

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

GROENE: -- the Education Committee public hearing. My name is Mike Groene, of course. I'm the Chairman of the Education Committee, Legislative District 42. The committee will take up the bills in the posted agenda. Today there will be four bills. Our hearing today is your public part of the legislative process. This is your opportunity to express your position on the, on the proposed legislation before us today. First, please turn off your cell phones and other electronic devices, at least the ringers. Move-- and when you want to testify, move to the front of the-- leave the-- we'd like to see the front row left partially empty and testifiers can, can assemble there and a, and then testify in an orderly manner, manner. The order of testimony is introducer, proponent, opponent, neutral, and closing remarks by the introducer. If you will be testifying, please complete the green test-- testifier sheet in the back-- both corners of the back room and hand to the committee page when you come up to testify. The pages today are Erika Llano and Maddy Brown. Hand your green sheet to them. They should come forward and take it from you when you come forward. If you have written material that you would like distributed to the committee-- this is for the testifiers-- please hand them to the page to be distributed. If you are not going to publicly testify or need to leave early, you can turn in written testimony with a completed green testifier sheet. We, we need 12 copies for all committee members and staff. If you need additional copies, please ask a page to make copies for you now ahead of time. When you begin to testify, please state and spell your name for the record. Please be concise. It is my request that testimony limit, is limited to five minutes. We will be using the light system. Green, then it will turn to yellow with one minute left and then red, please stop testifying. If you would like your position to be known but do not wish to testify, please sign the white form at the back of the room and it will be included in the official record. If you're just here to observe, you don't have to sign anything. If you would-- if you are not testifying in person on a bill and would like to submit a written position letter to be included in the official hearing record as an exhibit, the letter must be delivered to the office of the committee chair or e-mail to the committee chair of the committee conducting the hearing on or before 5:00 p.m. on the last legislative workday prior to the public hearing. That was posted on my Web page. It's the policy of all the committees. So I apologize that we had a lot of e-mail correspondence from individuals on, on a bill or two today, but they will not be in the record because they-- we did not receive them before 5:00 p.m. Friday. Nobody is trying to stop anybody from testifying. We do not-- we are not overwhelmed with

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

staff. Our committee clerk has a lot to prepare before the hearings and by the time he gets to work at 8:00 or 7:00 on the day of the hearing, he doesn't have a lot of time to prepare for the afternoon. So we can't be accepting a lot of late e-mails. The letter, if you send it, must include your name and address. State, state the position of for, against or neutral on, on the e-mail. And it must say in the context of the letter that you want it in the public record. I am-- it is considered a private correspondence between me and you-- if you do not say you want it in the public record, because I'm not gonna take it on myself to decide if you want your correspondence public. There are some you, you surely don't want public. But a-- and then speak directly into the microphone so your, so our transcribers are able to hear your testimony clearly. These mikes are not to amplify, they are to record. And then the Clerk staff transcribes it into the written record. So the committee members with us today will introduce themselves beginning at my far right.

MURMAN: Senator Dave Murman, District 38.

MORFELD: Adam Morfeld, District 46, northeast Lincoln.

LINEHAN: Lou Ann Linehan, District 39, western Douglas County.

WALZ: Lynne Walz, District 15, which is all of Dodge County.

BREWER: Tom Brewer, District 43, 13 counties of western Nebraska.

PANSING BROOKS: Patty Pansing Brooks, District 28, right here in the heart of Lincoln.

KOLOWSKI: Rick Kolowski, I'm the-- District 31 in southwest Omaha.

GROENE: And to my immediately left is commirt-- committee counsel, Amara Block, today, and then on the-- at the end of the table at the right is Trevor Reilly. He is the committee clerk. So I guess we will be-- begin with a LB, is it 115?

_____ : Yep.

GROENE: Trevor, where's the sign? And Senator Blood will introduce it. You can go ahead and start.

BLOOD: All right. Well, good afternoon and thank you, Chairman Groene and Education Committee, for letting me share LB115 with all of you today. My name is Senator Carol Blood, that's spelled C-a-r-o-l B, as

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

in boy, l-o-o-d, as in dog, and I represent District 3 which is comprised of western Bellevue and southeastern Papillion, Nebraska. LB115 will allow military children with documentation of a pending military relocation to the state access to preliminary registration, enrollment, or education to a school district at the time that the process is open to the general student population. Proof of residency requirements are temporarily waived until the student begins school. At that time, the student has a certain number of days to provide proof of residency in the school district. Military families transferring on official military permanent change of stations orders are not eligible to register in courses, enroll in specialized academic programs, or submit their children's names for consideration in random lotteries for charter or magnet school entry until they are physically located within the district boundaries. Military service members are routinely reassigned to new duty stations every few years. This most often happens in the summer due to a mission and training requirement. Families moving during this time frame will receive military orders that detail their next destination and window of time for arrival in midspring. This often creates a disadvantage for children of military families because it results in missed deadlines for course and program enrollment and registration which commonly happens in the spring. We can easily provide a sense of comfort and relief. One of the many stressors these families already have from these constant moves by ensuring that these students know which school they will be attending and their class schedules in advance of arriving to their particular school here in Nebraska. Now I'd like to be clear that remote enrollment is intended to help ease some of the challenges faced by military pupils, not to offer an advantage or a priority over other students. Also, no new on-line systems are required and there is added benefit to school districts by reducing the need for districts to make projections regarding their student population. So here's the reality: About 185,000 military kids move between schools annually. That's a lot of kids. As a result, many are forced to graduate later than their peers or change their plan courses of study. As much as Nebraskans value education, that is not acceptable. This is especially true when it is such an easy fix to change our statute. Most of you have heard me say that families also serve and that's a statement of fact. Amongst the ranks, there is a strong belief that when you protect our military families you are also protecting their mission. These folks have enough stress and we need to work hard to make sure-- we make sure and do everything we possibly can to embrace and welcome these families especially when the military member is in harm's way. This is a simple

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

bill with no fiscal note. There is-- that is one of two asks from the Department of Defense State Liaison Office for Military and Family Policy. In fact, we have a gentleman who'll testify later who traveled ten hours to be here today just to testify. It is a priority from a list of ten items that has been shared with each state's Governor. As of today, California and Arizona have passed similar legislation and Washington State, South Dakota, Missouri, Virginia, and South Carolina all have pending legislation. I'd like to add Nebraska on the list of legislation that's been passed. Military family legislation is a great way for Nebraska senators to join together in a bipartisan fashion and show support for our military and their families. And I'm sure you'll all agree. I'd be happy to answer any questions you may have, and I will stay for the closing. I'd like to point out that we have a lot of letters of support from many who originally planned on attending today's hearing, but opted not to brave the roads in inclement weather. So God bless them all.

GROENE: Any questions from the committee? Just a clarification.

BLOOD: Yes, sir.

GROENE: When you said 185,000 students, that's nationwide.

BLOOD: Yes.

GROENE: Do you know the number in Nebraska?

BLOOD: I do not know the number in Nebraska. We actually tried to get that number, but perhaps the gentleman from the DOD has better numbers or from the Nebraska Department of Ed. So I don't know. I do know--

GROENE: Do you--

BLOOD: -- that Offutt Air Force Base is Nebraska's number one employer and the people stationed there have a lot of kids.

GROENE: What-- do you know which school districts are directly affected around Offutt?

BLOOD: Around Offutt? Well, obviously, Bellevue and Papillion-La Vista is directly affected. But they're not just stationed in-- at Offutt Air Force Base. We have people stationed elsewhere in Nebraska. I am sure you're aware of that.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

GROENE: But the big one is your district.

BLOOD: The big one is definitely my district, Senator Crawford's district, Senator Clements' district, and all the Omaha senators.

GROENE: Do you know what percentage of students in La Vista and a, and a--

BLOOD: I can tell you--

GROENE: Bellevue are military students?

BLOOD: I can tell you that I have the most people related to the base in District 3 in the whole state Nebraska; that I can tell you. No, but we get you that breakdown if you would like to have that, Senator.

GROENE: Thank you. I-- numbers are always valuable.

BLOOD: I-- that's a good question and we, we didn't anticipate that question so I don't have those numbers, but I can get them to you if that's important to you.

GROENE: Any other questions? Thank you, Senator Blood. You going to stay to close?

BLOOD: Yes, sir.

GROENE: Proponents. You can come forward.

MARTIN DEMPSEY: Good afternoon, Chairman [INAUDIBLE], committee members. Groene, I'm sorry.

GROENE: [INAUDIBLE]

MARTIN DEMPSEY: My name's Martin Dempsey, that's M-a-r-t-i-n D-e-m-p-s-e-y. I'm the regional liaison from the Department of Defense. I work directly for the Under Secretary of Defense for Military Community and Family Policy. We'd like to thank Senator Blood for bringing LB115 to the forefront for your attention. We think this is a very important issue. We've worked several years now to make sure that the members of the military have a smooth transition. Nebraska has done great things in the past five years to aid in that transaction and, and, and in fact, I think it's paramount to tell you that Nebraska is on the watch list right now. Every time we pass a bill, you guys are on the front-- the leading edge of those bills that

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

have shown that we've done a great job in Nebraska. You care about the military families, many due to Senator Blood sponsoring in the past two years and Senator Crawford as well. We have a opportunity here, again, to kick-start this bill and let them know that Nebraska is taking this seriously and their children and their future means something. We have an opportunity to make this transition smooth and bring it into the 21st century with on-line capabilities which is where we're going and where we are already in many states. It the-- it's a proven fact that the military families often buy homes where they get into the schools that they'd like to have their children. So you're looking at a long term, sometimes even a lifelong resident moving into the state by getting the school of their choice, getting their children taken care of firsthand so they can smooth out the road to this new transition. We have an opportunity here to show the rest of the states can't-- Nebraska is still number one and make military families a, a, a priority within this state. Thank you for this time and I thank you for the operation-- the, the current interest you have in this and hope we can kick it out quickly so we can show them where we're at this year again. That's one of my six states I push. Thank you. I stand ready for questions, Mr. Chair.

GROENE: Any questions from the committee? Thank you for your testimony.

MARTIN DEMPSEY: Thank you.

BRIAN HALSTEAD: Good afternoon, Senator Groene and members of the Education Committee. For the record, my name is Brian, B-r-i-a-n, Halstead, H-a-l-s-t-e-a-d. I'm with the Nebraska Department of Education. I'm also the state's commissioner for the Interstate Compact for the Educational Opportunity of Military Children. So we're here to show our support for the bill, and I'm going to stop there because of weather conditions.

KOLOWSKI: Thank you.

GROENE: Any questions from the committee? Thank you. Proponent. Any other proponents? Now I'm-- now reading into the record-- that ends testimony from proponents. I'm going to read it. Letters of support that we received as proponents was Paul Cohen from Brigadier General United States Air Force, Retired; David Brown, President, Greater Omaha Chamber of Commerce; Rusty Hike, Mayor of Bellevue; Maddie Fennel of Nebraska State Education Association; and Colby Coash, Nebraska Association of School Boards. Now we will go to opponents.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

Any opponents? That ends the opponents' testimony and we have no letters of opposition. So now we will go to neutral. Any neutral testifiers? I guess, Senator Blood, are you ready to close?

BLOOD: I am and, Senator Groene, I believe you also had a letter of support from the 55th Wing Commander's wife, Shannon Manion.

GROENE: Go ahead and read that into the record. Apparently, we didn't get it printed off but--

BLOOD: I don't have it with me because I gave it to your office.

GROENE: No, we don't normally read them, but that she is in support. If you want to do it in that way, it'll be in the record.

BLOOD: I don't have a hard copy of it, because we passed on to your office. So the 55th Wing Commander's wife also wrote a letter of support.

GROENE: Do you know her name?

BLOOD: Yes, Shannon Manion.

GROENE: Thank you. Now it's--

BLOOD: She's probably watching right now, actually.

GROENE: Now it's in the record and she was in--

BLOOD: She's the 55th Wing Commander's wife, Colonel Manion's wife.

GROENE: And she, and she was a proponent?

BLOOD: She was a proponent. Yes, sir.

GROENE: Sorry, about that. You contacted me earlier and I don't know who dropped the ball, but somebody did.

BLOOD: No worries, sir.

GROENE: Thank you.

BLOOD: Thank you for allowing me to say that. I just want to again, say, when it comes to the military and when it comes to children those are things that we can always come together on. And it is my hope that we can quickly get this out of committee. There were no opponents.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

There was no fiscal note. It's common sense legislation. It's a really easy bill that we can all agree on. So I just ask for you to hopefully expedite it out. And that's one more thing we can tick off our list for the Department of Defense.

GROENE: Any questions? Senator Kolowski.

KOLOWSKI: Thank you, Mr. Chair. Senator Blood, thank you for your testimony today and for bringing this forward. The Millard Public Schools, over the years, have had many Offutt residents and working parents from the base living in our community, in our, in our school district and it's been a great relationship and those students have done very well over time. Thank you, appreciate it.

BLOOD: I'm glad to hear that.

GROENE: Any other questions? Thank you, Senator Blood.

BLOOD: Thank you, Senator Groene.

GROENE: That closes the hearing on LB115. We will now advance to-- now it's Senator Blood again with her LB6, change residency provisions relating to persons on active duty and their dependents for college tuition purposes.

BLOOD: We have a theme today.

GROENE: We try to do that so testifiers don't have to come in two or three times.

BLOOD: And I appreciate that. So good afternoon, again, to the Education Committee and to Chairman Groene. My name is Senator Carol Blood, that's spelled C-a-r-o-l B, as in, as in boy, l-o-o-d, as in dog, and I represent District 3 which is western Bellevue and southeastern Papillion, Nebraska. Today I bring you LB6, which allows a spouse or child of an active member of the armed forces who is assigned to duty out-of-state and has received a letter of acceptance from a Nebraska college to be deemed an in-state resident for purposes of determining tuition and fees as long as a spouse or child remains continuously enrolled in the institution of higher learning. So it's no secret that I'm a strong advocate for the military. Offutt Air Force Base and the surrounding base housing is in my backyard. I'm also a strong advocate for the colleges and universities that are located inside the state. I believe we're able to give students a first-rate education whether they're seeking a four- or two-year

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

degree here in Nebraska. LB6 is a simple bill. It amends Section 85-502 of our state statute to say that an active-duty member, spouse or legal dependent should be allowed to pay in-state tuition fees even if they no longer live in the state as long as the military member was assigned to a permanent duty station in Nebraska when they were accepted to a college or university in our state. The student would then continue to receive those in-state tuition rates as long as they continually enrolled-- as long as they are continually enrolled at the institution. As you probably know, the cost of going to college continues to grow. Those prices are even more prohibitive if you're talking about paying to go to someplace outside of your home state. Oftentimes, out-of-state tuition can be two to three times more than in-state rates. A change in status before enrollment places that student in a situation where they must find another college at the last minute or pay higher tuition. If you've ever talked to me about our military members, you know not only do I have the greatest respect for them but, again, I truly believe that the family also serves. They are asked to move across the country at a moment's notice, usually every two to three years. The families don't have any more say in the matter than the service member. It can be a heck of a burden especially when you're talking about children. The children really have no choice. I believe it's our responsibility to try and lessen that burden. It's a stressor that grows when you're planning on attending college in a great place like Nebraska only to find out the cost to attend the school they had expected to go to has suddenly tripled because they won't be a resident when it's time to enroll. So we can make it easier for them by allowing the in-state rate as long as they're here when they get the acceptance letter. They will then get to keep that in-state rate as long as they are continuously enrolled even if their family has long since had to move to another state or two. Currently, there are five other states that adopted this type of legislation: California, Arizona, New Mexico, Texas, and Virginia. And it's my guess that you're going to see plenty more in the next few years as this really is about fairness to the students who are placed in situations that they really can't control. In talking to area colleges and universities, I've gotten almost universal support for LB6. You should have several letters demonstrating this, and I hope that at least a few representatives are here to testify today. But with the weather, who knows. While I always appreciate getting an early hearing date for my bills-- and that's why I try and turn everything in on the first day-- this hearing was way too early for a few of the boards and organizations to lend their official support at this meeting. However, I have yet to speak with

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

even one of those organizations that's in opposition to this bill. Unfortunately several veterans, as well as the 55th Wing Commander's spouse, were unable to attend due to inclement weather but have submitted letters. I hope you take a moment and you peruse that information. I did want to say one thing about the fiscal note. My office has had conversations about it and I want to make clear that those working on the fiscal notes understand that this can be quite a difficult number to nail down. You're talking about people who are going from qualifying as in-state to no longer qualifying in the blink of an eye. It's impossible to get a firm number or something even close to one. The financial impact could be quite a bit more or quite a bit less, and I don't believe the financial impact should be the main focus of LB6 though. It should be on the military families and the students who want to continue their education here in Nebraska. It is clear that our colleges and universities agree with that because they are still showing their support despite knowing there may be a small and-- financial impact of some kind. This particular bill is one more issue that our state has been asked to address by the Department of Defense State Liaison Office for Military and Family Policy. This is a topic they take very seriously as they work to identify and address the most pressing needs of our service members and their families. This is one of two bills that if we can get this out of committee and passed in 2019, Nebraska will have met all ten requests from the DOD, as we continue to pull Nebraska to the front of the pack to make our state as military friendly as possible and give us one more feather in our cap while we wait for the next BRAC round which is ultimately in our future. And we can join together in bipartisan unity to protect our state's number one employer and its highly educated work force that we hope will choose to retire in Nebraska where they will live and work and play and pay taxes. With that, I conclude my opening statement and am available to take any questions you may have. Thank you.

GROENE: Senator Morfeld.

MORFELD: Thank you, Chairman Groene, and thank you for bringing this bill, Senator Blood. This is probably the only time I'm going to talk on any of the bills today, but I just want to thank you for doing this. Because, to give you an example, my father enlisted in the Marine Corps in 1982-83, served 26 years. During that point in time, he changed his duty station or, or I think that's the term for it, changed his duty station from Nebraska to Michigan when he was a recruiter in Michigan for the Marine Corps. Little did he know that

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

when he changed his duty station, that also revoked any ability for his children, at the time, to be considered in-state residents--

BLOOD: Right.

MORFELD: -- in the state of Nebraska for tuition purposes. Senator Crawford's bill changed that a few years ago, but not in time for me to be able to come back and incur an additional \$60,000-\$70,000 in student loan debt because we didn't have modern up-to-date, in-state tuition and residency requirements for children of military folks. So I just want to say that while your bill wouldn't have fixed my problem, Senator Crawford's bill did three years ago. However, she didn't have a loan forgiveness provision in that bill unfortunately for me. But these types of bills do really have an impact--

BLOOD: They do.

MORFELD: -- on military families and children. Particularly, for military families and children who want to stay with their families in these-- in the state like the state of Nebraska. So I just want to thank you and kind of highlight how this can personally impact people not only outside the Legislature but folks that actually serve in the Legislature, too.

BLOOD: I appreciate that. My dad was a Marine as well by the way.

MORFELD: Excellent.

GROENE: Senator Kolowski.

KOLOWSKI: Senator-- Thank you, Mr. Chairman. Senator Blood, thank you for bringing this forward. Very important piece, again, for all Nebraskans to know that this is the way we are dealing with this. One question I had, I don't know if you have any figures on this. Do you have any idea how many of the students in the Bellevue schools, as an example, are also ROTC students in college going the R-O-T-C route and, and having an impact in our community in that particular way as well?

BLOOD: Well, that's actually a question I definitely did not anticipate. But we do have very active R-O-T-C-s, ROTC groups, at both Bellevue East and Bellevue West as far as, as organizations that are doing well with the military kids. I'm not familiar with how well Papillion-La Vista schools are doing with ROTC, but I say, there's a

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

substantial amount of children that, that are in ROTC with Bellevue East and Bellevue West.

KOLOWSKI: And that's another help as far as scholarship--

BLOOD: Absolutely.

KOLOWSKI: -- when they're in school and that's a great, great addition to things.

BLOOD: And I don't know how many children, because we've not been able to find any definite number, but I do know that something like 1,100 people that get shipped in and out of Offutt. So there's a large portion that have children, have families. So it's a benefit and it's a small price to pay. There's no fiscal note from the university system and I think there's only like a \$36,000, I think, fiscal note from community colleges but both have said that it's an easy one to absorb and they're very enthusiastic to support the legislation.

KOLOWSKI: We've had two Marines sound off already. I'll just [INAUDIBLE]--

BLOOD: There you go.

MORFELD: Son of a Marine, not, not a Marine.

BLOOD: It's all good.

KOLOWSKI: It's all part, all part.

GROENE: I have a question for you.

BLOOD: Yes, sir.

GROENE: Somebody stationed here from Texas--

BLOOD: Um-hum.

GROENE: -- gonna be long term. Can they keep their residency Texas, where there's no state income tax?

BLOOD: So I'm probably the wrong person to ask that. I do know that we see that a lot with the state of Alaska. It has something to do with taxes. That might be a better question for Senator Brewer.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

GROENE: Well, the point is anybody stationed here, a family can establish residency and then pay state of Nebraska taxes and then their child will be considered in-state, is that not true?

BLOOD: Right. Are you concerned that they're not changing their residency and then they're getting a special privilege? Is that what I hear you saying? Or--

GROENE: No, I'm, I'm stating that if I could save myself 6.78 percent, I'd keep my residency in Texas and, or Florida. I'm not blaming anybody, it's smart politics. But then also you can't expect the benefits that the state offers if you don't pay the taxes in the state. That's the point I was making.

BLOOD: Well-- and even if they don't change their residency I-- in defense of all the military in my area, they do pay taxes. They eat at our restaurants. They shop in our stores. They are paying taxes.

GROENE: That's a good point. But thank you. Any other questions? Senator Brewer.

BREWER: Thank you, Mr. Chairman. Just, just for clarification, you, you can have a home of record in a home of residence and they don't necessarily have to be the same depending on what state you originated from. And a-- other than that, I'll just stay out of the Marine part of this. [LAUGHTER]

GROENE: Thank you, Senator Brewer. Any other questions? Thank you, Senator Blood. You'll stay to close?

BLOOD: Yes, sir.

GROENE: Proponents?

MARTIN DEMPSEY: Good afternoon, Mr. Chair, committee members. My name is Martin Dempsey, M-a-r-t-i-n D-e-m-p-s-e-y. I'm the regional liaison from the Department of Defense working for the Under Secretary of Defense for Military Community and Family Policy. Great bill, we love it. We love taking care of our kids. And this is just terminology, is what we're looking at. Simply from going from enrolled, to continuously enrolled, to accepted. I think we've all had children that have become high school seniors that have gotten acceptance into the college of their choice, and we're just trying not to rip that out of their hands two months later because the family rotates in the summer months, which are the highest rotation rates for the military

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

families, June through September when they change stations. And having said that, I think as Senator Blood said, everything needs to be said. We thank her for bringing this bill forward. I stand ready for questions, Mr. Chair.

GROENE: Thank you, sir. Any questions from the committee? Is it your understanding that-- I don't believe that's so, in any instance, where-- if a, if parents are residents and the child enrolls into a college and then, let's say the parent works for IBM and they get transferred out, the child still remains a resident. All of a sudden the sophomore year, they're not going to be charged out of state. Maybe one of the institutions-- educational institutions can clarify that if you don't know that, sir.

MARTIN DEMPSEY: Mr. Chair, I'll be first to clarify. I'm not 100 percent on this, but I believe the child has to become emancipated in order to make that happen.

GROENE: I wonder who can get that clearer? Thank you, sir.

MARTIN DEMPSEY: Thank you.

GROENE: Any other questions? Any other proponents?

MARTIN DEMPSEY: Thank you, Mr. Chair.

GROENE: Is there any other proponents? The weather is keeping folks away I guess. Let's see if we have any letters. LB6 letters of support: Paul Cohen, Brigadier General, again, of the United States Air Force; Rusty Hike, Mayor of Bellevue; Maddie Fennel, of NSEA; Greg Adams, Nebraska Community College Association; and Hank Bounds, President of University of Nebraska. Thank you. Is there any "apponents"-- opponents? That closes testimony on opponents. We have no letters of opposition. Is there any neutral? No neutral. Senator Blood, would you like to close?

BLOOD: Yes, sir. And I'd like to add, I believe that Shannon Manion also wrote a letter of support as well as the Bellevue Chamber for this bill and the previous bill.

GROENE: I'm going to have to apologize, we a-- we have new staff this year and there was a misunderstanding about how letters should be handled. So the first--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

BLOOD: Absolutely no problem on my end. I appreciate you giving me the opportunity to say it on the mike.

GROENE: Nobody [INAUDIBLE], yeah. And as you called me earlier, I said we would accept that late and apparently somebody decided not to. But anyway--

BLOOD: No worries.

GROENE: -- we'll get-- try to get it into the record.

BLOOD: And I appreciate that, sir.

GROENE: Thank you.

BLOOD: Again, another bill that we can all come together on. We all appreciate the military. We love the children here in Nebraska. This is a win-win for everybody involved. I just ask that you please vote it out so we can get it onto the floor and move it forward. And I appreciate your time today.

GROENE: I wanted to clarify earlier, you said, it was a hearing for early. The reason we did that was in consideration of you, Senator, that maybe we could get these out without a priority for you. So there was a reason for scheduling early, a positive reason.

BLOOD: Thank you, sir. I am sincerely appreciative as are the folks at Offutt Air Force Base.

GROENE: Thank you. That ends the hearing on LB6. And we will now go to-- Is Senator Crawford in the room? We will go to LB122, Senator Crawford. Change postsecondary residency requirements for veterans, family members, and other qualified persons. Open at your convenience.

CRAWFORD: Thank you. Good afternoon, Chairman Groene and members of Education Committee. My name is Sue Crawford, S-u-e C-r-a-w-f-o-r-d, and I represent the 45th Legislative District of Bellevue, Offutt, and eastern Sarpy County. And I'm honored to be here today to introduce LB122 for your consideration. This bill was requested by the Departments of Veterans Affairs in an effort to bring Nebraska into compliance with recent federal amendment to Title 38 of the U.S. Code. This September, President Trump signed Public Law 115-251 which was-- which amended Title 38 of the U.S. Code, Section 3679(c) to require that veterans and service members residing in a state and using educational systems under 38 U.S.C. Chapter 31 or vocational

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

rehabilitation and employment be charged the resident rate regardless of whether the individual meets the state's residency requirements. My staff is distributing an amendment which replaces the bill. So my comments-- the rest of my comments will all refer to the amendment which replaces the bill. The Vocational Rehabilitation and Employment, also known as Voc-Rehab Program, is authorized by Congress under Title 38 of the United States Code, Chapter 31. Voc-Rehab helps service members and veterans with service connected disabilities prepare for, find, and maintain suitable careers after they are discharged from service. Recipients may qualify to receive payment for tuition and fees, a subsistence allowance, and books. The VA makes payments for tuition and fees directly to the university on the recipient's behalf. This bill amends our current statute to state that veterans that are receiving vocational rehabilitation services will receive the in-state tuition rate. According to federal law, effective for courses, semesters or terms beginning after March 1, 2019, a public institution, institution of higher learning must charge the resident rate to Chapter 31 participants, as well as to-- as well as the other categories of individuals previously covered by the law. For this reason, the amendment also contains an E clause on the bill to ensure that we achieve compliance in advance of the federal deadline. Additionally, the amendment clarifies that the only requirement for Voc-Rehab recipients to receive the resident rate is that they reside in the state. Brad Dirksen from the Department of Education will also be here to speak more to the details of implementing the change. However, this is a straightforward change that is required for compliance with our federal code. Please advance this to the floor for a vote. Thank you.

GROENE: Thank you, Senator Crawford. Is there any questions from the committee? No questions.

CRAWFORD: OK.

GROENE: I have one.

CRAWFORD: OK.

GROENE: Is this tied with the federal just because of the VA hospital system their rehab and they might have to go to a certain VA hospital across the country? Or--

CRAWFORD: This is where their vocational rehab, their-- the actual training and rehabilitation services that they get. And, and it

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

requires that if they're using the university resources that they're charged in-state tuition. And to-- in order to keep receiving those federal funds that provide the service we have to comply. And one of, one of the new rules that we need to comply with is that we ensure that these individuals get in-state tuition.

GROENE: Or just match-- matching the federal requirement?

CRAWFORD: Right. Correct. Um-hum.

GROENE: Thank you.

CRAWFORD: Thank you.

GROENE: Proponents? Come forward.

BRAD DIRKSEN: Thank you for your time. My name's Brad, B-r-a-d, last name's Dirksen, D-i-r-k-s-e-n. I'm representing the Nebraska Department of Education today in regards to LB122 and it's the position of the department that we support aligning state statute with federal requirements. And I'll take any questions.

GROENE: Any questions from the committee? Thank you, sir. Any other proponents? That ends testimony, proponents. I don't have any letters in support. We'll go to opponents. Any opponents to LB122?

PANSING BROOKS: I think there are letters in support here.

GROENE: I don't have the list.

PANSING BROOKS: Do you want me to hand the [INAUDIBLE] sheet in?

GROENE: Let's see if we-- I am-- I apologize. I got it mixed up. It's not in my-- there I found it. Wasn't in my binder. The letters of support are Greg Adams of the Nebraska Community College Association, and William Streitberger, the Department of Veterans Affairs. Thank you. No opponents? There was no letters of opposition. Neutral? That closes the testi-- do you wish to close Senator Crawford?

CRAWFORD: No.

GROENE: Gonna waive closing? Thank you.

CRAWFORD: All right. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

GROENE: Now we'll proceed to LB73. Senator Erdman.

ERDMAN: Thank you, Senator Groene, the Education Committee. My name is Steve Erdman, S-t-e-v-e E-r-d-m-a-n. I represent Legislative District 47, 10 counties in the Nebraska Panhandle. I'm here today to make a presentation on LB73. It is a bill that would allow schools to place, in a conspicuous place, in their school, the national motto. This came to my attention, just for a point of reference, how this started. Last October, I began to notice that some of my county courthouses began to put our national motto in the courthouses. And the one that got my attention first was Scotts Bluff County and I seen it in the news. I contacted the county commissioners there, and they said that was a decision that they had made a month earlier, and they placed that motto in their courthouse. Since that time, there's been about 87 counties that have either placed the motto in their county building or are going to, 87 of the 93 counties. I'm not sure about the other 6, but I do know that 87 have committed to doing it. My county has it in two places, they have it when you enter the courthouse, and then they have one hanging behind the chairman of the commissioner board at his location in the boardroom. So we're here to talk about the national motto, and what we will hear today is we will hear from people who are going to talk about what the national motto means and the definition of it and their disappointment with placing "In God We Trust" in the schools. I don't believe this bill is here to discuss whether you like the national motto or not. This bill is discussed placing the national motto in our public schools. It has been the national motto since 1956. That's when President Eisenhower signed that into law. It has been reconfirmed a couple of times in the Congress, and the latest time was in 2011, and I have a copy of that resolution if you'd like to hand this out. Thank you. So that phrase is found in the, also on the fourth verse of our "Star-Spangled Banner." So in 1812 when Francis Scott Key wrote our "Star-Spangled Banner" he included that in the fourth verse, "In God is our Trust". The courts of rule, on several occasions, the courts have ruled that this is not a religious statement, this is not a statement of forming a national religion, this is the national motto. That phrase "In God We Trust" first appeared on our money in 1864. So the first paper money we had that was printed with "In God We Trust" was 1957 after President Eisenhower signed that into law as the national motto. The national motto was reconfirmed, was reaffirmed, as I said, in 2002 and again in 2011, and the document that I just passed out to you shows that, that national motto, and I'll read it to you reaffirming "In God We Trust" as the, as the official motto of the United States in supporting and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

encouraging the display of the national motto of all public buildings, public schools, and other government institutions. And so it has been challenged by several people that the national motto should not appear on our money, that it is a religious statement. Those are not true statements according to the courts. You will hear today from people who oppose this because it says "In God We Trust." I don't believe we're here today to talk about the meaning of the national motto. What we're here to talk about today is placing the national motto in public schools, and that's exactly what "In God We Trust" is, it is the national motto. So you will hear from lawyers and other people who will share their opinion about what the national motto is and how it should be a separation of church and state. This is absolutely nothing about that. What it is, is we're talking about placing the national motto in our public schools. As we have moved on in education in the last 25 years, things have changed. And I'll give you an example. When I first became a school board member for the second time at the second district that I was associated with, we had an educational briefing for all school board members, and they were going to begin teaching multiculturalism. And at that point in that training session I asked the moderator, why don't we teach, teach American culture? Because you see Senator Chambers will many times state that we're more divided now than we've ever been. And I contend that's because we've been teaching multiculturalism and not Americanism and not that we are one. I think this is an opportunity for us to address the issue of patriotism and other things that brought this great country to where we are today. So careful review of the State, State of the Union, as we see someone making the State, State of Union presentation above the Speaker's position in Congress, the national motto is there. Nearly 100 of the members of Congress have their motto hanging in their offices in D.C. Six hundred cities, counties or school, or city, counties or public buildings have already placed the national motto in place. So we have seen many challenges in the court system about what the national motto is and it is not a religious statement. It's a secular statement about our national motto. So one of the things that I looked up this morning is Rule 10, and Rule 10 was put in place by the Board of Education back in probably 2012, and I'll hand, I'll hand this out to you when you get a chance. I thought Rule 10 was an interesting rule. I had an opportunity in Nov-- in December to speak to the school in Bayard, my home school district. And before the assembly started that morning, the superintendent said, students, we're gonna begin this day like we do any other day. We're going to salute the flag. We're going to say the Pledge of Allegiance. And the whole student body stood up and said and recited the Pledge of Allegiance to the flag. It was optional, the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

students didn't have to do that, but the whole student body did. So you will see when you get that document Rule 10(003.12) talks about saying the Pledge of Allegiance each morning in the public schools. And so in the Pledge of Allegiance it says "one Nation under God." We have been talking about that "one Nation under God" for a long time, and it's an issue that our Founding Fathers thought was important enough and then they added it in the '60s about "one Nation under God." So as you go through and listen to the hearing today, there will be people who testify who will tell you that this is unconstitutional. They will tell you that this is not separation of church-- we need to have separation of church and state. And they'll make all those arguments. And when I was a county commissioner, we would have from time to time lawyers come in and they would read their opinion about a statute, about what should be done. At the end of the day, when I would ask is that opinion from a judge or a court or is that your opinion, and that was their opinion. So I'm here to tell you today that the courts have ruled on the national motto, and it's not a religious statement. So when they come and share with you that this is unconstitutional, and this can't be put in the schools because it is unconstitutional, that's not true. So it'll be strictly their opinion. So I ask you to consider this: Yesterday was Martin Luther King Day, and I appreciated what Dr. King did for this nation and for our country. But I remember a person 120, 130 years ago that made a difference, Frederick Douglass. Frederick Douglass was a black man who escaped from slavery who became an advisor to Abraham Lincoln, and Frederick Douglass made a lot of quotes, and I've read several of those this last couple of days. But one of the quotes that he made, he said I'm looking for justice, simple justice for everyone, not social justice, not social media justice, but simple justice. So I'm asking you to do the right thing as Frederick Douglass did, as Abraham Lincoln did-- abolish slavery. Do the right thing like Martin Luther King and advance this bill to the floor. Thank you.

GROENE: Thank you, Senator Erdman.

ERDMAN: One other thing, Senator Groene, I forgot to, to do at the beginning, I have an amendment that I'd like to distribute. Sorry, about that.

GROENE: Pages.

ERDMAN: Want to distribute this? My fault it wasn't up in front. Sorry, about that. What the amendment is-- we met with, I met with the Attorney General's Office, and, last Friday, and they came up with the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

wording that you see on the amendment AM15. And so what the amendment will do in your green copy, it'll strike lines 8 through 11 and it'll replace it with the following verbiage: "Upon the filing of any suit or action challenging the constitutionality of this section in state or federal court, any school district, school board, or other official employee named as a defendant may request the Attorney General to appear and provide representation in the action." So that is, that is the amendment that's meant. So on the green copy you would eliminate lines 8 through 11 and replace it with AM15. Sorry, about that. Any questions?

GROENE: Are you finished? Any questions from the committee? Senator Kolowski.

KOLOWSKI: Thank you, Mr. Chairman. Senator Erdman, one of the words you used early in your presentation, I want to make sure I'm understanding where you're coming from. Were you asking for this to be allowed or required--

ERDMAN: Required.

KOLOWSKI: -- in schools?

ERDMAN: Required, sir.

KOLOWSKI: You use the word allowed, not required. So you're saying it should be required?

ERDMAN: Yes, that's correct.

GROENE: Any other questions for the Senator? Pansing Brooks.

PANSING BROOKS: Thank you for coming, Senator Erdman.

ERDMAN: Thank you.

PANSING BROOKS: I was wondering if you considered, I mean you talked about the Founding Fathers, and I, so I was wondering if you had thought about "E pluribus unum" which actually is on our crest and is seems to me more of a national motto, "E pluribus unum."

ERDMAN: That is not our national motto. Our national motto is "In God We Trust."

PANSING BROOKS: Since '57?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

ERDMAN: Since '57.

PANSING BROOKS: OK, but early and fairly our Founding Fathers set forth "E pluribus unum."

ERDMAN: Did they declare that our national motto?

PANSING BROOKS: I, I don't know that they considered national mottos then but it was the motto that was placed on our seal of the United States and--

ERDMAN: I was following the lead of what the counties did and that's, that's the national motto that President Eisenhower put into place. That's the motto I was following.

PANSING BROOKS: OK, was there any thought about taking our state motto which was adopted even earlier in 1867, the motto, "Equality Before the Law"?

ERDMAN: I did not consider that, no. Was that your question, did I consider that?

PANSING BROOKS: Yeah.

ERDMAN: I did not.

PANSING BROOKS: You did not, OK. And I'm just wondering, why not? What-- I mean that seems like we have a motto that is really particular and actually was-- mentioned religious freedom in the debate of that motto. So I was interested if you, you hadn't seen that really or just thought about it.

ERDMAN: I had seen it, I hadn't given any thought. Your question was had I thought about it, and no I did not.

PANSING BROOKS: OK.

ERDMAN: But I had seen the national motto when it was placed in those courthouses and it came to my attention that that may be something we should consider. And I contacted Joel, my staff, and we looked at it. And the more we looked at it and analyzed what has happened in other states: Louisiana, Arkansas, Tennessee, Florida, and Alabama, Arizona have all passed it. Florida-- it is their state motto, it's on their flag. Its been their state motto since 1868, and so Florida has it as their national motto, now they-- as their state motto-- they approved

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

that in 2002, but it's been on their flag ever since 1868. So my intention is the national motto, and I did not consider the state motto.

PANSING BROOKS: OK, our motto is a year before that, and I'm really proud of our state motto. So--

GROENE: Thank you, Senator. Any other questions? Senator Erdman, are you advocating any one God? I mean, the word God can mean lots of things to a lot of different people. Is that true?

ERDMAN: Yes, sir. Yes, it can.

GROENE: You're not advocating any certain God? I think I looked up, I looked up-- if you see me on the phone, folks, I'm looking up a definition or texting my staff for questions and I, I looked up the definition of Allah and it says Arabic word for God. So you're not advocating anybody-- any student can sit there and choose who their God is? It could be the government?

ERDMAN: Yes, sir. Yep, I agree.

GROENE: It could be the God in the Bible or any God they choose. Is that correct? Just should have faith in something.

ERDMAN: In faith in something, right.

GROENE: Thank you. Any other questions? Thank you.

ERDMAN: Thank you.

GROENE: You're going to stay to close, Senator?

ERDMAN: Yes, sir.

GROENE: Proponents?

ZACHARY WAHAB CHEEK: Hello, Senators. My name is Zachary Wahab Cheek, Z-a-c-h-a-r-y W-a-h-a-b C-h-e-e-k. I'm a student at the University of Nebraska-Lincoln and I'm here advocating LB73. Senator, on a quick side note, as a practicing Muslim, I can let you know that Allah means God in the common noun sense of the word. So in any religion Allah would be the God of that religion. How do I say this? In my opinion, our nation was-- our governmental system was built off a sense of distrust. It is distrust that makes our senators popularly elected as

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

opposed to elected by legislatures whom we ourself elect. It is distrust in our several branches of government that we have checks and balances, but one thing that we can all trust is God. I don't see as a non-Christian the significance of it being an issue of church and state, personally.

GROENE: Are you done?

ZACHARY WAHAB CHEEK: Yes, sir, that was it for me.

GROENE: Thank you. Questions from the committee?

PANSING BROOKS: Could he spell his name again? I'm sorry.

GROENE: Could you slow down and spell your name?

ZACHARY WAHAB CHEEK: Forgive me, Senator. Zachary, Z-a-c-h-a-r-y, Wahab, W-a-h-a-b, Cheek, C-h-e-e-k.

GROENE: Senator Brewer.

BREWER: Thank you, Mr. Chairman. Well, first off, thanks for, for taking the time and having the courage to come up and present. That's what makes these hearings special is when we hear from those who we don't normally get a chance to hear from.

ZACHARY WAHAB CHEEK: Thank you, sir.

BREWER: I'm gonna-- I guess just keep this fairly basic, do you believe that these unalienable rights, these rights, do they come from God or do they come from man-- governments?

ZACHARY WAHAB CHEEK: I believe they come from man indirectly through God.

BREWER: Could you clarify that a little, just--

ZACHARY WAHAB CHEEK: We believe these rights to be evident that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, and among these rights are Life, Liberty and the Pursuit of Happiness.

BREWER: If your mission was to impress me, you just did it. All right, that's close enough. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

ZACHARY WAHAB CHEEK: Thank you, Senator.

GROENE: Senator Walz.

WALZ: Yes, thank you, for coming today,--

ZACHARY WAHAB CHEEK: Thank you, ma'am.

WALZ: -- we appreciate it. So you said you're a proponent?

ZACHARY WAHAB CHEEK: Yes, ma'am.

WALZ: Can you just give me some reasons why you are a proponent of this?

ZACHARY WAHAB CHEEK: I'm a proponent because I personally do not see the issue of it being an issue of church and state. Even though it was passed by Congress in 1956, made law in 1957 our national motto, that does not, or how do I say this. The fact that we have had other mottos respectfully, Senator Pansing Brooks, before that does not illegitimize the fact that in 1956 an act of Congress did define our national motto as "In God We Trust." I don't see any legal reasoning against this. I don't see why this is not compliance with the federal government's acts.

WALZ: All right, thank you.

ZACHARY WAHAB CHEEK: Thank you, ma'am.

GROENE: Any other questions? Could you see why anybody would be offended?

ZACHARY WAHAB CHEEK: Hypothetically, I suppose so. People could be offended, in my opinion, by the fact that it's not advocating other people's gods. I'm from, I'm from Elkhorn Public Schools. I'm from Elkhorn, Nebraska, Senator, I just blanked for a second. Excuse me, Senator Linehan. We were actually redistricted into Hilke-- Senator Hilke's district. On a quick side note, you may remember that two years ago I had the pleasure of meeting you in Ms. Wahlen's AP United States Government and Politics class at Elkhorn High School.

LINEHAN: Yes, I do.

ZACHARY WAHAB CHEEK: But, I'm so sorry, Senator, I blanked on the question.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

GROENE: You see why anybody would be offended?

ZACHARY WAHAB CHEEK: Well, I guess I was going to the side note that at Elkhorn Public Schools we just fired one of the principals of my old elementary school, Manchester Elementary, for barring the use of Christmas-- of several secular aspects of Christmas in the classroom. And I suppose that from that standpoint it seems as if an imposition upon other people who do not necessarily practice Christianity or Catholicism or organized religion, for that matter, that it could be seen to them as trampling on their rights. But the fact that this was passed by Congress, that it was in compliance as Senator Erdman was so nice to name. It was a-- it's Florida's state motto, I don't see how this is-- well, I suppose people answering your question Senator, forgive me, would be offended by the fact that it would be seemingly proponent of Christianity and organized religion whereas we are, of course, guaranteed under First Amendment of the United States Constitution a nation free to practice whatever religions we so want.

GROENE: I just wondered be-- if you don't believe there is such a thing as a God, why would you fear it? That if-- it was there, it's harmless, I would think, but anyway, thank you.

ZACHARY WAHAB CHEEK: Yes, sir. Thank you.

GROENE: Any other questions? We appreciate your effort--

ZACHARY WAHAB CHEEK: Thank you, Senators.

GROENE: -- for coming down from the-- through the snow and testifying. Any other proponents? Thank you. We had one letter of support from a Barbara Otto, and I-- we want to emphasize to everybody out there listening, we had a huge number of e-mails for both support and opposition. All of them, most of them, did not say they wanted in the public record or mentioned that. You need to say you want it in the public record, if you wanted your name read and in the record and that's on wherever you stand, proponent, opponent or neutral. And on both sides of this issue we had a lot of correspondence, but people didn't say they wanted in the public record. And I'm not gonna, and no Chairman will take it on themselves to take a private e-mail and make it public without your permission. So keep that in mind in future bills in any committee that you wish to be heard. So any opponents?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

GWENDOLEN HINES: Good afternoon, Senator Groene and members of the Education Committee. Can you hear me OK?

GROENE: Yes.

GWENDOLEN HINES: My name is Gwendolen Hines, it's G-w-e-n-d-o-l-e-n and Hines is H-i-n-e-s, and I'm representing the Unitarian Church of Lincoln-Social Justice Committee. I have a, a, a testimony prepared, but before I say that, I mean, "In God We Trust" is not a meaningless motto. It says something about a belief in a God who can affect our daily lives and not everybody shares that belief. So I, I am gonna talk about the First Amendment and I'm also gonna talk about Thomas Jefferson because he was somebody who, who interpreted the First Amendment in a way that the Founding Fathers meant it to be interpreted. So the First Amendment says, "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." Thomas Jefferson wrote in 1802: Believing with you that religion is a matter which lies solely between a man and his god, that he owes account to none other for his faith or his worship, that the legitimate powers of government reach actions only, and not opinions. I contemplate with sovereign reverence the act of the whole American people which declared that the legislature should, quote, make no law respecting an establishment of religion or prohibiting the free exercise thereof, unquote, thus, building a wall of separation between church and state. And that was the first time that the phrase between, separation between church and, church and state was used. We need to respect this law, separation of church and state. We cannot indoctrinate children to the belief in one particular God. Children who believe in Allah, Buddha or no God or no, or no God at all, all of these beliefs must be respected. They are between man and his God or not God, as the case may be. Thomas Jefferson himself was not a Christian. He believed in a God who created the universe but does not intervene in it. The Founding Fathers, including Thomas Jefferson, used the motto "E pluribus unum" which means "Out of many, one." This was our, our unofficial motto until 1956 when the motto was changed to "In God We Trust." Children should not be daily exposed to and expected to hold sacred the belief that the Christian God affects our daily lives. Children should be allowed to make up their own minds about religion and God and this decision should not be swayed by messages they receive at school. But, rather, it is a personal decision between a child, his family, and his own personal beliefs.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

The state plays no role, no role in this decision and the words "In God We Trust" have no place in the classroom. Thank you.

GROENE: Thank you, Miss. Any questions from the committee? Thank you, Miss, for testifying.

GWENDOLEN HINES: Yeah.

GROENE: Next opponent.

ROBERT WAY: Hello, my name is Robert Way. I am testifying, testifying in opposition. I had a written statement but several things have happened during the hearing that are going to make me adjust it slightly. First of all,--

GROENE: Excuse me sir, did you spell your name for the record?

ROBERT WAY: Robert Way, W-a-y, like a one-way street. Earlier today-- this is going to be my abbreviated portion of what I was going to read-- the committee heard testimony on LB115, LB6 and LB122. All of these were promilitary amendments and none of them received opposition because the military's pretty well-respected and seems like not a single Nebraskan wanted to speak against helping them out and that does not surprise me. But it does make me think of Corporal Patrick Daniel Tillman who played football, NFL football and then he served in the United States Army Rangers and then he served in Iraq and then he served in Afghanistan and he was killed. Sometimes rangers are killed, we accept that. But when politicians came to his funeral and started talking about how he was with God, his family immediately spoke up and said he was an atheist. He was proud of that belief. He was just as American as anybody else, but he was an atheist. Earlier, earlier one of the senators asked, is this going to be a required or a may bill? I find it interesting that the state would require county boards to make a decision. The, if this is something that's supposed to be local, show patriotism, why wouldn't the county boards be able to make that decision? Lastly, I was just blown away by that, that last proponent's testimony, especially in this culture, to come out and say something that isn't popular in a time and a place where different views aren't always respected to come in front of the State and he's just being interviewed by the paper now and state his belief. That really, really impressed me. But the senator earlier said that us opponents were going to not be experts. That young man is brave, that young man is daring. I do not believe that young man is an Imam. I do not believe he has the right to speak authoritatively on matters of religion. Just

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

like I don't have-- even though I went to Catholic School-- I don't have the right to speak authoritatively on church doctrine. I can have an opinion, but Senator, when he introduced this legislature and he characterized my statement, I decided, before we had any chance to speak on the public record said he wanted to hear from authorities. Well, if the committee wants to hear authoritatively on that subject, they should seek an authority-- not a brave young man. I don't know what happens after we die and this is what we're really talking about here. That's what this whole question is always about, what we don't know. And that scares us, and some of us comes to different points of view to come to grips with that. I know that Corporal Tillman and certain members of this committee-- when we die we don't-- might not know what happens long term, but we get a flag. We get a flag on our coffin because we served in the military. And that flag doesn't-- isn't just for certain members of certain religions-- this country isn't for certain members of certain religions-- it's for everybody. That's the patriotism I believe. Another senator talked about "E pluribus unum", is that the current national motto? No. Could it be if we voted that way tomorrow? Yes. I think it's a debate that's still happening today, and I think to not, to put, to not explain that whole thing and just put one statement in front of the students would not give them a full picture of our thoughts on this matter. I thank you for your time.

GROENE: Any questions from the committee? Senator Brewer.

BREWER: Thank you, Mr. Chairman. Well, you do know how to hit hot buttons with me, I'll start off with the issue of Pat Tillman-- he was a friend. I stood on the parade field with him so tread lightly on how you address him because I think there's a lot about Pat Tillman you haven't brought up here. But to the point, do you believe we should change the constitution of the Declaration of Independence? The use of God is right there. So where do we start on this? What, what's gonna make you happy with the current use of the word God?

ROBERT WAY: Senator, I decided I had the authority to speak on that because of his clearly expressed belief and the fact that he used to be a member of the 75th Ranger Regiment. So that's why I felt that it was proper to bring him up. The a-- I don't know Senator. I think this is, like I said, one of the most complex issues in front of us. And now you're taking one of the most complex issues in front of us and you've "tooken" one statement on every wall like there's not a debate.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

BREWER: OK, but what is your burning issue with using that statement?

ROBERT WAY: Well, I would, I would say the burning issue is it's, it's being required by the state legislatures. It's not a may, it's must. It's also a federal program-- a federal statement which is going to be supported primarily by state funds. So that's another thing that doesn't make sense to me and we often talk about if we are going to express pride then I think it's already been stated here that there's pride in our state motto. And the other thing is somebody who studied history, if you want to look at what was happening in America in 1957, not everything that was happening there with the Red Scare is our most shining moments. So it's not, it's a complex issue and I'm glad we have the senators to resolve it.

BREWER: All right, thank you.

GROENE: Any other questions? So, sir, is atheism a religion?

ROBERT WAY: Atheism, I would say is a belief structure.

GROENE: It's a belief structure you gather together.

ROBERT WAY: I would say that all these matters can't be proven, that's why they're called beliefs. You can't prove any of this. The a-- and while I completely admit that the vast majority in this country tends to follow a Judeo-Christian belief structure, that's not everybody. That's not everybody we honor, that's not everybody we respect. But they want to put this statement in every public school. Where does that leave the people who don't fit in? Where does that leave the people who are different? And this isn't, you don't want to put it here and--

GROENE: Where does it leave the people who do fit in, in your definition of fitting in?

ROBERT WAY: I see a church on almost every corner. I don't think they don't have a way to express their beliefs.

GROENE: So if a teacher says there is no God, that a-- everything was by chance, which if that was the case you and I would be the same, we'd be sharks in the ocean. We wouldn't have different opinions, we wouldn't have different viewpoints, we wouldn't have, we wouldn't have the, the, the love, hate, anger we would be sharks. So--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

ROBERT WAY: I don't know-- I'm sorry.

GROENE: -- and you're saying that a, that a, if somebody says all of those things couldn't have come from a God, but happened in a stew in a swamp and says secular humanism there is no God should that person be fired because they expressed a secular humanist religion in a po-- in a, in a, in a place that has to have separation of church and state?

ROBERT WAY: Is there a bill before the committee that makes-- advances that? And if so, I mean, I'd, I'd take that bill on its merit.

GROENE: If a teacher stood up and said there is a God, they could be fired. If a teacher stood up and said there is no God, they cannot be fired.

ROBERT WAY: I'm not familiar with that case law, Senator.

GROENE: Anyway, thank you, sir. No, I admire the freedom you, you have your viewpoints, but, but I, I choose to believe there is a God.

ROBERT WAY: Well, I'm glad you live in a country where you're free to do that.

GROENE: Thank you, sir. Any other questions? Any other proponents or opponents? Excuse me, we're on opponents. If you could, could you sit up on the front row if you're thinking of testifying because-- so we don't have this competition and this young lady over here would be next. She was a--

MARRIANNE WILLIAMS: I was here before her, sir.

GROENE: Thank you, Miss.

MARRIANNE WILLIAMS: Hello, my name is Marianne Williams. It's M-a-r-r-i-a-n-n-e, Williams, W-i-l-l-i-a-m-s. I am from Lincoln, Nebraska, LD29 and I have a visual impairment so I'm going to be reading this off a very large text if you don't mind.

GROENE: Take your time.

MARRIANNE WILLIAMS: I've come to speak today against this bill because I believe in God and because I'm a patriot. As a patriot, I look to our constitution and its authors for direction in these matters as they were very clear in their intentions. Sorry, I'm very nervous.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

John Adams said the government of the United States is not in any sense founded in the Christian religion. I read a reply from Senator Brewer to one of his constituents yesterday claiming that the word God appears many times in our constitution. That is incorrect. The word God does not appear even once in our constitution. In fact the founders did not express any role for God at all in our government within the text of the Declaration of Independence, the Articles of Confederation, the Federalist Papers, or our constitution. It's easy to understand why they wouldn't have purposely left God and religion out of their new government, Thomas Jefferson and our Founding Fathers were very learned people. They knew the history of Great Britain and the barbarism that ensued when government and religion were mixed. Henry VIII was a Catholic monarch until [INAUDIBLE] refused to grant him a divorce causing him to create his own Church, the Protestant Church of England. He declared the nation Protestant and killed the Catholics. Mary Tudor-- Bloody Mary-- who took the throne next was a Catholic and then she claimed, when she claimed the throne she burned the Protestants. When Mary died, the Elizabeth I, a Protestant, became Queen and subsequently condemned the Catholics. Our founders were very careful to establish a government free from religious ties to ensure the madness of monarchs and religion would not be repeated here in America. This did not establish-- they did not establish the national motto, "In God We Trust". In fact, the motto didn't replace "E pluribus unum" until 1956, as was said before. So there's nothing spectacularly patriotic about "In God We Trust," having not been a prevalent factor in our founding documents. Senator Erdman told the Journal Star that he, that God should be put back into our schools. He went on to say that this bill doesn't do that, but I believe it does. I also believe it establishes his intent and that it's part of a broader theme of bills geared towards the indoctrination of our children into Christianity and nationalism. As a believer in God and teachings of Christ, I say that it's wrong to force-feed religion to anyone including children. "In God We Trust" is not a positive message for our schools as it's divisive and excludes all those that believe in no God at all. As an educated society, we should not turn to primitive Band-Aids to solve the problems of our schools, but rather avail ourselves to the data and science that indicate what actually works. While, I am not a judge and this is merely my opinion, I would remind Senator Erdman that this issue has yet to be challenged in the Supreme Court, and I would submit that it is merely his opinion that it is immune to future challenges. Thank you for letting me be here today.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

GROENE: Thank you, Miss. Any questions from the committee? Thank you Miss.

MARRIANNE WILLIAMS: Thank you.

GROENE: Next opponent.

CARINA McCORMICK: Ready? Hi, my name is Dr. Carina McCormick, C-a-r-i-n-a, McCormick, M-c-C-o-r-m-i-c-k. I live here in Lincoln-- just a few blocks south of here, which is lucky because I penguin walked over here. Now this is a very controversial bill, but I don't actually want to talk about any of that God stuff. I come from a more boring aspect. I said my name is Dr. Carina McCormick. My Ph.D. is actually in educational research, educational policy, and accountability testing, and so I have a different perspective in that I was really impressed by Nebraska's commitment to local control of schools. Most of you probably remember that Nebraska was one of the last states to adopt statewide testing-- I actually do believe it was the very last state to adopt statewide testing, and they were forced kicking and screaming by the federal government after fighting for years because it was so important to this state that we didn't tell schools how to take care of their own education and to limit the federal government or state government control of what happens within the school building. This bill is completely opposite of that. It is shocking that the same State that would fight the federal government about statewide testing would turn around and make a bill that each state must-- shall, has to put this motto up. So I know lots of people are going to talk about the religion aspect, but that's something I really wanted to point out. Section 2 of the bill I have problems with as well, that the school board may accept contributions to defray the cost of implementing this section. Presumably those are going to come from religious groups. I think that's a really tricky area that we're having religious groups funding our public schools. I think you're opening yourself up to potential legal issues there as well. As you know, there's been a-- there's a lot about state funds not being associated with religion. And you may feel free to jump in if there was an amendment because I was in the other hearing room about the Attorney General. But related to that I have big concerns about Section 3 that the state will fund legal challenges related to this. With our current budget situation, we're really concerned about how we spend our money and we want to spend it wisely. There is a really good chance this is going to lead to a lawsuit. We're-- I don't know if it's actually legal, if it violates the First Amendment-- maybe it

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

does. That's for a court to decide. Why would Nebraska possibly want to take that risk to open itself up and require that the state pays for these legal challenges for no good reason just to get some words written on the building? I think from a very practical, logistical, legal perspective this bill doesn't make sense for our State in particular. I think everyone else will cover what I want to say-- my other views. So thank you.

GROENE: Thank you, Miss. Any questions? Senator Linehan.

LINEHAN: Thank you, Chairman Groene. Thank you, Dr. McCormick, for being here. Would you have a problem if the bill didn't mandate it, but just allowed it?

CARINA McCORMICK: I think if this bill were to move forward that would be the only reasonable way for it to move forward.

LINEHAN: If it was allowed versus mandated.

CARINA McCORMICK: Right.

LINEHAN: So I, I think maybe on the funding of public schools-- the public schools raise all kinds of [INAUDIBLE] money now, and I don't think we have any rules about who they can or can't take money from. So--

CARINA McCORMICK: If, if it were incorporated that this was-- like from a legal perspective-- if it were interpreted, I mean, that this was a religious statement in the courts. It would likely, I'm not a lawyer so--

LINEHAN: That's OK, neither am I.

CARINA McCORMICK: -- but it would likely be more suspect if a religious organization funded this action, if this action was viewed as a religious action. There's actually a lot of issues about not having religion in the schools according to the First Amendment, and that would be a pretty tricky area.

LINEHAN: OK, but you don't have any problems with schools raising money from whoever they want to except if it happens to be religious.

CARINA McCORMICK: I, my, my view is based on my understanding of prior federal, like nationwide law cases related to that.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

LINEHAN: OK, thank you very much for being here-- appreciate it. Penguin can walk home.

GROENE: Are there any other questions? Senator Brewer.

BREWER: Thank you, Mr. Chairman. I just want to say that it is refreshing when someone comes up and they're focused, and I may not agree with everything you say, but you made it very clear and, and you were organized. Thank you.

CARINA McCORMICK: You have no idea that I wasn't even planning on testifying this morning. [LAUGHTER]

BREWER: You did a great job.

CARINA McCORMICK: Thank you.

GROENE: Thank you, next. Any time you're ready.

JOSEPH COUCH: My name is Joseph Couch, J-o-s-e-p-h C-o-u-c-h. Chairperson Groene and members of the Education Committee, thank you for hearing me. I speak today in opposition of LB73 and I have one simple question for the committee. What makes a motto good? I believe mottos are supposed to inspire people, motivate them, remind them who they are. I tell you that I am inspired, motivated, and I know who I am. I am Joseph Couch. I'm an atheist and I will fight this motto with everything I have as I would have if I were alive in the '50s. I'm an atheist and an American. Two things this motto says are incompatible. I do not belong to the same we that you do. Yet, I was born here and just like you I live and work here and I'm willing to lay down my life in service to this nation. But this bill would teach our next generation that my service is worth less because I don't believe in God. But I'm not speaking today solely for myself. I'm speaking for atheists who would be here if they weren't afraid for their livelihoods. That's probably why you saw so many e-mails that weren't requested for public record. If they were public, their families would kick them out onto the streets. While we aren't Saudi Arabia who punishes atheism with death, in America there are consequences for being an atheist. It ranges from social ostracization to abuse or homelessness. But it's not just aim-- it's not just atheists like me who this bill helps alienate. It's the 43 percent of Americans who believe in something other than God. Should a motto that, and by the way, if this has been distributed, I have my sources cited. Should a motto that alienates almost half our population really be in every

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

school? Each generation is less and less religious. It's been a trend for decades. If you've ever wondered why kids these days aren't as patriotic, maybe it's because you're telling them they aren't American. Senator Erdman will tell you that this is the will of Nebraska but it isn't. These religious display bills are a nationwide effort to distort the definition of religious freedom and our nation's history. The self-described Christian nationalist group, Project Blitz, wants to turn religious freedom from the shield it was meant to be into a sword to cut down LGBTQ rights and women and reproductive rights. Finally, some of you may be worried that by killing this bill you'll be called a godless communist in your next election campaign. I have some good news for you-- voters don't care about your religion-- they care about your values. And that is mid-term polling from 2018. Show you value inclusion. Show you value safe educational environments. And for once, show me a government that values me. I've heard it over and over that our nonpartisan Unicameral is a special place and I agree, but its nonpartisanship is supposed to bring us together. This bill is needless and divisive just as our pledge with no sense of irony bifurcates one nation indivisible. And I would be happy to answer every question that you have asked every other testifier.

GROENE: Any other questions, any questions from the committee? So I guess, Senator Murman.

MURMAN: If we wouldn't have any reference in the schools to God, but we teach evolution in our schools and other subjects that dispute there is a God, aren't we teaching a certain belief system as it refers to God?

JOSEPH COUCH: Senator, people believing in science is not my problem. Science is problems with religion is a religious problem that the church and your priest need to solve themselves. Science itself is secular, it's provable, it belongs in our schools. It's not a religion. Belief and religion-- belief can be a little complicated to describe. For instance, like I believe blue is a color and that is, that can be shown we can see the color blue and we know that it's a color. I can also say I believe there's a teapot floating in orbit around Mars. I can't prove that. Do those two statements hold the same weight? Certainly not. I can show you the color blue. I can't show you a teapot. So equating anything that we teach in schools to a belief is just not on the same playing field.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

MURMAN: I'm sorry I, I should have thanked you first for your testimony. Thanks a lot for coming. OK, so if we don't teach a belief system that's provable in schools, evolution takes a lot of faith to believe in evolution. I mean there's all kinds of things that Charles Darwin said that if they aren't proven, eventually will disprove his theory of evolution. And all of those things have not happened. So I-- it, it appears that it takes a lot of faith to believe in something such as evolution.

JOSEPH COUCH: I'm not a scientist, Senator, but I believe that everything you just said is false-- respectfully.

MURMAN: Well, thank you very much. I'm not a scientist either, but I do think and, and I don't see a conflict between science and Christianity.

JOSEPH COUCH: If I may, if you don't see a conflict between science and Christianity, then shouldn't we also see that same nonconflict between our churches and our schools? We have different places for science and Christianity-- why not keep them where they belong?

MURMAN: We don't keep what we learn in schools only in schools. Hopefully, we put that to use in society. I think the same thing is true of our belief, belief or unbelief in God.

JOSEPH COUCH: I'm sorry, Senator, was that a question?

MURMAN: No, just another statement.

JOSEPH COUCH: OK we can continue this conversation, but I'd like to let the other senators have some questions. If you have anything more specific for me, I'd love to answer it.

MURMAN: Sure, go ahead.

GROENE: Senator Brewer.

BREWER: Thank you, Mr. Chairman. Where to begin-- all right. First off, obviously every bit of my DNA is probably different than yours in what I believe and how I see the world. But as a part of your opening statement-- I just want to make it very clear to you that as a commander on the battlefields in Afghanistan, I never once ever asked whether someone was an atheist, a Christian, Muslim, or anything else. They wore the same uniform. They were asked to do the mission as given by their higher. And, and so understand that it chews away at us when

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

we have experts come in and all of a sudden assume that we separate people. We don't. We have a mission to do and we go do it. But with that said, and I'm going to go back to this same question because I think it's very telling. These unalienable rights, do they come from God or do they come from man?

JOSEPH COUCH: They come from man, Senator. And to address your earlier point, I am in the service and I do think religion does chew at my service. I've been at-- in several formations where I must stand at attention during a prayer. They're allowed to bow their heads, and that erodes the relationship between enlisted officers-- it erodes the chain of command where, sure, we all believe that on the battlefield we will do our duty and we have confidence that we will. But we also know that some of us are considered less than by our government, not necessarily my captain or my major, but by my government. And then when I-- if I die on the battlefield, and they give me my flag, that flag represents a nation whose motto is under God, which I would have fought the motto itself. This is about schools-- I don't want kids thinking-- I don't want a kid coming to my funeral seeing that flag and saying there died a good Christian. They should know that I am equal. I am an atheist and I am equal. But since there are no-- there are very few atheists in the courts, there are very few atheists elected-- we can't fight it anywhere else. This is the only place I can fight it.

BREWER: Well, I guess all I can say is, is I hope when they go to my funeral and they see the flag, they just think that I'm a good American.

JOSEPH COUCH: Me, too, Senator.

GROENE: Any questions? I have one. Just a hypothetical. Do you believe in genetics? Senator--

JOSEPH COUCH: Yes, sir.

GROENE: --Brewer. Genetics and following family trees?

JOSEPH COUCH: Yes, Senator.

GROENE: If I asked you to prove to me tomorrow that your great, great, great, great, great, great, great- grandfather existed, could you do it?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

JOSEPH COUCH: I would, I would ask you to consult a geneticist.

GROENE: What?

JOSEPH COUCH: I would ask you to consult a gene-- a geneticist. My degree is in mathematics.

GROENE: No, but you should be able to-- you believe you had a great, great, great, great-grandfather do you not? Can you prove that you had one?

CHRISTOPHER CLEMENTS: Yes, by being here.

JOSEPH COUCH: Yes, by being here.

LINEHAN: Cheat.

GROENE: I happen to believe, I happen to believe, yes, I'm here because of God. What's the difference between what you just said and what I just said?

JOSEPH COUCH: Well sir, if photographs existed 100 years ago--

GROENE: I didn't ask you that.

JOSEPH COUCH: -- mine would be proven.

GROENE: I didn't ask you that. There's evidence that God existed because you're sitting there.

JOSEPH COUCH: Are you saying, Senator, that you don't believe that history can be indicative of truth?

GROENE: Yes, but I just want you to show me, tell me and prove that you had a great, great, great, great-grandfather, physically prove it to me. You believe--

JOSEPH COUCH: Senator, 100 years ago is in the past. The past is not physically present. I don't think I can be any more clear.

GROENE: You get my point, you get my point young man, thank you. You've been a very good witness and I don't know your anger towards God or why you even care--

JOSEPH COUCH: Senator, I am not angry towards God. I apologize for interrupting you, but that is incredibly disrespectful. I cannot be

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

angry at God because I do not believe in him. It's much like saying I'm angry at unicorns.

GROENE: I guess I don't understand. If somebody told me they worshipped a rubber ducky, I would walk away from them and not worry about it. I wouldn't care.

JOSEPH COUCH: As would I, Senator.

GROENE: Well, walk away. Walk away when you see--

JOSEPH COUCH: Senator, the difference is I can't walk away when it's being placed on our schools. I can't walk away when it's in 87 of our courthouses. It's ingrained in our culture. It's ingrained in our government that is supposed to represent me. I can't walk away.

GROENE: Thank you. Senator Linehan.

LINEHAN: Thank you, Chairman Groene. So I've been very quiet today, which is unusual, but I do thank you for being here, and I thank you for your service-- appreciate it very much.

JOSEPH COUCH: Thank you, Senator.

LINEHAN: So the Bill of Rights Article I, "Congress shall make no law respecting an establishment of religion." We all hear that a lot. But I don't think we ever pay much attention to the following, what follows that, "or prohibiting the free exercise thereof." So I think some of the concern is if we've gone-- I understand your concerns. When I was a kid we sang Christmas carols. It was, I'm sure, probably offensive to somebody. I don't know, I understand that, but do you have any concern that we might be going too far the other way where if you are Christian or Muslim or Jewish you have to like hide it in a public school? I mean, I think that's where the co-- I don't think the concern is what, I don't know-- I would like your opinion.

JOSEPH COUCH: I'm sorry, Senator, to rephrase your question, are you saying that if we didn't have the motto Christians and Muslims and Jewish people would have to hide their faith? Or--

LINEHAN: Well I think, I think what I'm asking, do you think-- well, we had this, as the first testifier said, situation in Elkhorn where evidently the principal thought there should be no displays of any kind or thing Christma-- Christmas even though it's all over every store we walk into and maybe overly commercialized, frankly. So-- and

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

she was dismissed for that. So I think there's a lot-- would you agree there's a lot of confusion as to what the rules are and where the line should be?

JOSEPH COUCH: I would agree that there is a lot of confusion, and one thing I think would really clear up the confusion is to simply remain neutral on the issue. The motto, "In God We Trust" has been through the courts, and they say it's not religious, and I think that's baloney. And the reason it keeps being litigated and it keeps being pushed by Legislatures is because it's so confusing. If we didn't have them at-- if we didn't have it as a motto, if we didn't have any, any words there on the wall, if the wall is blank as it is in here, you're not saying that this room is advocating for atheism. This room is advocating for a government that represents its people. So in all term it-- everywhere you look, if you take a neutral position, it will represent everyone much better than any position that mentions God.

LINEHAN: So you don't think we're ever-- the government or courts or ever [INAUDIBLE] close to prohibiting the free exercise thereof? You don't think we've ever done that?

JOSEPH COUCH: Not in the next several decades, Senator. The way the political landscape is now anyone trying to do what you're suggesting might as well move out of the country and they'll have the same amount of political influence.

LINEHAN: OK, thank you.

GROENE: Any other questions? Senator Murman.

MURMAN: Have you been following the-- I'm not sure what the term for it is, but the approval of the nomination for a federal judgeship in Nebraska? How that's going at all?

JOSEPH COUCH: I have not, Senator.

MURMAN: OK.

JOSEPH COUCH: Is there something I should be?

MURMAN: Yes, the federal judge in Nebraska that's seeking approval has been getting a lot of arguments from-- well, I'm not sure if they're congressmen or senators-- because of his Catholic beliefs.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

JOSEPH COUCH: Oh, are you referring to the nominee for Attorney General of the United States?

MURMAN: No.

JOSEPH COUCH: Oh, sorry.

MURMAN: No it's, but it's probably a similar thing,--

JOSEPH COUCH: Oh, OK, sorry, I know what you're talking about now.

MURMAN: -- but it's because of his Christian beliefs. I, I feel it, I think that Christians nowadays are-- you, you, you mentioned not in this next several decades that Christians would be discriminated against or something to that effect. I think they're strongly discriminated against right now in our society more than any other belief system even in America. So I just wanted to make that comment.

JOSEPH COUCH: To address that, I believe that you might feel Christians are being discriminated against now because this is the first time atheists are speaking up. And to answer your-- so the first time you reach any opposition when you've seen smooth-- if, if you're sailing a boat and there has been no waves, the first trickle of water against the hull is gonna sound like a tidal wave. To address, pardon me, what you said initially about the attorney that's being nominated-- you know actually that-- I don't, I fail to see how that's relevant to this bill. So we can speak later if you'd like, my phone number's on here and I can tell you my thoughts on that-- unless the other committee members would like to hear more about that. I'm, I'm sorry, I'm cutting your questions off more than everyone else's. I would be happy to answer it, if we'd like--

GROENE: Thank you, but that's fine. It-- he made, he said it was more of a statement than a question. But, thank you. Is there any other questions? Thank you, young man. You've handled yourself well.

JOSEPH COUCH: Thank you for your time.

GROENE: Thank you. Next.

COLBY COASH: Good afternoon, Senators. My-- I'm Colby Coash, C-o-l-b-y C-o-a-s-h, representing the Nebraska Associates-- Association of School Boards. My testimony today is not around the words indicated in the bill nor their value to students or church and state or the constitution-- anything along those lines. My comments are more

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

practical in nature and illustrate where school board members land on, on issues such as these. And they-- and in relation to this bill, we really come down on three, three main issues. One is clarity. I've taken several calls from school board members across the state saying if this bill were to be, were to become law, you know, how big of a sign? Where does it need to be posted? Some are used to seeing more prescriptive language in, in signs. And should school boards be forced to do this as this bill is proposing, they would appreciate a little more clarity into-- in that. The second surrounds a-- comment is around the cost. While you certainly can already take donations and many schools do, there's no guarantee that this is going to be-- that any school will be able to raise the amount of funds needed to do this. And so it does fall under a-- an unfunded mandate banner that they would-- that there would be concern with. But, finally, this was really an issue of local control. As Senator Erdman mentioned earlier, there are lots of counties who have decided to do this. They didn't need statutory authority to do it. They did it at their local county level. They decided this was good for their courthouses and, and they did that. And there are probably some school boards across the state who would like to do this as well. But as an organization, we feel that that decision should be left to those local school boards. And then if it were left to them, if it were discretionary on their part, their part then they could decide do we need to raise the funds. How many do we need to-- How much do we need to raise? They could decide where the the sign needs to be, how many there needs to be to meet the needs of what they feel are important for their students in their district. So I will leave it at that and thank you for your time.

GROENE: Questions? Senator Linehan.

LINEHAN: Thank you, Chairman Groene. Thank you, Senator Coash, for being here. I appreciate the school boards' input. Do the school boards feel like they could put up that sign now if they wanted to?

COLBY COASH: I, I think they do. I, I'm not aware of any schools that have done this. And I know that of school boards who would like to, certainly would appreciate the statutory authority to do that, but they would resist the mandate to do so.

LINEHAN: So you don't know any of the 244 public schools. Do you know if any of them have it on their walls now?

COLBY COASH: I don't believe that they do.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

LINEHAN: So that would kind of tell me maybe they don't feel very comfortable doing that.

COLBY COASH: My guess is-- when a school board works through an issue like this they're probably contacting their, their attorney and they're saying, hey, is this a good-- we want to do this. Does this make sense? And their counsel may or may not say it's a good idea. Like I said, I'm not aware of any school board who has made this decision, but I do know that there are school boards who would appreciate the statutory permission to do it. But again wouldn't, would not want to have to do it as prescribed in this bill.

LINEHAN: Thank you very much for being here.

GROENE: Senator Pansing Brooks.

PANSING BROOKS: Thank you. Thank you for coming, Senator Coash. I was so-- if, if-- what, what was it 88-- I can't, my computer lost part of my-- what I had been typing but-- a great proportion of the counties have done it so does-- wouldn't that give an indication to the schools that they, too, could do it? I mean, I mean if, if the counties determine that they can do it, then it seems to me that the schools could thereby follow suit and do it if they choose to.

COLBY COASH: I would think that would be logical. I would understand that any school board who'd be hesi-- hesitant to do that. But, again, those are local decisions at the local level that they can have those conversations with their, their citizens, with their own counsel for students and their parents and they can make the decision if that's a risk they want to take and, and endeavor that they want to fund and move forward from there.

PANSING BROOKS: Well, when you're talking to your school boards, remind them about our fabulous state motto.

COLBY COASH: I will do that.

PANSING BROOKS: And they could use that really wonderful motto that was-- that came first in 1867. Thank you.

GROENE: Any other questions? Senator Murman.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

MURMAN: I would just like to make a comment. I was on the school board, and all our superintendent had to do was mention a possible lawsuit and we quit discussing whatever we were talking about.

COLBY COASH: Right. And your school board, as most do, probably had enough counsel attorney who would help them make that decision and weigh the risk-- right-- of whether or not it was worth it or not. Therefore, you know, if this, if this law said it was discretionary, that might give some cover to those school boards who, who feel this would be a good thing for their, for their districts.

GROENE: Any other questions? So you're saying if Senator Erdman would agree to amend it-- to get it started by putting "may" instead of "shall" you would probably be--

COLBY COASH: There'd be no opposition from the school boards because the other two issues would be also addressed. Right? Because if it's discretionary they could decide if they, if they wanted to fund it. It wouldn't be an unfunded mandate. They just would be able to decide if they wanted to do bake sales and raise the money, take donations, or just take it out of their budget. That'd be their decision at that level. And with regard to the clarity issue that I mentioned, they could decide we want to put one sign up for our building or one sign above, one sign above every door in our building. They could make that decision at that level.

GROENE: Because, I mean, it could be that, because the courts have ruled that that's not a religious statement.

COLBY COASH: Yeah, I think, you know, there's-- obviously the counties are doing it and so they-- in a very similar way. This is not unlike what they've done, and, and I think with regard to this particular issue it does seem to be settled law in that regard.

GROENE: And would you think-- to Senator Pansing Brooks's equality under the law would fit on a courthouse better than a school?

[LAUGHTER]

COLBY COASH: Possibly.

GROENE: And, I thank you. Any other questions?

COLBY COASH: Thanks for your time.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

GROENE: Next opponent.

CHRISTOPHER CLEMENTS: Thank you, Senator. My name is Christopher Vernon Clements, C-h-r-i-s-t-o-p-h-e-r, last name, C-l-e-m-e-n-t-s. I am here before you today to oppose this bill. I truly believe this bill is being pushed for religious reasons. As much as the senator may want to say otherwise, I feel that is not being honest. I have written statements. I want to thank Senator Pansing Brooks for the idea of "E pluribus unum." It's a much more inclusive versus the exclusive motto of "In God We Trust." I am an American citizen. I trust in no God. I believe in no God. I am an atheist. I, I hate the motto, but we're not here to argue the motto. What we're here to argue is, do you really want to put something mandated into the schools that me as an atheist sitting in that school is gonna feel like my school is exclusionary towards me? That my school doesn't support me because I don't believe that there is some magic man in the sky. To address some of the questions that were asked, Senator Murman, evolution is a fact. Like it or not it, it is a fact. It's been proven. We have the evidence. As DNA was mentioned, that is one of the many pieces of evidence we have for it and many Christians are fine with that. They can see how their God guided that. And that's fine-- if that's how they want to manipulate in order to make it work-- that's why the Catholic Church now accepts evolution. They would not have done that if the evidence wasn't there, that they could no longer refute it; they didn't want to look silly. And I would hope you didn't either. Senator Groene, atheism is not a religion.

GROENE: I'm listening. I'm still looking something up.

CHRISTOPHER CLEMENTS: Oh, that's fine. Atheism is not a religion. Like one of the other opponents was saying-- he was talking about blue being a color. Atheism is like-- if, religion, religion were different hairstyles, atheism would be baldness. If religion were different television stations, atheism would be off. It is not one of those stations. It is the rejection of a belief. If you come to me and you say there is a God, and I say I don't believe that-- that is atheism. Every single one of you have atheists that are your constituents. Many of them do not feel safe coming out and saying they're atheists. But you do-- and you are here to represent them-- as well as your Christian constituents. So I ask you to do the job that you were voted in to do and shoot down this religiously motivated bill. Senator Groene, I noticed earlier that you said you had allowed some testimony

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

from the military bills that were put in late. I wonder why you gave that-- why you did that for them but you didn't do that for this?

GROENE: I told Senator Blood this would happen. This was a--
[LAUGHTER]

CHRISTOPHER CLEMENTS: It's a fair question, is it not?

GROENE: She had a testifier coming down, and it was going to verbally present it but because of the roads she was not able to show up. And I said in this instance, if you could get it you could present it for her or just have her send it to us. And that was-- it was an exception I probably shouldn't have made, but I did it for the sponsor of the bill who had lined up the testifier and that's it. I only allowed it on that one individual, and it never showed up anyway because we didn't get it done. But, but I knew it would happen, and I'm glad you caught that. I've learned a lesson; it will not happen again--

CHRISTOPHER CLEMENTS: Thank you, Senator.

GROENE: -- even though how nice the test-- the senator is to me about asking for a favor.

CHRISTOPHER CLEMENTS: I, I appreciate that I just-- everything should be done fairly.

GROENE: It's amazing that you did that, sir, because I told her watch--

CHRISTOPHER CLEMENTS: And you bring up the weather-- I would like to point out the fact that even though the weather is as bad as it is outside, this room is a third of the way full of people who came for this bill and this bill alone to oppose it, not to support it. That tells you the will of Nebraska-- that tells you the will of the people is not with us. I'm open for questions.

GROENE: Any questions? Senator Murman.

MURMAN: Thanks a lot for coming to testify. I appreciate you doing that. I've just got to not argue, but go against what you said about evolution. You know, if evolution was true, there would be transitional forms like in the fossil record. You know, we've got each, each--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

CHRISTOPHER CLEMENTS: Could I respond to that?

MURMAN: -- yeah, I'll give you a chance when I get done. Each group of fossils and then there's, there's no in-between groups, just goes from one to the other, different types. And same way with the different species. There is, you know, distinct species and doesn't seem to be any, you know, at times scientists thought they found different forms that are in between species but it never seemed to work out. You know, they were always some kind of a put together-- a, a record in the fossil. And, and also some of the late-- like you mentioned DNA-- some of the latest research on DNA seems to indicate that not only humans but also others an-- also animals and other species, the DNA seems to indicate that it goes back to one male and one female-- the origination of both human beings and different species of animals. I, I wish I could be more specific on what that study is--

CHRISTOPHER CLEMENTS: I wish you could, too.

MURMAN: But go ahead, that's just the comments I wanted to make.

CHRISTOPHER CLEMENTS: Basically, you're using the missing links argument. The problem with that is we have found over and over and over and over-- missing links. But every time one of those is found, what you say is instead of oh, hey, thank you, you found the missing link; you say, aha, you mean two missing links. It's not honest. You have not studied evolution, it's apparent. And I would hope that you would want to be more educated in it, because it is how we came to be who we are. As I said, you can believe that your God guided from the puddle of mud-- or however people want to describe the first life-- which we don't know how the first life began. We've got some hypotheses, but they are not theories. But evolution is a scientific theory, just as gravity is a scientific theory. It is the best explanation we currently have.

GROENE: Are you done?

MURMAN: Well, I'd just like to chat a little bit yet. [LAUGHTER]

CHRISTOPHER CLEMENTS: Also the platypus would be a good example of an animal that holds several different--

GROENE: Just don't want to get into a debate about atheism versus--

MURMAN: Well, well--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

GROENE: But if you want to, go ahead.

MURMAN: -- I'd just like to make one more comment if that's possible. I did take biology in college-- advanced biology, actually. I can't vocalize it very well. But I, I do feel that I was taught all the way through from kindergarten through college that God wasn't real, that there isn't a God. And I, I do think that we should have a more balanced approach in our educational system both pro, pro-God and, you know, so we get the balanced approach. I, I think Christians are very discriminated against nowadays, and I'll just leave it at that.

CHRISTOPHER CLEMENTS: OK.

MURMAN: You're welcome to respond.

CHRISTOPHER CLEMENTS: All right, thank you. The idea that you were taught that there is no God especially-- please take no offense due to your age-- I am amazed because when you were going through school that was not something that was out there. Evolution was still being fought over, being allowed to be taught in schools. Correct?

_____ : I'm not that old. [LAUGHTER]

CHRISTOPHER CLEMENTS: I'm sorry, maybe I'm just young.

GROENE: You shouldn't--

MURMAN: No, it was the 1900s, it wasn't the 1800s--

GROENE: Let's not get carried away here. But the questions are supposed to go to you and not in reverse and we got to keep some decorum here or else we're gonna-- but I enjoy the debate; we all do but. I have a question for you.

CHRISTOPHER CLEMENTS: Yes, sir.

GROENE: Oh, Senator Brewer, did you have a question?

BREWER: I do.

GROENE: Go ahead.

BREWER: All right. This is, this is more just for clarification. If you're gonna use the criteria that the people in this room represent Nebraska, let me just give you a little bit of wake-up call here. For those of us who represent western Nebraska, we cannot stand down

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

people to come all the way to Lincoln to come here to testify, doesn't mean they don't share their emotions with us and that we don't understand those things. But to use the committee crowd that comes in here as the standard of what-- who supports what is not a good measure. Just, just kind of a "FYI" since you brought it up. That's all I got.

GROENE: I got a question for you. You quoted Senator Pansing Brooks and a couple others who said, well, what about "E pluribus unum" [INAUDIBLE] to put it on the church, from many, one. Did you know there are three mottos on that seal, three equal mottos, one on the front, and two on the back? Would you go along with us putting on all the schools, Annuat coeptis?

CHRISTOPHER CLEMENTS: I'm not aware of what that means.

GROENE: It's on the seal--

CHRISTOPHER CLEMENTS: OK.

GROENE: -- same time it, it says--

CHRISTOPHER CLEMENTS: I'm aware of what "E pluribus" means. I'm not aware of what that means.

GROENE: it says he favors our undertaking-- Providence. Do you know what the definition of Providence is-- from God. So would it be OK to put that one on the school?

CHRISTOPHER CLEMENTS: No, because I would see that--

GROENE: It's on the seal.

CHRISTOPHER CLEMENTS: -- I would see that as supporting religion.

GROENE: But you said "E pluribus unum" was OK. That was on the seal.

CHRISTOPHER CLEMENTS: That's not supporting religion, that's supporting--

GROENE: You would probably support the third one that says "Novus ordo seclorum"-- new order of the ages. Would that be OK for you? It sounds like an atheist motto-- new order of the ages.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

CHRISTOPHER CLEMENTS: Is there any religious, is there any religious connotation to it?

GROENE: There's no religious connotation to "I Trust in God."

CHRISTOPHER CLEMENTS: Yes, there is. Especially--

GROENE: Does it imply worship? Does it imply--

CHRISTOPHER CLEMENTS: Yes, it implies that you trust in the Christian God because it is a capital "G"--

GROENE: -- that you're gonna go to a heaven, or hell, or afterlife? Does it imply that?

CHRISTOPHER CLEMENTS: It implies that you believe in the Christian God because it is a capital "G", which is the name of the Christian God. All of the other gods out there, which there's thousands of, have different names. The Christian's God's name--

GROENE: The Christian God is not God--

CHRISTOPHER CLEMENTS: -- is God with a capital "G".

GROENE: It's yahweh. There's a lot of names for the Christian God. The English translation for it is God. The English translation for Allah is God. So it does not imply one God over another god.

CHRISTOPHER CLEMENTS: With a lower case-- that would be a lower case "g."

GROENE: Thank you, sir. Anyway, any other questions for the individual? Thank you. Thank you, sir.

CHRISTOPHER CLEMENTS: Thank you.

GROENE: Next.

THOMAS GRAY: All right, good afternoon, Senators. My name's Thomas Gray, spelled G-r-a-y, and I'd like to thank you all for having this hearing, and I appreciate you representing our government which is a very difficult task. I'm going to stick to my notes so that I don't wander and also promise up-front that I'm going to try not to do anything that's going to spur a theological discussion or a scientific discussion. I think you're going to find that I have some very specific questions, very concrete practical questions about how this

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

bill would affect my children who are in school up in Millard. I am against LB73, and I request that this be included in the public hearing. Some quick background on me which will you, you will need to be able to answer my questions about LB73. I was raised on a 40-acre farm. I went to school in a small town. I attended church regularly. I was part of the youth group, Christmas plays, and vacation Bible school-- went on a hiking trip when I was in junior high. I understand how religion can bring a community together. I went to college; I spent 24 years in our army. I'm raising a family, and I do my best-- my wife and I do our best to raise our children with the values that we learned from our parents and with what wisdom we've gained through our own experience. I retired from the Army and I continue to support our nation's defense as a civilian. Am I a good citizen? That's my first softball question, based on what I presented. I worked my way through junior high and high school, I milked cows, I cleaned pens. Am I a good citizen? I obey our laws. I pay taxes. I think I share most of your values. I think we're all here today working in good faith. I think that we, we all want to do the best thing, do the right thing if we can figure out what that is. All right hearing, hearing no one protesting, I'll assume, I'll assume that I'm a good citizen. Now to LB73, which would mandate that our nation-- national motto be posted in our children's classrooms. Senator Erdman states that the purpose of this bill is to put God back in our schools. I took that from his Unicameral Web site. As a representative of our government, each of you, can you tell me which God my children and I must have trust in, in order to be good citizens? I think this is a very practical concrete question. "In God We Trust," we are the citizens of the United States. Which God, which God do you as representatives of our government expect me and my children to trust? After years of considering the various religions of the world, I realize that I am an atheist. I believe in and trust no gods. Am I a good citizen? Am I fully a citizen? Does our government prefer me to have religious belief, or is this a personal matter that I'm free to decide on my own? Are my children free to decide that on their own? If our government requires that I believe, which God should I believe in and how shall I worship, what should I believe about the Trinity, and when should baptism take place? These were the issues that the Founding Fathers were struggling with when we became a nation. If our government is neutral on religion, why would we mandate that our children be taught that in order to be a good citizen we must believe in and trust a god? If LB73 has any nonreligious purpose, it must be to encourage good citizenship and unity. Twenty percent of our citizens say that they are not religious and twelve percent say they

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

do not believe in God. That's from a recent Pew poll. I think that we can find a more unifying and inspirational motto, "liberty and justice for all" comes to mind and I like the Nebraska motto as well. The Supreme Court decided that "In God We Trust" has nothing whatsoever to do with the establishment of religion. It's used as a patriotic or ceremonial character and bears no true resemblance to a governmental sponsorship of a religious exercise-- that was a quote from a, from their statement. This is a finely worded statement which stopped short of saying that the motto has no religious significance. It has significance to me and it certainly has significance to those who believe that our entire culture, including our government, must come under the dominion of their God. The Dominion Covenant Church in Omaha is explicit about this view in their mission statement which I, quote, there is no square inch of Planet Earth over which Christ does not have authority. He has the authority to rule over the state, business, farming, science, art, economics, education, etcetera. That's the end of the first quote, and I can't say that they're wrong. I, I cannot, I cannot say that there is no God. I can't back that up. I can in no way prove that there is no God. I can't say that their interpretation of what their God wants is right or wrong. Another, rest of the quote, our church will not rest or be satisfied until all human authority submits to the Lord Jesus Christ. Dr. Phillip Kayser, senior pastor at that church, spoke twice on the topic of the constitution at the United States Strategic Command where I work. I was deployed and unable to attend his talks but understand that they were centered on the question of-- and this is how the talks were advertised-- is this a Christian country or a secular country as is widely believed and on the founding principles that form the backbone for our constitution? On his Web site, Kayser argued that our nation's founding was done in a way that explicitly commits all its institutions and officers to Christianity as an established religion. He also states that the Founding Fathers were so explicit in making this a Christian nation that a Muslim or an atheist should not be able to take the oath of office with any degree of integrity if he understands the original intent. Each time I retook my oath of office, I affirmed rather than swore an oath and I left off the "so help me God" at the end, which is provided for under law-- so my concern should be obvious about mixing church and state. My military service included the Islamic Republic of Afghanistan. Senator Brewer, I understand that you commanded there. Six members of my team died there. Afghanistan is among 13 countries where atheism is punishable by death. Many other countries punish apostasy and blasphemy with prison time or place legal restrictions on speech. Private thoughts are a crime in these countries. I ask that

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

you please ensure that the ability of our citizens to hold personal beliefs, religious or otherwise, continue to be protected-- maintain the separation of church and state. LB73 should not move forward until there is a national motto that includes all citizens and I welcome your questions.

GROENE: Any questions from the committee? Do you, your, your kids go to public school?

THOMAS GRAY: They do, they went to a Catholic school previously.

GROENE: OK. It's good education.

THOMAS GRAY: It was.

GROENE: Previous testifiers said that there's no word God in the founding documents, the word God, that's not true. In the Declaration of Independence, "When in the Course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them." Do you object when that's taught to your children?

THOMAS GRAY: No, I do not. It's an historical document and it was a very important one for its time. I think the historical context of the religious beliefs of the Founding Fathers is important in order to understand what it was they wrote and why it was such a, you know, groundbreaking-- such a radical thing to do. They rejected the idea that leaders were appointed by God. They rejected that the British king was, you know, in some way anointed by God and that they needed to be subservient to him.

GROENE: I understand because they weren't subservient to man, they were subservient to God as they understood that and not the kings. But, anyway, it's not [INAUDIBLE]. I just wanted to make sure the record would be set straight-- the word God is in the founding documents. Senator Pansing Brooks.

PANSING BROOKS: Thank you for coming and I appreciate it. I, I just perked up when you talked about the fact that you say that you affirm and I do, too, because I have a very strong faith and that faith in Matthew says, do not swear by heaven or by earth or by God. So when I swear-- when I, when I took the oath of office here, I said, "I so

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

affirm," because I feel very strongly that my faith says to do that; so I can understand that. Along with those lines of my faith, it also says not to take the Lord your God's name in vain. And I'm using you-- I know you don't necessarily believe this but I do. And my belief is, and it says that when you take the Lord's name in vain you're-- you're using his, his name casually or idly. And that is my concern about having "In God We Trust" put up above every school building. Is, is that an act of faith? If, if not, we're using that name of God casually or idly. And that is my greatest concern as a person of faith, and a very strong faith in, in how we would go forward and use this and how others who do not have my same faith are forced to pretend as if-- or assume a relationship with God that I find personal to my own belief and do not expect that imposition on others when my faith to me is true. And it, it is derogative to my belief and to my God to have others just acting as if, oh well that's, that's what we all believe. So I feel very strongly and I appreciate it. It came up because you said the discussion of the word affirm. So thank you.

THOMAS GRAY: Yeah, I, I definitely agree with that. Teddy Roosevelt would have very much agreed with that. He's had a record of being against the idea of having "In God We Trust" on the money because this was the money that, you know, this is money, this is lucrative, this is a very worldly thing and we're putting the name of someone that we hold sacred on this profane money.

PANSING BROOKS: Jesus is, Jesus even spoke to that and said, render to Caesar what is Caesar's. But that's another argument in, in the whole realm of religion and this harkens me back to another famous Nebraskan having these arguments-- William Jennings Bryan. Thank you.

GROENE: Any other questions? Senator Brewer.

BREWER: Thank you, Mr. Chairman. All right. You know how to jump down [INAUDIBLE] MOS or branch?

THOMAS GRAY: 91 Delta--

BREWER: 91 Delta.

THOMAS GRAY: Ordnance corps.

BREWER: And, and I guess this just helps me-- first off, thanks for your service.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

THOMAS GRAY: And yours, Senator.

BREWER: I-- the only thing that probably made it so you can go out the wire in the morning for me was the fact that I knew if something happened, it wasn't the end. So maybe that's why sometimes I struggle. And that's, that's me; maybe I'm just slow. I don't, I don't pick up on things as quick as I should, but that peace of mind was what gave you hope that if something happened it wasn't the end and, and, you know, that's why you, you had the option for folks if they wanted to, to have that last opportunity before you left in the morning. You didn't struggle with that over there and--

THOMAS GRAY: Oh, certainly. In fact, I'm glad you're, glad you're bringing that up, because there's a few points I want to make related to that. So I mentioned I work at, at Offutt--

BREWER: Oh.

THOMAS GRAY: --in the Strategic Command. That was the last assignment that the Army gave me before I retired. While I was there, I was attending a lunchtime Bible study that the base chaplain ran, Chaplain David Dupenthal-- great, great guy, disagreed with him on a lot of things but, you know, a good man. All the chaplains that I met in my time in the service were good people. They were trying to look out for all the soldiers, not just the ones that, you know, shared their beliefs. So I'm attending Chaplain Dupenthal's Bible study, and during one of his talks, and I think it was on speaking with the dead-- is that biblically supported? That was the question that he was pursuing, but in the middle of that he had two PowerPoint slides that made the following points: If somebody says they're an atheist, they're lying, because everybody believes in God. They're lying because they're angry. They're angry at that their fathers-- they had poor father figures in their lives-- so therefore, they're angry at God and they're morally corrupt but that sin can be forgiven because of original sin and we're all morally corrupt. And you can imagine I'm sitting there and Chaplain Dupenthal knows, knows my beliefs, he knows where I stand. And my hand is going, and he sees my hand going up and he says no, no Tom, I don't mean you. I mean all those other atheists. Well, I know most of those other atheists. I'm in atheist organizations and that they're secular groups and atheism is the least interesting thing about us. Atheism is just the answer to one simple question: do you believe that there's sufficient evidence to believe in any particular God? And we are the, the group of people who have to say, no, we're not convinced. I'm not angry at God. I'm not-- nobody

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

abused me as a child and, therefore I hate the church. I grew up in the church; my mother has been involved in the church her entire life. It means a lot to her. I recognize how it brings communities together. I'm not antichurch. I simply do not believe. I seem incapable of believing and I have the, I have the freedom to [INAUDIBLE] there. So, so you asked, how do you go outside the wire if you believe that this--

BREWER: You don't.

THOMAS GRAY: -- could be the end; I could die? Well, the answer is, because it's not the end if I die. I did not exist for all, all of time up until I was born-- that troubled me not at all. I expect that once I am dead, I will not be troubled by all the time that goes on after I go. But if I do die, I know that I leave behind the children that I did my best to raise. I leave behind me a community that I've, I've tried to work to improve. I've tried to do my part. I try to be a good citizen. We know an incredible amount about the universe. We know about how many things work that our grandparents had no clue about-- gravity waves for crying out loud just in the last couple of years. You know, something that was just hypothesized has been observed, and that is so very exciting. And I could die satisfied to know that somewhere in the universe, intelligence has arisen, however it came to be, that could find some of those answers. That's to me-- that's deeply, that's deeply moving. I, I do have to read this since I mentioned Offutt Humanists. The chaplain that I mentioned, when I pointed out that, you know, hey my, my beliefs aren't supported through the Chaplain Corps, he helped me create a private organization that operates on Offutt to serve the people for whom the chaplains aren't able to. And so I must read because I mentioned it, Offutt Humanists are a private organization. It is not part of the Department of Defense or any of its components and has no governmental status. And what I mentioned earlier about Dr. Kayser who spoke at StratCom, that all went through the public affairs at StratCom.

BREWER: All right, what-- thank you. I think you've been as, as open and honest as a human can be. May not agree with you, but I appreciate the fact you come in and thank you for your service.

THOMAS GRAY: Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

GROENE: Curious question, sir. So you belong to an organization, the atheists Humanists, right? My assumption is that you never mention the word God when you meet, because you don't believe in that.

THOMAS GRAY: It often comes up and I'm happy--

GROENE: Why, you don't believe in it?

THOMAS GRAY: It often comes up, not because we're somehow afraid of this God that we're offending by not believing him. It comes up because there is a lot of religiously motivated people out there that are doing bad things. The issues I have with religion are probably the same issues that you have with your religion.

GROENE: So you sit around and talked about bad things people that believe in a god--

THOMAS GRAY: Westboro Baptist Church-- I, I suspect that you and I agree that the Westboro Baptist Church--

GROENE: It's not, you keep, you keep bringing up these exceptions to the rule. Your neighbors, are a lot of them Christians?

THOMAS GRAY: I was raised Methodist, the Methodist Church--

GROENE: Your neighbors where you live now?

THOMAS GRAY: Yes.

GROENE: A lot of people you work with?

THOMAS GRAY: Yes, great people.

GROENE: Do they put signs and march around with a, a, attacking people who are homosexuals?

THOMAS GRAY: By and large, no.

GROENE: Then no, by large, I would say by a huge majority.

THOMAS GRAY: Yes.

GROENE: So why do you bring up the accept-- exceptions?

THOMAS GRAY: Because, it's the exceptions that I think--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

GROENE: I could go to the State Pen and interview some prisoners who claim they're atheist and they did horrendous things to their fellow humans. Is-- does that define you?

THOMAS GRAY: Not at all.

GROENE: Then why do you keep bringing up the exceptions to the rule-- of, of Christians, Westboro, of some general who wrote something-- that's the exception. I, I don't understand atheists, why they wouldn't embrace religion. It's been called the great pacifier of man to keep them in line-- the fear of God. You mentioned the Royals-- they did it. You keep people in line because they fear the afterlife. They, they don't want to harm you because one of the tenets is if they harm you they can end up in hell.

THOMAS GRAY: We agree I think, Senator, that religion certainly has had use in our history.

GROENE: So why would the atheists promote religion? They're smarter than everybody-- they don't know that-- there's no God. Why wouldn't you promote it because it protects you? Your neighbors will not harm you because they know if-- they will be-- the afterlife will not exist for them where they want to go if they harm you, they slander you, they lie about you, they murder you. Wouldn't you promote religion in a society because it protects you? The tenets of those Christian religion is-- and Islam and Buddhists preach to accept others, to not harm them. I would think you guys would be big cheerleaders for religion. Thank you, sir.

THOMAS GRAY: And in, in as much as religions have humanist principles that they follow, I agree.

GROENE: Humanist, is that evolution? Evolution says the strongest survives.

THOMAS GRAY: I'm afraid I don't have time to--

GROENE: All right, thank you, sir.

THOMAS GRAY: -- but I'd be happy to, but I-- I'd like to let somebody else to come up and make their points.

GROENE: Thank you, sir. You've been a very good testifier. Pleasant.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

THOMAS GRAY: Thank you.

JAMES WOODY: Good afternoon, Chairman Groene and members of the Education Committee. My name is James Woody. For the record, that is J-a-m-e-s W-o-o-d-y. I live in Senator Pansing Brooks's district. I've spent eight years in the United States Navy. I was privileged, after I separated, to get to know a group of guys at an American Legion Club here in Nebraska and got to serve on the executive board for that body. I would hope that my patriotism is not called into question. I'm here to offer negative testimony on LB73, because I believe that it is a waste of time. LB73 places a mandate on school boards. I appreciated Senator Kolowski clearing the record-- it doesn't allow school boards, it places a mandate, as Senator Coash mentioned, an unfunded mandate on our school boards. School boards in Nebraska are democratically elected deliberative bodies. LB73 is a waste of time because if such a democratically elected deliberative body in the form of the school board decided with its due process that it wanted to post such notice as would be required by LB73, there is no law in this land that would proscribe their authority to effectuate that decision. If there's no law that would proscribe their behavior, then why are we here? I believe other testifiers have talked about Project Blitz, which is why we are here. To put into the record, I would mention that The Guardian had a piece, January 14 of this year, 2019. It was titled, 'In God We Trust' - the bills Christian nationalists hope will 'protect religious freedom', which goes on to describe Project Blitz provides links and other things to read. My wife and I have prioritized attendance at church every Sunday for the eight years that we have lived here. This coming spring will be the seventh year that my wife and I have provided labor and organized a church-sponsored community garden. This is what my wife and I believe is our religious liberty. I would share with the committee, Galatians 5:22-23, "But the fruit of the Spirit is love, joy, peace, forbearance, kindness, goodness, faithfulness, gentleness and self-control. Against such things there is no law." My wife and I are not spoken for by Project Blitz. We don't feel that our religious liberty is under threat. We believe that our religious liberty is best served when we serve others. In closing, I would mention that I have not seen the amendment. However, if I were a Christian nationalist and I were for this bill, I would very likely be calling Senator Erdman's office furious. Because from what I understand about the amendment is, it cuts the golden parachute chords of the AG's excellent legal representation. In the original copy of this bill, I understand that schools that were sued, the AG was mandated to provide representation. And with the amendment change, I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

believe it sounds like they can apply to have the AG represent them. And so if I were for the bill, I don't think I would be very happy about that. I would be happy to answer any questions from committee.

GROENE: Any questions? Why the big leap, I've heard it over and over again between in "Trust in God" to the word Christian?

JAMES WOODY: I don't believe I follow the question.

GROENE: You said this Blitz, I never heard of it.

JAMES WOODY: Project Blitz was destroying--

GROENE: I seen the e-mails coming in, but the [INAUDIBLE] coming in-- they were later. About a Christian nation, what's the word God got to do with-- a Christian is Christ. God is God-- it can be anything you, you desire it to be or any object. History shows objects were gods-- golden calves, whatever. Where's this leap, to this it's Christian?

JAMES WOODY: Where did this leap?

GROENE: Well, it says trust in God. It doesn't say trust in Christ.

JAMES WOODY: It?

GROENE: The motto.

JAMES WOODY: The motto, "In God We Trust."

GROENE: Yeah.

JAMES WOODY: And so what about the motto?

GROENE: You kept talking about this group about a Christian nationalist. What's Christian nationalist got with "In God We Trust"?

JAMES WOODY: In--

GROENE: It's only one religion, of many in the world, who has different gods.

JAMES WOODY: In The Guardian article that I referenced,--

GROENE: Yeah.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

JAMES WOODY: -- they mentioned the words Project Blitz, and they, they're-- Christian nationalism is something that's written about in the media if people care to look in--

GROENE: But, it isn't in this bill. It's got nothing to do with this bill. Does it? All right. So anyway, I wanted to clear that up. Thank you.

JAMES WOODY: Yep. Thank you.

GROENE: Thank you for your testimony.

JAMES WOODY: Absolutely.

GROENE: Any-- next please.

DONNA ROLLER: Good afternoon. My name's Donna Roller, D-o-n-n-a R-o-l-l-e-r, and I really appreciate being here and--

GROENE: Excuse me, did you hand in your green paper?

DONNA ROLLER: No, I didn't because I made a lot of hen scratches here, so I'm just going to talk. Because--

GROENE: Would you hand it in after you're done then?

DONNA ROLLER: I can.

GROENE: All right, thanks.

DONNA ROLLER: I just-- because I'm not going to speak entirely to it, but I can hand it in. So exactly--

TREVOR REILLY: Can you, at least, spell your name please for the record?

DONNA ROLLER: I did, D-o-n-n-a R-o-l-l-e-r. OK, I've heard-- listened to all this testimony and it has gone off title, off subject, into a debate of religion, peace, Christianity, this that-this that, and that's exactly why you should not forward this bill. It's controversial-- it opens up a can of worms. And Senator Erdman would like to say that this is a decided thing in the courts. The religious separation church and state, I'm not a lawyer, but I did some reading last night. It is not an easy subject, and it is constantly being interpreted by the Supreme Court. So it's not a said and done deal. And I certainly am not here to debate anybody's religious beliefs or

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

for you to debate my beliefs. So I spent some time 'til one o'clock, doing a little research, and there's excellent testimony given here today on why this bill shouldn't move forward. And everybody's has professional experience and mine, I would say is lacking. So I'm going to do the best I can. But I noticed that Senator Erdman made a statement on Channel Seven, and it was, if our Founding Fathers and those people in leadership thought it was important enough to put this on our money, then it is important that we should put it in a conspicuous place for people to see. He changed what he said today and said that it was because it's in the courthouses. And he did know the history, I was unclear that he knew our history, so I want to remind why these changes happened. Why the God in Trust came and why this motto is here and why I believe, and I think the previous testimony, this Christianity push, because they want this to make a-- be a United States of Christianity or something like that. I think that is a real, real thing, because I have evidence of that, too. So the Latin word, which we-- has already been brought up that the original seal was "E pluribus unum." That was in 19--1776. The "In God We Trust"-- that appeared in the currency on 1864. And the reason why these changes happen is because there is a threat to our beliefs and our national unity. And that came about because of the Civil War. We're in a traumatic event, so we're going to start pushing a religious saying on our coi-- coins. What happened in 1956? It was the call-- Cold War, McCarthyism, and the godless communism. So let's push this on to our money, and I believe that this push now to put this saying in our courthouses and in our schools is based on where we are in the United States right now. To push a nationalism agenda in response to mass shootings in schools and public places and I am certain that these walls will not-- this word on the wall will not change human behavior once so ever. Secondly, this bill states that the motto should be in every classroom. This is an ineffective school policy that does nothing for the quality of education or its curriculum, nor does this sign improve student behavior or addressing bullying, hate, racism, or inequality-- nor does the sign enforce patriotism. That answer to that question is civic classes and student participation in government. And, thirdly, this bill states that the Attorney General-- I know there's an amendment to the bill that they would have representation in a legal challenge. The challenge alluded to in this establishment-- is to the establishment clause of the First Amendment which states, and I don't need to read that, that the law-- we all know what the constitution says. But, historically speaking, the separation of church and state has been challenged and constitutes-- the constitutionality of it multiple times. This language in this bill is

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

an attempt to thwart a so-called hot button which was proven today by testimony of controversy. And, historically, the Supreme Court in historical ruling Lemon v. Kurtzman in 1971 established a threefold test that read the statute must have a secular legislative purpose, the principal or primary effect of that statute must not advance or inhibit religion, and the statute must not result in excessive government in religion. And, I can argue that this bill is not secular. There are multiple Web sites that endorse this motto and all have Judeo Christian-- Christianity ideals with the goals to bring about change in America, returning our nation to its biblical foundation. I can argue that the primary purpose of this bill is, therefore, to advance Christianity above all other religions. And I can argue that this motto sign is in every classroom is an excessive government intervention. And I agree with the other previous testimony that I think it is here and introduced to waste our time with so many other issues before this Legislature and a budget issue, and here we are arguing about our religious beliefs and science and evolution. And I don't want to debate that with you because I do have my own beliefs, and they are deep and long and I'm not going to judge anybody else's beliefs. But it appears that all of you are somewhat threatened by the idea that we might not agree with your religion or that it should be a United States of Christianity. So that's all I really have to say, and I hope that I did an honorable job to present why this bill, factually, is just not a good idea.

GROENE: Any questions? In defense of Senator Erdman's bill, it says legi-- legibly in English in each classroom or in another prominent place in each school. So it, it doesn't have to be in each classroom.

DONNA ROLLER: Every classroom, but it did appear that that was it. But I think there's a lot of misconceptions. I mean we, I mean you want to open up this bill-- it's a can of worms, it's a can of worms. You want to bate-- debate the separation of church and state, that is not exactly what people think it is. It's misunderstood widely, and I'm not an expert and I'm not a lawyer.

GROENE: I would agree with you, but a-- controversy is-- it, it protects democracy, doesn't it?

DONNA ROLLER: Yes, it does.

GROENE: At one time, there was a huge controversy about evolution in our schools-- there still is. Should it not have been put in--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

DONNA ROLLER: But here you want, here you want to bring back evolution again. I'm not here to discuss that, let's discuss the bill.

GROENE: No, no, no I'm not, but should it not have been ever brought up because it was controversial?

DONNA ROLLER: That's not part of this bill. This bill isn't about evolution, Senator Groene.

GROENE: You said-- your biggest argument was that we shouldn't bring controversial things up in our public schools.

DONNA ROLLER: No, that's not what I said at all. I said this bill is controversial. So why do we want to waste our time on a bill that is so controversial to take valuable time from this Legislature? It's a hot button and it has been a hot button this whole afternoon, because you have brought up all these things from your religious beliefs to evolution to everything else to war history to veterans. I mean, its, its way gone off title here.

GROENE: It's been fun though-- it's called debate.

DONNA ROLLER: Yes, thank you very much.

GROENE: I do appreciate your mention of, of civics being taught in our school. I look forward to you as a proponent of the American Civics bill when it comes before our committee.

DONNA ROLLER: Well, I hope so. You know, it's very hard for me to keep up--

GROENE: No religion in it.

DONNA ROLLER: I know. Hey, I'm not saying I'm an atheist. I'm not telling you what I am. I don't think it's relevant. But I tell you what, there's so many hearings, and there's so many bills, and there's some bad bills here. And it is a very hard thing for a citizen to participate and keep up and write testimony to the best of my ability, and to maintain this-- it is very stressful for citizens. But I will say, because of Norris we have this opportunity. And I'm so thankful for Nebraska's Unicameral, and I want to preserve what Nebraska stands for.

GROENE: And you understand this is the only state--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

DONNA ROLLER: Yes, I do.

GROENE: -- you get to sit there in front of us.

DONNA ROLLER: Yes, I do. And thank you.

GROENE: Thank you. Next.

NICHOLAS COUCH: Hello, my name is Nicholas Couch, that's N-i-c-h-o-l-a-s C-o-u-c-h. And I want to speak in opposition of LB73. First of all, I want to say I am an atheist so that is why I am in opposition of this. And I want to bring up the definition of secular for everyone here. It's denoting attitudes, activities, or other things that have no religious or spiritual basis. So then I want to direct your attention to the motto, "In God We Trust," there is no connotation of the word God that is not religious. I think it's ingenuous to say that, that is somehow not a secular statement-- or sorry, it's not a religious statement. It clearly is advocating of some religion of some sort-- in your own words you, Senator Groene, you said, should have faith in something that is what that motto is implying, and I disagree. I'm an atheist; I don't have faith in anything. Then I did want to move on, and I want to speak about my experience in high school as an atheist. I was not openly atheist, because to do so would be to face social ostracization, and I was not prepared to do that. One example I have of that is in my high school band the instructor led us all in a prayer circle and she even said, you know, unless you are an atheist which none of us here are, of course, which I ended up joining in because I'm not about to go against that. So that's why I think that this is very divisive. I think it will lead to more bullying of students that do not believe in God because they will fear that they will be bullied if they speak out against it or don't believe in it. And then one final point-- I want to keep this brief-- I want to make is-- this claims to be revenue neutral which is most likely not going to be the case as it will open up many lawsuits most likely. Thank you. That's all I had to say, and I'll take questions.

GROENE: Thank you. Any questions? Thank you for your testimony. How many more testifiers do we have? Two, three, all right.

STEPHANIE MEYER: Hello. My name is Stephanie Meyer, that's S-t-e-p-h-a-n-i-e M-e-y-e-r. I'm here to oppose LB73, and I appreciate the gentleman behind me actually speaking about his experience of being a child and what it was like to be a child in a Christian

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

nation, which is what I want to talk about. I was raised a conservative Christian and believed in that for a long time in my life. I was also under the impression if I didn't follow certain rules, I would have my existence in a fiery hell after I died. And I knew that I wasn't capable of being the Christian that I needed to be to go to heaven. And so on Wednesdays and Sunday every week, I would spend time, at least an hour if not two or three, in a church with peers, with pastors and elders, and had to know that I wasn't going to get to go with them; I wasn't going to get to be with my family when I died. And frankly, it was really pleasant to be able to go to a school where that was not prevalent everywhere where I didn't have to constantly think about my soul. And I think schools need to be a safe place for children. It's not a place for that. It was very-- it was very scary for me as a child. Someone once told me after I described my experiences that it sounded like a spiritual trauma and abuse. And so please be aware that even if you've had a good religious experience, that's not the case for everyone. And it can be pretty in your face to have to live through that, and please don't do that to children in this state every day at a public school. Thank you.

GROENE: Thank you. Any questions? Thank you. Senator Murman.

MURMAN: Just a quick question, the church that you referenced in-- did it teach forgiveness and love?

STEPHANIE MEYER: It taught me that if I didn't believe in God and Jesus, that I would go to hell.

MURMAN: OK, that's all.

STEPHANIE MEYER: Yeah.

MURMAN: Question?

STEPHANIE MEYER: I, I could also speak a lot more about issues that I have with the church contradicting those statements that you just said, but that would be probably for another time.

MURMAN: Thank you.

STEPHANIE MEYER: Yes.

GROENE: Thank you, Miss. Next. Is there two more?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

JOHN SKINNER: Neutral testimony is at the end?

GROENE: What's that?

JOHN SKINNER: Neutral testimony is at the end?

GROENE: Yes, yes, this is still opposition.

JUDY KING: Hi. My name's Judy King, and I'm in opposition to LB--

GROENE: Could you spell it. All right.

JUDY KING: I will-- LB73. My name's spelled J-u-d-y K-i-n-g. I grew up as a Methodist, and my mother made me go to church every Sunday until I graduated. She said, she said I didn't care where you went but you had to go to church every Sunday. So I did, because that way we could go out to breakfast afterwards and enjoy that, but I also taught Bible School at the Methodist Church. But in my high school years, I would sit there and watch the adults, and the kids, the other high school kids, and college kids that went to that church and then, then I would see them out doing things like cheating on their wives-- maybe making crooked business deals at work. I'd see the kids partying, doing things they shouldn't do at, at that time. And so I came out of religion with a hip-- thinking that they're hypocrites. And I think that may just have been my experience, but we are all diverse people. And there is-- there was a time when everybody was primarily Prost-- Protestants or Catholics, but now we're a diverse society with multiple-- with a multitude of views and we have people from all walks of life and have many different belief systems including many who do not believe in a Deity, and the diversity is growing, not diminishing. When I was younger, the majority of my friends were Protestants and a few Catholic friends also. Today, my friends are much more diverse. I have friends and relatives that are agnostic, atheist, Wiccans, Buddhists, Hindu, Seventh-Day Adventists, and Muslim, as well as many Christian religions. I cherish all my friends, and I've learned so many things from all of them. Can you imagine if one of my friends tried to limit and control the thinking of the people around them-- it wouldn't work. We are a diverse group and it's from those differences in all of us in what we think and what we believe that gives us the strength and provides us with perspective that is greater than any one individual. Today our thoughts, words, and actions should embrace this diversity. That's where our strength of this nation lays, and that's where the nation's future is headed. I also had some more information that I was going to give you, but I think maybe we need to have

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

private discussions about religion and racism and other things. Because, I think you would all learn from all of us that aren't, you know, that don't believe in it. And we may learn something from you, but I think we ought to have private discussions between each other. I mean, I think we all would learn something. If Chri-- if you feel that Christianity is under attack, then churches, churches are not doing their jobs. Because they're where you are supposed to learn, I mean at least from my understanding, you're supposed to learn your Christianity there. So if you think they're under attack, then you need to go to your church and change your church. I believe in keeping the church and state separate, and that's about all I have to say. But I also want to add one thing, if there are any Republicans in here-- anywhere in this room-- call your U.S. Congressman, your U.S. Senators, and your President, if you can, and tell them to open up our government. That's all I have to say.

GROENE: Want to take some questions? Does anybody have a question? I have one, and not because you're just the last opponent.

JUDY KING: OK.

GROENE: I keep hearing this word Christian-- that this Christian-- I'm a Christian, because the one unforgivable sin is to deny that. But Jesus said, I am the way, the truth, and the life. No man cometh unto the Father but by me. The Christian would look at "Trust in God" as skipping the one you're really supposed to trust in. So the ideal that says this is Christian belies what Christians believe. Wouldn't it be easier to look at this and say as a-- it's a secular comment, then maybe when we all fight and argue, we look up at that and say, "Trust in your God."

JUDY KING: That isn't what-- that isn't what children in school would look at. I wouldn't have looked at it that way. I, I sat there and I prayed with my friends, you know, when I was growing up, I'd sit there and bow my head-- do all the right things, but I wasn't feeling the same message--

GROENE: Do you find it ironic to feel--

JUDY KING: -- that they were, and I felt in-- too intimidated to not do that. I don't anymore. But when I was a child, I was intimidated by that-- that I had to follow the crowd--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

GROENE: In the public school?

JUDY KING: 1955-- yes.

GROENE: In the public school?

JUDY KING: Yeah.

GROENE: I went to a small town public school and I never remember a prayer ever. I don't remember at all-- Christmas carols--

JUDY KING: How old are you?

GROENE: I'm 63.

JUDY KING: I'm 67 from Gering, Nebraska. So--

GROENE: But the point is, a Christian would look at this and say, this isn't good enough. It needs to have Christ there. So wouldn't it be more of a thing that the set what we trust--

JUDY KING: I, I can't, I can't argue anything with you about religion or anything else. I'm not versed and I-- like I said, I quit going to church after high school.

GROENE: But anyway-- but you seem to believe the word God means Christian.

JUDY KING: Yeah-- no, not necessarily--

GROENE: I've heard that over and over again--

JUDY KING: -- it could be-- a God can be anything-- like you say.

GROENE: Wasn't, wasn't it ironic, the only proponent was a young man who believes in Allah--

JUDY KING: But right now in this time, now at this time it means a Christian God.

GROENE: The young man who was a proponent believed it was the Allah.

JUDY KING: Yeah, well, I don't know where he came from, but to-- I mean that could be, maybe that is to him, because a Muslim and Christianity's the same in a lot of ways.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

GROENE: It is, that I will agree. Thank you. Any other questions?
Senator Murman.

MURMAN: Yeah, I've got one. Would you agree that if we go back to the
founding documents and--

JUDY KING: I don't know anything. I, honestly, can't quote anything
about any founding documents or religion.

MURMAN: OK. Well-- we'll just say--well, let's say the Declaration of
Independence and the constitution then. Would you agree they're
founded on at least a belief in God, if not Christian values?

JUDY KING: I can't answer that-- that would be-- I can't answer that.

MURMAN: OK, that's the only question I have and-- well, one more. So
do you trust in the Constitution of the United States?

JUDY KING: Yeah.

MURMAN: OK, that's all I've got.

JUDY KING: Do you, do you trust in it?

MURMAN: Yes, I do.

JUDY KING: OK.

GROENE: Thank you.

JUDY KING: Yeah.

GROENE: Any other questions?

JUDY KING: Oh, oh, well. I think, I'll wait.

GROENE: All right, I know you'll be back.

JUDY KING: Yes, you know I will.

GROENE: Thank you. Any other opponents? Neutral? Well, let me, let me
read-- let me get this--LB73. Letters of opposition was Spike
Eickholt, Eric Turner, Brian Bigelow, Margaret Marsh, Evelyn Koch,
Lynn Zeleski, Nicholas Couch, and Kathryn Budd. And I should clarify

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

that those were e-mails, correspondence in opposition. Thank you, a neutral.

JOHN SKINNER: Hi. My name is John Skinner, that's J-o-h-n S-k-i-n-n-e-r. I represent the Nebraska First Evangelical Church of Satan, and I'd like to start by giving you a little bit of history of our organization. In the Garden of Eden, Satan offered the first humans an apple from the tree of knowledge, knowledge that God was trying to keep from them. And in the view of our church, he's the hero of that story to be giving knowledge to humanity. God was trying to keep him like eternal children. Satan wanted them to grow up. So I think you'll see how the message of Satan is totally consistent with the goal of education. It's trying to enlighten us. And the person who introduced this bill claims that it's not religious in nature. He said he wants to get God back in school. Right? So I think that it-- it's hard for me to understand how it could be not religious. The supporters on-- in front of me right now keep talking about evolution and Christianity and discrimination against Christians and things like that. So it seems like the people who are, perhaps, going to pass this bill have religion, particularly Christianity, on their minds a lot. And it's going to be hard for me to believe that, that doesn't authentically represent their motivations like you've stated that you're a Christian, and I have a little bit of a hard time believing that that's not the reason you are supporting this. So with that in mind, I mean, like a court will sort that out. Right? But with that in mind, obviously, you can expect the Church of Satan to represent our beliefs in our schools, as well, if we possibly can. We'd like to encourage students in Nebraska to be open-minded rather than narrow in their thinking like some kind of fundamentalist dogma or something like that. We want people to keep their minds open. This is the message of Satan that I'm dedicated to sharing that every person is entitled to freedom and knowledge and to pursue their own well-being and the well-being of their families and their communities. They're obligated to be kind to each other and to treat the vulnerable, including children, with respect and compassion. I believe that no supernatural entity can hand down rules that will force us to act ethically. It has to come from our hearts. We need to teach our children to be ethical. I don't know if I have to say that this can be part of the public record. I'm open to questions.

GROENE: Thank you. Any questions? Senator Brewer.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

BREWER: OK, OK, let me get this straight. You're representing the Church of Satan--

JOHN SKINNER: Evangelical Church of Satan.

BREWER: Evangelical Church of Satan, and on this issue you're coming in neutral?

JOHN SKINNER: Right. Yeah, it's like this opens up-- I can't say that I support putting a competing religion in schools, but it does open up an opportunity for us as well.

BREWER: OK, that was just clarification.

JOHN SKINNER: Yeah.

GROENE: Any other questions? I have one, then is Satan your God?

JOHN SKINNER: Nope, it's Satan. It's different from God, they're like opposite.

GROENE: Yeah, but you believe in God then?

JOHN SKINNER: Listen, I can't say that my faith is perfect, you know, like faith is a gift that not everybody has. And I don't always have a literal belief in the existence of God. But, you know, it's a struggle for a lot of people.

GROENE: The story you quoted, it came from the Bible.

JOHN SKINNER: It sure did, yeah.

GROENE: And in that same book God created Satan.

JOHN SKINNER: Yeah.

GROENE: So you believe in God.

JOHN SKINNER: Yeah.

GROENE: OK, thank you.

JOHN SKINNER: I think he was a bad person--

GROENE: You just-- all right, that's fine. [LAUGHTER] Thank you. Any other testimony? Thank you. Only in America, we could of had this

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

debate and everybody's gonna go home friends. So thank you, I appreciate it. That ends the testi-- that we had no comments on neutral. That ends the testimony and the hearing on LB73.

_____: Closing.

WALZ: Oh, closing.

GROENE: Closing. You really want to drag this on. [LAUGHTER] I'm sorry, Senator Erdman.

ERDMAN: Senator Groene, as I had alluded to in my opening remarks, they did not speak about the national motto. They spoke about everything besides that. And I said that's what was going to happen. And Senator Murman, I'm sorry you got your first hearing took this long, and I may come back when I can take longer. But here is a copy, if you pass this out, I made these copies of what a school might do if they want this cost a lot. I don't know it was, five cents for all of them, and they can put them in a conspicuous place. They can put them in each school room, wherever they want to put them. And, Senator Brewer, you're exactly right. The inalienable rights came from God-- they're protected by man and government. You're correct. And the comments were made about what I had said on the, on the, on the TV about would I put God back in schools-- the question to me was would you like to see God put back in the schools? And the answer was yes. I didn't say that this was putting God back in the schools. I was answering the question that he asked me. And one of the testifiers was correct, in 1864 they put it on our money. And so going forward, I think the question is, is "In God We Trust" the national motto? Yes or no? The courts have ruled that it's not a religious statement. It's not stating religion. It is a secular statement. But I believe the question that the committee has to wrestle with is, do you want to put the national motto in our schools? And, you know, all the discussions this afternoon about, there is a God, there isn't a God, and I knew all that was going to happen. And that's not what I intended to have happen, but that's where we go. But the point was, nobody argued that the courts had made that decision. Some argued that it hadn't been tried by the Supreme Court, or whatever other arguments they had, but they argued with what the motto says. I didn't make up the motto, they did back in '56; I just agreed with what it said. And whatever they talked about the Blitz, whatever the Blitz organization was, I have never heard from those people. I don't know what that is. What I told you was what I discovered when I seen it in the courthouses. So I would ask you to advance this to the floor, and we'll have another

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

discussion. I don't know whether it'll be as involved about everybody's religion and faith. Today, I've seen some people sit here that have had a tremendous amount of faith, way more than I have. To believe there is no God takes an amazing amount of faith. There's no way on God's green earth that I could figure that someone could have that much faith. So I didn't intend for it to go down this road. I intended for it to be an up or down question. Is this, is this a national motto? Yes. Would you like to place this in the school? Yes or no? It's not a discussion about religion. It's not a discussion about what you think God is or who you think God was, or if there is no God. But we did what we did. I appreciate you sitting here and listening to this, all this time-- appreciate your questions. But, we have a decision to make. You know, last year or year before, Senator Pansing Brooks brought a bill on dyslexia. I supported that bill. Senator Pansing Brooks is concerned about sex trafficking; so am I. That's the right thing to do. Passing this bill to the floor is the right thing to do. It's always right to do the right thing. Thank you.

GROENE: Will you take some questions?

ERDMAN: Yes.

GROENE: Any questions from the committee?

WALZ: I just, I just have one, one question, and I wanted to ask you this before, but I'm glad I kind of waited so I know it was not your intention to sit here and have us determine whether there is a God or not. And our job as the Education Committee is to really discuss policies that would make sure that our children are receiving the best education possible.

ERDMAN: Correct.

WALZ: And as a past teacher, you know, my main job was to set goals and objectives to teach those skills, reading, math, science, social studies, those skills to our children. Public schools were created to teach. So my question to you is, what, what does this teach our children? What would this teach our children?

ERDMAN: What would the-- this would teach our children that, that is our national motto that it is what the, what the Congress has reaffirmed in 2011, what the Senate has approved. It is the national motto, "In God We Trust." It is a statement based on the ability for

Transcript Prepared by Clerk of the Legislature Transcribers Office
Education Committee January 22, 2019

us to understand that this is what they decided it was. And we put it in the, in the school rooms so they can see it.

WALZ: OK.

GROENE: Any other questions?

ERDMAN: Senator Groene.

GROENE: I have one. You didn't publish the, the vote on that 2011 Congress vote. What was the vote?

ERDMAN: 396-9.

GROENE: 396-9. Thank you.

ERDMAN: When Congress, when they reaffirmed in 2011?

GROENE: Yes.

ERDMAN: It was in-- I think it was in the information. It was 396-9 to reaffirm that the national motto was "In God We Trust."

GROENE: That was enough to get-- overcome a filibuster.

ERDMAN: Almost.

GROENE: Thank you, sir. Thank you, all. This was very interesting for, for our first hearings. But we got one controversial one out of the way and look forward to the rest of this year. That ends the hearing for today.