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Judiciary Committee
December 12, 2008

[LR362]

The Committee on Judiciary met at 9:00 a.m. on Friday, December 12, 2008, in Room 1524 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LR362. Senators present: Brad Ashford, Chairperson; Steve Lathrop, Vice Chairperson; Pete Pirsch; and DiAnna Schimek. Senators absent: Ernie Chambers; Vickie McDonald; Amanda McGill; and Dwite Pedersen. [LR362]

SENATOR LATHROP: Can I have you attention, please. All right. I'm Steve Lathrop, one of the members of the Judiciary Committee. And today we're here to talk about the immigration study of Senator Ashford and others. We're going to lead off with Senator Ashford who's got a few comments. And with that, we'll turn it over. []

SENATOR ASHFORD: (Exhibit 1) Thank you, Vice Chair Lathrop. And is this on? I can't tell. Is it on, Chuck? (Laugh) All right. Well, thank you all for coming. Thank the members of the committee. And I understand there are other members here. I know Senator Schimek is...I saw her walking into the Capitol, so I assume she'll be here. I want to try to lay the groundwork, if I can, on why we're here and what we hope to accomplish today. There were as we all remember, I believe three bills introduced into the Legislature last year. And all three came to this committee and in the process of hearing those bills, plus we had a public hearing and some discussion about them. I felt after the hearings were over and after we had a chance to take a look at these issues that it needed further discussion and review. And as a result the committee...and I appreciate the support of the committee in adopting the resolution that enabled me to travel across the state and to visit communities across the state with a large immigrant population or with a tradition of immigrant people coming to those communities. And I want to thank in that process, first of all, Stacey Trout. Stacey is the legal counsel, as you know, for the Judiciary Committee. And Stacey has worked tirelessly throughout the summer and fall on this issue. She prepared a brief which I feel is one of the most comprehensive that I have read. And it is included in the report to LR362. In addition to

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that, Stacey compiled the information that we received from the tour of the state and prepared with me the LR362 report. So I certainly appreciate Stacey's commitment to this issue and following through with the committee's charge to get this job done. I also would like to thank Senator Schimek who accompanied me to all of the sessions. She asked, as she always does, probing questions and as she always does showed a great deal of commitment to the legislative process of finding what's going on out there in the community, listening to people. She is a great listener and I appreciate her being there. I appreciate Senator Dubas, who was at the Grand Island meeting and was involved in that process in Grand Island. We visited five communities. In addition to that, I spent some time in Fremont with the mayor of Fremont and some of the business leaders in Fremont who have...some of whom I believe are here today to discuss this issue. And so I appreciate the city of Fremont and the leaders that I talked to in coming forward and discussing their particular issues with me. We visited Grand Island and I wanted...let me just go back and just set the stage a little bit on how we accomplished this study. First of all, Stacey prepared the brief for the committee. And that was distributed some while ago, several weeks ago or I think three months ago, probably at this point. After the brief was completed we scheduled these...this tour. We asked the senators in each district that we visited if they would bring together a group of community leaders to discuss the issue of immigration in their communities. And we asked the mediation centers, Nebraska is unique in that we have six mediation centers located across the state that provide facilitation and mediation services to the citizens of Nebraska. And I want to thank them for their participation in this process. But we had five facilitated sessions in five communities. They were approximately two- to three-hour sessions, they were round table discussions. I was appreciative of the facilitated process because of the ability of all people in the room to get down and really talk about how immigration impacted their lives--positive, negatively, neutral, whatever it was. I think it was an excellent way to listen and learn about what was going on in our state. Senator Schimek has arrived. And I acknowledged you earlier but I'll acknowledge you again... [LR362]

SENATOR SCHIMEK: That's not necessary. [LR362]

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SENATOR ASHFORD: ...thanking you for all your efforts on this study. But Senator Aguilar convened the meeting in Grand Island, Senator Wightman in Lexington, Senator Harms in Scottsbluff, Senator Hansen in North Platte, and Senator Langemeier convened the meeting in Schuyler. And as I say, in each case we had significant participation and thorough discussion of the issues I felt. And in many ways I think it's a great way to get information on tough issues. The report is on-line, I believe, is it not, Stacey, and was placed on-line yesterday. Is that right? And it's on-line...where is it on-line? [LR362]

STACEY TROUT: It's on the Nebraska Legislature's Web site, on the committee reports page, under the Judiciary section. [LR362]

SENATOR ASHFORD: Okay. The report is on-line and will be on-line, will remain on-line. And obviously we want public reaction and response to the report as we proceed into the legislative session and as the policy options that we discussed in the report and others will most likely be discussed in the Legislature. So that report is there to be read and to be responded to. And I appreciate the work it took to get the report on as quickly as it did...as it was placed on the Web site. I would only say and what I hope is that this discussion today will be a discussion about the real issues of immigration. The report is designed...was designed to address real issues, what happens on a day-to-day basis, in this case, in cities outside of the large metropolitan areas of the state as immigration has increased into those communities. This committee and all Nebraskans are well aware of the fact that there are many thousand undocumented people in this state, that is a given. The consequences of any action that this Legislature takes, some of them will be very difficult to foresee, some are easier to foresee. But my view, and this is only my view and not the view of the committee, and I'm not speaking for the committee by saying this, and every committee member and every legislator should...will have their own opinion on this. My conclusion from this exercise, this study, this report, which in my mind has been extremely educational for me, personally, is that

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the state cannot do nothing on the issue of undocumented workers and people in our state. I feel that the many years of inaction by the federal government has made it impossible for us to take no action. That what has happened as a result of nonaction, in effect, by the federal government is that what has occurred in Nebraska and has occurred in many other state is the development of an underclass of workers who, though they work hard and contribute to the state, cannot progress in our society. One of the most interesting things about America and what makes America different and unique is that people have come here, and certainly many of our relatives came here from somewhere else. And they came here with the hope of a better life and the ability to work hard and to succeed in this society. To me what is tragic is that there are numbers of workers in this state, many of them Latino, who have contributed significantly to our state but cannot progress because they do not have the legal status to work here. This to me is unacceptable, it is not something that the state can condone any longer. In addition to that, what the other trend that I found is that in talking to Latinos and to community groups throughout the state, bankers, school members, school officials, mayors, that there is a broad brush, in some instances, of discrimination painted applying to all Latino immigrants, whether or not they are documented or undocumented. It is my belief that an option or a proposal that would help to address the issue of broad brush discrimination is to utilize technology such as an E-Verify system to make certain that workers in our state have a legal right to work in our state. I think it is a proper policy. The federal government has laid down the rules on who can and who cannot work here. It is as pre-empted policy that the federal government has established for workers here that they must have certain status in order to work legally. That a system, enhanced system such as E-Verify to determine eligibility to work in my view will set the standard that says we understand that there may be difficult consequences by establishing such a standard, but we are not going to be complicit in a system that creates an under class of workers who simply cannot go anywhere. I cannot condone that, I think it is wrong. I think it has moral repercussions to all of us. And even though the consequences that may come from that are not significantly positive to numbers of people and in many cases to rural Nebraska, I come up to a brick wall. I

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cannot get beyond the idea that the state is in some ways complicit by not providing for enhanced way of checking employment status. I would say that there are many other...obviously there are other proposals in the area of immigration reform that have been proposed in varied states. I believe, Stacey correct me if I'm wrong, how many states have utilized the E-Verify system...mandated or... [LR362]

STACEY TROUT: Mandated? Eleven to 13. [LR362]

SENATOR ASHFORD: You know, there are other proposals that are out there and have been adopted by other states. It seems to me that employment is the reason for people, generally, immigrating to Nebraska and that that is the level where we should make our policy. So again, I'm not speaking for the committee and certainly not for Senator Schimek or anybody else. But that's the conclusion that I have come to. I would lastly say this, what I learned from the study and certainly learned from my travels around the state is that the Latino population in Nebraska have made...has made significant contributions to our state. Not all Latinos are here without legal status. And in many communities, such as Scottsbluff, where Latino community has been here since 1900, four, five, six generations, it is clear that the Latino population has made Nebraska a more vibrant place to be. Having said that, I simply cannot condone the idea that more people will come without the ability to advance in our society. I don't believe that's what America was set up to be, established to be. And I just feel strongly that something has to be done moving forward. With that, I think we can get onto the hearing. Senator Schimek, would you like to comment at all? And I'm going to move up to the... [LR362]

SENATOR SCHIMEK: Well, I just wanted to direct a comment to you, Mr. Chairman. I want to thank you first of all for the tone with which the discussion has been held over the last three months of so. The community meetings were very, very excellent. We got wonderful input from a broad section of people in those communities. And I think that your idea that we try to do this in a reasoned atmosphere is excellent. And also I want to thank the committee counsel. This is one of the best committee reports I've seen in

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interim study; lots of research plus lots of input from across the state, which you can't get by just holding one public hearing in Lincoln on any given issue. So I think it's been very, very well done. Do I agree with everything that you've said in the report? No. But I respectfully say that I think you've done an excellent job and I appreciate it very much. And there will be time to discuss the differences. But by and large I think the report does an excellent job. So thank you, Mr. Chairman. [LR362]

SENATOR ASHFORD: Thank you, Senator Schimek. That's a great honor for you to say that. Thank you. I'm going to now proceed to my seat. And I'm going to...we'll talk about the ground rules a little bit. Continuing on, we are going to take until 12:00 to have this discussion. This is the time frame that we utilized for the community group discussions. I know there are numbers of people, I assume, that wish to talk about the issue. What I've asked four individuals, is it four? [LR362]

STACEY TROUT: Four. [LR362]

SENATOR ASHFORD: Who have asked if they could speak first. And I'm going to...Senator Wightman, Bill Ekeler, from the Fremont Mayor's Task Force. I believe Bill is here. Is Bill here? There's Bill in the back. John LaMar, from Fremont, who...is John here? And Susan Tully from Washington, who I also believe is here because I just met her. So we will ask them to speak first. There is no particular order after that. I'm going to try to ask, well I'm not going to try. I'm going to ask that we limit our discussion to about five minutes. We have a light system that we'll sort of use here. I don't want to scare anybody with it. And we're not going to eject anybody out of the seat. But we'd like to give as many people as possible their time to speak. And I have no other list of people. So what we're going to do is just come up as we can. I'd like to...obviously, the goal here is to get as many different views on these issues in the report as possible. It's less our...I think what we'd like to hear is discussion. And I'm sure that not everyone has read the report, so I'm not suggesting that's all you can talk about. But those of you who have read the report, if we could talk about the report and some of the findings and

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some of the recommendations or some of the content I think would be as helpful as talking about ones position for or against immigration or...you can talk about whatever you want to talk about. But I would ask that we try to get into the issue as much as possible and have a discussion and have it be respectful. I know it will be, and I don't even need to say that. I think we've got a different tone going here. We want to talk about the issues in a respectful manner and respect everyone in the room. So again, we are going to go from now, 9:20, until noon. I know Senator Lathrop has another appointment, so he will have to leave around 11:15, and we may have other senators come. But with that, Senator Wightman, would you start us off. And again, thank you for your entertaining us and having us to Lexington this fall. [LR362]

SENATOR WIGHTMAN: (Exhibit 2) Thank you, Chairman Ashford, members of the Judiciary Committee. I didn't know I was an entertainer out at Lexington until... (Laugh) [LR362]

SENATOR ASHFORD: Or conveneyor or...I misspoke. Well, I'll tell you it's a wonderful community and I certainly enjoyed being there, I'll tell you that. [LR362]

SENATOR WIGHTMAN: Thank you. I, too, wanted to compliment Senator Ashford and members of the committee that were out at Lexington and met throughout the state of Nebraska. I think you performed a great services for the state and really got, I think, to the meat of the issue. I think the report is excellent. My name is John Wightman. I serve the 36th District in the Nebraska Legislature. That consists mostly of Dawson County, north of the river and most of Buffalo County, geographically, but except for the city of Kearney. I reside in Lexington. That's a city of about 10,000 population. We have a major employer, Tyson Fresh Meats, which employs about 2,500 people. So you can imagine it has a lot of influence upon the community of Lexington, Nebraska and the community around Lexington, Nebraska. The population of the city of Lexington is approximately 50 percent minorities, primarily Hispanic. And the workforce at Tyson is probably around 70 percent minorities, also primarily Hispanic or Latino over the years.

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And it's been there for about 18 years. We've had quite a number of African-Americans, mostly Sudanese and Somalians. They are more recent. Had a number of Vietnamese and Laotians earlier in the history of the plant. Our elementary schools in Lexington are about 85 percent minority. I think we have one of the highest, Schuyler might have higher of any school district in the state of Nebraska. Tyson, who is the major employer, has used E-Verification, which is discussed in the report, for about a year and feel that they have very few undocumented workers. Almost all industries in the community and many of them in the surrounding area have minority employees and immigrant employees. But few probably use E-Verify, except for Tyson and maybe one or two other large employers. Lexington, in my opinion, has done many positive things to address the problems inherent in a large minority population. Our elementary schools have instituted a dual language program in two of its four elementary schools. It is, I believe, one of only two such programs in the state of Nebraska. The other one being in the Omaha school district. So there are many larger school districts than we are that do not have this dual language program. Maybe some of them have some Spanish teaching in their elementary schools but not the type of program that Lexington has. So I imagine there are about 80 kindergartners this...program has expanded, probably 60 first graders and 40 each in the second and third grade. Eventually, this will go through the entire elementary, through the fifth grade. The expansion has occurred largely in that program because it's a very popular program. What they do each year they take half dominantly English speaking and half dominantly Spanish speaking that are going to make up this dual language program. And then they mix them and will have two kindergarten classes to start out or three. This year they actually have four. And they learn all of their subjects in Spanish for a week, and then they learn their subjects in English for a week. They even learn math in Spanish. I think it's done a great deal to improve the language situation and certainly way better than just an ESL program. So overall I think the city has worked hard to assimilate the immigrant population. We provide many services on a charitable basis, including the food pantry, Haven House which provides food and shelter for needy immigrants and other residents. Many citizens of our area, as in most areas, resent the immigrant population. And many would

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favor immediate deportation of all illegal immigrants or undocumented workers. Probably more than a few would make no distinction between undocumented workers and legal immigrants. They would sooner see them all deported. And that's a fairly significant share of the population in my opinion. Obviously, this is not possible under federal law that the state do this or is it desirable, in my opinion. I believe that any actions involving employers should be taken at the federal level and not the state. But I do believe that the federal government has instituted the E-Verify system and that enforcement of that at the state level is certainly an acceptable solution. I think citizens should realize, however, when that's done that they're probably not going to harm the big employer, which some of them would like to do because they hire a large number of immigrants and a large number of undocumented workers or at least they are perceived to. But they're really going to get to the small contractors and even farmers out in our area much more than they are large industry, such as Tyson and other meat packers. So if there's a penalty attached to that, you may see your neighbors that you don't see being part of a problem being the ones who actually are running afoul of the E-Verify law, if you pass such a law that that's required. I'd like to touch just a little bit on a few areas. First of all, I think the general public to a great extent feels that there is a tremendous cost to society by having the undocumented workers here. There have been a number of studies done. One done by UNO in our own system and one that I've read probably about as comprehensive as any, which was called the "Texas Net Impact Study," that was undertaken by the state of Texas. Both of these show that there is virtually no cost to society. And they don't claim to factor all of it in. I think all of them, most of these studies factor in the cost of K-12 education, they factor in the cost of social services programs and Department of Health and Human Services. And what they show is that more taxes are paid in by the undocumented workers than they actually take out. And I think the UNO study shows that, I know that the "Texas Net Impact Study" shows that. So there...so many people start out on the basis that we're spending all of this money for the undocumented worker, and we are spending money, but there's money coming in that they are going to see no advantages out of to a great extent, whether it's Social Security...I think it would be higher at the federal level as far

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as what they're paying in and not benefitting from than it is at the state level because of the Social Security factor that would exist there. So I think people should have a better understanding as to what the cost is. And I know a lot of them just dislike the fact that the undocumented worker or to a great extent even the immigrant population that is here. But as far as the cost, it's not what we often hear that it is. It's not all one sided. And I would favor something that would perhaps make E-Verify mandatory. I see no problem with that. I think we need to do what we can. But the fact is that most of this has got to come from the federal level. The state doesn't have any power to deport undocumented workers and illegal immigrants. We also need to be sensitive to the fact that many times there are children in the family who are legal residents because they were born here. And you can argue whether that should be the law or whether it shouldn't be the law, but it is the law and it has been. And those people are going to...those children are going to remain legal immigrants. And to uproot the family and take the parents away and leave the children here also is going to cause great social problems. So...and I think we have to be sensitive to that. So I don't know what all the solutions are. But I think something...Senator White had a bill last year that would have gone back and charged employers who recklessly or...I don't remember the number of that bill, recklessly or knowingly hired illegal immigrants then there could be a civil action brought against them. And they would be liable for all of the expenses. But there was never anything that said they would be off that by the amounts that they'd paid in that they were getting no benefits from. So I think some sweeping legislation like that would not be in the best interest of the state of Nebraska. I think we...federal law requires that these children be educated. I think that's to the benefit of everybody that these children are educated and become more productive members of our society. And I know the Chairman, in his testimony, said that we are developing an under class, and I think we are to some extent. Although I think people out in our area, legal or illegal immigrants are living better probably than they ever did in their native country. So that being said, I'd entertain any questions that the committee might have. [LR362]

SENATOR ASHFORD: Senator Schimek. [LR362]

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SENATOR SCHIMEK: Thank you, Mr. Chairman. Senator Wightman, thank you for your comments. And I think they were right on target. I think that your observation that E-Verify would probably not impact the major employers would be true, at least from what we heard in all of the communities where we had meetings. And most of those big employers are already using E-Verify. It might hurt the little guy in some ways. But that having been said, that is probably the one thing that we could do without getting in the way of federal policy. But I want to go in a little bit different direction because I've been reading, and I'm sure that certain of you have also, that because of the economy and because of some of the raids perhaps that have been held in different places many of the immigrants that have come across the border from Mexico without papers are returning to Mexico. And I'm wondering if you are observing that to any degree in Lexington yet or if you anticipate anything like that in your community? [LR362]

SENATOR WIGHTMAN: I certainly have not done any study on that. I think the fact that Tyson and other major employers have cracked down through the use of E-Verify probably would result in some of that. But again, many of those people...there are roofing contractors and other contractors that basically are entirely Hispanic, the entire employee group are of a minority. And again, I think that provides an out for these people who maybe can't work at the major employer. I am sure there's a lot of farm labor that would be undocumented workers. I think the farmer, generally, if he'd a good worker, don't ask, kind of a don't ask, don't tell policy, like the military had, I guess. But... [LR362]

SENATOR SCHIMEK: And I suspect that may have been going on for a long time as...you know, in this country with the migrant worker population and so forth. [LR362]

SENATOR WIGHTMAN: In Lexington that probably came about at the inception of...it wasn't Tyson, it was IBP at that time, Iowa Beef Processors. And they came there in about 1990. And I think from that time forward we had very little in the way of immigrant

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population prior to that date. [LR362]

SENATOR SCHIMEK: Thank you. [LR362]

SENATOR ASHFORD: Any other questions? John, let me just say thank you for your comments, they were comprehensive. I can tell you that my experience in Lexington, where there are approximately 50 percent I believe you said, and that's what I gathered from coming there. The community has done a magnificent job, the church community, the business community, the schools. And I know a lot of that is because of your leadership in keeping people moving forward. So I appreciate that and I appreciate your comments. [LR362]

SENATOR WIGHTMAN: We've had a great number of people that have stepped forward. And we've had a pretty positive attitude. And I thank you for your compliment. [LR362]

SENATOR ASHFORD: Thank you, John. Bill Ekeler from Fremont and John LaMar, and then Susan Tully. Susan is here, so... [LR362]

BILL EKELER: Thank you, Senator Ashford and the rest of the Judicial Committee. My comments are a little more general in nature. The report that we did as a task force in Fremont is fairly specific. I think your report is very comprehensive. And I just want to give you a few thoughts related to that and answer any questions, if I can, at the end. My name is Bill Ekeler. I'm owner of Overland Products in Fremont, Nebraska and cochair of the Mayor's Task Force on Immigration. Along with Mayor Edwards, who is also here today, I want to thank all of you for the opportunity to share my thoughts regarding our work on that task force and some of the experiences that we had. I'm proud to be here today. Proud of our councilman, Bob Warner, for having the courage to bring to light such an emotionally charged issue. More proud of our mayor who had the courage to cast his no vote on that controversial ordinance proposed to our city, and

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proud of the diverse group that we assembled on our task force to work to educate the general public in an attempt to appropriately deal with immigration issues specific to our own city, and proud of our government, although imperfect at times, a democracy working to better a society. I am most proud to be here today with all of you working together within the parameters of the law to be active participants in the crafting of solutions to these opportunities that face us. As I look back on our experience in Fremont, it is important to mention that we had full support from all levels of government. The assistance that we received from Governor Heineman, Attorney General Bruning, Congressman Fortenberry, Senator Nelson, the ICE regional director and staff, as well as state Senators Ashford and Janssen, and all levels of local law enforcement was a strong sign that people are ready to tackle the issue of immigration that impacts us all. Our goals as a task force seemed rather simple--to define Fremont's issues with the best facts that we could collect and explore opportunities to make recommendations to attempt to resolve our immigration issues at the local level with support from the state and federal policy. This approach is one that seems to make sense. If we implement workable solutions at the local and state levels and are able to demonstrate in our great state actions that may be applicable for the rest of the country that would be to the best of our...be in everyone's best interest. It is apparent that the federal government does not have the answer and perhaps we should assist them in developing a strategy to deal with immigration, a model of sorts, to become true pioneers in this cause. I've read Senator Ashford's report, and it is apparent that the issues we face have been defined quite well. Instead of rehashing what he has captured very well in that report, I would urge you to consider implementing policies or laws appropriate to dealing with this opportunity that we face. It is my hope that in Fremont we will require employers to become educated on proper hiring protocol, utilize E-Verify and penalize those who willingly expose and inappropriately hire undocumented workers. I also hope that our city will embrace a policy that supports and encourages legal immigration for those citizens that comply with our laws and help immigrants to assimilate into our community. I would also encourage the Governor and Attorney General to sponsor a statewide ICE summit with Fremont as the host. The cooperation

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we have gained from a meeting with ICE has been tremendous and had instant results, sending a very strong message to undocumented immigrants that Fremont is no longer a safe haven with no consequences of the law. In closing, this was truly an awesome experience for myself and 37 others who helped with the cause. Our groups' actions and opinions were not always popular, in fact I'm certain that I didn't gain any friends. But I hopefully gained the respect of the efforts that all of us made. Early on in the meetings they were sometimes awkward, opinions were often very different from one another, and the diversity of those members sitting around the table nothing short of amazing. As time went on and we divided up into groups we worked very hard. We worked hard to educate ourselves first, learn from and educate others, and by the end of our time gain an appreciation for different views, and ultimately come together to make recommendations that truly can make a difference. These recommendations are only as good as the lawmakers that are charged with implementing them. Many of you have been elected, you have taken your positions for very different reasons, however, you are all sharing one common goal and that is to make a difference. As you listen to additional testimony today I would urge you to listen, listen closely with an open mind and choose to make a difference. I applaud your courage for dealing with this topic and wish you the very best in your sincere efforts to uphold our democracy and do what is right for all citizens of our great state. Thank you very much for your leadership and the opportunity to speak today. And I'd answer any questions related to anything you have. [LR362]

SENATOR ASHFORD: Senator Schimek. [LR362]

SENATOR SCHIMEK: Thank you, Mr. Chairman. And, Bill, thank you for being with us today... [LR362]

BILL EKELER: You're welcome. [LR362]

SENATOR SCHIMEK: ...and for being involved in your local community, trying to

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resolve the situation that really did occur there that was quite unfortunate in so many ways, [LR362]

BILL EKELER: It was. [LR362]

SENATOR SCHIMEK: I have just two questions. One concerns the E-Verify that you mentioned. [LR362]

BILL EKELER: Okay. [LR362]

SENATOR SCHIMEK: If the state chose to implement a policy on E-Verify would that take away the necessity for the city of Fremont doing something in that respect? [LR362]

BILL EKELER: Well, in my opinion, if the state were to take the leadership role then Fremont, obviously, wouldn't have to. Many of us that are impacted, myself included, by immigrant workers already utilize the E-Verify system. Two of the largest employers that we have being Hormel and Fremont Beef have used it since its inception. It's not perfect but it's a whole lot better than what we're not doing today. My own personal experience is we have about 100 employees, about 15 of those employees are Hispanic. And we have lost one employee, none due to E-Verify, but just with not having proper documentation. And it has not been costly at all. It's not been difficult for us to implement. And I will tell you that it has diminished the number of applications from that community. Once the E-Verify signs went up it became very clear that that was a place that you better have documentation if you would like to be employed. And I think that's fair. Our employees that do work for us and have for several years, you know, they're competing in a market just like the rest of us. And in fairness to them, all workers that we hire should be documented. And I think they support it as well. But there are obviously ramifications. [LR362]

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SENATOR SCHIMEK: As a follow up to that, if I might, then I want to get to my second question which has to do with ICE. Have you been aware of any situations regarding E-Verify in which people were wrongly targeted, perhaps, as being undocumented and they aren't really? And I ask that because I know that at least some of the information that I've read says that E-Verify isn't perfect, that it's not 100 percent correct. [LR362]

BILL EKELER: That is correct. I am not specifically aware in my own company, but I have talked with Donny Timperley at Hormel and I know that they've run into that situation. And there arguably are different percentages of how accurate it is. I do know that it's becoming more accurate every day, probably the 70 to 80 percent is what I understand is truly probably what the accuracy is. But as they involve more photographs on the system it's becoming more and more robust. Those things do happen. But again if the individual is a documented worker it's really a good thing situation for them. And the others typically disappear and don't come back. [LR362]

SENATOR SCHIMEK: Okay. Then my second question pertains to ICE. And I'm not...from what...let me say it this way. From what we heard in the communities across the state there wasn't much desire on the part of local officials to...local law enforcement officials, I should say, to be involved with ICE in enforcement. Would you perhaps rephrase or restate what your community thinks about ICE. [LR362]

BILL EKELER: Okay. I'll be real blunt and honest if... [LR362]

SENATOR SCHIMEK: Yes. [LR362]

BILL EKELER: Before ICE came to visit us they had no use for the guys. ICE was nonexistent, they didn't have a presence. Our county attorney would call and maybe four, five or six days later get a call back. Generally, the individuals would bond out, never be seen. And it was sort of interesting, when the people that got involved from the state of Nebraska started to make phone calls, all of a sudden a meeting of the local

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sheriff, the police force, our undercover task force, all city police, this meeting that was more than likely going to be, you know, just very basic turned into something very different. And a plane appeared, you know, from the regional director's office out of Minnesota. I think there were five or six individuals that showed up. And until I shared with them my own dealings with the law, you know, kind of broke the ice, if you will, these people really opened up. And by the time that that meeting was over cards were being handed out, people were talking in little groups around. And instantly within days, our response from ICE was tremendous. And the cooperation and the partnerships, working with the ICE people locally and regionally really was a positive. The county attorney now gets answers well within 48 hours, not five or six days. They're able to place holds on individuals within our jails, which that was not happening. I'd also comment that the undocumented population was very aware that Fremont had no policy in place. And there were many places bordering us, in fact I believe every county that bordered us did have different protocols in place that if a person did go to a jail that holds were, it was evident that a hold would be placed on you but not in Dodge County. And so that group sort of migrated to Fremont and to Dodge County knowing those things. And once, you know, it wasn't popular to have ICE involved with the greater community. I mean, obviously the people who supported, I believe as the Senator commented earlier, you know, just basically take everyone who is not white and ship them out. That faction of individuals was elated to have ICE involved. But once ICE did get involved, many things started to happen. Our task force started to get assistance from ICE and their task force members. Our city police came up with policies and procedures to actually go through the booking process. Our jail now keeps statistics of how many people come in, they do interviews, they call ICE, and ICE does interviews over the phone. There's a much, much greater deal of cooperation now than we've ever had in the past. And my reason for urging that summit to happen within the state is I think, regardless of what community you have in the state, that that understanding and that working back and forth with those federal officials it's just not there. The ICE people don't advocate that you go through the program to, you know, get your own individual city people trained to become ICE agents, they don't advocate that. What they would

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like to see is if they're out searching for undocumented individuals to deport they would much rather have a process in place that starts from the ground up and they get a phone call with an already found case or individual to, you know, to do a hearing on. So I think that cooperation needs to be forged and that's one way to do it. [LR362]

SENATOR SCHIMEK: So just so that I'm clear on what you're saying, you do not have a policy in place nor are you recommending a policy in place that would have your local law enforcement be involved with enforcing, I guess, federal policy, but rather just a process in place if somebody is arrested on suspicion of a crime then that you have some kind of a reciprocity kind of or at least a good communication channel with ICE to take care of the problem. Is that correct? [LR362]

BILL EKELER: That is correct. But I guess, what I'm advocating and, Brad, you probably could tell me the program, but the federal program where you go to the school and... [LR362]

SENATOR SCHIMEK: Well, that's the program where your local law enforcement does become enforcers. [LR362]

BILL EKELER: And that's what we're not in favor of. [LR362]

SENATOR SCHIMEK: That's right, okay. [LR362]

BILL EKELER: Right, that's just to clarify. [LR362]

SENATOR SCHIMEK: Okay. [LR362]

SENATOR ASHFORD: 287 program, is that the... [LR362]

BILL EKELER: Yeah, the 287G, that's what I was thinking of. [LR362]

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SENATOR ASHFORD: 287G program. [LR362]

BILL EKELER: Right. And we do not...I, personally, would not advocate that and neither would ICE, in my opinion. [LR362]

SENATOR SCHIMEK: Okay. And one of the things, I guess, that we did hear in different places, maybe not every place, Senator, I don't remember, but that ICE doesn't have time nor the inclination to deal with everything. That they pick and choose what they're going to deal with as far as prosecuting and deporting. [LR362]

BILL EKELER: That's very accurate. [LR362]

SENATOR SCHIMEK: Yes. [LR362]

BILL EKELER: And I would say at least from the county attorney's perspective, when you did have serious crimes committed they were not dealing with those individuals either. So now that we have a system, at least we're getting convictions in Dodge County which assists ICE down the road. If that individual is, you know, incarcerated for another crime it makes it very easy for them to be deported if they've already been convicted on another felony. [LR362]

SENATOR SCHIMEK: And I have no problems with that. My biggest concern, after being on this tour and reading information, my biggest concern would be that people who are accused have good representation and that they do have interpreters. And we are really sadly lacking in interpreters. [LR362]

BILL EKELER: I would totally agree with that. [LR362]

SENATOR SCHIMEK: Thank you. [LR362]

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BILL EKELER: Okay, appreciate it. [LR362]

SENATOR ASHFORD: Thanks. Just a second, Bill. Any other... [LR362]

BILL EKELER: Okay, I'm not off that easy, huh? (Laugh) [LR362]

SENATOR ASHFORD: No. (Laugh) Any other questions of Bill? Let me just follow up. I think that Senator Schimek and her line of questioning has hit on a very good issue, and that is the coordination between ICE and local government. It is lacking. And I...it is not lacking anymore in Fremont because you took action and in a way, an effective way to address it. I...one of the most frustrating aspects of this tour for me has been the inconsistent enforcement of the law. And I don't have...did not propose a solution to that because I'm still thinking about what that solution is. But it seems to me that law enforcement across the state needs help from the federal government, from ICE or whomever to address this issue. And I think by raising the issue as you have, and in the report, the comments by the Fremont chief, which we appended to the report, I think, are very telling. I mean, utter frustration in enforcing local law. I mean, we're not talking about going out and finding people and deporting them. Because as you suggest, that's not...we're not able to do that under federal. But just enforcing local law in a consistent manner, and that's a big problem in Nebraska and the frustration of a lot of citizens, I think. And I can't speak for them, but it seems to me this lack of enforcement, that is a frustrating issue. So I appreciate that. I want to make one other comment about Mayor Edwards, that I agree with you. I had not known Mayor Edwards until I had the opportunity to come out and speak to him. He's a very thoughtful mayor. And the other mayors I spoke with across the state were likewise very, very thoughtful, confronted by very much the same frustrations. And so I commend Mayor Edwards and his team and your team for what you have accomplished in Fremont. And I hope maybe ICE will get the message, I don't know, maybe not. But... [LR362]

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BILL EKELER: Well, I appreciate it and I appreciate all your assistance, too, and your staff and everyone else. [LR362]

SENATOR ASHFORD: Thank you. [LR362]

BILL EKELER: Thanks very much. [LR362]

SENATOR ASHFORD: Stacey has reminded me I have neglected to tell everyone they need to sign in when they come up here. And there is a sign-in sheet, oh, at the back. And those who are going to testify, why don't we start signing in so that you will have done that. Now...hand the sheet to who? Okay, hand the sheet to the page. John LaMar is here, and then Susan Tully, and then we'll get on with general testimony. By the way, I forgot to thank Senator Janssen who is retiring this year who has really helped bring everybody together. I don't see him here today, but thank him for his efforts. John, go ahead. [LR362]

JOHN LaMAR: (Exhibit 3) Good morning everyone. Thanks for the opportunity to speak with you here today. My name is John LaMar and I have lived in Nebraska nearly all my life. Since the mid to late 1990's in my hometown of Fremont, we've seen our immigrant population rise, most notably in the form of an increased Latino population. In the summer of 2008, a movement formed in which people began to question illegal presence of immigrants in our community. What began as a legitimate question and quickly turned into a spectacle categorized by fear, rage and single-mindedness. It was a humbling and frightening experience which left an impression. That impression deepened during a lengthy hearing. In over three hours time we listened to the comments of persons opposed to and in support of an ordinance proposed to address undocumented aliens. At the end of that meeting our city council chose to have the deciding vote regarding the proposed ordinance take place that night. With the council tied 4 to 4, Mayor Edwards could have abstained from his vote and allowed the ordinance to die, but in an act of courageous leadership our mayor cast his "no" vote,

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thus sending a message to our community that we were not going to go about our business in this way. Yes, we had a problem and yes our community needed to deal with it, but not like this. There was too much conjecture, too much acrimony and not enough of a shared understanding of the challenges that we faced. Mayor Edwards created a task force, cochaired by local businessman Bill Ekeler, and charged that task force with researching the issues surrounding immigration and making recommendations which would lead to a resolution. I asked and was granted permission to be a part of this task force. We were able to make real progress in improving the working relationship between local law enforcement and the regional ICE office, as was just discussed. To us that was proof positive that when people work together with a shared goal and shared ownership of that goal significant progress can be made. We also read much on and spoke with many citizens about the subject of immigration. We challenged assumptions, myths and rumors about immigration, trying to discover as much truth as we could in the time that we had. The results of that work were published in a series of articles in The Fremont Tribune. During the course of those conversations we were subjected to questions regarding our loyalty to America, the content of our character and the motives we had in pursuing answers to questions being asked by our fellow citizens. Task force members were verbally abused in parking lots, phoned at their places of business and harassed, and received unpleasant mail. I am pleased to state for the record that our questions and discovery went on regardless. Most of the people we spoke to had two things in common. One, they were members of our community and had an interest in seeing this issue resolved. Two, they felt some kind of pain as a result of this situation. Some were angry because they didn't like hearing a different language being spoken in the grocery store or seeing bilingual signage. Some folks had been victims of crimes by undocumented aliens. Still others had heard about diseases spread, tax burdens imposed and social resources being drained by folks who had no legal right to be in America. In the wake of 9-11 there were also concerns about the possibility of terrorists making their way into our country. And we should not forget those who, because of their skin color or name, were immediately cast under suspicion as an undocumented alien. At times the discussions were heated, even painful to

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endure. Blog postings on our articles, the majority of which were made anonymously, were often quite critical of what was written. I and other members who had articles published welcomed the criticism as proof of a commitment to discover the facts as best we could. And while I think we upheld the integrity of the information and the people providing it, I was often not sure if any real dialogue was taking place. That all changed with a conversation I had with Andy Schnatz. He is a proud, not afraid to voice his opinion and is very much opposed to the presence of undocumented aliens in the United States. When we first began our discussions about immigration, I would read Andy's letters to the editor or his blog entries and find myself wondering if we were ever going to be able to make progress with such passionate feelings on the subject. Then one day I got an e-mail from Andy letting me know that if I ever wanted to discuss the issue he would be glad to meet with me. I took him up on his offer and prepared myself for what might be an unpleasant experience. And it was an experience all right, it was a transformational one. Over the course of about three hours, Andy shared his story with me with such courage and candor that I could not help but come away with a new found respect for the man. He told me about his experiences overseas and the poor treatment he has received as an immigrant to other countries, comparing that to the relative security and protection afforded to immigrants and undocumented aliens in America. He told me about his wife, a woman of Portuguese descent, who came with him to America and became a citizen because of her commitment to Andy. He told me about the frustration he felt because of the difficulty he had finding work to supplement his Social Security income. I listened to him, asked him questions to make sure I understood what he was telling me, and challenged him on some of the things that he was saying. And then he did something which gave me absolute certainty that if we worked together we can make progress on this issue. He listened to me. He asked questions and challenged some of the things I said. And by the time our conversation was over we both had changed our mind on a few things. Because we were both willing to sit down and discuss the issue, put our emotions aside and demonstrate the courage to have closely held ideas challenged in a respectful way, by the time we parted ways we had a better understanding of what was needed to successfully address the issue of the

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presence of undocumented aliens in the United States. We forged a shared understanding that we needed to do better than we are now if we are to adequately address the situation. We needed to do more than write articles for the newspaper, post in the blogs or write our elected officials. We needed to really listen to what others were saying about this issue, especially those with whom we did not agree. We needed to be willing to come out from behind the mask of anonymous blog postings, self-righteous posturing and profanity-laden outbursts and step into the light of effective dialogue, addressing each other in a manner befitting residents of the greatest nation the world has ever produced. This situation affects all U.S. residents whether they realize it or not. [LR362]

SENATOR ASHFORD: John, John, you're hold on. You're doing a great job, but I'm going to ask you to get to the...get to the...not because the content is not wonderful and it is and very positive. But we just need to ask you to abide by the rules. And I will not eject you. I will not push that ejection button, I promise. (Laughter) [LR362]

JOHN LaMAR: It appears to be fixed. Our elected officials have a wonderful opportunity to take a divisive issue and unite people under the common banners of human decency and rule by law. As a result of the experiences I've had over the last few months, I have a renewed appreciation for the responsibilities and sacrifices required of our elected officials and citizens in a representative democracy. I want to thank Senator Ashford, Mayor Edwards, and Mr. Ekeler for taking the lead in our community, providing a foundation from which we can build an improved response to this challenge. Now, armed with the information we have and perhaps a renewed understanding of the importance of action, we must see results. The people of the state of Nebraska are looking to our elected officials to provide the leadership we need. As a citizen I ask those officials not only to commit themselves to doing their best in this situation, but to consider the words of Winston Churchill and commit themselves to doing what is required. Please let us know what we can do to provide assistance. [LR362]

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SENATOR ASHFORD: John, thank you for your thoughtful comments. And there's nothing better than collaboration and working together. It's amazing what we find when we start doing that. So that's good testimony, wonderful testimony to that, that sort of thing. Senator Schimek, any comments? [LR362]

SENATOR SCHIMEK: Just I would second what you said, Senator Ashford. Excellent job. [LR362]

SENATOR ASHFORD: Thank you, great job. [LR362]

JOHN LaMAR: Thank you very much. [LR362]

SENATOR ASHFORD: Thanks, John. Susan. [LR362]

SUSAN TULLY: (Exhibit 4) I want to thank you for having me today. My name is Susan Tully. I'm the national field director for FAIR, the Federation for American Immigration Reform based in Washington, D.C. I applaud you, I applaud you for taking this very tough task of going to your community. I wish we had more elected officials. You found out firsthand this is a very emotional issue, it's very highly charged. Most elected officials would prefer to run away from this than to face it and try to come up with some real solutions, which is exactly what this country needs at this time. Washington has failed miserably. And the only answer they continue to come up with is the same one they used in 1986, which is let's just grant amnesty, and at some time maybe we'll secure the border. You know, if we could wave that magic wand today and make the 20 million people here legal, tomorrow morning we'd have 10,000 new illegal aliens ready to take the jobs that the legal people now have. So until Washington deals with this the rest of us are forced to have to come up with local answers. Can we do that? Absolutely. Nebraska is no different. And your findings in your report, which I had the opportunity to read last night, of the issues facing your communities are exactly the same that I find. I travel, I take my tour all over the country. I'm in a different state and

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location every week. And I can tell you that the frustration and the problems that you find here in Nebraska are likewise in every state, including Alaska and Hawaii. So there's no such thing as just a border state any longer. And we have to come up with real answers. And you do have tools that are available to you here in Nebraska. And I think the E-Verify issue that you came up with in your report is a must do. Now let me tell you that that does not mean that you won't still have problems with undocumented workers. Because while E-Verify is highly efficient, by the way I am an immigration expert, E-Verify is about 99.4 percent accurate. The problems, when you hear that there are some difficulties with it, it's usually with a worker who got married and forgot to switch their name, or a transposed number, or a transposed middle initial, or whatever. So it's something that's easily taken care of when the employer sends them down to Social Security. I want to point out, because most people don't understand, that the Swift raids, the Postville raid, all of the raids that ICE have done in the last two and a half years in this country have been on employers who were enrolled in E-Verify. When an employer enrolls in E-Verify they sign an MOU with the government, and it allows the federal government and enforcement people go take a look at payroll and employee records. And ICE can very quickly identify where identity theft has taken place. Now Postville raid and the Swift raids of about two years ago were because the ICE officials knew that there were hundreds of people working within those businesses that had stolen American identity. And so we have not done a raid in a community in this country for two years that I can think of that wasn't directly targeting identity theft. So while Tyson is in E-Verify, it does not mean that some of their workers may not have false identifications. E-Verify simply runs the name, the Social Security number and make sure the name, the number match. And then if there is a visa tied to that it's still valid, it has not expired. But if a person has actually stolen your identification, is using your name and your identity but working at the Tyson Plant, until you've been notified by the IRS or some other authority, you...you know, they're going to come back as a clean match through E-Verify. So I really encourage you, after looking through your report and your resistance in local communities, to talk about 287G training for your law enforcement officials. There is nothing stopping your local law enforcement from sitting

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down with your state officials and giving everybody complete training to the best of your ability in how to identify false documentation. Because as you're going through this, you're absolutely right. Your job as elected officials is first and foremost to make sure the few jobs that you have in Nebraska are held by citizens and legal immigrants who have a right to work. And so in, you know, in making sure that you do the best for your people, everything that you can do, E-Verify, training of law enforcement in documentation, and then working in a cooperative effort with ICE, because you will find that ICE is more than happy to cooperate when they understand that the local law enforcement on the ground is willing to cooperate. Now one thing I want to tell you, you know, the gentleman before me said that, you know, illegal aliens are terrorists. I assure you, you need to look at the bigger picture. There's millions of people who are here simply to have jobs. But there are hundreds of thousands of terrorists in this country illegally who want to hurt us. There are, in fact there was a report two weeks ago that said this country will probably face a biological or nuclear attack inside the country in the next five years. And the experts believe that person, those people are already here. So everything that we can do to protect our national security is important. I also want to tell you that there's a very ugly side of illegal immigration that most people don't talk about. You touched on it a little bit in your report. And that is the drug trafficking, the drug cartels, the crime, the kidnapping, the murder, the sex trafficking, and the human smuggling. You can't look the other way on illegal immigration and say this is simply workers who are coming up here. Without understanding if you can get 20 million people in this country illegally, you can get anything in this country, including the very ugly side of illegal immigration. Now I want to leave with you, this is a documentary. It is now running on the History Channel. And it has been done...it's called Gangland, it's been running for about a week and a half now on the History Channel. And this talks about the fact that Mexico is hanging on a thread of becoming a narco-terrorist state. They just assassinated the number two person in charge in Mexico. If they manage to assassinate Calderon, who has had numerous attempts on his life, Mexico will fall to the narco-terrorists. That's 11 feet from our most southern border. This is a real threat. They're setting up cells throughout the United States. They've already had at least two

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hits here in the United States where the Los Zetas are working. This is a real threat. And, Senator, I'd like you to further your education by becoming familiar with this. [LR362]

SENATOR ASHFORD: Well, we'll make it part of the record. [LR362]

SUSAN TULLY: And I...but I applaud you for what you are doing. It is time to tone down the rhetoric and stop talking about the hateful attitudes and talking about what we need to do for our people. [LR362]

SENATOR ASHFORD: Susan, I'm going to ask if there are any questions because we...not that your testimony is not important to us, but...do we have any questions? [LR362]

SUSAN TULLY: I would like to offer you, too, if you decide to do a state forum with experts, we would be willing to help you get in some of the top national experts on the issue so that you have them available to you. [LR362]

SENATOR ASHFORD: Okay, thank you. I appreciate that. And Senator Pirsch has joined us as well today. Let me just focus on a point. And I think the Fremont delegation did the same thing. And one of the frustrations, I think, to us on the Judiciary Committee is this lack of coordination on law enforcement issues. The...287G, I don't want to misstate it. [LR362]

SUSAN TULLY: Correct. [LR362]

SENATOR ASHFORD: My understanding is that it's okay. I mean, you...but it educates a limited number of people and it's expensive. And you're taking...at least law enforcement across the state have indicated that they're taking people out of the team and they're sending them to these classes. I think your comment about coordination

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with the state and ICE is an important one. And I do think that there is a law enforcement component to this. And the study or the tour that we did, I think, over and over again the frustration of enforcing just basic laws by law enforcement is out there. And it is significant. And I think that...but I...and I also agree with you that the federal government is...maybe they'll help if we get one big meeting. I mean I don't know, but I mean they are going to have to become more active with local law enforcement in making people aware of what the laws are. In talking to police officers across the state there are pages and volumes of laws on the enforcement of immigration laws that are out there. There is just so much confusion and concern. And I just again call, we got to get help. We cannot afford to continue to pay for all of this without federal help. And it's just another indication of lack of support from our federal government. And it's very frustrating. I'm going...before I get more frustrated, I'm going to stop. But I think your comment is... [LR362]

SUSAN TULLY: Well, and I do have, you know there are still tools you already have in your tool box. For instance, ICE could come in and show your local law enforcement that within the NCIC system, which they currently... [LR362]

SENATOR ASHFORD: Right, but will they do it? [LR362]

SUSAN TULLY: ...use, yes, local law enforcement can determine the legality of anybody that they stop. [LR362]

SENATOR ASHFORD: I agree and I agree. But the concern I have is will they do it? I don't think they're going to come train anybody. [LR362]

SUSAN TULLY: Well, then let me offer up to you that I have a sheriff, out of Ohio, that I'm willing to bring over here and help you train your law enforcement,... [LR362]

SENATOR ASHFORD: Okay. [LR362]

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SUSAN TULLY: ...who is an expert in this and works with ICE on a regular basis. One other just real quick comment. [LR362]

SENATOR ASHFORD: I think they may have forgotten about us in Nebraska because we're...everybody thinks we're Oklahoma. [LR362]

SUSAN TULLY: In your report when you talk about benefits for undocumented, the state is mandated, under federal law, to use the Save System. Am I understanding that you do not use the Save System? [LR362]

SENATOR ASHFORD: Well, I think we use it in certain agencies of state government. And we did look at that across...and, yes, there are certainly there are agencies that use it. And part of the process next session will be to find out who uses it, who doesn't use it. [LR362]

SUSAN TULLY: Because, yeah, I understand that social services don't have to use it. But it is a federal mandate, a federal mandate... [LR362]

SENATOR ASHFORD: Well, I think that... [LR362]

SUSAN TULLY: ...a federal mandate for the food stamp program. [LR362]

SENATOR ASHFORD: Well, no hold it, time out, time out. Here's my understanding of that is that the Governor has stated or ordered that, and maybe I'm wrong, and it's certainly within his power to do so, ordered state agencies to utilize the Save System. I believe that's the...I don't want to misspeak. But I believe that's the case. The county people we talked to and the city people we talked to all, I believe, use Save. Now I could be corrected, stand corrected. But so... [LR362]

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SUSAN TULLY: I would just encourage you to follow that and see. [LR362]

SENATOR ASHFORD: But I think the Save issue will be before us again and we'll look at it. But... [LR362]

SUSAN TULLY: Okay. [LR362]

SENATOR ASHFORD: Thank you, though. I'm going to have to ask you to...not that you...I appreciate you coming. [LR362]

SUSAN TULLY: All right. [LR362]

SENATOR ASHFORD: But we got to move. Now, Doug, I'm going to have you come up. And I forgot two other people on my list. Kikki (phonetic) Carol (phonetic) from Lutheran Family Services, and Dr. Gouveia from UNO. Would you...that...I, for some reason, forgot to say your names. Could you come up and, Dr. Gouveia and Kikki (phonetic). Well, I don't know if I have his name...okay, I guess I do have his name. Okay. Is Rob here? And then after that, I promise we'll go to the general group. Doug. [LR362]

DOUG KAGAN: Okay. [LR362]

SENATOR ASHFORD: Did you sign? [LR362]

DOUG KAGAN: Yeah, I signed the sheet and gave it to the page. [LR362]

SENATOR ASHFORD: Okay, and so give us your full name and proceed. [LR362]

DOUG KAGAN: Okay, will do. Good morning, my name is Doug Kagan and I represent Nebraska Taxpayers for Freedom. Our organization is seriously concerned about the

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adverse impact on state taxpayers by the influx of illegal aliens. And I thank you, Senator Ashford, for making this public hearing possible this day. The Omaha Public Schools 2005-2006 budget amount for it's English as a Second Language Program was over \$353,000. The amount totaled over \$382,000 in 2007-08. The 2005-06 state expenditures for these programs totaled over \$23 million. The 2008-09 state aid certification Limited English Proficiency Allowance was over \$34 million. Many of these tax dollars educate illegal alien children. Our state rightly is concerned about the plight of our uninsured citizens. The Pew Hispanic Center estimates that 59 percent of illegal aliens are uninsured, constituting 15 percent of our national uninsured population. Illegal aliens can access emergency care through Medicaid. In 2006, Medicaid reimbursed Nebraska healthcare providers over \$400,000 for emergency medical care for individuals with visas or illegal. In Nebraska workers' compensation...in a Nebraska workers' compensation case in 2001 the State Compensation Court ruled that an injured illegal alien was entitled to benefits, including vocational and rehabilitation, despite his immigration status, costing our Compensation Fund. In our faltering economy we do not believe it fair to allow illegal aliens to compete in lawful Nebraska commerce and industry to compete with those in need of social and health services, people who mostly have paid into the tax pool. Exempting medical care services in state legislation would encourage illegals to gravitate toward hospital emergency wards, further increasing uncompensated hospital costs that would pass along to us. Under the Emergency Medical Treatment and Labor Act, hospitals with emergency rooms must treat and stabilize illegals with emergency medical needs. Federal funds compensate Nebraska for only a small percentage of such medical outlays. The approximate payment in fiscal year 2004 was only a little over \$572,000, the same amounts in fiscal years 2006-2007 and 2008. Requiring every state agency or local government that administers designated benefits to send a yearly report to the Governor and Clerk of the Legislature evidencing compliance with legislation excluding illegals and including the number of applicants rejected for cause would highlight precisely how much illegal immigration is impacting our safety net services. We have no specific tabulation of costs now. Immigration and fugitive operations teams this year arrested hundreds of criminal illegal

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aliens, dozens of whom had committed crimes in Nebraska, like assault, burglary, drug distribution, drunken driving, and child molesting, and had burdened taxpayers with their incarceration costs. Illegals sending remittances to home nations, dollars from jobs here, deprives the Nebraska economy of money that otherwise would fuel our commerce and sales tax revenue. The state...by state survey of remittance, senators, U.S. to Latin America 2004 revealed \$80 million exited from Nebraska to Latin America in 2004; 32 percent and perhaps 37 percent of these remitters were illegal aliens. As an update, in 2006 the InterAmerican Developmental Bank tells us that while \$154 million exited from Nebraska, most of that money going to Mexico. In conclusion, we strongly urge you to pass legislation in the upcoming session to stem the tide of illegal immigration into Nebraska and protect taxpayer interests. Thank you. [LR362]

SENATOR ASHFORD: Thank you, Doug. Thank you for getting within the red light. (Laughter) You're the first, you're the first person who has accomplished that. [LR362]

DOUG KAGAN: Good. I talk fast. [LR362]

SENATOR ASHFORD: Thank you. All right. Any questions of Doug? Thanks, Doug. Thanks for being here. [LR362]

DOUG KAGAN: Thank you, Senator. [LR362]

SENATOR ASHFORD: Dr. Gourvella, Gouveia. Sorry, I always don't...Gouveia, I'm sorry. Now my face will be the color of that red jacket in the back of the... [LR362]

LOURDES GOUVEIA: (Exhibit 18) Thank you. I would like to thank the Judiciary Committee, first of all, for giving me this opportunity to testify about this important report. [LR362]

SENATOR ASHFORD: Just give us...because I did it so badly, Lourdes, would you give

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us...state your name for the record. [LR362]

LOURDES GOUVEIA: Dr. Lourdes Gouveia. [LR362]

SENATOR ASHFORD: Right, and spell it. Senator Schimek is always reminding me of process. Yes, spell your name. [LR362]

LOURDES GOUVEIA: G-o-u-v-e-i-a. [LR362]

SENATOR SCHIMEK: We do that for the transcribers and actually everybody who comes up should do it, Mr. Chairman. [LR362]

LOURDES GOUVEIA: Absolutely, and the first name is Lourdes,... [LR362]

SENATOR ASHFORD: Thank you, Senator Schimek. And I will remind people. [LR362]

LOURDES GOUVEIA: ...L-o-u-r-d-e-s, like sam. Thank you. So I would like to thank the committee for giving me this opportunity to testify about this important report. I also would like to express my deep appreciation for Senator Brad Ashford's thoughtful and informed approach to policymaking. I know he cares deeply about the humanness and consequences of decisions. Finally, I wish to acknowledge the work of the OAS Sociology Research Team at UNO that assisted me with this analysis. I alone, however, am responsible for any errors in such analysis and opinions offered here today. The main goal of the interim report authorized by LR362 was to balance the public's desire for legislative action with a better understanding of the growing immigrant population in Nebraska, of how communities are dealing with such growth, and importantly of the increased diversity in those communities. Facts the report contends, rather than acrimony and emotionally charged rhetoric, should frame the immigration debate and form public policy. As an academic and researcher of the subject, I could not agree more. Although this was not my original intent today, I hope my testimony serves in part

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as a reminder that community includes immigrants, and their voices and perspectives are largely missing in this process. So therefore I get at least ten minutes, right? (Laughter) From our reading of the report and preliminary analysis of the regional transcripts, aided by qualitative data software, two major findings became clear. The overwhelming concerns, that's number one, among those who participated in the hearings, regardless of their geographic location or occupation, had to do with what we call immigrant integration issues. The top five needs and expectation of participants under this issue were, one, better access to higher education for first- and second-generation immigrant youth; two, more resources to address language barriers, such as certified interpreters, bilingual staff, and more English classes for immigrant adults and youth; three, better access to capacity building tools to enable immigrant and nonimmigrant leaders and organizations to work and solve problems together more effectively; four, better access to resources and tools to facilitate mutual learning and communication among the diverse members of the community; and five, whether through federal or state laws, some form of documentation for the productive and law-abiding but undocumented immigrants who have become part and parcel of what we should call community. The second finding had to do with measured concerns with enforcement of immigration policy and laws. Such concerns emerged during the hearings for sure. However, these were by no means the most important issues. They were expressed primarily by those in law enforcement and they were not always in the direction of favoring a ratcheting up of enforcement action in the absence of equally strong integration policies. Some fear that by themselves these actions would continue to destroy families, make the job of local law enforcement agencies more difficult, and further divide rather than integrate the community. I offer a brief analysis and reflections. It is terribly important that we do not lose sight of this panoply of reasonable voices that albeit diverse, galvanized around these key themes. If we listen carefully, at them they were issuing a call for help on behalf of their small communities who main concern is to continue to prosper and to do so in ways that are consistent with Nebraska's legal and moral principle of democracy, equality and respect for diversity. If we listen carefully, that call was for more integration, not for more invidious distinctions. It was for more

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resources for rural communities that benefit from immigration, but also bear the heavy costs that are necessary to fully capitalize on such contributions. Research shows that these priorities are consistent across the country. While immigration policies are constitutionally the privy of Congress, integration policies are the primary responsibility of the state and local communities. It stands to reason then that the bulk of our resources and enlightened visions should be deployed toward those efforts. I fully appreciate Senator Ashford's concern with protecting, quote, documented and U.S.-born Hispanic from racial profiling and worse expressions of xenophobia and nativism inflicted by small but dedicated groups energized by increasing immigration. Dr. Alvarado and I have experienced it firsthand when accosted in Omaha on an Omaha street by an individual who, megaphone in hand, publicly denounced this California-born Chicago and this Venezuela-born U.S. citizen as illegal immigrants. This type of foolish hysteria could potentially escalate to violate hate crimes, as happened recently against Ecuadorian immigrants in New York. So it must be taken seriously. I also appreciate Senator Ashford's indignation with the obscene system of legally unprotected and often exploited Mexican and Central American laborers on whose backs we rebuilt much of Nebraska and these rural economies in the aftermath of the farm crisis of the 1980's. Something about which I have written a lot. To say nothing of the meat packing industry whose successful restructuring and profit maximization strategies became the driving force behind this labor system, which is not only their fault. Unfortunately, as frustrated as we may be about all these aberrations of American values and economic practices, ratcheting up immigration enforcement or deploying tools such as E-Verify in the hope that they can help us discern who belongs and who does not, would not protect Latinos from racism, free immigrant workers from exploitation, or end social divisions in our communities. For one thing, the anti-immigrant narrative of exclusion or what anthropologist Leo Chavez calls the anti-Mexican narrative of exclusion, what Leo Chaves calls the narrative of the Latino threat, in quotation, is deeply rooted among certain groups whose hate and fear of the other is deaf to facts or any kind of legitimate claim about legal status or citizenship rights. More importantly, denying these workers the right to belong and summarily

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disposing of them after we have used up their bodies and excluded them from social and cultural citizenship rights hardly seems consistent with our values, let alone their constitutional and international human rights. We take issue with the notion that we do not have enough data to tell us whether undocumented immigrants represent a cost or a benefit to our local economies. This argument is akin to that of not having sufficient data to prove whether global warming is human or nature-made. Direct and fully incontrovertible data providing cause and effect for such large and complex phenomenon are hard if not impossible to obtain. However, there is plenty of indirect evidence even that coming from our OLLAS report consistently showing that the undocumented, as long as they remain undocumented, are a windfall for corporations and state treasures all over the world. [LR362]

SENATOR ASHFORD: Lourdes, Lourdes, I'm sorry, I just...I ask you. [LR362]

LOURDES GOUVEIA: I am going to finish up. I totally agree that to do nothing about this egregious situation whereby Nebraska, like many other immigrant destinations around the world, I just got back from Costa Rica, from a major international congress on this issue and we are not alone, has signed onto economic strategies based on the importation of workers while ignoring that they are also human beings. This is no longer acceptable. I believe that there are a great number of people in this room who share Senator Ashford's indignation and frustration and would constitute a formidable coalition of informed and reasonable voices. Together we can find ways to address this ignoble contradiction, beginning with a campaign to exert intensified pressure on our state and national representatives to do the right thing and afford these workers the rights and responsibilities to which they are entitled. Thank you. [LR362]

SENATOR ASHFORD: Thank you, Lourdes. Any comments or questions of Doctor...thank you. Here's what we're...go ahead Robert. I'm sorry if I get this wrong, I'm...Robert, if I get Robert wrong, I'm in real trouble. Rob, what we're going to do...Rob is going to speak and then we're going to take about a 5 minute break or so. Not a long

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break, but just because we've been sitting here for an hour and a half, so. Rob, go ahead. And want to give us your name? Have you signed the sheet? [LR362]

ROBERT DORTON: I did. [LR362]

SENATOR ASHFORD: Okay. Why don't you...so, Senator Schimek... [LR362]

ROBERT DORTON: Do I hand this to someone or... [LR362]

COMMITTEE CLERK: The page. [LR362]

SENATOR ASHFORD: The page, and so Senator Schimek doesn't tell me that I did...just, if you would, give us your name and your address. [LR362]

ROBERT DORTON: Sure. I am Robert Dorton, speaking on behalf of Lutheran Family Services, and that's D-o-r-t-o-n. Honorable members of the senate Judiciary Committee, on behalf of Lutheran Family Services, Lutheran Immigration Services, we thank you for the opportunity to present our comments to the committee this morning. Today there are four points that I'd like to make, and each point speaks to the need for comprehensive immigration reform at the federal level. First, we, at Lutheran Immigration Services, believe in an immigration system that conforms to American and Nebraskan values in terms of family unity. Current immigration law is needlessly separating families in Nebraska, and creating a climate of fear for the newest members of our community. Second, we recognize the vital contributions that immigrants make to Nebraska. According to the Census Bureau, about 6 percent of Nebraska's population of 1.8 million people are foreign born. The Pew Research Center estimates that there are anywhere from 35,000 to 55,000 undocumented immigrants in Nebraska. According to a recent study by UNO, it has been alluded to all morning, if all immigrant workers currently in Nebraska vanished tomorrow and were not replaced, Nebraska would lose approximately 78,000 jobs, including many filled by U.S. foreign workers. This would

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result in a 9 percent total loss of economic production in the state or about \$13.5 billion, which is a huge sum. Our newest neighbors work hard, pay taxes, attend worship services, and love their families and their communities. Immigrants in Nebraska are part of the fabric of life in our state, and any state legislative efforts must honor that reality. Third, we reiterate that the United States is, and always has been, a nation of immigrants. Unlike other nations, America has always been a diverse tapestry of people from different ethnic, national, and religious backgrounds. Most of us present here today are descendants of individuals who risked losing everything to make new lives in this great nation. Today's immigrants are no different, and we should resist policies that scapegoat one group out of ignorance or fear. Fourth, and finally, we, at Lutheran Family Services recognize, and we do respect, absolutely, that we are a nation of laws, laws that are intended to keep order and keep us safe. However, as active participants in democracy, we have the right and the responsibility to craft laws that accurately reflect our most fundamental values of equity, fairness, and rationality. We must recognize that our current system excludes large numbers of people who are already here and are contributing every day to life in this state. We must recognize that state level efforts to regulate immigration cannot succeed in fixing our broken immigration system, and that unless we are very, very careful, they can also create undesirable consequences for all residents of our state. So I guess the point that I would like to close with, and our main point in coming here today, is that we respectfully ask that state lawmakers lobby our federal delegation to accept their role, their necessary role, as creators of improved immigration laws that support immigrant families, respects local communities, and reflect our most basic and cherished American and Nebraskan values. [LR362]

SENATOR ASHFORD: Thank you, for your comments, Rob. Senator Schimek. [LR362]

SENATOR SCHIMEK: Yes, thank you, Mr. Chairman. Just a comment, and I think your last remark was important. I think, and I hope, that the Legislature next year will do something to ask Congress to do something. I mean, I think it's possible that if enough

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states will talk to their Congress and urge them to do something, that something will get done. I don't think it's beyond the realm of possibility, even though I know there's a lot of other things on the plate for the President, the incoming President, and Congress.

[LR362]

ROBERT DORTON: We agree, and we think that there is a definite potential for significant change at the federal level on this issue. And we do respectfully request that we push the federal delegation to address that. Nebraska is certainly not alone in facing these challenges. We're not unique. These are issues that are nationwide. And we absolutely appreciate the position of the state Legislature in trying to address local issues. But we feel that to really take care of the issues that need to be resolved that this is something that needs to...we need to have movement at the federal level.

[LR362]

SENATOR ASHFORD: Thank you, Rob, and we are going to take 5, 6 minutes or so.

[LR362]

EASE []

SENATOR ASHFORD: All right, let's see if we can reconvene. Just one little revision, well, one thought, and that is we have about an hour and ten minutes and my committee, as I promised, we would leave, we would recess at noon and we're going to. So as we get up now, if we could...and I don't want to cut anybody off, but try to get the points out as quickly as possible. Now, there's only one little...one little...or maybe not, or qualifier here, in that Reverend Ostrom is here and I always like to bring ministers and priests up when they ask to come up because I think it's in my best interest, so. (Laughter) And as Chairman, I get to do that once in a great while. Reverend, welcome.

[LR362]

MIKE OSTROM: (Exhibit 5) Thank you. I'd like to submit this statement for the record.

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Again, my name is Mike Ostrom. I'm pastor of Sinai Lutheran Church in Fremont, and I do thank you, Senator Ashford, and committee members, for this opportunity to speak on this very important matter. I speak on behalf of the approximately 20 pastors and church leaders who make up the Fremont Area Ministerial Association. We come here not so much to offer specific proposals, but rather to encourage an overall ethic that would be at the center of your deliberations. As church leaders in the city of Fremont we were...where we have experienced such rancor and conflict recently over this question of illegal immigration, we feel duty bound by God's command to love our neighbors as ourselves, and we urge that this same command guide your deliberations on this issue and form any new laws that you would see fit to write. As this committee report states, illegal immigration is an enormously complex problem. And as such, we believe that we love our neighbors best when we address the issue the way this committee has done, with patience, prudent study, thoughtfulness, and great care. In keeping with this, we urge that you give the following priorities your consideration. One, that the God given dignity of all Nebraska residents be upheld regardless of skin color, language spoken, place of birth, or legal status. Two, that the integrity and well-being of families be protected with every effort made to keep parents and children together. In the Christian tradition the family forms the foundation of society, and government exists to protect and serve this foundation, the interests of family. Third, that humane treatment be accorded to those who will be most adversely affected by any new laws or policies that are adopted. Scripture teaches us to show hospitality to strangers and to do no wrong or violence to the alien. Four, that the potential negative and harmful effects of any new law on legal citizens of any ethnic descent be anticipated and avoided. Five, that members of the Unicameral together with all citizens of this state promote an atmosphere of openness, and welcome to peoples of all races and cultures in keeping with the American promise that the inclusion of diverse peoples enriches community life far more than any short-term costs that are incurred. And then lastly, six, that lawmakers and citizens alike exercise truth telling and honesty in addressing the complex issues of undocumented persons, and engage in truthful dialogue acknowledging both the contributions, as well as the costs of the presence of

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documented persons in our state. That's our statement and offer that to you. [LR362]

SENATOR ASHFORD: Reverend Ostrom, I knew there was a reason why I called you up here. (Laughter) [LR362]

MIKE OSTROM: Okay, very good. [LR362]

SENATOR ASHFORD: Thank you very much. [LR362]

MIKE OSTROM: Thank you. [LR362]

SENATOR ASHFORD: Next person that would like to speak. Did we sign the...where are the sheets? Did everybody get a...did you get a sheet, sir? Okay. Welcome, Dimitrij, again. Good to see you again. [LR362]

DIMITRIJ KRYNSKY: (Exhibit 6) I thought that I must introduce myself but I see it's not necessary. [LR362]

SENATOR ASHFORD: Well, you could do it anyway, but I remember you. (Laughter) [LR362]

DIMITRIJ KRYNSKY: Okay. My name is Dimitrij Krynsky, Krynsky, K-r-y-n-s-k-y. Now, this...start of this hearing is supposed to be about study of illegal immigration problem. This study, as it was already said, was initiated by Senator Ashford. Although I welcome the idea of study of this problem, I have a mixed feeling about how it was carried on. An important part of the study, as I understand it, was a series of meetings with several special interest groups as business groups or church groups, from which the public was excluded. Because illegal immigration is of public interest, to exclude public from such meetings cast doubts about the value of this study. Also, if I am correct, this hearing is supposed to be about the report about this study. My problem is that this report was

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made public only yesterday, only one day before this hearing, and my question is, why not at least a week before this hearing? What value has a hearing about the report which people have so little time to study. Nonetheless, if you are really serious about finding a comprehensive solution to the problem of illegal immigration, I suggest start from the position that you are elected representatives of Nebraska people. Therefore, you should not work for special interest groups or for illegal aliens. From this position logically follows that, first, in order to stop embezzlement of taxpayer's money on illegal aliens, and curtail crimes perpetrated by them, order Nebraska businesses to check every employee through E-Verification program. Deport illegal aliens and meaningfully punish the businesses which hire them. Second, we are really in a bizarre situation. This society is practically divided into two groups. In one group are we, legal residents, and in second group are illegal aliens. It is expectation that legal residents will obey the law, pay their bills, and taxes. If not, they will be punished. Illegal aliens get away with breaking the law. According to the study, which I have briefly read, some police forces are not interested in them. And those aliens also receive free benefits which are paid for by legal residents. I suggest stop this nonsense and make a corporation of Nebraska law enforcement forces with ICE agency mandatory. [LR362]

SENATOR ASHFORD: Thanks, Dimitrij. Any questions of Dimitrij? Senator Schimek. [LR362]

SENATOR SCHIMEK: Yes, thank you, Mr. Chairman, and Dimitrij, thank you for your testimony. I have to say in defense of our Chairman that there were no special interest groups that we met with in the communities across the state. Those meetings were convened by the senators in those areas to get us in touch with some of the community leaders in those communities to try to get their take on how the problems that might be there were addressed by their community. There were no special interests and, from time to time, we always do meetings with constituents that aren't open to the public. Those are just ways of us to gather information. Today is your opportunity to speak and in the first of the session you will also have an opportunity to speak if a bill is introduced.

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But I couldn't let that go without defending the actions of our Chairman. I think he was...he did...he acted very appropriately. I would agree with you that the report came out very late and I didn't get as much time to read it... [LR362]

SENATOR ASHFORD: You were doing fine, Senator Schimek. (Laughter) I don't know why you would feel compelled to proceed. (Laughter) [LR362]

SENATOR SCHIMEK: I didn't get enough time to read it either, but I have to... [LR362]

SENATOR ASHFORD: It was a lot of work. You know, this is a part-time... [LR362]

SENATOR SCHIMEK: I have to say in his defense also, we're under real tight time constraints in this body and we're going to be running into the holiday season and December 12 was the date. A lot of work went into this report. You can continue to digest it and come back in January with any other further thoughts or comments that you have. [LR362]

DIMITRIJ KRYNSKY: May I react over what you said already? [LR362]

SENATOR ASHFORD: Briefly, Dimitrij, because we need to move on. But I'm not cutting you...but go ahead and react, yeah. [LR362]

DIMITRIJ KRYNSKY: Okay. Thank you. So first you said that it was not the meeting with special groups. I would... [LR362]

SENATOR ASHFORD: Well, let me just explain what we did do and then so everybody in the press and the public does understand. They weren't closed meetings to start with. What we did is...and we invited the press into each meeting and they were at each meeting. What I was trying to do, and it's somewhat unique in the legislative process, is to have facilitated meetings. I didn't convene them because I didn't know who in those

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communities should be present to try to get at some of the issues that we're talking about today. The idea was to go out there and find out what are the issues that are out in the communities, whether it's law enforcement or economics or education, and then bring them back in the form of a report, obviously, but also bring them back so that people could talk about them publicly in a public hearing. It was really an extra piece that normally doesn't happen in an interim study where we literally had facilitated meetings. Should...would it have been nice if everyone could have come? Yeah, but you can't have a facilitated meeting and get to the issues in a half a day if everybody is there. Certainly the report is public, the comments that were made are public. And I understand your point and your involvement is important, but we really...it was a new way of doing things in a way because we opened up a facilitated process to a tough issue. And, you know, maybe in the end, it will not turn out to not have been the way to go. I think we're getting a lot of good information today that we may not have gotten had the report not come out. And sure, it would have been...if we would have had more time on the report, it would have been better. But we really were working up until a couple of days ago to get it done in time. So with that, I'm not chastising your comment, I'm just trying to explain how we got there. [LR362]

DIMITRIJ KRYNSKY: Thank you for your explanation, Senator, but anyway I still feel that this is by definition that it was meeting with special groups. [LR362]

SENATOR ASHFORD: Well, they were special in the sense they represented different people. They represent schools and churches. If that's...we're all special interests. I mean, we all represent something or other, but I get your point and let's end it there. [LR362]

DIMITRIJ KRYNSKY: So you agree with me that public was excluded? [LR362]

SENATOR ASHFORD: No, they weren't excluded but we did it in a certain way. [LR362]

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SENATOR SCHIMEK: They weren't invited. [LR362]

SENATOR ASHFORD: They weren't invited, but the people did come from the public. But it was my effort to try to get to the issues that really exist out there instead of me or the committee deciding what the issues are. Sometimes when you get into public hearing, it gets so positional you really can't get at the underlying issues and it doesn't result in collaboration. I want there to be collaboration. I want us to get at this immigration issue collaboratively. That doesn't mean everybody is going to agree on every issue but it does...we have law enforcement. We've got to deal with law enforcement. That's come out of this...that's come out of this discussion today. I mean, I think, we're on the right course. We're digging at issues. It may or may not...I mean, you know, there may be other ways. We're a public body, so certainly we're constrained by being public. But I wanted to get the issues out there that really were out there. Not me presume what the issues are. I don't go to Schuyler that much. And it was important for me to go there and understand the issues. [LR362]

DIMITRIJ KRYNSKY: I understand your position. [LR362]

SENATOR ASHFORD: I know. [LR362]

DIMITRIJ KRYNSKY: But I still have opinion. [LR362]

SENATOR ASHFORD: I know you do. [LR362]

DIMITRIJ KRYNSKY: I have still opinion that public was excluded for all practical purposes. [LR362]

SENATOR ASHFORD: Okay. Okay. That's fair. I understand. [LR362]

DIMITRIJ KRYNSKY: I am not saying... [LR362]

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SENATOR ASHFORD: I'm not going to change your mind, Dimitrij, but... [LR362]

DIMITRIJ KRYNSKY: And I'm not saying that you have no right to make me think this special groups, but public was excluded and my point is, that illegal immigration is not only problem of some churches or maybe of some business groups by, for general public. This is all I would like to say. [LR362]

SENATOR ASHFORD: It's a problem for all of us. [LR362]

DIMITRIJ KRYNSKY: Yes. [LR362]

SENATOR ASHFORD: It's a problem for all of us and that's why we're hearing today. So I'm going to move on Dimitrij, not to cut you off, but I want to give everybody a shot here. And so we're going to go...is that okay? We got it. [LR362]

DIMITRIJ KRYNSKY: Well, what I can say, I simply... [LR362]

SENATOR ASHFORD: Well, I guess, I can say, we're going to move on. (Laughter) Okay, and we'll go to this side and then we're going to go to this side over here, so we're going to kind of do it that way. I don't know who is where, but okay. [LR362]

SUSAN SMITH: Chairman, committee members, Senator Ashford, I met...when I saw the organizations that were invited to your round tables, I had a lot of anxiety that you were not going to get the full story. But after taking a cursory look at your report and your recommendations, I really want to commend you on being able to see through the smoke screen rhetoric on both sides of the issue, and the courage and the insight to make the recommendations that you did. And I know Senator Schimek would probably be shocked at this, but I agree with you that it's very difficult to really get a true sense of a vain of a person with only 3 minutes to speak. But just quickly, and I'll send a separate

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report. [LR362]

SENATOR ASHFORD: Tell us your name for the record. [LR362]

SUSAN SMITH: Oh, I'm sorry. Susan Smith. [LR362]

SENATOR ASHFORD: And are you from Lincoln or Omaha? [LR362]

SUSAN SMITH: I'm from Omaha, Nebraska, and I represent Nebraskans Advisory Group. [LR362]

SENATOR ASHFORD: Okay. Thank you. [LR362]

SUSAN SMITH: And I'll submit a separate report, you know, giving the pro-American side of it. And the only reason I say that, is because some of the studies that were in your report are done by pro-illegal alien organizations and I think they tend to have a slant towards their way of thinking. But also in those reports my biggest concern is that the data is invalid because they don't differentiate between illegal aliens and immigrants. And there is a huge difference, and I don't think anyone would argue that immigrants, absolutely, they bring a positive impact to the state of Nebraska. And we welcome those who respect our laws and come over the legal way. I think the best example of legislation is in Oklahoma with their HB 1804 where it's shown that their economy is actually flourishing. The jobs that they're adding to their area is big. When they started the SAVE program, they found over 6,000 people on the doles that could not prove their citizenship. So if you figure just a minimum of \$500 in benefits and services per each of those 6,000 people, in one month's time that's a huge savings. And then I came across Bear Stearns report, which I'll include in my report, that 58 percent of businesses are not paying taxes or 58 percent are paying taxes, FICA. Because so many of their employees are hired as independent contractors, they're issued 1099's. Well, so they only have to match the taxes on those 1099's and then many of the ten

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ninety-niners aren't filing and paying their taxes. So if this could represent a way for Nebraska to maybe double the revenue within a year by going off of this Bear Stearns report, and applying pressure to our Tax Commission to go after and enforce the ten ninety-niners to pay their taxes, this might help also. And it might lift that cloud of the doom and gloom of the economy, national economic crisis. So...but Nebraskans Advisory Group is a pro-American organization and we do use credible resources like the Center for Disease Control, the Heritage Foundation, the Center for Immigration Studies, and so those aren't our numbers or facts that we're reporting, it's theirs. So we don't want to shoot the messenger on that either. But again, I commend you for an excellent job on your recommendations. I support E-Verify (SAVE) 287G program. And, of course, if we can provide you any assistance, we will. [LR362]

SENATOR ASHFORD: Thank you, Susan. Let me just make one comment on what was included in the report because I think it's timely to say that. And we thought about that. What should we include as reports? And we elected to include reports that had emanated or come about this year from Nebraska sources, because there are endless numbers of reports throughout the system. And we are more than willing to, and will, of course, receive any reports from other sources and we can include them in the record. But that's a...because otherwise the report instead of being ready yesterday, 24 hours ahead of time, would be ready six months from now, and then I really would be in hot water, so. [LR362]

SUSAN SMITH: Thank you. [LR362]

SENATOR ASHFORD: Thank you very much. Jim. [LR362]

JIM CUNNINGHAM: This gentleman here was in line before me. [LR362]

SENATOR ASHFORD: Okay. Come on up. And then we'll go back over here. (Laugh)
I'm not necessarily discriminating against the second row, I just want to...hopefully,

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we're getting a fair...yes, sir, good morning. [LR362]

DALE MONSELL: Hello. Dale Monsell from Omaha, and thank you for this opportunity. The thing to keep in mind in all of the debate regarding the subject of this public hearing is that 90 percent of them enter this country in violation of our laws. Compassion is a commendable thing, but it doesn't excuse breaking your laws, particularly when Latinos get in, and others who would come legally do not. All this labor is not needed, not the way they are coming in, uncontrolled, and with a majority gaining unemployment by undercutting the wages of American workers. Many are hard workers but they are still taking the jobs of Americans. Also many come simply for the welfare benefits. Americans will still do the work but must be paid a living wage. We all know this goes back to 1986 when President Reagan went along with Congress in passing well-meaning amnesty type measures for some two million illegal immigrants then in the country. Many special interest employers, however, have used it to further lure more illegal aliens into the country so enriching themselves from the cheap labor. It has continued because our elected officials, federal, state, and local, have, to date, been more influenced by those companies and businesses than by the American people. You officials here should go out and talk to the Nebraskans on the street. You would learn that roughly eight out of ten do not want the illegal entering this country and taking jobs in the manner indicated. Most people, however, are themselves unwilling to do anything about it. In this regard, the usual figures given for lost wages to American citizens, and the welfare cost attributed to the immigrant, legal and illegal, generally are very conservative. A realistic figure for the yearly cost of suppressed wages to Americans is around \$200 billion. The different welfare and social costs borne by the taxpayer when added up, would amount to at least another \$200 billion yearly. If these figures were made better known, surely there would be more Nebraskans here today. It is becoming better known, the federal government has failed in its responsibility to carry out this governments' immigration and employment laws. Thus, if anything is to be done, it will need be carried out by state and local governments, which by the way, is allowed for by the constitution. Now we have a president-elect who has in the past publicly stated that

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if elected he would remove all barriers to immigration. Concerning that we now have uncontrolled entry into this country, this would be frightening. Our only apparent hope is passing state and local laws and taking action, which have been shown effective in other states, for example, Arizona, Oklahoma, and Missouri. This is what you should be considering here today. In other words, serve Nebraskans and not the meat packers and food service people, and so forth. Thank you. [LR362]

SENATOR ASHFORD: Thank you, Bill. Any questions of Bill? [LR362]

DALE MONSELL: Dale. [LR362]

SENATOR ASHFORD: Thank you, sir. Okay, over here, and then back over there. (Laugh) I feel...I hope I'm not...we're getting everybody that wants to...I know we're not going to get everybody but... [LR362]

DARCY TROMANHAUSER: (Exhibit 7) Hi, I'm Darcy Tromanhauser, D-a-r-c-y T-r-o-m-a-n-h-a-u-s-e-r. I work with Nebraska Appleseed, but I'm actually here today representing 40 organizations and leaders from more than a dozen communities and different racial groups across the state. We represent a wide array of perspectives, business, labor, education, health, law, community, and faith, but we all agree on one solid Nebraskan and American principle that immigrants are a key part of our past and our future. And as we have learned time after time in our nation's history, we are strongest together. It is time for our state to stand up for debate, dialogue, and policies that are founded upon fact, as has become by this process, and recognize the social and economic contributions of all members of our communities. Again, we are strongest together. We cannot afford the divisiveness that has surrounded the recent debate around immigration. And we cannot afford the hasty and potentially very costly state and local policies that are being proposed with increasing frequency. As local community members, we know best the poisonous consequences of the status quo and the frustration of watching our communities' great potential derailed by division. We urge

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a path forward that brings our collective Nebraskan voice to bear upon the real root of the issue, the need for meaningful immigration reform at the federal level that establishes a legal system that is rational and humane. Many Nebraskans are unaware, and truly startled, to find out that most undocumented immigrants have had no means of applying for legal status because our laws do not provide for it. Many are unaware of how our immigration system has deteriorated into a labyrinth of pitfalls that needlessly separates families, so that even many parents, spouses, and children of U. S. citizens no longer have a meaningful path to citizenship. As one of the world's great democracies, we have a process and a responsibility to constantly do our part to assess our laws and to change them when they fall short. Some of our greatest moments as a country have come when we have reversed injustices once codified in law. Because we are a nation of laws, we must apply this process of assessment and change to our federal immigration system. As Nebraskans and Americans, we expect policy choices that best uphold our values as a democracy, and we urge the Nebraska Legislature to recognize the importance of communicating the need for federal immigration reform to our federal delegation. Our communities and families cannot afford further inaction, but we also can't afford state and local policies that fail to address the root of the issue while adding more and more layers of dysfunction. We thank Senator Ashford and the committee for listening to Nebraska communities these past months. And now we urge you to prioritize the call for rational and humane federal immigration reform, and thus lead the way for Nebraskans to continue to aspire to what we are capable of together. [LR362]

SENATOR ASHFORD: Thank you, Darcy. Any questions of Darcy? Thank you for your work. Jim, and then we'll kind of go by how long people have been sitting in the front row. (Laugh) So if you want to get over here on...to the other side. [LR362]

JIM CUNNINGHAM: Senator Ashford, and members of the committee, good morning. My name is Jim Cunningham, C-u-n-n-i-n-g-h-a-m. I'm the executive director of the Nebraska Catholic Bishops Conference. Our faith tradition today happens to be the

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feast day of Our Lady of Guadalupe, which celebrates the appearance of the Blessed Virgin Mary to a poor indigenous Mexican farmer, Juan Diego, now Saint Juan Diego, in 1531. The message received by Juan Diego was one of hope. And I think that all of us, except perhaps the most cynical, can recognize and identify and appreciate that message of hope. It's part of this debate and discussion. First of all, I have three points I'd like to make. First, I want to commend this committee for the work it has done. And I want to start by mentioning the brief that was done on state and local approaches to immigration that preceded your meetings throughout the state. That is an excellent brief. I shared that...our national office, the United States Conference of Catholic Bishops, operates an office that monitors activity, enforcement activity of the state in local kind throughout the country. And I shared that brief with them and they were very impressed by it. In fact, they got back in touch with me and asked if they could get permission to share this as the resource nationally. And Senator Ashford was gracious enough to give that permission. Secondly, I want to commend the committee on the report. It captures in a thorough and coherent way the overriding complexity of the economic, social, legal, and ethical issues, and the dilemma that we're all having with this issue and with which we all struggle so much. The report is informational and its educational. And it should be highly recommended reading, both of these reports in my estimation, highly recommended reading for anyone who is apt to be concerned about these issues. Secondly, I want to describe for you a process that we undertook in our faith community throughout the state, similar to what you did as a committee, and this took place in the fourth quarter of last year. We went out into parishes in various locations throughout the state and invited people in to talk about their views on immigration, much in the same way that you did. The discussion and the dialogue was quite good, quite enlightening, quite informational. It also was an opportunity for us to distribute the teaching of the church regarding immigration. We had one other prong in our process and that was that we made an effort to reach out to immigrants. And we had several sessions in parishes that have large immigrant populations to invite them to come in and talk about their experiences. We didn't ask them whether they were authorized or unauthorized, but we asked them to share their experiences. And they did so in heartfelt ways describing and

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expressing their emotions such as the daily fear and anxiety that they live with, their concern about what will happen to their children if they are discovered and deported. Their lives, many of which are...the popular phrasing now is, lived in the shadows. Their lives are filled with concern and anxiety. Their days are filled with difficult labor, their nights are filled with restlessness. We had one pastor say to us that for many of these people, every day in their lives is a crisis. I was so pleased that Dr. Gouveia mentioned in this debate that we must not overlook the human consequences. But the interesting thing was, is that many of these people who spoke did not express despair. Very few of them did. Most of them expressed hope. Hope for the future and the need to be patient and to proceed in the way that they felt was best. They expressed suspicion, experiences of suspicion, hostility and harassment as well. My third point is that I want to make a suggestion to you regarding the need for all of us to do what we can to encourage comprehensive immigration reform at the federal level. And I'm pleased to hear you talk about what the Legislature can do next year. And a memorializing resolution signed by all 49 senators would be an excellent thing to do. But it seems to me that there's another simple step that could be taken that very much relates to the political process as it exists today. I think it would be excellent if everyone of the 49 state senators in the state... [LR362]

MAN IN AUDIENCE: Objection. I object. [LR362]

SENATOR ASHFORD: Sit down. [LR362]

JIM CUNNINGHAM: I have a yellow light, not a red light. [LR362]

SENATOR ASHFORD: Sit down. Sit down. There's a point where I don't, I won't allow...I mean, we'll get the State Patrol in here. Sit down. Sit down. Sit down. Jim. [LR362]

JIM CUNNINGHAM: I think it would be an excellent idea if every member of the Legislature, all 49 members, made it a point during some part of next year's session to

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take just a little time to make a personal contact with each of the five members of the Nebraska Congressional delegation urging them to work for by-partisan comprehensive immigration reform. Obviously, the plate is full, but I think that that is one of the solutions that we all should agree on. Wouldn't it be great if there was an immigration system in place in which there was no distinction between authorized and unauthorized. All immigrants would be authorized workers because they go through a rational process and reasonable process in order to be authorized to work. I think that's what we should all work toward in the future. Thank you. [LR362]

SENATOR ASHFORD: Jim, thank you for your comments and I appreciate your coming here today. Thank you. Any questions of Jim? Over here, who has been here the longest? You've been here a while. [LR362]

JOHN H. COPENHAVER: Thank you, sir. [LR362]

SENATOR ASHFORD: Now remember, you've got to give us your name. [LR362]

JOHN H. COPENHAVER: Pardon? [LR362]

SENATOR ASHFORD: Your name. [LR362]

JOHN H. COPENHAVER: I know that, you want to start this off (inaudible) [LR362]

SENATOR ASHFORD: All right. [LR362]

JOHN H. COPENHAVER: My name is Copenhaver, C-o-p-e-n-h-a-v-e-r, Dr. John H., out of Omaha, Nebraska. I'm a private citizen, and I take strong issue with the preceding comments here. If anybody speaks about comprehensive immigration, I would like to have a discussion with them, because frankly, I don't think they know what they're talking about. The last two, this is not about my comments here, the last two

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comprehensive immigration bills were monstrosities. If you do not stop and secure the border, this is ridiculous. Immigration does not need to be corrected. We've got all the laws on the books. The point is that the federal government does not want to enforce them. Now that forces it then on the state. In these comprehensive immigration bills, just a couple of them, I didn't intend to come up here and talk about this. They're going to vet, at that time, they said 12 million illegal aliens. They're probably close to 19 to 21 million and they're going to do that in 24 hours. That is ridiculous. In each of those particular comprehensive immigration bills they had \$450 billion for improvement of infrastructure in blank. You want to fill in what the blank is, Mexico. Now why is that in there? Two hundred and fifty billion dollars for education of Mexican citizens. Anybody that speaks about comprehensive immigration, I frankly do not think they know what they're talking about. I'll be happy to carry on a discussion with them any time. Now with regards to this. I also have a raw problem here. This is a good report. I haven't read it completely but I got to see part of it last night. It's a (inaudible). It started off talking about immigration. This doesn't have anything to do with immigration, or very little. The immigration is doing fine. We're entering better than a million people per year. In fact there's a problem with that, at least in my opinion. But there's nothing wrong with immigration. It has to do with illegal immigration and that term is an oxymoron. There's no such thing as an illegal immigrant. That's like saying, illegal legal immigrant. This has been put over on a lot of people and if you believe it, if you don't understand what you're talking about, or define what terms you're using, what difference does it make? You're just "gobbley-gookling." Well, I'll just make a couple of other comments and then I'm going to shut up. I think probably the most insidious thing that's happening here is erosion of the real law. Now you spoke on Thursday night about the underclass and that sort of thing. It's an important factor. But it's coming to the point where people are saying, why in the hell should I follow the law? Now this is really bad. And I've got one other comment to make and then I'm gone. If the constitution does not precisely say what it means, then America is no longer a nation under the rule of law. A nation no longer under the rule of law is by definition under a rule of men. And we are heading toward chaos and anarchy. And if you, as representatives of the lawful citizens of the

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state of Nebraska. do not recognize this and deal with it, we are going to have a bigger and bigger problem. I would only...I have some comments but I'll submit these later on. But I would suggest to you, Mr. Ashford, and the rest on the Judiciary Committee and the entire Unicameral senators here, that you go back and read your oath of office. You also might read about the rule of law and you might understand about that. Because that's where we're headed and it's not good. And you also might take a little bit of time to read about American sovereignty, but basically I'd ask you if you read about that. American citizenship and if you get a chance, you might read the American Creed. That should summarize for you what you should be. Thank you very much. Are there any questions? [LR362]

SENATOR ASHFORD: I get to say that, Doctor. (Laughter) Are there any questions? [LR362]

JOHN H. COPENHAVER: Page. [LR362]

SENATOR ASHFORD: Wait a second. Time out. Let me... [LR362]

JOHN H. COPENHAVER: Page. [LR362]

SENATOR ASHFORD: Well, hold it. (Laughter) Do you have something you want to give us, Doctor? [LR362]

JOHN H. COPENHAVER: Yes. [LR362]

SENATOR ASHFORD: Okay. [LR362]

JOHN H. COPENHAVER: This is from councilman Warner of Fremont, Nebraska, and I'm delivering it in addition to his letter that he has sent to you, Mr. Ashford. [LR362]

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SENATOR ASHFORD: Thanks, Doctor. Thanks for coming. All right we're going to...thank you. We're going to come over to you next, but one more over on this side of the aisle. Who is next? This is self-selecting. I get it to an aisle and then you got to self-select from there, so. Per row, I'm sorry. How many would like to say something today? Okay. All right. Let's...I tell you what we're going to do to get everybody in, let's...okay...let's go, we're going to go to 3 minutes because...and I'm going to ask you to...sorry...we're going to go to 3 minutes, and I know Senator Lathrop has to leave at 11:30. Thank you for coming. Let's go to 3 minutes. Let's try to get everybody in but I really...we're going to stop at 12:00, so. Go ahead. [LR362]

NORMAN PFLANZ: Okay. Good morning, Chairman Ashford, members of the Judiciary Committee. My name is Norm Pflanz, last name is spelled P-f-l-a-n-z, and I live here in Lincoln, Nebraska. I'm a staff attorney with the Nebraska Appleseed Center for Law in the Public Interest. We are nonpartisan, nonprofit, public interest law project dedicated to equal justice for all Nebraskans. First, we'd like to thank the Judiciary Committee for its hard work in creating this valuable report. We join with the committee in its call to reject acrimony and divisive rhetoric on this issue, and instead to develop rational and responsible policies that are consistent with the values of our democracy. We would like, today, just address a few key points. First, let's focus on the core of this issue. The center of this issue is the failure to reform the underlying laws of our broken immigration system. Immigrants, both documented and undocumented, are an asset to our state. In community conversations we hear concerns about a declining population and our hopes for revitalizing rural communities. The problem is that we have a badly outdated immigration and visa system that has not been updated in more than 50 years. As pointed out in the report, under current law there is essentially no way that low or medium skilled workers without family in the U.S. can apply for legal status. Simply put, there is no line to get into. The system is also fundamentally unjust, regularly tearing families apart, and devastating communities in ways that would appall us if we saw it in other countries. Second, we need to prioritize federal immigration reform that is rational and humane. For the reasons we have already stated, the first priority of the Legislature

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needs to be to press for reform of the federal system. Because we have a new Congress and a new administration in January, it only makes sense to first focus on this solution to keep...to these issues that would actually make a difference. There are strong indications that there is a very real possibility for meaningful federal reform this coming year, which means that our state efforts should focus on ensuring that this happens. Exerting pressure for federal reform is not something we have done yet through the Legislature. We should also be very cautious in considering state and local laws on immigration matters which can cause serious new problems. Take E-Verify as an example, a system that's based on Social Security database. Asking all employers to use E-Verify could stress the Social Security system to the breaking point with serious implications for senior citizens and the disabled. Currently only 61,000 employers of the approximately 7.4 million employers in the U.S., roughly .8% percent, use E-Verify. Furthermore, it is not a real time database. In other words, it takes sometimes, sometimes years, for updates. It's also rife with errors, so any Nebraskan who changes their name when they get married or has a typo in the system could face serious problems. That is why state and local laws should focus on effective integration policy to address serious community divisions as cited in the report. Integration has always been a process that takes effort ever since the Czechs and the Germans in Nebraska eyed each other with suspicion centuries ago. So therefore, the state Legislature should do two things, as I sum up. First, it should focus serious effort on pressuring Nebraska's federal delegation for meaningful immigration reform that is rational and humane. And second, it should address state policy attention on effective and creative integration policies for the future of Nebraska. I thank you for your time. [LR362]

SENATOR ASHFORD: Thanks, Norm. [LR362]

NORM PFLANZ: Thank you. [LR362]

SENATOR ASHFORD: No questions? Thank you for your comments. [LR362]

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NORM PFLANZ: Thank you. [LR362]

SENATOR ASHFORD: Next person. Good morning. [LR362]

OSCAR RIOS POHIRIETH: Good morning. My name is Oscar, O-s-c-a-r, Rios, R-i-o-s, and let me tell you this is not an easy task. I am an immigrant and it is very difficult for me to stand here and tell you how I feel. Each time I go to bed I think of those neighbors who go to bed thinking and hoping that next morning they're going to wake up and see all the legal immigrants, as they call them, lined up with no education, no housing, no healthcare, no clothes, if possible. Undocumented immigrants are here among us, I understand that. I can give you a list of the reasons why we come to this country and that main one is survival. And when it comes to that human nature, there's nothing that we can do in order to change the process. We are going to give our lives in order to survive, but we cannot just get rid of them at once. I'm here to commend and applaud the work that you've done in creating this forum of conversation. I hope, I wish, I can have the opportunity to work with those individuals who believe that I am a terrorist. And I would show them that I can build houses, that I can build roads, that I can teach them how to speak Spanish, because I have learned your language. And I'm still learning. Nevertheless, we need to live in harmony otherwise we are always going to live in fear. And living in fear is not fun. [LR362]

SENATOR ASHFORD: Well, I think you've mastered the language pretty well, in my view. Thank you for your comments and I appreciate it, yes, sir. Let me ask this. Doug you've talked, anybody else in the front row that has talked, could they go in the back row so some people in the front row can be people that want to talk, if we could do it that way. Yes sir, give us your name, and... [LR362]

TIM VAUGHAN: Yes. My name is Tim Vaughan and I'm from your district in Omaha, Senator Ashford, and I appreciate you guys taking a minute to listen to me. Basically, on a federal level, the only change in immigration law that we need is that if you're a child

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of somebody that was born here illegally, they need to go home. And other than that, we need to keep in mind that the situation that was in Chicago this week where the, you know, the state, the Governor, you know, took the bribe, that was a real direct form of taking a bribe. And you know, what's going on in the state of Nebraska is that all of our legislators and everybody basically they get their campaign contributions from people like ConAgra that have a real thing where they want to keep the wages down. The big corporations want to flood the country with illegal immigrants and keep the wages down. So when you all take campaign contributions from those people that are vested in keeping, you know, keeping the wages down, you're basically doing the same thing that the Governor of Illinois did, which is, you know, you're taking a bribe to keep the status quo. So that's...our government is undercutting the regular citizens that pay the taxes, you know, just to keep the money flowing in for the big corporations. [LR362]

SENATOR ASHFORD: Tim, I would, just if you could, just shift over to the issue. Just give us your thoughts on that. [LR362]

TIM VAUGHAN: Right, right, and so what we're trying....what I want to try to say is, just a regular taxpaying citizen, is that, you know, we need to enforce the immigration law that it stands now. And in the state of Nebraska what we need to be doing is, you know, E-Verify. We need to do anything that we can to get every single illegal immigrant out of the state now. [LR362]

SENATOR ASHFORD: Okay. Thank you, Tim. Senator Schimek. [LR362]

SENATOR SCHIMEK: Yes. Tim, for the record, to the best of my knowledge, and you can check the accountability and disclosure reports, to the best of my knowledge, I've never had a contribution from ConAgra or IBP or Tyson or any of those large companies that you are talking about. And I cannot let what you just said pass, it is inflammatory and it is wrong. [LR362]

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TIM VAUGHAN: Well, but the fact of the matter is, is that your action, which you've achieved with your action, is to flood our state with illegal immigrants. And so it doesn't really matter... [LR362]

SENATOR SCHIMEK: Sir, I'm not going to argue with you. I just wanted to set the record straight. That was a totally off-the-wall kind of comment that you just made. [LR362]

TIM VAUGHAN: Well, that's your judgment. [LR362]

SENATOR ASHFORD: Okay. All right. Thank you. All right, I think the gentleman's been here for...seated there for some while, so. [LR362]

HENDRIK VAN DEN BERG: Good morning, my name is Hendrik van den Berg. I'm a professor of economics in the college of business administration at UNL and also I represent Nebraskans for Peace here this morning. I'd just like to make a few comments on the report itself which I, as much as I could read last night, I enjoyed reading. I thought the tone was excellent and especially the issue of dealing with the duality, the system that we're creating with legal and illegal immigrants. I share your concerns and I think most economists do as well. This dual status clearly creates problems. It puts pressure on wages in the legal markets. It allows for a tremendous amounts of exploitation of illegal workers. So these are things we do need to address in the long run. My concerns are, how do we get there? How do we get from here to a more equitable system where we don't have this separation between legal and illegal? And just a couple of thoughts on that. The problem is, you know, as you mentioned earlier in your comments that, you know, you've hit kind of brick wall. Where do we go from here? Do we simply enforce the laws that we have? I would urge you to look at things a little bit more dynamically, a little bit more holistically, if we would, looking at all aspects, especially the history how we've gotten here. We have not followed our own laws on this issue over the past few decades, possibly all of our history, as a matter of fact. So we

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have anywhere from 10 to 12 million unauthorized immigrants in this country according to the Pew Foundation, which I think is a fairly accurate estimate. These people are here. They've put down roots. They live in families with legal immigrants and legal Americans, American born citizens. So there's quite a mixture there. In fact, probably talking about several million people living in families where you have legal and illegal people living together. Also the issue of, you know, who should we ultimately bash or punish with this issue, and that's my main concern of just suddenly enforcing laws, kicking people out. Inevitably the damage is done to a very small number of people, who are no more to blame for this situation than anyone else. That is the employers, the retail people who sell to the immigrants, the churches who invite them into their congregations, essentially we're all part of this system. And some kind of arbitrary, now we're going to enforce these laws is going to hurt some people and not hurt others. And I would urge you in whatever legislation may come out of this at the state level, and I certainly second all the views here that we need comprehensive national legislation here. We need the federal government to act. This is not a state and local issue when we deal with immigration law. But whatever you do do, for goodness sakes, please, where is the impact going to be? Who are we going to harm? You know the worst case scenario, and the things that I see, this talk about we need to get rid of this apparent privilege of allowing the children of illegal immigrants to attend UNL with instate tuition. First of all, it's a relatively minor issue, but that's a clear case of probably some of the people who are least to blame for this situation, suffering tremendously from this. Please be careful in your legislation and where are the consequences going to fall, and yeah, there are no easy answers in this. Thank you. [LR362]

SENATOR ASHFORD: Thank, Professor, for your comments. Any questions of Hendrik? Thank you, sir. [LR362]

PAUL MEYER: My name is Paul Meyer, M-e-y-e-r. I represent myself and about a half dozen neighbors, one of whom has a son who is a police officer in Fremont. With hundreds of thousands of legal Americans out of work, I do not believe Nebraska has to

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become a sanctuary state for illegal aliens. Nebraska legislative members are elected to protect legal Nebraska citizens, not illegal aliens. What we need are strong enforceable laws against anyone harboring or hiring illegal aliens. We need a law or laws that make it mandatory that employers use the E-Verify system and are fined and are imprisoned if they fail to do so. Also, local law enforcement officers need at least the opportunity to be able to arrest and detain illegal aliens under the 287G program. This is even more critical now with Nebraska's unemployment rate being lower, at least for the time being, than many areas of the country. A few weeks ago it became quite evident that Nebraska does have a high influx of illegal aliens when the Omaha World-Herald reported that the Justice Department was opening an immigration court in Omaha and assigning one and possibly two judges to run it. In 2005, 2006, according to the Nebraska Department of Education, this state spent over \$23 million on limited English proficiency programs. It is even higher today. This, along with higher healthcare costs, welfare costs, law enforcement, and incarceration costs, it is a burden Nebraska taxpayers should not have to bear, nor would they if our elected officials did their jobs and didn't constantly pander to special interest groups. This last year, this Judicial Committee, killed a bill that would have prohibited illegal aliens from paying instate tuition at state colleges. Since then, California appeals court ruled that California's policy of granting instate tuition benefits to illegal aliens is unconstitutional. I hope you will reconsider this bill. Now I have no problem with Hispanics or most other foreign students attending Nebraska colleges as long as those illegal aliens pay the same tuition as other foreign students. Now we all know that the federal government has been derelict in its duty to protect American citizens, that does not mean that Nebraska legislative members have the same right to do so. Now, Senator, I have not had the chance to read your entire report. I did, however, read the first paragraph. I do have a problem here with when you say, is to circumvent the acrimony and emotional rhetoric that surrounds issue of immigration. I don't think most people in the state, in this room, have a problem with legal immigration. Like the other gentleman said, we took in a million legal immigrants last year. The problem is that with illegal immigrants. Now... [LR362]

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SENATOR ASHFORD: Paul, let me, because we're going to move on. But let me just say, I'm not pointing fingers on anybody. I just think we ought to tone down the discussion. I'm not pointing fingers, but in any event, I appreciate your comments. We just got to keep it going or not everybody will get to talk, so. Does anybody have any questions of Paul? Yes, sir, I mean, not a question, but you're next, and then you're next after that. (Laugh) Okay. [LR362]

SAM FRANCO: I turned my sheet in a little bit ago. I left it in your... [LR362]

SENATOR ASHFORD: Give us.... [LR362]

SAM FRANCO: Yes, Sam Franco. My name is Saviano Franco. To those of you non-Spanish speaking people, you would call me, Sam. It's interesting, you know, I'm listening to this word that keeps coming up, Verify. Let me tell you that I have listened to a lot of the commentary that has been offered here today. I went to Fremont. I've been to other places and listened to a lot of the commentary. At the Fremont presentation there were figures of \$325 billion to go ahead and to incarcerate illegal immigrants that were causing crime. There were 900 cases of leprosy. There were 140,000 cases of child molestation. And I looked to myself and said, what world are these people living in? So I think it's appropriate that this committee, the committee on Judiciary, would be hearing this particular piece of a study and the potential for some forthcoming legislation. Let me say this, that it's imperative that we deal with the truth. There are a group of politicians that have gone across this state for several months now, been able to go ahead and to advance their own political careers, being the biggest demagogos, using half-truths, no truths, out-and-out lies to go ahead and to downplay what it is that the contribution that's being offered by all Americans, and I would want to go ahead and correct the record for everybody here. Everybody that comes from all of the southernmost point of South America to the Arctic Circle in this western hemisphere, we are all Americans. So this diatribe about Americans is wrong. We are all Americans. Now let me just tell you, Senator Ashford, to you personally, I offer up my

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congratulations for the courage and the wisdom that you've exacted and been able to go ahead and go throughout. I commend the rest of members of this committee and have been able to go ahead and to sit and to listen. And as the true advocates on behalf of the people of this state, that you would sit back and reflect, and separate the wheat from the shaft, and been able to go ahead and to come up with meaningful legislation that will have direct impact on people's lives, because people's lives are the ones that are being impacted. We note that high privity that went out was successful and been able to go ahead and to end affirmative action. Does that mean the mere fact that we've entered affirmative action, does that mean that we don't have to provide opportunity for people? I think that that's wrong. But it seems to be the type of thinking that permeates with vast numbers of people across the state. I submit to you that I think it's important that we take a serious look. It has taken some of us that have accumulated some years and gray hair, to have worked with a lot of agencies and people around this state to be able to go ahead and create an atmosphere and an environment that provides in the truest sense, opportunities for people. I commend you. Thank you so much, and I... [LR362]

SENATOR ASHFORD: Thank you, Sam. Thank you for coming again and talking to us. Okay, I think, actually, I think the gentleman in the orange shirt...I have to make a judgment call here, he's next. And then the lady in the white sweater over there, and then we'll keep going. (Laugh) [LR362]

JOSEPH WOOD: Thank you, Senator, and members of the Judiciary Committee. My name is Joseph Wood and today I'm here to address one of the most controversial and potentially explosive issues of our time. The need to move forward with immigration reform, a need very impalpable to many during this time of economic recession and the instability which continues to grow daily in our country by leaps and bounds. Challenges are many and there are many things to be addressed. And many constituents on both sides will be offended by this public forum. I am a person who is directly affected by immigration issues. I am an American citizen who has five children who are American

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citizens. I married an "illegal alien". I have a question and resolution. I took her down to an interview. She was denied entry into the United States. Now to me, it seems...it strikes me as funny that we allowed her to be married here in Omaha, Nebraska. We allowed her to reside with me for three, four years. You allowed me to purchase and pay all her taxes for health insurance and everything else. At the time of the interview, my legal representation was not the best at all. In fact, they never informed me of what truly could occur. And at the time I got married and began my relationship, I had no idea of the consequences of her being "an illegal citizen" would bring about. I went from a middle class worker to bankrupt, to being in the welfare citizen, to not being able to provide appropriate day care and care for my children. In fact, my children are now leaving this country, which makes many, many people very happy because they are half Mexican and half American. I teach my kids their culture. But what I ask is, how does the government get away with destroying the sanctify of my marriage, the violation of my civil rights to the right to life, liberty and the pursuit of happiness. How do you explain to my children who are two, five, seven, that they don't get to be with their mom. The stepchildren that she helped raise, how do you explain to them why they don't get to come home and have their step-mom there, who took a role that other people wouldn't take? I paid for that lady to be here. You know, I supported her. I brought her in my household that was love and compassion. It was nothing about a law that was invented in a book. I have been south of the border. I have wasted \$18,000 fighting immigration. I lost. I am now on my way out of the country with my children. My health has gone down. My instability in my job has suffered. The cost, the personal cost to my family has been so great. Some of the things, real quick. You leave direct financial duress unnoted. The alienation over a broad spectrum of family devastation. You know this affects three different families, plus all the lives that I touch. [LR362]

SENATOR ASHFORD: Joseph, I'm going to...this is not a reflection on your comments. I'm just going to have to ask you to sum up because we have more people. And I know it's difficult to come up here and tell a personal story, but if you could just end it for us and we can talk about it later after we get done. [LR362]

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JOSEPH WOOD: Okay. What I'm asking is, can you make a law that benefits and resanctifies family institution because the cost of children are so far extreme that without it being addressed the cost to the entire social economic status of this country will be affected. Thank you. [LR362]

SENATOR ASHFORD: Thanks, Joseph, for your comments. [LR362]

JAN REAM: Good morning. [LR362]

SENATOR ASHFORD: Good morning. [LR362]

JAN REAM: (Exhibit 8) Senator Ashford, and members of the Judiciary Committee, my name is Jan Ream, that's spelled R-e-a-m. I'm from Omaha. I have not had the opportunity to read the report. Therefore, I had...I'm going to make my remarks towards the job losses here in Nebraska and unemployment. As we all know, it was reported Thursday by numerous, on news media, that Americans filing claims for unemployment benefits increased 58,000 to 573,000 in the week ending December 6th. A number of workers staying on the roles gained to 4.429 million. Now a number of Nebraska companies have already trimmed their payrolls or are closing plants and others will be also laying off employees. And I could name a number of them but in order to shorten my comments here, I am not going to. I have a small packet here if anybody wants to see the names of all those different companies. [LR362]

SENATOR ASHFORD: Well, we'll make it a part of the record, Jan. [LR362]

JAN REAM: All right. Many of these are manufacturing companies that have been affected by the auto industry. The Journal Star reported on Wednesday, November 26, that the Nebraska Workforce Development is adding temporary staff to help handle the rapidly growing number of initial unemployment claims. According to Ron Royce,

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unemployment insurance benefits administrator, the number of new jobless claims in the week ending November 22 jumped 80 percent to 2,117. The numbers for October show 7,619 claims, up 42.5 per cent from a year ago. According to the labor force data, there were 36,400 workers unemployed in October, 9,453 benefit payments were made on December 1, 2008, and nearly 200,000 calls have been made to the claims center this year. Now I'd like to refer to a comment made by, I believe it was Rob, the representative from the Lutheran Services, where he claims that in Nebraska if all the undocumented workers were to leave that 78,000 jobs would be lost. Well, I would suggest that these 200,000 claims that were made to the claims center would more than fill all of those jobs. As of October, 2008, the total amount paid in claims amounted to \$41,231,000. Total permanent layoffs for July through November of 2008 were 2,203 people. Now, what has this got to do with illegal immigration? These facts and numbers are directly and indirectly tied to the immigration worker and the undocumented worker. [LR362]

SENATOR ASHFORD: Jan, and again this is not a reflection on your comments, but I'm going to...we're really getting down to the wire so... [LR362]

JAN REAM: Can I finish my last paragraph. I just want to urge your... [LR362]

SENATOR ASHFORD: Your last paragraph. [LR362]

JAN REAM: Okay. The jobs that we're talking about have mainly affected...the job losses have mainly affected blue collar workers in this state. And many of these positions are now being held by undocumented workers. And there's no place for these people who are losing their jobs to go because the jobs that they would go to are now already filled by the undocumented, the lower paying jobs. Now Nebraska... [LR362]

SENATOR ASHFORD: Okay. I'm going to have to...please, you're doing a fine job, but time. Okay, with all due respect, time. [LR362]

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JAN REAM: Okay. Well, I just respectfully suggest that, you know, Nebraska has some really hard choices to make. They can either keep the doors open or they close them and allow our people to be able to work and support their families. [LR362]

SENATOR ASHFORD: Hard choices are...that's a true statement, no question. One over here, and then one over here, and that's going to be it. Now let me just say that those who have written comments or would like to...who don't get an opportunity to speak here today, please get us the written comments and we will make them part of the record. [LR362]

DON SCHLEIGER: My name is Don Schleiger, S-c-h-l-e-i-g-e-r, and I grew up in Omaha and I'm from Omaha now. But I've lived outside of the state for...in several states. I've lived in Hawaii, California, Colorado, and particularly during the '80s and early '90s in California I've experienced the result of illegal immigration. This is not unlike you and the people in Nebraska. A new issue for me and my experiences. I've listened to a lot of disinformation here and I've listened to a lot of good information here. One thing, I think this report is really clouded because it initially doesn't make the distinction between legal and illegal. I think a lot of people have stated that fact. One thing that I've noticed is that there hasn't been anybody talked about being displaced by illegal immigration and I think that's a big factor. I've heard a lot of mantra about how business people are taking advantage of lower wages by immigrants. I dispute that. I think they're taking jobs away from Americans and in addition to that they're holding down wages by artificially not allowing the free market to work the way it's supposed to. When you have a lot of people flooding the market with labor, it holds down the wages for people. And with the disappearing middle class, I think that ought to be a big concern. I think there's a lot more people unemployed than the statistics will show and I think most of you know that unemployment statistics are only people who are looking for work and are getting benefits. Once you've exceeded your benefit time, you're off the unemployment records. But just in conclusion, I think the biggest thing that you can do

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to be fair and to glean the right decision here is to go outside of the state. Go to California, go to some of these border states and find out what they're doing. What problems they've had. Look into the statistics and especially, instead of a lot of emotional issues which you state you don't want to get into, which I have heard mostly today, get into the pure economics of this. I mean, economically there's no short-term game. I've been trying to figure this out since 1986. What the short-term game of this is, what the long-term game of this is. You know, along with outsourcing our jobs overseas and insourcing all this labor, I don't get what we're supposed to be getting out of this. It's a lot of people not acting smartly and I think that's one big problem with our government is they don't act smartly. That state... [LR362]

SENATOR ASHFORD: Don, I'm not going...again, I'm just going to ask because we are at the red light and we are going to the last person to speak. Thank you, Don. The last person to speak, and then that will conclude the hearing. [LR362]

ANGEL FREYTEZ: I guess I'm the last man standing. [LR362]

SENATOR ASHFORD: Sitting, actually. [LR362]

ANGEL FREYTEZ: Oh, sitting, sorry, I apologize. Good morning, Senator Ashford, and members of the committee. For the record my name is Angel Freytez, A-n-g-e-l F-r-e-y-t-e-z, and I'm the acting director of the Mexican-American Commission and I'm here today to share our views regarding LR362. First, let me start off by thanking the entire committee for taking the lead on this project, especially Senator Ashford and Stacey, for also allowing us and giving us the opportunity to take this debate to the next level. Let me make a quick comment on Fremont. Our commission had the opportunity to make a statement back in July, of course, against the proposition, the ordinance, but at the same time we had the opportunity and we gave an invitation, open invitation to the members of the city council to become a part of this study, LR362. And back then, I'm pretty sure, none of the city members knew about the study. So I thank the city of

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Fremont and also their leadership for being part of...for becoming part of this important project and I hope we can move forward from this point on. Let me go straight to the study and the findings, especially E-Verify is a very, very controversial topic right now. And I assume you know, E-Verify right now is...the future of the system is still uncertain. The E system will be only funded on to March of 2009. Thus far, the U.S. Congress has not been able to extend the program for the next five years. The question is why. Number one, it's too expensive. The overall cost of this program for the next five years reaches out over \$500 million. And number two, the employers are underutilizing the system. In Arizona alone, only half of the employees, employers, I apologize, are registered in the program are using it. The system might look good on paper, but right now for Congress it looks like a bad return on their investment. So the main question is, where do we go from here? And I have a suggestion and I hope that Senator Ashford can take on the lead like he did with LR362 and I'm talking about a legislative proposal, legislative resolution, LR400, and it reads as follows: Nebraska resolution LR400 urges the President of the United States and Congress to develop a comprehensive immigration reform that it would ensure that all federal and state benefits are delivered to qualified individuals and also urges the Department of Homeland Security to secure the borders and ensure that current E-Verify system is fully functional and fully funded. Thanks again for the opportunity, and it's time for all of us to start working on the issues that really unite us and not divide us. Thanks again, and I'll be more than happy to answer any questions. [LR362]

SENATOR ASHFORD: Angel, thank you for your comments. And I don't...I think we're at the end, but let me just make a comment to Don's comment and that is, I think this has been a good hearing. Yes, there is some emotion, obviously. You cannot take emotion out of a human issue like this. It affects people in many, many different ways. I understand that. This is such a...in my view, it's been a helpful hearing...one minor exception. But it's been a helpful hearing and I think everybody that has spoken here has given information that is well thought out and important information for this committee to consider. So I think we've made a step forward here, and we will see what

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we will see. But I can tell you, I know everybody in this room are people of goodwill and care deeply about our state and we can move forward and we're going to move forward and we're going to think through these issues and these comments. Thanks, Angel, and thanks everybody else for coming. And thank the committee, and thanks Senator Schimek for all her efforts. (Laughter) [LR362]