is religion. [LB62]

SENATOR WALZ: How do you think teachers should dress? [LB62]

SENATOR CHAMBERS: Decently and in order. [LB62]

SENATOR WALZ: Well, can you give me like an example of how you think a teacher should dress? [LB62]

SENATOR CHAMBERS: To be honest, I don't even think about it. They should wear clothes. I don't know what you're asking me. I don't think a woman would have to wear an evening gown or even a dress necessarily. She could wear trousers. She could wear a long-sleeve something, short sleeve, however she wants to, whatever their dress code allows. I don't set dress codes, because it's what's inside the barrel that counts. [LB62]

SENATOR WALZ: But in a way, not allowing somebody to wear something that... [LB62]

SENATOR CHAMBERS: That heralds religion. And that's what I think... [LB62]

SENATOR WALZ: Or their culture, which a lot of times... [LB62]

SENATOR CHAMBERS: This doesn't say culture. [LB62]

SENATOR WALZ: ...has to do with religion. [LB62]

SENATOR CHAMBERS: This doesn't say culture. It's religion that we're talking about. And when something else has to be injected, it means that there is no valid argument against what I'm suggesting, there be no religious garb. And if somebody's religion means more to them than what the state might require, then stick with your religion. That's why Paul got his head chopped off. That's why Peter was crucified upside down. That's why people who wouldn't bend the knee to Caesar would die. And that's why people were burned at the stake, because they would not make a religious utterance that people wanted them to make. There have always been people who were willing to give their life for what they believe. And I'm basing mine on what I think the constitution requires. [LB62]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 22, 2017

SENATOR WALZ: Okay. Then I just have another question for you. [LB62]

SENATOR CHAMBERS: Sure. [LB62]

SENATOR WALZ: This is my time. (Laugh) [LB62]

SENATOR CHAMBERS: I don't mind. [LB62]

SENATOR WALZ: So how do you propose that we teach our children, if we're going to all look the same, pretty much, how do you propose that we teach our children about diversity and acceptance of differences? And I'm not talking...first of all, I'm not talking about my religion. That is not what I'm talking about. I'm talking about the diversity of other people. How should we teach our children, if not in the classroom, about acceptance and diversity? [LB62]

SENATOR CHAMBERS: I spend a lot of time talking to children, and I used to go to schools and read to children a lot, and my main message was treat people the way you want to be treated. If somebody falls down and you laugh, if you fell down, would you want people to laugh at you? [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR CHAMBERS: And that's the kind of thing that I would try to inculcate in them, not my view on a specific issue but a general principle that a child might be able to grasp and apply. Whatever you don't want somebody to do to you, then don't you do that to somebody else, and if it was being done to you, you would want somebody to help you. So if you see it being done to somebody, you help them. That's the way I dealt with children and still do. And I have people stop me in the hall asking they and their child take a picture with me. Sometimes they want me to hold a baby so they can take a picture. You know, like Jesus and the Pope would bless the little children? And my philosophy is suffer the little children to come unto me, and forbid them not. Even if I don't want you around me, let the child come; you get a pass because of the child. [LB62]

SENATOR WALZ: And I agree with you. I mean, that's how I would want to teach the children is to treat others the way you would want to be treated and that includes... [LB62]

SENATOR KRIST: Time, Senators. Thank you, Senator Walz and Senator Chambers. Senator Wishart, you are recognized. [LB62]

Floor Debate
February 22, 2017

SENATOR WISHART: Thank you, Mr. President. I wanted to follow up with a question for Senator Chambers if he would yield. [LB62]

SENATOR KRIST: Senator Chambers, will you yield? [LB62]

SENATOR CHAMBERS: Yes, I will. [LB62]

SENATOR WISHART: So I have been...this is kind of a long-winded question, I have really been listening closely to this debate and I'm somewhat undecided, but I'm leaning in support of LB62. And one of the reasons is that...I mean, taken to the extreme, we're so caught up in garb, when we're talking about these language changes in the statute, but taken to the extreme, I mean every teacher comes to the classroom with a world view. So, Senator Chambers, I mean taken to the extreme, couldn't it be that no teacher who is religious should teach in a public school? [LB62]

SENATOR CHAMBERS: Well, if I had my way, certainly. But in reality, I'm not opposed to people believing whatever they want to believe. But when they're in the classroom or anywhere else where children are, they have to become as little children and they should not inject anything that is going to set one child against the other child. They're all here together. They're all going to be treated as little children are treated. I have sometimes my office full of little children that people bring and they take photographs. And you see the little children with the looks on their faces. They are enraptured, and I don't blame them. It's not a situation where I tell them, if you go to a church where Catholic people are, that's not the church to go to. I don't bring up anything that's not appropriate to the children. I'll tell you all what I'm going to show you. No, it's your time, so go ahead, ask something else. [LB62]

SENATOR WISHART: Well, that was the question that I had. And just to finish up and then I will yield the rest of my time to you. I mean, again, I think that our public schools should open kids' minds to diversity. Children should not live in a bubble. I think that every teacher, regardless of what they're wearing, comes to the classroom with certain life experiences and world views. And like Senator Walz said, it's important for children to learn patience and understand other perspectives. And so with that, right now I am still leaning in support of LB62, but I really do appreciate the debate on this issue. And with that, I yield my time to Senator Chambers. [LB62]

SENATOR KRIST: Senator Chambers, two minutes. [LB62]

Floor Debate
February 22, 2017

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator "very Wise Heart." Members of the Legislature, there are interracial, inter...I guess you could say national because there are sometimes Latino children, sometimes African children, and the teachers want me to talk to the children. And I don't try to gear what I say to the Latino child. I don't try to speak Spanish even though I know a word or two. I don't try to say anything in Swahili; I know a word or two. And I don't try to use English at a level that I would use in this place or where I'm dealing with adults. I see all of the children as children. I know they have different experiences, different backgrounds, and I'm not going to be able to gear what I say to anyone without the others feeling left out, so I just talk to all of them. And I might say all of you are my children. Long time ago, I was as little as you are, as young as you are, but I don't forget what it was like to be a child. And if I was in a room with somebody as old as I look to you all... [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR CHAMBERS: ...I probably would say, I'm not going to listen to what that old man says. What can he know? And then pretty soon I bring up things that maybe a child thought, because I know what I thought. They're starting to listen to me now. Not just talking about you're not going to pay attention to an old man, but say some things that they do pay attention to. And when I start asking various ones questions, I will say, raise your hand if you have a question and if you haven't got one, I will ask you. That's when I can make sure that all of the children are included. And if some seem shy, then I tell them, you don't trick me, you're trying to be shy because you want somebody in this room who likes you and you don't want them to know it to pay attention to you because you won't speak. So you better speak or he's going to know who you are, or she. Then the child will speak, because the child is lifted out of himself or herself. And there is something between me and the child where I'm supportive and nobody is going to make fun of the child or laugh at the child because they've all been dealt with individually. So if we could remember what it was like to be a child, then that's when we become childlike, not childish, and we don't have a problem dealing with any children. At least that's been my experience. Thank you. [LB62]

SENATOR KRIST: Thank you, Senator Chambers and Senator Wishart. Seeing no one else in the queue, Senator Chambers, you're recognized to close on your motion to indefinitely postpone LB62. [LB62]

SENATOR CHAMBERS: Thank you. I'm going to tell you all something that was brought to my attention, and it flattered me more than anything else. This lady has an infant who crawls. And this lady pointed out to me that when the child is in the room playing with everything and the television comes on and the Legislature is going on, when I come on, the child stops everything and listens. And because I was skeptical, I was sent a picture. And in this playroom is this great

Floor Debate
February 22, 2017

big flat screen and the little child on the floor and guess whose image is on that flat screen? The one you all don't pay any attention to. So unless you become as a little child, you won't pay attention to me. But the children, based on you-all's superstition, who are closer to the beginning of things, which means the creator, they care. There is a communication there, even by long distance. They hear something. They see something. They perceive something. And they respond to it. And I want you all to start matching me and outdoing me on these things that I share with you since I'm the other, I'm the one on the outs, I'm the one marginalized. Show me what those who are the "it" people who have it, the ones who are on the inside, the ones who are the best at everything, show me where they've outdone me and all the things that I bring. Let the lawyers show me where they've outdone me in legal work in a courtroom, where they've had laws struck down without even being a practicing attorney. Children are brought. One time I went down the stairs and all these little children were visiting a senator. He happened to have been a Catholic and they were from a Catholic school. And when I came down and a reporter happened to be there, the walls echoed, reechoed, reverberated with Ernie, Ernie. It shocked me. I mean, these children were screaming at the top of their voice and there was echoing and people were coming out of the rooms looking and they had me against the wall. They thought I was a rock star. I didn't even know they knew who I was or am...little children. How many of you all had that happen? How many of you all would go in a store and a child would look shyly at you had and then pull the parents and then whisper something, then the parent will say, my child wants to know will you shake his or her hand? That happens to me. If you could hide and not be seen by the children, you would see it. I wouldn't say it if it's not true. I don't want these children to experience anything that belongs in the adult world, and I don't want religion, which is the most hateful, contentious, whatever you want to call it that you can find, wars are fought about religion. Christians fall out with each other because there are different brands. You all are just like whiskey: Scotch whiskey, Irish whiskey. You all have different brands. You're all whiskey, but you have different brands. You're all beer: Budweiser, Schlitz, and John Adams. How can that be? You all worship the same God. You all believe in the same Jesus. And you fight like scorpions in a bottle or like cats and dogs. And how are those who don't believe like you going to take seriously what you teach, what you say you believe and is not like that right now? I don't do right now what you Christians do. [LB62]

SENATOR KRIST: One minute. [LB62]

SENATOR CHAMBERS: I don't try to tell people how they should live their life. I, as Popeye said, I yam what I yam and that's all that I yam and I don't want to be like what I see. I don't want to be like what I see in religious people. And I grew up in a very rigid fundamentalist church where everything in the Bible was supposed to be taken literally; and as a child, I did. And I found out they didn't believe it at all. So if you all who know...you don't believe it, I don't believe it either. You're not worried about going to hell, why should I worried about going to hell? You knew it longer than I did and you do worse than I do. You say there is a God. Show me that you

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 22, 2017

believe in this God. And what has this God ever done? Can't even make you treat children right. And that's the way I look at the world. But my conduct reflects what I believe. And you may not agree with anything that I say, but you'll know what it is that I believe and my conduct will match it. Thank you, Mr. President. [LB62]

SENATOR KRIST: Thank you, Senator Chambers. You have heard the closing on the motion to indefinitely postpone LB62. The question is, shall we indefinitely postpone? All those in favor vote aye; opposed, nay. There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel leave the floor. The house is under call. Senator Chambers, you're saying we can proceed and you wanted a roll call vote, regular order? Mr. Clerk. [LB62]

CLERK: (Roll call vote taken, Legislative Journal page 518.) 0 ayes, 40 nays, Mr. President, on the motion to indefinitely postpone. [LB62]

SENATOR KRIST: Motion fails. Raise the call. Next item. [LB62]

CLERK: Mr. President, Senator Chambers would move to reconsider that vote. [LB62]

SENATOR KRIST: Senator Chambers, you're recognized to open on the motion to reconsider. [LB62]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, and I see the Speaker back there trying to keep a low profile. When I make a promise, and I quote Abraham Lincoln, the promise being made must be kept. At 11:55 I will be speaking because I have ten minutes to speak when I open. It's 11:47. At 11:55 I'm going to relinquish the floor and I'm going to acknowledge or concede that you all won the battle. This, to me, is very, very crucial. If I had my way, I would amend the rules, but it would be unconstitutional to require you all to be here when you're being prayed over. I watch when they say the flag salute. There might...I can count them on one hand usually. You all insist on having the flag salute, probably to show me what you don't think of me and you all don't even come up here. Every one of you ought to be up here with your hand on your heart, tears streaming down your face, but you're not even here. Why do you have those insulting, intended to be insulting, routines when you don't even come here? They are done in malice and vindictiveness. That's why I have so much contempt for it. You bring these preachers and some of you all get up there and pray. The camera shows me how few of you are in here. Why do you insist on it? I didn't like it, so I went to court. I did what I could to stop it. I'll tell you how you can get me to come up here. For every time you have

Floor Debate
February 22, 2017

prayer, pray to Walt Disney, and when you end it, end it in the name of Donald Duck, Mickey Mouse, and Goofy and I'll be right here with you. If I'm the only one here, I will be here because I know. I've seen depictions of Donald Duck, Mickey Mouse, and Goofy and I know that at one point Walt Disney lived. You all can't show me that. You all don't even come here. Why should I? What are you offering me? It doesn't do you any good. In fact, it's made you all more hateful. I listen to some of the things you all are saying when you think I can't hear you because you think old people can't hear. I hear you talking about each other. I hear you criticizing each other, stabbing each other in the back. I wrote a quote...no, I copied it and sent it out to you where Terry Carpenter said words to the effect, politics is a dirty, backstabbing, double-crossing racket, and he added, and that's why I love it. Because you all show what you are, I could never on my own draw a picture of you all with words and people believe it. But I don't have to do that. You show what you are and all I have to do is call attention to it and people out there watching, wherever the cameras are that pick us up, they see it. And some of them say, why do they keep saying they want 33 votes? There are not even 33 people there. There are not even 25 people there, so what are they even talking about? But when people like Senator Larson, he wants to be the leader, jumps up here has you all turning flip flops and taking him seriously and arguing with him, the public sees something different. And you all are the ones--why do I bring up the public--who are always talking about the public. You all are the ones who talk about doing the people's business. You don't hear me say that. You all say it and then you carry on the monkey business. I listen to you all. That's the problem that I have. I listen to you all. And if a person didn't have a mind as strong as mine, it would drive that person batty, stone crazy, that I look at you as I say, all my children. Sometimes I say as I look around no one but a father could love you, and he doesn't love you all the time. (Laugh) But I'll tell you what. I understand a lot of what you all do because I said earlier I remember what it was like when I was a child. And old Paul, the imposter, said: When I was a child, I thought as a child, I believed as a child, I behaved as a child. But when I became a man, I put away childish things. But when you're in an environment where you're dealing with children, childish people, you cannot make them rise above the level they find themselves at. But there are ways, if you have a channel, to make the water in that channel rise. I'm not going to tell you how to do it. But if you have a canal and you want ships to go through it and there is not enough water, you might have enough water to put a ship in a certain location. Then there is a way you can raise the water to a level where it can float that ship right through that canal. So there are ways, and Senator Walz is going to recognize the need on occasion, there are ways you can engage the minds of even recalcitrant children. But that doesn't mean the first time you give a good lesson that they might seem to respond to that they're going to respond that way all the time on their own. Why do you think preachers give the same sermon over and over and over, or priests, so many times that you know what they're going to say? Because they know people don't pay attention. You have to say it six or seven times before there is even a glimmer in their mind of what's being talked about. I know what I'm dealing with here. And I know who I'm dealing with. And I know that if I was a quitter, I would have quit a long time ago. If I'd be what you all want me to be, you'd chew me up and spit me

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Floor Debate
February 22, 2017

out. You want me to laugh when nothing is funny, scratch when I don't itch, won't look you in the eye, shuffle. I don't know what kind of black people you all have dealt with, but if that's what you've dealt with, I'm not one of those. I've got less than a minute remaining. And when that digital number up there that currently is a 4...Mr. President, I would like to withdraw that pending motion. [LB62]

SENATOR KRIST: No objection, it's withdrawn. Seeing no one else in the queue, Senator Scheer, you're recognized to close. Senator Scheer waives closing. The question before the body is the advancement of LB62 to E&R Initial. All those in favor vote aye; opposed, nay. There has been a request for a roll call vote. Mr. Clerk. [LB62]

CLERK: (Roll call vote taken.) 36 ayes, 1 nay, Mr. President. [LB62]

SENATOR KRIST: No. Thank you. LB62 advances. Items for the record, Mr. Clerk? [LB62]

CLERK: I do, Mr. President. Priority bill designation: LB203 by Senator Albrecht as one of the committee priority bills. Hearing notices from Revenue. New resolution: Senator Larson, LR46. Communication from the Speaker referring LR46 to committee for public hearing. LR47, Senator McDonnell, that will be laid over. General Affairs reports LB463 and LB469 to General File with amendments. Name adds: Senator Crawford to LB88; Senator Crawford to LB109. A reminder: the Executive Board, Exec Session upon adjournment, Room 2102. (Legislative Journal pages 519-521.) [LB203 LB463 LB469 LB88 LB109 LR46 LR47]

Senator Kuehn would move to adjourn the body until February 23 at 9:00.

SENATOR KRIST: You've heard the motion. All those in favor say aye. Opposed, nay. We are adjourned until tomorrow morning.